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## IN THE CONGRESS OF THE UNITED STATES

MAY 20, 2020

Authored by Rep. BERRY, Rep. JULIAN, Sen. RICCA  
Rep. JULIAN (for himself, Rep. CARTON, Rep. MITCHELL,  
Rep. SLEEK) introduced the following bill;

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## AN ACT

*To reinforce the labor system to ensure that the employer and employee have rights in labor relations and management and to implement an impartial collective bargaining system.*

*Be it enacted by the House of Representatives of the United States of America in Congress Assembled,*

### **PREAMBLE**

This Congress, acknowledging that—

- (a) Previous legislation and provisions create an unfair process in labor relations;
- (b) New legislation is needed to balance labor relations.

## **SECTION 1. SHORT TITLE, REPEALING, ENACTMENT, ET CETERA.**

- (a) This Act may be cited as the “Free Enterprise Structure Act of 2020”; the short title of this Act is the “Berry-Ricca-Julian Act”;
- (b) The following Acts are repealed in their entirety:
  - (1) The Taft-Hartley Act of 1947;
  - (2) Economic Growth, Regulatory Relief, and Consumer Protection Act of 2018;
- (c) This Act shall be enacted the day it is signed into law;
- (d) If any of the provisions of this act are declared unconstitutional they should be stricken without affecting the rest of the legislation;
- (e) All pre-existing legislation which contradicts the contents of this Act shall be declared null and void;
- (f) This bill shall supersede over existing legislation.

## **SECTION 2. TABLE OF CONTENTS.**

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## **SECTION 3. ORGANIZATION OF BILL INTO TITLES.**

(a) Titles.—This act is organized into three divisions as follows:

- (1) Title I—National Board for Labor Relations and Management and Other Labor Related Activities;
- (2) Title II—Non-Essential Employees and Employers;
- (3) Title III—Essential Employees and Employers.

## **SECTION 4. ESTABLISHMENT OF THE NATIONAL BOARD FOR LABOR RELATIONS AND MANAGEMENT.**

The National Board for Labor Relations and Management is hereby established under the jurisdiction of the United States of America Department of Labor to organize, maintain, preserve and enforce good-faith collective bargaining and to manage labor relations, in accordance with the standards of this Act.

# **TITLE I—NATIONAL BOARD FOR LABOR RELATIONS AND MANAGEMENT AND OTHER LABOR RELATED ACTIVITIES**

## **SUBTITLE A—ORGANIZATION AND ADMINISTRATION OF THE NATIONAL BOARD FOR LABOR RELATIONS AND MANAGEMENT**

### **SECTION 1101. RESPONSIBILITIES OF THE NATIONAL BOARD FOR LABOR RELATIONS AND MANAGEMENT.**

The responsibilities of the National Board for Labor Relations and Management are as follows:

- (a) To enforce labor laws;
- (b) To settle labor-related disputes;
- (c) To oversee collective bargaining;
- (d) To perform other duties and responsibilities outlined in the Act.

### **SECTION 1102. ORGANIZATION AND ADMINISTRATION OF THE NATIONAL BOARD FOR LABOR RELATIONS AND MANAGEMENT.**

- (a) MEMBERSHIP.—The National Board for Labor Relations and Management shall consist of 15 non-partisan and experienced members nominated by the Secretary of Labor and confirmed by a majority of a committee of the House of Representatives;
- (b) CHAIRPERSON.—A Chairperson shall be elected by a majority of members of the National Board for Labor Relations and Management and will only serve as the presiding officer in debate. The Chairperson shall have no significant power and may be removed by a majority of members of the National Board for Labor Relations and Management;

- (c) **TERMS OF DUTY.**—Members of the National Board for Labor Relations and Management shall serve on the committee in terms of five years; No limits on terms shall be imposed;
- (d) **TERMINATION OF MEMBERSHIP.**—Members of the National Board for Labor Relations and Management may be removed by the House of Representatives or by resignation;
- (e) **VACANCIES.**—In the case of vacancies, interim members shall not be appointed; Members must be appointed in accordance with the process outlined in Section 1102(a) of this Act.

### **SECTION 1103. DIFFERING DECISIONS BY THE NATIONAL BOARD FOR LABOR RELATIONS AND MANAGEMENT AND A COURT OF LAW.**

In the case of differing rulings by the National Board for Labor Relations and Management, and a court of law, the ruling by the court of law shall supersede.

