STEVE DELIE

RIGHT-TO-WORK TURNS TEN

THE LAW AND ITS BENEFITS

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ISBN: 978-1-942502-66-1 | S2023-03 | Mackinac.org/s2023-03

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Introduction

2022 marked the 10-year anniversary of Michigan's right-to-work law. The law was subject to vociferous protests by labor unions when it passed in 2012.[1] One union-endorsed member of the Michigan House of Representatives, in response to the pending adoption of the policy, predicted, "There will be blood … there will be repercussions … and there will be fights."[2] Although the rhetoric has since cooled, 11 bills were introduced to repeal the law in its first decade.* Following the 2022 midterm elections, Gov. Gretchen Whitmer signaled an intent to repeal right-to-work, and Democratic lawmakers have introduced bills to repeal it in both legislative chambers.[3] With Democrats now controlling the Legislature and the governorship, the debate surrounding right-to-work is more relevant than it has been in a decade.

This report examines the underlying principles of right-to-work laws and their legal history. It is thanks to this law that Michigan employees no longer must choose between paying a union and keeping their jobs. It is also thanks to right-to-work that employees are no longer forced to subsidize political speech with which they disagree. These legal protections not only restored employees' First Amendment rights, but also encouraged unions to better serve the interests of their members. This benefits all workers — including those who choose to remain union members.

This report provides a brief history of right-to-work in Michigan and the right-to-work movement more generally. It will explain some of the benefits of the law, including noneconomic ones, which are often overlooked. This report hopes to inform the ongoing debate about the purpose and merits of right-to-work laws.

Right-to-work laws defined

It is important to understand the precise legal effect of right-to-work laws. Simply put, right-to-work prevents unions from forcing an employer to fire an employee who refuses to pay the union. Senate Bill 116 of 2012, part of the bill package that made Michigan a right-to-work state, reads as follows:

> (1) An individual shall not be required as a condition of obtaining or continuing employment to do any of the following:
>
> (A) Refrain or resign from membership in, voluntary association with, or voluntary financial support of a labor organization.
>
> (B) Become or remain a member of a labor organization.
>
> (C) Pay any dues, fees, assessments, or other charges or expenses of any kind or amount or provide anything of value to a labor organization.

* These are 2021 House Bill 4175, 2019 House Bill 4034; 2017 Senate Bill 725; 2017 Senate Bill 724; 2017 House Bill 4146; 2015 House Bill 4820; 2015 House Bill 4819; 2015 Senate Bill 263; 2015 Senate Bill 262, 2013 Senate Bill 96; 2013 Senate Bill 95.

(D) Pay to any charitable organization or third party an amount that is in lieu of, equivalent to, or any portion of dues, fees, assessments, or other charges or expenses required of members of or employees represented by a labor organization.[4]

Prior to right-to-work, Michigan's labor law authorized what is known as "union security agreements." These agreements required all workers to pay the union that represents a group of similarly situated employees, known as a collective bargaining unit.[*] Unionized employees had only one method of limiting their support for a union with which they disagreed: a 1988 U.S. Supreme Court decision that gave employees the ability to opt out of supporting specific political spending by their union.[5] Employees exercising these "Beck rights" would, however, still have to pay the portion of dues meant to support all union activities determined to be nonpolitical. That portion of dues is known as an "agency fee." Unions could, and did, force employers to fire employees who refused to either become a dues-paying member of the union or pay these agency fees.[†] Right-to-work put an end to this practice by preventing employees from being fired for refusing to join or financially support a union.

Private sector right-to-work

Although the principle that a worker should not be forced to pay a union in order to keep his or her job applies to both private and public sector employment, the legal mechanism that provides that right differs between the two sectors. Knowing this difference is essential for understanding how right-to-work laws function.

