

# William Hal Gorby: What does ‘right-to-work’ really mean?

By William Hal Gor

Words have power in political debates. For West Virginians, the people’s very soul was the historic struggle over their “rights” achieved following 40 years of bloody violence. On June 23, 1933, 2,500 coal miners descended on Charleston for a rally as representatives of 160,000 new UMWA members.

State UMWA leader Van Bittner announced “This is our day it is written in the stars that we shall survive ... you are now free citizens of the United States.”

The crowd understood him completely. Unionization brought them better pay, safety, and a feeling of mutual solidarity. For years, thousands of miners perished in accidents eliciting little concern from politicians. After the 1900 explosion at the Red Ash mine killed 46 men, the governor declared “It is but the natural course of mining events that men should be killed and injured by accidents.”

What “rights” West Virginia’s workers now enjoy were forged in those struggles fought against privately armed Baldwin-Felts detectives and anti-union propaganda in the state’s coalfields.

Senate Bill 337 (“The Workplace Freedom Act”) would make West Virginia the next “Right to Work” (RTW) state. While very popular language, most residents, if asked, have no real idea what it means. Many assume it guarantees employment for all those willing to work.

Rather it makes it harder for unions to sustain themselves financially, and drives down wages and benefits. Some politicians argue that RTW laws have aided peer states like Indiana and North Carolina.

However, research from the Economic Policy Institute suggests some problems. First, it takes years to see the long-term impact of RTW. Second, North Carolina was as poor as West Virginia in the 1950’s, but its economy took off following major investments in education. A state’s geography, tax rates, and federal free trade policies have more effect on economic growth. Workers from states with a higher union density earn more than their counterparts in RTW peer states in similar industries.

The better comparison is Oklahoma, who passed RTW in 2001. According to Gordon Lafer, Oklahoma’s manufacturing sector fell from 177,000 to 123,000 jobs in the 2000’s. RTW had no positive impact on creating more jobs or attracting new out-of-state firms. (New firms fell by 33 percent after passage). Laws like Oklahoma’s only encourage companies, whose prime concern is constantly relocating to areas with the lowest wage and skill levels. For Oklahoma, the 2000’s was a decade of layoffs and company relocations (a familiar story to West Virginia). In 2006, Oklahoma City’s Bridgestone/ Firestone plant lost 1,400 jobs (to Costa Rica), and the General Motors’ plant laid off 2,500 (investing millions in Mexico). If West Virginia is looking to diversify its economy beyond low-wage jobs, RTW may cause more harm to the state’s general economic outlook over time.

West Virginia workers are not forced to join a union under today’s labor laws. Once a majority of employees choose a union for representation, the union must represent all fairly. All benefit from a contract’s “union security clause,” whether a union member or not. In *Communications Workers of America v. Beck* (1988), the Supreme Court limited the amount of dues unions could charge. However, since the union represents everyone, all should contribute to the shared costs. Non-union members at a

mining company with a collective bargaining contract benefit from safer conditions, better pay, and a grievance procedure to air their complaints in a free manner. Currently, workers in West Virginia benefit from the mere presence of unions, as non-union firms raise wage levels slightly to match union contracts.

This bill doesn't immediately kill unions, but it makes them impossible to function. Employers can hold decertification elections even now. RTW facilitates this process, by allowing more non-union workers to "free ride," where they receive all the benefits of a contract without a requirement to pay dues. RTW states possess higher percentages of free-riders and lower union membership over time. Without dues collection, unions are unable to meet contract obligations, and increased decertification is the norm.

Not discussing the negative effects of RTW is a major disservice to West Virginians. RTW serves conservative activists' goal of "starving the beast" — cut off taxes for public programs, fees to run regulatory agencies, and union dues collection. This method allows unions to die a slow death. Workers are then without representation, and the protections that are the whole point of a labor union. As an individual worker in a RTW state, you are at the whim of an employer, who can fire you for whatever reason they choose. As UMWA President John L. Lewis noted, "With organization you have the aid of your fellow man. Without organization, you're a lone individual, without influence and without recognition of any kind."

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