

Amendment 47 Prohibition on Mandatory Labor Union Membership and Dues

1 **Amendment 47 proposes amending the Colorado Constitution to:**

- 2 ♦ prohibit requiring an employee to join and pay any dues or fees to a
- 3 labor union as a condition of employment; and
- 4 ♦ create a misdemeanor penalty for violation of this law.

5 **Summary and Analysis**

6 ***Requirements for union membership today.*** All employees have the right to
7 join a workplace union as a means for negotiating with their employer over issues
8 such as pay, benefits, and working conditions.

9 The procedure to form a union in the private sector is outlined in federal and
10 Colorado law. The decision to be represented by a union must be approved by a
11 majority vote of the employees. At this point, membership and payment of dues is
12 voluntary. Once a union is in place, private-sector employees in Colorado may vote to
13 include, as part of the collective bargaining process, a requirement that all employees,
14 including those who choose not to join the union, pay their share of the cost of
15 collective bargaining as a condition of employment.

16 Neither federal nor Colorado law regulates the formation of unions for most state
17 and local public employees, such as teachers or government workers. In the public
18 sector, the employer decides how to recognize and interact with any prospective
19 union. The collective bargaining agreement sets forth requirements for membership
20 and payment of dues. It can require public employees who choose not to join the
21 union to pay their share of the cost of collective bargaining.

22 ***Requirements for union membership under Amendment 47.*** Amendment 47
23 applies to all employees, whether working in the public or private sector. It eliminates
24 the possibility that any employee can be required to pay for the cost of collective
25 bargaining or join a union as a condition of employment. Violation of this law carries
26 the highest-level misdemeanor fine, which is currently a fine of between \$500 and
27 \$5,000.

28 Amendment 47 defines a labor union to include organizations that deal with
29 employers over employee issues such as wages, rates of pay, hours of work,
30 grievances, and other conditions of employment, and organizations that provide
31 mutual aid or protection in connection with employment.

Blue Book

1 **Arguments For**

2 1) Banning mandatory union membership and dues gives employees the freedom
3 to choose how to participate in union activities. No one should be required to join a
4 union or contribute financially to a union as a condition of employment. Removing
5 these obstacles to employment creates greater flexibility for both job seekers and
6 employers.

7 2) States with laws like Amendment 47 are often viewed as more business
8 friendly. Most of Colorado's neighboring states have laws similar to Amendment 47,
9 and labor laws are a factor that businesses consider when deciding where to relocate
10 or expand. Therefore, the measure may help the state as it competes with other
11 states for new jobs and business investment.

12 **Arguments Against**

13 1) States with laws like Amendment 47 are often viewed as less worker friendly.
14 Under Amendment 47, employees can avoid paying their fair share for representation
15 to improve wages, health care benefits, and workplace safety because federal law
16 requires that all private-sector employees receive the benefits of collective bargaining,
17 whether they are union members or not. Labor unions with fewer resources are not as
18 effective in standing up for the interests of all employees.

19 2) Amendment 47 may define labor union too broadly. By defining labor union to
20 include organizations that provide mutual aid or protection, employers may be banned
21 from requiring employees to belong to organizations that promote workplace safety or
22 provide job-related education programs.

23 **Estimate of Fiscal Impact**

24 Other than potential fine revenue, Amendment 47 is not expected to affect state or
25 local government revenue or spending.