



# NATIONAL RIGHT TO WORK NEWSLETTER

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## Is Congress Receiving the States' Message? *'Collectivistic Style of Unionism . . . Is Way Out of Touch'*

In late February and early March, respectively, Wisconsin state senators and representatives voted to enact a Right to Work law protecting private-sector employees from being fired for refusal to pay dues or fees to an unwanted union.

Once Gov. Scott Walker signed the legislation on March 9, the Badger State became America's 25th Right to Work state, and the third to make unionism voluntary since February 2012.

Thanks to the statutes adopted over the course of barely more than three years by Wisconsin and two other states bordering Lake Michigan, Indiana and Michigan, the share of all Americans living in Right to Work states has risen from roughly 40% in 2010 to nearly 49% today.

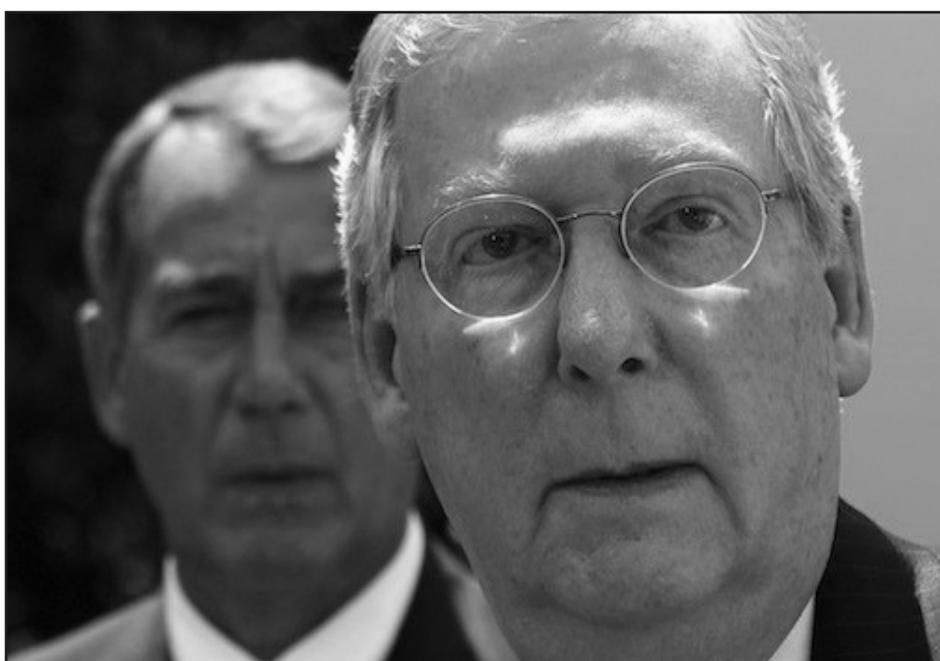
And the rapid-fire progress at the state level is now giving a boost to freedom-loving citizens' efforts to secure votes in the U.S. Congress on national Right to Work legislation.

### **Decades-Old Campaign Against Forced Unionism May Have Reached Tipping Point**

Attorney, think-tank director and regular *Forbes* contributor George Leef commented on the significance of the series of Right to Work state-level victories in a recent column:

"The old, coercive and collectivistic style of unionism enshrined in the 1935 NLRA [National Labor Relations Act] is way out of touch with modern realities and its appeal is fading fast. . . . More states are apt to enact [Right to Work] statutes to avoid losing out on business investment . . ."

Mark Mix, president of the National Right to Work Committee, later commented on Mr. Leef's observations:



CREDIT: KEVIN LAMARQUE/REUTERS

**Right to Work's rapid-fire progress at the state level should encourage U.S. House Speaker John Boehner (left) and**

**Senate Majority Leader Mitch McConnell to allow floor votes on federal forced-dues repeal legislation.**

"Compulsory unionism has always been opposed by most Americans, but George Leef is quite right to observe that public support for the Right to Work has over time become even more lopsided and intense.

"And more and more federal politicians as well as state legislators and governors are getting the message regarding the importance and the strong appeal of the Right to Work issue.

"In recent years, elected officials and candidates in Indiana, Michigan, Wisconsin, and a host of other states have benefited greatly by highlighting their support for the Right to Work principle during their campaigns.

