



Unions Face High Court Test Over Home-Care Workers

By Drew MacKenzie

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The Supreme Court is set to hear a case Tuesday that could weaken labor unions even further by overturning their efforts to organize home-care workers.

In what is being billed as a [battle over First Amendment rights](#), the Harris V. Quinn case pits business leaders and conservative groups against unions and state governments, The Hill reports.

Businesses and conservatives argue the agreements between states and unions that taxpayer-funded home-care workers must pay union dues is a violation of their rights to free association under the Constitution.

But labor unions see the High Court challenge as the latest move to continue to destabilize the collective bargaining system, which could then affect the healthcare of the disabled and the elderly.

"This is what they are trying to do: weaken the union," said Flora Johnson, executive chairwoman of Service Employees International Union Healthcare Illinois and Indiana. "Unions will survive but the people with disabilities and other medical disorders, they might never recover. That is why we are fighting."

The test case stems from an executive order signed by Democratic Illinois Gov. Pat Quinn in 2009 making the SEIU the monopoly bargaining representative for home-care workers, who are usually self-employed and do not have to report to state officials.

Pamela Harris, who looks after her severely disabled son at home, brought the case along with seven other home-care providers, with the help of the National Right to Work Foundation. She argues that the cost of paying union dues means that she does not have enough money to cover her son's medical expenses, says The Hill.

The key part of the argument is that a Supreme Court precedent says government employees who work in union shops must pay union dues. But the justices may decide that home-care workers are independent contractors and not state employees, and therefore cannot be forced against their will to pay for collective bargaining representatives.

The High Court decision could decimate the power of unions in Illinois and impact labor movements in some 10 other states that have similar arrangements between unions and local government.

According to The Hill, public sector unions have become stronger in recent years while overall union membership has declined. There were 7.3 million public sector union-affiliated workers in 2012 compared to seven million union members in the private workforce.

"This has the potential to be a very big case," said Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute. "If [the deals are] stopped, that's big in terms of the growth and power of public sector unions."

Karen Harned, executive director of the National Federation of Independent Business (NFIB) Small Business Legal Center, said, "It's a violation of the First Amendment, your right to freedom of association. These people all don't want to be in a union and just because they participate in a public program doesn't mean that they have to be."

The Cato Institute and NFIB have teamed up to file an amicus brief in the case, The Hill noted.

The Journal says that there were 1.9 million home-care workers in the United States in 2010, with 475,000 of them unionized. That figure is expected to climb to over three million by 2020.