

105TH CONGRESS
2D SESSION

S. 2389

To strengthen the rights of workers to associate, organize and strike, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 1998

Mr. WELLSTONE introduced the following bill; which was read twice and
referred to the Committee on Labor and Human Resources

A BILL

To strengthen the rights of workers to associate, organize
and strike, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Labor Organizing
5 Act”.

6 **SEC. 2. EMPLOYER AND LABOR ORGANIZATIONS PRESEN-**
7 **TATIONS.**

8 Section 8(c) of the National Labor Relations Act (29
9 U.S.C. 158(c)) is amended—

1 (1) by inserting “(1)” after the subsection des-
 2 ignation; and

3 (2) by adding at the end the following new
 4 paragraphs:

5 “(2) If an employer or employer representative ad-
 6 dresses the employees on the employer’s premises or dur-
 7 ing work hours on issues relating to representation by a
 8 labor organization, the employees shall be assured, without
 9 loss of time or pay, an equal opportunity to obtain, in an
 10 equivalent manner, information concerning such issues
 11 from such labor organization.

12 “(3) Subject to reasonable regulation by the Board,
 13 labor organizations shall have—

14 “(A) access to areas in which employees work;

15 “(B) the right to use the employer’s bulletin
 16 boards, mailboxes, and other communication media;
 17 and

18 “(C) the right to use the employer’s facilities
 19 for the purpose of meetings with respect to the exer-
 20 cise of the rights guaranteed by this Act.”.

21 **SEC. 3. LABOR RELATIONS REMEDIES.**

22 (a) BOARD REMEDIES.—Section 10(c) of the Na-
 23 tional Labor Relations Act (29 U.S.C. 160(c)) is amended
 24 by inserting after the fourth sentence the following new
 25 sentence: “If the Board finds that an employee was dis-

1 charged as a result of an unfair labor practice, the Board
2 in such order shall (1) award back pay in an amount equal
3 to 3 times the employee's wage rate at the time of the
4 unfair labor practice and (2) notify such employee of such
5 employee's right to sue for punitive damages and damages
6 with respect to a wrongful discharge under section 303
7 of the Labor Management Relations Act, 1947 (29 U.S.C.
8 187), as amended by the Fair Labor Organizing Act.”.

9 (b) COURT REMEDIES.—Section 303 of the Labor
10 Management Relations Act, 1947 (29 U.S.C. 187) is
11 amended by adding at the end the following new sub-
12 sections:

13 “(c) It shall be unlawful, for purposes of this section,
14 for any employer to discharge an employee for exercising
15 rights protected under the National Labor Relations Act.

16 “(d) An employee whose discharge is determined by
17 the National Labor Relations Board under section 10(c)
18 of the National Labor Relations Act to be as a result of
19 an unfair labor practice under section 8 of such Act may
20 file a civil action in any district court of the United States,
21 without respect to the amount in controversy, to recover
22 punitive damages or if actionable, in any State court to
23 recover damages based on a wrongful discharge.”.

1 **SEC. 4. INITIAL CONTRACT DISPUTES.**

2 Section 8 of the National Labor Relations Act (29
3 U.S.C. 158) is amended by adding at the end the following
4 new subsection:

5 “(h)(1) If, not later than 60 days after the certifi-
6 cation of a new representative of employees for the pur-
7 pose of collective bargaining, the employer of the employ-
8 ees and the representative have not reached a collective
9 bargaining agreement with respect to the terms and condi-
10 tions of employment, the employer and the representative
11 shall jointly select a mediator to mediate those issues on
12 which the employer and the representative cannot agree.

13 “(2) If the employer and the representative are un-
14 able to agree upon a mediator, either party may request
15 the Federal Mediation and Conciliation Service to select
16 a mediator and the Federal Mediation and Conciliation
17 Service shall upon the request select a person to serve as
18 mediator.

19 “(3) If, not later than 30 days after the date of the
20 selection of a mediator under paragraph (1) or (2), the
21 employer and the representative have not reached an
22 agreement, the employer or the representative may trans-
23 fer the matters remaining in controversy to the Federal
24 Mediation and Conciliation Service for binding arbitra-
25 tion.”.