

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 as a condition of employment.

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 employees the freedom to choose
24 whether to contribute financially to union activities. No one should be required to
25 make 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
28 business-friendly. Most of Colorado's neighboring states have laws similar to
29 Amendment 47. Therefore, Colorado may see job growth from businesses that
30 expand or relocate here because regional differences in labor laws are a consideration
31 for businesses when deciding where to invest.

1 **Arguments Against**

2 1) Amendment 47 allows employees to benefit from union representation without
3 paying their fair share for collective-bargaining activities that seek to improve wages,
4 health care benefits, and workplace safety. Unions are legally obligated to represent
5 all employees in collective-bargaining negotiations. Amendment 47 shifts the burden
6 of paying these costs to union members to support employees who are not willing to
7 contribute.

8 2) The language of Amendment 47 defines labor union so broadly that
9 membership in organizations that promote education and workplace safety may fall
10 under the definition of labor union. As a result, employers may be banned from
11 requiring employees to belong to organizations that provide mutual aid or protection.

12 **Estimate of Fiscal Impact**

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