

The Impact of Political Contexts and Right-To-Work Laws on Private Sector Union Certification Outcomes

Summary

The project explores the relationship between political contexts and union certification outcomes. Using data from the National Labor Relations Board (2010-2023) on union elections in the private sector, it examines how the presence of a current presidential administration and state-level right-to-work (RTW) laws correlate with union election success rates and voting outcomes. The analysis revealed that non-RTW states tend to have higher certification rates, while trends in federal administration influence are less pronounced although still present. These findings suggest that political and legal frameworks significantly shape labor organization outcomes, offering insights to policymakers and labor advocates.

Problem Diagnosis

The decline in union membership and the resulting impact on worker advocacy have brought renewed attention to the political and legal frameworks influencing union elections. RTW laws, which prohibit requiring union membership as a condition of employment, are a focal point in this debate. These laws, currently enacted in 27 states, are often associated with reduced union strength and membership¹. By allowing workers to reap the benefits of a union without the need to pay union dues, unions receive significantly less funding in states where RTW laws exist, diminishing their influence. The National Conference of State Legislatures highlights the foundational legal and economic arguments surrounding these laws, including their implications for workers' rights and business interests.

This issue is underscored by a broader trend: union membership has steadily fallen since the 1970s, reaching its lowest point in 2022, according to the U.S. Treasury. Simultaneously, the income share of the top 1% has risen sharply, highlighting the increasing disparity in economic power between laborers and those in power². This decline reflects weakened collective bargaining power, raising concerns about wage inequality and worker representation in economic policymaking.

¹ *Resource right-to-work resources*. National Conference of State Legislatures. (2023, December 19). <https://www.ncsl.org/labor-and-employment/right-to-work-resources>

² U.S. Department of the Treasury. (2021, September 29). Labor unions and the U.S. economy. U.S. Department of the Treasury. <https://home.treasury.gov/news/featured-stories/labor-unions-and-the-us-economy>

Recent developments, such as Michigan's repeal of its RTW law in 2023, reveal a potentially shifting political landscape³. This repeal marks a significant departure from decades of trends favoring these laws, reflecting changing state-level political priorities. Furthermore, the divide between RTW and non-RTW states aligns closely with partisan lines, as evidenced by the 2020 electoral college results: the vast majority of RTW states voted Republican, according to the National Archives. This correlation emphasizes the role of state politics in shaping labor policy.

This analysis examines the extent to which these legal and political factors, both at the state and federal levels, impact union election outcomes. By analyzing trends over the past decade, it seeks to provide insights into how political frameworks influence the success of labor organizations.

Research Questions

- RQ1: How does the presence of the current presidential administration and the party they belong to correlate with union certification rates, volume, and overall voting outcomes?
- RQ2: How do state-level political leanings and the presence of RTW laws correlate with union certification rates, volume, and overall voting outcomes?

