

How So-Called “Right to Work” Laws Aim to Silence Working People

BY AMY TRAUB

In America, working people have the freedom to band together with their co-workers to negotiate for a fair return on our work. We have the freedom to act together so can we speak with a more powerful voice. We have the freedom to join and form unions. Yet today, powerful interests want to take away that freedom. Corporate lobbyists have pushed federal and state-level policies deceptively named “Right to Work” laws that strip away the freedom to negotiate for a fair return on our work. These laws are designed to drain workers’ collective resources by requiring unions to provide representation to people who make no contribution to sustain the union. In essence, so-called “right to work” laws aim to silence working Americans, which causes their wages and working conditions to deteriorate, making it more difficult to sustain a family. Economists find that in states that have adopted these laws, the typical full-time worker is paid \$1,500 a year less than their counterpart in a state that has not undermined workers’ rights.¹

This Demos Explainer clarifies what misleadingly named “right to work” laws do, how they silence workers’ collective voice, and what their impact has been in states that adopt them. We also explore the roots of this anti-worker policy in efforts to cut wages and solidify racial divisions among workers in the Jim Crow South. Today, as “right to work” laws are promoted in a growing number of states and in the U.S. Congress, Demos aims to ensure that elected leaders, the media, and ordinary Americans understand the true nature of this policy.

“

In our glorious fight for civil rights, we must guard against being fooled by false slogans, such as ‘right to work.’... It provides no ‘rights’ and no ‘work.’ It is a law to rob us of our civil rights and job rights.”

DR. MARTIN LUTHER KING JR.

What do “right to work” laws do?

So-called “right to work” laws undermine workers’ freedom to band together and form unions with the resources workers need to speak with a powerful voice. These laws are designed to drain resources from workers’ organizations by allowing people to benefit from union representation without paying for it.

Under “right to work,” unions are required to represent all employees, but are not allowed to require any type of payment in return. Over time, this weakens unions: people who pay nothing drain the union’s resources, jeopardizing its ability to advocate for employees’ interests as effectively. While it is not impossible for unions to exist and even thrive in states with “right to work” laws, the absence of a steady income from all represented employees places a significant limit on workers’ ability to speak out.

Can workers be required to join unions?

The Taft-Hartley Act of 1947 states that no one is required to join a union to be employed anywhere in the United States. However, when workers form a union to negotiate with their employer over wages, benefits, and conditions on the job, the union must represent everyone employed in the workplace, even workers who choose not to become union members. As a result, workers who don’t join the union still receive all the advantages of higher wages and better benefits that the union achieves through negotiation. What’s more, if a worker in a union workplace has a dispute with management, the union must use its resources to represent the worker’s case, even if that worker has decided not to join the union.

In return for the services which the union is obligated by law to provide, workers who decide not to join the union in their workplace may be required to pay a fee for union representation. These fees cannot be used for political purposes or to organize new groups of workers—they simply reimburse the union for the cost of representing a non-member. At their core, what “right to work” laws do is allow workers to avoid paying their share of the cost of representation by the union.

Which states currently have “right to work” laws in effect?

Currently 27 states have “right to work” laws on the books.² Florida was the first state to enact such a law in 1943, followed by Arizona, Arkansas, Georgia, Iowa, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee and Virginia in 1947. Alabama, Idaho, Kansas, Louisiana, Mississippi, Nevada, North Carolina, Texas, Utah and Wyoming followed over the ensuing decades. The recent anti-worker push for “right to work” has included Oklahoma (2001), Indiana and Michigan (2012), Wisconsin (2015), West Virginia (2016), and Kentucky (2017). A number of these states have also written “right to work” provisions into their state constitutions.

What is the impact of “right to work” laws in the states that have adopted them?

“Right to work” laws have a direct effect on workers’ ability to sustain unions. Working people in states that enable unions to collect fees from every worker they represent are more than twice as likely to either be in a union or protected by a union contract than those in “right to work” states.³ At the same time, undercutting unions through “right to work” laws reduces workers’ ability to negotiate higher wages, better benefits, and improved working conditions.

Even workers at non-union businesses benefit when unions are strong. The presence of effective unions raises wages and job quality for workers throughout the economy, as non-unionized employers compete with unionized workplaces to attract and retain qualified workers.

