

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;
- 4 ◆ define labor union; and
- 5 ◆ create a misdemeanor penalty for violation of this law.

6 **Summary and Analysis**

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

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

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

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

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

27 **Arguments For**

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

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

6 **Arguments Against**

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

13 2) Amendment 47 defines labor union too broadly. By defining labor union to
14 include organizations that provide mutual aid or protection, employers may be banned
15 from requiring employees to belong to organizations that promote workplace safety or
16 provide job-related education programs.

17 **Estimate of Fiscal Impact**

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