

PROTECTING THE RIGHT TO ORGANIZE ACT

FACT SHEET

A strong middle class is essential to a strong economy. While corporations and the wealthy continue to capture the rewards of a growing economy, working families and middle-class Americans are being left behind. From 1979 to 2020, annual wages for the bottom 90 percent of households increased just 26 percent, while average incomes for the wealthiest 1 percent [increased more than 160 percent](#).

Unions are critical to increasing wages and creating an economy that rewards hardworking people, but special interest-funded attacks on labor laws have eroded union membership. Our nation's economic inequality is not a natural product of a functioning economy—it is the result of a decades-long effort to exploit toothless labor laws and strip workers of the power to join together and negotiate for decent wages, benefits, and working conditions. As a result, the share of American workers who are union members has fallen from roughly one in every three workers in 1956 to a [new low of 10.1 percent in 2022](#). The *Richard L. Trumka Protecting the Right to Organize (PRO) Act* (H.R. 20) restores fairness to the economy by strengthening the federal laws that protect workers' right to join a union.

The American people's support for unions is surging. According to a 2022 Gallup poll, [71 percent of Americans approve of labor unions](#)—the highest that Gallup has recorded since 1965. This is a direct result of Americans rejecting the unfair labor practices and unsafe working conditions made worse during the height of the COVID-19 pandemic. Now, workers are once again turning to unions to secure safer workplaces, livable wages, and better benefits.

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

1. Empowering workers to exercise their right to organize;
2. Holding employers accountable for violating workers' rights; and
3. Securing free, fair, and safe union elections.

Empowering Workers to Exercise Their Right to Organize

After a decades-long assault on workers' rights, funded by corporations and special interests, workers need stronger protections under the National Labor Relations Act (NLRA), so they can exercise their basic right to stand together and organize a union. In response, the PRO Act:

- **Streamlines access to justice for workers who suffer retaliation for exercising their rights.** Workers who suffer retaliation for participating in organizing activity are forced to wait months or even years before their case gets resolved. The bill requires the NLRB to immediately seek an injunction to reinstate employees while their case is pending. It also gives the NLRB the power to enforce its own rulings, like other federal agencies, instead of waiting for a decision from the Court of Appeals.
- **Enhances workers' right to support boycotts, strikes, or other acts of solidarity.** The bill protects workers' First Amendment rights by removing prohibitions on workers acting in solidarity with workers at other companies. Also, the bill safeguards the right to strike by clarifying that "intermittent" strikes do not lose their legal protection, and by prohibiting companies from permanently replacing workers who participate in a strike.

- **Gives workers the power to override so-called “right-to-work” laws that prevent unions from collecting dues from the workers they represent.** “Right-to-work” laws advanced by anti-union politicians are designed to strip workers of the power and resources to defend themselves against wealthy special interests. The *PRO Act* allows employers and unions to enter into a contract that allows unions to collect dues from the workers they represent.
- **Authorizes a private right of action for violations of workers’ rights.** The bill allows workers to seek justice in court when employers unlawfully interfere with their rights or retaliate against them for exercising their rights, if the NLRB’s General Counsel fails to prosecute their case. Under current law, workers have no recourse if the NLRB’s General Counsel fails to take their case.

Holds Employers Accountable for Violating Workers’ Rights

Under NLRA, the federal law that protects workers’ right to join together and negotiate with their employers, there are no monetary penalties for companies that violate workers’ rights no matter how repeated or egregious the violation. In addition, employers are constantly exploring new ways to prevent their workers from organizing. In response, the PRO Act:

- **Authorizes meaningful penalties for companies and executives for violating workers’ rights.** The bill authorizes the National Labor Relations Board (NLRB) to assess monetary penalties for each violation in which a worker is wrongfully terminated or suffers serious economic harm. The bill also permits the Board to impose personal liability on corporate directors and officers who participate in violations of workers’ rights or have knowledge of and fail to prevent such violations.
- **Closes loopholes in labor law that erode workers’ rights.** The bill prevents employers from misclassifying their employees and prevents workers from being denied remedies due to their immigration status. It also sets a “joint employer” standard that ensures employees across the country have the right to collectively bargain with all of the companies that control the terms and conditions of their employment.
- **Prevents companies from denying workers’ access to justice** by overturning Justice Gorsuch’s assault on workers in *Epic Systems v. Lewis*. The bill clarifies that employers may not force employees to waive their right to engage in collective or class-action litigation.

Secures Free, Fair, and Safe Union Elections

Workers seeking to form a union are forced endure a process that is rigged against them from start to finish. As a result, many workers do not have a real opportunity to exercise their basic rights. In response, the PRO Act:

- **Prevents employers from interfering in union elections.** The bill prohibits employers from requiring workers to attend meetings designed to persuade them against voting in favor of a union. If a violation takes place or the employer otherwise interferes with a union representation election, the NLRB will be empowered to issue an order that requires the employer to bargain with the union. The bill also prevents employers from interfering in representation cases, which exist to determine workers’ free choice, not corporations’ preference about how their employees should exercise protected rights. Furthermore, the bill permits employees to vote off their employers’ premises, in a neutral, non-coercive environment of their choosing.
- **Facilitates initial collective bargaining agreements.** Even when workers succeed in forming a union, nearly half of newly formed unions fail to ever reach a contract with the employer. The bill facilitates first contracts between companies and newly certified unions by requiring mediation and arbitration to settle disputes.
- **Requires employers to be transparent with their workers.** The bill requires employers to post notices that inform workers of their rights under the *National Labor Relations Act*, and to disclose contracts with consultants hired to persuade employees on how to exercise their rights.