



Supreme Court set to rule against union ‘fair share’

Conservatives launch another attack on workers, unions, democracy

What will the court decide?

The lawsuit *Janus v. AFSCME* asks the U.S. Supreme Court to decide whether public sector unions may continue to charge non-members in a workplace represented by the union a fee (“agency fee” or “fair share”) equal to the cost of representing them. The court’s ruling is expected early next year.

An adverse ruling would jeopardize existing public sector collective bargaining laws in California and 16 other states. Unions would experience damage to their ability to work on behalf of their members, and lose funding to advocate for broader issues.

Who’s behind *Janus v. AFSCME*?

The suit is backed by the Center for Individual Rights, a right-wing libertarian advocacy group supported by the Koch Brothers and other wealthy conservative anti-union forces. If, as expected, the conservative court majority rules in favor of the plaintiffs, the 40-year-old precedent set in *Abood v. Detroit Board of Education* authorizing union fair share fees would be overturned.

Last year, the Supreme Court invited a virtually identical predecessor suit, *Friedrichs v. California Teachers Association*, which deadlocked 4-4 after Justice Scalia died. With the appointment of Neil Gorsuch, a decision against labor is almost certain.

Why has the Supreme Court upheld fair share historically?

Right now unions are legally required to represent all workers, even those who decide not to join the union. Teachers and classified employees who don’t want to belong to a union are obligated to contribute only the costs of the workplace

representation they receive. That every public employee who benefits from a negotiated contract should contribute to the costs of securing that contract was the Supreme Court’s finding in the 1977 *Abood* case, which *Janus* seeks to overturn. The current fair share system is a workable compromise.

Do majority rule and union democracy work for public employees?

Under the current system, public employees can choose whether or not to join a union. First, workers vote on whether or not to form a union in the workplace. After a workplace majority votes for a union, workers who don’t want to join the union don’t

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have to; they just pay a reduced fair share fee to cover the cost of bargaining and representation that the union is legally required to provide to everyone in the workplace.

Full union dues go further, supporting political and legislative work because what can be won in collective bargaining can be taken away through politics and legislation. The *Janus* plaintiffs contend that their free speech is abridged by fair share fees, even though they are not paying for political advocacy. If you disagree with the outcome of a political election, you still pay taxes to the government. So, too, everyone needs to pay a fair share

for the gains of union representation.

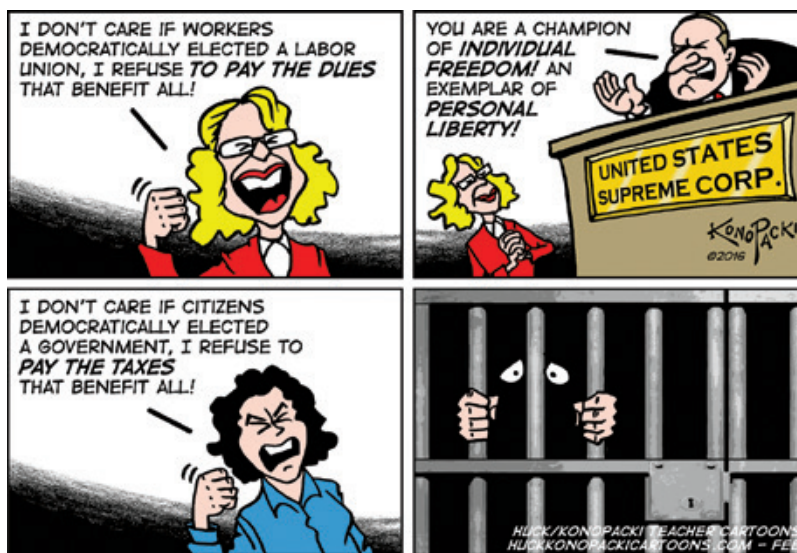
When “free riders” pay nothing for the benefits all employees in a union workplace enjoy, others must shoulder that much heavier a burden and the union is weaker at bargaining time.

What do workers lose if we lose fair share?

In states without full union rights, the average worker makes \$1,500 less per year, workers are much less likely to have health insurance, and the rate of workplace deaths is 36 percent higher. In states that have made fair share fees illegal, wages and benefits are lower and dropping.

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For example, one major accomplishment of union political spending in our state was passing Proposition 30 in 2012. This voter-approved measure played an enormous role in reversing California’s terrible budget shortfall by modestly increasing income taxes of the wealthiest residents, bringing the state billions of dollars each year for education and services. Prop 30, and its extension, Proposition 55, could not

have passed without union political advocacy. But if the Supreme Court supports *Janus v. AFSCME*, the union’s resources will be diminished in all areas of its work, making successes such as Prop 30 and Prop 55 much less likely.

What do the backers of *Janus v. AFSCME* hope to achieve?

Janus joins an onslaught of court cases funded by the 1% against the rights of the 99%, further shifting the balance of political power in their favor and making it ever harder for working people to speak up, stand together and get ahead. Our economy has swung wildly out of balance, with economic inequality growing as unions have been weakened. The *Janus* case will only make things worse for working Americans.

Are you a full member? If not, we need you now!

We can do more for each other and for public education if we act together. The CFT invites all agency fee payers to become full members of the Federation. Members of the union have a voice and vote in all the activities of the union, most importantly, in the approval of the collective bargaining agreement. The union also offers members the opportunity to work together to better the lives of working people and society at large.

» **If you are paying only the agency fee**, or if you are uncertain about your status, contact your AFT local to join the union, or download a membership form at cft.org/get-involved/join-cft. We need you as a member to keep our union strong!

