

104TH CONGRESS
1ST SESSION

S. 295

To permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 1995

Mrs. KASSEBAUM (for herself, Mr. JEFFORDS, Mr. GREGG, and Mr. GORTON) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, 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 "Teamwork for Employ-
5 ees and Management Act of 1995".

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the escalating demands of global competi-
9 tion have compelled an increasing number of Amer-

1 ican employers to make dramatic changes in work-
2 place and employer-employee relationships;

3 (2) these changes involve an enhanced role for
4 the employee in workplace decisionmaking, often re-
5 ferred to as “employee involvement”, which has
6 taken many forms, including self-managed work
7 teams, quality-of-worklife, quality circles, and joint
8 labor-management committees;

9 (3) employee involvement structures, which op-
10 erate successfully in both unionized and non-union-
11 ized settings, have been established by over 80 per-
12 cent of the largest employers of the United States
13 and exist in an estimated 30,000 workplaces;

14 (4) in addition to enhancing the productivity
15 and competitiveness of American businesses, em-
16 ployee involvement structures have had a positive
17 impact on the lives of those employees, better ena-
18 bling them to reach their potential in their working
19 lives;

20 (5) recognizing that foreign competitors have
21 successfully utilized employee involvement tech-
22 niques, Congress has consistently joined business,
23 labor and academic leaders in encouraging and rec-
24 ognizing successful employee involvement structures

1 in the workplace through such incentives as the Mal-
2 colm Baldrige National Quality Award;

3 (6) employers who have instituted legitimate
4 employee involvement structures have not done so to
5 interfere with the collective bargaining rights guar-
6 anteed by the labor laws, as was the case in the
7 1930s when employers established deceptive sham
8 “company unions” to avoid unionization; and

9 (7) employee involvement is currently threat-
10 ened by interpretations of the prohibition against
11 employer-dominated “company unions”.

12 (b) PURPOSES.—It is the purpose of this Act to—

13 (1) protect legitimate employee involvement
14 structures against governmental interference;

15 (2) preserve existing protections against decep-
16 tive, coercive employer practices; and

17 (3) permit legitimate employee involvement
18 structures where workers may discuss issues involv-
19 ing terms and conditions of employment, to continue
20 to evolve and proliferate.

21 **SEC. 3. AMENDMENT TO SECTION 8(a)(2) OF THE NATIONAL**
22 **LABOR RELATIONS ACT.**

23 Section 8(a)(2) of the National Labor Relations Act
24 (29 U.S.C. 158(a)(2)) is amended by adding at the end
25 thereof the following: “*Provided further*, That it shall not

1 constitute or be evidence of an unfair labor practice under
2 this paragraph for an employer to establish, assist, main-
3 tain or participate in any organization or entity of any
4 kind, in which employees participate to address matters
5 of mutual interest (including issues of quality, productivity
6 and efficiency) and which does not have, claim or seek au-
7 thority to negotiate or enter into collective bargaining
8 agreements under this Act with the employer or to amend
9 existing collective bargaining agreements between the em-
10 ployer and any labor organization;”.

11 **SEC. 4. CONSTRUCTION CLAUSE LIMITING EFFECT OF ACT.**

12 Nothing in the amendment made by section 3 shall
13 be construed as affecting employee rights and responsibil-
14 ities under the National Labor Relations Act other than
15 those contained in section 8(a)(2) of such Act.

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