

## February Topic Analysis

### **Resolved: In the United States, right-to-work laws do more harm than good.**

Disclaimer: This analysis serves as an introduction to the topic and offers guidance for areas students can explore further with independent research. It does not attempt to provide limitations on debater's interpretations of the topic.

#### Definitions:

**Right-to-work laws:** The simplest definition of these laws comes from the [National Conference of State Legislatures](#), who explains that “under right-to-work laws, states have the authority to determine whether workers can be required to join a labor union to get or keep a job.” In the 28 states with these laws, labor unions are allowed to operate, but workers cannot be compelled to join a union or pay union fees as a condition of employment.

For your reference, the 28 states with right-to-work laws are:

Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, and Wyoming.

## Background:

February is an important month for many teams across the country; not only are there large and competitive national circuit tournaments available, but there are also a great deal of state and national qualifying tournaments throughout the month. As such, February topics are always ones that teams enthusiastically explore in-depth, finding a wide variation of possible arguments and impacts and thus making the topic even more interesting.

This year, the February topic offers teams the opportunity to research a topic that many high schoolers don't think too much about: labor laws in America. Many of us will have encountered the term "right-to-work" in history or civics classes, but it's unlikely that many teams will already have a great understanding of what these laws are and what they do. Right to work laws deal with labor unions, which are groups of employees that work together to achieve common goals through collective action.<sup>1</sup> These goals include, but are not limited to, wages, benefits, schedules, safety conditions, and treatment of employees. In states with right-to-work laws, workers can choose whether or not they want to join a union and can elect not to pay union dues.

The labor movement has an extensive history in the US; the earliest recorded strike was in 1768 in New York, and the first trade union in the US was founded in Philadelphia in 1794.<sup>2</sup> There are plenty of examples of important strikes during the 19th century, but it wasn't until the 20th century that laws dealing with unions became important. Franklin D. Roosevelt signed the National Labor Relations Act (NLRA, also known as the Wagner Act) into law in 1935, which protected the rights of employees to create a self-organized organization - or labor union - and mandated employers to engage in collective bargaining and negotiation with these groups. Under the Truman administration, the Taft-Hartley Act was passed, amending parts of the NLRA and creating right-to-work (or RTW) laws as we know them today.<sup>3</sup>

Workers' rights have become an important subject of debate again in recent years, a lot of which is down to politicians talking more about labor and unions. Since the pandemic, many workers have also been confronted with sometimes uncomfortable realities about their job security, savings, healthcare, and other such issues tied to employment status. This topic provides an interesting insight into the labor movement of today.

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<sup>1</sup> US Department of Labor. "Unions 101." Dol.gov. Last accessed 15 Jan. 2023.

<https://www.dol.gov/general/workcenter/unions-101>

<sup>2</sup> History.com Editors. "Labor Movement." HISTORY. Updated 31 Mar. 2020. <https://www.history.com/topics/19th-century/labor>

<sup>3</sup> Kenton, Will. "What Is a Right-to-Work Law, and How Does It Work?" Investopedia. 10 Nov. 2022.

<https://www.investopedia.com/terms/r/righttowork-law.asp>

## Aff Arguments:

### Decreased Pay

One of the most important roles of a union is to ensure fair compensation for workers. Generally, unions are successful in achieving higher pay, and this can best be demonstrated by examining right-to-work laws. On average, workers in states with right-to-work laws make 15% less annually than workers in other states, and 24% of jobs are in low-wage occupations, as opposed to 14.5% of jobs in other states.<sup>4</sup> This gap becomes even more glaring over time; new research indicates that men who have been in unions for their whole careers made up to \$1.3 million more on average than men who never joined one.<sup>5</sup> Much of this is attributable to the fact that union workers have more control over their schedules, working more hours per week on more predictable schedules.<sup>6</sup>

Additionally, discrimination is lessened in states without RTW laws. The Equal Employment Opportunity Commission receives 36% more discrimination charges from right-to-work states.<sup>7</sup> Pay gaps have also decreased, as unionization correlates with higher pay premiums for racial and ethnic minorities, and in female-dominated service industries, union workers are paid 52% more than non-union workers.<sup>8</sup> Unionized Black workers are paid 13.7% more than their nonunionized counterparts, and for Latinx workers, that gap amounts to over 20%.<sup>9</sup>

