



COURT CLEARS THE PATHWAY FOR THE WORKERS' RIGHTS AMENDMENT

A Sangamon County Circuit Court judge has recently issued an order that denied the right of some taxpayers to file a lawsuit to challenge the use of public funds to place the Illinois Right to Collective Bargaining Amendment on the November 2022 general election ballot. The Senate Joint Resolution Constitutional Amendment No. 11 (Workers' Rights Amendment) is a major contribution to Illinois labor law were it to be ratified by the voters. It states:

Employees shall have the fundamental right to organize and to bargain collectively through representatives of their own choosing for the purpose of negotiating wages, hours, and working conditions, and to protect their economic welfare and safety at work. No law shall be passed that interferes with, negates, or diminishes the right of employees to organize and bargain collectively over their wages, hours, and other terms and conditions of employment and work place safety, including any law or ordinance that prohibits the execution or application of agreements between employers and labor organizations that represent employees requiring membership in an organization as a condition of employment.

Under Illinois law, such a lawsuit to challenge a ballot initiative of this kind must first be filed as a taxpayer petition seeking permission of the court to allow the complaint to be filed. The primary argument raised by the petitioners was that the amendment is preempted by the National Labor Relations Act. Four taxpayers signed on to the petition and were represented by the Liberty Justice Center and the Illinois Policy Institute.

The court held that there was no reasonable ground for the filing of the petition and that the Joint Senate Resolution Constitutional Amendment No. 11 is not unconstitutional and not preempted. Three purposes would be served by the amendment were it to be ratified:

1. Create rights for public employees and therefore it is not preempted;
2. Restrain the power of the Illinois General Assembly to pass laws restricting union security agreements; and
3. Act as a fail-safe to preserve rights for private-sector employees in the event the federal government ever decided to abandon the NLRA.

Given the general view of anti-labor groups that filed the unsuccessful petition, we can expect them and others to lead an effort to defeat the amendment. Therefore, we encourage all labor unions and related groups to make a strong effort to campaign for the ratification of this amendment.

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