

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Apr 4, 2023
S.B. 543
PRINCIPAL CLERK

S

D

SENATE BILL DRS45159-LR-81

Short Title: Remove Barriers to Labor Organizing. (Public)

Sponsors: Senators Grafstein, Murdock, and Meyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING LABOR ORGANIZATIONS WITH THE UNABRIDGED RIGHT TO
3 ENTER INTO LABOR AGREEMENTS AND REPEALING RESTRICTIONS ON LABOR
4 ORGANIZING BY PUBLIC EMPLOYEES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Article 10 of Chapter 95 of the General Statutes reads as rewritten:

7 "Article 10.

8 "Declaration of Policy as to Labor Organizations.

9 "§ 95-78. Declaration of public policy.

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

17 "~~§ 95-79. Certain agreements declared illegal.~~

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

25 (b) ~~Any provision that directly or indirectly conditions the purchase of agricultural~~
26 ~~products, the terms of an agreement for the purchase of agricultural products, or the terms of an~~
27 ~~agreement not to sue or settle litigation upon an agricultural producer's status as a union or~~
28 ~~nonunion employer or entry into or refusal to enter into an agreement with a labor union or labor~~
29 ~~organization is invalid and unenforceable as against public policy in restraint of trade or~~
30 ~~commerce in the State of North Carolina. Further, notwithstanding G.S. 95-25.8, an agreement~~
31 ~~requiring an agricultural producer to transfer funds to a labor union or labor organization for the~~
32 ~~purpose of paying an employee's membership fee or dues is invalid and unenforceable against~~
33 ~~public policy in restraint of trade or commerce in the State of North Carolina. For purposes of~~
34 ~~this subsection, the term "agricultural producer" means any producer engaged in any service or~~
35 ~~activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938,~~
36 ~~29 U.S.C. § 203, or section 3121(g) of the Internal Revenue Code of 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 such~~
4 ~~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 person's
14 employment in violation of ~~G.S. 95-80, 95-81 and 95-82 or of one or more of such sections,~~
15 G.S. 95-81 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~~ the
18 denial or deprivation of employment.

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

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

23 **SECTION 1.(b)** Article 12 of Chapter 95 of the General Statutes is repealed.

24 **SECTION 2.** This act is effective when it becomes law and applies to agreements
25 entered into on or after that date.