

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 295

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

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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

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## 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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