



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0310/P1
JAM:kjf

DOA:.....Kirschbaum, BB0056 - Repeal right to work

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Eliminating the right-to-work law

The current right-to-work law prohibits a person from requiring, as a condition of obtaining or continuing employment, an individual to refrain or resign from membership in a labor organization, to become or remain a member of a labor organization, to pay dues or other charges to a labor organization, or to pay any other person an amount that is in place of dues or charges required of members of a labor organization. This bill repeals these prohibitions and the associated misdemeanor offense for violating the right-to-work law.

The bill explicitly provides that, when an all-union agreement is in effect, it is not an unfair labor practice to encourage or discourage membership in a labor organization or to deduct labor organization dues or assessment from an employee's earnings. The bill sets conditions under which an employer may enter in an all-union agreement. The bill also sets conditions for the continuation or termination of all-union agreements, including that, if WERC determines there is reasonable ground to believe employees in an all-union agreement have changed their attitude about the agreement, WERC is required to conduct a referendum to determine whether the employees wish to continue the agreement. WERC is required to terminate an all-union agreement if it finds the union unreasonably refused to admit an employee into the union.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 111.01 of the statutes is created to read:

111.01 Declaration of policy. The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this subchapter is enacted, is declared to be as follows:

(1) It recognizes that there are 3 major interests involved, namely: the public, the employee, and the employer. These 3 interests are to a considerable extent interrelated. It is the policy of the state to protect and promote each of these interests with due regard to the situation and to the rights of the others.

(2) Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all of these interests. They are largely dependent upon the maintenance of fair, friendly, and mutually satisfactory employment relations and the availability of suitable machinery for the peaceful adjustment of whatever controversies may arise. It is recognized that certain employers, including farmers, farmer cooperatives, and unincorporated farmer cooperative associations, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production that require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted, in the conduct of their controversy, to intrude directly into the primary rights of 3rd parties

to earn a livelihood, transact business, and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, restraint, or coercion.

(3) Negotiations of terms and conditions of work should result from voluntary agreement between employer and employee. For the purpose of such negotiation an employee has the right, if the employee desires, to associate with others in organizing and bargaining collectively through representatives of the employee's own choosing, without intimidation or coercion from any source.

(4) It is the policy of the state, in order to preserve and promote the interests of the public, the employee, and the employer alike, to establish standards of fair conduct in employment relations and to provide a convenient, expeditious, and impartial tribunal by which these interests may have their respective rights and obligations adjudicated. While limiting individual and group rights of aggression and defense, the state substitutes processes of justice for the more primitive methods of trial by combat.

SECTION 2. 111.04 (1) and (2) of the statutes are consolidated, renumbered 111.04 and amended to read:

111.04 Rights of employees. Employees shall have the right of self-organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. ~~(2) Employees shall also have the right to refrain from self-organization; forming, joining, or assisting labor organizations; bargaining collectively through representatives; or engaging in activities for the purpose of collective bargaining or other mutual aid or protection such activities.~~ such activities.

SECTION 3. 111.04 (3) of the statutes is repealed.

SECTION 4. 111.06 (1) (c) of the statutes is amended to read:

111.06 (1) (c) To encourage or discourage membership in any labor organization, employee agency, committee, association, or representation plan by discrimination in regard to hiring, tenure, or other terms or conditions of employment except in a collective bargaining unit where an all-union agreement is in effect. An employer may enter into an all-union agreement with the voluntarily recognized representative of the employees in a collective bargaining unit, where at least a majority of such employees voting have voted affirmatively, by secret ballot, in favor of the all-union agreement in a referendum conducted by the commission, except that where the bargaining representative has been certified by either the commission or the national labor relations board as the result of a representation election, no referendum is required to authorize the entry into an all-union agreement. An authorization of an all-union agreement continues, subject to the right of either party to the all-union agreement to petition the commission to conduct a new referendum on the subject. Upon receipt of the petition, if the commission determines there is reasonable ground to believe that the employees concerned have changed their attitude toward the all-union agreement, the commission shall conduct a referendum. If the continuance of the all-union agreement is supported on a referendum by a vote at least equal to that provided in this paragraph for its initial authorization, it may continue, subject to the right to petition for a further vote by the procedure under this paragraph. If the continuance of the all-union agreement is not supported on a referendum, it terminates at the expiration of the contract of which it is then a part or at the end of one year from the date of the announcement by the commission of the result of the referendum, whichever is earlier. The commission shall declare any all-union agreement terminated

whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employee of such employer. An interested person may, as provided in s. 111.07, request the commission to perform this duty.

SECTION 5. 111.06 (1) (e) of the statutes is amended to read:

111.06 (1) (e) To bargain collectively with the representatives of less than a majority of the employer's employees in a collective bargaining unit, or to enter into an all-union agreement except in the manner provided in par. (c).

SECTION 6. 111.06 (1) (i) of the statutes is amended to read:

111.06 (1) (i) To deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable at the end of any year of its life by the employee giving to the employer at least 30 days' written notice of the termination. ~~This paragraph applies to the extent permitted under federal law unless there is an all-union agreement in effect. The employer shall give notice to the labor organization of receipt of a notice of termination.~~

SECTION 7. 947.20 of the statutes is repealed.

(END)