

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 128

**FISCAL
NOTE**

By Senator Charnock

[Introduced January 14, 2026; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §21-5J-1, relating to creating the West Virginia Workplace Security Act; making
3 certain acts unlawful; and prescribing means of enforcement and penalties for violations.

Be it enacted by the Legislature of West Virginia:

<u>ARTICLE</u>	<u>5J.</u>	<u>WEST</u>	<u>VIRGINIA</u>	<u>WORKPLACE</u>	<u>SECURITY</u>	<u>ACT.</u>
<u>§21-5J-1.</u>		<u>West</u>	<u>Virginia</u>	<u>Workplace</u>	<u>Security</u>	<u>Act.</u>
1				(a) This act shall be referenced as the "West Virginia Workplace Security Act".		
2				(b) A person shall not do any of the following:		
3				(1) Hinder or prevent by mass picketing, unlawful threats, or force, the pursuit of any lawful		
4				work or employment.		
5				(2) Obstruct or interfere with entrance to or egress from any place of employment by mass		
6				picketing.		
7				(3) Obstruct or interfere with free and uninterrupted use of public roads, streets highways,		
8				railways, airports, or other ways of travel or conveyance by mass picketing.		
9				(4) Engage in picketing a private residence by any means or methods whatsoever.		
10				(c) This section does not apply to picketing that is authorized under the Constitution of the		
11				United States or the Constitution of West Virginia.		
12				(d) An employer or other person that is the subject of an activity prohibited under		
13				subsection (b) may bring an action to enjoin the prohibited activity in the circuit court for the county		
14				in which the affected person is located. A court having jurisdiction of an action brought hereunder		
15				shall grant injunctive relief if the court finds that any person has engaged or is engaging in any of		
16				the conduct prohibited under subsection (b), without regard to the existence of other remedies,		
17				demonstration of irreparable harm, or other factors. The court shall award court costs and		
18				reasonable attorney fees to a plaintiff who prevails in any action brought under this subsection.		
19				(e) Failure to comply with an order of the court issued under this section may be punished		
20				as contempt.		

21 (f) A person who violates subsection (b) and has previously been enjoined for a violation of
22 this same subsection is subject to a civil fine of \$1,000 for each day of the violation. If a union or
23 organization, including a labor organization as defined at §21-5G-1 of this code, continues to
24 sponsor or assist in the prohibited activity in violation of an injunction, the union or organization is
25 subject to a civil fine of \$10,000 for each day of the violation. The civil fine assessed hereunder
26 shall be paid to the court, and upon a showing of damages to business sales, business
27 opportunities, or property, the employer, organization, or other entity that was the subject of the
28 activity prohibited under this section shall be compensated from the payment made to the court.

29 (g) An employer than is the subject of picketing may obtain injunctive relief against the
30 picketers without a showing of irreparable harm if the court finds the picketing violates this section.

NOTE: The purpose of this bill is to create the West Virginia Workplace Security Act; make certain acts unlawful; and prescribe means of enforcement and penalties for violations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.