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Labor and Employment Alert: Michigan Enacts Right to Work Law

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On December 11, 2012, Michigan became the 24th state to enact a right to work law. This new law has garnered a lot of national attention, most likely because Michigan is seen as the "birthplace" of the modern labor movement. (Much less attention was paid when Indiana became the 23rd state to enact a right to work law in February 2012). While the law is scheduled to go into effect in April 2013, multiple legal challenges have already been filed seeking to overturn the new law. Additionally, it is likely that there will be an attempt to place the right to work law on the ballot in Michigan. Therefore, although Michigan now has a right to work law on the books, it may not ultimately become a right to work state.

The law is actually quite simple. Under the new law, employees cannot be required to provide financial support to a union as a condition of employment. In other words, employees cannot be required to pay union dues to get or keep a job.

The new law only applies prospectively to collective bargaining agreements. That is, employees currently paying union dues will still be required to pay union dues until their employer and the union negotiate a new contract with an effective date that is *after* the effective date of the statute. For example, if an employer enters into a collective bargaining agreement this month that expires in December 2016 and requires the mandatory payment of dues, an employee could not exercise his/her right not to pay dues until after December 2016. Also, while the law purports to apply to all public and private employees (except firefighters and police), given Michigan's unique civil service law, it is questionable if the law will apply to public employees.

Other states have not indicated a willingness to follow Michigan's lead. Governors in both Ohio and Wisconsin have stated that enacting right to work laws are not a priority. If you have any questions about this issue or any other labor or employment issue, please contact your Vorys lawyer.