

Stronger collective bargaining laws will benefit all Virginians

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Key takeaways

- Proposed state legislation to extend full, equal collective bargaining rights to all state and local government workers can help Virginia:
 - reduce the state’s large public-sector pay gap
 - improve public services
 - reduce staff vacancies and turnover
 - decrease racial and gender wage disparities
- Strong collective bargaining rights and increased unionization rates are highly correlated with numerous, widely shared benefits including higher wages, more equitable state economies, and healthier democracies.
- Virginia currently has one of the largest public-sector pay gaps in the nation. State and local government employees in Virginia earn, on average, 26.7% less than private-sector peers with similar education and experience.
- The public-sector pay gap varies across states and is largest in states like Virginia where most public employees lack collective bargaining rights. In Virginia, collective bargaining is currently banned for state employees and only recently became permitted for some local government employees.

In 2026, Virginia lawmakers are poised to consider transformative legislation that would extend full collective bargaining rights to public employees at all levels of state and local government. The benefits of comprehensive collective bargaining rights would extend far beyond affected public employees who would enjoy better working conditions. Stronger state collective bargaining laws can help improve the quality of public services and economic outcomes for all Virginians.

Data show that strong collective bargaining laws help states address persistent public-sector pay gaps, reduce staff vacancies and turnover, and lead to higher unionization rates (Morrissey and Sherer 2024). Increased unionization rates are highly correlated with numerous,

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widely shared benefits including more equitable state economies and healthier democracies (McNicholas et al. 2025).

For Virginia, expanding public-sector bargaining is a critical next step in building an economy that works for all. The expansion will reverse a long history of anti-worker state policies that have suppressed wages and limited workers' power in the labor market by blocking pathways to unionization. Such policies have resulted in greater income inequality and persistent racial and gender wage disparities (Bivens and Shierholz 2018; Mishel and Bivens 2021). Strong, comprehensive state legislation covering public employees' labor rights is also especially important at a moment when the federal government has been attacking the jobs, working conditions, and union contracts of over 235,000 federal civil servants residing in Virginia, and threatening long-standing federal protections of all workers' rights (EPI 2025b; Oakford and Poydock 2025).

This report examines how public-sector workers with limited or no collective bargaining rights fare compared with public-sector workers with well-established collective bargaining rights. To do so, we estimate pay differences between state and local government workers and private-sector workers with similar education and experience. In this analysis, Virginia is among a minority of states in which state employees have no bargaining rights and only some local government employees have limited bargaining rights. By contrast, 27 states have well-established collective bargaining rights for state and local government workers (**Table 1**).

The right to bargain collectively over pay is associated with higher unionization rates (union membership as a share of the workforce) in a given state. This report shows that collective bargaining rights and union strength help state and local government workers narrow the pay gap with private-sector workers. We show that the pay gap for public employees is significantly larger when these workers have weak or no bargaining rights, like public employees in Virginia, which has one of the largest public-sector pay gaps in the nation (-26.7%).

Virginia public employees lack collective bargaining rights

Proposed legislation in Virginia would, for the first time in the state's history, guarantee that all state and local government employees enjoy labor rights similar to those of their private-sector peers (whose rights to collectively bargain are covered under the federal National Labor Relations Act) (**HB 1263** and **SB 378**). The Virginia Assembly passed similar legislation (**HB 2764** and **SB 917**) in 2025, only to have it vetoed by then-Governor Glenn Youngkin (McGinley 2025).

Virginia is one of a handful of Southern states that for decades explicitly banned public employees and employers from entering into collective bargaining agreements. In 2020, Virginia took an important step toward making collective bargaining newly optional for local governments, but the state's policies remain out of step compared with most states.

Virginia lacks a statewide collective bargaining statute covering all local government employees and still has a ban in place barring state employees from collective bargaining (Borja 2022).

As shown in Table 1, the majority of states and Washington, D.C., already ensure collective bargaining rights for most public employees, including state workers. Many states have had statewide public-sector bargaining statutes in place for decades (Rueben 1996; Sanes and Schmitt 2014). Such laws typically set clear, uniform guidelines for union elections and contract negotiation processes and establish state labor boards charged with fostering productive labor-management relations (including timely contract settlements), ensuring broad awareness of and compliance with statutory guidelines, and mediating or adjudicating disputes as needed.