During the 1930s, the United States experienced significant turmoil in private sector labor relations. Workers frequently engaged in strikes, including ones that paralyzed factories or even entire industries. At the same time, there were no laws preventing employers from intimidating employees trying to unionize, and some employers aggressively fought against unionization campaigns. In an effort to resolve these issues, and prevent further conflict, Congress passed the Wagner Act in 1935.[6]

The new law, more commonly known as the National Labor Relations Act, failed to achieve labor peace. Instead, the NLRA empowered unions by expanding organizing and bargaining privileges to such a degree as to tip the labor balance decidedly against employers. The interests of

* Most employees never get a chance to decide which union will represent them. Unions do not need to get reelected to maintain their status in a workplace; once a union is voted in by a group of workers, it tends to remain the only union that can represent employees, including all future employees who never voted for the union. A competing union could challenge the existing one in a unionization election, but these challenges are rare. One study found that only 6% of unionized employees voted for unionization during their careers and remained at the company at which they voted. James Sherk, "Unelected Representatives: 94 percent of Union Members Never Voted for a Union" (The Heritage Foundation, August 30, 2016), https://perma.cc/45XY-268J.

† Opting to only pay agency fees did not provide substantial financial relief to workers, as these fees typically amounted to 70-90% of the full dues amount. David Eggert, "Michigan right-to-work Q&A: Dissecting the ins and outs of contentious issue" (MLive.com, Dec. 11, 2012), https://perma.cc/8GFE-6XDQ; Tom Gantert, "MEA Agency Fees Far Exceed Cost of Contract Negotiations" (Michigan Capitol Confidential, Mackinac Center for Public Policy, Nov. 11, 2013), https://perma.cc/W96H-UGD4.

employers and vitality of their businesses, without which there would be no workers to unionize in the first place, were not adequately protected.

To better balance the interests of employers and labor, Congress fundamentally restructured the NLRA by passing the 1947 Taft-Hartley Act. The legislation was thoroughly bipartisan, garnering two-thirds support in Congress to overcome a veto by President Harry Truman.[7] Taft-Hartley laid the foundation of modern labor policy.

As amended by Taft-Hartley, the NLRA preempts states from regulating most aspects of private sector labor law. One notable exception, however, is the ability to prohibit union security agreements. Taft-Hartley permits such arrangements only if there is no state law which banned them. This effectively authorizes state legislatures to establish right-to-work laws in their own state.[*]

A wave of states quickly opted to provide right-to-work protections for workers in the years following Taft-Hartley. Twelve states became right-to-work within a year of the law's passage, while another six adopted right-to-work in the following decade. Over the next 50 years or so, however, just four additional states joined this group in protecting workers' rights. That changed in 2012 when a second wave of states began adopting right-to-work laws. Indiana and Michigan passed new laws that year. They were joined by Wisconsin, West Virginia and Kentucky shortly thereafter. All told, by 2023, 27 states have right-to-work protections.[8]

Public sector right-to-work

While Taft-Hartley had a significant impact on private sector workers, it had no effect on their peers in the public sector. That's because the NLRA leaves the issue of public sector labor law solely to the states. State laws on public sector unions vary greatly: Some prohibit collective bargaining by government employees altogether, while others maintain robust pro-union legal regimes.[†] State legislatures determined whether public sector employees had right-to-work protections, but that changed in 2018 with the U.S. Supreme Court's landmark decision in Janus v. AFSCME.

This case arose when Mark Janus, who was employed by the state of Illinois, objected to being forced to pay agency fees to keep his job. Janus did not support many of the political positions and policies endorsed by his union and argued that forcing him to support those policies violated his First Amendment rights. Despite exercising his Beck rights, Janus argued that because he was a public employee even the terms of his employment were political. Thus, Janus reasoned, when the union was negotiating on his behalf, it was engaged in political activity on

* Sec. 14 (b) of the NLRA states, "Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law." "National Labor Relations Act" (National Labor Relations Board), https://perma.cc/5G4N-TDXX.

† South Carolina has not authorized collective bargaining for public sector employees. See, Branch v. City of Myrtle Beach, 340 S.C. 405, 411 (2000). California, on the other hand, has implemented collective bargaining for a wide variety of government employees. See, e.g., "Laws" (California Public Employment Relations Board, 2023), https://perma.cc/SR6U-FNHP.

his behalf. Janus maintained that, under the First Amendment, he could not be forced to subsidize the union's political speech.