"Clearly, it's time for Congress to

consider the National Right to Work Act [H.R.612/S.391], which would repeal the federal labor law provisions authorizing forced union dues."

H.R.612 and S.391 would abolish the 1935 National Labor Relations Act (NLRA) provisions and the 1951 Railway Labor Act (RLA) amendment that authorize the firing of employees for refusal to pay union dues or fees.

### **Bad Federal Policy Is the Reason Wisconsin Had to Pass a Right to Work Law**

Because it denies employees who oppose irresponsible union bosses'

*See Americans page 2*

# Americans Oppose Forced Unionism

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straitjacket work rules and hate-the-boss class warfare the freedom to fight back by cutting off their dues, current federal labor law ultimately slows productivity growth and makes America poorer.

“Right to Work supporters’ entirely appropriate jubilation over our third recent Great Lakes state victory shouldn’t cause us to forget that it’s Congress, not any state legislature, that spawned the evil of private-sector forced union dues in the first place,” said Mr. Mix.

“The only reason Wisconsinites had to battle against the Big Labor machine for years to enact a Right to Work law is that Congress imposed forced unionism on their state, just as it did on 49 other states.

“Moreover, even after all the current forced-dues contracts that were forged prior to the Wisconsin Right to Work law’s enactment expire, the Badger State still won’t be able to protect all of its private-sector employees from compulsory unionism.

“Because of federally-imposed loopholes, union bosses will still wield the power to get Wisconsin airline and railroad employees and employees on so-called ‘exclusive federal enclaves’ fired for refusal to pay dues or fees.”

## Congress Has the Duty To Correct the Evils Federal Labor Policy Sustains

“Fortunately,” Mr. Mix added, “H.R.612 and S.391 would close these loopholes, which were drilled into every state Right to Work law by Congress and the federal courts.

“The Wisconsin victory shouldn’t blind us to the fact that Congress even today is perpetuating the problem of private-sector forced union dues.

“Ultimately, Congress must solve it for once and for all by passing the National Right to Work Act.”

Mr. Mix emphasized that Committee members and legislative staff are pressing for hearings and floor votes on both of the two pending federal Right to Work measures.

H.R.612, the House Right to Work Bill, was introduced by Congressman Steve King (R-Iowa) and has a total of 94 sponsors as this Newsletter edition goes to press.

S.391, the upper chamber’s Right to Work Bill, was introduced by Sen. Rand Paul (R-Ky.). In addition to Mr. Paul,

15 other senators have signed on to this measure.

“After roll-call Right to Work floor votes in the House and Senate, concerned citizens across the country will know for sure which of their federal elected officials support employee freedom of choice, and which are Big Labor stooges,” Mr. Mix explained.

“That alone will make a major difference.

“Poll after poll shows nearly 80% of Americans who regularly vote in federal elections support the Right to Work principle. Politicians who ignore what their constituents think and vote to perpetuate forced union dues may well suffer ballot-box repercussions down the road.”

## After Voting in Favor of Forced Dues, Five Senators Were Defeated in 2014

To illustrate the point, Mr. Mix observed that, back in 2009, then-Sen. Jim DeMint (R-S.C.) had with the Committee’s assistance put his entire chamber on the record concerning an amendment that would have revoked Big Labor’s forced-dues and forced-fee privileges.

And just last year, five senators who had voted to kill the DeMint Amendment

and thus forced hardworking Americans to continue bankrolling a union to get a job or keep their job were defeated at the polls as the Committee’s candidate survey program put a spotlight on their anti-Right to Work records.

