
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1050 Session of
1991

INTRODUCED BY NOYE, ARMSTRONG, BIRMELIN, BUNT, CHADWICK, CLYMER,
CORNELL, DEMPSEY, FAIRCHILD, FARGO, FARMER, FLEAGLE, FLICK,
FOSTER, FOX, GALLEN, GLADECK, HAGARTY, HECKLER, NAILOR,
FREIND, HERSHEY, JOHNSON, LANGTRY, LEH, MARSICO, MERRY,
NAHILL, PHILLIPS, PICCOLA, PITTS, REINARD, SAURMAN, SCHEETZ,
STRITTMATTER, E. Z. TAYLOR, VANCE, VROON AND WILSON,
APRIL 9, 1991

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 9, 1991

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

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

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

10 Section 1. Short title.

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

13 Section 2. Definitions.

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

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

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

25 Section 3. Prohibited conditions of employment.

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

29 (b) Abstention from membership.--No person shall be required
30 to abstain or refrain from membership in any labor organization

1 as a condition of employment or continuation of employment.

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

6 Section 4. Penalty.

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

18 Section 5. Injunctive relief.

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

23 Section 6. Repeals.

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

26 Section 7. Effective date.

27 This act shall take effect in 60 days.