Newsletter: The Janus Court Case

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**Why Does it Matter to Me?**

On Monday, Feb. 26, the thick marble walls of the U.S. Supreme Court in Washington, D.C. could not block the yells of union members outside as nine justices heard arguments in a case intended to bring America’s public employee unions to their knees. They were there to protest the latest attack on working people by anti-union billionaires and special interests.

The case, *Janus v. AFSCME*, is a true wake-up call to the AFT, and to public employees across the nation.

*Janus v. AFSCME* is based on a complaint from Mark Janus, a child support specialist for the state of Illinois. He pays “fair share” payments in order to contribute to the costs for his union to bargain his contract and protect his rights, benefits and pension. Janus claims that these payments to AFT’s sister union, AFSCME, the American Federation of State, County and Municipal Employees, should be considered political “speech.” He petitioned the Supreme Court to consider it as such under the First Amendment and wishes for them to take away the requirement that he pay his “fair share.”

It’s a weak argument. Over the last 40 years, lower courts and the Supreme Court itself have dismissed it, recognizing that “fair share” or agency fee payments support the hard work of collective bargaining and grievance representation, and are separate from any union’s political endorsements and contributions.

Thus, the courts have said, fair share contributions are common sense: Federal law *requires* labor unions to represent everyone in a workplace, including non-dues paying workers, so it’s fair to ask nonmembers to contribute *only* to the costs of negotiating the favorable contract that keeps their families secure and healthy.

Over the years, conservative states—“red” states—have objected. Their legislatures have created “right to work” environments where workers get the benefits of union representation with no obligation to pay agency fees. That is, nonmembers will enjoy union benefits—but only as long as a union without dues- and fee-paying members is able to survive. Workers in right-to-work states, on average, make $6,100 less than in collective bargaining states, are probably working without health insurance, and are 49 percent more likely to die on the job.

If *Janus* is decided unfavorably by the court, all public sector workers in the United States will be “right to work,” something that could hurt the budgets of public sector unions. Over time, as in right-to-work states like Texas, Mississippi, Alabama and, more recently, Wisconsin and Michigan, workers may watch their annual wages stall and drop while benefits wither away.

This is the scheme of corporate billionaires who seek openly to “shrink” government and reduce their own tax obligations while eliminating or privatizing public services. Included are wealthy families like the Kochs and the DeVoses who have funded “right to work” front organizations with dark money for decades. These industrial titans, as in America’s Gilded Age, do not see the value of public employees who serve, rescue, protect, educate, help and heal our neighbors, our families and our fellow citizens.

The court’s decision is expected any time before June 30.

Should AFT members be alarmed? Yes, *Janus* is a real threat to the solidarity, strength and resources that keep us fighting at the bargaining table and in the street.

But despite all challenges, tens of thousands of members have been uniting together in AFT every year as their organization itself grows stronger. From overworked graduate employees in universities … to teachers in charter schools … to RNs, techs and housekeepers in hospitals facing corporate takeovers, workers are discovering the comfort of solidarity in the workplace and the power of collective bargaining. They are uniting together in AFT.

Of course, this natural growth is why the AFT and its state and local affiliates will always be in the crosshairs of billionaires.

In anticipation of the *Janus* court challenge, AFT affiliates and locals have focused for two years on engaging members with a clear message: We cannot be onlookers in the workplace. We can no longer allow others to step up while we hang back. We can no longer take a good contract for granted. We have to reach out to agency fee payers and welcome them to the union. We have to collect union cards and build membership. We have to show up.

The Oregon School Employees Association, for example, held a two-day emergency Leadership Summit late last year to map out a post-*Janus* battle plan. “It was an eye-opener,” said Marnie Meuret, an OSEA vice president. “We need to stand together and help each other—not just ourselves. We need to get off our behinds—now!”