

With all eyes on Trump, Republicans are planning to break unions for good

A so-called 'right to work' bill going through Congress will starve unions of funding, leaving workers at the mercy of their bosses and politicians



Workers at the Shinola Watch factory in Detroit, Michigan. Photograph: Jeff Kowalsky/AFP/Getty Images

Alternative facts are nothing new; politicians have been making stuff up since they first crawled out of the primordial swamp. One of the most successful lies in modern US politics has been that of "right to work" laws, which break unions under the guise of protecting workers, one of which was introduced in Congress on

Wednesday afternoon and will probably break unions in the country for good.

A national right to work law has been a pipe dream of corporate lobbyists, the chamber of commerce, the Koch brothers, and the politicians on their payroll for decades, and is about to become a reality. Right to work laws already exist in more than half the states in the country, where unions are weak or nonexistent, wages are correspondingly low, and workers are correspondingly disposable. In theory, these laws are about guaranteeing workers' freedom of association. In practice, they're about keeping workers from forming unions, by making unions financially unsustainable.

The main lie told by right to work proponents is that such laws put an end to "compulsory union membership". It's flat-out false; there is no such thing, and hasn't been since 1947, when the Taft Hartley Act made the closed shop – a type of contract where union membership was a condition of employment – illegal. Nowhere in the US, whether you're in a right to work state or not, can you be forced to be a member of a union, or fired for refusing to join one.

The second lie is that such laws protect workers from having their dues money go to political causes they don't support. Nowhere in the country can you be forced to donate to a politician, campaign or political organization you don't support. If you're a dues-paying union member, you already have a right to simply not donate to your union's political fund, and plenty of union members exercise it.

What right to work laws, including this bill, do is outlaw a specific type of voluntary, private employment contract that employers and employees may agree on. Under this agency shop contract, which must be voted on and approved by a majority of employees, workers agree to pay a fair share provision – a fraction of the dues amount that union members pay – to cover the costs of bargaining and enforcing the workplace contract.

The reason such contracts exist at all is because, under the same 1947 law that banned compulsory union membership, unions are bound by what are called “*duties of fair representation*”. Under DFRs, they are legally required to provide the same services to everyone in a workplace, such as filing grievances, providing legal counsel, or defending someone if they’re disciplined, whether they are union members or not.

This also assures that everyone gets the same benefits from a union contract: health insurance, vacations, rules that say your boss can’t just fire you if he wakes up one day and decides he doesn’t like your face. The idea is to prevent unions from discriminating against those who choose not to join.

Obviously, if you’re going to receive a benefit automatically whether you join or not, the incentive is to free-ride. Agency shop contracts are set up to make sure everyone shares the costs so that those grievances get filed. Right to work laws encourage everyone to free-ride until the union is broke, can’t provide those benefits to anyone, and eventually ceases to exist.

Right to work proponents often point to the money unions throw at politicians, mostly Democrats, as justification for starving unions financially. But right to work laws don’t defund political activities, because no worker is compelled to fund them in the first place. The only union functions this law will defund are things like contract bargaining and grievance filing: precisely those everyday workplace activities that **Republicans** say unions should be restricted to doing.

It bears repeating: the contracts this law will ban are voluntary and agreed on democratically. They are not imposed on anyone by the government, the union or the company. Normally, outlawing a voluntary business contract between private parties is the kind of thing Republicans consider government meddling. And there’s something distinctly unconservative about forcing an institution to provide benefits to non-paying non-members while encouraging them to freeload. But if it’s about crushing unions, they always manage to find an excuse.

Certainly bill sponsors Steve King and Joe **“You Lie”** Wilson would never let ideological consistency get in the way of an opportunity to crush their opponents. Nor would President Trump, who was elected promising to fight for American workers. Unions are, after all, the only real vehicle for workers to defend their interests, whether in the workplace or the political arena. Taking that away from them leaves workers at the mercy of their bosses and politicians. Which is the whole point, and the only thing this law was ever designed to do.