

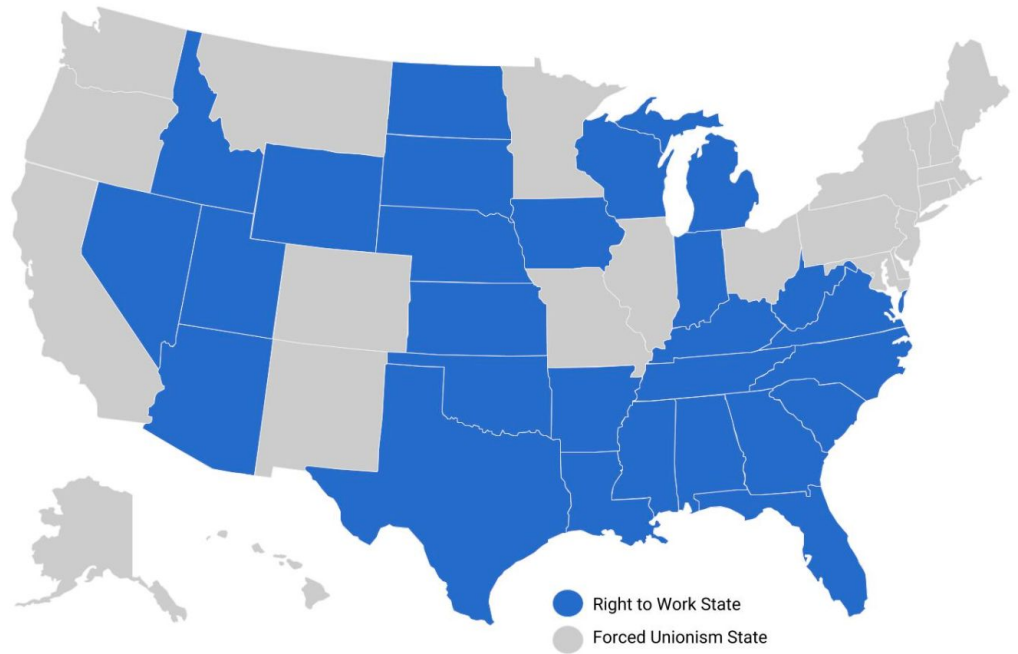


February Topic Analysis - 2023

Resolved: In the United States, right-to-work laws do more harm than good.

Note: Some national circuit March Tournaments also use this topic.

Background



- Currently, 27 states have adopted right-to-work laws.
- Most were adopted between 1940 and 1960; a chart of the most recent states to adopt right-to-work can be found below

Wyoming	Friday, February 8, 1963
Louisiana	Friday, July 9, 1976
Idaho	Thursday, January 31, 1985
Oklahoma	Sunday, September 25, 2001
Indiana	Wednesday, February 1, 2012**
Michigan	Friday, March 08, 2013**
Wisconsin	Monday, March 9, 2015**
West Virginia	Friday, February 12, 2016***
Kentucky	Saturday, January 7, 2017

Enactment History of State Right to Work Laws

What is a Right-to-Work Law?

- Generally speaking, right-to-work laws (RTW) prohibits union agreements between employers and labor unions which require employees to contribute to costs of union representation as a condition of employment
 - RTW prohibits non-union members from being forced to pay union dues.
- Note: in *Janus v. AFSCME*, the U.S. Supreme Court ruled that “non-union government workers cannot be forced to pay union fees as a condition of working in public service” (Liberty Justice Center)
 - This is essentially right-to-work in the public sector, which is substantial evidence that any public sector impacts (ie. teachers unions) are non-unique.
 - Depending on interpretation of the resolution, there may be some way to access historical impacts in the public sector (impacts that occurred prior to *Janus*).

PRO/Aff.

Unions = Beneficial (General)

- Most affirmative arguments have a common theme: right-to-work harms unions.
 - The typical reason is that under RTW, workers are not forced to pay union fees as a condition of employment. This results in fewer people paying dues, causing unions to lose money.
 - A ‘free-rider’ problem occurs when individuals reap the benefits of union-bargained contracts, but do not contribute to the costs of union representation.
 - [NBER '22](#) → “However, the Labor Management Relations Act of 1947, better known as the Taft-Hartley Act, allowed states to introduce “right-to-work” laws under which covered workers cannot be legally required to pay union dues. These laws can create a “free-rider” problem in union membership, undermining unions’ financing and ability to organize workers.”
 - Unions rely on dues to survive and be effective (financial power enables them to carry out their various tasks).
- This link (harming unions) has a multitude of impacts, which will be discussed on the following slides.
 - Some impact evidence you’ll see in rounds will be impacts of higher unionization rates; however, it’s probably better to find impacts specific to right-to-work

