

A victory for labor: U.S. Supreme Court declines to hear Branch case

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The U.S. Supreme Court today declined to hear an appeal of a strong pro-labor decision in *Branch v. Commonwealth Employment Relations Board*, a case brought against MTA affiliates by the anti-union National Right to Work Legal Defense Foundation.

The Branch case, decided by the Massachusetts Supreme Judicial Court in April 2019, centered on a First Amendment challenge to the concept of “exclusive representation” and mandatory agency fee provisions in the state’s collective bargaining statute, Chapter 150E.

MTA President Merrie Najimy welcomed the Supreme Court’s decision not to take up the appeal.

“We were confident that this right-wing attack on workers and their unions was utterly baseless,” Najimy said. “The state Supreme Judicial Court understood that our public-sector unions operate in accordance with the Constitution and are grounded in the principles of democracy. Allowing the SJC ruling to stand affirms workers’ rights to maintain strong unions, which we know benefit families and communities across the state.”

In *Branch*, the National Right to Work Legal Defense Foundation argued that a union cannot exclude non-members from participating in internal union matters, including identifying bargaining proposals and voting on whether to ratify a contract. It argued that depriving non-members of “a voice and a vote” in union matters is an even worse violation of the First Amendment to the U.S. Constitution than the collection of compelled agency fees, which the Supreme Court struck down in the *Janus v. AFSCME* case.

The SJC’s carefully reasoned decision rejected all of the foundation’s arguments, including the contention that state law allowing a member-based union to serve as the “exclusive representative” of all bargaining unit employees — members and non-members alike — violates the U.S. Constitution.

The SJC observed that all bargaining unit employees receive a vote on whether to form a union in the first place and that “those opposed to having a union lost that vote.”

Majority rule, the court said, “is a fundamental aspect of American democratic government.”

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