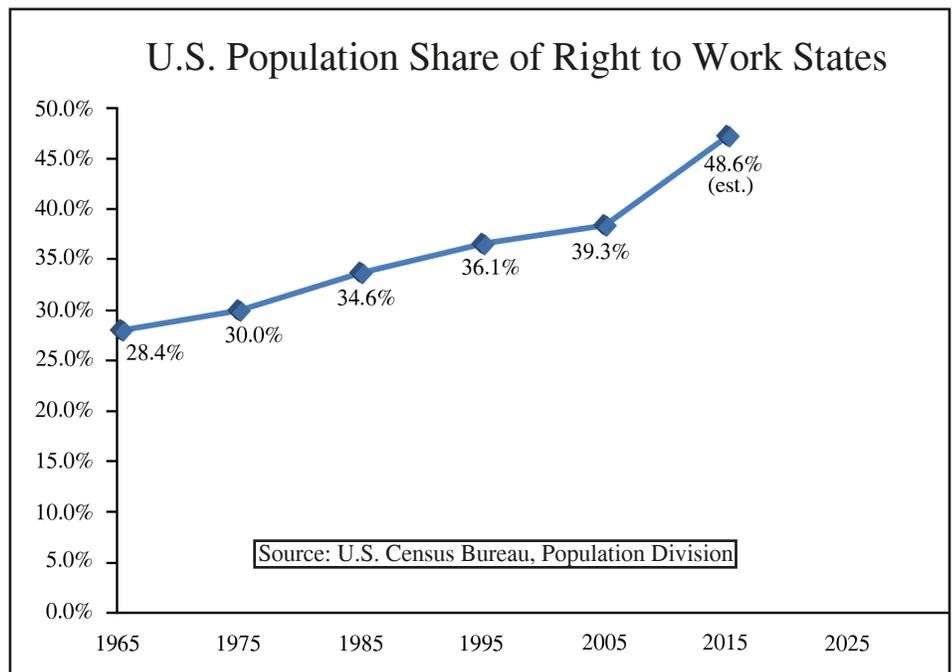
“Today, Big Labor politicians Mark Begich [D-Alaska], Kay Hagan [D-N.C.], Mary Landrieu [D-La.], Mark Pryor [D-Ark.], and Mark Udall [D-Colo.] are no longer in the Senate, in part because they were unable to hide their support for union bosses’ special privileges,” noted Mr. Mix.

“And except for Mr. Begich, all of these senators were defeated by unabashedly pro-Right to Work challengers.

“But unless National Right to Work succeeds in getting recorded House and Senate votes on forced-dues repeal legislation in the current Congress, freedom-loving voters in key contested races in 2016 will not be as well-informed as Alaska, North Carolina, Louisiana, Arkansas and Colorado voters were last year.”

Mr. Mix called on Committee members across the country to join with him in lobbying House Speaker John Boehner (R-Ohio) and Senate Majority Leader Mitch McConnell (R-Ky.).

“Let them know you want them to do everything they can to ensure that Americans’ Right to Work without being forced to join or pay dues to a union is protected,” urged Mr. Mix. 📌



**RIGHT TO WORK NEAR TIPPING POINT? With the passage of the Wisconsin Right to Work law, nearly**

**half of all Americans enjoy the protection of state bans on compulsory union dues and fees.**

# Job Growth Twice as Fast in Right to Work States

## *Voluntary Unionism Also Linked to More Rapid Compensation Growth*

On March 17, the U.S. Labor Department's Bureau of Labor Statistics (BLS) issued its estimates for 2014 annual payroll employment in the 50 states. The BLS also issued revised state payroll-employment estimates for previous years.

Last month's release added yet another layer to the pile of evidence that new job seekers and employees vying for better opportunities alike benefit from the accelerated economic growth enjoyed by states, now 25 in number, that prohibit compulsory union dues and fees.

According to new and revised data now available on the BLS website, from 2004 to 2014 private-sector payroll employment in Right to Work states grew by 9.9%.

That's roughly double the overall increase of 5.1% experienced by forced-unionism states.

(Because Indiana's and Michigan's Right to Work laws took effect in February 2012 and March 2013, respectively, they are excluded from this analysis.)

Because Wisconsin became a Right to Work state only this year, it is counted as forced-unionism here.)

Year after year, the negative correlation between compulsory unionism and employment growth is robust. For example, from 2013 to 2014 alone, 12 of the 14 bottom-ranking states for private-sector payroll job growth lack Right to Work laws.

### **Five of the Six States With the Highest 2014 Job Growth Are Right to Work**

But five of the six top-ranking states for annual private job growth in 2014 have Right to Work protections for employees.

Federal data for private-sector wage, salary, and other compensation growth, furnished by the U.S. Commerce Department's Bureau of Economic Analysis (BEA), reveal a similarly lopsided analysis for Right to Work states.

Overall, inflation-adjusted private-sector employee compensation (including bonuses and the dollar value of benefits as well as wages and salaries) grew by 10.0% nationwide from 2004 to 2014.

