

HOUSE BILL REPORT

HJM 4008

As Reported by House Committee On:
Commerce & Labor

Brief Description: Requesting that Congress enact the Employee Free Choice Act.

Sponsors: Representatives Conway, Campbell, Green, Appleton, Hasegawa, VanDeWege, Ormsby, Moeller, Chase, Cody, Wood, Miloscia, Williams, Hunt, Dickerson, Morrell, Sells, Flannigan, Ericks and Kenney.

Brief History:

Committee Activity:

Commerce & Labor: 2/22/07, 2/23/07 [DPS].

Brief Summary of Substitute Bill

- Petitions the U.S. Congress to enact the Employee Free Choice Act to protect workers' rights to organize.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Do not pass. Signed by 2 members: Representatives Condotta, Ranking Minority Member and Chandler, Assistant Ranking Minority Member.

Staff: Jill Reinmuth (786-7134).

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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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.

A bill introduced in the U.S. Congress is H.R. 800, to be cited as the "Employee Free Choice Act." This bill 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 mediation and 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 Substitute Bill:

The Washington Legislature requests the U.S. Congress to enact the Employee Free Choice Act, or substantially similar legislation, based on legislative findings, including that the freedom to form and join a union is recognized under federal law and the Universal Declaration of Human Rights, that this right is essential to economic opportunity and good living standards, and that this freedom to form unions and bargain for a better life is routinely denied.

Substitute Bill Compared to Original Bill:

The numbers of the bills before the 109th Congress are replaced with the number of the bill before the 110th Congress.

Appropriation: None.

Fiscal Note: Not requested.

Staff Summary of Public Testimony:

(In support) The timing is excellent. The Employee Free Choice Act moved out of Committee last week, and should be before the House by late spring.

The nation's labor law is broken. Human Rights Watch reports that the law is violated with impunity and that the United States is violating international labor standards. Every 17 minutes, a worker is illegally fired. One out of four companies fire at least one worker in union election campaigns. Three out of four employers hire anti-union consultants.

The Employee Free Choice Act makes changes to the National Labor Relations Act. It creates a cross check process for certifying bargaining representatives, provides for mediation and

arbitration for first contracts, and establishes meaningful penalties for labor law violations. It is moving forward with bipartisan support.

Democracy in the workplace is important. Over the years, I have become convinced that we need a better system to guarantee democracy in the workplace. Despite labor laws, workers are illegally fired and tens of thousands receive back pay. Workers are subjected to efforts to discourage unionization.

(Opposed) We support the right of workers to decide whether or not they want to form a union. Current law requires a secret ballot. There is a lot at stake in these decisions for employers and for employees. A secret ballot is key to making a free choice.

Small businesses are susceptible to the complicated restrictions of this act. Private elections are a better method. Interest arbitration would cause small businesses to lose their voice.

Persons Testifying: (In support) Jeff Johnson, Washington State Labor Council; Congressman Jay Inslee; and Kurtis Chaffin.

(Opposed) Dan Fazio, Washington Farm Bureau; and Carolyn Logue, National Federation of Independent Business.

Persons Signed In To Testify But Not Testifying: None.