



A WORKER'S GUIDE TO RIGHT-TO-WORK

*What the law means
and how to use it.*

BY F. VINCENT VERNUCCIO

In defense of liberty

Dear Reader,

“We are a democracy, we operate by majority rule. Therefore we can force you to give us your money.” Such is the message from unions justifying forced dues and opposing laws that protect worker freedom.

But it is liberty, not democracy that is the highest form of society.

Make no mistake: democracies, direct or representational, are better than any other form of government. They are only good, however, to the extent in which they protect the liberty that individuals enjoy by right.

Opponents of right-to-work laws often justify forcing workers to financially support unions because, theoretically, members at one time voted to force everyone in the group to pay.

But joining or being associated with a union is not voluntary or a matter of choice. In most cases, it is a condition of employment.

Workers do not take a job at Ford because they want to join the UAW. They join the UAW because they took a job at Ford.

The defense that “unions are like a democratic government” fails on many fronts.

The first – and most glaring – inaccurate parallel is that the United States is a republic, not a democracy.

Furthermore, we are not just a republic that elects representatives to make our laws; we are a constitutional republic in which certain rights of the individual are protected against laws made by the “majority.”

Pure majority rule in our country has its necessary limits.

The Founding Fathers correctly worried about tyranny of the majority and created several protections against it. James Madison warned against taking liberty out of a democracy. In the Federalist Papers No. 10 he wrote, "Liberty is to faction what air is to fire, an aliment without which it instantly expires."

That is where defenders of forced unionism fail. When liberty is taken out of democracy and the majority is given the ability to steal from the minority, that form of government or representation has failed.

Even if the majority of a small community in the United States with a town hall style democracy or a state with voter initiatives and referendum voted for a law that banned people from going to church, it would not stand because of the First Amendment to the Bill of Rights in the United States Constitution.

It would not matter if a majority of the voters supported the law, because majority rule would not be allowed to infringe on the rights and liberties of the minority protected by our Constitution.

Purveyors of this argument must be reminded: When there is a conflict between liberty and democracy, we must always err on the side of liberty.

Yours in Liberty,

F. Vincent Vernuccio, director of labor policy at the Mackinac Center for Public Policy

Why right-to-work is right for the states

Right-to-work is about a worker's right to choose.

Take the teacher who feels the money she is forced to pay her union would be better spent on supplies for her classroom. Take the electrician whose beliefs differ from the very policies his or her union is supporting.

Right-to-work legislation protects them. How does it do this? It takes away a union's ability to get those workers fired if they choose not to pay union dues, fees or other costs.

Forced unionism states are losing population, revenue and growth because in those states, unions are protected from having to prove their value to workers. In right-to-work states, unionism doesn't disappear – it's stronger because it's voluntary.

Frequently Asked Questions

What exactly is a right-to-work law?

"Right-to-Work" is a state law that prohibits employers and unions from requiring an employee to pay dues or fees to a union in order to keep his or her job.

Does right-to-work ban unions or collective bargaining?

No, right-to-work simply means a union cannot get a worker fired for not paying them. Unions and workers can still collectively bargain over any other topic in a right-to-work state as they can in a non-right-to-work state.

When did right-to-work go into effect for Michigan workers?

Right-to-work went into effect March 28, 2013. Every new contract or contract that is modified or extended after

that date cannot require a worker to pay a union as a condition of employment. This requirement is called a union “security clause.”

What is a “free rider?”

A so-called “free rider” is a derogatory term used to describe a person who is covered by a union contract, whether they want to be or not, but does not pay dues or fees to the union.

The problem is that a worker in a unionized shop does not have the ability to opt out of the union contract, even if they want to. According to federal and state law, when a union chooses to organize a workplace they agree to represent all workers. This gives unions a stronger voice at the bargaining table. Workers who would like to represent themselves or negotiate their own contract are unable to do so, in effect making them “forced riders.”

Can the job differences between right-to-work states and non-right-to-work states be explained by geography?

