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Should Virginia's constitution be amended?

"Yes" for Virginia's 'Right to Work' Amendment

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Todd Leeson

Posted: Wednesday, November 2, 2016 6:51 am

By Todd A. Leeson

On Tuesday, Virginians will vote for a president and a member of the House of Representatives. They also will vote on two proposed amendments to the state constitution. The most contentious of the two is Amendment One, which deals with whether the state's right-to-work law should be written into the state constitution.

Leeson is a partner with the Gentry Locke law firm in Roanoke. His focus is employment and labor law.



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Virginia has been a "right to work" state since 1947. In the upcoming election, Virginia voters will decide whether to include "right to work" protection in our state constitution. For reasons I will explain, I encourage a "Yes" vote. To understand this issue better, it is important to know the meaning of the term "right to work."

Assume that Sara lives in New York. She accepts a job with the ABC Company as a production employee, and is paid \$20 an hour. ABC's hourly production employees are represented by a labor union. This means that at some point (perhaps decades ago), a majority of the production employees working at ABC at that time selected a union to represent their interests. The union negotiates with ABC management as to the terms and conditions of employment for all the production employees.

The union advises Sara that she must become a union member. Among other things, she is required to pledge her allegiance to the union, and is subject to fines and trials if she breaches the union's rules. The union also tells Sara her monthly dues to be paid to the union are \$51, which equates to \$612 peryear, and this money will be automatically deducted from her paychecks.

New York is a state that allows "union shop" or "forced unionization" agreements. So what happens when Sara responds that she is not interested in paying union dues? Because she works in New York and it is likely that there is a union shop agreement in place, the union can require that ABC terminate Sara's employment.

Virginia is a "right to work" state. Thus, if Sara does not believe there is value in paying the union over \$600 a year in dues, she retains the "right to work" for the ABC Company in Virginia. (Sarah is, however, required to accept the terms of her employment as negotiated by the union). It is my judgment that most persons do not believe they should be forced to pay union dues in order to take or keep a job.

There are currently 26 states with "right to work" security for employees. Of the 26 states, 10 of them include right to work protection in their constitutions. As you may recall, West Virginia, Wisconsin, Michigan and Indiana have all recently become right to work states. The forced unionization states are primarily located in the northeast (e.g., New York, Massachusetts) or on the West coast (e.g. California, Oregon, Washington).

Not surprisingly, unions are opposed to right to work protection for employees and have been advancing a variety of inaccurate arguments. For example, in an article published in the Roanoke Times on October 10, a local union president was quoted as saying right to work means the "right to exploit working folks." I disagree. In my experience, employers have every incentive to treat their employees well and pay them properly. Employees who are not satisfied with their jobs are not as productive and/or will leave to accept other jobs. Moreover, there are dozens of state and federal laws that provide legal protection to employees in the workplace. (The reality is that Virginia employees no longer see the need to have a union represent their interests. The Bureau of Labor Statistics reports that in 2015 only 5.4 percent of workers in Virginia were members of a union.)

As a labor lawyer in Virginia for over 25 years, it is my experience that companies seeking to locate their business strongly prefer to be in a "right to work" state. A "yes" vote for the amendment would send a clear message that Virginia is a great place to work (and play!). In sum, Virginia citizens should vote "yes" to make "right to work" a part of Virginia's Constitution.

More about **Labor Union**

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