## **SUBTITLE B—REGISTRATION AND DISSOLUTION OF LABOR UNIONS**

### **SECTION 1201. REGISTRATION OF NEW LABOR UNIONS.**

- (a) Prospective unions shall send the names and signatures of members and a proposal for recognition to the National Board for Labor Relations and Management;
- (b) The National Board for Labor Relations and Management shall verify all signatures and review the proposal for recognition;
- (c) The labor union shall be recognized by the National Board for Labor Relations and Management when the following occurs:
  - (i) The signatures of employees who are in favor of forming a labor union are verified;
  - (ii) The National Board for Labor Relations and Management believes the criteria for recognized unions is met;
    - (1) Non-essential labor unions shall meet the criteria in Section 2104 of this Act;
    - (2) Essential labor unions shall meet the criteria in Section 3104 of this Act.

### **SECTION 1202. REJECTION OF REGISTRATION.**

The National Board for Labor Relations and Management may reject any registration for the following reasons:

- (a) The National Board for Labor Relations and Management recognises incongruences in the documentation presented, finds the signatures to be false and/or suspect;
- (b) The National Board for Labor Relations and Management believes the criteria for recognized unions are not met;
  - (i) Criteria for non-essential labor unions is found in Section 2104 of this Act;
  - (ii) Criteria for essential labor unions is found in Section 3104 of this Act.

### **SECTION 1203. APPEAL OF REJECTION.**

In the case that registration is rejected, the prospective labor union is eligible to request that a court of law consider their registration proposal.

### **SECTION 1204. IMMEDIATE POST-RECOGNITION ACTIVITIES.**

Upon the registration and recognition of a labor union, the following shall occur:

- (a) The union shall have the right to negotiate with any employer on behalf of its members;
- (b) The union shall have the ability to establish a post-entry shop to gain members.

### **SECTION 1205. OTHER POST-RECOGNITION ACTIVITIES.**

After recognition by the National Board for Labor Relations and Management, the following shall occur:

- (a) Non-essential labor unions shall be eligible to bargain collectively following the provisions in Title I, Subtitle C;
- (b) Essential labor unions shall be eligible to bargain collectively following the provisions in Title I, Subtitle D.

### **SECTION 1206. DISSOLUTION OF A LABOR UNION.**

A labor union shall be dissolved upon completion of the following:

- (a) A two thirds ( $\frac{2}{3}$ ) majority of the union's membership has agreed to dissolve the union;
- (b) The National Board for Labor Relations and Management verifies that a majority has agreed to dissolve;
- (c) Other conditions specified by the labour union's statute are met, which shall however not be in contrast with the ones indicated in Title III Subtitle B Section 1206 A.

### **SECTION 1207. POST-DISSOLUTION ACTIVITIES.**

Upon dissolution of the labor union, the following shall occur:

- (a) Union dues and agency fees shall no longer be collected;
- (b) The collective agreement shall continue to be enforced until the date of expiry. If the employee joins a new union, they shall have the freedom to choose between keeping their previous agreement until the date of expiry or switch immediately to the agreement of their new union

## **SUBTITLE C—COLLECTIVE BARGAINING PROCESS FOR NON-ESSENTIAL EMPLOYEES AND EMPLOYERS**

### **SECTION 1301. COMMENCEMENT OF NEGOTIATIONS AND RENEGOTIATIONS FOR NON-ESSENTIAL SERVICES.**

- (a) If there is no existing collective agreement, the labor union or employer shall have the right to commence negotiations for a collective agreement at any time;
- (b) If there is an existing collective agreement, the labor union or employer shall have the right to commence renegotiation for a collective agreement two thirds in the duration of the collective agreement, or if agreed by both parties, the union and the employer, at any point of time..

### **SECTION 1302. NOTIFICATION ABOUT THE COMMENCEMENT OF NEGOTIATIONS FOR NON-ESSENTIAL SERVICES.**

The National Board for Labor Relations and Management shall be notified about any commencement of negotiations for collective agreements.

### **SECTION 1303. APPOINTMENT OF A CONCILIATION OFFICER FOR NON-ESSENTIAL SERVICES.**

The National Board for Labor Relations and Management or the Secretary of Labor shall appoint a conciliation officer (also known as a conciliator) if either of the follow occurs:

- (a) The National Board for Labor Relations and Management or the Secretary of Labor determines that there is a lack of progress in negotiations;
- (b) The employer requests a conciliator;
- (c) The labor union requests a conciliator.



## **SECTION 1304. RESPONSIBILITIES OF A CONCILIATION OFFICER FOR NON-ESSENTIAL SERVICES.**

The conciliator shall perform the following tasks:

- (a) Determine the schedule for negotiations;
- (b) Oversee the bargaining process;
- (c) Ensure that all bargaining is in good-faith;
- (d) Report any bad-faith bargaining;
- (e) Aid and accelerate the bargaining process;
- (f) Propose a potential collective agreement.