No, economist Thomas Holmes examined border counties in right-to-work and non-right-to-work states. He found that when crossing into the “right-to-work” county, “manufacturing’s share of total employment increased by about one-third when one crosses the border.”

Are right-to-work laws “anti-union”?

No. Even with right-to-work laws, unions can collectively bargain for all employees and therefore enjoy the very same leverage they have in non-right-to-work states. They can still bargain over wages, benefits and working conditions. The only difference between collective bargaining in right-to-work states and non-right-to-work states is that a union cannot get a worker fired who refuses to financially support them.

Right-to-Work and the Economy

Do right-to-work states have more personal income growth?

Yes. According to a recent Mackinac Center study by Dr. Michael Hicks and Michael D. LaFaive, right-to-work states increased average real personal income growth by 0.8 percentage points. It sounds small but, if a state would have had a 2 percent growth rate, right-to-work could boost it to 2.8 percent, which amounts to a 40 percent higher rate of growth with the law.

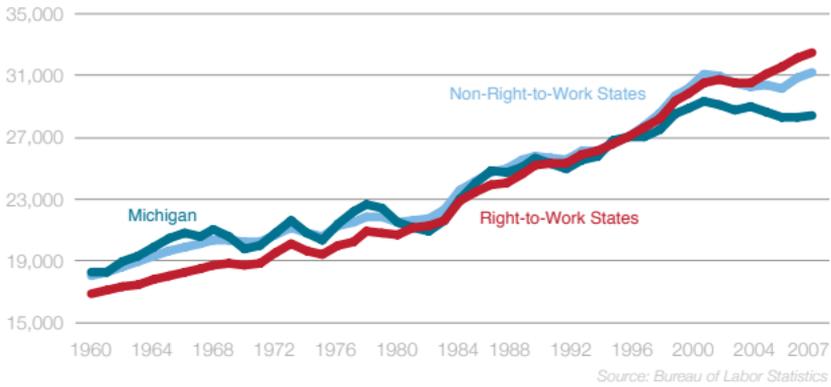
Do right-to-work laws create jobs?

Research suggests that right-to-work laws help create a more attractive environment for job growth. For decades, unemployment rates have been consistently lower in right-to-work states. Unemployment rates only tell half the story, however; unemployment figures do not always reflect workers who have given up finding a job or who have moved to another state to find work. In terms of job creation, however, right-to-work states have a distinct advantage over non-right-to-work states. Between 2001 and 2011, right-to-work states added 1.7 million jobs while forced-unionization states lost 2.1 million jobs.

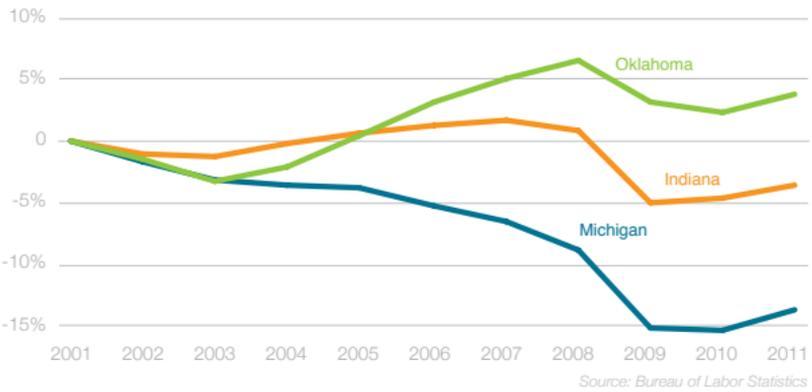
Will unions have what they need to be effective?

If a union represents employees well and acts reasonably on other matters, there is no reason to believe that the workers it represents would refuse to support it, especially in a state like Michigan with a long tradition of union support. The Union Membership and Coverage Database indicates that at least 75 percent of workers who are covered by a union contract voluntarily join and pay dues.

