

HB 950: A Power Grab for Union Executives at the Expense of Workers

SUMMARY

- [House Bill 950](#) proposes an amendment to the Pennsylvania Constitution creating a “fundamental right to organize and bargain collectively” for both private and public sector employees.¹
- The proposed amendment would also prohibit the General Assembly from passing any law “that interferes with, negates or diminishes” this right, preventing lawmakers from addressing the unintended consequences of HB 950.
- By “constitutionalizing” union activity, **HB 950 will allow collective bargaining agreements to trump state law**. Moreover, lawmakers would be powerless to stop union executives from conducting unending strikes, bargaining in bad faith, or coercing employees into becoming members.
- The legislation is a carbon copy of the Illinois measure [narrowly approved](#) via referendum in November 2022.² Illinois is the only state in the nation with a constitutional amendment as radical as HB 950.

HOW HB 950 HARMS WORKERS

- Workers will no longer receive statutory protections when coercive union executives organize new workplaces or recruit new members.
- As a constitutional amendment, the language in HB 950 would immediately supersede laws designed to bolster worker rights including the [Public Employee Relations Act](#), [Pennsylvania Labor Relations Act](#), [Public School Code](#), and [Act 111](#).
- HB 950 expressly permits unions to require union membership as a condition of employment—something that has never been legal in the public sector and has not been legal in the private sector since the [1947 Taft-Hartley Act](#) made major changes to the U.S. [National Labor Relations Act \(NLRA\)](#).³
- There will be no legal limits on public sector strikes, allowing union executives to indefinitely shut down schools, government offices, and police and fire departments.
- Because HB 950 allows union executives to bargain over more than just wages and employment terms and conditions, they would hold undue authority over public employees’ professional lives.

HOW HB 950 HARMS PENNSYLVANIANS

- HB 950 encourages union executives to pursue expensive contracts that taxpayers are responsible for paying. These costly contracts would ultimately lead to tax increases and dire public employee pension debt.
- This amendment allows union executives to control public policy through the collective bargaining process. As such, union executives would seize control of school spending and curricula, provision of public healthcare, and professional licensing.
 - With collective bargaining superseding state law, employers or union executives could agree to contracts that other unions may find objectionable, such as paying workers less than the prevailing wage, disregarding state safety standards, protecting public employees accused of misconduct, or even allowing teachers to conceal carry in the classroom.⁴
- HB 950 would fortify the already undue leverage government unions use against good public policy reform. As it stands, government unions oppose school choice, criminal justice reform, and responsible fiscal policy.
- Unregulated striking power could shut down government services, including schools and emergency services for indefinite amounts of time at the whim of government union executives.

THE REAL BENEFICIARIES OF HB 950

- Union executives—not employees—gain the most from HB 950. In preventing the General Assembly from even “diminishing” the right to organize and bargain, unaccountable union executives would become more powerful than elected officials—through collective bargaining agreements that *trump state law*.
- Private sector union executives—chiefly governed by federal law—will remain subject to the National Labor Relations Act, which (for them) would prevail over HB 950.⁵ They have little to gain.

COMMON MYTHS ABOUT HB 950

- Myth: This is just about the private sector or trade unions.
 - **Fact: HB 950 applies to any “employee” in the private *or* public sector, but its impact will be far greater in the public sector because private sector employers are largely regulated under federal law and subject to the National Labor Relations Board’s jurisdiction.⁶**
- Myth: It’s just about preventing Right to Work.
 - **Fact: HB 950 will prevent the General Assembly from addressing compelled unionism, but it does far more than that. It overrides countless state laws and prevents the General Assembly from enacting any meaningful labor reforms in the private *and* public sectors.**
- Myth: It will help employees.
 - **Fact: HB 950 will help union executives, not employees. Public employees lose statutory protections from coercive union executives, and HB 950 attempts to force workers into becoming union members just to keep their job.**

HOW TO PROTECT WORKERS RIGHTS

- Enhancing democracy and increasing accountability for union executives is the path to protecting workers' rights. [Eighty-eight percent](#) of Pennsylvania voters believe unions should have to periodically run for reelection.⁷ Allowing workers to resign their union membership at any time and ending government's automatic payroll deduction of union dues are also popular.⁸ HB 950 would prevent the General Assembly from enacting these reasonable reforms.

¹ Rep. Elizabeth Fiedler (D, District 184), House Bill 950, Referred to Pa. House Labor and Industry Committee, April 17, 2023, <https://www.legis.state.pa.us/cfdocs/billInfo/BillInfo.cfm?year=2023&sind=0&body=H&type=B&bn=950>.

² Ballotpedia, "Illinois Amendment 1, Right to Collective Bargaining Measure (2022)," accessed April 28, 2023, [https://ballotpedia.org/Illinois_Amendment_1_Right_to_Collective_Bargaining_Measure_\(2022\)](https://ballotpedia.org/Illinois_Amendment_1_Right_to_Collective_Bargaining_Measure_(2022)); See also Illinois General Assembly, "Full Text of SJRCA0011," as adopted by House and Senate, May 26, 2021, <https://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=110&GA=102&DocTypeId=SJRCA&DocNum=11&GAID=16&LegID=&SpecSess=&Session=>.

³ National Labor Relations Board, "1947 Taft-Hartley Substantive Provisions," accessed April 28, 2023, <https://www.nlr.gov/about-nlr/who-we-are/our-history/1947-taft-hartley-substantive-provisions>; 29 U.S.C. §§ 151–169, <https://www.nlr.gov/guidance/key-reference-materials/national-labor-relations-act>.

⁴ David R. Osborne, "Pennsylvania House Labor & Industry Committee Testimony on HB 950," Commonwealth Foundation, April 26, 2022, <https://www.commonwealthfoundation.org/research/pennsylvania-house-labor-industry-committee-testimony-hb-950/>.

⁵ 29 U.S.C. §§ 151–169.

⁶ National Labor Relations Board, "Jurisdictional Standards," accessed April 28, 2023, <https://www.nlr.gov/about-nlr/rights-we-protect/the-law/jurisdictional-standards>.

⁷ Commonwealth Foundation, "PA Statewide Survey, Registered Voters," Public Opinion Strategies, May 2022, <https://www.commonwealthfoundation.org/wp-content/uploads/2022/06/Commonwealth-Foundation-PA-Survey.pdf>.

⁸ Commonwealth Foundation, "Four Bills Would Empower Workers & Protect Taxpayer Resources," January 25, 2022, <https://www.commonwealthfoundation.org/2022/01/25/bills-empowe-workers-protect-taxpayer-resources/>.