## **SECTION 1305. CRITERIA FOR WITHDRAWAL OF SERVICES FOR NON-ESSENTIAL SERVICES.**

- (a) Any partial withdrawal of services shall meet the following criteria:
  - (i) A conciliator has been appointed;
  - (ii) A majority of the union membership has voted in favor of a partial withdrawal of services;
- (b) Any full withdrawal of services shall meet the following criteria:
  - (i) A conciliator has been appointed;
  - (ii) A majority of the union membership has voted in favor of a full withdrawal of services;
  - (iii) The union shall notify the employer, conciliator, National Board for Labor Relations and Management, and the Department of Labor three (3) days prior to a full withdrawal of services.

## **SECTION 1306. EMPLOYER LOCKOUT.**

Any employer initiating a lockout shall meet the standards in Section 2204 and Section 2205 of this Act. An employer initiating a lockout shall notify the National Board for Labor Relations and Management, and the Department of Labor five days prior to the lockout.

## **SECTION 1307. TRADITIONAL RATIFICATION OF A COLLECTIVE AGREEMENT FOR NON-ESSENTIAL SERVICES.**

Any collective agreement shall be delivered to the union's membership by the union's leadership and approved by a majority of union membership. This shall occur through a vote organized by the union and overseen by the Department of Labor.

#### **SECTION 1308. CONCILIATOR INITIATED RATIFICATION OF A COLLECTIVE AGREEMENT FOR NON-ESSENTIAL SERVICES.**

A conciliator shall be eligible to bypass union leadership and initiate a vote to ratify a proposed collective agreement that is overseen by the Department of Labor.

#### **SECTION 1309. EMPLOYER INITIATED RATIFICATION OF A COLLECTIVE AGREEMENT FOR NON-ESSENTIAL SERVICES.**

An employer shall be eligible to bypass union leadership and initiate a vote to ratify a proposed collective agreement that is overseen by the Department of Labor.

#### **SECTION 1310. IMPLEMENTATION OF BINDING ARBITRATION FOR NON-ESSENTIAL SERVICES.**

- (a) Defining.—For the purposes of this Act—The term “binding arbitration” refers to the process in which an arbitrator or panel of arbitrators hear arguments from the employer and labor union, and the collective agreement by the arbitrator(s) is binding on both parties;
- (b) Binding arbitration shall be implemented if either of the following occurs:
  - (i) The employer and the labour union convene in requesting binding arbitration;
  - (ii) The conciliator requests binding arbitration;
  - (iii) The duration for negotiations has exceeded 18 months.

#### **SECTION 1311. OVERTURNING COLLECTIVE AGREEMENTS FROM BINDING ARBITRATION FOR NON-ESSENTIAL SERVICES.**

The collective agreement by the arbitrator(s) shall be overturned if either of the following occurs:

- (a) A court of law determines wrongdoing and/or partiality by the arbitrators;
- (b) The National Board for Labor Relations and Management determines wrong-doing and/or partiality by the arbitrators;
- (c) The union membership votes against it with a three-quarters ( $\frac{3}{4}$ ) majority

**SECTION 1312. PROCEEDING AFTER AN OVERTURNED COLLECTIVE AGREEMENT FROM BINDING ARBITRATION FOR NON-ESSENTIAL SERVICES.**

If a collective agreement by the arbitrator(s) is overturned, a new arbitrator(s) shall be selected and they shall decide on a new collective agreement.

**SUBTITLE D—COLLECTIVE BARGAINING PROCESS  
FOR ESSENTIAL EMPLOYEES AND EMPLOYERS**

**SECTION 1401. COMMENCEMENT OF NEGOTIATIONS AND  
RENEGOTIATIONS FOR ESSENTIAL SERVICES.**

- (a) If there is no existing collective agreement, the labor union or employer shall have the right to commence negotiations for a collective agreement at any time;
- (b) If there is an existing collective agreement, the labor union or employer shall have the right to commence renegotiation for a collective agreement two thirds in the duration of the collective agreement, or if agreed by both parties, the union and the employer, at any point of time.

**SECTION 1402. NOTIFICATION ABOUT THE COMMENCEMENT OF  
NEGOTIATIONS FOR ESSENTIAL SERVICES.**

The National Board for Labor Relations and Management shall be notified about any commencement of negotiations for collective agreements.

**SECTION 1403. APPOINTMENT OF A CONCILIATION OFFICER FOR  
ESSENTIAL SERVICES.**

The National Board for Labor Relations and Management or the Secretary of Labor shall appoint a conciliation officer if either of the follow occurs:

- (a) The National Board for Labor Relations and Management or the Secretary of Labor determines that there is a lack of progress in negotiations;
- (b) The employer requests a conciliator;
- (c) The labor union requests a conciliator.