### Hurts Unions

Membership dues help pay the expenses the union incurs while it is bargaining and enforcing contracts. In right-to-work states, employees can opt out of paying union dues, but the union is still legally obligated to represent them. This limits the union's resources, and

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<sup>4</sup> United Steelworkers. "Facts about so-called 'right-to-work'." United Steelworkers. Last accessed 12 Jan. 2023. <https://www.usw.org/act/campaigns/rtw/resources/facts-about-so-called-right-to-work>

<sup>5</sup> Archie, Ayana. "Men in unions may make \$1.3 million more in lifetime than men not in one, study says." NPR. 13 Oct. 2022. <https://www.npr.org/2022/10/13/1128626243/unions-career-earnings-study>

<sup>6</sup> Kanu, Hassan. "Union workers get higher pay, if they can join." Reuters. 12 Jul. 2021. <https://www.reuters.com/legal/legalindustry/union-workers-get-higher-pay-if-they-can-join-2021-07-12/>

<sup>7</sup> American Federation of Labor. "Right to Work." AFL-CIO. 19 Oct. 2018. <https://aflcio.org/issues/right-work>

<sup>8</sup> Sainato, Michael. "Feel the benefit: union workers receive far better pay and rights, Congress finds." The Guardian. 10 Jun. 2022. <https://www.theguardian.com/us-news/2022/jun/10/us-union-workers-report-congress>

<sup>9</sup> Economic Policy Institute. "Union workers are paid 11.2% more and have greater access to health insurance and paid sick days than their nonunion counterparts." Economic Policy Institute. 25 Aug. 2020. <https://www.epi.org/press/union-workers-are-paid-11-2-more-and-have-greater-access-to-health-insurance-and-paid-sick-days-than-their-nonunion-counterparts-policy-makers-must-strengthen-workers-ability-to-form-unions/>

therefore its ability to bargain good contracts, implement health and safety measures, and lobby against legislation that threatens workers.<sup>10</sup> Right-to-work laws cause a decline in union membership; such laws result in a 4% drop in union membership five years after adoption.<sup>11</sup> This trend continues in the long-term as well, as over the past 35 years, union membership has fallen by about half, a fact that 51% of Americans believe is bad for working people.<sup>12</sup>

## Decreased Quality of Life

Unions deal with fair pay, of course, but there are many other important factors that contribute to a strong quality of life for an individual that unions are also effective at obtaining. First and foremost, health and safety in the workplace is a crucial issue, and unions often make it a top priority. In the construction industry, an industry containing 4% of American workers but responsible for 20% of workplace deaths, union worksites are 19% less likely to have an OSHA (Occupational Safety and Health Administration) violation and had 34% fewer violations per OSHA inspection than non-union worksites.<sup>13</sup> This becomes even more important when looking at workplace deaths; a 1% increase in the unionized workforce leads to a 2.8% decrease in workplace fatalities.<sup>14</sup>

Health and safety outside of the workplace is also incredibly important, and something that unions want to ensure is protected. People under the age of 65 are more likely to be uninsured and less likely to have job-based health insurance in right-to-work states when compared to other states.<sup>15</sup> Overall, 94% of workers covered by a union contract have access to employer-sponsored health benefits, compared to just 68% of nonunion workers.<sup>16</sup> If benefits coverage in non-RTW states was lowered to the levels RTW states, 2 million fewer workers

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<sup>10</sup> United Steelworkers. "Facts about so-called 'right-to-work'." United Steelworkers. Last accessed 12 Jan. 2023. <https://www.usw.org/act/campaigns/rtw/resources/facts-about-so-called-right-to-work>

<sup>11</sup> Page, Lucy E. "Impacts of Right-to-Work Laws on Unionization and Wages." National Bureau of Economic Research. 8 Aug. 2022. <https://www.nber.org/digest/202208/impacts-right-work-laws-unionization-and-wages>

