

# AFL-CIO

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## LEGISLATIVE ALERT

March 8, 2021

Dear Representative:

On January 26, we wrote in support of the Protecting the Right to Organize (PRO) Act (H.R. 842), which would restore the original intent of the National Labor Relations Act (NLRA) to give working people a voice on the job so they can negotiate for higher wages, better benefits, a more secure retirement and a safer workplace. We write today to redouble our request and to express our views on amendments to H.R. 842 that the Rules Committee has made in order.

Now is the time to pass the PRO Act. For too long, employers have been allowed to violate workers' rights with impunity because the law includes no penalties for doing so. As a result, workers' ability to negotiate for better pay and benefits has eroded and income inequality has reached levels we have not seen since the Great Depression. In the midst of a global pandemic, which has killed tens of thousands of front line workers, it is more important than ever that working people have the right to rely on the protection of a union contract.

The PRO Act will level the playing field to give workers a fair shot when fighting for improvements on the job. The bill modernizes the NLRA by bringing its remedies in line with other workplace laws. In addition to imposing financial penalties on companies and individual corporate officers who violate the law, the bill would give workers the option of bringing their case to federal court. The bill would also make union elections fairer by prohibiting employers from requiring their employees to attend "captive audience" meetings, a common tactic whereby employers present anti-union propaganda to pressure workers to vote against the union.

Under the bill, once workers vote to form a union, the National Labor Relations Board (NLRB) would be authorized to order that the employer commence bargaining a first contract. These orders would be enforced in district courts to ensure swift justice, avoiding the complex and drawn out process in the courts of appeals. In addition, the bill would ensure that employees are not deprived of our right to a union because an employer deliberately misclassifies them as supervisors or independent contractors.

Too often, when workers choose to form a union, employers stall the bargaining process to avoid reaching an agreement. The PRO Act would establish a process for mediation and arbitration to help the parties achieve a first contract. This important change would make the freedom to negotiate a reality for countless workers who form unions but never get to enjoy the benefits of a collective bargaining agreement due to employers' intentional delays.

The PRO Act recognizes that employees need the freedom to picket or withhold our labor in order to push for the workplace changes we need. The bill protects employees' right to strike by preventing employers from hiring permanent replacement workers.

It also allows unrepresented employees to engage in collective action or class action lawsuits to enforce basic workplace rights, rather than being forced to arbitrate such claims alone.

Finally, the bill would eliminate “right to work” laws. These laws, steeped in a history of racism, are promoted by billionaires and special interest groups to give more power to corporations at the expense of workers, and have the effect of lowering wages and eroding pensions and health care coverage in states where they have been adopted.

The PRO Act is the first step towards restoring our middle class by strengthening the collective power of workers to negotiate for better pay and working conditions. After the PRO Act’s passage, we urge Congress to further empower workers through passage of the Public Service Freedom to Negotiate Act, so our nation’s public sector workers may enjoy the protections of a union contract.

We urge you to support and vote for the PRO Act.

### **Amendment Recommendations**

Tlaib (#8) This amendment establishes a 120-day timeline for the tripartite arbitration process between the employees/labor organization and employer to ensure that the arbitration process is not indefinitely drawn out. **Vote yes.**

Hern (#6) Prohibits the PRO Act from taking effect until the Secretary of Labor certifies that the PRO Act will not negatively affect employment rates. There is nothing to support the notion that strong labor protections have adverse impacts on job numbers. This serves no purpose other than to further delay worker access to the protections of the PRO Act. **Vote no.**

Keller (#16) This amendment deletes the provisions of the bill prohibiting employers from permanently replacing workers on strike and protecting the rights of workers to engage in brief or intermittent strikes. **Vote no.**

Good (#18) Amends section 302 of the Labor Management Relations Act to prohibit employers from remaining neutral during an organizing effort or election. **Vote no.**

Comer (#21) This amendment strikes the provision of the bill which requires employers to disclose how much they are spending on union-busting or “union avoidance” consultants. **Vote no.**

Torres (#22) This amendment revises the Labor-Management and Disclosure Act of 1959 to require the Department of Labor to make disclosures under the persuader rule publicly available in an accessible and searchable electronic form, and through a secure software application for use on an electronic device. **Vote yes.**

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**TEFERE GEBRE**  
EXECUTIVE VICE PRESIDENT

Walberg (#24) This amendment seeks to extend the time between a petition for a union election and a pre-election hearing. **Vote no.**

Levin (#34) This amendment directs the NLRB to develop a system and procedures to conduct union representation elections electronically, as allowed by the PRO Act itself. **Vote yes.**

Fulcher (#37) Codifies a vote-and-impound process through which the NLRB will conduct union elections even where employer coercion or other unfair labor practices have occurred, tainting the election. This policy is harmful to workers who are subject to employer unfair labor practices during or prior to a union election. **Vote no**

Fitzgerald (#39) Requires an unnecessary administrative process for unions to collect consent before using dues for activities other than collective bargaining or contract administration. Serves only to create administrative hurdles as employees are already entitled to limit payments to union to those for representational purposes. **Vote no.**

Allen (#47) This amendment strikes the provision requiring states to allow “fair share agreements.” So-called “Right to Work” laws, which prohibit fair share agreements, depress wages and benefits. **Vote no.**

McBath (#54) This amendment simply clarifies that the definition of employer and employee in the PRO Act does not affect state laws governing wages, hours, workers’ compensation or unemployment insurance. **Vote yes.**

Wilson (#59) This amendment strikes the provision requiring states to allow “fair share agreements.” So-called “Right to Work” laws, which prohibit fair share agreements, depress wages and benefits. **Vote no.**

Newman (#67) This amendment ensures that the NLRB’s notices that inform workers of their rights be in the languages spoken by the employees. **Vote yes.**

The AFL-CIO offers **no recommendation** on the following amendments: Jackson Lee (#12), Bordeaux (#25), Stevens (#65), Murphy (#68), Davids (#71).

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Restoring our middle class depends on strengthening the collective power of workers to negotiate for better pay and working conditions. This is why public support for unions is the highest it has been in decades. We urge you to support the PRO Act, oppose all weakening amendments for the reasons explained above, and help us build an economy that works for all working families. We also urge you to oppose any Motion to Recommit, which would have the effect of killing the bill.

Sincerely,



William Samuel  
Director, Government Affairs

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