#### **SECTION 1404. RESPONSIBILITIES OF A CONCILIATION OFFICER FOR ESSENTIAL SERVICES.**

The conciliator shall perform the following tasks:

- (a) Determine the schedule for negotiations;
- (b) Oversee the bargaining process;
- (c) Ensure that all bargaining is in good-faith;
- (d) Report any bad-faith bargaining;
- (e) Aid and accelerate the bargaining process;
- (f) Propose a potential collective agreement.

#### **SECTION 1405. TRADITIONAL RATIFICATION OF A COLLECTIVE AGREEMENT FOR ESSENTIAL SERVICES.**

Any collective agreement shall be delivered to the union's membership by the union's leadership and approved by a majority of union membership. This shall occur through a vote organized by the union and overseen by the Department of Labor.

#### **SECTION 1406. CONCILIATOR INITIATED RATIFICATION OF A COLLECTIVE AGREEMENT FOR ESSENTIAL SERVICES.**

A conciliator shall be eligible to bypass union leadership and initiate a vote to ratify a proposed collective agreement that is overseen by the Department of Labor.

#### **SECTION 1407. EMPLOYER INITIATED RATIFICATION OF A COLLECTIVE AGREEMENT FOR ESSENTIAL SERVICE.**

An employer shall be eligible to bypass union leadership and initiate a vote to ratify a proposed collective agreement that is overseen by the Department of Labor.

#### **SECTION 1408. IMPLEMENTATION OF BINDING ARBITRATION FOR ESSENTIAL SERVICES.**

- (a) Binding arbitration shall be implemented if either of the following occurs:
  - (i) The employer and the labour union convene in requesting binding arbitration;
  - (ii) The duration for negotiations has exceeded 10 months.

#### **SECTION 1409. OVERTURNING A COLLECTIVE AGREEMENT FROM BINDING ARBITRATION FOR ESSENTIAL SERVICES.**

The collective agreement by the arbitrator(s) may be overturned either of the following occurs:

- (a) A court of law determines wrong-doing and/or partiality by the arbitrators;
- (b) The National Board for Labor Relations and Management determines wrong-doing and/or partiality by the arbitrators.
- (c) The union membership votes against it with a three-quarters ( $\frac{3}{4}$ ) majority

**SECTION 1410. PROCEEDING AFTER AN OVERTURNED COLLECTIVE AGREEMENT FROM BINDING ARBITRATION FOR ESSENTIAL SERVICES.**

If a collective agreement by the arbitrator(s) is overturned, new arbitrators shall be selected and they shall decide on a new collective agreement.

**SUBTITLE E—NATIONAL BOARD FOR LABOR  
RELATIONS AND MANAGEMENT ENFORCEMENT  
POWERS**

**SECTION 1501. GENERAL ENFORCEMENT POWERS REGARDING LABOR UNIONS.**

If a labor union and their members fail to comply with any provision of this Act, the National Board for Labor Relations and Management, and/or a court of law shall be eligible to perform any of the following activities:

- (a) Levy fines against the union to a reasonable degree;
- (b) Levy fines against employees to a reasonable degree.

**SECTION 1502. GENERAL ENFORCEMENT POWERS REGARDING EMPLOYERS AND THIRD PARTIES.**

If an employer and/or third party violates any part of this Act except for the offences in Section 1503 of this Act, the National Board for Labor Relations and Management, and/or a court of law shall be eligible to perform any of the following activities;

- (a) Levy fines against the employer and/or third party to a reasonable degree;
- (b) Withhold any federal funds or any other form of financial assistance from the employer and/or third party to a reasonable degree.

## **SECTION 1503. ENFORCEMENT POWERS REGARDING EMPLOYER RETALIATION.**

Any firing, demotion or sanction imposed in retaliation to the worker's or the worker's union actions and protests as defined by this Act shall be appealable by the worker. The worker shall also have the ability to receive compensation in the following forms upon approval by the National Board for Labor Relations and Management:

- (a) If the worker is fired, they shall have the right to reintegration, or an indemnity seen fit by the National Board for Labor Relations and Management or court of law, but not inferior to 10 months of pay;
- (b) If the worker is demoted to a lower role or mansion, they shall have the right to reinstatement to their former role of mansion, and an indemnity no lesser than the difference between the received pay for the period of demotion and the pay that would have been received without the demotion, and in any cases no lesser than \$1000 (adjusted for inflation);
- (c) Any other sanction imposed by the employer in retaliation to the worker's or the worker's union actions and protests as defined by this Act shall be punishable with actions listed in Section 1502 of this Act, or any other action as seen fit by the National Board for Labor Relations and Management or court of law.

## **SECTION 1504. UNION DERECOGNITION.**

If a union fails to meet the criteria in Section 1201 of this Act, the union shall face fines outlined in Section 1501 of this Act. If the union continues their failure in meeting said criteria, the National Board for Labor Relations and Management, or a court of law shall be capable of derecognizing the union. The union may appeal the decision to a higher court.

