Introduction to “The U.S. Labor Relations System after *Janus v. AFSCME*: An Early Assessment”

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Janus v. American Federation of State, County, and Municipal Employees, Council 31, often abbreviated as *Janus v. AFSCME*, was a ground breaking US Supreme Court (SCOTUS) decision issued at the end of June 2018. The case involved the collection of fees from employees, who were represented by a labor organization for collective bargaining purposes, even though they were not union members. In *Janus v. AFSCME*, SCOTUS determined that the paying of these union fees in the public sector was a violation of an employee’s First Amendment right to free speech. Thus, this decision nullified *Abood v. Detroit Board of Education* (1977) that had permitted unions to collect such fees from nonunion members. Because labor unions were legally required to collectively bargain over wages, benefits and working conditions as well as enforce the labor contract for all employees whether they were union members, the purpose of such fees was to preclude employees from becoming “free riders.” As such, these fees were designed to prevent employees from benefitting from the delivery of union services without having to financially support the labor organization.

In this interesting, timely and well-written essay, Ann Hodges, Professor of Law Emerita and Interim Program Chair, Paralegal Studies, at the University of Richmond as well as a Visiting Professor at the University of Virginia School of Law, analyzes the effect of the 2018 *Janus* decision for public sector labor unions. While she contends that many commentators believed that *Janus* would result in the death of public sector unions, as of the end of 2020, this has not happened. Moreover, she argues that the public sector labor relations system some two years after the issuing of the decision, has remained largely intact. While Hodges states that *Janus* has resulted in attempts to deny unions both members and financial support, she discusses how unions have responded to the decision in several innovative ways. Additionally, Hodges examines concurrent labor relations trends such as the increase in strike activity over the past couple of years and the development of social movement unionism. Hodges concludes her article by acknowledging that such trends point to hopeful signs for revitalization of labor unions although their future is far from clear.

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