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No one would suggest that labor unions are perfect. Some are plagued by corruption. Some insist on inefficient work rules. Some have a history of racism.

But misbehavior by individual unions does

not undermine unions' inherent value any more than corporate misbehavior undermines corporations' value. Both institutions play a vital role in a free market economy: one for organizing labor and the other for organizing capital. Society should rein in abuses by either institution. But law-abiding unions and corporations should be encouraged to flourish.

Why encourage unions to flourish? It's simple. Individual workers lack adequate bargaining power to protect

their interests when negotiating with large employers. Unions level the playing field by allowing workers to bargain collectively.

This logic has not stopped unions from suffering steep declines in membership during the past half century.

The one bright star in the labor universe is the public sector. Unionization among federal, state, and local government employees remains robust (ranging from 27.5 to 42 percent). But even this star is dimming, especially as conservative politicians, such as Wisconsin Governor Scott Walker, have built careers out of blaming public unions for all manner of government ills.

Enter the Supreme Court, which is now threatening to strike a potentially fatal blow to public sector unions in the name of freedom of speech. The case, to be heard by the Court on Monday, concerns the objections of non-union-member employees to paying for a

union's collective bargaining services.

Since nonmembers enjoy the benefits of collective bargaining, many states require them to pay their fair share of the union's costs. In the past, this sometimes meant paying the equivalent of full union dues. But in a landmark decision in 1977, *Abood v. Detroit Board of Education*, the Supreme Court said that this requirement violated the nonmembers' free speech rights.

Abood said that nonmembers could be required to pay for a union's collective bargaining expenses. But they could not be forced to pay for other union expenses, especially the costs of a union's political activities. The latter violated the nonmembers' First Amendment rights because it forced the nonmembers to subsidize speech they might not support or might even find objectionable.

This compromise – forcing nonmembers to pay for collective bargain-

ing services but not political activities – has been the guiding principle for almost four decades. But now, employees who benefit from union representation but do not want to pay union dues are objecting to paying even collective bargaining expenses. They say that collective bargaining by public unions is also a form of political speech because it has profound political ramifications (such as how governments allocate scarce taxpayer money). They say that forcing them to subsidize this “speech” violates their rights.

So what do you think? Are these non-union-member employees concerned with free speech rights or are they trying to get a free ride from a union's collective bargaining efforts? Is this case about worker rights or is it a conservative ploy to undermine the last vestige of union power?

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