

2011 -- H 5881

LC01853

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO LABOR AND LABOR RELATIONS – RIGHT TO WORK

Introduced By: Representatives Trillo, Brien, Chippendale, and Reilly

Date Introduced: March 08, 2011

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR  
2 RELATIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 54

4 RIGHT TO WORK

5 **28-54-1. Short title.** – This chapter shall be known and may be cited as the "Right to  
6 Work Act."

7 **28-54-2. Definitions.** – As used in this chapter, unless the context clearly requires  
8 otherwise, the following terms shall have the following meanings:

9 (1) "Employer" means all persons, firms, associations, corporations, public employers,  
10 public school employers, and public colleges, universities, institutions, and education agencies.

11 (2) "Labor organization" means any organization of any kind, or agency or employee  
12 representation committee or union, which exists for the purpose, in whole or in part, of dealing  
13 with employers concerning wages, rates of pay, hours of work, other conditions of employment,  
14 or other forms of compensation.

15 **28-54-3. Right to refrain.** – (a) No person shall be required, as a condition or  
16 continuation of employment, to:

17 (1) Become or remain a member of a labor organization;

18 (2) Pay any dues, fees, assessment, or other similar charges, however denominated, of  
19 any kind or amount to a labor organization; or

1           (3) Pay to any charity or other third-party, in lieu of such payments, any amount  
2 equivalent to or pro rate portion of dues, fees, assessments, or other charges required of members  
3 of a labor organization.

4           **28-54-4. Agreements in violation.** – Any agreement, understanding or practice, written  
5 or oral, implied or expressed, between any labor organization and employer which violates the  
6 rights of employees as guaranteed by provisions of this chapter is hereby declared to be unlawful,  
7 null and void, and of no legal effect.

8           **28-54-5. Penalty jurisdiction.** – Any person who directly or indirectly violates any  
9 provision of this chapter shall be guilty of a misdemeanor. The superior court shall have  
10 jurisdiction to hear and determine any violation of this chapter.

11           **28-54-6. Injunctive relief.** – Any person injured as a result of any violation or threatened  
12 violation of the provisions of this chapter shall be entitled to injunctive relief against any and all  
13 violators or persons threatening violations.

14           **28-54-7. Damages.** – Any person injured as a result of any violation or threatened  
15 violation of the provisions of this chapter shall recover any and all damages, including costs and  
16 reasonable attorney fees, of any character resulting from such violation or threatened violation.  
17 Such remedies shall be independent of and in addition to the penalties and remedies proscribed in  
18 other provisions of this chapter.

19           **28-54-8. Duty to investigate and enforce.** – It shall be the duty of the attorney general of  
20 this state to investigate complaints of violation or threatened violations of this chapter and to  
21 prosecute all persons violating any of its provisions, and to take all means at his or her command  
22 to ensure effective enforcement.

23           **28-54-9. Exceptions.** – The provisions of this chapter shall not apply:

24           (1) To employers and employees covered by the federal railway labor act;

25           (2) To federal employers and employees;

26           (3) To employers and employees on exclusive federal enclaves;

27           (4) Where they would otherwise conflict with, or be pre-empted by, federal law; or

28           (5) To any employment contract entered into before the effective date of this chapter.

29 However, the provisions of this chapter shall apply to any renewal or extension of any existing  
30 contract.

31           **28-54-10. Severability clause.** – If any provision of this chapter or the application of any  
32 such provision to any person or circumstance should be held invalid by a court of competent  
33 jurisdiction, the remainder of this chapter or the application of its provisions to persons or  
34 circumstances other than those to which it is held invalid shall not be affected thereby.

1 SECTION 2. This act shall take effect upon passage.

=====  
LC01853  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LABOR AND LABOR RELATIONS – RIGHT TO WORK

\*\*\*

1           This act would enact the Rhode Island right to work act, making union membership and  
2 union dues voluntary.

3           This act would take effect upon passage.

=====  
LC01853  
=====