



POLICY BRIEF

Washington state should ensure public employees understand their rights regarding union membership

By Elizabeth New,
Director, Center for Health Care, Center for Worker Rights
July 2026

Key Takeaways

1. Public employees have a First Amendment right to join or not join a union, and they cannot be required to pay union dues or fees as a condition of employment, as the U.S. Supreme Court made clear in its 2018 *Janus v. AFSCME* ruling.
2. Some public workers are still unaware of this right and do not receive neutral notice about it. Workers also face difficulty separating from a union once they have joined.
3. Since the *Janus* decision, Washington state lawmakers have reinforced preferential union access to public employees through multiple statutes. Other private organizations do not have similar access.
4. In the absence of honest state notification of rights surrounding union membership, Washington Policy Center has created a practical resource public employers can use to help increase worker awareness of *Janus* rights.
5. The state itself should require public employers to notify public employees of this right at the point of hire and during onboarding. Neutral notice should be posted in the workplace.



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Introduction and background

A worker should not be left unaware of a constitutional right when they start a taxpayer-funded job. Notification about this right should be treated with the same import and attention as are notifications about employee meal breaks, overtime and paid leave.

In 2018, the Supreme Court ruled in *Janus v. AFSCME* that public employees have a First Amendment right to join or not join a union. They also cannot be required to pay union dues or fees as a condition of employment. The U.S. Supreme Court held that public employees must affirmatively consent to subsidizing speech.¹

Washington state's Public Employment Relations Commission likewise explains that, after *Janus*, public employers and unions may not require bargaining-unit employees to pay union dues or agency fees.²

That should have triggered a serious awareness effort in Washington state. It did not. Instead, state law emphasizes granting union access to workers and their personal contact information.

Since the *Janus* decision in 2018, state lawmakers have enacted or strengthened multiple statutes that reinforce preferential union access to public employees when presenting information about the exclusive bargaining representative. These statutes preserve union-centered procedures around representation and dues authorization.³

Washington state's dues-deduction statutes for multiple classes of public employees route authorization and revocation through the union, with the employer

1 *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, 585, U.S. Supreme Court, decided June 27, 2018, available at https://www.supremecourt.gov/opinions/17pdf/16-1466_2b3j.pdf.

2 Washington State Public Employment Relations Commission, "US Supreme Court Ruling in *Janus v. AFSCME, Council 31*," available at <https://perc.wa.gov/janus/>.

3 RCW 41.56.065, "Employee information—Disclosure to exclusive bargaining representative," Washington State Legislature, available at <https://app.leg.wa.gov/RCW/default.aspx?cite=41.56.065>. RCW 41.56.067, "Reasonable access to new employees by exclusive bargaining representative," Washington State Legislature, available at <https://app.leg.wa.gov/RCW/default.aspx?cite=41.56.067>.

required to rely on information provided by the exclusive bargaining representative rather than the employee.⁴

Current law also requires public employers to provide unions with employee information maintained in employer records, including personal cell and home phone numbers, personal email addresses and a home address or personal mailing address.⁵

What Washington state law does not require is equally notable. There is not a similarly prominent, statewide requirement that public employers provide each newly hired public employee a short, neutral explanation that union membership is optional and that workers may choose whether to support a union financially.⁶

This fundamental right should not, at best, arrive as a whisper while other voices in the workplace speak through a megaphone.

That imbalance matters. New employees are often buried in paperwork, policies and benefit decisions. When one side of the union question is built into statute and onboarding, while the worker's full range of choices is not, confusion is more likely. A right that is clear in court opinions but absent from ordinary hiring materials is easier to overlook, misunderstand or surrender.

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- 4 RCW 41.56.081, "Dues deduction—Authorization—Revocation," Washington State Legislature, available at <https://app.leg.wa.gov/RCW/default.aspx?cite=41.56.081>. This provision was formerly codified at RCW 41.56.113.
RCW 41.80.100, "Employee organization dues deduction—Authorization—Revocation," Washington State Legislature, available at <https://app.leg.wa.gov/rcw/default.aspx?cite=41.80.100>.
RCW 41.59.060, "Employee organization dues deduction—Authorization—Revocation," Washington State Legislature, available at <https://app.leg.wa.gov/rcw/default.aspx?cite=41.59.060>.
RCW 47.64.160, "Payroll deduction of labor or employee organization dues—Authorization—Revocation," Washington State Legislature, available at <https://app.leg.wa.gov/rcw/default.aspx?cite=47.64.160>.
RCW 54.04.170 and RCW 54.04.180, concerning collective bargaining authority for public utility district employees, Washington State Legislature, available at <https://app.leg.wa.gov/rcw/default.aspx?cite=54.04.170> and <https://app.leg.wa.gov/rcw/default.aspx?cite=54.04.180>. See also chapter 53.18 RCW, concerning port district employees, available at <https://app.leg.wa.gov/rcw/default.aspx?cite=53.18&full=true>.
- 5 RCW 41.56.065, "Employee information—Disclosure to exclusive bargaining representative," Washington State Legislature, available at <https://app.leg.wa.gov/RCW/default.aspx?cite=41.56.065>.
- 6 Elizabeth New, "Resource for public employers: Help workers know their rights," Washington Policy Center, June 15, 2026, available at <https://www.washingtonpolicy.org/publications/detail/resource-for-public-employers-help-workers-know-their-rights>.
Elizabeth New, "New resource can help public employees understand their rights," Washington Policy Center, June 15, 2026, available at <https://www.washingtonpolicy.org/publications/detail/new-resource-can-help-public-employees-understand-their-rights>.
Elizabeth New, "Washington should stop collecting dues for unions and protect worker rights instead," Washington Policy Center, January 2024, available at <https://www.washingtonpolicy.org/library/doclib/Hovde-Washington-state-should-stop-collecting-dues-for-unions-and-help-protect-worker-rights-instead.pdf>.

