



# Opening Statement

COMMITTEE ON EDUCATION & LABOR

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The Hon. Robert C. "Bobby" Scott • Chairman

## Opening Statement of Madam Chairwoman Frederica Wilson (FL-24)

Subcommittee on Health, Employment, Labor, and Pensions Hearing  
*Protecting the Right to Organize Act: Deterring Unfair Labor Practices*  
2175 Rayburn House Office Building  
Wednesday, May 8, 2019 | 2:00pm

Today, we are holding the first legislative hearing on HR 2474, the *Protecting the Right to Organize*, or the *PRO Act*, a comprehensive proposal to strengthen workers' right to organize and bargain for higher wages, better benefits, and safer working conditions. This hearing will focus specifically on the provisions of the bill that deter employers from violating workers' rights through coercion, retaliation, and delay.

For generations, labor unions fueled our nation's prosperity, protected the health and safety of American workers, and supported a strong middle class. When union membership was at its peak of around 30 percent between the end of World War II and 1973, wage growth and worker productivity grew at nearly identical rates.

But – over the next four decades – as union membership declined, the link between rising productivity and rising pay was eroded. Between 1973 and 2017, worker productivity increased by 73 percent, but wages only grew by 12 percent, adjusting for inflation. This shift has undermined the financial security of workers and their families and contributed to the severe income inequality we face today.

Yet – despite the proven benefits of strong unions - just one in 10 workers is currently a union member. That's a level not seen since the 1930s, just before the passage of the *National Labor Relations Act*.

But American workers have not given up on unions. Far from it. Support for unions is at a four-decade high. According to a poll of workers across the country by researchers at MIT, 48 percent of non-union workers said they would vote to join a union.

One major reason for the gap between worker enthusiasm and low union density is that toothless labor laws, more intense and more sophisticated employer opposition to unions, and relentless political attacks have dismantled workers' right to organize.

The current system allows employers to unlawfully discourage, delay, or prohibit union organizing with near impunity. Even when our labor laws work as intended, employees are often left with hollow victories after months or years of appeals.

Today, we will evaluate how provisions in the *PRO Act* would deter employers from violating workers' rights to form unions.

The *PRO Act* would do this in five ways:

First, it establishes meaningful penalties for companies that violate their employees' rights. Incredibly, there are no civil penalties that can deter employers from violating workers' rights to organize under current law—no matter how repeated or willful the conduct. The *PRO Act* would authorize civil penalties for employers that retaliate against workers who seek to join a union.

Second, the *PRO Act* would streamline procedures to guarantee swift remedies. If a worker is unlawfully fired for organizing, they may have to wait years before receiving recourse, and justice delayed is justice denied. The *PRO Act* would guarantee temporary reinstatement for workers while their cases are pending, and would make National Labor Relations Board orders self-enforcing, like those of any other federal agency.

Third, the *PRO Act* would ban employers from requiring employees to attend captive audience meetings.

Fourth, the *PRO Act* would establish a mediation and arbitration process to encourage employers and unions to reach a first collective bargaining agreement. Under current law, even if a union wins an election, employers can stall at the bargaining table with minimal consequences. The *PRO Act* would effectuate the NLRA's original purpose of promoting collective bargaining.

And finally, the *PRO Act* fosters transparency, so employees know their rights under the law. Other federal labor and employment laws require employers to post notices of employees' rights—like Title VII of the Civil Rights Act, the Family and Medical Leave Act, and OSHA. The *PRO Act* will similarly guarantee that employers notify employees of their rights under the law.

This legislation is about restoring workers' right to organize and improving the quality of life for workers and their families in communities across America.