Cost-of-Living-Adjusted Per-Capita Personal Income



Employment Growth, 2001-2011



Does right-to-work weaken unions?

No, right-to-work can make unions stronger. In non-right-to-work states, unions can take their members' dues for granted and do not need to be as responsive because workers are forced to pay them. If unions want to keep members in right-to-work states, they need to prove their worth to members above political or bureaucratic interests. As in other businesses, competition will make unions as a whole more responsive and stronger.

Further, in 2012 union membership in non-right-to-work states fell by 390,000. In contrast, union membership in right-to-work states grew by 39,000 (not including Indiana or Michigan). Right-to-work means that unions can't require an employee be fired for declining to pay union dues or agency fees, while maintaining a union's ability to collectively bargain.

Fast Facts

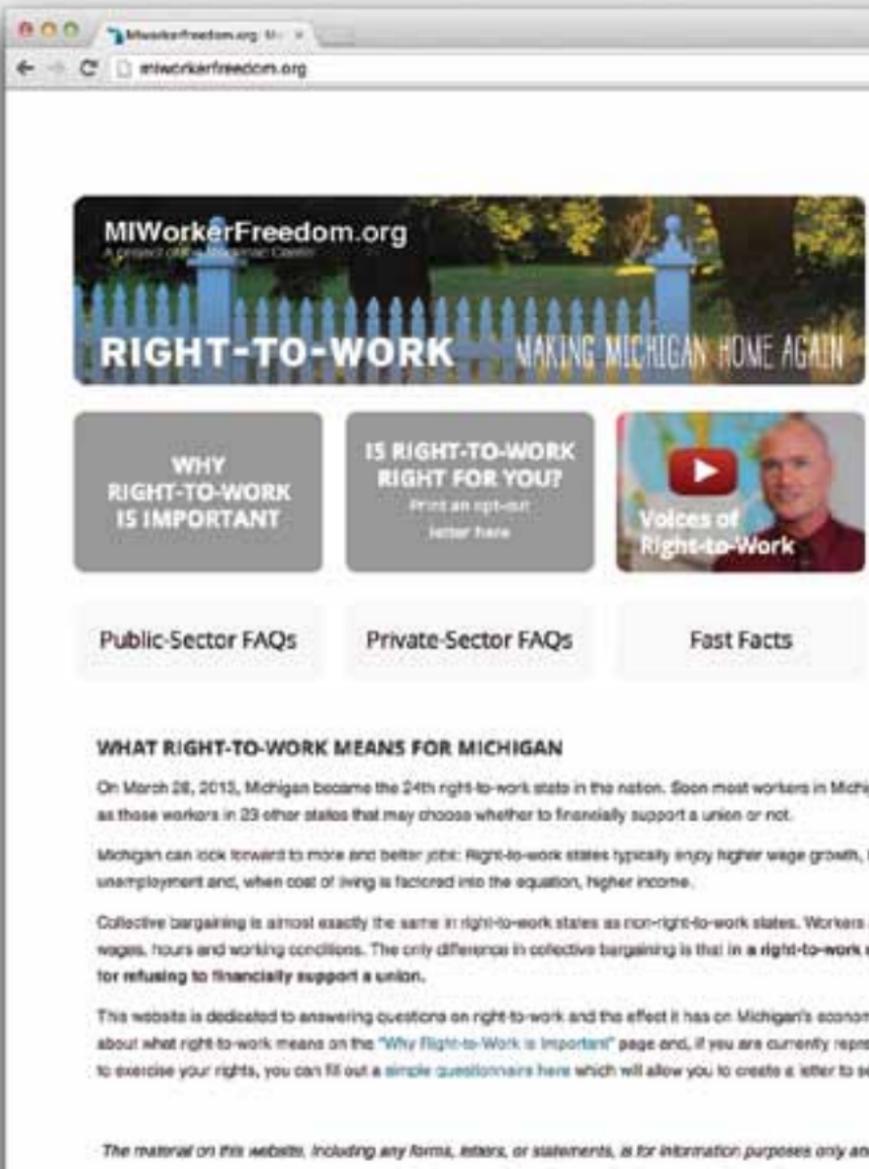
- Workers in right-to-work states make more. When adjusting for cost-of-living, workers in right-to-work states have 4.1 percent higher per-capita personal incomes than workers in non-right-to-work states.
- Right-to-work makes unions stronger. In 2012, union membership in non-right-to-work states fell by 396,000. In contrast, union membership in right-to-work states grew by 39,000, excluding Indiana and Michigan.
- Right-to-work offers in-state opportunities for young workers. Between 2000 and 2011, right-to-work states have seen an increase of 11.3 percent in the number of residents between the ages of 25-34, according to the Census Bureau. Non-right-to-work states, over that same period of time, have seen an increase of only 0.6 percent.
- Right-to-work means lower unemployment. It's easier to find a job in a right-to-work state — the unemployment rate is a full percentage point lower than in forced-unionization states, according to the Bureau of Labor Statistics. Between 2001 and 2011, right-to-work states added 1.7 million jobs while forced-unionism states lost 2.1 million jobs.

