

Amendment 47
Prohibition on Mandatory Labor Union 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 **Forming a union.** Federal law gives private-sector employees the right to join a
7 workplace union as a means for negotiating with their employer over issues such as
8 pay, benefits, and working conditions. The decision to be represented by a particular
9 union must be approved by a majority vote of the employees. When a union is
10 formed, membership and payment of dues is voluntary.

11 Neither federal nor state law regulates the formation of unions for public
12 employees, such as teachers or government workers.

13 **Forming an all-union agreement.** Once a union is in place, state law allows
14 employees in Colorado to seek an all-union agreement. Under an all-union
15 agreement, all employees, including those who choose not to join the union, must pay
16 their share of the cost of collective bargaining.

17 **Impact of Amendment 47.** Amendment 47 applies to all employees, whether
18 working in the public or private sector. It eliminates all-union agreements and the
19 possibility that an employee can be required to pay for the cost of collective bargaining
20 or join a union as a condition of employment. Violation of this law carries the
21 highest-level misdemeanor fine, which is currently a fine of between \$500 and \$5,000.

22 **Arguments For**

23 1) Banning mandatory union dues allows workers the freedom to choose whether
24 to contribute financially to union activities. No one should be required to make
25 payments to a union as a condition of employment. Removing this obstacle to
26 employment creates greater flexibility for both job seekers and employers.

27 2) States with laws like Amendment 47 are often viewed as more business
28 friendly. Most of Colorado's neighboring states have laws similar to Amendment 47.
29 Colorado may see job growth from businesses that expand or relocate here because
30 regional differences in labor laws are a consideration for businesses when deciding
31 where to invest.

1 **Arguments Against**

2 1) Amendment 47 allows workers to receive the benefits of union representation
3 without paying their fair share for collective-bargaining activities. Since unions are
4 legally obligated to represent all employees in collective-bargaining negotiations,
5 unions and their members will be forced to support those who are not willing to
6 contribute.

7 2) Workers deserve a strong union that can negotiate for the best salary
8 increases, workplace safety, retirement plans, and health care benefits. The more
9 workers who belong and contribute money to a union, the stronger the union's position
10 to pursue favorable benefits for employees. This measure may result in decreased
11 union membership and weaken the ability of unions to negotiate for employee
12 benefits.

13 **Estimate of Fiscal Impact**