

## If the 'free rider' is a problem for unions, why don't they solve it?

Labor unions do not have to represent non-members; they have chosen to do so and then complain about it

By Stephen Delie | May 2023

Democrats targeted Michigan's decade-old right-to-work law immediately after taking control of the Legislature in January.

When the question of whether workers can be fired for not paying a union came up, many of the points being made by unions and their democratic allies were disingenuous.

One key argument used to advance these bills was that a union shouldn't be forced to represent the workers who have opted out of membership. Commonly called the "free-rider" problem, this argument is straw man. Unions do not want, and in fact vocally oppose, any solution to this problem other than forcing workers to pay them.

Solving the free-rider problem is rather simple. A legislative change could let public sector unions represent only their members. Employees who don't want to belong to a union could negotiate on their own. Unions would no longer need to represent them.

“**By repealing right-to-work, unions recapture this lost source of funding. Fixing the free-rider problem would hurt the unions' bottom line.**”

In what should be a win-win situation, unions would only represent their members and could tailor their services around these members. Meanwhile, non-members wouldn't be bound by the terms negotiated by the union. Every employee would have a choice about how they're represented in the workplace.

It's a pretty simple solution. So why hasn't this change been made? An equally simple answer: Unions oppose it.

One of every three bills introduced in the Legislature this year deals with labor policy. None of them tackle this issue. When the bills repealing right-to-work were in legislative committee, Republicans offered up amendments that would have allowed unions to represent only paying members.

These amendments were voted down along party lines.

The National Education Association, American Federation of Teachers, Service Employees

International Union, and American Federation of State, County, and Municipal Employees have all signed a public statement opposing any change to labor laws that would allow them to represent only paying members. The statement indicates all four unions are “strongly opposed to state and local policy proposals that ... [w]eaken the concept of exclusive representation in the workplace.”

Closer to home, a poignant example comes from a December 2013 Michigan Senate committee, hearing shortly after right-to-work initially passed. “Sometimes I’ve heard people referred to who left the union or want to leave the union as ‘freeloading,’” then-Sen. Arlan Meekhoff asked a union leader. “Do you wish to be relieved of representing those people who are opting out of the union?”

“No,” said Douglas Pratt, who is now the director of public affairs for the Michigan Education Association.

Unions point to the free-rider issue as a justification for the repeal of right-to-work. But when offered an opportunity to solve the problem directly, they consistently reject it.

Instead of advocating to give workers a real choice about union representation, unions demand the continuation of an antiquated system based on coercion. Under the current law, employees who do not want union representation are forced to accept it. The result is a system where a worker who opposes the union, either on ideological grounds or

because the union isn’t providing a service worth the price of union dues, has no voice.

Right-to-work attempts to balance this arrangement by at least allowing these workers not to have to pay for their legally mandated silence.

Unions oppose right-to-work and other reforms because they financially benefit from being an exclusive bargaining representative. This is particularly true in states without right-to-work protections, since every private sector worker in a closed shop is required to pay the union. Even workers who exercise their right not to contribute to their unions’ direct political activity are still required to pay an agency fee, which is often 80% to 90% of dues. By repealing right-to-work, unions recapture this lost source of funding. Fixing the free-rider problem would hurt the unions’ bottom line.

It’s one thing to debate the merits of right-to-work as a policy. It’s another thing entirely to argue that the free-rider problem justifies the repeal of right-to-work — while opposing changes that would solve that problem for good.

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