<sup>12</sup> Hannah Fingerhut. "More Americans view long-term decline in union membership negatively than positively." Pew Research Center. 5 Jun. 2018. <https://www.pewresearch.org/fact-tank/2018/06/05/more-americans-view-long-term-decline-in-union-membership-negatively-than-positively/>

<sup>13</sup> Ford, Leah and Freund, Jeffrey. "The Connection Between Unions and Worker Safety." US Department of Labor. 11 May 2022. <https://blog.dol.gov/2022/05/11/the-connection-between-unions-and-worker-safety>

<sup>14</sup> Zoorob, Michael. "How Unions Help Prevent Workplace Deaths in the United States." Scholars Strategy Network. 25 Sept. 2018. <https://scholars.org/contribution/how-unions-help-prevent-workplace-deaths-united-states>

<sup>15</sup> IUPAT. "Right to Work (for Less)." IUPAT. Last accessed 16 Jan. 2023. <https://www.iupat.org/campaigns/right-to-work-for-less/>

<sup>16</sup> Economic Policy Institute. "Union workers are paid 11.2% more and have greater access to health insurance and paid sick days than their nonunion counterparts." Economic Policy Institute. 25 Aug. 2020. <https://www.epi.org/press/union-workers-are-paid-11-2-more-and-have-greater-access-to-health-insurance-and-paid-sick-days-than-their-nonunion-counterparts-policy-makers-must-strengthen-workers-ability-to-form-unions/>

would receive health insurance and 3.8 million fewer workers would receive pensions.<sup>17</sup> RTW laws have also negatively affected other important measures in life, such as infant mortality rates, teen pregnancy rates, and violent crime rates.<sup>18</sup>

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<sup>17</sup> Madland, David. "Right-to-Work Laws Harm the Middle Class." US News & World Report. 12 Dec. 2012. [www.usnews.com/debate-club/are-right-to-work-laws-good-for-states/right-to-work-laws-harm-the-middle-class](http://www.usnews.com/debate-club/are-right-to-work-laws-good-for-states/right-to-work-laws-harm-the-middle-class)

<sup>18</sup> Vidushi Saxena. "New study suggests Right-to-Work Law is doing more harm than good." The Badger Herald. 27 Jan. 2015. <https://badgerherald.com/news/2015/01/27/new-study-suggests-right-to-work-law-is-doing-more-harm-than-good>

## Neg Arguments:

### Employment and the Economy

Employment rates are demonstrably higher in states with right-to-work laws. Many studies have found that RTW laws increased manufacturing employment by 30%.<sup>19</sup> In this sector in particular, employment rates are much higher than they would have been without RTW laws.<sup>20</sup> Between 2001 and 2016, private sector employment grew by 27% in RTW states, compared to 15% in non-RTW states.<sup>21</sup> Critics of RTW laws combat these statistics by arguing that average pay is higher in non-RTW states; however, this is not intrinsically linked to the laws themselves. Union membership is often higher in certain sectors and with certain age groups, and unions do not cover self-employed individuals.<sup>22</sup> What can be proven - with clear causation - is that unionized companies earn profits that are 10-15% lower than non-union companies.<sup>23</sup> Right-to-work states have clear economic strengths, as evidenced in times of hardship; RTW states added nearly 1.3 million jobs throughout the pandemic, whereas non-RTW states lost 1.1 million jobs.<sup>24</sup> On the whole, RTW states have lower unemployment rates, higher job growth, and higher wage and income growth.<sup>25</sup>

### Worker Choice

The First Amendment protects the right of all Americans to associate with whomever they please - and, therefore, the right to not associate. One of the biggest downsides of non-RTW states is that workers must join a union and pay its dues, which can range from \$500-

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<sup>19</sup> Orechwa, Jennifer. "How Living In Right-To-Work States Benefits Both Workers And Their Companies." UnionProof. 14 Feb. 2017. <https://projectionsinc.com/unionproof/how-right-to-work-laws-benefit-both-workers-and-their-companies/>

<sup>20</sup> Nesbit, Todd. and Lafaive, Michael D. "Indiana works with Right-to-Work." Mackinac Center. 20 Sep. 2022. <https://www.mackinac.org/blog/2022/indiana-works-with-right-to-work>

