

60+ Groups to Congress: Defend American Workers from Union Coercion and Oppose the PRO Act



January 20, 2020



Dear Member of Congress,

We are writing in opposition to the Protecting the Right to Organize (PRO) Act. Senator Patty Murray and Congressman Bobby Scott introduced the PRO Act in the Senate (S. 1306) and House of Representatives (H.R. 2474) on May 2, 2019.



We oppose the PRO Act because the legislation would harm workers and taxpayers by codifying many of the Obama-era rules and decisions that led to higher unemployment and a stagnant economy. Representatives who vote for this bill are simply helping labor union bosses, their campaign contributors, at the expense of American workers.



For example, one of the Act's harmful provisions would codify the National Labor Relations Board's 2015 *Browning-Ferris Industries* decision. That decision expanded the definition of joint employer and increased liability for many businesses, especially franchises. In fact, the International Franchise Association has found that the expanded joint employer rule costs the franchise sector as much as \$33.3 billion annually and has led to 376,000 lost job opportunities. Codifying this NLRB decision would effectively eliminate this business model, putting many employees and small businesses out of work. However, big labor would benefit from this provision because they could unionize these employees more easily.



This bill would also force all private sector workers to pay fees to labor unions, whether they wanted to support them or not. This would effectively invalidate all state Right-to-Work laws and would deny First Amendment rights to these workers. This provision hurts workers because right-to-work laws have benefited workers. From 2008 – 2018, for example, the percentage growth in the number of people employed in right-to-work states was 10.8%, while the percentage for those in forced-unionism states was much lower at 5%. Invalidating these laws would, therefore, hurt workers and employers, but would provide more dues to unions.





Another business model that is severely threatened by this legislation is the gig economy. The PRO Act would codify California's new "ABC" test to determine who is an independent contractor and who is an employee. This test makes it harder for employers to hire independent contractors, but makes it easier for unions to unionize workers. According to the Federal Reserve, about 3 in 10 Americans work in the gig economy, and these workers would be at risk for losing their jobs.



One final example is the provision that would codify the Obama-era ambush elections rule. That rule shortened the time frame of an election to unionize workers and provided the contact information of workers without their consent to labor unions. This rule harmed workers by providing them with an inadequate amount of time to learn how unionization would affect them. In addition, unions would be able to violate the privacy of workers once they had their contact information. Once again, with a shortened time frame and the contact information of workers, labor bosses could more easily unionize these workers.



Because the legislation harms workers in order to help labor union bosses, we strongly urge Members of Congress to vote against the PRO Act.



Sincerely,

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