

'Right to Work' Question and Answer

Q: What is a “right to work” (RTW) law?

A: Despite its misleading name, this type of law does not guarantee anyone a job and it does not protect against unfair firing. These laws only weaken workers' freedom to bargain for respect, fair pay and safety on the job. They tilt the balance even more toward big corporations and further rig the system at the expense of working families.

That's because RTW laws create a loophole in our labor laws that allows workers who decide not to be a part of a union to fully benefit from union representation—including higher wages, benefits, training, safety and protection from unfair discipline—without having to pay a single penny for it. That's unfair to their co-workers who play by the rules and pay their fair share. And it weakens all workers' ability to stand up for themselves and each other.

Q: How would this law impact my family?

A: An RTW law would put our families' safety at risk. It would make it harder for nurses to negotiate for safe staffing levels, and limit the ability of emergency responders, police officers and firefighters to negotiate for things to keep us all safe—like faster response times and lifesaving emergency equipment. This proposal limits the rights of our state's everyday heroes, silences the professional voices of teachers, nurses, police officers and firefighters, and makes it harder for them to protect and serve.

Q: Will an RTW law benefit workers in our state?

A: No. Union members and workers without unions all will take an economic hit. Workers in states with RTW laws have a consistently lower quality of life than in other states—lower wages, higher poverty, less access to health care and poorer education for children, according to data from the U.S. Department of Labor and the U.S. Census Bureau. Why should our state adopt a losing strategy that lowers the standard of living for workers and their families?

Lower Wages

- On average, workers in states with RTW laws earn \$6,109 (12.1%) a year less than workers in other states (\$44,401, compared with \$50,511).¹

Less Investment in Education

- States with RTW laws spend 32.5% less per pupil on elementary and secondary education than other states.²

¹ Bureau of Labor Statistics, Quarterly Census of Employment and Wages (all industries, all establishments, average annual pay), 2014 data. Numbers are rounded (\$50,510.58 and \$44,401.17).

² National Education Association, Ranking & Estimates - Rankings of the States 2015 and Estimates of School Statistics 2016, Table H-11. Current Expenditures for Public K-12 Schools Per Student in Fall Enrollment, 2014-15 (\$), www.nea.org/assets/docs/2016_NEA_Rankings_And_Estimates.pdf.

Note: Wisconsin was excluded from the free-bargaining states vs. right to work states analysis for education spending because the state enacted its right to work law in 2015. The impact of right to work policies would not have been fully experienced in the 2014–2015 school year.

Higher Workplace Fatality Rates

- The rate of workplace deaths is 49% higher in states with RTW laws, according to data from the Bureau of Labor Statistics.³

Unions Improve Living Standards. Right to Work Laws Don't.

- Overall, union members earn 26.3% (\$204) more per week than nonunion workers. Hispanic union members earn 47.1% (\$276) more each week than nonunion Hispanics and African Americans earn 29.7% (\$183) more each week if they are union members.⁴
- Some 79% of union workers participate in job-provided health insurance, compared with 49% of nonunion workers.⁵ And 75% of union workers participate in guaranteed (defined-benefit) retirement plans, compared with just 15% of nonunion workers.⁶

Q. Specifically, why is an RTW law unfair?

A: Federal law requires unions to represent all workers and bargain a contract that benefits all workers, whether or not they actually become members of the union. That means that if a worker who is represented by a union but doesn't pay dues is fired illegally, the union must use its time and resources to defend the worker the same as if he was a member, even if that requires going through a costly, time-consuming lawsuit. Because everyone benefits, everyone should pay their fair share.

Right now, private businesses and employees can freely negotiate to make sure everyone who benefits from a union contract pays their fair share of the costs of obtaining and protecting those benefits. But an RTW law would allow the government to interfere unfairly in the freedoms of private businesses and employees to negotiate together.

Q: Isn't an RTW law important to improving our state's economy?

A: No—we need to bolster our economy, but adopting an RTW law is the wrong answer and would take us in the wrong direction. Our state legislature should focus on strengthening our economy and making sure it works for all state residents. We need to create more good jobs. We need to stop giving tax dollars to companies that ship work overseas. We need to close unfair corporate tax loopholes and stop employer fraud that deprives workers of rights and allows corporations to cheat on their taxes. But none of that will happen if corporate special interests pass this extreme bill—because it tilts the balance of power even more toward big corporations, at the expense of hardworking, middle-class families.

³ Bureau of Labor Statistics, National Census of Fatal Occupational Injuries in 2014, www.bls.gov/news.release/cfoi.nr0.htm.

⁴ Bureau of Labor Statistics, Union Members – 2015, Table 2. Median weekly earnings of full-time wage and salary workers by union affiliation and selected characteristics, <http://data.bls.gov/cgi-bin/print.pl/news.release/union2.t02.htm>.

⁵ Bureau of Labor Statistics, "Table 9. Health care benefits: Access, participation, and take-up rates, civilian workers," National Compensation Survey, March 2015, www.bls.gov/ncs/ebs/benefits/2015/ownership/civilian/table09a.htm.

⁶ Bureau of Labor Statistics, "Table 2. Retirement benefits: Access, participation and take-up rates, civilian workers," National Compensation Survey, March 2015, www.bls.gov/ncs/ebs/benefits/2015/ownership/civilian/table02a.htm.

Q: Do we need an RTW law to attract new jobs to our state?

A: No. When Oklahoma adopted an RTW law 15 years ago, supporters claimed it would dramatically improve the state's job growth. But in fact, according to the Oklahoma Chamber of Commerce's 2011 report, the number of new companies coming into the state actually has *decreased* by one-third since RTW passed.⁷

Industries locate in a state for many reasons, but RTW laws are not among 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 an RTW law will not persuade companies to move here.

Q: Who benefits from RTW laws?

A: No one. Some low-wage employers might think they would benefit from weak unions and low wages, but union members also are consumers. RTW laws undermine their purchasing power. When RTW laws weaken unions and drive down wages and benefits, workers have less to spend and the entire economy—particularly small business—suffers.

Q: Without a right to work law, can a worker be forced to join a union?

A: No. RTW laws are unnecessary—the U.S. Supreme Court ruled long ago that no one can be forced to join a union or to pay fees not directly related to the cost of representing them.

Q: Is a union required to represent all employees covered by a contract (nonmembers as well as members)?

A: Yes. Under federal labor law, unions have the duty to fairly represent all workers covered by a contract.

Q: If our state enacts a RTW law, who will pay the costs of representing nonmembers?

A: Union members will be forced to pay not only for their own membership, they will have to pick up the tab for workers who don't pay their fair share but still get all the benefits.

Q: Are nonmembers required to pay full union dues in states that don't have RTW laws?

A: No. Workers who receive all of the benefits but choose not to join the union are only required to pay for their fair share of the costs related to bargaining for those benefits and representing workers under their contract with the employer.

Q: Can a union unilaterally require nonmembers to pay their fair share?

A: No. The employer and the union must negotiate and agree that workers are required to pay their fair share for representation. If the employer refuses, workers can receive all the benefits of union representation without paying.

Q: Why would an employer agree to require workers to pay their fair share?

A: Many employers want to avoid the divisions and animosity that occur when nonmembers take advantage of the system at the expense of members who pay their fair share.

⁷ Gordon Lafer, "Working hard to make Indiana look bad—The tortured, uphill case for 'right-to-work,'" Economic Policy Institute, Jan. 3, 2012, www.epi.org/publication/working-hard-Indiana-bad-tortured-uphill/.