Some More Evidence on RTW Harming Unions

- [Economic Policy Institute '16](#) → “Unions depend on dues from members to be effective, as well as on fees from the non-members they are required to represent. Unions bargain for the right to require that every employee who gets the benefit of the union contract and the union’s grievance procedure pays his or her fair share of the costs of that contract.”
- [NBER \(National Bureau of Economic Research\) '22](#) → “Using this event-study design, the researchers find that right-to-work laws are associated with a drop of about 4 percentage points in unionization rates five years after adoption, as well as a wage drop of about 1 percent. These impacts are almost entirely driven by three industries with high unionization rates at baseline — construction, education, and public administration — where right-to-work laws reduce unionization by almost 13 percentage points and wages by more than 4 percent, again over five years. The impact of right-to-work laws on wages and unionization rates is also larger for women and public-sector workers, two groups that are overrepresented in highly unionized industries. The researchers complement these results with a second approach based on the differential effects of right-to-work laws on the highly unionized industries. This strategy rests on the assumption that without right-to-work laws all states would have the same relative distribution of unionization rates and wage levels across industries. They estimate the impacts of these laws by testing whether right-to-work states have especially low unionization rates and wages in highly unionized industries. They find a difference of nearly 20 percent in the unionization rate between states with and without right-to-work laws. Right-to-work laws are also associated with 7.5 percent lower wages. Finally, the researchers use both of these empirical strategies to examine a key labor-market question: how does unionization affect workers’ wages? If right-to-work laws only affect wages by lowering unionization rates, the causal effects of unions on wages can be estimated by dividing the effects of right-to-work laws on wages by their effects on unionization. Under this assumption, unionization appears to raise wages by approximately 40 percent.”

Wages / Income Inequality

- As mentioned in previous slides, right-to-work reduces the power of unions.
- Reducing union power is bad, since unions increase wages by bargaining with employees for higher worker pay.
 - Raising wages reduces impact inequality and lower poverty (this is a pretty logical argument)
- [Dynarsky '18](#) → The new insights come from a working paper, “Unions and Inequality Over the Twentieth Century: New Evidence from Survey Data,” by four economists: Henry Farber, Daniel Herbst and Ilyana Kuziemko of Princeton, and Suresh Naidu of Columbia. They establish that unions have constrained income inequality far beyond their own membership ranks. While the scholars can’t pinpoint the precise mechanism at work, they speculate that unions have indirectly increased pay at firms nervous that their own employees might organize. Unions have also lobbied for higher minimum wages and pushed to hold down executive salaries. They have also advocated for broader access to health care, countering a key channel through which income inequality can harm all of society.
- [VanHeuvelen '19](#) → “Extending power resources theory to show the dependence of its theorized mechanisms on local policy context, (e.g. Tope and Jacobs 2009, Volscho and Kelly 2012, Brady et al. 2013, Jacobs and Dirlam 2016), the significant and negative association between union membership and economic inequality is removed in states 3 and commuting zones following the passage of Right to Work laws. Passage of Right to Work laws in the most densely unionized areas associates with a change to inequality that is approximately 25% the magnitude of within-state inequality growth over the entire post World War 2 era. (4) Right to Work laws affect top- and bottom-ends of the wage distribution differently.”

Healthcare

- Once again, the link to this argument is that right-to-work hurts unions.
 - Unions advocate for health insurance for workers.
 - (This argument is a pretty true argument according to a majority of topic literature)
- [Gould and Shierholz '11](#) → “The rate of employer-sponsored health insurance (ESI) is 2.6 percentage points lower in RTW states compared with non-RTW states, after controlling for individual, job, and state-level characteristics. If workers in non-RTW states were to receive ESI at this lower rate, 2 million fewer workers nationally would be covered.”
- [Economic Policy Institute '20](#) → “Unions provide workers with better benefits, including paid leave and health care. Union workers are more likely to be covered by employer-provided health insurance. More than nine in 10 workers covered by a union contract (94%) have access to employer-sponsored health benefits, compared with just 68% of nonunion workers BLS-EB 2019a). Union workers also have greater access to paid sick days. Nine in 10 workers covered by a union contract (91%) have access to paid sick days, compared with 73% of nonunion workers.”
- There are numerous impacts:
 - Pandemics: health insurance is critical in preventing future outbreaks
 - Medical Debt: medical debt (due to lack of insurance or poor quality insurance) forces millions into poverty
 - Death: tens of thousands of Americans die every year due to lack of insurance.