## **SECTION 1505. POST-DERECOGNITION.**

If a union is derecognized, the following shall occur:

- (a) The union's collective agreement remains in place until its expiry;
- (b) The union shall no longer collect dues and/or agency fees;
- (c) The union may seek recognition again through the process outlined in Section 1201 of this Act.

## **SUBTITLE F—UNION SECURITY AGREEMENTS**

### **SECTION 1601. PROHIBITION OF PRE-ENTRY AGREEMENTS.**

- (a) Defined.—For the purposes of this Act—The term “pre-entry agreement” or “pre-entry union shop” or “pre-entry shop” or “closed shop” shall refer to union security agreements in collective agreements where the employer agrees to only employ employees who agree to join a certain union;
- (b) Any pre-entry agreement shall be considered illegal as an infringement on the worker’s right to work.

### **SECTION 1602. POST-ENTRY AGREEMENTS.**

- (a) Defined.—For the purposes of this Act—The term “post-entry agreement” or “post-entry union shop” or “post-entry shop” or “open shop” shall refer to union security agreements in collective agreements where employees are given a specific duration to join a union;
- (b) Post entry union shops shall be lawful if—
  - (i) The worker is allowed a period of at least three months to join a union;
  - (ii) The shop is not affiliated to a single union, but to a group of unions in a collective agreement with the employer;
  - (iii) The worker shall therefore have the possibility of choosing from at least two unions;
  - (iv) The worker is notified at least 30 days in advance of their grace period expiration and of the possibility of their dismissal unless joining one of the unions as in Subclauses (ii) and (iii)
  - (v) The worker is allowed to submit a justification for them not joining a union and to contextually ask for an extension of the grace period, which will be evaluated and eventually granted by the National Board for Labor Relations and Management;
- (c) Any post-entry agreement that does not meet the criteria in Clause (b) shall be considered unlawful;
- (d) If any of the provisions in Clause (b) is infringed—

- (i) The worker shall have the right to appeal any firing, demotion, sanction or any measure imposed in violation of said provisions, and have the right to compensation as seen fit by the National Board for Labor Relations and Management, or a court of law;
- (ii) Said compensation shall be charged to the union or the employer according to their legal responsibilities or to both of them, as seen fit by the courts;
- (iii) The union or the employer or both may be subject to additional pecuniary sanctions proportioned to the offence as seen fit by the courts;
- (iv) The union shop agreement may be terminated if the violation is sufficiently grave, as seen fit by the courts.

### **SECTION 1603. OPT-OUT OF AGENCY FEES.**

- (a) Defined.—For the purposes of this Act—The term “agency fees” shall refer to fees collected from non-unionized employees by a labor union to cover collective bargaining costs;
- (b) If an employee wishes to opt-out of paying agency fees, the employee must demonstrate that their agreement with the employer, working conditions, benefits and salary were negotiated, received and implemented independently without being influenced by the labor union.

## **TITLE II—NON-ESSENTIAL EMPLOYEES AND EMPLOYERS**

### **SECTION 2001. DEFINING NON-ESSENTIAL EMPLOYEES AND EMPLOYERS.**

Services not listed in Section 3001 of this Act are considered non-essential along with their employees and employers.

### **SUBTITLE A—NON-ESSENTIAL EMPLOYEES**

### **SECTION 2101. ASSOCIATION AND ORGANIZING RELATED TO NON-ESSENTIAL EMPLOYEES.**



Any non-essential employed person in the United States of America, the several States and Territories shall be recognized the following:

- (a) The right to self-organization in their workplace, to form, join or assist labor organizations without fear of consequences nor interference by their employer(s);
- (b) The right to bargain collectively in good faith through democratically elected representatives of their choosing;
- (c) The right to protest;
- (d) The right to not be discriminated against on the basis of their gender, race, nationality, religion or political beliefs.
- (e) The right to mutual aid

## **SECTION 2102. DEFINING NON-ESSENTIAL LABOR UNIONS.**

Non-essential labor unions are organizations that represent non-essential employees.

## **SECTION 2103. FORMATION OF LABOR UNIONS FOR NON-ESSENTIAL EMPLOYEES.**

- (a) The National Board For Labor Relations and Management shall oversee and be responsible for non-essential employees;
- (b) Non-essential labor unions shall gain recognition via the process outlined in Section 1201 and meet the criteria in Section 2104 of this Act.

## **SECTION 2104. ACTIVITIES AND CRITERIA RELATED TO NON-ESSENTIAL LABOR UNIONS.**

All recognized unions shall meet the following criteria:

- (a) Be democratically operated;
- (b) Be representative of the views of their membership;
- (c) Have a process to democratically remove union leadership.

