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Good afternoon. I would like to thank Chairman Lindberg and the rest of the Labor Committee for allowing me this opportunity to testify in support of House Bill 4467, the "Worker Freedom Act". I would also like to thank Representative Meadows for his tireless efforts on this bill and the rights of employees across the state, both this legislative session and last session. My name is Cynthia Ann Paul and I am testifying on behalf of the Service Employees International Union (SEIU), which currently represents 82,000 workers here in the state of Michigan and 2-million workers nationwide.

SEIU views a worker's right to organize and join a union as paramount. The right to form a union is also a fundamental right here in the United States with the passage of the National Labor Relations Act (NLRA) in 1935, which stated as follows:

"It is hereby declared to be the policy of the United States to encourage the practice and procedure of collective bargaining... Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." -National Labor Relations Act (29 USCA Section 157 (1994))

Throughout the years, the National Labor Relations Board and the courts have emphasized the NLRA's purpose as that of promoting industrial peace. On the other hand, the author of the NLRA, Senator Wagner, "saw the act as a weapon against the depression, which he attributed to under consumption caused by too unequal a distribution of wealth. Collective bargaining, he thought would both restore an element of fairness and industrial democracy to the workplace, and redistribute wealth in such a way as to reinvigorate the economy."¹

The freedom to form a trade union was also recognized as a basic human right guaranteed by the 1948 Declaration of Human Rights

Currently, there are 57 million U.S. workers, who say that they would join a union if they could. But when workers try to gain a union voice on the job, employers respond with intimidation, harassment and, yes, even retaliation. In fact, each year millions of dollars are spent by anti-union businesses to frustrate workers' efforts to form unions and most of these violations occur behind

¹ Christopher L. Tomlins, *The State and the Unions: Labor Relations, Law, and the Organized Labor Movement in America, 1880-1960*, 103-40 (1985)



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closed doors, with 78 percent of employers forcing employees to attend mandatory anti-union meetings.

The "Worker Freedom Act" will help to end these closed door meetings that interfere with employees' rights to form a union, by prohibiting employers from requiring employees to attend and participate in an employer sponsored meeting espousing the employer's opinion on religious or political matters, including unionization. The bill also allows an employee to bring a civil action for enforcement, damages and equitable relief and protects employees from retaliation by the employer.

Once again thank you for allowing me this opportunity to testify. SEIU fully supports the "Worker Freedom Act", which further protects a worker's freedom to lawfully join a union without employer interference and to establish meaningful penalties for violations of a worker's freedom to choose and join a union.

Respectfully Submitted:

Cynthia Ann Paul, Esq., SEIU Michigan Legislative Director



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

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June 17, 2009

TO: Members of the House Labor Committee
FROM: Nadine Nosal, Legislative Coordinator, UAW MI CAP
SUBJECT: House Bill No. 4467 - Worker Freedom Act

The International UAW represents nearly 400,000 active and retired members in both the private and public sectors here in Michigan.

The UAW urges your support and affirmative vote on House Bill No. 4467 – the Worker Freedom Act. By passing this bill you will protect employees from being forced to attend any employer meeting at which the primary purposes of the meeting is to present the employer's opinion about a political or religious matter, including the employer's opinion about whether its employees should join or form a union. I will focus my comments to the impact of this bill on union organizing.

Without a specific state law prohibiting meetings such as these, employers have the unlimited right to force their workers to attend such mandatory meetings, totally control what is presented, and limit or prohibit a free exchange of issues or discussion. This creates fear in the employees and can put them at risk of losing their jobs. People need to hold onto their jobs, especially in the current economy, and federal law does not specifically prohibit "captive-audience" meetings where employers can attempt to discourage the formation or joining a union.

House Bill No. 4467 does not impact an employer's ability to require employee attendance at meetings that are directly related to the employee's job performance. It does not stop employers from holding meetings designed to express an employer's opinion about religious, political or joining/forming a union where the employee is **voluntarily** in attendance. This bill will protect all workers in both management and non-management positions. An employer will still be able to communicate their views to employees through less intrusive means such as posting notices, sending letters, etc.

