

<p>The National Labor Relations Board and YOU</p>	<p>国家劳工关系委员会和您</p>
<p>Unfair Labor Practices</p>	<p>不公平的劳工行为</p>
<p>Prepared by the National Labor Relations Board an agency of the United States Government</p>	<p>由美国政府机构 国家劳工关系委员会编撰</p>
<p><i>This pamphlet contains a general explanation of what the National Labor Relations Board is and what it does with respect to the processing of unfair labor practice charges. Although the pamphlet cannot provide answers to all questions, it does contain useful information which will be helpful to you.</i></p>	<p>本手册概括介绍了何谓国家劳工关系委员会及其处理不公平劳工行为指控的相关职能。虽然本手册无法解答所有的问题，但其包含的有用信息或对您有所帮助。</p>
<p>What is the National Labor Relations Board?</p>	<p>何谓国家劳工关系委员会？</p>
<p>We are an independent federal agency established to enforce the National Labor Relations Act (NLRA).</p>	<p>我们是为了贯彻执行国家劳工关系法 (NLRA) 而设立的独立联邦机构。</p>
<p>As an independent agency, we are not part of any other government Agency—such as the Department of Labor.</p>	<p>作为一家独立机构，我们不隶属于任何其他政府机构，如劳工部。</p>
<p>What Are Your Rights As An Employee Under the NLRA?</p>	<p>作为受 NLRA 保护的雇员，您拥有哪些权利？</p>
<p>Examples of Your Rights As An Employee Under the NLRA Are:</p>	<p>作为受 NLRA 保护的雇员，您的权利包括（例如）：</p>
<p>Forming, or attempting to form, a union among the employees of your employer.</p>	<p>在雇主的雇员中组建或试图组建工会。</p>
<p>Joining a union whether the union is recognized by your employer or not.</p>	<p>加入工会，无论该工会是否被您的雇主所认可与否。</p>
<p>Assisting a union in organizing your fellow employees.</p>	<p>协助工会组织您的同事。</p>
<p>Engaging in protected concerted activities. Generally, "protected concerted activity" is group activity which seeks to modify wages or working conditions.</p>	<p>参加受法律保护的协同活动。通常，“受法律保护的协同活动”是指以提高工资或改善工作条件为目标的集体活动。</p>
<p>Refusing to do any or all of these things. However, the union and employer, in a State where such agreements are permitted, may enter into a lawful union-security clause</p>	<p>有权拒绝参与上述某活动或所有活动。但是，在允许此类协议的州，工会和雇主可以增加要求雇员加入工会的合法工会保障条款。</p>

requiring employees to join the union.	
The NLRA forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective bargaining purposes, or engaging in concerted activities, or refraining from any such activity. Similarly, labor Organizations may not re-strain or coerce employees in the exercise of these rights.	NLRA 禁止雇主干预、限制或强迫雇员行使组织、组建、加入或以劳资谈判为目的协助劳工组织，或参加协同活动，或不参与所有这些活动的权利。同样，劳工组织也不得限制或强迫雇员行使这些权利。
Examples of Employer Conduct Which Violate the NLRA Are:	雇主违反 NLRA 的行为的示例：
Threatening employees with loss of jobs or benefits if they join or vote for a union or engage in protected concerted activity.	威胁雇员，如果他们参加或投票赞成成立工会、或参加受法律保护的协同活动，就会失去工作或福利。
Threatening to close the plant if employees select a union to represent them.	威胁如果在工厂内组织工会就会关闭工厂。
Questioning employees about their union sympathies or activities in circumstances that tend to interfere with, restrain or coerce employees in the exercise of their rights under the Act.	以干预、限制或强迫雇员行使国家劳工关系法中规定的权利为目的，向雇员询问其对工会的支持或工会活动。
Promising benefits to employees to discourage their union support.	以利益为诱饵，要求雇员放弃对工会的支持。
Transferring, laying off, terminating or assigning employees more difficult work tasks because they engaged in union or protected concerted activity.	因雇员加入了工会或参与了受法律保护的协同活动，而将其调职、停职、解雇或分派其更艰苦的工作任务。
Examples of Union Conduct Which Violate the NLRA Are:	工会违反 NLRA 的行为的示例：
Threats to employees that they will lose their jobs unless they support the union's activities.	威胁雇员，如果他们不支持工会的活动，就将失业。
Refusing to process a grievance because an employee has criticized union officers.	因雇员曾批评过工会工作人员而拒绝处理其申诉。
Fining employees who have validly resigned from the union for engaging in protected activity following their resignation.	为有效退出工会的雇员在退出后仍参与受法律保护的活动而处罚该雇员。
Seeking the discharge of an employee for not complying with a union shop agreement, when the employee has paid or offered to pay a lawful initiation fee and periodic dues.	某雇员已经缴纳了或提出缴纳合法规定的入会费和定期会费，但因该雇员未遵守工会代理制协议而试图解雇该雇员。
Refusing referral or giving preference in a hiring hall on the basis of race or union activities.	出于种族或工会活动等原因，工会在职业介绍所拒绝推荐工作或优先考虑。
What We Do Not Do . .	我们职能之外的事情。 .

