

Missouri Voters Block Right-To-Work Law

Insights

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In a sweeping victory for labor unions, Missouri voters overwhelmingly rejected a right-to-work law which sought to ban unions from requiring union fees as a condition of employment in Missouri. By capturing 67% of yesterday's vote, opponents of the measure prevented employees in unionized workplaces from opting out of joining a union or paying union dues if they were so inclined. What does this development mean for Missouri employers?

What Is "Right-To-Work"?

Before summarizing the recent history of the situation and the impact of yesterday's vote, here's a brief summary of "right-to-work" laws for those unfamiliar with the concept or in need of a refresher. 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, on the other hand, argue that union-represented employees should share the cost of union representation. 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.

Legislature Passes Measure, But Voters Reject

Recent years have seen a resurgence of right-to-work laws across the country, especially in the Midwest. Indiana started the recent flurry of right-to-work adoption in 2012 by becoming the 23rd right-to-work state in the country, the first state to enact such a law in 12 years. That set off a chain reaction for the next few years, as Michigan (2012), Wisconsin (2015), West Virginia (2016), and Kentucky (2017) also enacted right-to-work laws.

The Missouri legislature jumped on the bandwagon and passed a right to work bill in 2017 which was signed into law by then-Governor Eric Greitens on August 28, 2017. Immediately, labor-backed groups coalesced in opposition to the new law and collected more than 300,000 signatures to temporarily prevent it from going into effect, forcing a statewide referendum on the matter. As a result, Proposition A was added to the August 7, 2018 ballot, which asked Missourians whether the state constitution should be amended to make Missouri the 28th state to adopt right-to-work.

Yesterday, Missouri voters answered that question with a resounding “no,” effectively killing the law before it could ever go into effect.

What Does This Mean For Missouri Employers?

For employers in Missouri, this means a return to the status quo. Since the right-to-work law never went into effect, you should not have changed any policies or practices as a result of the bill being signed last year. If you did, you should immediately return to previous practices. If you will soon be entering into union contract bargaining, you can negotiate a contract to include mandatory union membership and dues payment if you so choose.

What's Next?

As for the future, some are asking whether the Republican-controlled state legislature could pass another bill to overturn yesterday’s voter victory. While anything is possible, legislators have been handed a clear message considering right-to-work was so strongly defeated, and the legislature may hold off in trying to reverse the rejection of Prop A for the foreseeable future.

While union membership has drastically decreased over the past few decades, yesterday’s vote demonstrates that organized labor is not going away without a strong (and well-funded) fight. Unions spent millions in Missouri to defeat right-to-work, and this victory may galvanize support for the labor movement for future battles.

For more information about these developments, contact any attorney in our [Kansas City](#) office at 816.842.8770 or your Fisher Phillips attorney.

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