

# SENATE JOINT RESOLUTION 5

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By: **Senator McFadden**

Introduced and read first time: February 2, 2009

Assigned to: Finance

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## SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Labor and Employment – Employee Free Choice Act**

3 FOR the purpose of urging the United States Congress to enact legislation otherwise  
4 known as the Employee Free Choice Act, which establishes an efficient system  
5 to enable employees to form, join, or assist labor organizations.

6 WHEREAS, In 1935, the United States established, by law, that workers must  
7 be free to form unions; and

8 WHEREAS, The freedom to form or join a union is internationally recognized by  
9 the 1948 Universal Declaration of Human Rights; and

10 WHEREAS, The free choice to join with others and bargain for better wages and  
11 benefits is essential to economic opportunity and good living standards; and

12 WHEREAS, Unions benefit communities by strengthening living standards,  
13 stabilizing tax bases, promoting equal treatment, and enhancing civic participation;  
14 and

15 WHEREAS, States in which more people are union members are states with  
16 higher wages, better benefits, and better schools; and

17 WHEREAS, Union workers help raise workers' pay and narrow the income gap  
18 for minorities and women, by increasing median weekly earnings by 31 percent for  
19 union women workers, 31 percent for African-American workers, 50 percent for Latino  
20 workers, and 9 percent for Asian American workers; and

21 WHEREAS, Workers across the nation are routinely denied the freedom to form  
22 unions and bargain for a better life, with 25 percent of private sector employers  
23 illegally firing at least one worker for union activity during organizing campaigns; and



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1           WHEREAS, 77 percent of the public believes it is important to have strong laws  
2 protecting the freedom for workers to make their own decisions about having a union,  
3 and 58 percent of workers would join a union if they had the chance; and

4           WHEREAS, Employers often refuse to bargain fairly with workers after forming  
5 a union by dragging out first–contract bargaining for up to 2 years in 45% of successful  
6 campaigns; and

7           WHEREAS, Each year millions of dollars are spent to frustrate workers’ efforts  
8 to form unions, and most violations of workers’ freedom to choose a union occur behind  
9 closed doors, with 78 percent of employers forcing employees to attend mandatory  
10 anti–union meetings; and

11           WHEREAS, When the right of workers to form a union is violated, wages fall,  
12 race and gender pay gaps widen, workplace discrimination increases, and job safety  
13 standards disappear; and

14           WHEREAS, A worker’s fundamental right to choose a union free from coercion  
15 and intimidation is a public issue that requires public policy solutions, including  
16 legislative remedies; and

17           WHEREAS, The Employee Free Choice Act has been introduced in the United  
18 States. Congress to restore workers’ freedom to join a union;

19           WHEREAS, The Employee Free Choice Act will safeguard workers’ ability to  
20 make their own decisions about forming a union, provide for first–contract mediation  
21 and arbitration, and establish meaningful penalties when employers violate workers’  
22 rights.

23           WHEREAS, the General Assembly of Maryland supports legislation that would  
24 authorize the National Labor Relations Board to certify a union as the bargaining  
25 representative when a majority of employees voluntarily designates that union to  
26 represent them, provide for first–contract mediation and arbitration, and establish  
27 meaningful penalties for violations of a worker’s freedom to choose a union; now,  
28 therefore, be it

29           RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the  
30 United States Congress is urged to enact the Employee Free Choice Act to protect and  
31 preserve the freedom of American workers to choose for themselves whether or not to  
32 form a union; and be it further

33           RESOLVED, That a copy of this Resolution be forwarded by the Department of  
34 Legislative Services to the Maryland Congressional Delegation: Senators Barbara A.  
35 Mikulski and Benjamin L. Cardin and Representatives Frank M. Kratovil, Jr., C.A.  
36 Dutch Ruppersberger III, John P. Sarbanes, Donna Edwards, Steny Hamilton Hoyer,  
37 Roscoe G. Bartlett, Elijah E. Cummings, and Christopher Van Hollen, Jr.; to the  
38 Honorable Martin O’Malley, Governor of Maryland; the Honorable Thomas V. Mike

- 1 Miller, Jr., President of the Senate of Maryland; and the Honorable Michael E. Busch,
- 2 Speaker of the House of Delegates.