



March 8, 2021

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AAJC

VOTE YES on H.R. 842, the Protecting the Right to Organize Act of 2021

Dear Representative,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all person in the United States, **we urge you to vote YES on H.R. 842, the Protecting the Right to Organize (PRO) Act of 2021.** Protecting the right to collectively bargain is a top priority for the civil and human rights community, and **The Leadership Conference will include your vote on H.R. 842 in our Voting Record for the 117th Congress.**

Economic security is inextricably linked to civil and human rights, and enabling working people to exercise the right to form unions and engage in meaningful collective bargaining is one of the most effective, efficient, and comprehensive ways to promote economic security for individuals and their families. Unions allow working people to have a stronger voice to advocate for fair wages, safer working conditions, and better workplace standards. A working person covered by a union contract earns, on average, 11.2 percent more in wages than a nonunionized worker in the same sector with similar education and experience, and the gains are even more pronounced for workers of color. Black workers, for example, earn 14 percent more than their non-union counterparts, and Latino workers earn 20 percent more. Unions also help close race and gender wage gaps, and unionized workers enjoy safer workplaces, stronger health care benefits, more predictable work schedules, greater access to paid sick days, and better retirement benefits.¹

The benefits of unions have become even more pronounced during the COVID crisis. Too many essential workers during this pandemic have lacked basic protections on the job, leading to thousands of working people becoming infected with the coronavirus, some dying as a result. Many sites of coronavirus outbreaks during the pandemic were at workplaces that offered low-pay and limited, if any, benefits to workforces with large concentrations of people of color, women, and immigrants – communities, who because of decades of systemic discrimination, have fewer resources to withstand a health emergency. Working people with a union, however, were better able to negotiate enhanced health and safety measures, premium pay, and paid sick leave during this crisis. Research also shows that

¹ Celine McNicholas, et al., Economic Policy Institute, “Why Unions are Good for Workers – Especially in a Crisis Like COVID 19” (Aug. 23, 2020), <https://www.epi.org/publication/why-unions-are-good-for-workers-especially-in-a-crisis-like-covid-19-12-policies-that-would-boost-worker-rights-safety-and-wages/>.

unionized workers have felt less fearful speaking out about health and safety hazards on the job.

Despite the right to form unions and collectively bargain, attacks on unions have led to a decline in the share of working people covered by collective bargaining agreements over the past 40 years, a trend that has mirrored the rise in income inequality in America. It is clear, however, that working people want to join unions. There is a 400 percent gap between the percentage of working people who say they want a union – 48 percent – and the percentage of unionized workers, around 12 percent.² Workers want unions because they have seen how having a collective voice allows them to win better pay and benefits, stronger health and safety protections, and more fairness on the job. The PRO Act would streamline the process for forming a union, ensure that new unions are able to negotiate a first collective bargaining agreement, and hold employers accountable when they violate workers' rights.

Though the National Labor Relations Act (NLRA) was meant to encourage collective bargaining, in the 80 years since its passage, nearly every amendment to the law has made it harder for working people to form unions. This allows employers to take advantage of weaknesses in the law to undermine the rights of working people, including firing pro-union workers, holding mandatory meetings to bash unions, and refusing to bargain a first contract after a union is formed. These hostile behaviors, which occur at the expense of the employee, are often without consequence for the employer. The PRO Act seeks to remedy this imbalance by bolstering workers' rights and creating accountability for employers that engage in anti-union behavior.

The PRO Act would reform existing labor laws and protect the right to join a union by:

- **Imposing stronger remedies when employers interfere with workers' rights.** The PRO Act would institute civil penalties for violations of the NLRA and would also require the National Labor Relations Board (NLRB) to go to court for an injunction to immediately reinstate terminated workers if the NLRB believes an employer has illegally retaliated against workers for union activity. The PRO Act would also 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.** The PRO Act would prohibit employers from holding mandatory anti-union meetings and engaging in other coercive anti-union tactics. The law would establish a process for reaching a first agreement when workers organize, employing mediation, and then, if necessary, binding arbitration. 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. The PRO Act will also help level the playing field for workers by repealing the prohibition on secondary boycotts and prohibiting employers from firing workers during lawful strikes.

² Thomas A. Kochan, et al., "A Growing Number of Americans Want to Join a Union," PBS News Hour (Sept. 3, 2018), <https://www.pbs.org/newshour/nation/a-growing-number-of-americans-want-to-join-a-union>.

- **Unrigging the rules that are tilted against workers.** The PRO Act tightens the definitions of independent contractor and supervisor to help prevent misclassification and make sure that all eligible workers can 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. To create transparency in labor-management relations, the PRO Act would require employers to post notices that inform workers of their NRLA rights and to disclose contracts with consultants hired to persuade workers on how to exercise their rights.

Through organizing, bargaining, litigation, legislative, and political advocacy, unions and the labor movement have played a significant role in advancing the rights and interests of people of color and women in the workplace and in our society overall. Unions can best play this role when the right of workers to organize and bargain is fully protected and can be freely exercised.

Working people in America need – and have a right to enjoy – the benefits that result from collective bargaining and union membership. We urge you to vote yes on H.R. 842, the Protecting the Right to Organize Act of 2021, to help ensure that working people are paid fairly, treated with dignity, and have a voice on the job. If you have any questions, please contact Gaylynn Burroughs, Senior Policy Counsel, at burroughs@civilrights.org.

Sincerely,



Wade Henderson
Interim President and CEO



LaShawn Warren
Executive Vice President for Government Affairs