

Benefits of Right to Work Legislation

Right to Work State is generally defined as a State of the United States that provides that employees are not to be required to join a Union as a condition of receiving or retaining a job. A Union is generally defined as an organization of workers (or workers representatives) formed for the purpose of negotiating with employers on matters of wages, seniority, working conditions and other work related benefits and compensation. An employer in a right to work state is less like to become unionized.

Non-Right to Work States have laws which are generally more favorable to union activity and usually provide that if an employer is subject to a collective bargaining agreement under the National Labor Relations Act, the employees are required to become members of the union and are required to pay membership dues as a condition of employment. Employers in non-right to work states are more likely to become unionized because unions in general focus their effort in non-right to work states where it is more financially feasible to operate.

Benefits to an Employer in a Right to Work State

- ❖ Free to manage a company without outside interference
- ❖ No assets devoted to labor negotiations or matters such as mandatory disciplinary procedures.
- ❖ Increased flexibility to establish wages and compensation levels. The company is not bound by the compensation levels set out in a collective bargaining agreement.
- ❖ Increased flexibility to control workforce. The company is not bound by disciplinary rules and procedures set out in a collective bargaining agreement.
- ❖ Increased opportunity to compete for quality employees.
- ❖ Increased opportunity to compete for business.

Benefits to an Employee in a Right to Work State

- ❖ Free to decide how to spend own money. No earning spent on Union dues and expenses.
- ❖ Free to decide own representation.
- ❖ Overall higher standard of living.
- ❖ Greater employment opportunity.
- ❖ Employment protections are governed by state law, not by union decisions.
- ❖ Preserves employees' choices.

Legislation

Tennessee is a Right-to-Work State. The law which can be found in the Tennessee Code Annotated §§ 50-1-201 through 204.

- ❖ **§ 50-1-201. Denial of employment because of affiliation or nonaffiliation with labor union.** -- It shall be unlawful for any person, firm, corporation or association of any kind to deny or attempt to deny employment to any person by reason of such person's membership in, affiliation with, resignation from, or refusal to join or affiliate with any labor union or employee organization of any kind. (Enacted 1947.)
- ❖ **§ 50-1-202. Contracting for exclusion from employment because of affiliation or nonaffiliation with labor union.** -- It shall be unlawful for any person, firm, corporation or association of any kind to enter into any contract, combination or agreement, written or oral, providing for exclusion from employment of any person because of membership in, affiliation with, resignation from, or refusal to join or affiliate with any labor union or employee organization of any kind. (Enacted 1947.)
- ❖ **§ 50-1-203. Exclusion from employment for payment of or failure to pay union dues.** -- It shall be unlawful for any person, firm, corporation or association of any kind to exclude from employment any person by reason of such person's payment of or failure to pay dues, fees,

assessments, or other charges to any labor union or employee organization of any kind. (Enacted 1947.)

- ❖ **§ 50-1-204. Penalty.** -- (a) Any person, firm, corporation, or association of any kind violating any of the provisions of this part commits a Class A misdemeanor. (b) Each day that any person, firm, corporation or association of any kind remains in violation of any of the provisions of this part is deemed to be a separate and distinct offense, punishable in accordance with the provisions of this section. (Enacted 1947.)