But in the 22 states that had Right to



CREDIT: PICASA/PATRICK MILLER

**From 2004 to 2014, total private-sector payroll jobs increased by 9.9% in Right to Work states, according to the U.S.**

**Labor Department. That's roughly double the aggregate percentage gain for forced-dues states.**

Work laws on the books for the entire decade, real compensation grew by 15.3% on average, compared to an average of just 8.4% for the 26 states that lacked Right to Work laws for the whole period.

"The hard, objective statistics from the U.S. Labor and Commerce Departments help show why H.R.612 and S.391 are extraordinarily important pieces of legislation," commented Mary King, vice president of the National Right to Work Committee.

H.R.612 was introduced in late January by pro-Right to Work Congressman Steve King (R-Iowa). S.391 was filed early the following month by Sen. Rand Paul (R-Ky.), a stalwart foe of compulsory unionism.

### **Federal Forced-Dues Repeal Would Help Reinvigorate National Economic Growth**

"H.R.612 and S.391, also known as the National Right to Work Act, would simply repeal the current federal labor-law provisions that authorize compulsory union dues and fee payments as a condition of employment," Ms. King explained.

"When forced-dues repeal becomes law, private-sector employees in all 50 states will have the freedom to choose as individuals whether or not to join or pay dues to a union, without facing job loss as a consequence of their decision.

"Restoring the personal freedom of millions of American employees is the direct and primary purpose of H.R.612 and S.391.

"This legislation wouldn't add one word to federal law.

"At the same time, of all the economic reforms Congress may consider this year, King-Paul would probably have the strongest positive impact for incomes and jobs.

"As eminent statistician and Yale professor emeritus Edward Tufte has observed, 'Correlation is not causation but it sure is a hint.'

"I submit that the very robust correlation between Right to Work status and faster job and compensation growth 'sure is a hint' that banning forced union dues is economically beneficial.

"And I'm confident that, once forced-dues repeal is adopted and signed into law, it will spur job growth in all 50 states."

# Government Should Not Collect Union Dues

## *Taxpayer-Funded Bureaucrats Ought Not Do Union Dons' Job For Them*

Even in Right to Work states, where Big Labor lacks compulsory-dues privileges, government union officials often wield inordinate power in the policy-making process.

And taxpayers, students and other people who depend on public services, and independent-minded employees whose interests don't jibe with those of government union bosses suffer as a consequence.

A modest, but significant step elected officials in Right to Work states can take to level the playing field for ordinary citizens is to prohibit the automatic deduction of union dues from public employees' paychecks.

### **'Use of the State's Payroll Systems to Collect Union Dues Is a State Subsidy' of Speech**

Laws already adopted over the course of the past few years in Right to Work states like North Carolina and Alabama require teacher and other government union chiefs to make their own arrangements with union members regarding dues collections.

"Thanks to bans on automatic payroll deduction of union dues, union bigwigs in North Carolina and Alabama can no longer rely on state or local government officials to siphon union dues out of employee paychecks," explained Greg

Mourad, vice president of the National Right to Work Committee.

"Of course, these statutes do not in any way limit the ability of members of government unions to pay dues to their labor organization or contribute to union PACs.

"As federal Judge Joel Flaum pointed out in a 2013 opinion upholding one state's ban on automatic payroll deductions of union dues, 'use of the state's payroll systems to collect union dues is a state subsidy of speech . . . .'

"There's no legitimate public-policy reason to subsidize government union activities with taxpayer-funded resources.

"Moreover, experience shows that, once their employer ceases taking their union dues out of their paychecks at taxpayers' expense, and they have to take active measures to continue bankrolling the union, public employee union members often decide the organization does not merit their financial support."

### **Ban on Automatic Payroll Deduction of Union Dues Now Before Oklahoma Senate**

Mr. Mourad cautioned that, in states where government union bosses retain the power to force public servants to pay dues or fees to their organization as a condition of employment, bans on automatic payroll deduction are not really

worthwhile.

"The first step is to make union membership voluntary. Then it makes sense to ensure ongoing union dues payments are a conscious and considered choice," he explained.

This year, legislatures in several Right to Work states are considering measures that would curtail government union bosses' automatic payroll-deduction privileges.

For example, on February 18, the Oklahoma House of Representatives gave its final approval to H.B.1749, sponsored by Rep. Tom Newell (R-Seminole).

