

**22 GCA BUSINESS REGULATIONS
CH. 4 RIGHT TO WORK**

**CHAPTER 4
RIGHT TO WORK**

SOURCE: This entire Chapter was enacted by P.L. 25-125 (5/15/2000)

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- § 4102. Policy.
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§ 4101. Legislative Findings. Policy.

(a) *I Liheslaturan Guåhan* 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 Guam, in the exercise of its sovereign police power, is to regulate the activities and affairs of employers and labor unions, their officers, agents, organizers and representatives.

§ 4102. Policy.

It is hereby declared to be the public policy of Guam 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.

§ 4103. Unlawful Acts.

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 of affiliate of any labor organization or agency;

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(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.

§ 4104. Void Contracts.

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.

§ 4105. Unlawful Agreements.

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.

§ 4106. Fee for Work Prohibited.

A labor union; 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.

§ 4107. Deductions 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 (1) year, or beyond the termination date of any applicable collective agreement or assignment, whichever occurs sooner.

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§ 4108. Interference Unlawful.

It shall be unlawful for any person, acting alone or in concert with one (1) or more persons:

(1) to interfere, or attempt to interfere, by force, intimidation, violence or threats thereof, with any 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*

(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:

free ingress to, and egress from, any place of employment; *or*

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, as amended, the Organic Act, and the United States Constitution.

§ 4109. 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.

§ 4110. 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 Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00), or by both, at the discretion of the Court.

§ 4111. Judicial Remedies.

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 other 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 provisions of this Section are cumulative and are in addition to all other remedies now or hereafter provided by law.

§ 4112. 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.

§ 4113. Guam Employment Relations Act.

The provisions of this Act shall *not* be construed to conflict with provisions of the Guam Employment Relations Act, Chapter 5 of Division I of Title 22 of the Guam Code Annotated.

§ 4114. 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.
