

March 8, 2021

Dear Members of Congress,

The undersigned organizations support the *Protecting the Right to Organize (PRO) Act*, as introduced by Senators Patty Murray (D–Wash.) and Chuck Schumer (D–N.Y.), 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 unions and collectively bargain for fair pay and working conditions is a fundamental right. The freedom to join a union helps all working people support their communities and the ones they love because 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, all of which has been exacerbated by the impacts of the coronavirus pandemic.

The PRO Act is a crucial step towards 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.

By bringing workers’ collective power to the bargaining table, unions are able to win better wages and benefits for all working people. On average, a worker covered by a union contract earns 11.2% more in wages than a peer with similar education, occupation, and experience in a nonunionized workplace in the same sector. This boost in wages is even higher for workers of color—unionized Black workers earn 13.7% more than their nonunionized peers and unionized Latinx workers earn 20.1% more than their nonunionized peers.¹ There is a huge gap between the share of workers with union representation (12.1 percent) and the share of workers that would like to have a union and a voice on the job (48 percent)². The PRO Act would take a major step forward in closing that gap.

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

- **Imposing stronger remedies when employers interfere with workers’ rights.**
Employers are charged with violating federal law in 41.5% of all NLRB union election

¹ Celine McNicholas, Lynn Rhinehart, Margaret Poydock, Heidi Shierholz, and Daniel Perez, [Why Unions Are Good for Workers—Especially in a Crisis Like COVID-19: 12 Policies That Would Boost Worker Rights, Safety, and Wages](#), Economic Policy Institute, August 2020.

² Thomas A. Kochan, Duanyi Yang, William T. Kimball, and Erin L. Kelly, [“Worker Voice in America: Is There a Gap Between What Workers Expect and What They Experience?”](#) *ILR Review* 72, no. 1 (January 2019): 3–38.

campaigns.³ Under current law, there are no penalties for employers that 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 allow for a private right of action.

- **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 workers gain a stronger voice in their communities by repealing the prohibition on secondary boycotts and prohibiting employers from permanently replacing strikers.
- **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. The coronavirus pandemic has underscored the importance of unions giving workers a collective voice in the workplace. During the crisis, unionized workers have been able to secure enhanced safety measures, additional premium pay, paid sick time, and a say in the terms of furloughs or

³ Celine McNicholas, Margaret Poydock, Julia Wolfe, Ben Zipperer, Gordon Lafer, and Lola Loustaunau, [*Unlawful: U.S. Employers Are Charged with Violating Federal Law in 41.5% of All Union Election Campaigns*](#), Economic Policy Institute, December 2019.

work-share arrangements to save jobs. 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,

9to5

A Better Balance

Alliance for Retired Americans

American Family Voices

American Federation of State, County and Municipal Employees

American Federation of Teachers (AFT)

Americans for Democratic Action (ADA)

Asian Pacific American Labor Alliance, AFL-CIO

Block Builderz

BlueGreen Alliance

Campaign for America's Future

Center for American Progress

Center for Law and Social Policy (CLASP)

Center for LGBTQ Economic Advancement & Research (CLEAR)

Center for New York City Affairs at The New School

Center for Popular Democracy

Citizen Action of Wisconsin

Climate Hawks Vote

Coalition of Labor Union Women

Coalition on Human Needs

Colorado Center on Law and Policy

Common Defense

Communications Workers of America (CWA)

Community Change Action

Community Organizing and Family Issues (COFI)

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

DC Dorothy Day Catholic Worker

Demos

Dream Corps Green For All

Economic Policy Institute

Empire State Consumer Project

Equal Rights Advocates

Every Texan

Florida NOW Education Fund

Friends of the Earth

GADSDEN COUNTY DEMOCRATIC WOMEN'S CLUB

Gig Workers Rising

Granite State Organizing Project

Groundwork Collaborative

Hometown Action

Human Rights Watch

ICNA CSJ

Indivisible

Indivisible Marin

Institute for Women's Policy Research

International Brotherhood of Teamsters

International Federation of Professional and Technical Engineers (IFPTE)

Jacksonville NOW FL0205

Jobs to Move America

Jobs with Justice

Just Economics of WNC

Justice at Work (Pennsylvania)

Kentucky Equal Justice Center

League of Conservation Voters
League of United Latin American Citizens
Legal Aid at Work
LGBTQ Allyship
Maine AFL-CIO
Michigan League for Public Policy
Milwaukee Area Service & Hospitality Workers Organization
National Advocacy Center of the Sisters of the Good Shepherd
National Center for Law and Economic Justice
National Center for Lesbian Rights
National Council of Jewish Women
National Education Association
National Employment Law Project
National Employment Lawyers Association
National Equality Action Team (NEAT)
National Partnership for Women & Families
National WIC Association
National Women's Law Center
Natural Resources Defense Council
NETWORK Lobby for Catholic Social Justice
Nonprofit Professional Employees Union
Northridge Indivisible
Our Revolution
Oxfam America
Partnership for Working Families
Patriotic Millionaires
People For the American Way
People's Action

People's Parity Project
Philadelphia Drivers Union
Philly CLUW
Policy Matters Ohio
POWER-PAC IL
Pride at Work
Public Citizen
Results for America
Sciencecorps
Service Employees International Union
Shriver Center on Poverty Law
Society of Professional Engineering Employees in Aerospace (SPEEA), IFPTE 2001
Sunrise Movement
Take on Wall Street
The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)
The Leadership Conference on Civil and Human Rights
The National LGBTQ Workers Center
The New York Women's Foundation
The Sex Workers Project of the Urban Justice Center
The United Methodist Church - General Board of Church and Society
Union Veterans Council, AFL-CIO
United Church of Christ, Justice and Witness Ministries
United for Respect
United Steelworkers (USW)
Voices for Progress
Washington Lawyers' Committee for Civil Rights & Urban Affairs
West Pinellas NOW
Women Employed

Women's Law Project

Workplace Fairness

Young Invincibles