



Are Right-to-Work Laws Coming to Ohio?

by Thomas J. Gibney and Colleen L. Maloney

Many states are proposing right-to-work legislation in an attempt to foster economic growth. Studies have shown that states which become right-to-work states experience a higher degree of economic growth, collect more tax revenue and have rising per capita personal incomes. Right-to-work states also attract more employees and have a greater growth in employment.

Currently, there are 22 states with right-to-work laws. Oklahoma was the last state to successfully enact right-to-work legislation (2001). In the past year, 18 states, including Michigan, introduced right-to-work bills, which, if passed, would almost double the number of right-to-work states.

What Are Right-to-Work Laws?

Right-to-work laws make it illegal for unions to negotiate collective bargaining agreements that include agency shop provisions. Agency shop provisions prevent employers from retaining non-union employees, unless the employees agree to pay at least those union fees which are used for representational purposes. Unions argue that because the non-union employees benefit from the collective bargaining agreement negotiated by the union,

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About the photo: Picture of the Ohio Statehouse

the employees should at least pay the portion of dues that are used to finance representation. Ohio currently does not have a right-to-work law, which means that unions can, and usually do, bargain for agency shop provisions.

How Do Right-to-Work Laws Affect the Workplace?

Agency shop provisions place a burden on employers and non-union employees alike. Employers face the administrative burden of implementing and managing dues deductions from payroll. Non-union employees face the financial burden of paying dues for unwanted representation. Recently, the NLRB handed down a decision that will place an even larger burden on non-union employees. In *United Auto Workers Local 376*, the Board upheld a union's right to require non-union employees who objected to paying full agency fees for nonrepresentational purposes to renew their objections annually in order to qualify for a reduced obligation. This recent decision is one of several from the current Board that arguably are hostile to employee free choice, if that choice is to not be unionized.

Will Right-to-Work Laws Proliferate?

In an attempt to reduce state budgets, lawmakers from several states, including Ohio and Michigan, have proposed legislation prohibiting public-sector unions from requiring non-union public employees to pay union dues or fees. Such legislation would substantially diminish the funds that go into the pockets of public-sector unions each year, which would diminish the unions' political power. The discussions regarding these public-sector laws, may set the groundwork for similar private-sector right-to-work laws in the future.

What to Do in the Meantime?

As long as Ohio and Michigan remain non-right-to-work states, a union can legally propose, and an employer must bargain over, the inclusion of a union shop provision in a collective bargaining agreement. For assistance with your next round of negotiations, please feel free to give us a call.



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