We do not enforce—	我们不执行 —
Various federal laws within the jurisdiction of the Department of Labor. For example:	劳工部司法管辖范围内的各种联邦法律。例如：
<ul style="list-style-type: none"> • Fair Labor Standards Act • Wage Garnishment Provisions of Various Statutes • Public Contracts Act • Service Contract Act • Davis-Bacon and Related Acts • Contract Work Hours and Safety Standards Act. 	<ul style="list-style-type: none"> • 公平劳动标准法 • 各种法规的工资扣发条款 • 公共契约法 • 劳务合同法 • 戴维斯 - 培根法及相关法律 • 合同工作时间和安全标准法。
Various state laws relating to employment. For example:	与雇佣相关的各种州法律。例如：
Unemployment Compensation Statutes Workman's Compensation Statutes Equal Employment Statutes.	失业救济法 劳工补偿法 平等就业机会法。
Various statutes within the jurisdiction of the Equal Employment Opportunity Commission.	平等就业机会委员会司法管辖范围内的各种法规。
IF YOU HAVE ANY QUESTION ABOUT THE RELATIONSHIP OF THESE LAWS TO OUR AGENCY OR THE APPLICATION OF OUR LAW TO YOUR SITUATION, PLEASE SEE THE INFORMATION OFFICER	如果您对这些法律与我们机构的关系或我们的法律是否适用于您的情况存有任何疑问，请咨询信息主管
Are You Excluded From the NLRA's Coverage?	您是否被排除在 NLRA 的范围之外？
The NLRA specifically excludes from its coverage individuals who are: employed as agricultural laborers.	NLRA 明确排除了符合以下条件的个人：受雇于农业。
<ul style="list-style-type: none"> • employed in the domestic service of any person or family in a home. employed by a parent or spouse. employed as an independent contractor. employed as a 	<ul style="list-style-type: none"> • 受雇于个人或家庭且从事家政服务。受雇于父母或配偶。独立合同工。受雇为管理人员。 • 受雇于受铁路劳工法管辖的雇主。 • 受雇于联邦、州或地方政府。 • 受雇于在 NLRA 没有被定义的任何雇主。

<p>supervisor.</p> <ul style="list-style-type: none"> • employed by an employer subject to the Railway Labor Act. • employed by a Federal, State or local government. • employed by any other person who is not an employer as defined in the NLRA. 	
<p>IF YOU HAVE ANY QUESTION ABOUT WHETHER YOU ARE EXCLUDED FROM THE NLRA's COVERAGE, PLEASE SEE THE INFORMATION OFFICER.</p>	<p>如您对自己是否被排除在 NLRA 的范围之外有任何疑问，请咨询信息主管。</p>
<p>When Do We Take Action?</p>	<p>我们何时采取行动？</p>
<p>If you have any question regarding your work situation that you would like to discuss with this Agency, our Information Officer will be happy to speak with you. The Information Officer is a professional who is experienced in the investigation of unfair labor practice charges. The Information Officer can be contacted by phone, mail or in person to discuss the question which you wish to present to the Agency. The Information Officer can provide you with information which will assist you in deciding whether or not to file an unfair labor practice charge.</p>	<p>如果您对您的工作情况存有任何疑问并愿意与本机构讨论，我们的信息主管将很乐意与您交谈。信息主管由拥有丰富的不公平劳工行为指控调查经验的专业人员担任。您可以通过电话、邮件与信息主管联系，也可以信息主管面谈，讨论您希望向本机构提出的问题。信息主管可以向您提供信息，帮助您决定是否提出不公平劳工行为指控。</p>
<p>If you wish to file a charge, we can provide you with the appropriate forms and assistance in completing these forms.</p>	<p>如果您希望提出指控，我们将为您提供相应的表格并协助您填写这些表格。</p>
<p>You should be aware that the Act provides that allegations of unfair labor practice violations must be filed and served within 6 months of the occurrence of the conduct alleged as violative.</p>	<p>请注意，根据法律规定，您必须在视作违规的行为发生后的 6 个月之内，提出和递交不公平劳工行为违规的指控。</p>
<p>What Can You Expect, If You File a Charge?</p>	<p>提出指控时有哪些注意事项？</p>
<p>If you file a charge, you should be prepared to tell us the name and address of the employer or union against whom you are filing the charge. In</p>	<p>如果您要提出指控，您应该准备好告知我们您要指控的雇主或工会的姓名（名称）和地址。此外，您必须告诉我们投诉的性质。您需要在</p>