Who are public employees in Virginia?

In 2024, approximately 560,000 Virginians worked in state and local government occupations (BLS-CES 2020–2025). This includes teachers and school staff, firefighters, transit operators, law enforcement, administrative staff, and employees serving the state’s public safety, transportation, health care, judicial, corrections, and higher education systems. As shown in **Table 2**, 21.2% of Virginia state government employees and 20.4% of Virginia local government employees are Black, and 57.3% of state government employees and 64.5% of local government employees are women. Many public-sector workers in the state are highly educated. Virginia public-sector workers are more than twice as likely to have advanced degrees as private-sector workers and are much less likely to have a high-school level or less education.

Anti-union state policies are rooted in racism and harm all Virginia workers

Virginia’s ban on union contracts for public employees is a Jim Crow-era policy with deep roots in the history of slavery and white supremacy. After the passage of federal labor laws accelerated worker organizing in the 1930s, Virginia joined several Southern states in adopting anti-union state laws designed to prevent multiracial union organizing and suppress Black workers’ wages and power (Childers 2023). The Virginia Assembly first took an explicit stance on public-sector bargaining in response to the unionization of Black hospital employees at the University of Virginia in 1946, via a joint resolution declaring it against the public policy of the state to negotiate with public employee unions (a stance later affirmed by state supreme court decisions and codified in statute in 1993). Virginia was also among the first states to adopt anti-union so-called right-to-work legislation in 1947, an anti-labor policy jointly promoted by white supremacist organizations and industry groups intent on slowing the growth of unions to maintain access to cheap labor—especially in Southern states (The Commonwealth Institute 2022; Watts 2021; Pierce 2017, 2018; Sherer and Gould 2024).

As a result of these long-standing anti-union state policies, unionization rates in Virginia for both public- and private-sector workers are well below national averages.

Narrowing Virginia’s large public-sector pay gap

Across the country, public-sector employees earn less than their private-sector counterparts, and this pay gap has widened in recent years. In the latest available five-year period (September 2020–August 2025), state and local government employees earned, on average, 17.2% less than private-sector employees with similar education and experience. The size of the public-sector pay gap varies across states and is largest in states like Virginia where most public employees lack collective bargaining rights. Public-sector workers with strong bargaining rights experience a narrower pay gap (-14.3%) than those with weak (-19.6%) or no bargaining rights (-22.5%) (see **Table 3**).

Virginia currently has one of the largest public-sector pay gaps in the nation. Among all 50 states, Virginia’s -26.7% public-sector pay gap appears to be the second highest, though differences among states clustered at the bottom of the rankings are not statistically significant. (Pay gap statistics are for full-time wage and salary workers ages 18–64, based on the authors’ analysis of pooled September 2020–August 2025 Current Population Survey microdata downloaded from Flood et al. 2025 and EPI 2025a.)

Compensation packages of public employees, on average, include more robust benefits than those of private-sector workers, but Virginia’s public-sector compensation gap remains large, even when factoring in more robust benefits. Benefits are an estimated 32.0% of pay for private-sector workers in the South Atlantic region and an estimated 51.3% of pay for Virginia public-sector workers. Factoring in benefits, Virginia’s public-sector compensation gap shrinks to a still sizable 16.0% (authors’ estimate based on BLS-ECEC 2020–2025 and Public Plans Data 2020–2024; see Morrissey and Sherer 2024 for methodology).¹

Addressing high staff vacancy and turnover rates in Virginia’s public sector

The growing public-sector pay gap has become a particular concern at a moment when low pay has created serious challenges to recruiting and retaining teachers and other public employees across the country (Cooper and Martinez Hickey 2022; MissionSquare Research Institute 2023; Wething 2024a, 2024b; Martinez Hickey 2025). Virginia has faced particularly acute staffing shortages in public education and in units of state government in recent years (Manzanares 2025; Cantor 2025).

The latest (2025) biennial compensation report from the state’s Department of Human Resource Management notes that “Years without any salary adjustments in the past have made it difficult for state agencies to build a proactive and sustainable approach to addressing compensation, recruitment and retention concerns” (VDHRM 2025). Between 2001 and 2023, low average salary increases for state workers (just 2.9% per year, compared with 3.4% annually in the private sector) have led to high vacancy and turnover rates. As of 2024, roughly 1 in 5 (22.4%) state jobs were unfilled, and the median salary across the state workforce was just \$61,305—a full \$5,000 less than the median city employee salary in Richmond, which has adopted its own collective bargaining ordinance (McGinley 2025).

