



Time to Give Workers a Full Choice

By F. Vincent Vernuccio

Summary

Unions complain that right-to-work laws require them to represent workers who don't pay them, calling them "free riders." But these nonunion workers might also be called "forced riders." The concept of "Worker's Choice" will benefit both unions and individuals who choose to not partake of union representation.

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Even in right-to-work states like Michigan where unions cannot get a worker fired for not paying them, workers are not fully free.

If they are in a unionized job, workers must accept union representation whether they want it or not. Because unions are granted a monopoly to bargain for all the workers they represent, they have what is called the duty of fair representation, meaning they must represent all workers in a unionized worksite, even those who do not belong to the union.

Unions, which have historically fought for this privilege, call people who wish not to pay "free riders," claiming they are getting something for nothing.

These workers could more accurately be called "forced riders" because they are forced to accept the union contract, and allow the union to represent them, and at least be present in grievance hearings with their employer. In many cases, workers must go through the union if they get in trouble, even if they would rather hire outside help.

The Mackinac Center for Public Policy has found a solution to the free/forced rider issue. A new concept called Worker's Choice would free unions from representing those who do not want to pay them and would allow workers to represent themselves.

It would not change collective bargaining in any other way. Unionized worksites would still have only one union to represent all the union workers. The union would still bargain over wages, hours, and working conditions. It could also continue to attempt to organize nonunion worksites by the consent of a majority of all employees.

The only difference under Worker's Choice is that workers who want to exercise their rights under the right-to-work law and not pay the union could represent themselves.

These workers would be treated just like the 93 percent of workers in the private sector and 61 percent of public sector workers nationwide who are not covered by a union contract. (In Michigan, the numbers are 89.2 and 46.7 percent, respectively.)

Employers would only have the obligations due to these workers that they would have to nonunion workers. Similarly, these workers would have all the protections afforded to nonunion workers, which include many civil service protections for government workers and federal law for those in the private sector.

Many workers may benefit from the flexibility afforded to them by opting out of a typical one-size-fits-all collective bargaining agreement.

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Worker's Choice can free unions and workers from the problems of forced riding. The study is available online at Mackinac.org/s2015-03

Workers could negotiate for stronger merit pay or be rewarded for how hard they work and not how long they have been on the job. (Many union contracts have strict seniority systems in which the only way to get a raise is to log another year.)

A parent who wants more time off to spend with their children could ask for more personal time off in exchange for a lower salary. Conversely, someone who wanted more money could negotiate for more pay but less time off.

Unionized employers looking to keep talented employees would be able to negotiate, but like their nonunion counterparts would be under no obligation to bargain with employees who were not represented.

Lawmakers in Lansing have the opportunity to enact Worker's Choice for public employees in Michigan. Private sector employees are governed by federal labor law; a move to allow them to have a full choice would need to come out of Washington, D.C.

For the private sector as well as the public one, the answer to the free/force rider issue is to give workers the ability to say, "No, thanks" and unions the ability to say, "Goodbye."

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