

U.S. Supreme Court Reverses Course, Nixes Fair Share Fees for Unions

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The U.S. Supreme Court [has a history](#) when it comes to the permissibility of public-sector employee unions collecting "fair share" fees from non-union employees.

In 1977, the Court first allowed unions to collect these fees, but ruled they could not be used for political activities without infringing upon the non-union employee's constitutional right of free speech.

In 2016, the court again heard an argument on fair share fees, but were stuck in a 4-4 deadlock given the untimely passing of the late Antonin Scalia, so the fees remained legal. With the appointment of Justice Gorsuch, however, the Court's decision to again address fair share fees seemed poised to make history.

On Wednesday, the Supreme Court did make history by changing its direction and ruling that mandatory public sector union fees for non-union employees are unconstitutional, effectively making every state now a "right-to-work" state. While a number of states already had right-to-work laws - which prohibit unions from charging a mandatory union fee for all employees as a condition of employment - those laws didn't always apply to the public sector.

[Wednesday's 5-4 majority ruling at the Supreme Court](#), however, now makes mandatory public-sector union fees illegal. If your public sector workplace has a union and you have any questions on what effects this ruling may have, please contact anyone in [Barley Snyder's Labor Law Group](#).