

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 820

Short Title: Protect Right to Work/Conforming Changes. (Public)

Sponsors: Representatives Burr, Dixon, K. Hall, and Saine (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING THE STATE'S LABOR LAWS PROTECTING A PERSON'S
3 RIGHT TO WORK.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** If the qualified voters approve a constitutional amendment in
6 November 2018 that protects the right to work as set forth in legislation filed during the 2017
7 Regular Session of the General Assembly, then Article 10 of Chapter 95 of the General Statutes
8 reads as rewritten:

9 "Article 10.

10 "Declaration of Policy as to Labor Organizations.

11 "**§ 95-78. Declaration of public policy.**

12 (a) The right to live includes the right to work. The exercise of the right to work must
13 be protected and maintained free from undue restraints and coercion. It is hereby declared to
14 be the public policy of North Carolina that the right of persons to work shall not be denied or
15 abridged on account of membership or nonmembership in any labor ~~union or labor organization~~
16 ~~or association organization.~~

17 (b) The term "labor organization" as used in this Article means any trade union, labor
18 union, or other labor association.

19 "**§ 95-79. Certain agreements declared illegal.**

20 (a) Any agreement or combination between any employer and any labor ~~union or labor~~
21 ~~organization~~ whereby persons not members of ~~such union or the labor organization~~ shall be
22 denied the right to work for ~~said~~ the employer, or whereby such membership is made a
23 condition of employment or continuation of employment by ~~such~~ the employer, or whereby any
24 such union or organization acquires an employment monopoly in any enterprise, is hereby
25 declared to be against the public policy and an illegal combination or conspiracy in restraint of
26 trade or commerce in the State of North Carolina.

27 (b) Any provision that directly or indirectly conditions the purchase of agricultural
28 products or the terms of an agreement for the purchase of agricultural products upon an
29 agricultural producer's status as a union or nonunion employer or entry into or refusal to enter
30 into an agreement with a labor union or labor organization is invalid and unenforceable as
31 against public policy in restraint of trade or commerce in the State of North Carolina. For
32 purposes of this subsection, the term "agricultural producer" means any producer engaged in
33 any service or activity included within the provisions of section 3(f) of the Fair Labor
34 Standards Act of 1938, 29 U.S.C. § 203, or section 3121(g) of the Internal Revenue Code of
35 1986, 26 U.S.C. § 3121.



1 **"§ 95-80. Membership in labor organization as condition of employment prohibited.**

2 No person shall be required by an employer to become or remain a member of any labor
3 ~~union or labor~~ organization as a condition of employment or continuation of employment by
4 such employer.

5 **"§ 95-81. Nonmembership as condition of employment prohibited.**

6 No person shall be required by an employer to abstain or refrain from membership in any
7 labor ~~union or labor~~ organization as a condition of employment or continuation of employment.

8 **"§ 95-82. Payment of dues as condition of employment prohibited.**

9 No employer shall require any person, as a condition of employment or continuation of
10 employment, to pay any dues, fees, or other charges of any kind to any labor ~~union or labor~~
11 organization.

12 **"§ 95-83. Recovery of damages by persons denied employment.**

13 Any person who may be denied employment or be deprived of continuation of ~~his~~the
14 person's employment in violation of G.S. 95-80, 95-81 and 95-82 or of one or more of such
15 sections, shall be entitled to recover from ~~such~~the employer and from any other person, firm,
16 corporation, or association acting in concert with ~~him~~the employer by appropriate action in the
17 courts of this State such damages as ~~he~~the person may have sustained by reason of such denial
18 or deprivation of employment.

19 **"§ 95-84. Application of Article.**

20 The provisions of this Article ~~shall do~~ not apply to any lawful contract in force on the
21 effective date hereof but they shall apply in all respects to contracts entered into thereafter and
22 to any renewal or extension of any existing contract."

23 **SECTION 2.** This act is effective when it becomes law but only as expressly
24 provided by Section 1 of this act.