

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 982      Session of  
1997

---

INTRODUCED BY HELFRICK, PICCOLA, PUNT, JUBELIRER, MOWERY,  
WENGER, ARMSTRONG, THOMPSON, DELP, MADIGAN, CORMAN, HECKLER,  
BRIGHTBILL AND SLOCUM, JULY 22, 1997

---

REFERRED TO LABOR AND INDUSTRY, JULY 22, 1997

---

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 The General Assembly finds that to require a person to be a  
6 member of, or not to be a member of, a private organization as a  
7 compulsory condition of work or employment is not in accord with  
8 fundamental principles of individual liberty and freedom of  
9 choice. It is therefore declared to be the public policy of this  
10 Commonwealth that membership or nonmembership in a labor union  
11 should not be made a condition of the opportunity to work or to  
12 be or remain in the employment of any employer; that employees  
13 should have the right to form, join, continue membership in or  
14 assist labor organizations and should equally have the right to  
15 refrain from forming, joining, continuing membership in or  
16 assisting labor organizations; and that any agreement, express  
17 or implied, between employers and labor organizations, or any  
18 practice whatsoever, which directly or indirectly makes

1 membership or nonmembership in a labor organization, or support  
2 or nonsupport of a labor organization, a condition of employment  
3 or continued employment is a violation of individual liberty and  
4 freedom and is against the public policy of this Commonwealth.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Freedom of  
9 Employment Law.

10 Section 2. Definitions.

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

14 "Labor organization." Any organization, or any agency or  
15 employee representation committee, plan or arrangement in which  
16 employees participate and which exists for the purpose, in whole  
17 or in part, of dealing with employers concerning grievances,  
18 labor disputes, wages, rates of pay, hours of employment or  
19 conditions of work.

20 "Person." An individual or a corporation, association,  
21 company, firm or labor organization.

22 Section 3. Prohibited conditions of employment.

23 (a) Membership.--No person shall be required to become or  
24 remain a member of any labor organization as a condition of  
25 employment or continuation of employment.

26 (b) Abstention from membership.--No person shall be required  
27 to abstain or refrain from membership in any labor organization  
28 as a condition of employment or continuation of employment.

29 (c) Dues, fees and charges.--No person shall be required to  
30 pay or refrain from paying any dues, fees or other charges of

1 any kind to any labor organization as a condition of employment  
2 or continuation of employment.

3 Section 4. Penalty.

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

15 Section 5. Injunctive relief.

16 Notwithstanding any other law to the contrary, any person  
17 injured or threatened with injury by any action or conduct  
18 prohibited by this act shall be entitled to injunctive relief  
19 therefrom and to damages for any injuries sustained.

20 Section 6. Repeals.

21 All acts and parts of acts are repealed insofar as they are  
22 inconsistent with this act.

23 Section 7. Effective date.

24 This act shall take effect in 60 days.