
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1302

Session of
1977

INTRODUCED BY NOYE, ZEARFOSS, BRANDT, MOWERY, POLITE, WENGER,
ARMSTRONG AND BURD, JUNE 13, 1977

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 13, 1977

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 of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. To require a person to be a member of, or not to
8 be a member of, a private organization as a compulsory condition
9 of work or employment is not in accord with fundamental
10 principles of individual liberty and freedom of choice. It is
11 therefore declared to be the public policy of this Commonwealth;
12 that membership or nonmembership in a labor union should not be
13 made a condition of the opportunity to work or to be or remain
14 in the employment of any employer; that employees should have
15 the right to form, join, continue membership in, or assist labor
16 organizations, and that employees should equally have the right
17 to refrain from forming, joining, continuing membership in, or
18 assisting labor organizations; and that any agreement, express
19 or implied, between employers and labor organizations, or any

1 practice whatsoever, which directly or indirectly makes
2 membership or nonmembership in a labor organization, or support
3 or nonsupport of a labor organization, a condition of employment
4 or continued employment, is a violation of individual liberty
5 and freedom and is against the public policy of this
6 Commonwealth.

7 Section 2. The following words and phrases when used in this
8 act shall have, unless the context clearly indicates otherwise,
9 the meanings given to them in this section.

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

16 "Person." An individual or a corporation, association,
17 company, firm, or labor organization.

18 Section 3. No person shall be required to become or remain a
19 member of any labor organization as a condition of employment or
20 continuation of employment.

21 Section 4. No person shall be required to abstain or refrain
22 from membership in any labor organization as a condition of
23 employment or continuation of employment.

24 Section 5. No person shall be required to pay or refrain
25 from paying any dues, fees, or other charges of any kind to any
26 labor organization as a condition of employment or continuation
27 of employment.

28 Section 6. Any person who directly or indirectly places upon
29 any other person any requirement or compulsion prohibited by
30 this act, or who makes any agreement, written or oral, express

1 or implied, to do so, or who engages in any lock-out, lay-off,
2 strike, work stoppage, slow down, picketing, boycott or other
3 action or conduct, a purpose or effect of which is to impose
4 upon any person, directly or indirectly, any requirement or
5 compulsion prohibited by this act, shall be guilty of a
6 misdemeanor and, upon conviction thereof, shall be sentenced to
7 pay a fine of not more than \$1,000 or to undergo imprisonment
8 for a term of not more than six months, or both. Each day of
9 continued violation after conviction shall constitute a separate
10 offense.

11 Section 7. Any person injured or threatened with injury by
12 any action or conduct prohibited by this act shall,
13 notwithstanding any other law to the contrary, be entitled to
14 injunctive relief therefrom and to damages for injuries
15 sustained by him.

16 Section 8. All acts and parts of acts are repealed insofar
17 as they are inconsistent herewith.

18 Section 9. This act shall take effect in 60 days.