

UNIONS – Michigan Becomes a Right-to-Work State

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Practices: Employment, Labor & Benefits

Michigan has now joined Indiana and 22 mostly southern states in becoming a right-to-work state. Seen by most as a knife in the heart of the union movement, management and unions will be measuring the impact in the coming years and, especially, whether Michigan becomes a magnet for new manufacturing jobs. However, the new law does not outlaw unions or even prevent unions from organizing employees. Employees in Michigan still have the right to file a petition for an election to determine whether a union will represent them. Unions in companies still must represent all of the employees in the unit or group within a company represented by a union.

However, the law states that employees shall not be required to become or remain a member of a union and to pay dues to a union as a condition of obtaining or continuing employment. In addition, no union contract may contain a provision contrary to the employee's right set forth in the law. Under the new law, employees may file suit against a company or union that violates their rights and the State appropriated \$1 million, in part, to educate the public about the law.

The new law voids and finds unlawful specific language in union contracts that is viewed as strengthening unions. Known as the "union security clause," this language requires that all employees represented by the union must maintain their membership in the union in good standing. Union members are in good standing when they pay dues and do not violate a provision of the union's internal bylaws. For example, a union member violates one of the bylaws during a strike when he or she crosses a picket line and returns to work without first resigning his membership in the union. If a union member is not in good standing, the union has the right to ask the company to terminate the employee, and the company must comply with that request or violate federal labor law. Therefore, the union security clause helps a union maintain its unity and strength during its representation of the employees, during collective bargaining negotiations and especially during strikes. Outlawing the union security clause may weaken unions because a union may not be able to convince its members to start and continue to strike, which is an important tool used by unions to exert economic pressure during negotiations. Of course, strikes have become less frequent even in states that do not have right-to-work laws, because unions realize that the "nuclear" weapon may not accomplish their goals. From the union's perspective, the right-to-work laws do not prevent companies from locking out all of the employees, whether they are or are not union members. Although the non-union members may cross the picket line without penalty imposed by the union, companies, like the National Hockey League, may continue to exert economic pressure by locking out the employees while unions in right-to-work states, including Michigan, may have lost this ultimate economic weapon.