This legislation was subsequently adopted in amended form by the state Senate. The current version now awaits Gov. Mary Fallin's signature.

H.B.1749 as amended would prohibit the taxpayer-subsidized automatic deduction of membership dues for unions with monopoly-bargaining privileges at Oklahoma's K-12 schools and higher education institutions.

Mr. Mourad said it was unfortunate that this legislation does not revoke the privilege of automatic dues deductions for all state and local government union bosses, but concluded that all the same H.B.1749 is a significant step in the right direction.

"Other states considering rollbacks of automatic payroll deductions for government union chiefs this year include Right to Work Kansas and Texas," Mr. Mourad noted.

"Like H.B.1749 in Oklahoma, sadly, the Kansas and Texas reforms do not comprehensively eliminate the automatic collection of union dues for state and local government union bosses. But at least legislators are partially addressing the problem.

"Union bosses want taxpayers to finance payroll deductions because they save Big Labor time and money by doing what most other non-charitable organizations have to do on their own.

"Automatic payroll deductions also help union officials avoid a layer of accountability by potentially preventing employees from cutting off funds for the union for up to a year after they decide they no longer want to support it.

"No government has any business helping Organized Labor officials in this way." 



As federal Appellate Judge Joel Flaum explained in his opinion upholding a ban on automatic payroll deduction of union

dues, "nothing requires government to assist others in funding the expression of particular ideas . . . ."

# Union Bosses Smother Private Health Insurance

## Since 2003, Coverage Down By 2.12 Million in Forced-Dues States

Big Labor's allies sometimes concede that states with Right to Work laws, which bar the firing of employees for refusal to pay dues or fees to their "exclusive" (monopolistic) union bargaining agents, enjoy accelerated job creation.

Whenever forced-unionism apologists do make this concession, they insist the jobs created in Right to Work states are "the wrong kind."

But the fact is, it is in the non-Right to Work states as a group where new jobs are more typically not productive enough to come with important benefits like health insurance.

Runaway costs associated with Medicare and Medicaid, the two largest taxpayer-funded health-insurance programs, are helping to bust the federal budget and put many state governments deep in the red.

The so-called "Affordable Care Act" of 2010, otherwise known as ObamaCare, was sold in part on the theory that it would help stop Medicare and Medicaid costs from spiraling out of control.

Even at the time of ObamaCare's enactment, it seemed extraordinarily unlikely this promise would be fulfilled. Today the odds are slimmer still.

### Private Health Coverage Expanded by 3.1% in Right to Work States in 2013 Alone

"Clearly, the accelerated creation of good jobs that are sufficiently productive to absorb the high cost of family health-care benefits remains a key component



CREDIT: W.P. FOX BUSINESS

**Mark Mix: Right to Work states are superior in creating jobs that come with health benefits.**

for resolving the Medicare and Medicaid crises," observed Mark Mix, president of the National Right to Work Committee.

"Sadly, millions and millions of such jobs were destroyed throughout the country during the Great Recession of 2007-2009.

"Since then, however, despite the tepid national recovery, private insurance has bounced back vigorously in many, though far from all, states."

In 2013 alone (the most recent year for which data are now available), Right to Work states as a group (then 24 in number) enjoyed a net increase of 2.66 million, or 3.1%, in the number of people covered by private health insurance.

That's roughly *quadruple* the overall

percentage increase for the 26 states that at that time did not protect employees from federally-imposed compulsory unionism.

(Wisconsin, which did not become the 25th Right to Work state until this year, is counted as forced-unionism in all the calculations in this story.)

### Right to Work Advantage No Mere One-Year Anomaly

"Right to Work states' superiority in creating jobs that come with health-insurance benefits is no mere one-year anomaly," said Mr. Mix.

Over the past decade for which data are available (2003-2013), despite the enormous setback of the Great Recession, Right to Work states as a group added roughly 3.74 million people, net, to the ranks of the privately insured.

Meanwhile, forced-unionism states saw their ranks of privately insured people shrink by 2.12 million.

(Indiana and Michigan, which enacted the 23rd and 24th state Right to Work laws, respectively, in 2012, are excluded from the calculations in the preceding two paragraphs.)

Had private insurance coverage increased in forced-unionism states as much as it did in Right to Work states over the past decade, there would have been roughly 10 million more people with private insurance nationwide in 2013 than the actual figure of 210 million.

