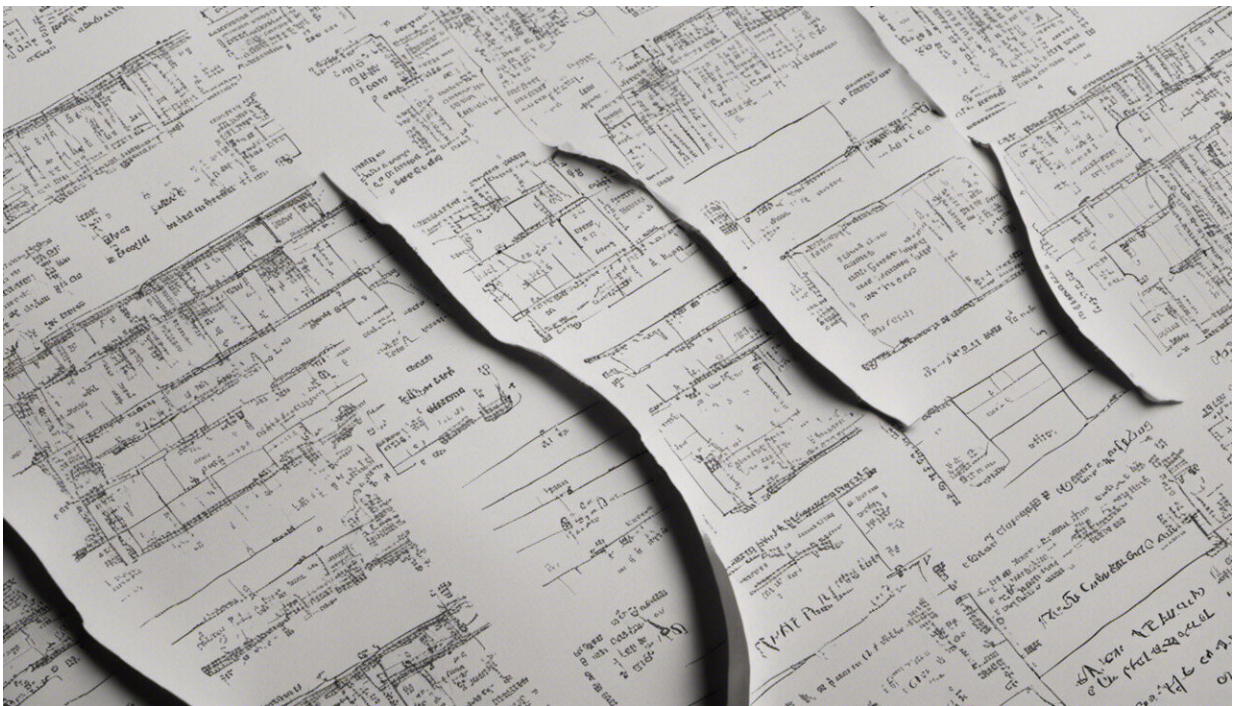


# Changing labor laws may hurt public employees' clout in presidential election, study finds

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Changed labor laws—with some states curtailing collective bargaining rights—may lessen political participation by teachers and other public employees, traditionally cornerstones in the election of Democrats, a Baylor University study has found.

Such a shift could affect the distribution of political power across society—including in the 2016 elections—depending in part on an upcoming decision by the Supreme Court of the United States. Justices next year will consider whether public sector non-union employees can be forced to pay mandatory dues for [collective bargaining](#)—a requirement in most states with unions.

Some non-union individuals have sued, saying that paying mandatory fees violates their right to free speech. They say that in effect they are paying for speech they may not support, said Patrick Flavin, Ph.D., study co-author and assistant professor of political science in Baylor's College of Arts & Sciences.

The study —"When Government Subsidizes Its Own: Collective Bargaining Laws as Agents of Political Mobilization"—is published in *American Journal of Political Science*.

Teachers routinely make up the largest share of Democratic Party convention delegates—a drastic change from 1957, when two-thirds of teachers believed they should not participate in political activity other than voting, according to a survey of American teachers conducted by the National Education Association.

Researchers said that political activity increased dramatically in the 1960s and 1970s, with more than half the states passing mandatory public sector collective bargaining laws, including legislation that school districts bargain collectively with employees. The law created such benefits as use of school facilities and supplies to conduct union business and unlimited use of the district's internal mail service—the equivalent of congressional franking privileges. Those benefits made it easier and less expensive to recruit members, researchers said.

In addition, in mandatory bargaining states, school districts routinely

subsidize the union president's salary to focus on union business.

"School districts are essentially supporting a full-time lobbyist for the teachers, for what's essentially an interest group," Flavin said. "These laws boosted engagement and made unions more active and more politically important."

Today, K-12 public school teachers wield collective clout as the most numerous group (including union and non-union members) of the country's 8 million members of public employee unions, the study noted.

"In states with collective bargaining laws that empower public employee labor unions to get their members to the polls and essentially elect their own bosses (school boards at the local level, politicians at the state level), there is concern that politicians have responded by approving especially generous benefits," Flavin said. "That passes the buck to the future in terms of how much the government will need to contribute to pensions. And now that those benefits are coming due, several states are confronting budget challenges because of pension promises by elected state officials supported by unions."

Because of that dilemma, some states—most notably Wisconsin—have gone from collective bargaining to becoming right-to-work states, Flavin said.

Although the Supreme Court has held that government employees cannot be compelled to join labor unions, it has allowed states to maintain "agency fee" provisions to require state employees to pay a fee to the union that represents them in salary and benefit negotiations.

In the upcoming case—Friedrichs v. California Teachers Association—the Supreme Court will determine whether public sector non-union employees can be forced to pay mandatory dues for collective

bargaining. If the requirement to pay dues is overturned, left-leaning organized labor could be weakened in the upcoming presidential election, Flavin said.

"That would be a major blow to public-sector unions," he said. "The big question is if union membership overall continues to decline—which it has in the past 20 years—what will that mean for who gets listened to in politics? Who will be the voice for the working class and for government employees?"

"This isn't a clear-cut matter of one side is going to win and one side is going to lose. But if there's a ruling against mandatory fees, it will really change the landscape for labor unions. Traditionally, labor unions have helped to empower and mobilize citizens with lower income and less education and act as a political counterpoint to business interests. The future of labor unions in the United States has potentially major implications for political equality."

Provided by Baylor University

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