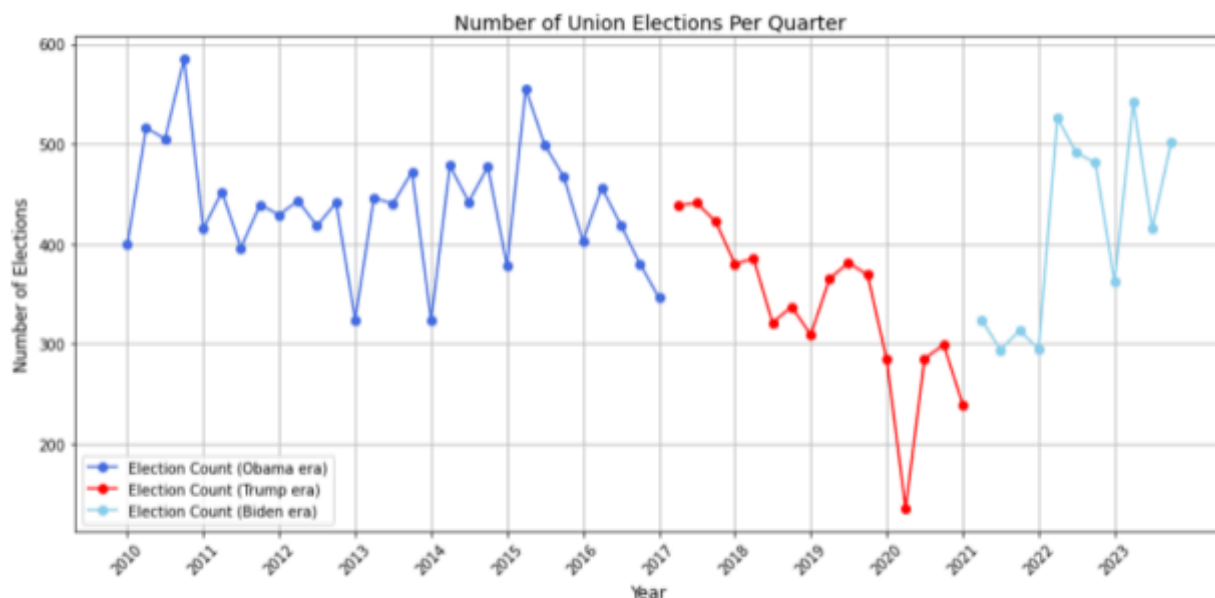
Findings

The analysis reveals a decline in union elections during the Trump presidency, especially after the COVID-19 pandemic, with union elections averaging 1,371 per year under Trump compared to 1,700+ per year under Obama and Biden. Despite this decline, union certification rates remained relatively stable across presidencies, though certification rates were higher in non-right-to-work (RTW) states, where unions had greater success in certification.

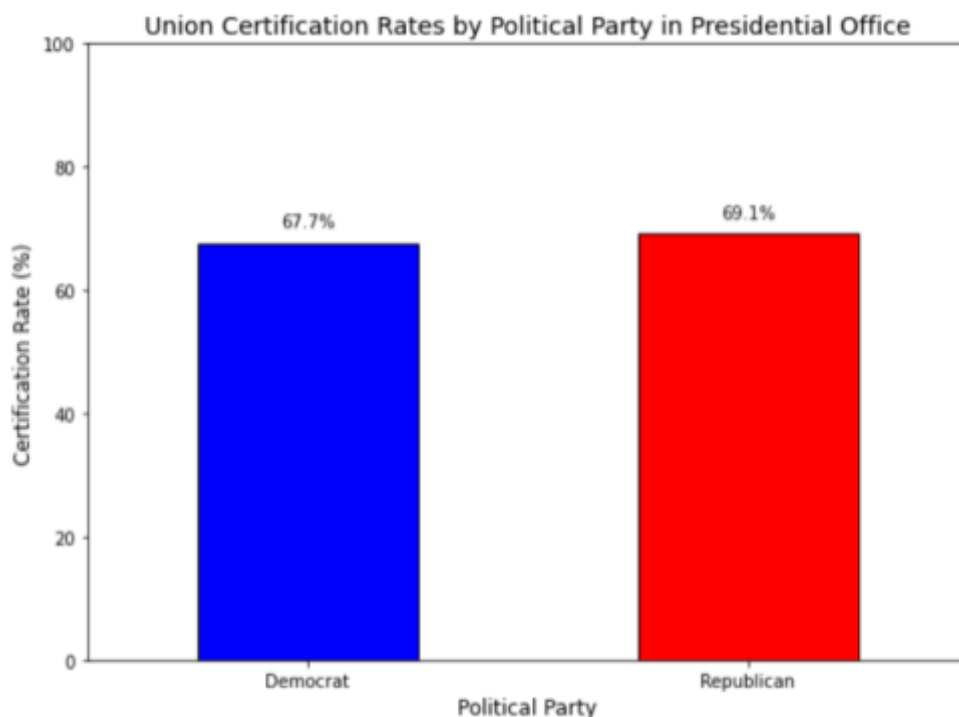
Analysis for RQ1

The NLRB data reveals a notable decline in the number of private sector union elections during the Trump presidency, particularly after the onset of the COVID-19 pandemic in early 2020. While union elections were relatively consistent during the Obama and Biden presidencies, averaging over 1,700 elections per year, this average dropped to 1,371 elections per year under

³ Cappelletti, J. (2023, March 24). Michigan becomes 1st state in decades to repeal “right-to-work” law. PBS.
<https://www.pbs.org/newshour/politics/michigan-becomes-1st-state-in-decades-to-repeal-right-to-work-law>



Union election count per quarter, where we see a gradual decrease throughout the Trump Presidency with a large trough around the pandemic.