Worker Safety

- Unions bargain for better worker safety standards/regulations
 - Right-to-work laws reduce union power
- Safety standards result in fewer worker injuries/deaths
 - (This argument is very straightforward and has a solid link, but can be outweighed on magnitude fairly easily)
- **EHS** → “But before labor unions, they didn’t have much power to negotiate for such conditions. Today, labor unions have huge sway over workplace safety standards, for unionized and non-unionized workers alike. And if your company wants to thrive, you have to be willing to come to the negotiating table. Here’s why unions have so much power to create safer workplaces, and why your company should work with labor unions to increase safety for your workers. Do Unions Really Make Safer Workplaces? First, let’s address the basic question: do unions actually make workplaces safer? According to several studies, the answer is yes. A study of right-to-work laws published in the BMJ Occupational & Environmental Medicine journal found that a 1% decrease in unionization resulted in a 5% increase in occupational fatalities. In Kansas, Missouri, and Nebraska, all states with right-to-work laws, there was a notable increase in workplace deaths due to falls, machine hazards, and struck-by hazards.”

Politics

- There are a numerous of ways to run this argument, so let's look at a few...
- Unions promote political participation, finance campaign, educate voters, etc.
 - This increases the likelihood that a politician that is an advocate for the working class is elected.
 - Policies that benefit blue-collar workers (ie. social safety nets, minimum wage increases, etc) reduce poverty.
 - [CAP '21](#) → “[U]nions provide a range of critical support for voters, including educating them about worker issues and which candidates will support workers, providing minischools of democracy through their internal operations,³ encouraging their members to vote, and providing financial resources for campaigns. Unions’ role in educating voters may be particularly important. Union voters who support worker-oriented policies are more likely to vote for their union’s endorsed candidate, which suggests that unions strengthen the link between economic pragmatism and votes for pro-labor candidates.⁴ Union members prefer candidates they perceive as being advocates for the working class,⁵ effective at elevating working-class voices into elected offices,⁶ and able to increase legislative responsiveness to the needs of the poor.”
 - RTW harms unions, thereby limiting these political efforts.
- Unions promote Democratic candidates (once again through raising participation, funding campaigns, etc), which is vital to Democratic success.
 - Impacts include policies championed by the Democratic Party—climate change, welfare, etc.
- Finally, right-to-work laws (specifically in swing states of Michigan and Wisconsin) led to Trump’s victory
 - Unions support democratic/blue-collar candidates, so the decline in union power elevated Trump to victory

CON/Neg.

Unions = Bad

- The general (and more true) CON narrative is that unions are bad.
 - Under this, both teams will usually agree that RTW harms unions, so the debate becomes more about whether unions are bad vs. good.
 - In other words, CON argues that RTW harms unions, which is beneficial because unions themselves are harmful.
- So, let's get into some more specific arguments

- Note* some CON teams argue that RTW **increases** unionization by improving the quality of unions (this allows them to access their own impacts, as well as many aff. impacts on the benefits of unionization)

Employment / Bringing Business

- Unionization hurts businesses and employment in a few ways...
 - Businesses must spend time negotiating or bargaining with unions; this sucks company resources. Right-to-work solves by reducing unionization.
 - Because corporations prefer not to deal with unions, companies invest in and locate to areas with right-to-work (*note*: this is the main link that teams read)
 - With lower levels of union presence under right-to-work, businesses do not have to spend as much time/money bargaining, meaning they can afford more employees.
 - Higher wages (with high union-density) mean that employers cannot hire as many employees. Thus, RTW lowers wages, raising employment. (*Note*: this concedes the wage increase argument on the affirmative, so although this link is probably true, it might not be a good idea to read it)
- [Heritage '09](#) → “Research shows that unions directly cause firms to reduce their investments. In fact, investment drops sharply after unions organize a company. One study found that unionizing reduces capital investment by 30 percent--the same effect as a 33 percentage point increase in the corporate tax rate.[23] Unions Reduce Jobs. Lower investment obviously hinders the competitiveness of unionized firms. The Detroit automakers have done so poorly in the recent economic downturn in part because they invested far less than their non-union competitors in researching and developing fuel-efficient vehicles. When the price of gas jumped to \$4 a gallon, consumers shifted away from SUVs to hybrids, leaving the Detroit carmakers unable to compete and costing many UAW members their jobs. Economists would expect reduced investment, coupled with the intentional effort of the union cartel to reduce employment, to cause unions to reduce jobs in the companies they organize. Economic research shows exactly this: Over the long term, unionized jobs disappear. Consider the manufacturing industry. Most Americans take it as fact that manufacturing jobs have decreased over the past 30 years. However, that is not fully accurate. Chart 1 shows manufacturing employment for union and non-union workers. Unionized manufacturing jobs fell by 75 percent between 1977 and 2008. Non-union manufacturing employment increased by 6 percent over that time.”

