

## AFL-CIO To Challenge West Virginia Right To Work Law

May 10, 2016 | [Unions And Union Membership](#), [Labor Relations](#)



**Keith J. Brodie**

Partner

Yesterday, the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) gave the state of West Virginia's attorney general and its acting labor commissioner a 30 day notice that it will challenge the constitutionality of the state's Right to Work law. Such notice is required under state law before any litigation can be filed and the notice sets up a legal fight over the controversial law. In February, the West Virginia legislature overrode Governor Earl Ray Tomblin's veto of the previously passed Right to Work measure which prohibits union security clauses, i.e. agreements by which a company and a union agree to condition employment on a worker paying union dues. West Virginia's Right to Work law is slated to take effect on July 1. However, the AFL-CIO announcement is a sure sign implementation will not be without what promises to be a protracted legal fight. The AFL-CIO is vowing to challenge the constitutionality of the law asserting that it violates the state prohibition on taking property without due process and compensation because it will force unions to represent members that choose not to pay union dues. Similar challenges in other states that have passed Right to Work legislation (Indiana, Michigan, etc.) have failed. An AFL-CIO spokesperson also asserts that law is defective in other technical ways and that those challenges will also be put forth in the promised litigation. As in other states that have added their names to the Right to Work rolls, this issue will continue to play out in the courts.

### RELATED PRACTICE AREAS

Collective Bargaining  
Labor and Employment  
Labor Relations  
Union Avoidance

### RELATED TOPICS

righttowork law  
union members  
Unions