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Patrick Moran – President

HB 37 – Declaration of Rights – Right to Organize
Appropriations Committee
January 28, 2025

FAVORABLE WITH AMENDMENTS

AFSCME Council 3 supports House Bill 37 with amendments. House Bill 37 proposes an amendment to the Maryland State Constitution which would establish that every person employed in the State has the fundamental right to organize and bargain collectively concerning compensation, hours, and other terms and conditions of employment. The State would not, directly or indirectly, be able to deny, burden, or abridge this right unless justified by a compelling state interest achieved by the least restrictive means. The proposed constitutional amendment would be subject to voter approval in the November 2026 general election.

Six states across the United States—Florida, Hawaii, Illinois, Missouri, New Jersey, and New York—affirm the right to collective bargaining in their state constitutions.¹ Illinois is the most recent example of a state amending its state constitution to explicitly recognize the right of workers to organize and collectively bargain. The Illinois constitutional amendment passed in the 2022 election with 54.5% of the vote.²

AFSCME Council 3 believes every worker, whether they are in the private sector or public sector, should have the freedom to join their coworkers in forming a union and being able to collectively bargain with their employer over wages, hours, and working conditions. Maryland has the opportunity to stand with workers and join other states across the country by enshrining the right to organize and bargain collectively in the state constitution.

AFSCME Council 3 proposes an amendment to ensure that workers' democratic choice is preserved in selecting a bargaining representative:

Article 49.

THAT EVERY PERSON EMPLOYED IN THE STATE HAS THE FUNDAMENTAL RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY THROUGH REPRESENTATIVES OF THEIR OWN CHOOSING CONCERNING COMPENSATION, HOURS, AND OTHER TERMS AND CONDITIONS

¹ See Center for Labor and a Just Economy, *Building worker power in cities and states: A toolkit for state and local labor policy innovation*, Harvard Law School, 9 (Sept. 2024), https://clje.law.harvard.edu/app/uploads/2024/08/2024.08.29_CLJE_Toolkit-DIGITAL_FINAL.pdf.

² See State of Illinois, *Governor Pritzker Issues Proclamation of Passage for Workers' Rights Amendment* (Dec. 15, 2022), <https://www.illinois.gov/news/press-release.25797.html#:~:text=The%20Workers'%20Rights%20Amendment%2C%20which,bargaining%20in%20the%20Illinois%20Constitution.>

OF EMPLOYMENT. THE STATE MAY NOT, DIRECTLY OR INDIRECTLY, DENY, BURDEN, OR ABRIDGE THE RIGHT UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST ACHIEVED BY THE LEAST RESTRICTIVE MEANS.

We urge the committee to issue a favorable report of House Bill 37.