Chronic state employee staffing shortages are already having direct impacts on the health, safety, and quality of life of Virginians. To take one example, in 2025 the Virginia Department of Juvenile Justice (DJJ) drew headlines after reporting that inability to adequately staff large facilities for incarcerated youth had led to unsafe conditions, lockdowns, increased restrictions on out-of-cell time, and a lack of rehabilitative services. DJJ directors indicated ongoing difficulty recruiting for open positions, despite participating in job fairs, college and university visits, outreach to military and veteran communities, and offering signing bonuses and referral incentives (Manzanares 2025). The root causes of understaffing identified by Virginia state agencies like DJJ—from burnout and high workloads to low starting salaries, lackluster raises, and difficult or unsafe working conditions—are precisely the topics that a structured collective bargaining process would allow state agencies to address, with direct input from frontline employees.

Addressing racial and gender pay gaps to improve recruitment and retention of workers of color and women

The public-sector pay gap disproportionately affects Black workers and women, who are more likely to be employed in public-sector jobs and who are disadvantaged in the broader labor market (Childers 2025). Strengthening collective bargaining rights for government workers in Virginia therefore promises to narrow the pay gap and reduce racial and gender inequalities in public institutions and across the labor market.

For example, a 2024 RAND report showed that Black teachers nationally receive lower average salaries and pay raises than white teachers do, a difference linked directly to the fact that Black teachers were less likely to live in states where public educators had collective bargaining rights. The inadequacy of pay is one of the main reasons teachers report for leaving the profession, further contributing to the demographic mismatch between teachers and students (e.g., nationwide over half of all students are children of color, but the teaching workforce remains around 80% white) (Steiner et al. 2024; Gopalan 2025). Likewise, data show that in states like Wisconsin where legislators have weakened formerly strong collective bargaining rights in the past two decades, resulting decreases in unionization levels and worker wages have measurably widened public-sector pay gaps

and gender pay gaps (Nack et al. 2019; García and Han 2021; Biasi and Sarsons 2022).

Building on success and remedying limitations of current state law that only permits local collective bargaining

In 2020, Virginia partially lifted its long-standing ban on public-sector collective bargaining with legislation creating an “opt-in” system that has allowed local governments to set their own policies on whether and how to bargain with their own employees. While this opening fell far short of creating a consistent statewide framework for collective bargaining, it has resulted in at least 17 of Virginia’s largest cities, counties, and school boards adopting collective bargaining ordinances and creating new pathways to union contracts for substantial numbers of public employees—including, for example, 27,000 teachers and school staff and 12,000 county employees in Fairfax County; nearly 4,000 City of Richmond employees; and others (Borja 2022; Sharma 2022; Khalil 2023; Lukert 2024; Pope 2025; Walter 2026).

The local “opt-in” system was a positive step forward that has already revealed high levels of interest in collective bargaining among Virginia workers. The system resulted in new union contracts covering tens of thousands of frontline educators and civil servants, providing an initial boost to Virginia’s historically low unionization rate.

Significant limitations of the new “opt-in” system have also quickly become clear. As noted above, the major shortcoming of the current law is that it does not ensure equal collective bargaining rights for all public employees. Virginia state employees remain barred from collective bargaining, and in local government where collective bargaining is permitted (but not required), workers continue to lack collective bargaining rights, unless they are able to persuade local officials to adopt and then implement a collective bargaining ordinance. When localities do adopt such ordinances, they may vary in strength and effectiveness (Overman 2023).

As a result, Virginia’s current “opt-in” system for local collective bargaining has generated an uneven patchwork of highly variable (and potentially unstable) collective bargaining policies across the state. Some local governments have continued to block workers’ path to a union contract by rejecting appeals from their own employees to adopt local collective bargaining ordinances (Murphy 2024; Cooper 2025; Lytle 2025; Wilkinson 2025). Because current state law leaves the burden of collective bargaining policy development up to each individual local government, some jurisdictions have expressed interest in or support for collective bargaining while remaining reluctant to invest the necessary time or scarce administrative or legal resources to developing and implementing a local ordinance. Even in larger local jurisdictions with strong collective bargaining ordinances now in place, the “opt-in” system remains fragile and highly

vulnerable to instability whenever turnover occurs among elected leaders or administrators with experience necessary to maintain unique local labor-management systems.

