

HOUSE BILL REPORT

HJM 4037

As Reported by House Committee On:

Commerce & Labor

Brief Description: Requesting congress to enact the employee free choice act of 2003.

Sponsors: Representatives Conway, Simpson, G., Wallace, Chase, Flannigan, McCoy, O'Brien, Hudgins, Campbell and Morrell.

Brief History:

Committee Activity:

Commerce & Labor: 1/27/04, 2/5/04 [DP].

Brief Summary of Bill

- Petitioning the Congress to enact the Employee Free Choice Act of 2003 to protect workers' rights to organize.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Hudgins, Kenney and McCoy.

Minority Report: Do not pass. Signed by 4 members: Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Staff: Chris Cordes (786-7103).

Background:

In 1948, the General Assembly of the United Nations (UN) adopted the Universal Declaration of Human Rights. Among the declaration statements in Article 23 are statements that everyone has the right to work, to free choice of employment, and to just and favorable conditions of work, and the right to form and join trade unions for the protection of the worker's interests.

In the private sector in the United States, collective bargaining rights are generally governed by the federal National Labor Relations Act (NLRA). The NLRA states that

workers under its jurisdiction have, among other rights, the right to self-organization, to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing, and also have the right to refrain from such activities subject to certain limits. These provisions are administered and enforced by the National Labor Relations Board.

Bills introduced in the U.S. Congress in 2003 included S. 1925 and H.R. 3619, both to be cited as the "Employee Free Choice Act of 2003." These bills would make a number of changes to the NLRA, including allowing union certification on the basis of card authorizations designating a union as the bargaining representative, requiring binding arbitration if the parties are unable to agree on an initial contract after 90 days of bargaining, and increasing penalties against employers for violations of worker rights when employees are attempting to organize a union or to negotiate a first contract.

Summary of Bill:

The Washington Legislature requests the U.S. Congress to enact the Employee Free Choice Act of 2003, or substantially similar legislation, based on certain findings, including that the United Nations has adopted labor standards under the Declaration of Human Rights. Worker rights in the United States are increasingly eroded according to reports of Human Rights Watch, and federal law does not provide effective remedies.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: The freedom for workers to organize for bargaining collectively is guaranteed in principle in American law, but is not guaranteed in practice. Employer tactics have had a devastating effect on employee rights. Society pays a huge price for the suppression of these rights, including suppression of wages, weakened safety nets, and impacts on the fabric of society. A Human Rights Watch survey had disturbing findings regarding the number and types of human rights violations in the United States. It showed that illegal reprisals against workers and tactics such as mandatory captive audiences, with veiled threats, have grown over the last several decades, and that these tactics occur in a majority of union campaigns. About 24,000 workers have suffered illegal discrimination when exercising their rights. Changes to the NLRA would create a fair system for workers trying to organize a union. Workers have many stories about the difficulties of forming a union in this country. Management anti-union tactics that they have experienced include delaying elections, creating an atmosphere of fear and distrust with videos and other materials, pitting workers against other workers, using threats regarding jobs, wages or working conditions, supporting "vote no" committees, and spending money on tactics that should be used to support the business goals. Many

workers give up as they learn that the law does not protect their jobs or their rights. Employees act at their own risk under current law, because employers are able to "cleanse" the workplace of union activists. Even if the union wins the election, the employer will engage in surface bargaining to avoid a first contract. It takes years to get these unfair labor practices adjudicated at the NLRB and the courts. The bill before the Congress would address several fairness issues: (1) avoid coercive elections by allowing certification of a bargaining representative through card authorizations; (2) avoid surface bargaining by the employer by requiring mediation and interest arbitration for an initial contract if the parties do not reach agreement in 90 days; and (3) deter illegal activities by creating stronger penalties, including injunctions, treble damages, and civil penalties. There are some model workplaces where employees and employers have shown that cooperation can improve both working conditions and the business.

Testimony Against: None.

Persons Testifying: Bob Gorman, AFL-CIO; Linda Wolfe, Service Employees International Union; Karen Prade, United Food and Commercial Workers; Woody Bebout; Mary Green; Erik Nicholson, United Farm Workers of America; and Jeff Johnson, Washington State Labor Council.

Persons Signed In To Testify But Not Testifying: None.