In talking to our UAW organizers they said employers already have a huge advantage over the union organizer. Employers can hold voluntary meetings on company property on company time and can communicate with employees during the work day. Those employees attempting to form a union are **not** permitted to hold union meetings on company property on company time and must hold any meetings outside of work or contact employees at their homes.

Employers also have access to employee information such as home addresses and telephone numbers. Union organizers must build employee by employee, one at a time, this same information base.

Union organizers cannot force a person to want to join or form a union. Resources are scarce so an organizer's time is spent where employees have expressed an interest in forming or joining a union. Often times an employer's resources are limitless in their ability to counter their employees' desire to unionize.

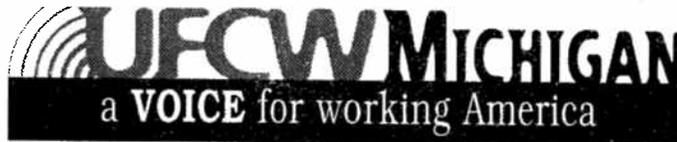
Ultimately, House Bill No. 4467 is a pro-human rights issue. "Captive audience" speeches or meetings to impose an employer's views on religious, political or union formation with the underlying or implied threat to a person's job security is a violation of that person's human right.

Labor unions are part of the American tradition. They give a voice to working families and have helped create the middle class in this country by negotiating wages and benefits that have raised the living standards for all Americans. This bill does not create an advantage for either management or labor; it protects employees from being forced by their employer to attend specific non-job related meetings without fear of losing their jobs.

It is for these many and varied reasons the UAW is asking your support of House Bill No. 4467.

Thank you.

Roger Robinson
Local 876 President
876 Horace Brown Dr.
Madison Heights, MI 48071



Marv Russov
Local 951 President
3270 Evergreen Dr. NE
Grand Rapids, MI 49525

United Food and Commercial Workers International Union

Statement of Chris Michalakis
Legislative Director of United Food and Commercial Workers Locals 951 and 876

Before the House Labor Committee on HB 4467
June 17, 2009

The United Food and Commercial Workers (UFCW) represents approximately 50,000 workers across the state of Michigan. Our members work in grocery stores, retail stores, food processing plants, drug stores, hair care professions, as well as manufacturing plants.

UFCW supports House Bill 4467, as it would protect workers by giving them a choice on attending political or religious meetings. While some may question the need for this law, UFCW has seen firsthand the consequences of these forced meetings. I would also like to add that before working for the UFCW, I personally was forced to sit through mandatory anti-union meetings, where I was lied to, threatened, and while I did not know it at the time- witnessed violations of the National Labor Relations Act. These violations, of course, went uninvestigated and unpunished.

My negative experiences are nothing compared to what my sisters and brothers in the retail industry have seen- companies threaten to close up, or threaten to deprive workers of public assistance- or even go as far as threaten the moral and religious character of workers who choose to belong to a union.

Last summer, however, we all learned about the unthinkable happening- Wal-Mart stores across the country held mandatory meetings where workers were forced to hear their management dissuade them from voting for President Obama due to Obama's position on the Employee Free Choice Act. Imagine if the largest employer of your constituents had their frontline managers tell your constituents that a vote for you would have negative consequences for them.

I could go on and on about other similar incidents at these mandated meetings- but there is not enough time. UFCW feels as though workers should have the right to not be threatened, the right to not be lied to, and the right to not have their morals and values challenged in front of their peers. Unfortunately, these types of meetings occur all the time, and HB 4467 will give workers the right to protect themselves in their workplace.

With that, I urge the committee to vote "yes" on House Bill 4467. Thank you for your time Mr. Chair, and I would be happy to answer any questions.