Creating a state labor board to provide efficiency and stability for all Virginia public employers and employees

A proposed state labor board equipped to administer a statewide, uniform collective bargaining framework would serve all Virginia state and local government entities and provide consistency, efficiency, stability, and economies of scale. All Virginia public employers and employees would benefit from access to a central, independent state board with capacities to advise public employers and employees about collective bargaining procedures, administer union elections, and mediate contract negotiations. The creation of such state capacities is also especially important at moment when federal labor agencies with similar capacities have been eliminated or rendered non-functional. Indeed, across the country, many states are relying more than ever on their existing state labor boards, and in some cases, are exploring paths to expanding state labor board capacities in order to ensure consistent protections of workers' rights to unionize and collectively bargain (H.B. 3005; Walter and Madland 2025).

Conclusion

In 2026, Virginia lawmakers should seize the opportunity to enact strong, comprehensive collective bargaining legislation that covers all state and local government workers and creates a state labor board to administer the new system. Under Virginia's current state law (where collective bargaining is banned for state employees and allowed only for some local government workers), pay for Virginia public employees has lagged far behind that of private sector counterparts with similar education and experience.

Stronger collective bargaining rights can help shrink Virginia's large public-sector pay gap, reduce racial and gender pay gaps, and improve recruitment and retention of qualified public employees. Removing barriers to unionization for public employees is also a critical step toward reversing the impacts of long-standing anti-worker state policies in Virginia that have for decades suppressed all workers' wages and contributed to growing income inequality. Lastly, state action to shore up public employee rights is especially important at moment when the federal government is attacking civil servants, public education, health care, and all public services. By extending full collective bargaining rights to historically excluded state and local government workers, state lawmakers can help lead the way to a more vibrant, equitable economy rooted in multiracial democracy in Virginia, the South, and the nation.

Table 1

States that ban or limit collective bargaining rights for government workers have fewer union members

Collective bargaining rights and the share of full-time state and local government workers ages 18–64 belonging to a union, states ranked in order from lowest to highest by union density

State	Teachers	Police	Firefighters	Other local	Other state	Public-Sector union density
SC	B	B	B	B	B	7.1%
NC	B	B	B	B	B	7.5%
AR	P→B	P	P	P→B	P→B	9.8%
VA	B→P	B→P	B→P	B→P	B	14.1%
MS	P	P	P	P	P	14.8%
LA	P	P	P	P	P	14.9%
WY	P	P	R	P	P	15.4%
SD	R	R	R	R	R	15.4%
GA	B	B	P	B	B	17.0%
ID	R	P	R	P	P	18.7%
AZ	P	P	P	P	P	19.0%
TX	B	R	R	B	B	19.1%
TN	R	B	B	B	B	19.4%
ND	R	P	P	P	P	21.9%
UT	P	P	R	P	P	22.4%
KY	P	R	R	P	P	22.6%
CO	P	P	P	P	B→P	23.6%
OK	R	R	R	P	B	24.5%
AL	P	P	P	P	P	24.6%
WI	B	R	R	B	B	24.7%
MO	R	R	R	R	R	25.8%
NM	R	R	R	R	R	26.0%
WV	P	P	P	P	P	26.1%
KS	R	R	R	R	R	26.8%
FL	R→P	R	R	R→P	R→P	27.7%
IA	P	R	R	P	P	29.7%
IN	R	R	R	R	B	31.0%

Table 1
(cont.)