Further, the vast majority of jobs created since the Great Recession ended have been in states with a right-to-work law. Since June 2009, household employment growth in right-to-work states was two and a half times as much as non-right-to-work states.

- In December 2012, unemployment in right-to-work states was 7.1 percent, compared to 8.1 percent in non-right-to-work states. Nationally, the unemployment figure is 7.8 percent.

What to do next

The first step in exercising your right-to-work rights is understanding what they are. To that effect, the Mackinac Center has dedicated a website to answering any and all questions about this important legal development. For readers currently represented by a union who would like to exercise their rights, go to the questionnaire on our right-to-work website (www.miworkerfreedom.org)! This questionnaire, developed by the Mackinac Center for Public Policy, will allow individuals covered under the law to generate an appropriate letter to send to their union officials – the first step toward opting-out.



MIWorkerFreedom.org
A project of the Mackinac Center

RIGHT-TO-WORK MAKING MICHIGAN HOME AGAIN

WHY RIGHT-TO-WORK IS IMPORTANT

IS RIGHT-TO-WORK RIGHT FOR YOU?
Print an opt-out letter here

Voices of Right-to-Work

Public-Sector FAQs Private-Sector FAQs Fast Facts

WHAT RIGHT-TO-WORK MEANS FOR MICHIGAN

On March 28, 2013, Michigan became the 24th right-to-work state in the nation. Soon most workers in Michigan as those workers in 23 other states that may choose whether to financially support a union or not.

Michigan can look forward to more and better jobs: Right-to-work states typically enjoy higher wage growth, less unemployment and, when cost of living is factored into the equation, higher income.

Collective bargaining is almost exactly the same in right-to-work states as non-right-to-work states. Workers earn the same wages, hours and working conditions. The only difference in collective bargaining is that in a right-to-work state workers are not required to financially support a union.

This website is dedicated to answering questions on right-to-work and the effect it has on Michigan's economy. For more information about what right-to-work means on the "Why Right-to-Work is Important" page and, if you are currently represented by a union and would like to exercise your rights, you can fill out a [simple questionnaire here](#) which will allow you to create a letter to send to your union officials.

The material on this website, including any forms, letters, or statements, is for information purposes only and does not constitute an offer of legal advice.



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ABOUT THE AUTHOR



F. Vincent Vernuccio is director of labor policy at the Mackinac Center for Public Policy. He has previously served as labor policy counsel at the Washington, D.C.-based Competitive Enterprise Institute and in the U.S. Department of Labor, where he was special assistant to the assistant secretary for administration and management.

His analysis and commentary have been published in a wide variety of major newspapers, magazines and blogs, such as Investor's Business Daily, The Washington Times, National Review, Forbes and The Daily Caller. He has frequently appeared on Fox and Friends and Varney and Company.

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