



TO: The Honorable Members of the PA House Labor and Industry Committee
FROM: Alex Halper, Vice President, Government Affairs
DATE: April 25, 2023
RE: Comments on H.B. 950

On behalf of the PA Chamber, I submit the following comments regarding H.B. 950, which is the subject of a committee hearing today.

Background

H.B. 950 would amend the state constitution for the apparent purpose of prohibiting future lawmakers from enacting “Right to Work” legislation, which provides that individuals cannot be forced to join or contribute financially to a union as a condition of employment. We have concerns about the potential unintended consequences of H.B. 950, and the committee’s decision to prioritize this initiative.

Unintended Consequences

The public discussion around H.B. 950 focuses on Right to Work but the language in the bill is in fact ambiguous and potentially broader. It states, in part, that “No law shall be passed that interferes with, negates or diminishes the right of employees to organize...” Could this language be interpreted to prohibit, for example, legislation to promote parity and fair treatment between union and non-union workplaces?

Several sessions ago, the legislature passed and then-Gov. Tom Wolf signed Act 59 of 2015, which removed language from Pennsylvania’s crime code that had exempted parties engaged in a labor dispute from laws against harassment, stalking, and bomb threats. Some opponents of this bill at the time argued erroneously that removing these exemptions would allow law enforcement to interfere with lawful conduct during the course of a labor dispute. Could those same opponents have argued that Gov. Wolf violated the constitution by signing Act 59 of 2015, had H.B. 950 been the law at that time?

We urge the committee to carefully consider this language and its potential application to a broader range of public policy beyond simply Right to Work.

Competitiveness

Pennsylvania is in a fierce competition with other states, and even countries around the world, to attract new businesses and encourage existing Pennsylvania employers to remain and grow in the Commonwealth. Pennsylvania needs its lawmakers to embrace this competition in order to create

the Commonwealth we all want in which thriving businesses offer career-oriented jobs with family-sustaining wages.

The majority of states in the country have passed Right to Work laws and have highlighted this designation to attract employers and encourage economic development. States have also leveraged Right to Work to recruit individuals who prefer to not be represented by a union. After all, even H.B. 950 states that “Employees shall have the fundamental right to organize and to bargain collectively through *representatives of their own choosing...*” [emphasis added]. A nice sentiment but seemingly antithetical to a policy of forced union membership.

At any rate, it has been clear for many years, that Pennsylvania lawmakers are reluctant to pursue this policy. Accordingly, the PA Chamber has refrained from emphasizing Right to Work as a key priority, preferring instead to generally highlight policies for which there is bipartisan support, including workforce development, improving the tax climate, state permitting processes, etc.

Launching and focusing on an anti-Right to Work campaign, when there is no real possibility of Right to Work legislation advancing, would only seem to highlight political differences, foster divisiveness and send the wrong message to the public, as well as existing or potential Pennsylvania employers.

Thank you for considering our views on this matter.

Please contact Alex Halper at ahalper@pachamber.org or 717-645-8730 with questions or to discuss.