## **SECTION 2105. LEGAL LABOR ACTIONS AND PRACTICES BY NON-ESSENTIAL EMPLOYEES AND UNIONS.**

Any labor action that is a legal labor action practice and that has been democratically voted for by a majority of the union membership and leadership shall be legal. Legal labor action practices include but not limited to, shall be the following:

- (a) Boycotts, where a union engages in an organized effort to discourage consumers from buying good and services of a particular employer;
- (b) Secondary boycotts, where a union engages in a similar action in support of legal labor action practices by another union;

- (c) Work-ins, where workers under threat of losing their job remain in their place and continue to work;
- (d) Pickets, where employees congregate outside of a place of work in a sign of protest;
- (e) Blockades, where employees prevent the movement of goods and people into and out of work sites;
  - (i) Limits may be placed on blockades by the judiciary;
- (f) Walkouts, where employees collectively leave their workplace as an act of protest;
- (g) Slowdown strikes, where workers carry out their mansions at a reduced pace as an act of protest;
- (h) Overtime bans, where workers collectively refuse to work any overtime;
- (i) Work-to-rules, where workers strictly adhere to the minimum prescribed by their contracts and/or strictly adhere to safety protocols to reduce the pace of work;
- (j) General strikes, where workers in most or all industries withdraw their services;
- (k) Sympathy strikes, where workers from a union withdraw their services in support for another union involved in a labor dispute;
- (l) Wildcat strikes, where unionized workers withdraw their services independent from the decision of the union leadership;
- (m) Partial withdrawal of services;
- (n) And any other forms of nonviolent dissent in the workplace approved by the National Board for Labor Relations and Management or the courts.

## **SECTION 2106. PROHIBITED LABOR ACTIONS AND PRACTICES BY NON-ESSENTIAL EMPLOYEES AND UNIONS.**

Illegal forms of labor actions and practices shall include the following:

- (a) Any action taken by union leadership without consultation and/or approval of the majority of the membership;
- (b) Any collusion between union leadership and the employer(s);
- (c) Any coercion by any union member to force other employees to vote for or against a certain action;
- (d) Any coercion by any union member or union to join a certain union;
- (e) Any violent actions;
- (f) Any withdrawal of services without a conciliator being appointed;
- (g) Any other action or practice regarded as illegal by the National Board for Labor Relations and Management or the courts.

## **SUBTITLE B—NON-ESSENTIAL EMPLOYERS**

## **SECTION 2201. RIGHTS FOR NON-ESSENTIAL EMPLOYERS.**

All non-essential employers will be recognized the following rights:

- (a) The right to request meetings with the union leadership and to ask for permission to address the union membership within reason;
- (b) The right to renegotiate the terms of the union(s) contract(s) within three months of the previously signed contract's expiration date;
- (c) The right to request a judgement and hearing by the National Board for Labor Relations and Management and to require the presence of union representatives;
- (d) The right to prohibit some or all labor action practices in collective agreements;
- (e) The right to fire union employees within reason and with definitive proof for cause of action.

## **SECTION 2202. PROHIBITION OF CERTAIN UNION RELATED ACTIVITIES FOR NON-ESSENTIAL EMPLOYERS.**

Non-essential employers are prohibited from any of the following activities:

- (a) Any activity with the intent of prohibiting or interfering with union organizing or formation;
- (b) Coercing employees from joining a union or seeking to form a union;
- (c) Coercing employees to join a particular union except in the case of post-entry union shops;
- (d) Dominating or providing illegal assistance or support to a labor union;
- (e) Establishing their own unions (company unions or sham unions);
- (f) Dominate or interfere with any labor organization;
- (g) Discriminating against employees to encourage or discourage membership in a labor organization;
- (h) Retaliating against an employee for filing a charge with, or giving testimony to, the National Board for Labor Relations and Management and/or any court of law;
- (i) Interfering with an employee's right to organize, join, or assist a union; engage in collective bargaining; or engage in protected, concerted activities;
- (j) Limiting the workers' right to mutual aid;
- (k) Refusing to engage in good-faith collective bargaining;
- (l) Preventing union representatives from talking to union and non-union employees;
- (m) Preventing or obstructing any investigation taken by a law enforcement agency or the National Board for Labor Relations and Management;

- (n) Any other action or practice deemed prohibited by the National Board for Labor Relations and Management or court of law.

### **SECTION 2203. DEFINING REPLACEMENT WORKERS AND LOCKOUTS.**

(a) Definitions.—For purposes of this Act—

- (i) The term “replacement worker” shall mean any non-unionized employee hired by an employer to perform the duties of a unionized employee;
- (ii) The term “lockout” shall refer to the use of replacement workers by an employer.

