

# Janus case is the latest battle in a corporate war on workers



**Fredric V. Rolando**

**W**e wear it as a badge of honor: NALC is the best organized *open shop* labor union in America. About 92 percent of city carriers voluntarily belong to our union, even though we don't have a "union security" clause in our contract.

These clauses, which make union membership a condition of employment, make sure that unions have the resources to serve all the workers they have a legal duty to represent. The clauses also prevent "free riders"—workers who enjoy the benefits of membership (higher pay, better benefits, representation in grievances) without having to pay for them.

The law governing USPS prohibits postal unions from including a union security clause in our contracts—that is, it mandates an *open shop*. That is why we should take great pride in how well organized we are.

This does not mean that open shops are a fair or acceptable situation for unions. In fact, there are millions of employees across the country (both state and local workers and private-sector workers in so-called right-to-work states) who are, right now, free riders in the collective-bargaining process—they get the benefits of union membership without having to pay for it.

**In a fair world, even workers who choose not to join a union should have to contribute something toward the cost of collective bargaining and workplace representation.** Unions hire staff, lawyers and researchers and field a network of branch officers, activists and shop stewards to represent workers—and that takes dues money. So the solution developed for public-sector unions at the state and local level—to charge an *agency or fair-share fee* for non-members of a bargaining unit—makes sense.

For decades, that solution had the backing of the Supreme Court, due to the ruling in a case called *Abood vs. Detroit Board of Education*. It may soon lose this legal backing, thanks to a network of lawyers and organizations backed by anti-union billionaires and corporations. On Feb. 26, the National Right to Work Committee (NRTWC) brought a case to the Supreme Court, *Janus vs. AFSCME*, seeking to overturn *Abood* and to make agency/fair-share fees unconstitutional. They claim that such fees are "coerced political speech," even though the fees are reduced to exclude the cost of political activity.

**You might ask, "Why should we care? We're managing to function in this environment, even if it is unfair to unions."**

The reason we care is that this case is part of a much larger, multi-decade attack on the labor movement by dark-money billionaires and powerful corporations. They fund anti-worker think tanks as well as groups like the American Legislative Exchange Council and Americans for Prosperity, the Koch brothers' political organization. They want to destroy the labor movement's and the government's ability to check corporate power.

These same groups were behind the attacks on public employees in Wisconsin and other states after the 2010 elections, which resulted in 15 states enacting laws to eliminate or curtail collective-bargaining rights for public employees. These are the same folks who have successfully extended "right to work for less" laws in Michigan, Indiana and Missouri in recent years. They are the same forces that have been behind the attacks on federal employees in the past few years, pushing proposals to end "union time" and eliminate payroll deductions for union dues.

The results of this sustained assault on unions have been dramatic. The percentage of American workers (public and private) who have unions declined from around 25 percent in the early 1980s to less than 10 percent today. This has crushed the middle class and caused wages to stagnate for decades. The billionaires and their corporate allies want to remove any force in society capable of resisting their agenda, which includes destroying unions, weakening health and safety regulations on companies, and privatizing government functions.

Indeed, these same forces were behind December's massive tax cut bill. The \$1.5 trillion tax cut was sold as a middle-class tax cut that would increase take-home pay, but it was a thinly veiled mechanism to slash taxes for the wealthy and corporations. And, while a small number of prominent companies announced bonuses for their employees, the real beneficiaries have been the richest 10 percent of households who own 80 percent of corporate stock. Since the tax cut took effect, companies have announced \$3 billion in bonuses for workers and \$300 billion in stock buy-backs—lining the pockets of rich shareholders.

**Standing in the way of the corporate agenda is the labor movement, and most importantly, the strongest part of the labor movement: public-sector unions like ours.** More than 30 percent of the public employees have unions in the United States. And so, the *Janus* case is a threat to the labor movement. That's why we have joined with others to resist those trying to destroy unions. (See story on page 4.) And that also is why we must fight for collective-bargaining rights for all American workers, public and private alike.