Janus' union, the American Federation of State, County, and Municipal Employees disagreed. AFSCME argued that agency fees were necessary to avoid being forced to represent "free riders," an argument that had prevailed in the Supreme Court's 1977 Abood v. Detroit Board of Education decision.

The Court agreed to reevaluate the Abood decision when it accepted Janus' case and ultimately overruled it. Justice Alito wrote the majority opinion, which held that all activity undertaken by a public sector union was inherently political, and any financial support of a government union would constitute political speech. Having reached that conclusion, the Court recognized that all public sector workers had a First Amendment right to opt out of paying agency fees.

The Court's decision also established the constitutional standard that would have to be met for employees to waive this right and pay a public sector union. The Court ruled, "[E]mployees [must] clearly and affirmatively consent before any money is taken from them."[9] The meaning of clear and affirmative consent can be gleaned from other cases decided by the Court. These cases determined that decisions to waive constitutional rights must be a "knowing, intelligent act done with sufficient awareness of the relevant circumstances and likely consequences."[10] Such waivers must also be done with "a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it."[11] Based on these cases, the Janus decision requires public sector employees to know both what their rights are, and the consequences of waiving those rights, before agreeing to pay a union.

Janus rendered all states right-to-work for purposes of public sector employment. While individual states retain the right to regulate public sector employees in other ways, and private sector employees remain subject to the NLRA, the Janus decision established right-to-work protections for public employees throughout the country as a matter of constitutional law.

Right-to-work in Michigan

Michigan, widely considered the birthplace of modern labor, became a right-to-work state in 2012. The passage of the law, which applied to both public and private employees, freed workers from being forced to pay dues or fees to unions with whom they do not wish to associate. But the law's development, and its impact on Michigan's workers, is a more complicated story that is worth reviewing.

In Michigan, public employees were first provided the ability to collectively bargain in 1947, via the Public Employment Relations Act. Driven largely by lobbying from teachers unions, PERA was significantly revised by Act 379 of 1965, which eliminated penalties for government employees who decided to strike.[12] Strikes by public employees technically remained illegal, but in the absence of significant penalties, proliferated in the following decades.[13] It wasn't until 1994 that PERA would be rebalanced to create more neutrality in Michigan's public sector labor law.

Public Act 112 of 1994 amended PERA to strengthen the penalties against striking employees. It also limited mandatory subjects of collective bargaining, which provided government employers with greater control over their workplaces. As a result of PA 112, strikes among public employees dropped significantly.[14] Despite these reforms, public sector employees could still be required to pay a union as a condition of their employment.

Michigan's transition into a right-to-work state had its genesis in an ill-conceived attempt by labor unions to enshrine broad collective bargaining privileges into the state constitution.[15] In 2012, a ballot initiative was advanced by labor unions and their allies in response to relatively minor changes to PERA that prevented teachers unions from bargaining over employee evaluation standards, among other issues. The union-backed initiative was dubbed "Protect Our Jobs" and appeared on the ballot as Proposal 2.

Proposal 2 would have enshrined collective bargaining privileges in the Michigan Constitution as a guaranteed right of both public and private sector workers, making it impossible to enact a right-to-work law without a subsequent constitutional amendment.[*] It also would have invalidated any laws at the state or local level that were viewed as limiting a worker's ability to join or support a union, with little guidance as to what would fall within that prohibition.

The most far-reaching element of Proposal 2 was to establish, as a matter of constitutional law, that a public sector collective bargaining agreement would override any present or future state laws that conflicted with that agreement. No law would have been immune from these sweeping powers. Even broadly applicable laws, such as the Freedom of Information Act, would have become unenforceable if they conflicted with a union contract. Essentially, this meant that the collective bargaining agreements negotiated by public sector unions and government employers would have more force of law than statutes passed by elected officials in the state Legislature.

Voters rejected Proposal 2, with 57% disapproving. This strong rejection suggested to lawmakers that Michigan might have reached a point where the public would support right-to-work.