### **SECTION 2204. PERMITTED USAGE OF REPLACEMENT WORKERS AND LOCKOUTS.**

The usage of replacement workers and lockouts shall be permitted on the following occasions:

- (a) Union membership is engaging in a partial withdrawal of services;
- (b) Union membership is engaging in a full withdrawal of services;
- (c) Union membership is engaging in a slowdown strike.

### **SECTION 2205. PROHIBITED USAGE OF REPLACEMENT WORKERS AND LOCKOUTS.**

The usage of replacement workers and lockouts shall be prohibited on the following occasions:

- (a) The collective agreement is not expired;
- (b) A conciliation officer has not been appointed;
- (c) Collective bargaining has not exceeded 16 months
- (d) Union membership has not withdrawn their services;
- (e) Union membership is not engaged in a slowdown strike;
- (f) Any occasion not specified in section 2204 of this Act;
- (g) Or any other reason determined by the National Board for Labor Relations and Management or court of law.

## **TITLE III—ESSENTIAL EMPLOYEES AND EMPLOYERS**

### **SECTION 3001. DEFINING ESSENTIAL EMPLOYEES AND EMPLOYERS.**

Definitions.— For purposes of this Act—

- (a) The term “essential service” refers to the following services:
- (i) Businesses that supply other essential businesses or essential services;
  - (ii) Healthcare and Human Services;
  - (iii) Justice;
  - (iv) Homeland Security;
  - (v) Security and incident prevention on the workplace;
  - (vi) Defence;
  - (vii) Businesses that primarily sell food, beverages, and consumer products necessary to maintain households and businesses;
  - (viii) Financial services;
  - (ix) Telecommunications and Information technology infrastructure/service providers;
  - (x) Maintenance, repair and property management services that are vital to managing and maintaining the essential operation, safety, sanitation and security of residential, industrial, institutional and commercial buildings and properties;
  - (xi) Transportation services;
  - (xii) Agriculture and food production;
  - (xiii) Construction-related to any other essential services;
  - (xiv) Energy;
  - (xv) Community services, these include the following:
    - (1) Sewage treatment and disposal;
    - (2) Waste management and disposal;
    - (3) Critical infrastructure repair and maintenance services;
    - (4) Potable water;
    - (5) Environmental rehabilitation, management and monitoring
    - (6) Spill clean up and response related to environmental management and rehabilitation
    - (7) Administrative authorities that regulate and inspect businesses;
    - (8) Social services;
    - (9) Policing and law enforcement;
    - (10) Fire and emergency services;
    - (11) Paramedics;
    - (12) Coroner services;
    - (13) Pathology services;
    - (14) Corrections and court services;
  - (xvi) Any other service that is deemed critical to the quality of life of citizens of the United States of America by a court of law;
- (b) The term “essential employee” refers to an employee employed in an essential service;
- (c) The term “essential employer” refers to an employer in an essential service.

## **SUBTITLE A—ESSENTIAL EMPLOYEES**

### **SECTION 3101. ASSOCIATION AND ORGANIZING RELATED TO ESSENTIAL EMPLOYEES.**

Any essential employed person in the United States of America, the several States and Territories shall be recognized the following:

- (a) The right to self-organization in their workplace, to form, join or assist labor organizations without fear of consequences nor interference by their employer(s);
- (b) The right to bargain collectively in good faith through democratically elected representatives of their choosing;
- (c) The right to protest without affecting the quality of the service offered;
- (d) The right to not be discriminated against on the basis of their gender, race, nationality, religion or political beliefs.
- (e) The right to mutual aid

### **SECTION 3102. DEFINING ESSENTIAL LABOR UNIONS.**

Essential labor unions are organizations that represent essential employees.

### **SECTION 3103. FORMATION OF LABOR UNIONS FOR ESSENTIAL EMPLOYEES.**

- (a) The National Board For Labor Relations and Management shall oversee and be responsible for essential employees;
- (b) Essential labor unions shall gain recognition via the process outlined in Section 1201 and meet the criteria in Section 3104 of this Act.

### **SECTION 3104. ACTIVITIES AND CRITERIA RELATED TO ESSENTIAL LABOR UNIONS.**

All recognized essential labor unions shall meet the following criteria:

Be operated democratically;

- (a) Be democratically operated;
- (b) Be representative of the views of their membership;
- (c) Have a process to democratically remove union leadership.

