



What Does Michigan's Repeal Of Right-To-Work Mean For Employers?

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Last week, Michigan [became the first state in decades](#) to repeal its Right-to-Work (RTW) law. So what does this mean for employers?

To understand the potential significance, it's first important to understand what a state RTW law is and what it is not. For all the hoopla surrounding these laws, they're pretty simple: an employee lawfully cannot be required to become a union member or forced to pay union dues as a condition of employment. That's it. In other words, "union security clauses" in labor agreements that require employees to be dues paying union members as a condition of employment are illegal in RTW states.

In non-RTW states, in contrast, all employees typically are required to pay union fees if the collective bargaining agreement between the employer and the union contains a provision mandating dues payment as a condition of employment. That is, any employee declining to join a union and pay dues can be terminated.

Many people misunderstand these laws as somehow making unionization illegal – they do not.

Unions historically have fought against these laws, especially in recent years as their numbers have declined – particularly in the private sector where on a

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percentage basis [they represent a mere 6 percent of workers](#). Unions also take issue with the fact that, under labor laws, they still owe a duty of representation to all employees covered by a labor agreement, not just dues paying members.

Based on that context, what this means for employers who have unionized sites in Michigan is that in all upcoming negotiations, they should expect unions to push hard for new union security provisions. An employer does not have to agree to include such a provision even in a non-RTW state, but it will have to be mindful of its good faith bargaining obligations to discuss and consider any such proposal – and have talking points ready as to why the organization may not want to have such a clause in their agreements.

One final note on a more macro level is that the PRO Act [recently was proposed in Congress again](#). If passed, the law would drastically affect a host of labor law issues, including by making RTW laws illegal. If the PRO Act ever becomes law, the current situation in Michigan will be rearing its head in many more states. Stay tuned.