<sup>21</sup> Eisenach, Jeffrey A. "Right-to-Work Laws: The Economic Evidence." NERA. May 2018. [https://www.nera.com/content/dam/nera/publications/2018/PUB\\_Right\\_to\\_Work\\_Laws\\_0518\\_web.pdf](https://www.nera.com/content/dam/nera/publications/2018/PUB_Right_to_Work_Laws_0518_web.pdf)

<sup>22</sup> Sherman, Erik. "Union Incomes May Seem Better Than Non-Union, But Are They Really?" Forbes. 28 Aug. 2021. <https://www.forbes.com/sites/eriksherman/2021/08/28/union-incomes-may-seem-better-than-non-union-but-are-they-really/>

<sup>23</sup> Sherk, James. "What Unions Do: How Labor Unions Affect Jobs and the Economy." The Heritage Foundation. 21 May 2009. <https://www.heritage.org/jobs-and-labor/report/what-unions-do-how-labor-unions-affect-jobs-and-the-economy>

<sup>24</sup> Lafaive, Michael D. and Nesbit, Todd. "Ohio jobs head for right-to-work states." Mackinac Center. 1 Nov. 2022. <https://www.mackinac.org/blog/2022/ohio-jobs-head-for-right-to-work-states>

<sup>25</sup> Balfour, Brian. "Right-to-Work Laws a Boon to Manufacturing." John Locke Foundation. 18 Apr. 2022. <https://www.johnlocke.org/right-to-work-laws-a-boon-to-manufacturing/>

\$1000 a year per worker.<sup>26</sup> This is problematic for workers not just because of the cost, but because workers often don't feel adequately represented by the unions. In 2016, labor unions spent \$108.2 million on political campaigns - a 38% increase from 2012.<sup>27</sup> Most of these donations went to Democratic candidates, despite the fact that around 37% of union members vote Republican.<sup>28</sup> Some workers will obviously feel this disconnect between their personal views and those of the union, and would not want their union dues going towards the election of candidates they disagree with. This is precisely why there is a history of Supreme Court decisions that consider mandatory union payments for nonunion members to be a form of unconstitutional compelled speech.<sup>29</sup>

The enactment of RTW laws increases self-reported current life satisfaction and expected life satisfaction - and these effects are even larger among union workers in RTW states.<sup>30</sup> Much of this is due to the fact that RTW laws make unions more competitive, so they must work to better serve their members.<sup>31</sup>

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<sup>26</sup> Orechwa, Jennifer. "How Living In Right-To-Work States Benefits Both Workers And Their Companies." UnionProof. 14 Feb. 2017. <https://projectionsinc.com/unionproof/how-right-to-work-laws-benefit-both-workers-and-their-companies/>

<sup>27</sup> Kasperkevic, Jana. "Why unions are so worried about right-to-work laws." Marketplace. 24 Feb. 2017. <https://www.marketplace.org/2017/02/24/push-nationwide-right-work-law-could-weaken-unions/>

<sup>28</sup> Sherk, James. "Right to Work Increases Jobs and Choices." The Heritage Foundation. 9 Nov. 2011. <https://www.heritage.org/jobs-and-labor/report/right-work-increases-jobs-and-choices>

<sup>29</sup> Hudson Jr., David L. "Freedom of Association." MTSU. Last accessed 14 Jan. 2023. <https://www.mtsu.edu/first-amendment/article/1594/freedom-of-association>

<sup>30</sup> Millsap, Adam A.. "Right-To-Work Laws Are Good For Workers." Forbes. 23 Oct. 2019. <https://www.forbes.com/sites/adammillsap/2019/10/23/right-to-work-laws-are-good-for-workers/>

<sup>31</sup> Makridis, Christos Andreas. "Do Right-to-Work Laws Work? Evidence on Individual Well-being and Economic Sentiment." Journal of Law and Economics. 22 Jun. 2019. <https://deliverypdf.ssrn.com/delivery.php?ID=019121024026084008083114085105113111054025070085022092087021090091122079023066026075114117055044051060015073082096001088094118016084042033015119110096084007031123104019077079093093097117120010124110117010109064121029125092025092112112126083000005073127&EXT=pdf&INDEX=TRUE>