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## Summary:

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## Time to Stop Forcing Union Membership

By Steve Buckstein and Kathryn Hickok

This week (August 20-26) is [National Employee Freedom Week](#), a national effort to inform union members about their freedom to opt out of union membership if they choose and to make decisions about labor representation and the use of their union dues. The effort “empowers union employees with information to make the decision about union membership that’s best for them, including identifying non-union alternatives that better suit their needs.” An interactive map at [employeefreedomweek.com](#) lets workers in Oregon and other states find links to information helpful to those wanting more employee freedom. More than 100 organizations across the country, including Cascade Policy Institute in Portland, are affiliated with the annual campaign.

“Right to Work” states are states in which union membership may not be enforced as a condition of employment. Workers may choose to join a union or not, without fear of losing employment, salary, benefits, or seniority. Workers in the 22 states that are not yet Right to Work, such as Oregon, do not have full freedom to opt out of union membership. However, they do have the right to become agency fee payers, to identify as religious/conscientious objectors, or to require that their dues not be used for political purposes. According to National Employee Freedom Week’s website, “many employees are thrilled to learn that alternative professional associations provide better benefits and professional development opportunities for a fraction of the cost of union membership.”

Last year a survey of union members and union households [found](#) that about two-thirds nationwide agree that if members opt out of paying all union dues and fees, they should represent themselves in negotiations with their employer, an option known as “[Worker’s Choice](#).” By the same margin (66.9% to 33.1%), Oregonian union members support Worker’s Choice, too. Worker’s Choice would end the so-called free-rider problem (really a [forced-rider problem](#)) commonly touted by union leaders, who argue that labor laws require them to continue representing workers even after they stop paying all dues and fees.

Oregon labor law is similar to that of many states that don’t allow individual workers to represent themselves if a union has organized their workplace. But now we know that most Oregon union members want this to change. They want workers to be able to represent themselves, and they don’t want to force unions to represent these non-dues-payers.

You would think the unions would be all over the Worker’s Choice solution, but they aren’t. Unions want to be forced to represent all workers because under current



labor law, states like Oregon that don't have [Right to Work](#) require that non-union members still contribute the non-political portion of dues to their unions to cover bargaining and representation costs. The unions want the money, pure and simple. Of course, they also wanted compulsory political dues, but in 1988 the U.S. Supreme Court *Beck* decision gave all workers the right to opt out of those, thanks to now-Oregonian Harry Beck's decades-long battle to preserve his free speech rights. He tells his story at [oregonemployeechoice.com](http://oregonemployeechoice.com).

A case heard by the U.S. Supreme Court last year ([Friedrichs v. California Teachers Association](#)) could have freed all public sector workers nationwide from paying compulsory union dues based on the argument that such compulsion violates their First Amendment rights to free speech and free association. Before the case could be decided, Justice Antonin Scalia died, leaving a four-four tie vote in the Court. This resulted in upholding a lower court decision denying ten California public school teachers their rights to be free of union compulsion.

This union compulsion brings to mind the [well-known statement](#) by Thomas Jefferson:

*“To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.”*

That is what the Supreme Court left in place—the right of public sector unions to compel workers to fund the propagation of ideas they disbelieve. It remains for future court decisions, or other political efforts, to end union compulsion in Oregon and nationwide. Until that happens, National Employee Freedom Week will continue to bring this injustice to the attention of union members and the public.

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