### **SECTION 3105. LEGAL LABOR ACTIONS AND PRACTICES BY ESSENTIAL EMPLOYEES AND UNIONS.**

Any labor action that is a legal labor action practice and that has been democratically voted for by a majority of the union membership and leadership shall be legal. Legal labor action practices for essential employees include but not limited to, shall be the following:

- (a) Boycotts, where a union engages in an organized effort to discourage consumers from buying good and services of a particular employer;
- (b) Secondary boycotts, where a union engages in a similar action in support of legal labor action practices by another union;
- (c) Work-ins, where workers under threat of losing their job remain in their place and continue to work;
- (d) Pickets, where employees congregate outside of a place of work in a sign of protest;
  - (i) Pickets shall not negatively affect the ability of the service to function to a minimum essential level;
- (e) Overtime bans, where workers collectively refuse to work any overtime;
  - (i) Overtime bans shall not negatively affect the ability of the service to function to a minimum essential level;
- (f) Work-to-rules, where workers strictly adhere to the minimum prescribed by their contracts and/or strictly adhere to safety protocols to reduce the pace of work;
  - (i) Work-to-rules shall not negatively affect the ability of the service to function to a minimum essential level

And any other forms of nonviolent dissent that does not impede the providing of the service to a minimum essential level approved by the National Board for Labor Relations and Management or the courts.

## **SECTION 3106. PROHIBITED LABOR ACTIONS AND PRACTICES BY ESSENTIAL EMPLOYEES AND UNIONS.**

Illegal forms of labor actions and practices shall include the following:

- (a) Any action taken by union leadership without consultation and/or approval of the majority of the membership;
- (b) Any collusion between union leadership and the employer(s);
- (c) Any coercion by any union member to force other employees to vote for or against a certain action;
- (d) Any coercion by any union member or union to join a certain union;
- (e) Any violent actions;
- (f) Blockades, where employees prevent the movement of good and services into and out of worksites;
- (g) Walkouts, where employees collectively leave their workplace as an act of protest, if they negatively affect the ability of the service to function to a minimum essential level;

- (h) Slowdown strikes, where workers carry out their mansions at a reduced pace as an act of protest,if they negatively affect the ability of the service to function to a minimum essential level;
- (i) Overtime bans negatively affect the ability of the service to function to a minimum essential level;
- (j) Work-to-rules negatively affect the ability of the service to function to a minimum essential level;
- (k) Any partial withdrawal of services that negatively affects the ability of the service to function to a minimum essential level;
- (l) Strikes, where employees withdraw all their services, that negatively affect the ability of the service to function to a minimum essential level; these include the following:
  - (i) General strikes, where workers in most or all industries withdraw their services;
  - (ii) Sympathy strikes, where workers from a union withdraw their services in support for another union involved in a labor dispute;
  - (iii) Wildcat strikes, where unionized workers withdraw their services independent from the decision of the union leadership;
- (m) Any action that negatively affects the ability of the service to function to a minimum essential level;
- (n) Any other action or practice regarded as illegal by the National Board for Labor Relations and Management or the courts.

## **SUBTITLE B—ESSENTIAL EMPLOYERS**

### **SECTION 3201. RIGHTS FOR ESSENTIAL EMPLOYERS.**

All essential employers will be recognized the following rights:

- (a) The right to request meetings with the union leadership and to ask for permission to address the union membership within reason;
- (b) The right to renegotiate the terms of the union(s) contract(s) within three months of the previously signed contract's expiration date;
- (c) The right to request a judgement and hearing by the National Board for Labor Relations and Management and to require the presence of union representatives;
- (d) The right to prohibit some or all labor action practices in collective agreements;
- (e) The right to fire union employees within reason and with definitive proof for cause of action.



## **SECTION 3202. PROHIBITION OF CERTAIN UNION RELATED ACTIVITIES FOR ESSENTIAL EMPLOYERS.**

Essential employers are prohibited from any of the following activities:

- (a) Any activity with the intent of prohibiting or interfering with union organizing or formation;
- (b) Coercing employees from joining a union or seeking to form a union;
- (c) Coercing employees to join a particular union except in the case of post-entry union shops;
- (d) Dominating or providing illegal assistance of support to a labor union;
- (e) Establishing their own employees (company unions or sham unions);
- (f) Dominate or interfere with any labor organization;
- (g) Discriminating against employees to encourage or discourage membership in a labor organization;
- (h) Retaliating against an employee for filing a charge with, or giving testimony to, the National Board for Labor Relations and Management and/or any court of law;
- (i) Interfering with an employee's right to organize, join, or assist a union; engage in collective bargaining; or engage in protected, concerted activities;
- (j) Limiting the workers' right to mutual aid;
- (k) Refusing to engage in good-faith collective bargaining;
- (l) Preventing union representatives from talking to union and non-union employees;
- (m) Preventing or obstructing any investigation taken by a law enforcement agency or the National Board for Labor Relations and Management;
- (n) Any other action or practice deemed prohibited by the National Board for Labor Relations and Management or court of law.

## **SECTION 3203. PROHIBITED USAGE OF REPLACEMENT WORKERS AND LOCKOUTS BY ESSENTIAL EMPLOYERS.**

The usage of replacement workers and lockouts shall be prohibited on all occasions.