

January 31, 2020

Dear Representatives

The undersigned organizations support the *Protecting the Right to Organize (PRO) Act*, as introduced by Senators Patty Murray (D–Wash.) and Jacky Rosen (D–Nevada), Representatives Bobby Scott (D–Va.), Frederica Wilson (D–Fla.), Andy Levin (D–Mich.), Pramila Jayapal (D–Wash.), and Brendan Boyle (D–Penn.).

The ability of working people to join together to collectively bargain for fair pay and working conditions is a fundamental right. When working people join a union, they have a voice on the job and the ability to collectively bargain for wages, benefits, and working conditions. Unions are crucial in fostering a vibrant middle class and reducing income inequality. When unions are strong, they set wage standards for entire industries and occupations, they make wages more equal within occupations, and they help close racial and gender wage gaps.

For decades, however, that right has been eroding as employers exploit weaknesses in the current law to interfere with workers' rights—and face no real consequences for doing so. The result has been stagnant wages, unsafe workplaces, and rising inequality.

The PRO Act would go a long way toward restoring workers' right to organize and bargain collectively by streamlining the process for forming a union, ensuring that new unions are able to negotiate a first collective bargaining agreement, and holding employers accountable when they violate workers' rights.

This is important because by bringing workers' collective power to the bargaining table, unions are able to win better wages and benefits for working people. On average, a worker covered by a union contract earns 13.2 percent more in wages than a peer with similar education, occupation, and experience in a nonunionized workplace in the same sector. Moreover, when unions are strong, they set wage standards for entire industries and occupations, they make wages more equal within occupations, and they help close racial and gender wage gaps. Finally, there is a huge gap between the share of workers with union representation (11.9 percent) and the share of workers that would like to have a union and a voice on the job (48 percent)¹. The PRO Act would take a major step forward in closing that gap.

The PRO Act protects the right to join a union by:

1. **Imposing stronger remedies when employers interfere with workers' rights.** Under current law, there are no penalties on employers nor any compensation awarded to workers when employers illegally fire or retaliate against workers who are trying to form a union. The PRO Act would institute civil penalties for violations of the National Labor Relations Act (NLRA) and would also require the National Labor Relations Board (NLRB) to go to court and get an injunction to immediately reinstate workers if the NLRB believes the employer has illegally retaliated against workers for union activity. Finally, the PRO Act would give workers the right to go to court on their own to seek relief, bringing labor law in line with other workplace laws that

¹ Thomas Kochan, William Kimball, Duanyi Yang and Erin L. Kelly, "Voice Gaps at Work, Options for Closing Them, and Challenges for Future Actions and Research." MIT Sloan School of Management, Institute for Work and Employment Research, working paper, June 2018. <https://gcci.mit.edu/voice-gaps-work-options-closing-them-and-challenges-future-actions-and-research>

allow for a private right of action.

2. **Strengthening workers' right to join a union and collectively bargain over working conditions.** Though current federal law requires employers to bargain in good faith with the union chosen by their employees to reach a collective bargaining agreement, employers often drag out the bargaining process to avoid reaching an agreement. The PRO Act establishes a process for reaching a first agreement when workers organize, employing mediation and then, if necessary, binding arbitration, to enable the parties to reach a first agreement. The PRO Act would also allow employers and unions to agree upon a "fair share" clause requiring all workers who are covered by the collective bargaining agreement to contribute a fair share fee towards the cost of bargaining and administering the agreement, even in so called "right-to-work" states. Furthermore, the PRO Act will help level the playing field for workers by repealing the prohibition on secondary boycotts and prohibiting employers from permanently replacing strikers.
3. **Unrigging the rules that are tilted against workers.** Too often, employers misclassify workers as independent contractors because only employees have the right to organize under the NLRA. Similarly, employers will misclassify workers as supervisors to deprive them of their NLRA rights. The PRO Act tightens the definitions of independent contractor and supervisor to crack down on misclassification and make sure that all eligible workers are able to unionize if they choose to do so. The PRO Act also makes clear that workers can have more than one employer, and that both employers need to engage in collective bargaining over the terms and conditions of employment that they control or influence. And in an effort to create transparency in labor-management relations, the PRO Act would require employers to post notices that inform workers of their NLRA rights and to disclose contracts with consultants hired to persuade workers on how to exercise their rights.