Legislators quickly drafted a right-to-work bill. Its success was far from guaranteed, however. Michigan has a long history with the labor movement and was the fifth most unionized state in the nation.[16] No matter the extent to which the public favored a right-to-work law, Michigan unions would raise a cacophony of complaints about passing such a law.

And object they did, at raucous and destructive union protests. Some union members were arrested.[17] Others focused their anger on the supporters of right-to-work, tearing down a tent erected on the Capitol lawn by the grassroots advocacy group Americans for Prosperity.[18] One pro-union protestor issued veiled threats to then-Gov. Rick Snyder, claiming he would get "no rest" if he signed right-to-work, and that he would face protestors at his home, at his daughter's soccer games and at his church.[19]

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* Illinois adopted a constitutional amendment containing similar privileges for collective bargaining in 2022. "Illinois Amendment 1, Right to Collective Bargaining Measure (2022)" (Ballotpedia), https://perma.cc/7DUT-RDJR.

Despite this threatening environment, legislators passed the right-to-work bill. On Dec. 11, 2012, Gov. Snyder signed right-to-work into law, officially making Michigan the nation's 24th state to adopt the policy.[*]

The right-to-work debate

Many of the objections to right-to-work can be traced to a fundamental misunderstanding of the policy itself. Right-to-work does not prohibit or interfere with collective bargaining, nor does it prevent workers from forming or joining unions. It does not require unions to represent workers who refuse to join the union and pay dues. Right-to-work simply prevents a union from forcing employees to pay it.

A common objection to right-to-work is that it requires unions to represent "free riders," employees who decline union membership. This argument can be traced back to the adoption of Taft-Hartley, where unions warned that the elimination of union security agreements would require them to represent workers who refused to join the union.[20] These objections are misplaced, for several reasons.

First, the label "free riders" is misleading. Workers who opt of out union membership still have no choice but to accept that a union will speak and negotiate on their behalf. They are forced to accept whatever the union determines is best for them. In addition, these employees likely never voted for the union that represents them — they are simply forced to accept representation from the existing union in their workplace.[21] Thus, these workers could more aptly be deemed "forced riders."

Second, the requirement that unions represent nonmembers is not part of a right-to-work law. Different laws require unions to act as the exclusive representative for all employees within a bargaining unit.[†] Unions voluntarily accept, and in fact zealously pursue, the duty to speak on behalf of all employees. They choose to act as the voice of nonmembers, which makes their complaints about so-called free riders disingenuous. In fact, when the option of being relieved of the duty of exclusive representation is presented, union official fervently oppose it.[22] In other words, any harms unions endure from representing nonmembers are self-inflicted.

Finally, the expense associated with representing nonmembers is trivial. The costs of representing employees are primarily related to two aspects of union activity: contract negotiation and grievance representation. In contract negotiation, a union negotiates on behalf of a collective bargaining unit, which includes both members and nonmembers. The cost associated with this activity would not change if unions only negotiated on behalf of their members.

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* The law did not take effect until March 2013. Many unions took advantage of this by rushing to sign new contracts before the law's effective date, forcing employees to continue paying dues or fees for years into the future.

† For the private sector, exclusive representation is required by 29 U.S.C. §159(a). In Michigan, the duty of exclusive representation in the public sector is found in MCL § 423.211.

Grievance arbitration, when unions legally defend an employee against an alleged contract violation, are an individualized expense that would decrease if unions no longer represented nonmembers. But unions only incur this cost because they are the exclusive bargaining representative of the entire employee group, a status they jealously guard.[23] If nonmembers were not bound by the union contract and could negotiate on their own behalf, unions would not incur these costs.

The solution to the free-rider or forced-rider dilemma is straightforward: amend the NLRA and state laws to eliminate the duty of exclusive representation. This would allow nonmembers to negotiate their own terms and conditions of employment, while freeing unions from the obligation to represent nonpaying members of the bargaining unit.

Benefits of right-to-work

Researchers regularly assess the variety of economic effects associated with right-to-work laws. The law's positive impact on job and industry growth and other metrics related to state economies is well-covered ground. This report focuses instead on the noneconomic benefits that these laws provide.

