

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H. B. NO. 9-404, H. D. I.

FIRST SPECIAL SESSION, 1995

PUBLIC LAW NO. 9-48

AN ACT

To establish policy and provisions to insure employees rights to work; and for other purposes.

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Title: This Act may be known as the "Right To Work Act of 1995."

Section 2. Legislative Findings; Policy.

(a) The legislature finds that workers must be protected without regard to whether they are unionized. The right to work is an inherent right of an individual and is an integral part of the right to live.

(b) The policy of the Commonwealth, in the exercise of its sovereign constitutional police power, is to regulate the activities and affairs of employers and labor unions, their officers, agents, organizers, and representatives as provided in this sub-chapter.

Section 3. Denial of right to work for membership or non-membership in labor organization declared to be against public policy.

It is hereby declared to be public policy of the Commonwealth that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization.

Section 4. Certain acts required of employee as condition of employment or continuance of employment made unlawful.

It shall be unlawful for any employer:

(1) To require any employee, as a condition of employment, or of continuance of employment, to be or become or remain a member or affiliate of any labor organization or agency;

(2) To require any employee, as a condition of employment, or of continuance of employment, to abstain or refrain from membership in any labor organization; or

(3) To require any employee, as a condition of employment, or of continuance of employment, to pay any fees, dues, assessments or other charges or sums of money whatsoever to any person or organization.

Section 5. Contract requiring or prohibiting labor union membership void.

A contract is void if it requires that to work for an employer, employees or applicants for

employment;

- (1) Must be or may not be members of a labor union; or
- (2) Must remain or may not remain members of a labor union.

Section 6. Agreement between employer and labor organization denying non-members right to work or requiring union membership unlawful.

Any agreement or combination between any employer and any labor organization whereby persons not members of such labor organization shall be denied the right to work for such employer or whereby such membership is made a condition of employment, or of continuance of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy, unlawful and an illegal combination or conspiracy.

Section 7. Fee for privilege to work prohibited.

A labor union, a labor organizer, or an officer, member, agent, or representative of a labor union may not collect, receive, or demand, directly or indirectly, a fee as a work permit or as a condition for the privilege to work from a person who is not a member of the union.

Section 8. Deduction of labor organization membership dues from wages.

Nothing in this chapter shall preclude any employer from deducting from the wages of the employees and paying over to any labor organization, or its authorized representative, membership dues in a labor organization; provided, that the employer has received from each employee whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of any applicable collective agreement or assignment, whichever occurs sooner.

Section 9. Interference with right to work, compelling labor organization membership, picketing and the like made unlawful.

It shall be unlawful for any person, acting alone or in concert with one or more persons;

(1) By force, intimidation, violence or threats thereof, or violent or insulting language, directed against the person or property, or any member of the family of any person (a) to interfere, or attempt to interfere, with such person in the exercise of their right to work, to pursue or engage in, any lawful vocation or business activity, to enter or leave any place of their employment, or to receive, ship or deliver materials, goods or services not prohibited by law or (b) to compel or attempt to compel any person to join, or support, or refrain from joining or supporting any labor organization; or

(2) To engage in picketing by force or violence or in such number or manner as to obstruct or interfere, or constitute a threat to obstruct or interfere, with (a) free ingress to, and egress from, any place of employment or (b) free use of roads, street, highways, sidewalks, railways or other public ways of travel, transportation or conveyance.

Nothing in this section shall be construed so as to prohibit peaceful picketing permissible under the Labor Management Relations Act of 1947 and the Constitution of the United States.

Section 10. Labor organization contract violating right to work provisions.

It shall be unlawful for any labor organization to enter into or seek to effect any agreement, contract or arrangement with any employer declared to be unlawful by this Act.

Section 11. Penalties.

Any employer, labor organization or other person whomsoever who shall violate any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by imprisonment for not less than ten (10) nor more than thirty (30) days, or by a fine of not less than One Hundred (\$100.00) nor more than Two Thousand Dollars (\$2,000.00), or by both, in the discretion of the court.

Section 12. Remedy for violations of rights; relief which court may grant.

Any person whose rights are adversely affected by any contract, agreement, assemblage or other act or thing done or threatened to be done and declared to be unlawful or prohibited by this chapter shall have the right to apply to any court having general equity jurisdiction for appropriate relief. The court, in any such proceeding, may grant and issue such restraining, and others, orders as may be appropriate, including an injunction restraining and enjoining the performance, continuance, maintenance or commission of any such contract, agreement, assemblage, act or thing, and may determine and award, as justice may require, any actual damages, costs and attorneys' fees which have been sustained or incurred by any party to the action, and in the discretion of the court, punitive damages in addition to the actual damages. The provision of this section are cumulative and are in addition to all other remedies now or hereafter provided by law.

Section 13. Applicability of right to work provisions.

The provisions of this Act shall not apply to any contract, otherwise lawful, in force and effect on the effective date of this Act, but they shall apply to all contracts thereafter concluded and to any renewal or extension of existing contracts.

Section 14. Labor Management Relations Act.

The provisions of this Act shall not be construed to conflict with provisions of the Labor Management Relations Act which are applicable to the Commonwealth pursuant to the Covenant.

Section 15. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 16. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 17. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 5th day of September, 1995

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
Governor
Commonwealth of the Northern Mariana Islands