

KEY VOTE ALERT



March 8, 2021

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce strongly opposes H.R. 842, the “Protecting the Right to Organize (PRO) Act.” **The Chamber will include votes on this legislation in our annual *How They Voted* scorecard.**

This iteration of the PRO Act includes even more harmful provisions than earlier versions from past Congresses. The PRO Act would radically rewrite American labor policy and eliminate any sense of balance that has existed since Congress passed the National Labor Relations Act (NLRA) in 1935. The bill would deliberately eliminate basic rights for employers, such as the fundamental right to have standing in representation cases before the National Labor Relations Board (NLRB). New to this version of the bill are provisions that allow unions to demand mail-in ballots in lieu of the private-ballot process administered by the NLRB and that codify the so-called “election bar” doctrine prohibiting a decertification election prior to the end of an existing contract.

The PRO Act would further undermine the private ballot provisions in the NLRA by instead steering union certification elections towards a “card check” process. Under card check, workers would have to publicly sign cards indicating their support or opposition to a union. This has the obvious potential to expose workers to harassment and intimidation. The bill would violate worker privacy by forcing employers to turn over to unions a great deal of information about their workers, including names, home addresses, personal home and cell phone numbers, e-mail addresses, shift schedules, and work locations. Under this legislation, workers could not opt-out from this disclosure. This legislation would also effectively repeal state right-to-work laws in the 27 states that currently have them. Doing so would force workers to pay union dues in order to keep their jobs in workplaces that are unionized.

The PRO Act would apply nationwide the problematic definition of independent contractors enacted by California in a statute known as AB-5. That statute has made the legitimate use of independent contractors extremely difficult in the state. It is causing significant challenges for a wide array of businesses and has resulted in job losses. This restrictive definition should not be imposed on the rest of the country.

Finally, the bill would codify an unrealistic standard for joint-employer liability adopted by the NLRB in 2015. Doing so would impose liability based on “indirect” or “potential” control rather than on the clear standard that governed for decades. It would make employers liable for workers they don’t actually employ and workplaces they don’t actually control.

The PRO Act would impede the economic recovery through its many harmful labor and employment policies. The Chamber strongly urges you to vote against this deeply flawed bill.

Sincerely,

Suzanne P. Clark
President
U.S. Chamber of Commerce