WORKERS FREEDOM ACT

WHEREAS: Forming or joining a labor union is a right of workers that is established by law; and

WHEREAS: Each year millions of dollars are spent by anti-union businesses to frustrate workers' and thwart their efforts to form unions; and

WHEREAS: Most violations of workers freedom to choose a union occur behind closed doors, with 78 percent of employers forcing employees to attend mandatory anti-union meetings; and

WHEREAS: HB-4467 was introduced in the Michigan House of Representatives to establish the right of employees to pursue employment free from religious and political indoctrination; to limit employment actions based on attendance at, or receptivity to, employer-selected political or religious programs or communications; to prohibit retaliation for reporting or pursuing a remedy for a suspected violation of the act; and to provide sanctions and remedies; now

THEREFORE BE IT RESOLVED: That the Michigan State AFL-CIO support this bill and/or similar legislation that provides for workers' freedom to lawfully join a union without employer interference and to establish meaningful penalties for violations of a worker's freedom to choose a union.



Michigan National Organization for Women

Post Office Box 860
East Lansing, Michigan 48826
(517) 485-9687
www.michnow.org

June 17, 2009

Honorable Steve Lindberg, Chair
House Labor Committee
House Office Building
Lansing, Michigan

Dear Representative Lindberg and Committee Members:

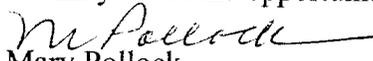
The Michigan National Organization for Women generally supports the intent of HB 4467, the Worker Freedom Act.

Our understanding of the bill is that its aim is to protect employees from punishment if they decide not to attend employer-mandated meetings the content of which expresses the religious or political viewpoint of the employer. We do not interpret the bill to prohibit employers from offering programs to meet candidates or hear political or religious messages as long as attendance is voluntary and there is no retaliation for non-attendance.

The reason why we are interested in the bill is that the role of women and men in society and therefore at the workplace is considered both a religious and political issue. Likewise sexual orientation, gender identity, and gender expression are considered both religious and political issues. Most religious and political organizations have adopted policies regarding the role of men and women in society and with regard to their sexuality. These sometimes conflict with federal, state, and local laws concerning these issues.

We want to call to your attention that federal and state law requires an employer to reasonably accommodate sincerely held religious beliefs of an employee. Sponsors may want to consider adding a provision that exempted from its coverage employee refusal to attend employer-mandated meetings concerning compliance with federal, state, or local law even if the content was adverse to the employee's religious or political beliefs.

Thank you for the opportunity to comment.


Mary Pollock
Legislative Vice President

NOW's purpose is to take action to bring women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men.



MEMORANDUM

To: Members of the House Labor Committee

From: Wendy Block, Michigan Chamber of Commerce

Subject: Chamber Opposes Gag Order on Employers (HB 4467)

Date: June 17, 2009

The purpose of this memorandum is to urge you to oppose HB 4467 (Meadows), legislation that interferes with managements' right to communicate with employees about unionization, political or religious issues. This pending legislation threatens to open employers to lawsuits for legitimate and necessary contacts with employees.

House Bill 4467 places a direct and overt limit on managements' First Amendment right to freely communicate with employees and is in conflict with Section 8(c) of the National Labor Relations Act, which gives employers the right to communicate with workers about unionization by holding mandatory meetings and/or disseminating written or printed materials so long as the dissemination of information does not contain threat of reprisal or promise of benefit. Furthermore, the legislation conflicts with Title VII of the federal Civil Rights Act of 1964, which imposes an obligation on employers to address religious issues in the workplace because the law prohibits employment discrimination based on, among other things, religion.

House Bill 4467 is drafted exceedingly broad and likely to invite litigation from an almost infinite variety of ideas and concepts. Consider the following:

- Would an employer be at risk of litigation arising from a mandatory meeting to address workplace harassment based on religion or to address the accommodation of individual religious issues?
- Would an employer be at risk of litigation arising from requiring employees to attend a lunch meeting at which they are urged to exercise their right to vote in an upcoming election?
- Would an employer be at risk of litigation if, in the face of a state of disaster, a mandatory meeting was called to encourage employees to volunteer their time with the Red Cross, United Way or other volunteer organization to help individuals in need?
- Would an employer be at risk of litigation if they held a meeting to inform workers of the firm's support for unionization under a neutrality agreement?

Michigan's business climate could use some good news. Unfortunately, the litigation landmine and administrative nightmares created by HB 4467 would be another dose of bad news for Michigan employers. We encourage you to oppose this legislation. If you have any questions, please do not hesitate to contact me at (517)371-2100.