

## HOUSE RESOLUTION NO. 90

Reps. McFall, Brixie, Weiss, Andrews, Martus, Hope, B. Carter, Rheingans, Foreman, MacDonell, Tsernoglou, Young, Pohutsky, Steckloff, Mentzer, Conlin, Wegela, McKinney, Longjohn, Dievendorf, Price, Wilson, Byrnes, Myers-Phillips, Paiz, T. Carter, Snyder, Breen, Wooden and Tate offered the following resolution:

1       A resolution to urge the President, United States Congress,  
2       and the National Labor Relations Board to enact policies banning  
3       employers from permanently replacing striking employees.

4       Whereas, The right to organize and strike is essential to  
5       labor rights and the protection of workers in the United States.  
6       Without these rights, employees would have little recourse against  
7       unfair treatment by their employers; and

8       Whereas, The right to organize and strike requires that  
9       workers are protected against being replaced during a strike.

10      Allowing employers to replace striking workers tips the balance

1 significantly in the favor of employers during negotiations; and

2       Whereas, In 2016, the National Labor Relations Board affirmed  
3 that employers do not have the unrestricted right to permanently  
4 replace workers during a strike. In their 2016 decision, the board  
5 made clear that employers cannot replace employees as a way to  
6 punish them or prevent future strikes. However, striking workers  
7 can still be replaced to ensure continuous operations; and

8       Whereas, Despite the existence of some legal protections,  
9 striking workers remain vulnerable without further laws and  
10 policies to ensure they will not be permanently replaced. In  
11 December 2021, for example, the Kellogg Company announced that it  
12 would permanently replace 1,400 striking employees after the union  
13 rejected an agreement to end the strike. Although the employees  
14 eventually approved a new collective bargaining agreement, such  
15 threats by Kellogg's significantly hindered their ability to reach  
16 a fair deal; now, therefore, be it

17       Resolved by the House of Representatives, That we urge the  
18 President, United States Congress, and the National Labor Relations  
19 Board to enact policies banning employers from permanently  
20 replacing striking employees; and be it further

21       Resolved, That copies of this resolution be transmitted to the  
22 President of the United States, the Speaker of the United States  
23 House of Representatives, the President of the United States  
24 Senate, the members of the Michigan congressional delegation, and  
25 the Chairman of the National Labor Relations Board.