State	Teachers	Police	Firefighters	Other local	Other state	Public-Sector union density
NE	R	R	R	R	R	34.4%
DC	R	R	R	R	R	37.9%
DE	R	R	R	R	R	39.4%
MT	R	R	R	R	R	45.5%
MD	R	P	P	P	R	46.6%
NV	R	R	R	R	R	46.8%
MI	R	R	R	R	R	52.4%
AK	R	R	R	R	R	52.7%
OH	R	R	R	R	R	53.4%
NH	R	R	R	R	R	56.6%
IL	R	R	R	R	R	58.1%
ME	R	R	R	R	R	59.0%
VT	R	R	R	R	R	59.5%
WA	R	R	R	R	R	60.5%
OR	R	R	R	R	R	60.5%
PA	R	R	R	R	R	61.4%
MN	R	R	R	R	R	61.6%
CA	R	R	R	R	R	62.4%
MA	R	R	R	R	R	66.3%
RI	R	R	R	R	R	69.3%
NJ	R	R	R	R	R	70.1%
CT	R	R	R	R	R	74.1%
NY	R	R	R	R	R	75.5%
HI	R	R	R	R	R	75.5%

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Note: Union density is the share of full-time (35+ hour) state and local government workers, ages 18–64, who belong to a union or are covered by a union contract. “B” (“Banned”) denotes states where the specified groups of government workers are barred from bargaining collectively over pay. “P” (“Permitted”) denotes states where these workers may engage in bargaining, but there is no statewide mandate to bargain over pay. “R” (“Required”) denotes states where employers have a duty to bargain with these workers over pay.

Sources: Union density is based on the authors’ analysis of U.S. Census Bureau Current Population Survey Outgoing Rotation Group microdata, September 2020–August 2025 (Flood et al. 2025). The strength of collective bargaining rights for this period is based on the authors’ analysis of Valletta and Freeman (1988); Rueben (1996); Dippel and Sauer (2019) Sanes and Schmitt (2014); Frandsen and Webb (2017); NCTQ (2019); Han (2019); Brannick (2019); NEA (2020); AFSCME (n.d.) cited in McNicholas et al. (2020);

Table 1
(cont.)

Commonwealth Foundation (2021); García and Han (2021); Brannick and Holman (2022); New Mexico Public Employee Labor Relations Board (2023); NCSL (n.d.(a)); IAFF (n.d.).

Table 2

Black, female, and highly educated workers are more likely to work in the public sector

Demographics of Virginia wage and salary workers, 2019–2023

	Private sector	Federal govt.	State govt.	Local govt.
Education				
Less than HS	8.4%	1.0%	2.2%	3.2%
High school	24.2%	14.6%	14.2%	15.2%
Some college	28.1%	25.3%	24.4%	23.1%
Bachelor's degree	24.4%	28.1%	25.5%	28.5%
Advanced degree	14.9%	31.1%	33.7%	30.0%
Race and ethnicity				
White non-Hispanic	58.5%	57.0%	63.7%	66.3%
Black non-Hispanic	18.1%	19.1%	21.2%	20.4%
Hispanic	11.5%	11.1%	5.7%	6.5%
Other non-Hispanic	12.0%	12.7%	9.4%	6.7%
Female	47.7%	35.1%	57.3%	64.5%
Immigrant	17.6%	12.7%	11.2%	9.4%
Average age	41.1%	41.6%	44.1%	45.2%