"Where forced dues are legal, union bosses use their power to dislocate labor markets, jack up costs, and bankroll Tax & Spend, regulation-happy politicians," explained Mr. Mix.

"The evidence indicates fewer jobs that pay well and offer good benefits are created as a consequence.

"And, when it comes to the private sector, Congress spawned the problem of compulsory unionism. Among the millions of private-sector workers who are forced to pay union dues to keep their jobs, not one is forced to do so by a state law.

"Congress instigated the moral evil of forced unionism and the economic ills it brings. It's Congress's responsibility to correct its mistake." 

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# Monopoly Bargaining Benefits Union Bosses *But Productive Unionized Workers Chafe Under ‘Wage Ceilings’*

At a press conference early in his first term in office, President Barack Obama articulated what he insisted was a key part of his philosophy with regard to economic policy:

“We believe in the free market, we believe in capitalism.

“. . . [W]e believe in people getting rich based on performance and what they add in terms of value and the products and services they create.”

Overwhelmingly, Americans would agree. Unfortunately, Mr. Obama’s theoretical support for businesses rewarding employees “based on performance” has from the beginning been at odds with his relentless advocacy for empowering union bosses to act as employees’ “exclusive” bargaining representatives.

The fact is, union officials routinely wield the monopoly-bargaining privileges handed them by federal and state labor laws to prevent employers from compensating employees “based on performance and what they add in terms of value . . . .”

## **Workers Who Don’t Want A Union Are ‘Often Actually Made Worse Off’**

In a 1995 review article for the *Comparative Labor Law Journal*, Pennsylvania law professor Clyde Summers, who personally supported laws granting union bosses “exclusivity” status, was quite blunt about the detrimental consequences for many employees.

(Dr. Summers, who passed away in 2010, was widely regarded as one of America’s top legal scholars in labor relations.)

Agreeing with the book he was reviewing, Dr. Summers acknowledged that under monopoly bargaining workers who don’t want a union are “often actually made worse off” than they were before.

For example, Dr. Summers elaborated, “wage increases of the low skilled may be at the expense of the highly skilled.”

Of course, when businesses are unable to offer their front-line employees incentives for good performance, they often find fewer employees bother to perform well. Such



CREDIT: PENN LAW/YOUTUBE

**As Pennsylvania law professor Clyde Summers once explained in a review article, under union monopoly**

**bargaining, “wage increases of the low skilled may be at the expense of the highly skilled.”**

firms become less competitive, and all employees suffer the consequences.

Under current federal labor law, unionized job providers can offer merit-based individual pay increases or bonuses only if union officials give their permission, or if federal authorities find bargaining between the employer and union officials has come to an “impasse.”

Except in star-driven industries like Hollywood movies and professional sports, union bosses typically veto requests by unionized employers to offer merit pay or bonuses. And employers risk costly strikes and legal trouble if they try to bargain to an impasse.

Consequently, unionized employers rarely try to reward employees on the basis of their individual performance, because they can expect only to suffer nasty repercussions.

## **‘Cease and Desist’ From Rewarding Good Employees Without Union Bosses’ Leave**

One unionized enterprise that did try to reward its best employees without first obtaining union bosses’ permission is the nonprofit Brooklyn Hospital Center (BHC) in New York City.

In 2009, a National Labor Relations

Board (NLRB) bureaucrat ruled the BHC had violated federal law by asking supervisors to identify the top 10% of employees in their departments, and then providing those employees with \$100 gift certificates.

Even such modest incentives for good performance were not permissible, according to the NLRB bureaucrat, because the gift cards were furnished “without prior notice to the union, and without affording the union an opportunity to bargain with respect to this conduct.”

The bureaucrat ordered the BHC to “cease and desist” from “[u]nilaterally granting its employees a gift card or any other benefit without providing notice to the union and an opportunity to bargain.”

National Right to Work Committee President Mark Mix commented:

“‘Wage ceilings’ are a particularly outrageous consequence of the National Labor Relations Act, which authorizes and promotes union monopoly bargaining power over pay, benefits, and other working conditions.

“The best remedy for Big Labor ‘wage ceilings’ is simply to revoke union officials’ legal privilege to act as the ‘exclusive’ spokesmen for all of an enterprise’s employees, including those

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# Big Labor Falsehoods Exposed

Continued from page 6

who do not belong to the union.

