

RIGHT TO WORK

WHAT ARE “RIGHT-TO-WORK” LAWS?

In the early years of the National Labor Relations Act, unions had the legal power to require union membership as a condition of employment at any unionized workplace (a “closed shop”). In short, any employee that did not wish to be a part of the union or pay union dues was denied employment. If an existing employee was kicked out of the workplace’s union for any reason, the employer was required by law to fire that employee. This was powerful tool that unions used to (artificially) swell their ranks: even if they objected, workers no other choice but to pay dues and maintain good standing with the union if they wanted to keep their jobs.

This changed with the Taft-Hartley Act in 1947. Section 14(b) gave states the authority to pass laws protecting workers from compulsory unionism. A “right-to-work” law doesn’t ban unions or take away workers’ right to organize; it merely says that no labor organization can force workers to join or pay membership dues. That choice is left up to the worker, free from coercion.

Since then, twenty-six states and the territory of Guam have adopted right-to-work protections in their state legislatures, including AFPF states like Arizona, Texas, and North Carolina. Most are in the South and the West (3).

WHAT’S AT STAKE? WHY ARE THEY IMPORTANT

Two words: job creation. One only needs to compare private sector employment figures for right-to-work states against forced unionism states to see the contrast. According to the Bureau of Labor Statistics, right to work states have seen a robust 4.4% job growth rate since 2009 while forced unionism states have only seen job growth at a rate of 1.7%. From 1947 to 2011, right to work states wages have also grown 0.8% faster than non- right to work states. Right to work states not have more jobs; they also have better paying ones (4).

The bottom line is that, on balance, employers can no longer create sustainable private sector jobs in states where workers are forced by law to join and financially support unions. The restrictive and inefficient contract rules won by labor groups with over-inflated powers are simply bad for a company’s growth prospects. As the recent dispute between Boeing and the National Labor Relations Board has highlighted, our nation’s job creators are looking to build new plants or expand their operations in states with work forces that are more competitive and open to innovation.

Seeing their neighboring states prospering, many forced unionism states across the country have moved to adopt right-to-work laws. Lawmakers in over 20 states, The District of Columbia and Congress introduced right-to-work legislation recently many of those states having AFP chapters. While many of the bills never gained traction, Michigan had a historic and rather surprising victory. As the birthplace of United Auto Workers and the cradle of the American union movement, few people ever dreamed of passing right-to- work legislation in the Great Lake State. But, Michigan voters’ overwhelming rejection of a pro-union ballot initiative in November 2012 quickly made their elected officials realize that state was ready to make the right investment in its economy. This landmark win should serve as a sign to conservatives in union shop states that the right to join or opt out of a union without force is popular even in the most unlikely of places.

QUICK FACTS

- In 2015, the federal government collected more than \$3.3 trillion in revenue (1).
- Individual income taxes produce the largest share of federal revenues averaging 46% of all federal revenue since 1960.
- According to data from the Internal Revenue Service, in 2013 the top 5% of taxpayers made 34.4% of all income in the United States, but paid 58.6% of all income taxes (2).

CONCLUSION

If employees have the right to join a union, then they should also have the right to refrain from joining a union. Even if an employee is merely forced to pay membership dues (rather than into membership outright) these same union dues are frequently used to support political causes which the employee may not support. As a simple matter of personal freedom, therefore, forced unionism fails to pass the test.

FURTHER READING AND RESEARCH

- The National Labor Relations Act of 1935, available at http://www.law.cornell.edu/uscode/29/usc_sup_01_29_10_7_20_II.html
- George C. Leef, *Free Choice for Workers: A History of the Right to Work Movement* (2010).
- Hans A. von Spakovsky and James Sherk, *National Labor Relations Board Overreach Against Boeing Imperils Jobs and Investment*, Heritage Foundation Legal Memorandum No. 66 (May 11, 2011), available at http://thf_media.s3.amazonaws.com/2011/pdf/lm66.pdf.
- National Right to Work Legal Foundation, available at <http://www.nrtw.org/>.

Endnotes:

1. Washington Free Beacon
<http://freebeacon.com/issues/3-25-trillion-government-collects-record-high-taxes-in-fiscal-year-2015/>
2. <http://taxfoundation.org/article/summary-latest-federal-income-tax-data-2015-update>
3. For a complete listing of right-to-work states and an up-to-date map, see National Right to Work Legal Foundation, *Right to Work States*(online at <http://www.nrtw.org/rtps.htm>) (accessed August 15, 2011).
4. <http://www.ncsl.org/research/labor-and-employment/right-to-work-laws-and-bills.aspx>

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