Union Certification Rates by Political Party in office at the time of closing dates, showing there was hardly any difference at all.

Trump. Notably, the decline in elections during the Trump administration became most pronounced in 2020, coinciding with the pandemic's disruption of workplaces. A pairwise Tukey test found no statistically significant difference in the rate of union elections between the Biden and Obama administrations, but the rate under Trump was significantly lower than both. Despite fewer elections, the successful certification rate of unions remained relatively stable across all administrations, with unions being certified at a rate 1.4% higher under Trump compared to Democratic administrations. However, the analysis is subject to uncertainties. While the data shows a decline in union elections during the Trump administration even before the pandemic, the pandemic's impact on workplace dynamics and union activity cannot be understated. It remains unclear to what extent the pre-pandemic decline in elections would have continued without the pandemic's disruptive effects. Additionally, broader structural and economic changes that might have influenced union activity are not accounted for in this analysis.

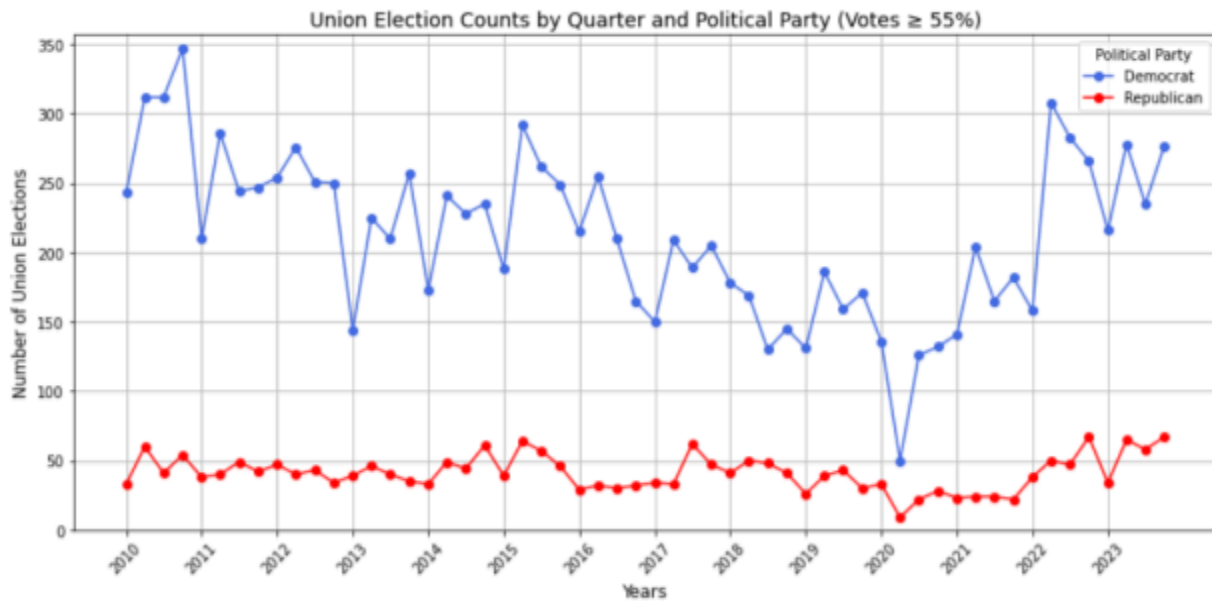
Interpretation of RQ1 Findings

The observed decline in union elections during the Trump administration, particularly in 2020, reflects the real-world impact of workplace disruptions caused by the COVID-19 pandemic, as well as broader trends potentially linked to policy and labor relations under different administrations. The stability in union certification rates across administrations suggests that workers' support for unions, when elections occur, remained consistent despite shifts in the political landscape. These findings align with expectations that administrative policies and external shocks like the pandemic influence union activity, but not necessarily how individuals will vote with or against unions. The slight increase in certification rates under the Trump administration may reflect a more concentrated effort by union organizers to secure union certification. At the same time, the slight increase in certification rate could be incidental. These findings shape the approach to RQ2 by highlighting the importance of considering both state-level political climates and local legislation to find some correlation.

