



COMMUNIQUE

SUPREME COURT DEALS EXPECTED BLOW TO UNIONS JANUS V. AFSCME

SUPREME COURT SAYS UNIONS CAN NO LONGER COLLECT AGENCY FEES

By Marci Rosenblum, Local 1180 Communications Director

The long-awaited but expected decision in the Janus v. AFSCME Supreme Court case came as no shock to union leaders across the country, who all agreed that the outcome will not defeat labor, but rather give it strength to fight even harder and organize even more vigorously.

On June 27, in the second to last decision of the term, the Court ruled in a 5-4 decision that government workers who choose not to join unions cannot be compelled to pay "fair share" dues. Chief Justice John Roberts and Justices Anthony Kennedy, Clarence Thomas, Samuel Alito and Neil Gorsuch, all appointed by Republican presidents, voted in the majority. Voting in favor of unions were Justices Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor and Elena Kagan, all nominated by Democratic presidents. The newest Justice, Gorsuch, who was appointed by President Trump, provided the deciding vote.

The justices faced the question of whether to overturn the 1977 Supreme Court opinion in *Abood v. Detroit Board of Education* that found public employee unions could collect "fair share" or "agency fees" because the unions have a legal obligation to represent all workers, whether or not they chose to join the union, since these members do benefit from their union.

A statement released by the national CWA immediately following the decision said, "The corporate billionaires who funded this lawsuit hope that the decision will weaken our ability to join together to fight for better wages, benefits, and public services. They don't know who they're up against. Workers like us know that the most powerful resource we have is our unity and our commitment to fighting back."

The decision has immediate ramifications for the nearly 7 million state and local government workers represented by a union, of which 58 percent are women and 33 percent are African-American, Asian-American, Pacific Islander, and Latino.

Prior to the Janus decision, 28 states had "right to work" laws banning

agency fees. These laws, however, create a free-rider problem that allows people who don't want to join a union or pay agency fees to get union benefits anyway. The 22 states that were not right to work included big union ones like New York, Pennsylvania, California, Illinois, and Ohio, which in total account for nearly half of America's total union members.

"The Supreme Court, which is supposed to remain politically neutral, clearly voted along political lines," said Local 1180 President Gloria Middleton. "The Court proved that it is part of a flawed system that only benefits the wealthiest Americans. From the outset, this case was about corporate bigwigs and wealthy special interest groups trying to take away the voice of the working people, the same ones who keep our cities, our states, and our country running. But labor is bigger than any Supreme Court ruling."

Middleton said that labor has been preparing for the outcome for quite some time, knowing that the Court would most likely vote in favor of overturning the previous *Abood* case. "The highest court in our country turned its back on working people, but we will not be defeated by the decision. We are continuing to mobilize and organize to build power. We are sticking together now more than ever because unions are needed now more than ever. Thousands of Local 1180 members have already recommitted to our union family. The outcome of the case just means we have to function differently going forward."

With public support for unions at a 15-year high, it's unlikely that the Janus outcome will be the death of unions as right-wingers are hoping. In 2017, there were about 117 million private sector workers in America, with 7.6 million belonging to unions, and 21 million public sector workers, with 7.2 million of them unionized, according to the Bureau of Labor Statistics. While the total number of workers in unions was almost identical, the percentages were significantly different — 6.5 percent of the private sector was unionized vs. 34.4 percent of the public sector.

Middleton said that those workers who believe belonging to a union is not important should take a look at history. Thanks to unions, work-

ers have a 40-hour work week, and eight-hour work day, weekends, paid vacations, overtime pay, sick leave, pensions, health care, collective bargaining, holiday pay, privacy rights, safe working conditions, and so much more.

"This case was mostly about taking away our voice, our strength, our power, our ability to make a difference, and our success in taking care of our members and their families," she said. "This case has little to do with First Amendment rights and everything to do with muzzling labor and sending us back decades. If we let that happen, then shame on us."

Unions also make a substantial impact on the compensation and work lives of both unionized and non-unionized workers. According to the Economic Policy Institute — but facts that all union members can attest to — unions raise wages of unionized workers by roughly 20% and raise compensation, including both wages and benefits, by about 28%; unions reduce wage inequality because they raise wages more for low- and middle-wage workers than for higher-wage workers, more for blue-collar than for white-collar workers, and more for workers who do not have a college degree; strong unions set a pay standard that nonunion employers follow; the impact of unions on total nonunion wages is almost as large as the impact on total union wages; unionized workers are more likely than their non-unionized counterparts to receive paid leave, they are more likely to have employer-provided health insurance, and are significantly more likely to be in employer-provided pension plans; and unionized workers receive 26% more vacation time.

"These benefits do not come without a cost," Middleton said. "Unions need financial resources in order to fight the battles we need to fight in order to get members the benefits and salaries they need and deserve. This case is bad for the economy and even worse for democracy. This case has a negative impact on communities of color that count on unions to help them get ahead. It flies in the face of our most cherished values.

Those who will be hurt the most by this case's outcome are the very ones who rely on unions the most."

Immediately following the Supreme Court's announcement, the labor movement took to the steps of City Hall to denounce the decision. As several labor officials pointed out, in addition to all the benefits unions provide, they also have been a way to keep the peace between workers and management. This has served working people well and could now leave workers finding themselves in hostile work environments.

Middleton said there will undoubtedly be fallout from this case for quite some time, some of which unions have been expecting, and some that will surface later on. For instance, anti-union groups will most likely start contacting members to get them to drop their union membership. These tactics have been used before following previous anti-worker rulings in the public sector. They want to 'defund and defang unions,' push further privatization of union titles, and of course, reduce wages and benefits in any way possible.

Reducing the strength of unions, which was the absolute goal of those who funded the case, was summarized the best in the dissent written by Justice Kagan. She noted that the Court "wreaks havoc on entrenched legislative and contractual arrangements," rendering thousands of city, county, and state contracts across the country illegitimate. In other words, previously existing collective bargaining agreements in the public sector will now need to be re-negotiated, many of them all at once. New York City, for example, currently has agency fees in 144 contracts with 97 different public-sector unions. "[The majority dismantles these agreements] with no real clue of what will happen next — of how its action will alter public-sector labor relations," the dissent states. "It does so even though the government services affected — policing, firefighting, teaching, transportation, sanitation (and more) — affect the quality of life of tens of millions of Americans.