

FREEDOM FROM *BAD* LABOR ADVICE



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*Straight Answers to
Common Questions about
Labor Unions and
Employee Rights*

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FOR PUBLIC POLICY

Many employees are confused about how labor law benefits and restricts them in the workplace. The National Labor Relations Act, our federal labor law, has been on the books for over sixty years. Because the law and its interpretation are very technical, myths, confusion, and misinformation often prevail over an accurate understanding of workers' legal rights and responsibilities.

This brochure sets the record straight by accurately informing employees of their rights, obligations and benefits under the law to enable them to respond to workplace situations with factual information. The question-and-answer format deals with common events employees may encounter. This brochure is a convenient reference to help employees evaluate employment matters to address individual needs and concerns.



If a union comes into my place of employment, am I required to join it to hold my job?



No. Employees have an absolute legal right to join or not to join unions, even if the collective bargaining agreement between the union and employer states that union membership is required for continued employment. While employees are free to decline union membership, they may still be required to pay periodic dues, and the union can demand an employee's discharge if he fails to tender appropriate payments.



If I choose to join a union or participate in its activities, can an employer discharge me or retaliate against me in some way?



No. The federal law protects your ability to organize, form, join, or assist labor organizations, to bargain collectively, to engage in other related activities with other employees for mutual aid or protection, or to refrain from any of these activities. It is an unfair labor practice for an employer to interfere with or deny you this ability through threats, discharge or other adverse employment consequences.



What does the term "right-to-work" really mean?



Right-to-work refers to a law enacted individually by 21 states which prevents an employer and union from agreeing to compulsory union membership. In right-to-work states, employees are free to voluntarily join or refrain from joining any labor union or paying any dues, without losing their jobs. Michigan has not yet enacted a right-to-work law, so it is still legal for employers and unions to agree to compel employees to financially support a union by paying monthly dues.



Does my employer have to agree with the union to force me to pay dues and fees in order for me to be required to do so?



Yes. In the absence of your voluntary consent to join the union as a full member, a compulsory dues requirement must first be initiated by employer and union agreement before you can be bound financially. Union dues and fees are not automatic.



If I have to pay union dues anyway, is there any advantage to being a nonmember?



Yes. Members of a union may be fined and otherwise disciplined by the union for crossing a picket line during a strike or for engaging in other activities which, in its opinion, are “unbecoming” of union members. Fines can be substantial and are judicially enforceable. Nonmembers escape these possibilities.

Also nonmembers cannot be forced to pay full union dues. You can only be required to pay for the union’s cost of collective bargaining, contract administration, and grievance handling and not for items such as the union’s political action activities to which you may object. You may be entitled to a refund for the portion of your dues the union spends for political or other non-collective bargaining activities.



If the union comes in and I choose not to be a full member, do I risk being discriminated against by the union and being denied fair treatment in my employment conditions?



No. The union is the exclusive bargaining unit for all employees, union and non-union. As such, the union owes each employee a duty of fair representation, which means it must equally and fairly represent all employees in the employment unit without regard to their union membership or lack thereof. However, unions are granted tremendous discretion under the law in fulfilling their responsibilities as bargaining representatives.



Does the federal law prohibit only employers from committing unfair practices against workers?



No. Six union unfair labor practices were provided by the Taft-Hartley Act of 1947. Unions may not 1) restrain or coerce employees in the exercise of bargaining rights, 2) cause employers to discriminate in any way to encourage or discourage union membership, 3) refuse to bargain in good faith, 4) engage in certain strikes and boycotts, 5) charge excessive initiation fees or dues, and 6) force an employer to pay for services which are not performed.



If I decide to strike in support of economic issues or some gains I am trying to make in my workplace, can I be replaced by another worker to do my job?



Yes. Employees who strike to obtain better wages, hours, and working conditions, which are neither caused nor prolonged by an employer's unfair labor practices, are referred to as "economic" strikers. The law permits an employer to hire "permanent replacements" for economic strikers. These replacement workers need not be discharged when the strike ends.



If I initially joined the union but am unhappy with how the union is run or the contracts it has negotiated, can I resign and still hold my job?



Yes. Employees under these circumstances and for any other reason have the absolute and unrestricted right to resign at any time regardless of any restrictions that may appear in the union's constitution or by-laws.



If the union is chosen as our exclusive collective bargaining representative, do I lose my ability to negotiate separately with my employer?



Yes. When a union is certified or recognized by an employer as the employee agent, you become a member of the bargaining unit in which the majority rules. The employer is under an obligation to deal exclusively with the union. Private deals are not allowed. The union makes decisions for all employees, which may or may not be in their interest.



As a Michigan municipal or school district employee, does all the information provided in this brochure apply to me?



Essentially, yes. While your employment conditions are covered by the Michigan Public Employment Relations Act, this law, in most respects, reflects the features of the federal law outlined above. There is one notable exception: Michigan public employees are denied the legal right to strike. Also, if you are a public school teacher, the law imposes mandatory special strike fines of one day's pay for each full or partial day of strike should you engage in an illegal work stoppage.

