

MODULE 3

Rights of Workers Under 18

Module Overview

Time:	60 Minutes
Objectives:	<ul style="list-style-type: none"> • to review basic laws governing workplace • to review hour and occupation requirements for young people • to identify what a union does • to introduce laws that give workers the right to organize to review how to form a union
Preparation:	<ul style="list-style-type: none"> • review “Hours and Jobs That Minors May Work” , Chapter 2 and “Unions”, Chapter 6 in Schwartz, <i>Your Rights on the Job</i>, and https://www.mass.gov/doc/guide-for-working-teens/download • prepare flipcharts • read and copy handouts: <i>Participant Outline</i>; <i>NLRA & Mass. Public Employee Collective Bargaining Law in Brief</i>; <i>Workplace Laws Handout</i>, <i>Your Rights on the Job Workers Under 18</i>; <i>Government Agencies</i>
Materials:	flipcharts, markers, masking tape

Module Outline

Module Detail

Welcome and Introduction

Time: 5 minutes

Materials: flipcharts:
Objectives and Agenda

Welcome and Introduction

Welcome participants, introduce yourself and review workshop objectives and agenda. It is helpful to put the Objectives and Agenda on flipcharts to post. Ask participants to introduce themselves, by name and union/organization/school.

What is Your Work Experience?

Time: 5 minutes

Activity 1: There Ought To Be a Law

Time: 20 minutes

Handouts: *Your Rights on the Job: A Student's Guide to Workplace Rights in Massachusetts*

Flipchart: *What bugs you about work?*

Icebreaker: What is Your Work Experience?

Ask participants the following questions, asking for people to stand up if their answer to the question is yes.

- Who has ever worked for pay?
- Who has worked or is working in a fast food place?
- Who has gotten tips as part of their pay?
- Who has had a paper route?
- Who has worked part-time after school?
- Who has worked full time?
- Who has worked or is working in a supermarket?
- Who has worked or is working in a unionized workplace?
- Who is working for pay now? Where?

Activity 1: There Ought To Be a Law

In large group, brainstorm:

- What bugs you about work?

Facilitator: Post the questions on a flipchart.

Then ask the group, one question at a time:

- Which of these do you think are personal?

Circle or underline in red marker.

- Which problems do you think might affect many workers and thus might be addressed by a law?

Circle or underline in green marker.

Facilitator: give an example of each from the list, if necessary to get discussion going.

Break participants into small groups or pairs. Assign each group one (or two) of the problems underlined in green (i.e. group issues they think there is a law about). Then hand out copies of “*Your Rights on the Job*” handout to each group. Ask each group to look through the handout and see if they can find a law that addresses their problem.

Bring group back together and ask each group to report out. Ask for questions and comments. (Facilitator should correct any misreading or factual inaccuracy of the law.) Note the group issues, if any, which do not have a law that addresses them, and point out that we will talk about these issues in the next activity.

Activity 2:**Solving Workplace Rights Violations****Time:** 10 minutes**Flipchart:** *What could you do?***Activity 2: Solving Workplace Rights Violations**

In large group, ask participants

- What could you do about this problem if there is no law? (if left over from the previous activity)
- What if your boss breaks the laws and violates your rights? What can you do?

Start with brainstorm – points to make to start things off or to add:

- Talk to other workers to see if they have same problem
- With a group of workers, talk to the boss about the problem
- Talk to your parents or some other adult that you trust about the problem
- Go to the regulatory agency — with someone else like parent or someone you trust
- Go to the union, if there is a union.

Post on flipchart. Sum up and point out that without a union, you are an “employee at will”, and that your boss can fire you for any or no reason. Move into the next section to see what the law says about unions and how union could help.

Activity 3: What Unions Do?**Time:** 15 minutes**Flipcharts:** *Use flipchart from Activity 1.***Activity 3: What do Unions Do?**

Go back to the list of problems identified in Activity 1, “What Bugs You About Work”. Divide into small groups, and assign each group one of the issues. Ask them to discuss the following questions:

- 1) If you could write a rule about this problem, what would it be?
- 2) Who would write the rule?
- 3) How would the rule be enforced?

Report back one question at a time. The contract or collective bargaining agreement is the “rule book”. Ask what other things a contract would write rules about?

For question 2, the union members and leaders and management together write the rules. There is a process called “bargaining” over the contract.

The Grievance procedure enforces it -- makes sure that management holds up its part of the bargain.

Point out that many workplaces have employee handbooks or personnel policies. Ask participants: “What do you think are the differences between an employee handbook and a union contract?”

Activity 4: Right to Form a Union**Time:** 5 minutes**Handouts:** *NLRB and Chapter 150E In Brief***Flipchart:** *Right to Form a Union***Remedy:****Activity 4: Right to Form a Union**

Ask participants to listen to the following mini-rap on the right to form a union.

Mini-rap :

“Most workers have the right to form and join unions on the job. The legal protections to organize into unions are a result of working people fighting for these rights. A federal law called the National Labor Relations Act, passed in 1935 guarantees the right of private sector workers to organize. For public sector workers, the law is Chapter 150E. It is illegal for management to harass or discriminate against you for trying to form a union.