“However, even without such a fundamental reform, it is possible for the U.S. Congress to mitigate the harm.”

## Measure Would Enable Firms To Raise Workers’ Pay Without Big Labor Permission

Mr. Mix continued: “For example, legislation recently introduced on Capitol Hill by Congressman Todd Rokita (R-Ind.) and Sen. Marco Rubio (R-Fla.) would allow unionized employers to pay more than a union contract calls for without having to get union bosses’ permission first.”

The Rokita-Rubio legislation was introduced in the House on February 12 as H.R.1003, and in the Senate on February 14 as S.507.

It is also known as the Rewarding Achievement and Incentivizing Successful Employees (RAISE) Act. As this month’s Newsletter goes to press, it already has a total of 28 congressional sponsors.

If the RAISE Act became law, unionized employers would have only to establish that employees are receiving extra pay or bonuses based on their demonstrable accomplishments, and that all front-line employees have an opportunity to secure such rewards

by meeting the same standards.

“The RAISE Act is clearly a step in the right direction, and the Committee and its members are now lobbying to build congressional support for this legislation,” said Mr. Mix.

“But the RAISE Act is not a panacea. Denying merit pay increases for the especially talented and assiduous is only one of several ways in which union bosses wield monopoly-bargaining power to the detriment of many employees.

“For example, union contracts often force employers to discriminate against low-seniority employees if layoffs are financially necessary, while the employer left on his or her own would prefer not to discriminate on that basis.”

## Union-Label Politicians Can Be Expected to Fight the RAISE Act, Tooth and Nail

“Many workers will continue to be hurt economically by monopolistic unionism, even if the RAISE Act is passed into law. Preserving and expanding Right to Work protections for employees who don’t want a union will, of course, continue to be imperative,” Mr. Mix emphasized.

Modest as the reform implemented by the RAISE Act is, union officials and their army of forced union dues-

funded lobbyists can all the same be expected to fight it, tooth and nail.

Three years ago, when Sen. Rubio brought up the RAISE Act as an amendment to the “Agriculture Reform, Food and Jobs” Act of 2012, he met with vociferous opposition from top union bosses.

Teamster czar Jim Hoffa’s explanation for why he was determined to kill the Rubio amendment was typical.

The RAISE Act, Mr. Hoffa bitterly complained, would “allow employers to grant wage increases unilaterally to employees of their own choosing.”

## ‘A Battle Worth Fighting’

“In June 2012,” recalled Mr. Mix, “union lobbyists twisted arms until every Senate Democrat, as well as Big Labor Independents Joe Lieberman [Conn.] and Bernie Sanders [Vermont] and pro-forced unionism Republican Lisa Murkowski [Alaska], voted to kill the RAISE Act.

“This year, undoubtedly, top union officials remain determined to prevent unionized employers from having the discretion to reward employees in a way that maximizes the business’s profits, productivity and value.

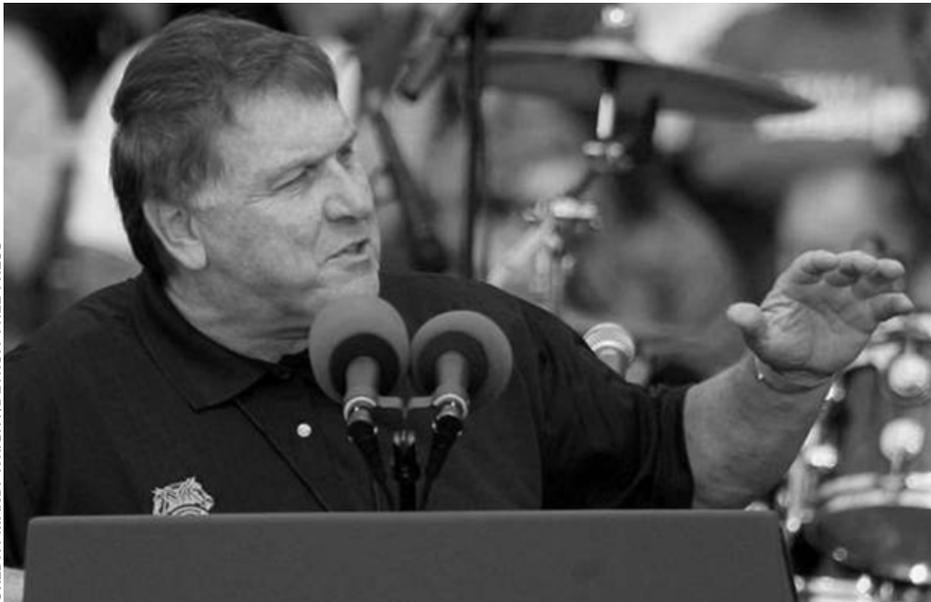
“It will be an uphill battle even to get the RAISE Act to President Obama’s desk, and securing his signature would be an even more daunting task.