Worker freedom and individual liberty

Without right-to-work, unions can present workers with an offer they can't refuse: pay the union or lose your job. This type of forced association is rare in the United States.

Without right-to-work, workers are forced to financially support political speech they do not endorse. Empowering workers to opt out of paying unions they disagree with gives them more of a voice and provides them greater freedom and choice.

In 2022, the National Education Association, the country's largest teachers union, spent 98% of its political spending on progressive candidates or causes, according to OpenSecrets. Its counterpart, the American Federation of Teachers, also devoted 98% of its political spending in the same way. Teachers who support different candidates or causes, if working in a non-right-to-work state (prior to the Janus decision), would be forced to subsidize this speech, even if they found it antithetical to their values.

Political issues are just one source of conflict between workers and unions. Workers may disagree with a union over how it spends the dues it collects. For example, according to its filings with the federal government, the NEA took $377 million in dues and fees from workers in 2021. But it spent only $32 million on representational activities. That was less than half of what the union spent on politics, which totaled almost $66 million. It spent another $56 million just on benefits for union officials. On a percentage basis, the NEA spent only 8.5% of the dues and fees it collected on directly representing its members.

This is so even though a large majority of union members believe that representational activities are the most important responsibility of a union.[24] This disparity between union spending on representation and other activities may be enough for workers to wish not to associate with a union and to withdraw their support.

Some workers may choose not to support a union because of mismanagement or wrongdoing. The recent scandals plaguing the United Auto Workers are a good example. To date, 12 officials involved with the UAW have been convicted of charges relating to corruption, often in connection with the misappropriation of union dues for personal luxuries.[25] This includes thousands of dollars' worth of cigars, meals, luxury villa rentals and golf equipment.[26] The UAW lost 6% of its membership between 2020 and 2021, some of which may have been driven by this scandal.[27] Even union members who agree with the UAW's representational and political activities may wish to withdraw their support if their dues are used in this manner.

Other workers may choose to withdraw support because their union offers them insufficient value. Prior to Michigan adopting right-to-work, the Mackinac Center uncovered a unionization scheme known as "dues skim" involving the SEIU.[28] The union worked with the administration of Gov. Jennifer Granholm to unionize home health care workers. These workers were typically the family of seriously ill or disabled people who qualified for Medicaid support. For the care they provided, these family members received modest government subsidies.

The SEIU and Granholm administration treated these workers as if they were state employees, even though they were really employed by the patients they cared for. Classified as state employees, these home health care workers could be unionized and forced to pay dues to the SEIU. These caregivers received no representational services from the union, however, because there was no employer with whom to bargain. The union, nevertheless, siphoned over $33 million from these Medicaid payments — money meant to care for the sick and disabled.

After the Michigan Legislature and Gov. Snyder ended the dues skim by clarifying that these workers were not state employees, the SEIU launched a ballot initiative, known as Proposal 4 of 2012, to enshrine dues skim into the Michigan Constitution. That initiative failed, with 56% of voters rejecting it.

No longer under obligation to pay the union, workers fled the SEIU in droves. By 2020, SEIU Michigan lost 51% of its total membership, and SEIU Healthcare Michigan lost 84%.[29] Membership declines like these signal that the home health care workers forced into the SEIU had no need for the union's services in the first place.

There are countless reasons why workers might opt out of paying a union. The power to withdraw financial support from a union — the essential element of right-to-work laws — provides workers with a real voice in determining how their union functions. It also affords them the freedom to choose with whom they want to associate.

Employees seem to cherish the opportunity: When workers first obtain the option to disassociate from unions, they typically do so in large numbers. For example, in 2012, the state of Michigan employed 35,356 people who were covered by a collective bargaining agreement, 32,680 of whom were union members.[30] Ten years after right-to-work went into effect, there were 32,643 such state employees, but only 21,770 of them remained in the union.[31] The portion of state employees opting out of the union more than tripled, increasing from about 8% to 33%. This suggests that a significant portion of workers appreciate the opportunity to exercise their right-to-work rights.

