
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 50 Session of
2017

INTRODUCED BY METCALFE, RAPP, F. KELLER, BLOOM, KNOWLES,
KAUFFMAN, EVERETT, RYAN, WARD, MACKENZIE, HICKERNELL,
SCHEMEL, TALLMAN, MCGINNIS, SAYLOR, IRVIN, GROVE, MENTZER,
B. MILLER, LAWRENCE, ZIMMERMAN AND KEEFER, MAY 1, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 1, 2017

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 for penalties and relief.

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

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

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Freedom of
10 Employment Act.

11 Section 2. Definitions.

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

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

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

22 Section 3. Prohibited conditions of employment.

23 (a) Membership.--A person may not be required to become or
24 remain a member of a labor organization as a condition of
25 employment or continuation of employment.

26 (b) Abstention from membership.--A person may not be
27 required to abstain or refrain from membership in a labor
28 organization as a condition of employment or continuation of
29 employment.

30 (c) Dues, fees and charges.--A person may not be required to

1 pay or refrain from paying any dues, fees or other charges of
2 any kind to a labor organization as a condition of employment or
3 continuation of employment.

4 Section 4. Penalty.

5 A person commits a misdemeanor of the third degree, and
6 shall, upon conviction, be sentenced to pay a fine of not more
7 than \$1,000 or to imprisonment for not more than six months, or
8 both, with each day of violation constituting a separate
9 offense, if the person does any of the following:

10 (1) Directly or indirectly places upon any other person
11 any requirement or compulsion prohibited by this act.

12 (2) Makes any agreement, written or oral, express or
13 implied, to violate paragraph (1).

14 (3) Engages in any lockout, layoff, strike, work
15 stoppage, slowdown, picketing, boycott or other action or
16 conduct that has the purpose or effect of imposing upon any
17 person, directly or indirectly, any requirement or compulsion
18 prohibited by this act.

19 Section 5. 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 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.