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The Right-to-Work Provision The right-to-work provision of the National Labor Relations Act protects the right of employees to work for whatever company they choose without being forced to join a union. Without such a provision, unions can get employees fired for not paying costly union dues. The purpose of the right-to-work provision protects the fundamental human right to join a union. While it is a human right to have the option to join a union, being forced to join a union would constitute a violation of human rights. While the National Labor Relations Act itself allows for forced unionization, section 14(b) of the Taft-Harley Act provides that states may exercise their sovereignty in determining whether they will protect their citizens from forced unionization by enforcing the right-to-work provision. (The Employers Council, 2008).

The states that have chosen to utilize the right-to-work provision include Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Iowa, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Wyoming, Idaho, Utah, Arizona and Nevada. The region of Guam also makes use of the right-to-work provision. (National Right to Work Legal Defense Foundation, 2008). While Florida and Arkansas were the first states to incorporate this law in 1944 (Answers Corporation, 2008), Oklahoma was the most recent state to make use of it, having agreed upon it in 2001. It should also be noted that employees who work for an airline or railway company, or who work on a federal enclave, are exceptions to those employees typically protected by states with right-to-work laws. (National Right to Work Legal Defense Foundation, 2008). Because there is nearly a half-and-half split of states in the U. S. that are either right-to-work states or forced unionization states, it <https://assignbuster.com/national-labor-relations-act-addresses-the-right-to-work-provision-discuss-the-topics-listed-below/>

is useful to examine some of the differences between these states.

It is interesting to examine characteristics of states utilizing the right-to-work provision as opposed to those states that enforce forced unionization. Four characteristics of right-to-work states are increased real personal income, increased manufacturing establishments, increased number of people covered by private health insurance, and increased real value. These characteristics are ascertained by statistics from such sources as the United States Department of Commerce, the United States Census Bureau, and the United States Bureau of Labor Statistics. In terms of real personal income, from 1993 to 2003 the increase was 37% in right-to-work states versus 26% in enforced unionization states. From 1982 to 2001 right-to-work states experienced 7% growth in manufacturing establishments as opposed to 4.9% loss by enforced unionization states. Private health insurance coverage from 1993 to 2001 grew by 13.6% in right-to-work states but rose by only 5.9% in forced unionization states. And finally, from 1991 to 2001, right-to-work states experienced a 17.1% increase in real value while forced unionization witnessed an increase of only 8.4 percent. (Answers Corporation, 2008). Although there appear to be beneficial aspects to utilizing the right-to-work provision, there are many people who oppose such a law.

Those who oppose the right-to-work provision and support forced unionism often refer to those who opt not to join a union as "free-riders." This is because of the exclusive representation that unions are granted by federal law. Exclusive representation allows unions to represent all of the employees - even those who are not part of the union - when they bargain with the company to give employees services. "Free riders" is the term given to <https://assignbuster.com/national-labor-relations-act-addresses-the-right-to-work-provision-discuss-the-topics-listed-below/>

those employees who receive the benefits of the union's services without joining and paying dues to the union. In reality, however, employees sometimes may not actually want the union's services but, because of exclusive representation, have no choice but to receive them. Proponents of forced unionization feel that all employees should pay an equal share for the benefits that all of the employees receive. (The Employers Council, 2008).

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