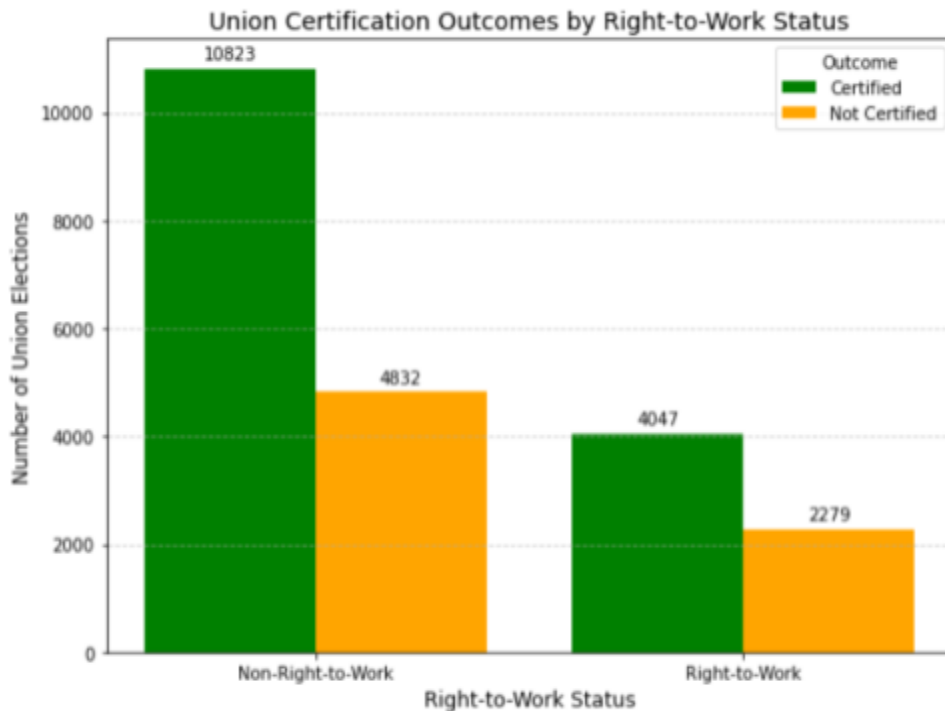
Analysis for RQ2

The analysis of union election outcomes in relation to state-level political leaning and RTW laws reveals several notable patterns. States were categorized as strongly Republican or strongly Democratic based on whether a presidential candidate received at least 55% of the vote in the most recent election. As evidenced by a two-proportion z-test comparing the two, union certification rates were significantly higher in strongly Democratic states at 70.96% compared to strongly Republican states which had a 61.77% certification rate. Additionally, union elections occurred at a much lower frequency in strongly Republican states. Certification outcomes also varied significantly between RTW and non-RTW states, with non-RTW states achieving a higher certification rate of 69.13% compared to RTW states at 63.99%, which is a statistically significant difference. Despite these findings, several limitations should be noted. The classification of states by political leaning excludes those with close presidential elections, potentially omitting nuanced political dynamics. Other factors, such as industry type, workforce demographics, or broader economic conditions, likely influence union success rates but were

not accounted for. Moreover, RTW laws might serve as a proxy for other anti-labor policies not explicitly considered.



Union election counts in strongly Democrat (>55% voted Democrat) and strongly Republican (>55% voted Republican) states, showing there is significantly less volume of union elections in Republican states.



Union outcomes by RTW status, revealing the greater volume of union elections as well as a higher certification rate in non-RTW states compared to RTW states.