You have a right to talk about the union with your co-workers on your own time in the break room, cafeteria, parking lot or other non-work areas. Most workers form a union with the help of an organizer from a union who understands the law. Often workers are asked to sign union cards to show interest in joining a union, and they vote in an election whether to join.”

Ask participants: What are your questions?

Remedy: What if these rights are violated?

Explain that the enforcement agency for private sector workers covered by the National Labor Relations Act is the National Labor Relations Board (NLRB). Violations of the NLRA are called unfair labor practices (ULP). When ULPs are filed at the NLRB, a hearing is held and a determination is made of what the employer must do. [Refer to *NLRA and Chapter 150E In Brief*].

The enforcement agency for public sector workers covered by the Massachusetts Public Employee Collective Bargaining Law, Chapter 150E is the Department of Labor Relations(DLR). Violations are also called prohibited practices, which are filed at the DLR. Remedies are similar to NLRA.

Activity 5: How Do You Organize a Union?

Time: 10 minutes

Handout: *Organizing a Union: Some Steps*

Summary and Remedies

Activity 5: How do You Organize a Union?

Break participants into pairs or small groups and ask them:

- What questions do you have about how to form or join a union?

Report back -- discuss and respond to questions as much as possible.

Stress that while the law protects workers rights to form a union, employers often break the law. Working with a union is essential to get support and advice.

Summary

“The employment of children less than 18 years of age (minors) is regulated by laws and regulations enforced by the U.S. Department of Labor and the state Office of the Attorney General. In Massachusetts, the Fair Labor and Business Practices Division of the Office of the Attorney General investigates reports of violations of the child labor laws and of injuries or dangerous working conditions for Young workers. Violators face fines and imprisonment. For complete information about the child labor laws see the website of the Fair Labor Division of the Office of the Attorney General, at <https://www.mass.gov/working-under-18>

To file a complaint alleging child labor law violations, contact the Fair Labor Hotline at 617-727-3465, or file the complaint online at <https://www.mass.gov/how-to/file-a-workplace-complaint>

MODULE 3

Rights of Workers Under 18

1 hour

Participant Outline

Objectives:

- To review basic laws governing the workplace
- To review hour and occupation requirements for young people
- To identify what a union does
- To introduce laws that give workers the right to organize
- To explain how to form a unions.

Welcome and Introductions

Icebreaker: What is Your Work Experience?

Discuss participants' work and union experience.

Activity 1: There Ought To Be a Law

Discuss problems in the workplace and whether there is a law addressing those problems.

Activity 2: Solving Workplace Rights Violations

Discuss how to solve these workplace problems.

Activity 3: What do Unions do?

Discuss what unions do and how a union might solve the identified problems.

Activity 4: The Right to Form a Union

Discuss the laws governing the right to form a union.

Activity 5: How do You Organize a Union

Discuss some steps to form a union

Summary

Your Rights on the Job Workers under 18

What is the Minimum Wage?

- \$15.00 per hour for private sector employees (Massachusetts Law)
- For public sector employees \$7.25 per hour (Federal Law)
- Tipped employees must be paid at least \$6.75/hour
- Exceptions: Learners, apprentices, messengers, and workers with disabilities.
- Nonprofit institutions (hospital, schools), and residence camps may pay high school students 80% of minimum wage.
- Questions? Call the MA office of the Attorney General. Government Agencies Handout.

What Hours Can Minors Work?	Permitted Occupations
14 and 15 year olds	14 and 15 year olds
→ Only during non-school hours → Not more than 8 hours per day on non-school days → Not more than 6 days per week → Not before 7 a.m. except for newspaper delivery and golf caddying (daylight hours) → Not after 7 p.m. (9 p.m. during summer months) → Not more than 3 hours per day on school days → Not more than 18 hours per week in school weeks → Not more than 40 hours per week in non-school weeks	No jobs in manufacturing, production, construction, transportation, or occupations prohibited for 16 and 17 year olds.
16 and 17 year olds	16 and 17 year olds
→ Not more than 9 hours per day → Not more than 48 hours per week → Not before 6 a.m. → Not after 10 p.m. except in restaurants until midnight on Fridays and Saturdays and during school vacations (except on the last day of vacation)	Occupations not classified as hazardous (for example, jobs which do not require the operation of power machinery or motor vehicle) Not allowed to work in jobs that require carrying a firearm. No handling of alcohol (loading, selling, serving, etc.)
18+	18+
No restrictions	No restrictions

What if I get hurt at work?

You should notify your employer as quickly as possible of your injury and how it happened and obtain medical treatment. An injury report should be filed. Under the Massachusetts Workers' Compensation Law, you are entitled to receive, at no charge to your, reasonable and necessary medical treatment for a work related injury. If you miss time from work because of your injury you are also entitled to receive 60% of your wages. If your employer violated any of the laws that apply to the hiring and working conditions of minors, then you may be entitled to double Workers' compensation benefits regardless of whether the injury was your fault. Questions? Call the MA Department of Industrial Accidents.

What if I'm sick and can't work?