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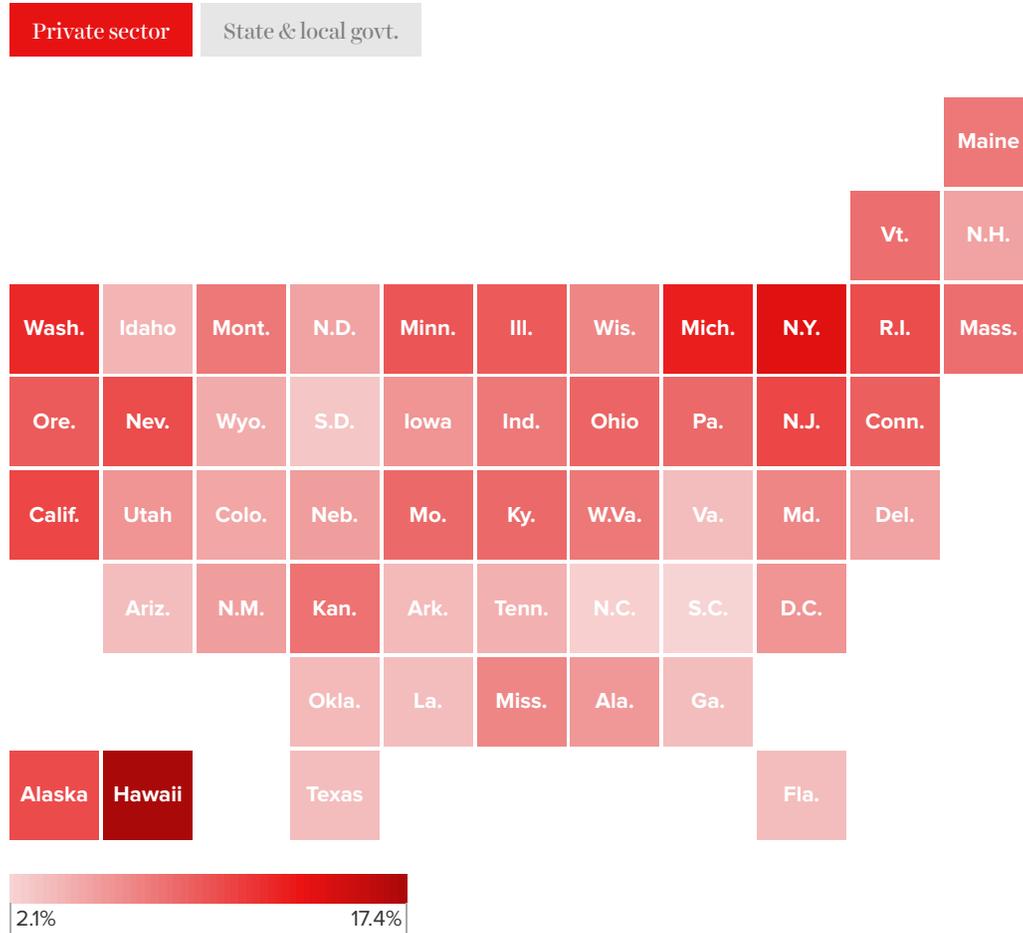
Notes: Statistics shown are for wage and salary workers, ages 18–64, working 35 or more hours per week. Hispanic refers to Hispanic workers of any race, while white, Black, and other refer to non-Hispanic whites, non-Hispanic Blacks, and other racial categories, respectively.

Source: Authors' analysis of American Community Survey microdata, 2019–2023 5-Year Sample (Ruggles et al. 2025)

Figure A

Virginia has low union membership in both the public and private sectors

Private- and public-sector union density by state, full-time wage and salary workers ages 18–64, September 2020–August 2025



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Note: Union density is the share of full-time (35+ hour) wage and salary workers, ages 18–64, who belong to a union or are covered by a union contract.

Source: Union density is based on the authors' analysis of U.S. Census Bureau Current Population Survey Outgoing Rotation Group microdata, September 2020–August 2025 (Flood et al. 2025).

Table 3

States like Virginia with weak public-sector collective bargaining laws have larger public-sector pay gaps

Public-sector pay gaps, full-time wage and salary workers ages 18–64, September 2020–August 2025

	US	Virginia	US, by collective bargaining rights		
			Illegal	Permitted	Duty to Bargain
State and local government pay gap, controlling for age, education, hours worked, and year	-17.2%	-26.7%	-22.5%	-19.6%	-14.3%
...adding demographic controls (female, married, immigrant, race and ethnicity)	-15.8%	-23.9%	-20.1%	-18.2%	-13.4%

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Source: Authors' analysis of pooled and merged Current Population Survey Outgoing Rotation Group microdata (Economic Policy Institute 2025a and Flood et al. 2025). USA regressions include state controls.

Notes

1. If anything, our comparison likely minimizes the public-sector compensation gap in Virginia by comparing benefits for private-sector workers in the South Atlantic region to public-sector workers throughout the country because public-sector data for the South Atlantic region is not available from the Bureau of Labor Statistics. Our comparison does account for the fact that Virginia pension benefits are less generous than public pensions in many parts of the country, though possibly not in two Northern Virginia counties with their own retirement systems. It does not fully account for other differences in benefits between Virginia public-sector workers and their counterparts in other states, though it does account for the fact that public-sector workers in Virginia are covered by Social Security (not true in some states) and adds 1% for public-sector retiree health benefits that are not included in BLS compensation statistics. Finally, it compares all public-sector workers with all private-sector workers, when arguably the better comparison would be between public-sector workers and private-sector workers employed by large employers, who tend to provide more generous benefits than small employers.

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