Q: I’m a government worker. What does this case mean for me?

A: Imagine having to pay a middle man to go to work. Pay up – or find another job. That’s the situation for more than 5 million government workers in 22 states. In Illinois, California, New York, Minnesota and other states, working in public service means paying money to a government union. This is a gross violation of workers’ First Amendment rights to freedom of speech and freedom of association.

Government workers deserve to have a choice and a voice when it comes to unions in their workplace. This case asks the U.S. Supreme Court to ensure all government workers in the United States can decide for themselves whether to support a government union.

A ruling in favor of Mark Janus would extend right-to-work protections to all government workers. If you want to stay in the union, you can choose to do so. But if you feel the union at your workplace does not deliver value or reflect your priorities, then you won’t have to send part of your paycheck to the union every month.

Q: I thought the Supreme Court already outlawed forcing people to pay for politics through their union?

A: Public-sector unions’ core activity – representing workers in collective bargaining – is inherently political. When a union bargains with the government, it tells the government how much it should spend on workers’ salaries, what kind of benefits it should provide, and how it should run its programs. When anyone else does that, everyone recognizes it as political speech, and we call it lobbying. So when a worker is forced to give money to a public-sector union to pay for collective bargaining, he or she is being made to pay for someone else’s political speech – something the First Amendment virtually never allows. That means the only way to protect workers’ First Amendment rights is to allow them to choose whether to pay union fees at all.

Q: What implications does this case have for private sector unions, such as trade unions?

A: None – Janus v. AFSCME only affects government workers and government unions. Workers who are affected by this case include public school teachers, municipal employees, state prison workers, law enforcement, employees of state government and any Americans who work for a government agency that requires union fees.

Q: What happens to people who like their union, and who want a union in their workplace?

A: This case does not change anything for people who like their union and want to continue to financially support their union. Unions will still be able to bargain with government entities over things like

STANDWITHWORKERS.ORG
compensation, work conditions, and benefits. Anyone who wants to be in a union and pay money to the union can do so. A ruling in favor of Janus affects those who do not wish to financially support or join a union. Currently, 5 million workers in 22 states are required to pay a union at their workplace. A Supreme Court ruling in favor of Janus would offer all government workers the right to decide for themselves whether to support a union at their workplace.

Q: Is this a Republican-backed case?

A: No. Mark Janus and the litigation firms who brought his case believe workers deserve to have a choice and a voice when it comes to union representation. Liberty Justice Center and the National Right to Work Legal Defense Foundation took on this case to help restore Mark Janus’ constitutional rights and the rights of every government worker to decide whether or not they want to support a union. The vast array of organizations and officials who support this case all rally around that premise.

Q: How are the unions going to survive without agency fees?

A: In states without Right-to-Work protections, government unions have been freeriding off government workers for decades. Why? Because in these states, governments granted public sector unions the power to exclusively represent and take money from government employees. These unions were given the power to speak for and take money away from government workers, regardless of whether these workers want union representation or support the unions’ policy positions.

The result is that in these states, many government workers feel like they are being used, or that they have no voice in their workplace. If they don’t want to pay money to a union, their only option is to find another job or leave their profession altogether. A ruling in favor of Mark Janus will restore public servants’ rights to decide whether they want to support a government union. Government unions will need to compete for the support of their members the way other organizations do – and the way government unions already do in 28 states. Make no mistake, unions still exist and bargain for workers in all of these states. Union officials have admitted that Right-to-Work provisions make them more accountable to all members, so even workers who remain in their union will benefit.

Q: Why should unions provide services to people who don’t pay for them? Shouldn’t everyone who benefits from a union contract need to pay for it?

A: No one should be pressured or forced to pay union fees as a condition of working in public service. Right now, agency fee payers are forced to pay for services they don’t necessarily want. Unions lobbied to exclusively represent and speak for government workers, regardless of whether these workers want union representation or support the unions’ policy positions. If unions do not want to exclusively represent all government workers, they lobby for legislation to represent only dues-paying members.
Q: Why doesn’t Mark Janus just get a different job if he doesn’t like the union?

A: Mark Janus is not a member of his union but he is forced to give the union part of his paycheck every month just to keep his job. He never voted for union representation, never asked the union to represent him in contract negotiations, and he does not support the union’s politics or policies. No one should be pressured or forced to pay union fees as a condition of working in public service.

Q: How pervasive is the problem of forced fees?

A: In 22 states, workers cannot take a government job without being forced to pay union fees. A ruling in favor of Mark Janus would restore the First Amendment rights to freedom of speech and freedom of association to more than 5 million government workers.

Q: How many people will drop their union if Mark Janus wins?

A: We don’t know. If the Supreme Court sides with Mark Janus, government workers in 22 states will finally be able to decide for themselves whether to financially support a union. Ultimately, it will be up to the unions to provide a valuable service that workers will be willing to pay for.

Q: How much are union dues?

A: Union dues and fees vary by state, and by contract. Mark Janus pays about $45 each month to AFSCME Council 31 in Illinois. Over a 20 year career in public service, this amounts to more than $10,000 in forced fees. Fees for some unions are higher. For example, in Chicago, public school teachers pay more than $1,000 annually.