

# **= Solidarity Law**

## **TESTIMONY OF INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 1837; UNITED AUTO WORKERS; UNITED STEEL WORKERS; INTERNATIONAL ALLIANCE OF THEATRICAL AND STAGE EMPLOYEES, LOCAL 114 IN OPPOSITION TO LD 187, AN ACT TO PROHIBIT LABOR ORGANIZATIONS FROM IMPOSING MANDATORY SERVICE FEES ON NONMEMBERS**

My name is Jeffrey Neil Young. I am an attorney with Solidarity Law and practice in Cumberland. I represent a number of unions here in Maine, including International Brotherhood of Electrical Workers, Local 1837, which represents many of the utility workers here in Maine including at CMP and Versant; United Auto Workers, which represents graduate students at the University of Maine System; United Steel Workers, which represents many of the paper and pulp mills here in Maine; and International Alliance of Theatrical and Stage Employees, Local 114, which represents employees at Cross Arena, Merrill Auditorium, and the State Theater in Portland. In addition thereto, I understand that several of my union clients, including the Maine Service Employees, will be offering their own testimony in opposition to LD 187.

My union clients oppose the enactment of LD 187, An Act to Prohibit Labor Organizations from Imposing Mandatory Service Fees on Nonmembers. This bill, albeit with a new title, is a warmed over rehash of similar bills which have been introduced in virtually every, if not every, legislative session for the last 20 years or so. Each of your predecessor legislatures have rejected this Right to Work bill, which really should be entitled "An Act to Ensure the Right to A Free Ride and Right to Work for Less." This Committee should do the same.

All employees in the bargaining unit reap the benefit of the collective bargaining agreement negotiated by the union, not just employees who have joined the union. Moreover, under the National Labor Relations Acts, unions have a duty to represent all employees in the bargaining unit, not just dues-paying members. The union can't say—I'm not going to bargain for your wages, or I'm not going to file a grievance for you, or I'm not going to arbitrate your discharge—because you didn't join the union. The union has to represent everyone. If it fails to do so, a union can be liable for what is known as breach of the duty of fair representation.

Representation costs money. Unions must pay their staff, they have to pay rent, they have to pay for arbitrations. Employees should not be permitted to be free riders—to obtain and gain the benefits of the union's contract with the employer—without paying for those services. This is no different than an individual who takes

295 to get to Augusta every day and doesn't want to pay the toll but benefits from the construction of the highway.

In addition to the free rider problem, I said at the outset of my remarks that LD 187 really should also be called the "Right to Work for Less."<sup>1</sup> Employees in right to work states earn about \$9000 (or 15.2%) less annually than in states without such laws (\$50174 versus \$59163). Median household income in right-to-work states is \$11,628 less than in non-right to work states.

But its not just wages that are worse in right-to-work states. Employees in right to work states have a substantially higher fatality rate on the job (37%) and are almost 50% more likely to lack health insurance. Poverty and infant mortality rates are higher and right-to-work states invest far less in education.

So I ask you, why in the world would Maine ever want to pass a law like LD 187 which would lead to lower pay, more deaths on the job, poorer health, increased poverty and infant mortality, and a less educated workforce? LD 187 should be rejected by all members of this committee as bad for Maine people.

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<sup>1</sup> The following statistics are from <https://www.usw.org/act/campaigns/rtw/resources/facts-about-so-called-right-to-work>.