Interpretation of RQ2 Findings

The results for RQ2 demonstrate the significant influence of political and legal environments on union election outcomes. The higher union certification rates in strongly Democratic states (70.96%) compared to strongly Republican states (61.77%) align with expectations that political climates more supportive of labor rights foster better outcomes for unions. Similarly, the lower certification rates in RTW states suggest that these laws may create additional barriers to unionization, reflecting their labor-unfriendly intent. These findings emphasize the challenges unions face in politically or legally hostile environments and highlight potential areas for advocacy or reform. While the findings align with initial expectations, the exclusion of politically moderate states and the absence of other contextual factors, such as industry type or workforce demographics, suggest a need for further research to better understand the nuanced relationships at play. This analysis can inform labor policy debates, helping stakeholders consider the broader implications of RTW laws and political climate when evaluating strategies for supporting unionization efforts.

Conclusion & Recommendations

Recommendation 1: Union organizers should invest more in strongly Democratic states

Union organizers appear to be effectively allocating resources at the national level, as evidenced by the consistent rate of union certification regardless of the sitting president. However, the return on investment at the state level shows room for optimization. To maximize union growth, organizers should concentrate their efforts in strongly Democratic states, where union elections have a higher success rate, 70.96%, compared to strongly Republican states at 61.77%. Given that the cost of facilitating a union election is likely similar across states and that unions in Democratic states are more likely to achieve certification, focusing on these areas offers greater value. Growth in these favorable environments can help unions strengthen their base, achieve tangible successes like better wages and working conditions, and set an example that could inspire reform in states with less favorable conditions for unions. Additionally, generating more union participation alone has been linked to an increase in 'political capital'⁴. Union members are more likely to join other voluntary associations, which tend to be political in nature. In strengthening efforts to create unions in pro-union areas, union organizers could effectively create more voluntary advocates on behalf of their causes. This leads directly to my second recommendation.

⁴ Kerrissey, J., & Schofer, E. (2013). *The influence of union membership on political participation and social capital*. The Journalist's Resource.
<https://journalistsresource.org/economics/union-membership-political-participation-social-capital/>

Recommendation 2: Union organizers should continue to advocate for abolishment of RTW laws at the state level

Union organizers should continue to advocate for the abolishment of RTW laws at the state level. The recent repeal of Michigan's RTW law in 2023 demonstrates that change is possible, and the data reveals the significant impact RTW laws have on union success rates⁵. Non-RTW states certify unions at a significantly higher rate, 69.13%, compared to RTW states at 63.99%. Repealing these laws would not only increase union certification rates but also bolster the overall strength and influence of unions in states where they face greater resistance. It has been demonstrated that states who adopt RTW laws see a wage drop of roughly 1% and a unionization rate drop of 4% in the first five years⁶. Advocacy efforts should emphasize the benefits of union growth for workers and communities, drawing on examples not only from states that have repealed RTW laws, but also the failures of states who have introduced RTW laws. With time and more data as more states change their RTW legislation, the case for more repeals could strengthen and work as a snowball effect, increasing the reach of unions in the private sector throughout the nation.

Conclusion

This analysis reveals the profound influence of political and legal environments on union election outcomes. State-level political leanings and the presence of RTW laws are critical factors in determining union certification success. Strongly Democratic states show significantly higher union certification rates compared to strongly Republican states, while non-RTW states also demonstrate higher success rates in union elections. These findings make clear the need for unions to prioritize organizing efforts in politically favorable states and advocate for the repeal of RTW laws to ensure greater union success nationwide. Although my first recommendation may seem unconventional, displacing union organizing resources away from Republican states that are already lacking in unions, the hope for union organizers is that the additional resources poured into Democratic states can serve as a proof of concept for the good that unions can do. Given my recommendations are followed, it is entirely possible that union membership and influence in the private sector could have a resurgence in the long term, or at the very least stabilize the decline in union membership.

⁵ Cappelletti, J. (2023, March 24). Michigan becomes 1st state in decades to repeal "right-to-work" law. PBS.

<https://www.pbs.org/newshour/politics/michigan-becomes-1st-state-in-decades-to-repeal-right-to-work-law>

⁶ Fortin, N., Lemieux, T., & Lloyd, N. (2022, August). *Impacts of right-to-work laws on unionization and wages*. National Bureau of Economic Research.

<https://www.nber.org/digest/202208/impacts-right-work-laws-unionization-and-wages>