



Supreme Court case could cripple labor unions in public sector

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The U.S. Supreme Court will hear arguments on Monday for a case that some believe could have a significant impact on the influence of public-sector labor unions.

Known as *Janus vs. American Federation of State, County and Municipal Employees*, the case will determine whether it is constitutional to require government workers to pay a “fair share” fee to unions for the coverage and protection afforded to them under collective bargaining even if they choose not to be members.

Only 22 states allow unions to collect fair-share fees. The unions in these states that benefit from collecting the money argue it is fair because the employees who are not direct members, but are covered by collective-bargaining agreements, still benefit from their efforts.

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Detractors argue that non-members are forced to pay a fee to support unions’ increasingly politically-focused causes that they do not support.

If the plaintiff wins the case, public unions will lose out on fees from some individuals who may choose not to join but still want the benefits, also known as “free riders,” which could cost the groups a lot of money.

Union membership is on the decline, specifically in the private sector, where fair-share fees are prohibited in most states. The overall rate of union membership was 10.7% last year, compared with 20.1% in 1983, according to the Bureau of Labor Statistics. In 2017, 6.5% of private-sector workers belonged to a union, while 34.4% of public-sector workers were members.

The decline in membership is not a death knell for unions, just a call for them to restructure, according to Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute.

“It’s not like public sector unions have disappeared in the other [28] states ... they operate differently ... their operations are more efficient,” he told FOX Business. “The shape of the unions, the way they operate, will change.”

A loss for unions may serve to curtail their involvement in non-labor-related efforts because they will have significantly less money to spend on politics, according to Shapiro.

“It will erode unions’ electioneering and politicking, and involvement in issues that are unrelated to workers’ interests, like abortion or gun control, or things that are political issues that have nothing to do with the unions themselves or the workers they are representing,” he said.

An earlier Supreme Court case on union fees, *Friedrichs vs. California Teachers Association*, ended in a 4-4 stalemate after Justice Antonin Scalia died. He was perceived as a swing vote in the *Friedrichs* case, while his replacement, Justice Neil Gorsuch, is expected to be more firmly rooted on the conservative side of the argument.

“Going into argument, Gorsuch is considered to be safer vote for the challengers than Scalia was for the *Friedrichs* [case],” he said.