"Right to Work" Laws: Get the Facts

What is a "right to work" law?

Despite its misleading name, this type of law does not guarantee anyone a job and it does not protect against unfair firing. By undermining unions, so-called "Right to Work" laws would weaken the best job security protections workers have - the union contract.

A "right to work" law is a state law that stops employers and employees from negotiating an agreement – also known as a union security clause – that requires all workers who receive the benefits of a collective bargaining agreement to pay their share of the costs of representing them. Right to Work laws say that unions must represent every eligible employee, whether he or she pays dues or not. In other words, "Right to Work" laws allow workers to pay nothing and still get all the benefits of union membership.

"Right to Work" laws aren't fair to dues-paying members. If a worker who is represented by a union and doesn't pay dues is fired illegally, the union must use its time and money to defend him or her, even if that requires going through a costly, time-consuming legal process. Since the union represents everyone, everyone benefits, so everyone should share in the costs of providing these services. Amazingly, nonmembers who are represented by a union can even sue the union if they think it has not represented them well enough!

Will a "right to work" law benefit workers in Minnesota?

No. Workers in states with so-called Right-to-Work (RTW) laws have a consistently lower quality of life than in other states - lower wages, higher poverty, less access to health care, poorer education for children - according to data from the U.S. Department of Labor and the U.S. Census Bureau. Why should Minnesota adopt a losing RTW strategy that lowers the standard of living for workers and their families?

Working Families in States with "Right to Work" Laws Earn Lower Wages

- On average, workers in states with "Right to Work" law earn $5,538 a year less than workers in states without these laws.

"Right to Work" States Spend Less on Education

- Right-to-Work states spend $2,671 less per pupil on elementary and secondary education than free-bargaining states.

"Right to Work" States Have Higher Workplace Fatality Rates

- According to data from the Bureau of Labor Statistics, the rate of workplace deaths is
52.9% higher in states with Right-to-Work laws.

“Right to Work” Laws Don’t Improve Living Standards – Unions Improve Living Standards

Overall, union members earn 28 percent ($198) more per week than nonunion workers. Hispanic union members earn 50 percent ($258) more each week than nonunion Hispanics and African Americans earn 29 percent ($168) more each week if they are union members.

78 percent of private sector union workers have access to medical insurance through their jobs, compared with 51 percent of nonunion workers. And 77 percent of private sector union workers have access to a guaranteed (defined benefit) retirement plan through their jobs, compared with just 20 percent of nonunion workers.

Only 2.9 percent of union workers are uninsured, compared with 14.2 percent of nonunion workers.

How will a “right to work” law affect Minnesota’s economy?

We need to strengthen our economy, and a so-called “Right to Work” Law would take us in the wrong direction. Minnesota has a better economic record than states with so-called “right to work” laws. For employers, a union contract with lower turnover and higher employee morale equals higher productivity. By undermining contracts and depressing wages, a “right to work” law will reduce expendable consumer income and hurt productivity.

Do we need a “right to work” law to attract new jobs to Minnesota?

No. Industries locate in a state for many reasons, but a right to work law is not one of them. Factors like workforce productivity, availability of skilled workers, transportation, closeness to markets and materials, quality of life and proximity to research universities are the keys to economic growth. We need to create good jobs throughout the state, but a “right to work law” will not persuade companies to move here.

Who benefits from “Right to Work” Laws?

No one. Some low-wage employers might think that they would benefit from weak unions and low wages, but union members are also consumers. “Right to work” laws undermine the purchasing power of unionized workers. Employees covered by union contracts receive 28 percent more in wages and benefits than workers without unions. For women workers, the union advantage is 34 percent. For African American workers, the union advantage is 29 percent. And for Hispanic workers, the union advantage is a whopping 50 percent. When “right to work” laws weaken unions and drive down wages and benefits, workers have less to spend and the entire economy – particularly small business--suffers.

“Right to Work” and Individual Freedoms

Without a “right to work” law, can a worker be forced to join a union?

No. The U.S. Supreme Court has ruled that no collective bargaining agreement can require anyone to join a union. Unions and employers may only negotiate contract provisions requiring nonmembers to pay their fair share of the union’s costs in representing them.

Is a union required to represent all employees covered by a contract (nonmembers as well as members)?
Yes. Under federal labor law, unions have the duty to fairly represent all workers covered by a contract. That means nonmembers as well as members get the same wages, hours and working conditions established by the contract. Unions must bargain for everyone and enforce the contract terms for everyone in a fair, honest, nondiscriminatory manner. Unions cannot refuse to pay the costs of arbitrating a grievance simply because it involves a nonmember. A union that violates this duty of fair representation can be sued. This duty of fair representation applies whether or not the state has a right to work law.

If Minnesota enacts a “right to work” law, who will pay the costs of representing non-members?

Union members will be forced to pay not only their own share of representation costs, but also the full costs of those who do not pay their fair share of dues but still receive all of the benefits of union representation.

Does a union security clause require nonmembers to pay full union dues?

No. Nonmembers are required to pay only the proportion of union dues related to collective bargaining expenses, so these costs are fairly shared by all represented employees.

Can a union unilaterally impose a union security agreement?

No. The employer and the union must negotiate a union security agreement. If management refuses, there is no union security agreement.

Why would an employer agree to a union security clause?

Many employers want to avoid the divisions and animosity that occur when some workers have to pay the costs of representing other employees.

Will a “right to work” law protect a worker’s right to a job?

No. These laws guarantee no one a job, nor do they provide any due process or just cause protections against unfair firing. By undermining unions, so-called “Right to Work” laws would weaken the best job security protections workers have - a grievance procedure that requires employers to have legitimate, job-related reasons for disciplining or discharging an employee.

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Bills:
HF65 Right to Work for Less Constitutional Amendment
HF192 Cutting Public Jobs & Working For Less

Politicians:
Rep. Steve Drazkowski 28B
Rep. Duane Quam 29A
Rep. Keith Downey 41A
Rep. Mike Benson 30B
Rep. Glenn Gruenhagen 25A
Rep. Peggy Scott 49A
Rep. Robert Dettmer 52A