

Calendar No. 389

104TH CONGRESS
2D SESSION

S. 295

[Report No. 104-259]

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, Mr. GORTON, Ms. HUTCHISON, Mr. ASHCROFT, Mr. SMITH, Mr. HELMS, Mr. THOMAS, Mr. BROWN, Mr. MCCAIN, Mr. GRASSLEY, Mr. COATS, Mr. FRIST, Mr. HATCH, Mr. MCCONNELL, Mr. NICKLES, Mr. WARNER, Mr. SHELBY, Mr. FAIRCLOTH, Mr. THURMOND, Mr. MACK, Mr. BURNS, and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

MAY 1, 1996

Reported by Mrs. KASSEBAUM, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Teamwork for Employ-
3 ees and Management Act of 1995”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the escalating demands of global competi-
7 tion have compelled an increasing number of Amer-
8 ican employers to make dramatic changes in work-
9 place and employer-employee relationships;

10 (2) these changes involve an enhanced role for
11 the employee in workplace decisionmaking, often re-
12 ferred to as “employee involvement”, which has
13 taken many forms, including self-managed work
14 teams, quality-of-worklife, quality circles, and joint
15 labor-management committees;

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

21 (4) in addition to enhancing the productivity
22 and competitiveness of American businesses, em-
23 ployee involvement structures have had a positive
24 impact on the lives of those employees, better ena-
25 bling them to reach their potential in their working
26 lives;

1 (5) recognizing that foreign competitors have
2 successfully utilized employee involvement tech-
3 niques, Congress has consistently joined business,
4 labor and academic leaders in encouraging and rec-
5 ognizing successful employee involvement structures
6 in the workplace through such incentives as the Mal-
7 colm Baldrige National Quality Award;

8 (6) employers who have instituted legitimate
9 employee involvement structures have not done so to
10 interfere with the collective bargaining rights guar-
11 anteed by the labor laws, as was the case in the
12 1930s when employers established deceptive sham
13 “company unions” to avoid unionization; and

14 (7) employee involvement is currently threat-
15 ened by interpretations of the prohibition against
16 employer-dominated “company unions”.

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

18 (1) protect legitimate employee involvement
19 structures against governmental interference;

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

22 (3) permit legitimate employee involvement
23 structures where workers may discuss issues involv-
24 ing terms and conditions of employment, to continue
25 to evolve and proliferate.

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

3 Section 8(a)(2) of the National Labor Relations Act
4 (29 U.S.C. 158(a)(2)) is amended by adding at the end
5 thereof the following: “*Provided further*, That it shall not
6 constitute or be evidence of an unfair labor practice under
7 this paragraph for an employer to establish, assist, main-
8 tain or participate in any organization or entity of any
9 kind, in which employees participate to address matters
10 of mutual interest (including issues of quality, productivity
11 and efficiency) and which does not have, claim or seek au-
12 thority to negotiate or enter into collective bargaining
13 agreements under this Act with the employer or to amend
14 existing collective bargaining agreements between the em-
15 ployer and any labor organization;”.

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

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

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