

## Michigan Right To Work – What’s The Effect: A Data Point

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How Michigan's Right to Work law would ultimately impact union dues payer rolls has been a topic of some debate. Now we have a data point, but it may not tell the whole story.

Michigan's Right to Work law became effective March 28, 2013. The law gives employees the right to choose to join and/or financially support a union. In other words, it allows employees to retain the representational benefits of their union representation without paying dues. If an employee elects not to pay dues, the employee's union still must represent the employee with respect to grievances and arbitration. Unions refer to this as "freeloading."

There has been much speculation about what impact the passage of Michigan's law would have on the number of dues paying members. Today, [an article](#) in the *Detroit News* reported that, according to the Michigan Education Association, Michigan's 150,000 member teachers union, only 1 percent of its members have elected to exercise their rights under the Right to Work law and stop paying dues.

This, however, likely only tells part of the story because the law does not impact union security provisions in contracts that have not yet expired and some contracts [were "rush-renewed"](#) to ensure that they would not be impacted by Right to Work for several more years.

In addition, the Right to Work law did not impact union "check off" provisions which are often tied to a card that is signed by a union member and authorizes the employer to deduct dues from the member's paycheck and send them to the union. Such cards can serve as an impediment to a member desiring to stop paying dues because they can be irrevocable for a period of time, even if the employee revokes his or her union membership. These agreements, which can be irrevocable for up to a year under federal law, are a hurdle that trip up many employees trying to end dues payments immediately. However, while certain restrictions on dues check off authorizations [have been approved](#) under federal law, it is unclear whether the Michigan Employment Relations Commission (MERC) will find such restrictions lawful or violative of Michigan's Right to Work law.

The point is, MEA's 1 percent report is only one data point; it will take a lot longer to tell the impact on the number of dues paying members in the MEA and other unions.

See all our previous Right to Work coverage [here](#) .