

NRLCA Statement on Supreme Court's Ruling in Janus

On June 27, 2018, the Supreme Court issued its decision, 5-4, in *Janus v. American Federation of State, County, and Municipal Employees*, which involves a challenge to public sector union “fair share” fees. As expected, the majority ruled that public-sector unions may not require individuals to pay union dues, even for grievance and bargaining-related activities. Although this ruling does not directly impact NRLCA members or other Postal Service bargaining unit employees, it represents another troubling obstacle to all labor unions’ ability to effectively represent workers.

The Court held that even though public sector unions are required to represent all employees in grievances and through collective bargaining—whether they are dues-paying members or not—those unions may not require non-members to pay any dues towards those services. The majority equated mandatory union fees to compelled speech, which in the majority’s view, violated the First Amendment, and overturned a prior Supreme Court case (decided by a 9-0 vote) that had stood for 41 years.

In her dissent, Justice Kagan, wrote, “There is no sugarcoating today’s opinion. The majority overthrows a decision entrenched in this Nation’s law—and in its economic life—for over 40 years. As a result, it prevents the American people, acting through their state and local officials, from making important choices about workplace governance. And it does so by weaponizing the First Amendment, in a way that unleashes judges, now and in the future, to intervene in economic and regulatory policy.”

As was the intent of the National Right to Work Foundation, which funded the lawsuit in this case, the decision will likely increase the number of “free-riders” who get the benefit of the union, while the dues-paying membership picks up the tab. With enough free-riders, unions will be depleted of the resources necessary for defending members and collective bargaining provisions in the grievance process, negotiating strong terms and conditions of employment, and otherwise leveling the playing field for employees who are strongest when they speak with one, collective voice.