

SUMMARY OF RIGHTS AND RESPONSIBILITIES

In the event of a strike, both employees and employers have certain rights and responsibilities pursuant to the National Labor Relations Act (NLRA). These rights and responsibilities may vary based on the situation. (See page 2 for definition of terms.)

EMPLOYEE and EMPLOYER RIGHTS

	Lawful Strike	Unlawful Strike
Union Employee Rights	<p>A union employee has the right to engage in a lawful strike without being terminated from employment.</p> <p>A union employee has the right to work during a lawful strike.</p> <p>A union employee has the right to withdraw from the Union before, during, or after a lawful strike.</p>	<p>A union employee has the right to work during an unlawful strike.</p> <p>A union employee has the right to cross a picket line during an unlawful strike.</p> <p>A union employee has the right to withdraw from the Union before, during, or after an unlawful strike.</p>
Non-Union Employee Rights	<p>A non-union employee has the right to engage in a lawful strike without being terminated from employment.</p> <p>A non-union employee has the right work during a lawful strike.</p> <p>A non-union employee has the right to cross a picket line during a lawful strike.</p> <p>A non-union employee has the right to refuse to cross a picket line during a lawful strike.</p>	<p>A non-union employee has the right work during an unlawful strike.</p> <p>A non-union employee has the right to cross a picket line during a lawful strike.</p>

	Lawful Strike	Unlawful Strike
Employer Rights	<p>An employer has the right to not pay striking employees for the hours not worked.</p> <p>An employer has the right to permanently replace a striking employee.</p> <p>An employer has the right to lay off striking employees who have not been replaced when a strike is over.</p> <p>Striking employees who are replaced may be entitled to be recalled by the employer for jobs for which they are qualified when openings occur.</p>	<p>An employer has the right to not pay unlawfully striking employees for the hours not worked.</p> <p>An employer has the right not to reinstate unlawfully striking employees.</p>

DEFINITIONS

Lawful Strike: Lawful strikes are protected concerted activity under Section 7 of the National Labor Relations Act. To be lawful, a strike must be entered for a permissible purpose, at a permissible time, and in a permissible manner. An example of a lawful strike would be a non-violent strike initiated after impasse has been reached in collective bargaining, in the absence of a no-strike clause.

Unlawful Strike: Examples of unlawful strikes include: (1) An economic strike entered during collective bargaining before impasse has been reached. (2) A strike violating a no-strike clause in an active collective bargaining agreement. (3) A strike that is conducted in a manner that threatens the safety of individuals or personal property.

No-Strike Clause: A No-Strike Clause is a contract provision in a ([collective bargaining agreement](#)) that prohibits otherwise lawful strikes.

Impasse: Impasse occurs when an employer and a union have bargained in good faith over a term or condition of employment and have reached a deadlock.

Picket Line: A picket line is a physical boundary established by workers on strike, especially at the entrance to the place of work, which union members are asked not to cross.

Union Employee: A Union Employee is an employee who is within the scope of the bargaining unit and has voluntarily been admitted as a member of the union. Union employees are subject to the union's ([constitution](#)), including its provision on strikes.

Non-Union Employee: A Non-Union Employee is an employee who is either outside the scope of the bargaining unit or has voluntarily chosen not to be a member of the union.