“But this is a battle worth fighting. Any fair-minded person would have to acknowledge that the RAISE Act is significantly preferable to the status quo. And by stubbornly resisting this legislation, union bosses like Jim Hoffa effectively concede they are standing in the way of higher compensation for many unionized employees.

“What rationalization, then, do union officials have left for retaining laws that authorize Big Labor to force all unionized employees to pay union dues, or be fired?

“This spring, the Committee will continue to turn up the heat on U.S. senators and representatives to support the RAISE Act. One not insignificant point in its favor is that it exposes the hollowness of Big Labor pretensions of benefiting ‘all workers.’

“The debate over the RAISE Act makes it plain to all observers that many unionized workers are Big Labor’s captive passengers. Forcing such workers to pay union fees as a job condition adds insult to injury.”

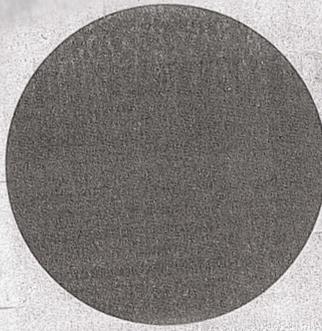


CREDIT: MANDI WRIGHT/DETROIT FREE PRESS

Union dons like Teamster czar Jim Hoffa are determined to prevent unionized employers from having the

discretion to reward employees in a way that maximizes the business’s profits, productivity and value.

# OPINION



TODAY'S DEBATE LABOR LAWS

## Our view

# 'Right-to-work' trend bolsters individual rights

"Last week, Wisconsin became the latest state to declare itself 'right-to-work,' meaning workers there can't be required to join unions, or pay union dues, as a condition of employment."

Wisconsin follows two other traditional blue-collar states, Michigan and Indiana, that enacted right-to-work laws in 2012. In all, 25 states have now used a provision in the 68-year-old Taft-Hartley Act that gave them the ability to pass such laws. A half-dozen others are considering it.

Organized labor — suffering from decades of declining membership — is up in arms about the trend, which significantly reduces unions' power. But from a standpoint of individual rights, it has to be seen as a positive development. Right-to-work states have stood up for people's freedom to associate (or not associate) that courts have held is contained in the First Amendment.

Without right-to-work laws, employees can be forced to support an organization with which they disagree.

They might, for instance, be ardent social conservatives miffed by how unions almost always work to elect Democrats. While workers can usually opt out of financing political contributions, they have a harder time extricating themselves from union endorsements and the positions unions take on pending legisla-



MIKE DE SISTI, AP  
Wisconsin Gov. Scott Walker signs a right-to-work bill into law March 9.

tion. And workers might also object to union rules they feel hold them back, like those that reward seniority over initiative or protect unproductive co-workers.

Those factors partially explain the unions' long decline, and not just in right-to-work states. Workforce unionization has dropped from 20.1% of the workforce in 1983 to 11.1% today. (The drop is even bigger among private-sector workers.) The reasons include technology, globalization and the economy's shift to indus-

tries that are ill-suited to unionization — either because they constantly innovate, or because they are small businesses without the critical mass of workers that unions need.

"With forced membership, unions don't need to be responsive. Right-to-work states force them to be . . ."

launching union and that once a majority of workers opt for one, there's nothing wrong with compelling others to join, since all reap the benefits.

But the price is loss of choice and leverage. With forced membership, unions don't need to be responsive. Right-to-work states force them to be, and when they are, they thrive.

Take Culinary Workers Union

"In right-to-work states, [unions] just have to try harder to prove their worth to prospective members."

Unions have important roles in fighting for better wages and working conditions. In right-to-work states, they just have to try harder to prove their worth to prospective members.