

CONSTRUCTION BLOG

A Primer on New Missouri Right to Work Law

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What does Right to Work Mean?

Employers are barred from: requiring employees to become, remain, or refrain from becoming a member of a labor organization; or pay dues or other charges required of labor organization members as a condition of employment.

Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed under Act is unlawful, null and void, and of no legal effect.

Does this Act apply to all Missouri employers?

The Act applies to all Missouri employers without regard to the number of employees with the exception of employees covered by the federal Railway Labor Act; federal employers and employees; and employers and employees on exclusive federal enclaves.

Does this law apply to existing labor agreements?

Not yet. The Act does NOT apply to any agreement between an employer and a labor organization entered into *before the effective date of this act* but shall apply to any such agreement upon its renewal, extension, amendment, or modification in any respect after the effective date of this act. Also, the Act does not otherwise impact the terms, conditions of employment and wages set forth in an existing labor agreement.

What relief is afforded for violations of the Act?

Any person who violates or directs another to violate the Act will be guilty of a class C misdemeanor. Also, any person injured as a result of any violation or threatened violation of this section shall be entitled to injunctive relief³¹ against any and all violators or persons threatening violations and may recover any and all damages of any character resulting from such violation or threatened violation including costs and reasonable attorney fees.

How is the Act enforced?

Prosecuting attorneys, circuit attorneys, and the Attorney General are charged with investigating complaints under this act and private civil causes of actions.

When will the Act go into effect?

The Act will immediately go into effect upon Gov. Eric Greitens' signature.

For more information about the Missouri Right to Work Act, please contact Timm Schowalter at tschowalter@sandbergohoenix.com, (314) 425-4910 or another member of Sandberg Phoenix & von Gontard, P.C.'s Labor and Employment Law Team.