<p>addition, you must tell us the nature of your complaint. You will be required to state your current address on the charge form as well as sign the charge.</p>	<p>指控表格上注明您的现住址并签字。</p>
<p>A copy of the charge will be served upon the employer or union against whom you are complaining.</p>	<p>此外，还需向被投诉的雇主或工会提供一份指控副本。</p>
<p>After the charge is filed, we will receive your evidence in support of the charge. Receipt of your evidence, including sworn statements, may occur at the time you file the charge. If this does not happen, an NLRB agent will contact you shortly after the charge is filed for the purpose of receiving your evidence in support of the charge.</p>	<p>提出指控后，我们将收取用以证实指控的证据。收到的证据中应包括誓词，我们可能要求您在提出指控时宣誓。如果没有做到这一点，NLRB 代理人将在您提出指控后不久与您联系，以便接收您用以证实指控的证据。</p>
<p>If sufficient evidence is revealed to warrant the continuation of the investigation, the Board agent assigned to your case will contact other witnesses who possess relevant information and the charged union or employer</p>	<p>若有足够的证据证实此指控可能成立，需要进一步调查时，分管您案子的委员会代理人将传唤具有相关证据的证人以及被指控的工会或雇主。</p>
<p>Following the investigation of this matter, a review of the evidence will be made. If it appears that no violation of the NLRA has taken place, the Board agent will ask you to withdraw the charge. If you decide not to withdraw, the Regional Office will dismiss your charge. You will then have the opportunity, if you desire, to appeal the Region's dismissal to the Office of Appeals in Washington, D.C.</p>	<p>此事件调查完毕后，我们将审查证据。如果证据表明不存在违反 NLRA 的行为，委员会代理人将要求您撤销指控。如果您拒绝撤销，则地区办公室将驳回您的指控。如有需要，可就地区办公室的驳回向驻华盛顿特区的上诉办公室提出上诉。</p>
<p>If after reviewing the evidence it appears that a violation has occurred, the charged employer or union will be asked to remedy the violation. If the charged party refuses to voluntarily remedy the matter, a formal complaint will issue against the charged party and the case will be set for a hearing before an Administrative Law Judge. During the hearing evidence will be presented concerning the allegations of the complaint. The hearing before the Administrative Law Judge and its possible review by the Board or U.S. Courts will determine what, if any, remedy you may receive as a result of your charge.</p>	<p>如果审查证据后发现确实存在违规，我们会要求被指控的雇主或工会纠正此违规行为。如果被指控的当事方拒绝自愿地采取补救措施，我们将对被指控的当事方提起正式起诉，并就此案在行政法官面前举行听证会。听证会期间，我们将出示与指控相关的证据。行政法官面前进行的听证及其可能的委员会或联邦法庭复审将决定您能因指控获得什么补偿（如果有）。</p>
<p>NLRB Offices:</p>	<p>NLRB 办事处:</p>
<p>Our office addresses are located in the telephone</p>	<p>欲知我们办事处的地址，请查阅国家劳工关</p>