Free speech

The importance of right-to-work goes beyond worker freedom and is consistent with longstanding principles of free speech. A sterling example of the connection between the First Amendment and coerced support for unions can be found in the Janus decision.

Justice Alito began the Court's opinion by noting that compelled speech is inconsistent with traditional constitutional principles. He wrote, "Compelling individuals to mouth support for views they find objectionable violates that cardinal constitutional command [to protect free speech], and in most contexts, any such effort would be universally condemned." He elaborated:

> When speech is compelled, however, additional damage is done. In that situation, individuals are coerced into betraying their convictions. Forcing free and independent individuals to endorse ideas they find objectionable is always demeaning, and for this reason, one of our landmark free speech cases said that a law commanding "involuntary affirmation" of objected-to beliefs would require "even more immediate and urgent grounds" than a law demanding silence.[32]

Noting that even core union activities, such as negotiating wages and terms and conditions of employment, impact matters of public policy when government workers are involved, the Janus ruling concluded that compelled financial support of public sector unions led to unconstitutional compelled speech. The principles underlying the Janus decision are equally viable, although not legally applicable, in the private sector. Forcing someone to finance speech they disagree with falls into the same category.

Thomas Jefferson once noted, "[T]o compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical."[33] This principle is no less true when the coercion is accomplished by a private actor, such as a private sector union, then when it is accomplished by the government itself. This is especially the case when the private actor can compel financial support by way of laws passed by the government. Right-to-work ends this form of compelled speech.

Antidote to coercion

In non-right-to-work states, a union is incentivized to mount organizing campaigns where it has only moderate support from employees. If it wins the election and unionizes the workplace, it can collect dues or fees from every employee, even if 49% of them voted against the union. This leads some unions to mount aggressive campaigns to unionize, using tactics that straddle the line between convincing and coercing workers.

In a 2007 congressional hearing, a former union organizer for the United Steelworkers testified that he was instructed to threaten migrant workers with being reported to immigration officials if they refused to support the union. That same organizer described other aggressive union tactics, such as making multiple visits to employees' homes in an effort to frustrate them or cause them to fear for the safety of their families and property. A UAW organizer also testified that some employees were visited at their homes as many as five separate times. Once the employee agreed to support the union, the visits stopped.[34]

These examples pale in comparison to the experience of one health care worker who had a union organizer threaten to take her children and slash her tires.* These examples help illustrate that some unions have shown a willingness to take inappropriate and coercive actions to win certification elections, obtain exclusive representative status and start collecting forced payments from employees.

While these tactics could theoretically be used in a right-to-work state, the policy does disincentivize them. Any worker who is subject to this treatment in a right-to-work state has the right to reject union membership and refuse to pay that union. Thus, overly aggressive organizing techniques run the risk of hurting the union in the long run. This incentive structure does not exist for non-right-to-work states. This, in part, might be why union organizing falls by approximately 50% in states that adopt a right-to-work law.[35]

Quality of life

Much of the debate surrounding right-to-work laws has focused on their impact on state economies.[36] Unquestionably, this is an important consideration. Less attention has been paid, however, to the benefits of right-to-work laws that are either unrelated or only indirectly connected to economic statistics.

Studies have consistently shown that right-to-work is associated with economic growth in key economic sectors, particularly those that are heavily unionized. A 2002 study found that, between 1970 and 2000, gross state product, overall employment, manufacturing employment, construction employment and per-capita disposable income all grew faster in right-to-work states

* "HCF Inc. d/b/a Shawnee Manor and District 1199 SEIU, The Health Care and Social Service Union, AFL–CIO, Petitioner (Case 8–RC–15261)," (The National Labor Relations Board, Aug. 27, 1996), https://perma.cc/42RP-JF8X. It should be noted that the NLRB found this behavior to be insufficient grounds to overturn the union's election as exclusive bargaining representative.

than in non-right-to-work ones. That same study showed lower average annual unemployment, poverty rates, income inequality and labor costs in right-to-work states.[37] A 2007 study reached similar findings, as did another review in 2008.[38] A 2010 journal article found that right-to-work laws were positively correlated with interstate migration, with right-to-work states increasing in population by 100%, while non-right-to-work states only increased by 25.7%.[39]