The time for the PRO Act is long overdue, and we cannot delay in working toward its passage. We call on Congress to enact this important piece of legislation as quickly as possible to ensure working people are paid fairly, treated with dignity, and have a voice on the job.

Sincerely,

Economic Policy Institute
National Employment Law Project
1worker1vote
350.org
9to5
AFL-CIO
Alianza Nacional de Campesinas, Inc.
Alliance for Justice
Alliance for Retired Americans
American Association for Justice
American Family Voices
American Federation of State, County and Municipal Employees
American Federation of Teachers, AFL-CIO

American Income Life (AIL)
American Income Life: Michael Vasu Agency
Americans for Democratic Action (ADA)
Asian Pacific American Labor Alliance, AFL-CIO
Association of Flight Attendants-CWA
Autistic Women & Nonbinary Network (AWN)
Bend the Arc: Jewish Action
BlueGreen Alliance
California Reinvestment Coalition
Campaign for America's Future
Catholic Labor Network
Center for American Progress
Center for Law and Social Policy
Center for Popular Democracy
Center for Public Policy Priorities
Centro de los Derechos del Migrante, Inc.
Child Labor Coalition
Claimant Advocacy Program, Metropolitan Washington Council AFL-CIO
Coalition of Labor Union Women
Coalition on Human Needs
Colorado Fiscal Institute
Commonwealth Institute for Fiscal Analysis
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
CWA
Demos
Domestic Violence Legal Empowerment and Appeals Project
Economic Opportunity Institute
Endangered Species Coalition
Equal Rights Advocates
Fair World Project
Family Values@Work
Farmworker Justice
Fiscal Policy Institute
Friends Committee on National Legislation
Friends of the Earth
Futures Without Violence
GoldenHours Consulting
Greenpeace
Human Rights Watch
Indiana Institute for Working Families
Indivisible
Interfaith Worker Justice
International Association of Machinists and Aerospace Workers
International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART)

International Brotherhood of Boilermakers
International Brotherhood of Teamsters
International Federation of Professional & Technical Engineers (IFPTE), AFL-CIO
International Organization of Masters, Mates & Pilots
International Union of Painters and Allied Trades
IUE-CWA
Jobs With Justice
Justice in Motion
Kentucky Equal Justice Center
Labor Project for Working Families in partnership with FV@W
LAANE
Leadership Conference on Civil and Human Rights
League of Conservation Voters
League of United Latin American Citizens (LULAC)
Legal Aid at Work
Legal Aid Society of MFS
Louisiana Budget Project
Main Street Alliance
MANA, A National Latina Organization
Maritime Trades Department, AFL-CIO
Massachusetts Law Reform Institute
Michigan League for Public Policy
Milwaukee Area Service & Hospitality Workers Organization
NAACP
National Advocacy Center of the Sisters of the Good Shepherd
National Asian Pacific American Women's Forum
National Consumers League
National Domestic Workers Alliance
National Education Association
National Employment Lawyers Association
National Equality Action Team
National Immigration Law Center
National LGBTQ Task Force Action Fund
National Nurses United
National Organization for Women
National Partnership for Women & Families
National Urban League
National Women's Law Center
National Workrights Institute
NC Justice Center
NETWORK Lobby for Catholic Social Justice
New Jersey Policy Perspective
New Orleans Workers' Center for Racial Justice
Nonprofit Professional Employees Union

OPEIU
Oxfam America
Patriotic Millionaires
People's Action
People For the American Way
PFLAG National
Policy Matters Ohio
PolicyLink
Pride at Work
Progressive Leadership Alliance of Nevada
Public Citizen
Public Justice Center
Restaurant Opportunities Centers United
Service Employees International Union (SEIU)
Sierra Club
SMART TD
South Florida Interfaith Worker Justice
Sugar Law Center for Economic and Social Justice
Transport Workers Union
UnidosUS Action Fund
Union Veterans Council, AFL-CIO
United Association of Union Plumbers and Pipefitters
United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)
United Food and Commercial Workers International Labor Union
United Steelworkers (USW)
Verite
Voices for Progress
VoteVets
Washington State Labor Council, AFL-CIO
West Virginia Center on Budget and Policy
Women Employed
Workers Defense Project
Workers' Rights Institute of Georgetown Law Center
Working America
Working Families Party
Working Partnerships USA
Workplace Fairness
WV Citizen Action Group