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Right to Work Laws: They Aren't Right and They Don't Work

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If Congress passed a law that gave Americans the option to voluntarily pay federal income taxes, many (if not most) would likely opt to withhold payment – figuring that others would step up to fund the infrastructure, roads and bridges, public safety, and government services they enjoyed every day.

Letting someone else pay the tab but still benefiting from all those government resources: patently unfair, you say?

There is no doubt about it! And for that reason, don't bet on an "opt out" provision being added to the federal tax code any time soon.

At the same time, state legislatures nationwide for more than 75 years have done something very similar with their enactment of “Right to Work” laws, which prohibit unions from mandating payment of dues – the lifeblood of union representation and advocacy.

It's time for these state legislatures – 28 and counting — to understand that their continued support for “right to work” laws is doing nothing more than weakening unions to the point of life support, worsening wage inequality between management and workers in a variety of settings, and holding back the ability of those workers to forcefully and effectively represent their interests.

Right to Work History Not Kind to Unions

How did we get here?

The [Wagner Act of 1935](#) permitted the creation of “union shops” where employees were required to join the appropriate union and pay dues to maintain their employment and enjoy union benefits.

This law was amended in 1947 by [the Taft-Hartley Act](#). Under the new legislation, states could prohibit union shops if they chose to do so and pass so-called Right to Work laws. Unions were permitted, but the requirement that all employees must join and pay union dues became voluntary.

Since then, 28 states have adopted Right to Work laws – and they will almost certainly be joined by others, unless something is done – and done soon.

Think about it. If you're an employee in a state without a Right to Work law, you might work in a unionized environment and be required to join a union and pay dues. If you've never experienced any serious workplace issues, you may not perceive your union to be of much benefit.

Then a savvy state politician starts a conversation about Right to Work laws. The term “right to work” sounds appealing. Even if you didn't know what it means, it probably *sounds* like something you'd like (and not unlike the fictitious “right to opt out of paying taxes” law discussed earlier).

The politician explains that if your state adopts a Right to Work law, you won't be forced to pay union dues – and you know you'll still benefit from the union in collective bargaining negotiations for wage and benefit increases.

The Insidious Effects of “Right to Work”

What are the long-term effects of Right to Work laws when many or most opt out of paying union dues?

In the short term, the influence of affected unions dwindles, undermining the ability of workers to organize and bargain with [employers from a position of respected power](#). Simply put, without funding to support representation and advocacy efforts, unions cannot effectively fight for their members.

Over time, however, the debilitating effects of Right to Work laws have been clear – and frightening.

At the height of the union movement in the United States, more than one-third of all workers belonged to a union. Today, that figure is around 10 percent. Right to Work laws are largely to blame for the steep decline in union membership – and businesses have seized the opportunity [to take advantage of unrepresented workers](#).

In 1978, the average American CEO's pay was about 30 times greater than that of a line-level employee. By 2015, thanks in part to Right to Work laws, those same CEOs were earning 286 times more than their line-level workers. While average employee pay has gone up about 11 percent since the 1970s, CEO pay has gone up 937 percent in the same time period.

Studies by the Economic Policy Institute, the AFL-CIO and other labor organizations have shown that Right to Work laws generally lead to [lower worker wages](#), [less safe working conditions](#), and [reduced employment growth](#).

Unions Are Worth the Fight

On the other hand, a briefing paper published by [Economic Policy Institute](#) showed that work environments with strong unions enjoy better wages, benefits and bargaining power than non-unionized alternatives. In fact, the relative power of a union produces statistically significant benefits for working conditions and worker satisfaction, according to the report.

Unions are certainly worth an anti-Right to Work law fight. And fighting, some are.

Last year in a referendum, [Missouri voters](#) actually struck down the state's Right to Work law, in a result which has encouraged organized labor advocates in other states.

In [Virginia](#), Delegate Lee Carter has sponsored legislation to repeal the state's Right to Work law, and require workers to become union members and pay union dues as a condition of employment. And in [Ohio](#), labor successfully pushed back on an attempt to introduce pro-right to work legislation late last year.

It's Time to Reconsider and Reverse Right to Work Laws

If an expansion of Right to Work laws continues, union representation will continue to shrink, workers will wield less and less power, and employers will exploit this power imbalance to the fullest.

It's time for unionized and non-unionized workers – and those who care about them – to take up the mantle of those in Missouri, Virginia, and Ohio, and to say to corporations, businesses, and the state politicians who protect them: Right to Work laws are not right. Right to Work laws do not work. And Right to Work laws need to go.

About the Author

Dr. Gary Deel is a Faculty Director with the School of Business at American Public University. He holds a JD in Law and a Ph.D. in Hospitality/Business Management. Gary spent more than 10 years in the hospitality industry, working in leadership within various areas including operations, sales, risk management and training.