

POLICY NOTE

Summary of the Mark Janus keynote discussion on labor reform, right-to-work and the *Janus* case

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Key Findings

1. Illinois state worker Mark Janus discovered deductions for a government union were taken from his check without his authorization.
2. Mr. Janus believed the union did not represent his interests based on its political positions
3. Illinois has massive unfunded pension liabilities, but public employee union demands continue to increase.
4. Janus took his case to court arguing that he should not be forced to pay money to a union that he does not think represents his interests.
5. Government unions recognize that losing the Janus case will require them to communicate better with their members and respond to their needs.
6. Because of the Supreme Court's ruling in the Janus case, all state and local government employees now have the right to decide for themselves whether or not to join a union.

Introduction

On May 22nd and 23rd, Washington Policy Center hosted the 5th annual statewide Solutions Summit in Bellevue for Western Washington attendees, and in Spokane for Eastern Washington attendees. Together, these two major policy events attracted over 500 policymakers, business owners, community leaders, students, and engaged citizens.

Panel discussions included state and national experts speaking on budget reform, a state income tax, the Seattle head tax, policies to promote economic growth, right-to-work, and labor reform. The following is a summary of the keynote presentation at lunch, where WPC's Director of the Center for Worker Rights, Erin Shannon, interviewed Mark Janus. Mr. Janus is the lead plaintiff in the landmark *Janus v. AFSCME* case, in which the U.S. Supreme Court recently ruled that public sector workers cannot be forced to pay a union as a condition for holding their jobs.

Keynote discussion on labor reform, right-to-work and the *Janus* case

Moderator: Erin Shannon, Director of WPC's Center for Worker Rights

Speaker: Mark Janus, social worker with the state of Illinois

Mark Janus shared his story about why he decided to sue the AFSCME union, and what he hoped to achieve by appealing the case to the U.S. Supreme Court. Mr. Janus explained that after switching among multiple careers, he decided that he wanted to go into public service and help young children as a child service specialist for the state of Illinois.

On receiving his first paycheck, however, he realized there were deductions he did not authorize. When he asked at work why he had to pay those amounts, he was told he had no choice to not pay the union, and that public employees must pay the union in order to keep their jobs.

Mr. Janus felt the union did not represent his interests, in part because of union political activities and support for candidates that he opposed. He also felt the union did not serve his interests as a taxpayer, since the union continually made financial demands that the state of Illinois could not afford.

When the governor pointed out that Illinois had \$150 billion in unfunded public pension liabilities and asked the union to roll back some of its demands, the union threatened to strike and asked for an additional \$3 billion.

It was exactly this kind of political behavior that Mark Janus found unacceptable and did not want to be associated with. He decided to stand up for himself and for thousands of similar public workers around the country. He believed his freedom of association was protected under the First Amendment to the Constitution and that this core freedom was being violated through forced unionization.

The Supreme Court's consideration of the *Friedrichs v. California Teachers Association* case in 2016 gave Mr. Janus hope. Observers expected that case to be ruled in favor of Rebecca Friedrichs, a public school teacher in California. However, early that year Justice Antonin Scalia suddenly passed away, and the Court deadlocked in a four-to-four decision, which meant the unions were free to continue forcibly collecting fees and dues from public sector workers.

The unions celebrated their "win." A little over a year later, though, Mark Janus realized he could take on one of the most powerful unions in his state. When the federal Appellate Court turned his case down, it was forwarded to the U.S. Supreme Court.

Mark Janus told the conference attendees he was accused of wanting to destroy the labor movement. He disagreed with that accusation, explaining:

"I am not anti-union. Unions have their place, and some people like them. But unions aren't a fit for everyone. And I shouldn't be forced to pay money to a union if I don't think it does a good job representing my interests."

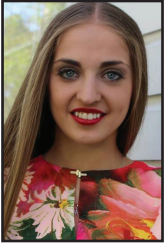
He also said he had not expected that so many people across the country would stand in solidarity with him and support his case that would eventually end forced unionization of government workers.

The union, on the other hand, portrayed Mr. Janus as a free-rider who wants to enjoy the benefits of union collective bargaining without helping to pay for it.

Mr. Janus' response was that the union only has to collectively bargain on behalf of every worker, including those who do not pay, because the union chooses to be the exclusive representative, which obligates the union to represent every worker, even if they do not pay. Unions are free to instead negotiate members-only contracts, thus leaving him and other non-payers out of the collective bargaining process. He said:

"I've negotiated my own salary and benefits at plenty of jobs before I started working for the state, and I'd be more than happy to do so again."

In addition, he said one of the union representatives said, "if we lose [this case], we will have to communicate with our members better" to persuade workers to stay members and pay due voluntarily. For Mr. Janus, this sentiment confirmed Mr. Janus' position that unions do not always provide great service to their members and often fail to communicate with them.



Research Assistant Marina Dolgova published this study as part of WPC's Doug and Janet True Research Internship Program. Marina graduated from the University of Washington in 2018.

Union leaders tacitly admit many workers do not want to be members of the unions they are forced to support.

During the Summit, Mark Janus expressed concern about what will happen once the Court's verdict is delivered. Some state legislatures have already passed laws to create loopholes for unions, allowing them to continue to collect involuntary payments and giving legal cover to the ongoing violation of freedom of association rights. He expects more states to do the same.

While that would be disappointing, he told the audience that "information is going to be the key," because many workers might not realize what the Janus ruling means for them directly.

Conclusion

In closing Mr. Janus thanked WPC for the chance to share his story and for its moral support for his case.

Summit attendees were very supportive and grateful to Mr. Janus for his courage to stand up for what he believes in. The *Janus v. AFSCME* case created positive labor reform, specifically in recognizing and enhancing workers' basic constitutional rights.

Twenty-two states, including Washington, have laws that require many public sector workers to pay a union as a condition of holding their jobs. The *Janus* ruling means these state laws are overturned, and unions must now respect the freedom of association rights of all public-sector workers, including local government employees and public school teachers. The ruling removes an element of fear from government workplaces in these states, as employees can now freely decide for themselves whether they want to pay dues to a union.

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