
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1111 Session of
2001

INTRODUCED BY HELFRICK, PICCOLA, WENGER, THOMPSON, ARMSTRONG,
CORMAN, ROBBINS, MOWERY, MADIGAN, WAUGH AND PUNT,
NOVEMBER 13, 2001

REFERRED TO LABOR AND INDUSTRY, NOVEMBER 13, 2001

AN ACT

1 Providing that employment shall not be conditional upon
2 membership or nonmembership in, nor upon the payment or
3 nonpayment of money to, a labor organization; and providing
4 remedies and penalties.

5 Whereas, The General Assembly finds that to require a person
6 to be a member of or not to be a member of a private
7 organization as a compulsory condition of work or employment is
8 not in accord with fundamental principles of individual liberty
9 and freedom of choice; and

10 Whereas, It is declared to be the public policy of this
11 Commonwealth that:

12 (1) membership or nonmembership in a labor union should
13 not be made a condition of the opportunity to work or to be
14 or remain in the employment of any employer;

15 (2) employees should have the right to form, join,
16 continue membership in or assist labor organizations and
17 should equally have the right to refrain from forming,
18 joining, continuing membership in or assisting labor

1 organizations; and

2 (3) any agreement, express or implied, between employers
3 and labor organizations, or any practice whatsoever, which
4 directly or indirectly makes membership or nonmembership in a
5 labor organization or support or nonsupport of a labor
6 organization a condition of employment or continued
7 employment is a violation of individual liberty and freedom
8 and is against the public policy of this Commonwealth.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short title.

12 This act shall be known and may be cited as the Freedom of
13 Employment Law.

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Labor organization." An organization, or an agency or
19 employee representation committee, plan or arrangement in which
20 employees participate and which exists for the purpose, in whole
21 or in part, of dealing with employers concerning grievances,
22 labor disputes, wages, rates of pay, hours of employment or
23 conditions of work.

24 "Person." An individual or a corporation, association,
25 company, firm or labor organization.

26 Section 3. Prohibited conditions of employment.

27 (a) Membership.--No person shall be required to become or
28 remain a member of a labor organization as a condition of
29 employment or continuation of employment.

30 (b) Abstention from membership.--No person shall be required

1 to abstain or refrain from membership in a labor organization as
2 a condition of employment or continuation of employment.

3 (c) Dues, fees and charges.--No person shall be required to
4 pay or refrain from paying any dues, fees or other charges of
5 any kind to a labor organization as a condition of employment or
6 continuation of employment.

7 Section 4. Penalty.

8 A person who directly or indirectly places upon another
9 person any requirement or compulsion prohibited by this act, or
10 who makes any agreement, written or oral, express or implied, to
11 do so, or who engages in any lockout, layoff, strike, work
12 stoppage, slowdown, picketing, boycott or other action or
13 conduct, the purpose or effect of which is to impose upon any
14 person directly or indirectly any requirement or compulsion
15 prohibited by this act commits a misdemeanor of the third
16 degree, punishable by a fine of not more than \$1,000 or a term
17 of imprisonment of not more than six months, or both. Each day
18 of continued violation shall constitute a separate offense.

19 Section 5. Injunctive relief.

20 Notwithstanding any other law to the contrary, a person
21 injured or threatened with injury by any action or conduct
22 prohibited by this act shall be entitled to injunctive relief
23 therefrom and to damages for any injuries sustained.

24 Section 6. Repeals.

25 All acts and parts of acts are repealed insofar as they are
26 inconsistent with this act.

27 Section 7. Effective date.

28 This act shall take effect in 60 days.