These findings have remained more-or-less consistent in the years since. A 2020 study found that companies increase investments and the number of jobs in states following the adoption of a right-to-work law.[40] Bureau of Labor Statistics data show that employment grew more than twice as fast in right-to-work states as it did in non-right-to-work ones.[41]

Perhaps no statistic better captures differences in economic opportunity and quality of life among the states than migration patterns. The most powerful vote people can cast is with their feet —in other words, where they chose to live. Here again, the impact of right-to-work laws appears to be significant. Right-to-work states experienced more than three times the population growth as non-right-to-work states from 2010 to 2020, representing a net of 4.5 million people moving into these right-to-work states.[42]

These findings are only further supported by a 2019 study in the Journal of Law and Economics.[43] This study, which relied on Gallup polling data, suggests that the adoption of right-to-work laws increased both individual life satisfaction and economic sentiment. These positive increases were particularly concentrated among union workers. The study also found that these results were "consistent with the view that [right-to-work] laws increase competition, and, in turn, encourage unions to provide higher quality services." In short, right-to-work laws lead to greater expected prosperity and happier workers.

Better unions

Another benefit of right-to-work is the incentive it places on unions to improve services for their members. In a non-right-to-work state, unions can require workers to become members or pay agency fees. This dampens a union's need to be responsive to the interests of its members. This is particularly true of agency fee payers, who typically do not have the ability to vote on union leadership or contracts based on their status as nonmembers. Thus, in non-right-to-work states, the group of workers most likely to disagree with a union are also the least likely to be able to affect changes in union policy.

Right-to-work changes this dynamic, as employees cannot be coerced into financially supporting a union. In these states, unions must work harder to retain members and minimize the number of employees who choose not to pay them. This incentivizes unions to be responsive to the needs of their members, to serve them better and to take positions that most members support. As a result, workers, whether members or not, are likely to receive better representation in right-to-work states compared to states where there is no connection between a union's efficacy and its funding.

Even unions have admitted that right-to-work has required them to provide better services to their members. For example, Douglas Pratt, an official with the Michigan Education Association, acknowledged that his union had improved at informing potential members of the benefits of joining the MEA. In comments criticizing the Legislature for passing the right-to-work law quickly, Pratt told the Livingston Daily in 2013: "We don't know what to expect. What we can do is continue to explain to our members why membership is of value. Have we had to increase efforts on that? Sure we have. We're stronger because of it."[44]

Pratt is not alone in recognizing that unions must work harder for their members after Michigan adopted right-to-work. In the same article, Bill Reed, the then-president of UAW Local 602, stated that the passage of right-to-work "awakened a sleeping giant," by requiring unions to work harder on member retention.[45]

Other union leaders across the country have recognized that right-to-work made it easier for them to organize new workplaces. Gary Casteel, a former regional director for the United Auto Workers, explained his reasoning to the Washington Post in 2014:

> This is something I've never understood, that people think right-to-work hurts unions. To me, it helps them. You don't have to belong if you don't want to. So if I go to an organizing drive, I can tell these workers, 'If you don't like this arrangement, you don't have to belong.' Versus, 'If we get 50 percent of you, then all of you have to belong, whether you like to or not.' I don't even like the way that sounds, because it's a voluntary system, and if you don't think the system's earning its keep, then you don't have to pay.[46]

Even union leaders recognize that right-to-work benefits workers through improved services that unions are incentivized to supply. Those who want to ensure employees receive the best representation possible should look to right-to-work as a tool to encourage that representation.

Conclusion

Right-to-work is often misunderstood, but its benefits are clear. Polls of Michigan voters consistently show strong support for the law.[47] Right-to-work offers better economic conditions for workers and state residents while fostering quintessential American values of free speech and free association. It creates better unions that are more responsive to their members, which in turn leads to better results for all represented workers, including those who don't join the union. In short, right-to-work creates widespread benefits for state economies, for workers and even for unions themselves.

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ISBN: 978-1-942502-66-1 | S2023-03 | Mackinac.org/s2023-03
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