



THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 50 Session of 2011

INTRODUCED BY METCALFE, RAPP, CREIGHTON, COX, AUMENT, BEAR, BLOOM, BOYD, CLYMER, CUTLER, DENLINGER, EVERETT, GILLEN, GINGRICH, GRELL, GROVE, HARPER, HELM, HICKERNELL, KAUFFMAN, M. K. KELLER, MAJOR, MALONEY, MILLER, MOUL, OBERLANDER, REICHLEY, ROAE, ROCK, SAYLOR, SCHRODER, SIMMONS, STEVENSON, SWANGER AND TALLMAN, APRIL 5, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 5, 2011

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 bargaining, penalties and remedies.

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 and  
6 freedom and is against the public policy of this Commonwealth.

7 The General Assembly of the Commonwealth of Pennsylvania

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8 hereby enacts as follows:

9 Section 1. Short title.

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

12 Section 2. Definitions.

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

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

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

23 Section 3. Prohibited conditions of employment.

24 (a) Membership.--No person may be required to become or  
25 remain a member of a labor organization as a condition of  
26 employment or continuation of employment.

27 (b) Abstention from membership.--No person may be required  
28 to abstain or refrain from membership in a labor organization as  
29 a condition of employment or continuation of employment.

30 (c) Dues, fees and charges.--No person may be required to

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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. Bargaining.

5 Notwithstanding section 606 of the act of July 23, 1970  
6 (P.L.563, No.195), known as the Public Employe Relations Act, or  
7 any other statute to the contrary, an employee organization  
8 acting as an exclusive representative shall owe no duty to, and  
9 shall have no obligation to represent, an employee who is not a  
10 member of the employee organization in any grievance or other  
11 proceeding filed with or against an employer.

12 Section 5. Penalty.

13 A person commits a misdemeanor of the third degree, and

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14 shall, upon conviction, be sentenced to pay a fine of not more  
15 than \$1,000 or to imprisonment for not more than six months, or  
16 both, with each day of violation constituting a separate  
17 offense, if the person does any of the following:

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

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

22 (3) Engages in any lockout, layoff, strike, work  
23 stoppage, slowdown, picketing, boycott or other action or  
24 conduct that has the purpose or effect of imposing upon any  
25 person, directly or indirectly, any requirement or compulsion  
26 prohibited by this act.

27 Section 6. Relief.

28 Notwithstanding any other law to the contrary, a person  
29 injured or threatened with injury by any action or conduct  
30 prohibited by this act shall be entitled to injunctive relief

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1 and to damages for any injuries sustained.

2 Section 7. Repeals.

3 All acts and parts of acts are repealed insofar as they are  
4 inconsistent with this act.

5 Section 8. Effective date.

6 This act shall take effect in 60 days.

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