

## **Chapter 34**

### **Utah Right to Work Law**

#### **34-34-1 Short title.**

This chapter shall be known and may be cited as the "Utah Right to Work Law."

Enacted by Chapter 85, 1969 General Session

#### **34-34-2 Public policy.**

It is hereby declared to be the public policy of the state that the right of persons to work, whether in private employment or for the state, its counties, cities, school districts, or other political subdivisions, may not be denied or abridged on account of membership or nonmembership in any labor union, labor organization or any other type of association; and further, that the right to live includes the right to work. The exercise of the right to work shall be protected and maintained free from undue restraints and coercion.

Amended by Chapter 297, 2011 General Session

#### **34-34-3 "Employer" defined.**

The word "employer" as used in this chapter includes all persons, firms, associations, corporations, the state, its counties, cities, school districts and other political subdivisions.

Enacted by Chapter 85, 1969 General Session

#### **34-34-4 Agreement, understanding or practice denying right to work declared illegal.**

Any express or implied agreement, understanding or practice between any employer and any labor union, labor organization or any other type of association, whereby any person not a member of such union, organization or any other type of association shall be denied the right to work for an employer, or whereby membership in such labor union, labor organization or any other type of association is made a condition of employment or continuation of employment by such employer, or whereby any such union, organization or any other type of association acquires an employment monopoly in any enterprise or industry, is hereby declared to be an illegal combination or conspiracy and against public policy.

Enacted by Chapter 85, 1969 General Session

#### **34-34-5 Any agreement, understanding or practice designed to violate chapter declared illegal.**

Any express or implied agreement, understanding or practice which is designed to cause or require, or has the effect of causing or requiring, any employer or labor union, labor organization or any other type of association, whether or not a party thereto, to violate any provision of this chapter is hereby declared an illegal agreement, understanding, or practice and contrary to public policy.

Enacted by Chapter 85, 1969 General Session

#### **34-34-6 Conduct forcing violation of act illegal -- Peaceful and orderly solicitation excepted.**

Any person, firm, association, corporation, labor union, labor organization or any other type of association engaging in lockouts, layoffs, boycotts, picketing, work stoppages, or other conduct, a purpose of which is to compel or force any other person, firm, association, corporation, labor union, labor organization or any other type of association to violate any provision of this chapter shall be guilty of illegal conduct contrary to public policy; but nothing herein contained shall be construed to prevent or make illegal the peaceful and orderly solicitation and persuasion by members of a labor union, labor organization or any other type of association of others to join a labor union, labor organization or any other type of association, unaccompanied by any intimidation, use of force, threat of use of force, reprisal, or threat of reprisal.

Enacted by Chapter 85, 1969 General Session

**34-34-7 Compelling person to join or not join labor union unlawful.**

It shall be unlawful for any employer, person, firm, association, corporation, employee, labor union, labor organization or any other type of association, officer or agent of such, or member of same, to compel or force, or to attempt to compel or force, any person to join or refrain from joining any labor union, labor organization or any other type of association.

Enacted by Chapter 85, 1969 General Session

**34-34-8 Employer not to require union membership.**

No employer shall require any person to become or remain a member of any labor union, labor organization or any other type of association as a condition of employment or continuation of employment by such employer.

Enacted by Chapter 85, 1969 General Session

**34-34-9 Employer not to require person to abstain from union membership.**

No employer shall require any person to abstain or refrain from membership in any labor union, labor organization or any other type of association as a condition of employment or continuation of employment.

Enacted by Chapter 85, 1969 General Session

**34-34-10 Employer not to require payment of dues, fees, or other charges to union.**

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

Enacted by Chapter 85, 1969 General Session

**34-34-11 Injunctive relief -- Damages.**

Any employer, person, firm, association, corporation, employee, labor union, labor organization or any other type of association injured as a result of any violation or threatened violation of any provision of this chapter, or threatened with any such violation shall be entitled to injunctive relief against any and all violators or persons threatening violation and also to recover from such violator or violators, or person or persons, any and all damages of any character cognizable at common

law resulting from such violations or threatened violations. Such remedies shall be independent of and in addition to the penalties and remedies prescribed in other provisions of this chapter.

Enacted by Chapter 85, 1969 General Session

**34-34-12 Injunction against violating chapter.**

In addition to the penal provisions of this chapter, any person, firm, corporation, association, or any labor union, labor organization or any other type of association, or any officer, representative, agent or member thereof may be restrained by injunction from doing or continuing to do any of the matters and things prohibited by this chapter.

Enacted by Chapter 85, 1969 General Session

**34-34-13 Damages for denial or deprivation of continuation of employment.**

Any person who may be denied employment or be deprived of continuation of his employment in violation of this chapter shall be entitled to recover from such employer and from any other person, firm, corporation or association acting in concert with him by appropriate action in the courts of this state such damages as he may have sustained by reason of such denial or deprivation of employment.

Enacted by Chapter 85, 1969 General Session

**34-34-14 Jurisdiction.**

The jurisdiction of any action brought to enforce this chapter is hereby conferred upon and vested in the district court of the county in which any person, group of persons, firm, association, corporation, labor union, labor organization or any other type of association, or representatives thereof, who violates this chapter, or any part of it, resides or has a place of business, or may be found and served with process.

Enacted by Chapter 85, 1969 General Session

**34-34-15 Existing contracts -- Chapter applicable upon renewal or extension.**

The provisions of this chapter do not apply to any lawful contract in force on the effective date of this act, but they shall apply in all respects to contracts entered into after such date and to any renewal or extension of any existing contract.

Amended by Chapter 297, 2011 General Session

**34-34-16 Right to bargain collectively not denied.**

Nothing in this chapter shall be construed to deny the right of employees to bargain collectively with their employer by and through labor unions, labor organizations or any other type of associations.

Enacted by Chapter 85, 1969 General Session

**34-34-17 Violation of act a misdemeanor.**

A violation of this act is a class B misdemeanor, and each day such unlawful conduct, as defined in this chapter, is in effect or continued is a separate offense and is punishable as such, as provided in this chapter.

Amended by Chapter 148, 2018 General Session