

Learn About Right-to-Work Laws

In which states do they apply?

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BY

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In the U.S., state [right-to-work](#) laws pertain to labor unions and workers at a company. Specifically, the right-to-work means that employees are entitled to work in unionized workplaces without actually joining the union or paying regular union dues. They may also cancel their union membership at any time, without losing their jobs. However, while they may voluntarily withdraw their membership from a union, they are still entitled to fair and equal union representation if they are part of a "bargaining unit" at the company—in other words, a group of employees who have similar work duties, share a workplace, and presumably have similar interests when it comes to wages, hours, and working conditions.

Right-to-work laws essentially require unionized workplaces to become "open shops," where union membership is optional, in contrast to the traditional "closed shop," in which union membership in unionized workplaces is mandatory. While regular dues are not taken out of their paychecks, the right-to-work (nonunion) employees are still covered by the union. However, they might have to pay for the cost of the union representation if specific cases arise, such as pursuing grievances on their behalf.

Although it sounds similar, the right-to-work principle is not the same as [at-will employment](#), which means an employee can be terminated at any time without any reason, explanation, or warning. Nor is "right-to-work" a guarantee to work or a declaration that an employee is entitled to work.

Right-to-Work History and Controversy

Currently, no federal right-to-work law exists. A bill establishing one, the National Right-to-Work Act, was introduced in the House of Representatives on February 1, 2017, by two Republican congressmen, Steve King of Iowa and Joe Wilson of South Carolina, but it hasn't progressed since its introduction. In the Senate, Republican Sen. Rand Paul of Kentucky introduced a similar bill on February 14, 2019.

As of September 2019, right-to-work laws exist solely on the state level. The Labor Management Relations Act of 1947, nicknamed the Taft-Hartley Act, allowed states to enact right-to-work laws. Taft-Hartley did not allow local jurisdictions (such as cities and counties) within a state to enact their own right-to-work legislation. Attempts to do so in states like Delaware and Illinois have been struck down. However, in 2016, the Sixth Circuit Court of Appeals upheld the right of municipal governments to enact local right-to-work laws in Kentucky, Michigan, Ohio, and Tennessee.

Despite an increasing number of states passing right-to-work laws in the 21st century, the issue remains controversial. Right-to-work proponents argue that it expands workers' rights—specifically, the right to decide to join a union.

Opponents argue that right-to-work encourages freeloading because a worker can enjoy the advantages of union representation without paying dues. Others say right-to-work laws are a roundabout way for lawmakers to undermine unions as a whole, since right-to-work laws essentially deprive unions of revenue, membership numbers, and, ultimately, their bargaining power with management.

Right-to-Work States

As of 2019, 27 states have adopted right-to-work laws. They are:

- Alabama
- Arizona
- Arkansas
- Florida
- Georgia

- Idaho
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Michigan
- Mississippi
- Nebraska
- Nevada
- North Carolina
- North Dakota
- Oklahoma
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Virginia
- West Virginia (in February 2019, a judge declared right-to-work unconstitutional, likely sending the case to the state's Supreme Court of Appeals)
- Wisconsin
- Wyoming

The U.S. territory of Guam also has right-to-work laws. Other states have similar legislation on their books. For example, New Hampshire's labor laws have a provision that prohibits any person from forcing another to join a union as a condition of employment.