Innovation

- There are two main links to innovation:
 - 1) Productivity
 - Unions lock employees into standardized contracts, reducing their incentive to be productive.
 - Thus, right-to-work raises worker productivity and increases innovation.
 - 2) Funding for R&D
 - Bargaining with unions—and paying for benefits that unions advocate for—is costly
 - Unions “tax” investments that corporations makes.
 - Both of these lower funding for R&D
- Sherk '09 → “In essence, unions “tax” investments that corporations make, redistributing part of the return from these investments to their members. This makes undertaking a new investment less worthwhile. Companies respond to the union tax in the same way they respond to government taxes on investment--by investing less. By cutting profits, unions also reduce the money that firms have available for new investments, so they also indirectly reduce investment[...]Economic research demonstrates overwhelmingly that unionized firms invest less in both physical capital and intangible R&D than non-union firms do.[20] One study found that unions directly reduce capital investment by [13] 6 percent and indirectly reduce capital investment through lower profits by another 7 percent. This same study also found that unions reduce R&D activity by 15 percent to 20 percent.[21] Other studies find that unions reduce R&D spending by even larger amounts.”

Education / Teachers

- The Janus Supreme Court ruling non-uniques this argument, but quite a few teams are still running it, so I figured I'd bring it up anyways...
- The general idea is two-fold:
 - Without right-to-work, teachers are forced to accept standardized contracts—many of which contain seniority rules—which reduce incentives to improve job performance
 - If high-quality teachers are stuck in certain contracts, they don't have as much of an incentive to improve student scores/learning.
 - When union density is high, poor teachers are protected with union contracts. Such contracts make punishing or firing poor teachers immensely difficult.
 - RTW solves this problem by reducing union power, lowering protections for poor teachers and raising student outcomes.
- [Smith '19](#) → “For decades, the unions have blocked needed reforms and helped keep the beleaguered public school system frozen in place — to the detriment of American children. Hopefully, the union’s decline will have them rethinking their faulty objectives. It’s not unusual to hear union leaders say, “What’s best for teachers is what’s best for kids.” But, often, this isn’t true. For instance, more than 60 percent of teachers in the United States work in districts that are under a union contract. Despite mounting evidence that teacher quality is one of the most important factors in a child’s long-term success, these contracts typically contain seniority rules that make firing ineffective teachers almost impossible.”

Reshoring

- Right-to-work leads to a favorable business climate (this is similar to the business investment argument).
 - This favorable business climate causes international companies to locate to the U.S.
- [Sherk '11](#) → “Right-to-work states are much more attractive for businesses investment. Unionized firms earn lower profits, invest less, and create fewer jobs than comparable nonunion firms.[6] Boeing’s decision to build a new plant in South Carolina—a right-to-work state—illustrates a larger trend. Businesses consider the presence (or absence) of a right-to-work law a major factor when deciding where to locate.[7] It was no accident that foreign automobile brands located their U.S. plants primarily in right-to-work states like Alabama, Mississippi, and Tennessee. Research suggests that foreign direct investment in Oklahoma and Idaho increased after these states passed right-to-work laws.”
- From 2010-2019, right-to-work states were responsible for 69% of reshoring ([Moser '21](#))
- Reshoring is beneficial for the United States (economic impacts)

RTW Increases Unionization

- This is the argument mentioned earlier: right-to-work increases union quality, thereby making unions more responsive to workers
 - This argument is different than most other CON narratives.
 - [Mix '17](#) → “Right to work” laws also encourage more flexible and responsive union officials in the workplace. Where workers cannot be forced to join or pay dues, union brass has to work harder to retain employee support. This encourages union officials to put workers’ interests first, rather than promoting their own power or pushing an agenda that is out of step with the rank-and-file.”
- Improving union responsiveness makes unions more desirable, increasing union membership.
- [Vernuccio '17](#) → Between 2005 and 2015, union membership grew in right-to-work states by about 1.3 percent, but fell around 9 percent in non-right-to-work states. Six of the 10 states with the biggest increases in union membership were right-to-work. Overall, union membership increased in 16 of the nation’s 25 right-to-work states in 2015. In contrast, nine of the 16 states with shrinking membership still permit unions to collect involuntary dues or fees.
- This argument has the potential to access many of the aff. impacts on the benefits of unions.