

Explanation for Proposed Constitutional Amendment
To Be Voted on at the November 8, 2016, Election

PROPOSED CONSTITUTIONAL AMENDMENT

Article I. Bill of Rights.
Section 11-A. Right to work.

BALLOT QUESTION

Question: Should Article I of the Constitution of Virginia be amended to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise?

EXPLANATION

Present Law

Currently, Virginia's right to work law, § 40.1-59 of the Code of Virginia, provides that any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership in the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise is against public policy and illegal. This has been the law and the declared public policy of the Commonwealth since 1947.

Proposed Amendment

The proposed amendment places the provisions of Virginia's right to work law into the Constitution of Virginia. While Virginia law may be amended by any future General Assembly, a constitutional prohibition can only be changed by a future constitutional amendment approved by the voters.

FULL TEXT OF AMENDMENT [Proposed new language is underlined.]

Amend Article I of the Constitution of Virginia by adding a section numbered 11-A as follows:

ARTICLE I
BILL OF RIGHTS

Section 11-A. Right to work.

Any agreement or combination between any employer and any labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

DLS

04/20/2016

Explanation Word Count: 149

Approved by the House and Senate Committees on Privileges and Elections: 04/20/2016