Washington state also maintains employer-neutrality rules that bar public employers from interfering with employees' exercise of protected labor rights.⁷ Often, however, "neutrality" is silence, with public employers referring employees to unions with membership questions.⁸ The result is an uneven system: Union access is built into statute, but worker awareness of the full choice recognized in Janus is not.

Washington's own worker-rights system shows the state knows how to inform workers when it wants to. The Department of Labor & Industries requires employers to display posters informing employees of rights related to wages, breaks, leave and safety.⁹ The state also publishes worker-rights guides explaining these protections in plain language.¹⁰

A First Amendment right tied to employment, money and association is largely ignored by Washington state and invisible in onboarding or other notice materials. As public employers in the state collect dues for unions using government payroll systems and rely on a union's word about a worker's consent, this right is even easier for employees to misunderstand and for union and employers to sideline.¹¹

Washington Policy Center created a one-page resource for public employers with legal references, guidance and practical information regarding union membership and dues that can be used for public display or distributed upon hire.¹² These can help raise workers' awareness. Public employers, from school districts to state agencies, should share this information prominently.

Awareness of constitutional rights should not depend on whether a private organization steps in to fill the state's silence, however.

Policy recommendations

1. *Require neutral written notice at hire*

Washington state should require public employers to provide each newly hired public employee with a short, plain-language notice stating that the employee can join a union and may also decline to join one. The notice

7 See, e.g., RCW 41.59.140, unfair labor practices for employers under Washington's Educational Employment Relations Act, within chapter 41.59 RCW, Washington State Legislature, available at <https://app.leg.wa.gov/rcw/default.aspx?cite=41.59&full=true>.

8 See footnote 6.

9 Washington State Department of Labor & Industries, "Required Workplace Posters," available at <https://www.lni.wa.gov/forms-publications/required-workplace-posters>. Washington State Department of Labor & Industries, "Your Rights as a Worker," Publication F700-074-000, available at <https://www.lni.wa.gov/forms-publications/F700-074-000.pdf>.

10 Washington State Department of Labor & Industries, *Pocket Guide to Worker Rights / Guía de bolsillo sobre los derechos del trabajador*, Publication F101-165-909, available at <https://www.lni.wa.gov/forms-publications/F101-165-909.pdf>.

11 Elizabeth New, "Washington should stop collecting dues for unions and protect worker rights instead," Washington Policy Center, January 2024, available at <https://www.washingtonpolicy.org/library/doclib/Hovde-Washington-state-should-stop-collecting-dues-for-unions-and-help-protect-worker-rights-instead.pdf>.

12 See footnote 6.

should be delivered with onboarding materials and written in clear, non-advocacy language.

2. *Create a statewide public resource about union rights in public employment.*
The state should maintain a simple webpage and printable notice explaining what Janus means, what workers may choose, where workers can get neutral information about the right to belong to a union and how they can disassociate from one.
3. *Align union-rights awareness with other worker-rights communications.*
If Washington state requires posters giving guidance on wages, overtime, breaks, leave and safety, it can add guidance about this constitutional right in the workplace.
4. *Review onboarding practices for balance.*
Lawmakers and agencies should ensure onboarding practices provide statutory access and information to unions while also ensuring workers receive comparably clear notice of their options.
5. *Encourage public employers to use existing awareness materials now.*
Until the state adopts a formal notice requirement, public employers should voluntarily use practical tools already available to inform workers that union membership is a choice, not a condition of public employment.

Conclusion

Washington state has built a system that requires union access to public employees. Union membership is visible and promoted, while worker choice is ignored.

Public employees deserve better. They deserve clear, neutral information that union membership is not required. They should not have to infer that from a court case they may or may not be aware of, hear it secondhand from a coworker or search for it only after dues questions arise.

Washington Policy Center's new resource can help public employers improve awareness right now, and it should be shared by all public employers. The state itself should not be indifferent to whether public employees understand a basic First Amendment choice.

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About the Author

Elizabeth New grew up in Seattle's Ballard neighborhood and graduated with a Bachelor of Arts degree in journalism and political science from Western Washington University. That's where her newspaper career began, writing political opinion columns for The Bellingham Herald.

After graduation, Elizabeth became the communications director for the Washington Family Council, crafting legislative testimony, press releases and articles on various state policies. She was recruited away by The Columbian newspaper in Southwest Washington, serving a decade as an editorial board member and columnist, winning several Society of Professional Journalists awards. Elizabeth enjoyed another 10 years as a political columnist for The Oregonian.

A firm believer in free-market principles as the best path to prosperity and individual opportunity, Elizabeth has built her career advocating for policies that promote economic freedom and limited government. She also has experience as an adjunct professor at Washington State University Vancouver.

Her volunteer work has included prison outreach, public school involvement, writing for her neighborhood association and participating in community cleanups. She lives in Vancouver, Washington.