

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL DRS35255-LR-107A (03/17)

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

Sponsors: Senators B. Jackson, Daniel, and Edwards (Primary Sponsors).

Referred to:

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.

36 **"§ 95-80. Membership in labor organization as condition of employment prohibited.**



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

4 **"§ 95-81. Nonmembership as condition of employment prohibited.**

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

7 **"§ 95-82. Payment of dues as condition of employment prohibited.**

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

11 **"§ 95-83. Recovery of damages by persons denied employment.**

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

18 **"§ 95-84. Application of Article.**

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

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