

ISSUE BRIEF

‘Right to Work’

“Right to work” laws in 22 states prohibit workers and employers from negotiating union security clauses, which ensure that all workers who receive economic benefits from union representation share the costs of maintaining the union. So-called right to work laws make it harder for unions to represent workers effectively, with harmful consequences for union and nonunion workers—such as lower pay—as well as their communities. Congress should oppose federal “right to work” legislation, which would mandate “right to work” in every state, and instead allow workers in every state to freely negotiate union security clauses.

Once a majority of workers opts for union representation, federal law requires the union to represent fairly all the workers. Yet federal law also gives workers in every state the choice not to be members of the union. In 28 states, workers and employers are free to negotiate *union security clauses*, which require nonmembers to pay *agency fees* to cover their fair share of the costs of union representation, though *not* the costs of the union’s political, legislative, social and charitable activities. The remaining 22 states have exercised their option under federal law to enact “right to work” laws that prohibit workers and employers from negotiating union security clauses, thereby allowing free rider nonmembers to avoid paying their fair share of the costs of union representation.

“Right to work” is deceptive. “Right to work” laws do not guarantee employment to any worker. Given their harmful impact on workers’ wages, these laws should more appropriately be called “right to work for less.”

“Right to work” laws impose unfair financial burdens on union members. Federal law requires unions to represent members and nonmembers equally—even nonmembers in “right to work” states who pay no agency fees—in grievances, arbitrations, bargaining and every other aspect of representation. Federal law requires no other kind of membership organization to guarantee the benefits of membership to nonmembers. By allowing nonmembers to avoid paying their fair share of the costs of union representation, “right to work” laws shift those costs to union members.

“Right to work” laws depress union membership. Because nonmembers in “right to work” states can obtain the benefits of membership without paying agency fees, they have less incentive to become union members. Moreover, the free rider problem makes it less financially viable for workers in “right to work” states to form unions. As a result, fewer workers in these states are able to bargain effectively for improved wages, hours, benefits and working conditions.

“Right to work” laws weaken unions’ ability to represent workers. By depressing union membership and forcing unions to divert members’ dues money to pay for representing nonmembers, “right to work” laws make it harder for unions to represent workers effectively in the workplace and to advocate for the interests of working families in their communities and with elected officials.

“Right to work” laws harm union and nonunion workers alike. By depressing union membership and limiting the effectiveness of unions, “right to work” laws harm both union and nonunion workers

and their communities. In the 22 states with “right to work” laws, wages are lower, poverty levels are higher, more people lack health insurance, workplace fatality rates are higher, workers’ compensation benefits are lower, unemployment benefits are lower, per-pupil education spending is lower and voter turnout is lower.

- **Wages:** According to Bureau of Labor Statistics data, in 2001 average annual pay in “right to work” states was \$5,333 less than in free-bargaining states.
- **Poverty and infant mortality:** According to U.S. Census Bureau data, in 2001 “right to work” states had a poverty rate of 12.5 percent, compared with 10.2 percent in free-bargaining states. In 1999 the infant mortality rate in “right to work” states was 16 percent higher.
- **Health care:** According to U.S. Census Bureau data, in 2001 the percentage of the population without health insurance was 21 percent higher in “right to work” states (14.4 percent vs. 11.9 percent).
- **Workplace health and safety:** According to the AFL-CIO’s *Death on the Job: the Toll of Neglect* (2002), in 2000 the rate of workplace fatalities was 51 percent higher in “right to work” states. In 2002, workers’ compensation benefits per employee were \$30 per week lower than in free-bargaining states.
- **Unemployment insurance:** According to *Failing the Unemployed*, a 2002 report by the Center on Budget and Policy Priorities, the Economic Policy Institute and the National Employment Law Project, in 2002 the maximum weekly unemployment benefit was 19 percent lower in “right to work” states.
- **Education:** According to Education Vital Signs, during the 2000-2001 school year, “right to work” states spent \$1,699 less per pupil on elementary and secondary education and paid their teachers \$7,067 less.
- **Voter turnout:** According to the Committee for the Study of the American Electorate, in the 2000 national election, voter turnout in “right to work” states was 8.2 percent lower (51.2 percent vs. 55.8 percent).

Congress must oppose federal “right to work” legislation. For the benefit of union and nonunion workers and their communities, Congress must oppose the federal National Right to Work Act, which would mandate “right to work” in every state.

Congress should allow free bargaining in every state. “Right to work” laws must be repealed, not expanded. Section 14(b) of the National Labor Relations Act (NLRA), enacted as part of the anti-labor Taft-Hartley Act of 1947, allows states to prohibit union security agreements. Section 14(b) must be repealed to allow free bargaining in every state.

Sources: Bureau of Labor Statistics, www.bls.gov/news.release/annpay.t01.htm; U.S. Census Bureau, *Current Population Survey* (March 2002); O’Leary Morgan, Kathleen and Morgan, Scott, *State Rankings* (2001); AFL-CIO, *Death on the Job: The Toll of Neglect* (April 2002); Maurice Emsellem, Jessica Goldberg, Rick McHugh, Wendell Primus, Rebecca Smith, and Jeffrey Wenger, *Failing the Unemployed: A State-by-State Examination of Unemployment Insurance Systems* (March 2002); Education Vital Signs, www.asbj.com/evs/01/state.html; Center for Voting and Democracy, www.fairvote.org/turnout/preturnstate.htm.