



Missouri Joins Ranks Of Right-To-Work States

GOVERNOR'S SIGNATURE MEANS MISSOURI WILL BECOME 28TH RIGHT-TO-WORK STATE

Insights

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Earlier today, Governor Eric Greitens signed a bill into law that will lead Missouri to join the ranks of states that are governed by “right-to-work” laws. When the law goes into effect on August 28, 2017, employees in unionized workplaces will be allowed to opt out of joining a union or paying union dues if they so choose. Employers in the state should familiarize themselves with this significant new development, as it could soon have an impact on your workplace.

What Does “Right-To-Work” Mean?

Right-to-work laws generally make it unlawful to require a person to be or become a union member, or to pay union dues, as a condition of initial or continued employment. The name comes from the idea that people should be allowed to work without having to financially support organizations or causes that they do not morally support. Proponents of such measures believe that they create jobs by attracting new employers to a business-friendly environment.

Union advocates make the counterargument that employees who work in unionized workplaces should have to share the cost of union representation. It is important to note that right-to-work laws do not prevent people from joining or supporting unions, they just prohibit requiring them to do so. In other words, it does not block those who want to join or support a union, but simply allows employees to make an individual choice about membership and financial support.

What Will Be In Store For Missouri Employers?

Missouri's new law will prohibit most employers – both public and private – from compelling a person to join or remain a union member as a condition of being hired or remaining employed. It also prohibits requiring any employee to pay dues, fees, assessments, or similar charges to a labor organization. This law also prohibits requiring any employee to make payments to charities in lieu of payments to labor organizations. The only employers exempted are the federal government, those operating in federal enclaves (such as military bases), and those covered by the Railway Labor Act (such as airlines and railroads).

It contains a “grandfather” clause that ensures contracts already in place are not affected by the new law. Instead, it only applies to collective bargaining agreements entered into after August 28, 2017, or those that are renewed, extended, or amended after that effective date.

What If The Law Is Violated?

Under the terms of the new law, it will be considered a Class C misdemeanor to violate the law or direct another to violate the law. Anyone who believes they have been aggrieved can file a private right of action in court to seek redress, and can even ask the court for an injunction against those violating or threatening to violate the law. They can recover damages, attorneys' fees, and costs.

What's The History Of Right-To-Work Laws?

Indiana started the recent flurry of right-to-work adoption in 2012 by becoming the 23rd right-to-work state in the country. It was the first state to enact such a law in 12 years. Since then, Michigan (2012), Wisconsin (2015), West Virginia (2016), and Kentucky (2017), have enacted right-to-work laws.

Republican legislators in Missouri have been attempting to convert the state to a right-to-work jurisdiction for decades, but have been stymied by vetoes issued by former Governor Jay Nixon on several recent occasions. However, the state house is now controlled by Republicans after Governor Greitens assumed office on January 9, the first GOP Governor in Missouri since January 2009, clearing the path for passage. The Missouri House passed the law by a 100-59 vote, and the Senate voted yes 21-12 on February 2.

What Does The New Law Means For Missouri Employers?

Employers who bargain union contracts that are not finalized before August 28 must ensure that the final agreement does not run afoul of the new law. This includes those contracts that are being renewed, renegotiated, or extended. If you currently have union contracts that include mandatory union membership and dues payment, you should make a note to remove such language if the contract comes up for renegotiation after the effective date. You also should educate supervisors and higher level managers regarding the new law to ensure no one violates employees' rights.

A lawsuit has already been filed to challenge the new law in court, and the AFL-CIO has announced its intent to ask voters to repeal the law during 2018 midterm elections. However, unless and until a court blocks the law or voters reject it, you will soon be required to abide by the new law.

For more information about how these changes will affect your workplace, contact any attorney in our Kansas City office at 816.842.8770, or your regular Fisher Phillips attorney.

This Legal Alert provides information about a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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