
Commerce & Labor Committee

HB 2926

Brief Description: Protecting the human rights of workers to organize.

Sponsors: Representatives Conway, Wood, Hudgins, Campbell, Darneille, Simpson, G., Kenney, McDermott and Ormsby.

Brief Summary of Bill

- Allowing a hearing before the Washington Human Rights Commission when a person's right to form, join, or assist a labor organization is interfered with, restrained, or covered by another.

Hearing Date: 1/27/04

Staff: Chris Cordes (786-7103).

Background:

Various state and federal laws address the rights of workers to bargain collectively over working conditions.

Under Washington law, it is lawful for workers to organize themselves into or carry on labor unions for the purpose of lessening the hours of labor, increasing the wages, or bettering the conditions of the members of such organizations. The state superior courts have jurisdiction over claims brought under this statute.

The federal National Labor Relations Act (NLRA) states that workers under the NLRA's 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.

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. The International Labour Organization, a UN specialized agency, has adopted international labour standards, including several fundamental standards relating to the right to organize and join organizations of the workers' own choosing, and the right to adequate protection against acts of anti-union discrimination. These standards are enforced through the Committee on Freedom of

Association, which may hear petitions from governments or worker or employer associations that member states are not respecting the basic principles of freedom of association, and through the Fact-Finding and Conciliation Commission on Freedom of Association, which hears petitions referred by the ILO governing body.

Other federal treaties may provide protections for labor rights. For example, the North American Agreement on Labor Cooperation (NAALC), a supplemental agreement to the North American Free Trade Agreement, addresses 11 fundamental labor principles, including the right of freedom of association and the right to bargain collectively. The agreement includes a process for filing complaints under NAALC rules.

Summary of Bill:

The Legislature states findings that:

- human rights include fundamental worker rights, such as the right to freedom of association and the effective recognition of the right to bargain collectively over terms and conditions of employment;
- various state and federal laws and federal treaties include worker rights to bargain collectively; and
- adequate protection of these rights is needed.

A person may file a petition with the Washington Human Rights Commission (Commission) if the person is aggrieved because the exercise of his or her right under state or federal law, including treaties or other agreements of the United States, to form, join, or assist a labor organization is interfered with, restrained, or coerced by another.

The Commission must request appointment of an administrative law judge (ALJ) to hear the petition and, within 30 days of the hearing, to issue findings of fact determining whether the petitioner's rights were interfered with, restrained, or coerced. Within 20 days of receiving the findings, either party may request the Commission to reconsider the ALJ's determination. The further determinative order of the Commission is final and not subject to further Commission or judicial review.

Rules Authority: The bill does not contain provisions addressing the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.