

Virginia Voters Facing a Tough Question on Election Day Regarding ‘Right-to-Work’ Law

By former Associate Jeffrey Hord

Virginia is one of five states in this election cycle that will present voters with a decision regarding “right-to-work” laws. Right-to-work laws prohibit employers from requiring employees to join a union. In essence, this means that employees who aren’t dues-paying members can still enjoy union protection and representation, a phenomenon known as “free riding.” Currently, 26 U.S. states and Guam are right-to-work states...including Virginia, pursuant to Section 40.1-58 of the Virginia Code (neither Maryland nor the District of Columbia have explicit right-to-work laws on the books). The Virginia General Assembly is now pushing to join the 10 states that have gone so far as to enshrine right-to-work laws in their state constitutions.

Proponents of right-to-work laws often argue that workers should be free to choose whether or not to join a union, and that compelling workers to become members of a union as a job requirement amounts to financial coercion and threatens individual freedom. On the other hand, unions and opponents of right-to-work statutes claim that right-to-work laws suppress wages and increase income inequality.

Federal data show that wages are lower in right-to-work states, and that nonunion workers tend to earn lower wages than union members, as well as nonmembers who are represented by unions. Specifically, wages are 3% lower in right-to-work states than other states — after accounting for differences in the cost of living, demographics, and labor-market characteristics — according to an April 2015 study by the Economic Policy Institute.

Many politicians and pundits have questioned why the issue is being placed on Virginia’s ballot now, considering that Virginia has been a right-to-work state since 1947, and that status has never really been challenged. Bills seeking to repeal the right-to-work law are exceedingly rare and never successful. Still, supporters of the resolution likely want to make right-to-work much more difficult for future governors and state legislators to repeal, regardless of which party controls the Virginia General Assembly.

It’s difficult to predict what the long-term effects might be if the initiative (popularly referred to as “Question 1”) passes on November 8th. Would a stronger right-to-work law attract corporate investment and create jobs? Or would it result in depressed wages and employment instability?

The vote is expected to be very close. It will be interesting to monitor the outcome of this exercise in direct democracy, and to see the resulting impact on Virginia’s economy.