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Operating Engineers Unions File Lawsuit to Overturn Act 10
***Janus*' free speech argument prohibits limitations on collective bargaining**

(PEWAUKEE, Wis.) – This afternoon, the International Union of Operating Engineers Locals 139 and 420 [filed a federal lawsuit](#) seeking to invalidate Wisconsin's infamous Act 10, a law passed in 2011 that drastically restricted the bargaining rights of public employees.

The plaintiffs argue Act 10 violates free speech and free association under the First Amendment. *Janus v. AFSCME* and other recent lawsuits have led Supreme Court Justices to suggest that collective bargaining by public employees is classified as political speech, and is therefore protected by the First Amendment. As protected free speech, a status collective bargaining has never held before, it is unconstitutional to restrict who can bargain collectively or what subjects are permissible for bargaining.

The lawsuit states that “Act 10 is a content-based restriction infringing on Plaintiffs’ right to free speech.” Among its many restrictions, Act 10 prohibited public employees from bargaining over “any factor or condition of employment except wages...”

“The organizations supporting the Plaintiff in *Janus* case are seeking to weaken unions, but a ‘victory’ in this instance will have broad unintended consequences,” said IUOE Local 139 President-Business Manager Terrence McGowan. “If collective bargaining is elevated to a constitutional right, anything resembling a limitation will be ripe for legal challenge, and those challenges will come quickly.”

“Public employees’ livelihoods have been under attack for seven years under Act 10,” said IUOE Local 420 Business Manager Mark Maierle. “By failing to consider the consequences of applying free speech protections to collective bargaining, anti-union interests have left the door open for public employees to negotiate for increases to wages, pensions, and healthcare benefits.”

The International Union of Operating Engineers Local 139 is a labor union representing approximately 9,500 working men and women in Wisconsin, primarily employed as heavy equipment operators in the construction industry. Local 139 also represents public sector employees in various towns, counties, villages and cities. Local 139 is headquartered in Pewaukee and maintains other offices in Madison, Altoona, and Appleton, Wisconsin.

The International Union of Operating Engineers Local 420 represents 1,600 working men and women in Wisconsin, primarily employed in the public sector. Local 420 offices are located in Green Bay and Oak Creek, Wisconsin.

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