A rigorous recent study from the Economic Policy Institute evaluated the impact of “right to work” by controlling for the effects of worker characteristics and state labor market conditions on wages. In “right to work” states, the median full-time worker (whether or not they are in a union) earns \$1,500 a year less than their counterparts in states that allows unions to collect fees from every worker they represent.⁴ Workers in “right to work” states are also significantly less likely to have employer-sponsored health insurance or a pension through their job.⁵

Despite proponents’ claims, there is little evidence that these laws significantly impact where firms choose to locate or the rate of business growth. For example, academic studies found no impact of “right to work” on manufacturing employment.⁶ Surveys of corporate executives consistently find that factors such as good infrastructure and the availability of a skilled and educated workforce outrank the relevance of “right to work” in deciding where to locate new facilities.⁷

Why were “right to work” laws originally adopted?

The Depression years of the 1930s saw a dramatic upsurge in union organizing, formalized by the passage of the National Labor Relations Act in 1935. Threatened by workers’ mobilizations, an oil industry lobbyist named Vance Muse promoted the term “right to work” in 1936 to describe restrictions on union activity. An associate of the Ku Klux Klan, Muse saw unionization not only as a threat to employers’ high rate of profitability but also to the white supremacist order of the Jim Crow South. As labor organizers sought to bring working people together across racial lines, Muse warned that without “right to work” legislation to impede union organizing, “white women and white men will be forced into organizations with black African apes whom they

will have to call ‘brother’ or lose their jobs.”⁸ Preying on the ugliest racial enmity, Muse’s organization advanced “right to work” aggressively in the segregated South, with Arkansas, Florida, Georgia, North Carolina, Tennessee and Virginia among the first states to adopt the anti-worker laws.

Dr. Martin Luther King Jr. saw the same connection between “right to work” laws and the denial of racial equity continuing to operate in the 1960s. In a successful 1964 campaign against a “right to work” ballot initiative in Oklahoma, he wrote, “In our glorious fight for civil rights, we must guard against being fooled by false slogans, such as ‘right to work.’... It provides no ‘rights’ and no ‘work.’ It is a law to rob us of our civil rights and job rights. It is supported by Southern segregationists who are trying to keep us from achieving our Civil Rights and our right of equal job opportunity... wherever these laws have been passed, wages are lower, job opportunities are fewer, and there are no Civil Rights.”⁹

ENDNOTES

1. Elise Gould and Heidi Shierholz, *The Compensation Penalty of ‘Right-To-Work’ Laws*, Economic Policy Institute, 2011. <http://www.epi.org/files/page/-/old/briefingpapers/BriefingPaper299.pdf>
2. National Conference of State Legislatures, “Right-to-Work Resources,” 2017. <http://www.ncsl.org/research/labor-and-employment/right-to-work-laws-and-bills.aspx#add>
3. Elise Gould and Will Kimball, *‘Right-to-Work’ States Still Have Lower Wages*, Economic Policy Institute, 2015. <http://www.epi.org/publication/right-to-work-states-have-lower-wages/>
4. Gould, et. al.
5. Gould, et. al.
6. Michael J. Hicks, *Right-to-Work Legislation and the Manufacturing Sector*, Center for Business and Economic Research, Miller College of Business, Ball State University, 2012. <https://cms.bsue.edu/-/media/WWW/DepartmentalContent/MillerCollegeofBusiness/BBR/Publications/RightToWork/RightToWork.pdf>
7. “29th Annual Survey of Corporate Executives: A Realignment of Location Priorities,” Area Development Magazine, 2015. <http://www.areadevelopment.com/Corporate-Consultants-Survey-Results/Q1-2015/annual-corporate-executive-business-expansion-survey-287775.shtml>
8. Richard D. Kahlenberg and Moshe Z. Marvit, “The Ugly Racial History of Right to Work,” *Dissent Magazine*, 2012. https://www.dissentmagazine.org/online_articles/the-ugly-racial-history-of-right-to-work
9. “Vote No on State Question 409,” Oklahoma NAACP, 1964. <http://www.thekingcenter.org/archive/document/vote-no-state-question-409-oklahoma-naacp#>



Dēmos is a public policy organization working for an America where we all have an equal say in our democracy and an equal chance in our economy.

Media Contact

SKDKnickerbocker

DEMOS@SKDKNICK.COM

demos.org

80 Broad St., 4th Fl.

New York, NY 10004