

## Delaware Shoots Down Right-to-Work Legislation

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Right-to-work laws vary between jurisdictions, but generally prohibit mandatory union membership while affording non-union employees benefits comparable to union members, without compulsion to pay dues. Studies of the economic benefits to jurisdictions with right-to-work laws are mixed. Nevertheless, polling reflects that right-to-work laws are favored by a majority of US workers. Perhaps this is why twenty-eight states have some form of right-to-work law.

Surprisingly, Delaware is not among the majority of states with a right-to-work law, despite its historical reputation as a business-friendly jurisdiction. A January 17, 2018 proposal to establish a Delaware right-to-work law failed to gain enough votes to move beyond the committee phase of the legislative process. Nor were there sufficient votes to table the proposal entirely. Proponents of the legislation refused to amend the bill, and so the measure is effectively dead for the moment. Voting was along strict party lines, with Republicans favoring the measure and Democrats opposing it.

This state-level effort came on the heels of a January 9, 2018 defeat of a proposal to the Sussex County Council to prohibit a requirement to join a union or pay union dues as a condition of employment within the County. Defeat of the Sussex County proposal was premised largely upon opinions from legislative attorneys supporting that only the state Legislature can enact laws concerning union membership. The state-level proposal sought an end-run around those opinions by having the state Legislature enact limited right-to-work zones within Sussex County.

This is not likely the final word on right-to-work in Delaware. The proponents of the Sussex County and state-level measures have vowed to continue their efforts. In the meantime, the Seaford City Council enacted a right-to-work ordinance in December, 2017. It remains to be seen whether other municipalities will follow the City of Seaford's lead. We will continue to monitor this situation and further report as the debate over right-to-work legislation in the First State ripens.

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