

Myths and Facts

For Public Sector Workers in Virginia

Myth: Virginia is a right-to-work state, therefore it's illegal for public employees to join unions.

Fact: “Right-to-work” is part of labor law that applies to workers in the private sector. However, it means people cannot be forced to join unions, even after a majority of workers in a workplace have voted to be represented by a union. Even so, it is still every worker’s right to join a union. UE Local 160 helped to get wording removed from the law in Virginia that stated joining unions is illegal in the public sector.

Myth: Collective Bargaining is illegal in Virginia, therefore city employees in this state can't join unions.

Fact: VA § 40.1-57.2 makes it illegal for public employees to gain a legally enforceable contract with their employer in a state or county-run entity or a municipality. However, **it is legal for public workers to join a union** or any other form of employee organization. These rights are guaranteed by the *First Amendment of the U.S. Constitution (Freedom of Association)* and *Article 1 of the V.A. state constitution*.

Fact: Effective May 2021, VA § 40.1-57.2 is changing following the passage of a bill in the State General Assembly in March 2020, ending the state’s outright ban on public sector collective bargaining and extending the right to local government workers if their locality opts in.

Myth: My boss can fire me if i join the union.

Fact: Retaliation is illegal! It is illegal to be fired, written up or have any change in work conditions for organizing or joining a union. Your strongest weapon against being targeted by management is to be organized and have support from your co-workers when you need it. If you are out front, organizing, wearing union buttons, and etc., it makes it very difficult for management to zero in on you.

Myth: There must be a majority of workers voting to join a union before it can be formed.

Fact: A critical minority of a given workforce, representing 50 of the workers can form a union with a goal of winning a majority of the workers to the union.