

# 2019-20

# LEGISLATOR'S GUIDE to the Issues

## Unions and Labor Policy

### The Issue

Texas is a Right to Work state, meaning Texans cannot be forced to join a union to get a job. Unlike states that do not have this employee protection, Texas employees and employers have not seen control of wages, work standards, and other labor-management policy shift almost entirely to unions. However, Texas' growing influence on national policy has made it a target for Big Labor in recent years, and there are problems that need to be addressed.

In the private sector, unions like the Service Employees International Union, National Nurses United, and the Communications Workers of America have used federal law or pressure tactics, such as “corporate campaigns,” to make significant inroads into Texas. A number of union officials have either tacitly or explicitly asserted they and their agents have a right under federal labor law to stalk employees and supervisors of targeted businesses, even if that causes them to fear for their persons or property.

One tactic often used is negative publicity to push companies into “neutrality agreements,” under which companies might provide personal contact information for employees, give unions access to employees in the workplace, and prevent employees from voting in secret-ballot elections. Neutrality agreements often prevent employers from disseminating information to employees about the downsides of unionization.

Section 617.002 of the Texas Government Code states that an official of the state or a political subdivision of the state may not enter into a collective bargaining contract with a labor organization regarding wages, hours, or conditions of employment of public employees. However, a number of legal loopholes allow public employers to break this law and make special deals with labor organizations. One example is Section 174.023, Texas Local Government Code, of the “Fire and Police Employee Relations Act,” which excludes firefighters and police officers from Texas’ collective bargaining ban. Furthermore, the state boosts public employee membership for unions by acting as the agent for the payment of employee dues by deducting them from paychecks.

Public school districts have their own loophole: adopting “exclusive consultation” policies that allow only one designated organization to meet and confer with the school board about educational issues and employment conditions. As a result, Texas school board decisions often closely resemble what union officials advocate, and their employment policies impose the same “single salary schedules” that are pervasive in states where teachers are overwhelmingly unionized.

Unions have recently increased their influence over labor policy in Texas hospitals, airlines, janitorial companies, and government. Unfortunately, many employees never receive the benefits they expect from unionization due to the fact that benefits are allocated according to union standards, such as seniority or

level of education, that benefit the union instead of the workers they supposedly represent. There is no magic formula through which firms can promptly and sharply raise the pay and benefits of their employees, without cutting jobs or hours, while continuing to offer their clients a competitive price for their services and turn a profit. Unions do not offer stable economic solutions, nor do they offer balanced relationships in the workplace. These costs are detrimental to employers and workers while union leaders benefit from dues.

Texas has led the nation in economic growth and job creation for much of the last two decades, not by handing employer and employee rights over to Big Labor but by protecting their rights to communicate directly and create mutually beneficial arrangements. Private sector employers have had more flexibility to innovate, generate better production levels, and pay productive employees more.

Prioritizing individual preferences by ensuring contributions and union membership are voluntary in the private and public sectors is important because it could affect all Texans. Policies on organized labor should emphasize transparency and protect an individual’s choice regarding union involvement. No person should be forced to join a union as a condition of employment or devote part of their paycheck toward political causes with which they disagree.

### The Facts

- Texas’ government unionization rate is roughly 20%.
- The current “meet and confer” agreement between the city of Houston and the Houston Organization of Public Employees union is more than 100 pages.
- 17 Texas cities have passed referenda allowing exclusive union bargaining in fire departments.
- 30 cities have allowed exclusive union bargaining in police departments.

### Recommendations

- Prohibit automatic deduction of union dues from public workers’ paychecks.
- Eliminate all practices and repeal all provisions that are inconsistent with Texas’ ban on exclusive union bargaining for public employees (Sec. 617.002, Government Code).
- Empower employees to seek injunctive relief against union officials and employers who violate Texas’ Right to Work law.
- Prohibit employers from handing over employees’ names, addresses, and other personal information to union organizers.
- Prohibit employers from entering into neutrality agreements with unions.
- Prevent union representatives from participating in government inspections of non-union worksites without employer consent.

*continued*

## Resources

[\*A Labor Market Comparison: Why the Texas Model Supports Prosperity\*](#) by Vance Ginn, Texas Public Policy Foundation (Oct. 2015).

[\*State Labor-Management Policy and the Texas Model\*](#) by Stanley Greer, Texas Public Policy Foundation (Feb. 2015).

[\*The Texas Miracle and Labor Policy\*](#) by Bill Peacock, Texas Public Policy Foundation (April 2015).