If you are out of work due to sickness or injury, whether work-related or not, your employer may have to let you return to your job or an equivalent position once you have recovered. You may be eligible for Earned Sick Time or MA. Paid Family and Medical Leave under new state laws. Some employers provide sick pay or disability insurance to pay workers when they are out of work due to non-work related injury or illness.

What can I do about poor or unsafe working conditions?

You have a right to file a complaint with federal OSHA about unsafe or unhealthy working conditions if you work in the private sector. In addition, you have the right to know if any chemicals at the workplace may be hazardous to your health. Questions? Call OSHA or MassCOSH.

Many hazardous occupations are prohibited for 16 and 17 year olds. Greater restrictions apply to 14 and 15 year olds. Questions? Call the Office of the Attorney General.

What if I lose my job?

Employment-at-will: Unless you belong to a union, you probably have no way to contest your termination. Many workers join unions to protect themselves against the employer's right to fire "at-will" (Mass Office of Attorney General)

Discrimination

It is illegal for employees to be fired, denied employment or otherwise discriminated against because of their race, color, religion, sex, sexual orientation, gender identity, national origin, or handicap. Questions? Call the Massachusetts Commission or EEOC.

Unemployment

Full-time students cannot collect unemployment compensation. However if you are laid off or fired without just cause when school is not in session, you may be able to collect unemployment benefits provided you have earned enough money to be eligible. Questions? Call the Department of Unemployment Assistance (DUA).

Other Workplace Laws

- If you work at least six hours a day the employer must give you at least a thirty minutes break (Attorney General)
- You must be paid for all hour worked, even if you are required to work before or after your schedule hours (Attorney General)
- Sexual harassment (unwanted physical or verbal sexual advance illegal. (MCAD or EEOC)

See "Where to Go For Help" handout to find out how to contact any of the above agencies.

Organizing A Union: Some Steps

STEP ONE: Know Your Rights

- 1) The right to join a union is a human right. “It is hereby declared to be the policy of the United States to...encourag[e] the practice and procedure of collective bargaining and [to] protect...the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.” [from Declaration of human Rights”
- 2) The laws: National Labor Relations Act gives private sector workers the “right to engage in concerted activity to improve their wages and working conditions, including the right to petition, leaflet, organize a union, picket, and strike.” The Massachusetts Public Employee Collective Bargaining Law (Chapter 150E) provides the same rights to public sector workers. Despite these laws, many employers strongly resist their employees' efforts to gain a voice at work through unionization. So, before you start talking union where you work, get in touch with a union that will help you organize.

Chapter 150E was amended in 2007, and now allows that if a majority of the public sector workers sign cards to join the union (called "Written majority authorization") the employer must recognize the union, without going through the election process.

STEP TWO: Talk to Your Co-Workers

On your break and lunch time, or at co-worker's homes, talk with other workers to see if they are concerned about issues in the workplace and if they might be interested in learning more about what a union can do. A union organizing drive will only succeed if there is support from the workers. Never act alone.

STEP THREE: Find Out Which Union is Right for You

To form a union on the job, you need the backup and hands-on help from the union you are seeking to join. If you don't already know which union is most able to help you, find out more about the unions affiliated with the Massachusetts AFL-CIO at 617/244-8230 or www.massafcio.org. Some other unions are part of the Change to Win Federation. You can find those unions by going to: <http://changetowin.org/>. These websites help you to decide which union is best for you.

STEP FOUR: Contact a union to work with you

Union organizers assist employees in forming unions on the job to give them the same opportunity for dignity and respect, good wages and decent working conditions that union members already have. Most unions will ask workers to form an organizing committee of interested workers to work with a union organizer to ask workers to sign union membership cards indicating that they want to join the union. Signatures of at least 50% of workers needed.

STEP FIVE:

The Union files for an election. Workers vote in an election whether to join the union. If a majority votes yes, the union wins.

STEP SIX:

With the assistance of the union staff, negotiate a contract.

Adapted from MA AFL-CIO Website

Flipcharts for MODULE 3: Rights of Workers Under 18

Flipcharts for Welcome and Introduction

Objectives

- To review basic laws governing the workplace
- To review hour and occupation requirements for young people
- To identify what a union does
- To introduce laws that give workers the right to organize
- To review how to form a unions.

Agenda

- Welcome/Introduction
- Incebreaker: What is Your Work Experience?
- There Ought to be a Law
- Solving Workplace Rights Violations
- What do Unions do?
- Right to Form a Union
- How do You Organize a Union?
- Summary

Flipchart for Activity 1 (Title Only)

What Bugs You About Work?

Flipchart for Activity 2 (Title Only)

What Could You Do?

Flipchart for Activity 5

Right to Form a Union

Under the National Labor Relations Act and Chapter 150E, you have a right to:

- Act in a group for mutual aid and protection
- Organize a union
- Choose your representatives in your union
- Be free from harassment when you organize a union
- Bargain collectively with your employer when you have a union

Flipchart for Activity 6 (optional)

Organizing a Union

- Talk to co-workers and get a group of interested workers together
- Contact a union to work with you
- Form an organizing committee
- Sign union cards
- The Union files for an election
- Vote in the election whether to join
- If the majority votes yes, negotiate a contract