Court rules Michigan right-to-work law applies to state workers

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The Michigan Court of Appeals ruled Thursday that the state's recently enacted right-to-work law applies to civil service employees as well as private sector workers. The court found that the legislature acted within its authority when it passed the law, which bars unions from collecting agency fees, the equivalent of union dues, from public employees.

The state of Michigan became the 24th state in the US to enact right-to-work legislation last December. It bars labor agreements that require the payment of union dues as a condition of employment.

The law is a reactionary piece of legislation, aimed at intensifying the exploitation of the working class by undermining the ability of workers to collectively resist employers. However, in opposing the law, the aim of the unions is to preserve their own position in intensifying the exploitation of the working class.

The 2-1 court ruling affects the nearly 36,000 workers employed by the state of Michigan. The contracts for state workers expire on December 31, so the ruling means that those workers will be able to opt out of paying union dues when new contracts take effect. Talks between state employee unions and state officials began two weeks ago.

A coalition of state employee unions filed suit in February against Michigan's right-to-work law as it applied to public employees. There were two separate pieces of legislation, one pertaining to private sector employees and a second covering public sector workers. The unions argued that the law covering public sector employees was unconstitutional because it usurped authority from the state's Civil Service Commission, which sets workplace rules.

In its ruling the appeals court held that "Michigan case law fully supports the principle that the Legislature as the policy-making branch of government has the power to pass labor laws of general applicability that also apply to classified civil service employees."

Writing in dissent, Judge Elizabeth Gleicher wrote, "The CSC (Civil Service Commission) has determined that agency fees foster harmonious labor relations. In my view, neither the majority nor the Legislature may cast aside the CSC's choice based on alternate political preference."

Gleicher's dissent pointed to the concerns over the new law from sections of the ruling class, who see the unions as a means of preserving "harmonious labor relations"—that is, in enforcing the demands of management in both the public and private sectors. It is this position that the unions are seeking to preserve by opposing the law.

The United Auto Workers, which voiced its displeasure over the ruling, is a case in point. UAW Vice President Cindy Estrada said in a statement, "The Civil Service Commission has sole jurisdiction over state employees' conditions of employment under the state constitution, and this decision abrogates the commission's authority."

The UAW is the bargaining agent for 17,000 Michigan state employees and was a lead plaintiff in the lawsuit challenging the right-to-work bill. The contract covering Michigan state workers is the union's fourth largest after Ford, Chrysler and General Motors. The unions are considering an appeal to the Michigan Supreme Court.

The ruling was another setback for the unions, which have proven incapable of mobilizing mass opposition to the right-to-work legislation. Instead, they have limited opposition to legal appeals.

The initial passage of the right-to-work legislation provoked a stampede by the unions to sign extended

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sweetheart deals with employers, locking in the collection of union dues. This was made possible by the fact that the right-to-work law did not apply to contracts signed before March 28, 2013. The unions took advantage of this to sign contracts that were in some cases as long as 10 years.

Since the passage of the right-to-work legislation, the preservation of the dues check off has been the paramount concern of union officials. This money is vital to maintaining the bloated salaries and lavish benefits of the union executives as well as providing funds to back the election campaigns of the Democratic Party. It is taken for granted that unless compelled to do so, hundreds of thousands of workers will refuse to pay dues to the unions, which no longer represent their interests.

The unions are well aware that without the automatic deduction of union dues from workers' paychecks they face an organizational implosion. In Indiana, where the legislature enacted a right-to-work law, union membership fell from 302,000 in 2011 to just 246,000 in 2012. As a percentage of the workforce, union membership in Indiana dropped to 9.1 percent, compared to 11.3 percent in 2011.

The response of the unions to the passage of the right-to-work legislation has been to move even further to the right in order to demonstrate their continued usefulness to the capitalist class. In Detroit the unions have ruled out strikes or any form of mass opposition to the looting of the city by the banks and Wall Street creditors. Instead, UAW President Bob King and the heads of the city worker unions have offered their services to Emergency Manager Kevyn Orr in imposing massive concessions.

In the auto factories the UAW has been instrumental in driving up the rate of exploitation of workers by collaborating in slashing new hire pay by 50 percent and destroying working conditions. The new Alternative Work Schedule, in effect at a number of Ford and Chrysler plants, destroys the eight-hour day, abolishes paid lunch breaks and overtime pay for Saturday work.

Last year, in the name of defending collective bargaining rights, the unions in Michigan promoted a ballot initiative, Proposal 2, that would have ensured the flow of dues money into their coffers. The proposal contained language explicitly sanctioning a state ban on strikes by public employees. The role of the unions could not be more clearly illustrated. In exchange for securing their financial and institutional interests the unions agreed to help suppress the class struggle by bargaining away the most elementary right of workers, the right to strike.

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