

OKLAHOMA CONSTITUTION
ARTICLE XXIII - MISCELLANEOUS

SECTION XXIII-1

Hours of labor on public work.

Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality.

SECTION XXIII-1A.

Right to work.

A. As used in this section, "labor organization" means any organization of any kind, or agency or employee representation committee or union, that exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

B. No person shall be required, as a condition of employment or continuation of employment, to:

1. Resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

2. Become or remain a member of a labor organization;

3. Pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

4. Pay to any charity or other third party, in lieu of such payments, any amount equivalent to or pro rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or

5. Be recommended, approved, referred, or cleared by or through a labor organization.

C. It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization unless the employee has first authorized such deduction.

D. The provisions of this section shall apply to all employment contracts entered into after the effective date of this section and shall apply to any renewal or extension of any existing contract.

E. Any person who directly or indirectly violates any provision of this section shall be guilty of a misdemeanor.

Added by State Question No. 695, Legislative Referendum No. 322, adopted at Special Election held on Sept. 25, 2001.

SECTION XXIII-2

Contracting prohibited.

The contracting of convict labor is hereby prohibited.

SECTION XXIII-3

Children under fifteen.

The employment of children, under the age of fifteen years, in any occupation, injurious to health or morals or especially hazardous to life or limb, is hereby prohibited.

SECTION XXIII-4

Employment underground - Hours of labor underground.

Boys and girls under the age of eighteen years shall not be employed, underground, in the operation of mines; and, except in cases of emergency, eight hours shall constitute a day's work underground in all mines in the State.

Amended by State Question No. 589, Legislative Referendum No. 253, adopted at election held on Nov. 4, 1986. Amendment proposed by Laws 1985, p. 1666, S.J.R. No. 16, § 1.

SECTION XXIII-5

Health and safety of employees.

The Legislature shall pass laws to protect the health and safety of employees in factories, in mines, and on railroads.

SECTION XXIII-6

Contributory negligence - Assumption of risk - Questions for jury.

The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact, and shall, at all times, be left to the jury.

SECTION XXIII-7

Right of action - Amount of recovery - Exclusiveness of remedy under Workers' Compensation Law.

The right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation, provided however, that the Legislature may provide an amount of compensation under the Workers' Compensation Law for death resulting from injuries suffered in employment covered by such law, in which case the compensation so provided shall be exclusive, and the Legislature may enact statutory limits on the amount recoverable in civil actions or claims against the state or any of its political subdivisions.

Amended by State Question No. 345, Referendum Petition No. 96, adopted at election held on July 4, 1950; State Question No. 586, Legislative Referendum No. 250, adopted at election held on April 30, 1985.

SECTION XXIII-8

Contracts waiving benefits of Constitution invalid.

Any provision of a contract, express or implied, made by any person, by which any of the benefits of this Constitution is sought to be waived, shall be null and void.

SECTION XXIII-9

Notice or demand, stipulation for.

Any provision of any contract or agreement, express or implied, stipulating for notice or demand other than such as may be provided by law, as a condition precedent to establish any claim, demand, or liability, shall be null and void.

SECTION XXIII-10

Change of salary during term - Extension of term - Continuance until qualification of successor.

Except wherein otherwise provided in this Constitution, in no case shall the salary or emoluments of any public official be changed after his election or appointment, or during his term of office, unless by operation of law enacted prior to such election or appointment; nor shall the term of any public official be extended beyond the period for which he was elected or appointed: Provided, That all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

SECTION XXIII-11. Repealed by State Question No. 527, Legislative Referendum No. 221, adopted at election held Nov. 7, 1978. Repeal proposed by Laws 1977, p. 982, S.J.R. No. 20.

SECTION XXIII-12.

State-administered retirement systems - Limitation on use of monies.

All the proceeds, assets and income of any public retirement system administered by an agency of the State of Oklahoma shall be held, invested, or disbursed as provided for by law as in trust for the exclusive purpose of providing for benefits, refunds, investment management, and administrative expenses of the individual public retirement system, and shall not be encumbered for or diverted to any other purposes.

Added by State Question No. 645, Legislative Referendum No. 289, adopted at election held on November 3, 1992.