



2023 ASSEMBLY BILL 539

October 18, 2023 - Introduced by Representatives SINICKI, SHANKLAND, OHNSTAD, NEUBAUER, SUBECK, CONLEY, HONG, JOERS, EMERSON, CABRERA, STUBBS, SNODGRASS, SHELTON, RATCLIFF, J. ANDERSON, CONSIDINE, C. ANDERSON, GOYKE, PALMERI and DRAKE, cosponsored by Senators SPREITZER, L. JOHNSON, AGARD, LARSON, HESSELBEIN, ROYS, CARPENTER and PFAFF. Referred to Committee on Labor and Integrated Employment.

1 **AN ACT to repeal** 111.04 (3) and 947.20; **to consolidate, renumber and amend**
2 111.04 (1) and (2); **to amend** 111.06 (1) (c), 111.06 (1) (e) and 111.06 (1) (i); and
3 **to create** 111.01 of the statutes; **relating to:** eliminating the right-to-work
4 law.

Analysis by the Legislative Reference Bureau

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 assessments from an employee's earnings. The bill sets conditions under which an employer may enter into an all-union agreement. The bill also sets conditions for the continuation or termination of all-union agreements, including that, if the Wisconsin Employment Relations Commission 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

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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:

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

2 **111.01 Declaration of policy.** The public policy of the state as to employment
3 relations and collective bargaining, in the furtherance of which this subchapter is
4 enacted, is declared to be as follows:

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

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

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

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

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

15 **SECTION 2.** 111.04 (1) and (2) of the statutes are consolidated, renumbered
16 111.04 and amended to read:

17 **111.04 Rights of employees.** Employees shall have the right of
18 self-organization and the right to form, join or assist labor organizations, to bargain
19 collectively through representatives of their own choosing, and to engage in lawful,
20 concerted activities for the purpose of collective bargaining or other mutual aid or
21 protection. ~~(2) Employees shall also have the right to refrain from self-organization;~~
22 ~~forming, joining, or assisting labor organizations; bargaining collectively through~~
23 ~~representatives; or engaging in activities for the purpose of collective bargaining or~~
24 ~~other mutual aid or protection~~ such activities.

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

ASSEMBLY BILL 539**SECTION 4**

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

2 111.06 (1) (c) To encourage or discourage membership in any labor
3 organization, employee agency, committee, association, or representation plan by
4 discrimination in regard to hiring, tenure, or other terms or conditions of
5 employment except in a collective bargaining unit where an all-union agreement is
6 in effect. An employer may enter into an all-union agreement with the voluntarily
7 recognized representative of the employees in a collective bargaining unit, where at
8 least a majority of such employees voting have voted affirmatively, by secret ballot,
9 in favor of the all-union agreement in a referendum conducted by the commission,
10 except that where the bargaining representative has been certified by either the
11 commission or the national labor relations board as the result of a representation
12 election, no referendum is required to authorize the entry into an all-union
13 agreement. An authorization of an all-union agreement continues, subject to the
14 right of either party to the all-union agreement to petition the commission to conduct
15 a new referendum on the subject. Upon receipt of the petition, if the commission
16 determines there is reasonable ground to believe that the employees concerned have
17 changed their attitude toward the all-union agreement, the commission shall
18 conduct a referendum. If the continuance of the all-union agreement is supported
19 on a referendum by a vote at least equal to that provided in this paragraph for its
20 initial authorization, it may continue, subject to the right to petition for a further
21 vote by the procedure under this paragraph. If the continuance of the all-union
22 agreement is not supported on a referendum, it terminates at the expiration of the
23 contract of which it is then a part or at the end of one year from the date of the
24 announcement by the commission of the result of the referendum, whichever is
25 earlier. The commission shall declare any all-union agreement terminated

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

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

5 111.06 (1) (e) To bargain collectively with the representatives of less than a
6 majority of the employer's employees in a collective bargaining unit, or to enter into
7 an all-union agreement except in the manner provided in par. (c).

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

9 111.06 (1) (i) To deduct labor organization dues or assessments from an
10 employee's earnings, unless the employer has been presented with an individual
11 order therefor, signed by the employee personally, and terminable at the end of any
12 year of its life by the employee giving to the employer at least 30 days' written notice
13 of the termination. ~~This paragraph applies to the extent permitted under federal law~~
14 unless there is an all-union agreement in effect. The employer shall give notice to
15 the labor organization of receipt of a notice of termination.

16 **SECTION 7.** 947.20 of the statutes is repealed.

17 (END)