<p>directory under the United States Government, National Labor Relations Board.</p> <p>The address and phone number of the office closest to you is:</p>	<p>系委员会的电话簿。</p> <p>离您最近的办事处的地址和电话是：</p>
<p>MAIN OFFICE: Washington, DC 20570-0001</p> <p>1099 14th Street, N.W., Telephone (202) 273-1000</p>	<p>主要办事处：华盛顿特区 20570-0001</p> <p>1099 14th Street, N.W., 电话 (202) 273-1000</p>
<p>Albany, NY 12207-2350</p> <p>Albuquerque, NM 87102-2181</p> <p>Anchorage, AK 99513-3546</p> <p>Atlanta, GA 30323-3301</p> <p>Baltimore, MD 21202-4026</p> <p>Birmingham, AL 35203-3502</p> <p>Boston, MA 02222-1072</p> <p>Brooklyn, NY 11201-4201</p> <p>Buffalo, NY 14202-2387</p> <p>Chicago, IL 60606-5208</p> <p>Cincinnati, OH 45202-3271</p> <p>Cleveland, OH 44199-2086</p> <p>Denver, CO 80202-5433</p> <p>Des Moines, IA 50309-2116</p> <p>Detroit, MI 48226-2569</p> <p>Fort Worth, TX 76102-6178</p> <p>Grand Rapids, MI 49503-3022</p> <p>Hartford, CT 06103-3599</p> <p>Hato Rey, PR 00918-1720</p> <p>Honolulu, HI 96850-4980</p> <p>Houston, TX 77002-2649</p> <p>Indianapolis, IN 46204-1577</p> <p>Jacksonville, FL 32202-4412</p> <p>Las Vegas, NV 89101-6637</p> <p>Little Rock, AR 72201-3489</p> <p>Los Angeles, CA 90017-5455</p>	<p>奥尔巴尼（纽约州）12207-2350</p> <p>阿尔布凯克（新墨西哥州）87102-2181</p> <p>安克雷奇（阿拉斯加州）99513-3546</p> <p>亚特兰大（佐治亚州）30323-3301</p> <p>巴尔的摩（马里兰州）21202-4026</p> <p>伯明翰（亚拉巴马州）35203-3502</p> <p>波士顿（马萨诸塞州）02222-1072</p> <p>布鲁克林（纽约州）11201-4201</p> <p>布法罗（纽约州）14202-2387</p> <p>芝加哥（伊利诺斯州）60606-5208</p> <p>辛辛那提（俄亥俄州）45202-3271</p> <p>克利夫兰（俄亥俄州）44199-2086</p> <p>丹佛（科罗拉多州）80202-5433</p> <p>德梅因（依阿华州）50309-2116</p> <p>底特律（密执安州）48226-2569</p> <p>沃思堡（德克萨斯州）76102-6178</p> <p>大急流（密执安州）49503-3022</p> <p>哈特福德（康涅狄格州）06103-3599</p> <p>阿托雷伊（波多黎各州）00918-1720</p> <p>檀香山（夏威夷州）96850-4980</p> <p>休斯敦（德克萨斯州）77002-2649</p> <p>印第安纳波利斯（印地安纳州）46204-1577</p> <p>杰克逊维尔（佛罗里达州）32202-4412</p> <p>拉斯维加斯（内华达州）89101-6637</p> <p>小石城（阿肯色州）72201-3489</p> <p>洛杉矶（加利福尼亚州）90017-5455</p>
<p>Los Angeles, CA 90024-3682</p> <p>Memphis, TN 38104-3627</p> <p>Miami, FL 33130-1608</p> <p>Milwaukee, WI 53203-2211</p> <p>Minneapolis, MN 55401-2291</p> <p>Nashville, TN 37203-3816</p> <p>Newark, NJ 07102-2570</p> <p>New Orleans, LA 70112-3723</p> <p>New York, NY 10278-0104</p> <p>Oakland, CA 94612-5211</p> <p>Overland Park, KS 66212-4677</p> <p>Peoria, IL 61602-1246</p>	<p>洛杉矶（加利福尼亚州）90024-3682</p> <p>孟菲斯（田纳西州）38104-3627</p> <p>迈阿密（佛罗里达州）33130-1608</p> <p>密尔沃基（威斯康星州）53203-2211</p> <p>明尼阿波利斯（明尼苏达州）55401-2291</p> <p>诺什维尔（田纳西州）37203-3816</p> <p>纽瓦克（新泽西州）07102-2570</p> <p>新奥尔良（路易斯安那州）70112-3723</p> <p>纽约（纽约州）10278-0104</p> <p>奥克兰（加利福尼亚州）94612-5211</p> <p>奥弗兰公园（堪萨斯州）66212-4677</p> <p>皮奥里亚（伊利诺斯州）61602-1246</p>

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Phoenix, AZ 85004-2212	菲尼克斯（亚利桑那州）85004-2212
Pittsburgh, PA 15222-4173	匹兹堡（宾西法尼亚州）15222-4173
Portland, OR 97201-6604	波特兰（俄勒冈州）97201-6604
St. Louis, MO 63103-2829	圣路易斯（密苏里州）63103-2829
San Antonio, TX 78205-2040	圣安东尼奥（德克萨斯州）78205-2040
San Diego, CA 92101-2939	圣迭戈（加利福尼亚州）92101-2939
San Francisco, CA 94103-1735	旧金山（加利福尼亚州）94103-1735
Seattle, WA 98174-1078	西雅图（华盛顿州）98174-1078
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For more information, see the NLRB website: www.nlr.gov	有关更多信息，请登录 NLRB 网站: www.nlr.gov
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