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Labor and Employment Alert: Wisconsin Enacts Right-To-Work Law

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Michael C. Griffaton

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With Governor Scott Walker's signature today, Wisconsin has become the latest state to enact a right-to-work law. Indiana and Michigan last did so in 2012. Wisconsin brings the total number of right-to-work states to 25.

In states without a right-to-work law, employees may be required to join a labor union if it represents workers at their place of employment. Those who refuse to join the union can still be required to pay for the cost of union representation. These "fair share" payments are often equivalent to the cost of union dues.

Wisconsin's right-to-work law generally prohibits a person from requiring, as a condition of obtaining or continuing employment, that an individual: (1) refrain or resign from membership in a labor organization; (2) become or remain a member of a labor organization; (3) pay dues or other charges to a labor organization; or (4) pay any other person an amount that is in place of dues or charges required of members of a labor organization. A person who violates any of these prohibitions is guilty of a Class A misdemeanor, which is punishable by a fine of up to \$10,000 and nine months imprisonment.

Employees still have the right to engage in self-organization; to form, join and assist labor organizations; and to collectively bargain or engage in other concerted activity. At the same time, the law now expressly states that employees have the right to refrain from self-organization, from joining labor organizations or from collectively bargaining.

The law applies to collective bargaining agreements when the agreement is renewed, modified or extended. So, employers with current collective bargaining agreements that include a union security provision do not have to do anything at this point. Those union security provisions will remain effective until the collective bargaining agreement is renewed, modified or extended.

Contact your Vorys lawyer to discuss how to handle requests from employees to stop withholding union dues from their paychecks. However, in Wisconsin for now, the existing provisions in collective bargaining agreements remain applicable.