



What Big Labor Wants

by Sean P. Redmond | May 16, 2019 11:06 AM

With the country enjoying a healthy economy and record-low unemployment, one might think the new House majority would support policies to keep the good times going. Instead, House Democrats have unleashed a proposal that would minimize employees' free choice and sap economic vitality.

The proposal in question is the Protecting the Right to Organize Act of 2019, which was introduced on May 2 with 100 cosponsors in the House and 40 in the Senate (H.R. 2474 and S. 1306). The PRO Act would radically rewrite the National Labor Relations Act, in the process stripping away any balance between unions and employers when unions seek to organize a workplace. It contains numerous ill-conceived, one-sided, and unnecessary policy shifts.

Perhaps most noteworthy, the PRO Act would overturn all of the right-to-work laws that have been adopted by a majority of states. Right-to-work laws prevent workers from being fired if they refuse to pay union dues. It's no secret that organized labor loathes these laws, which come between them and their main source of revenue. Doing away with right-to-work takes away an important principle of worker freedom, but unfortunately it's not the only such provision in the PRO Act.

Foremost among these provisions is undermining secret ballot rights. Currently, unions organize via secret ballot elections. The PRO Act purports to maintain this basic democratic principle, but then takes it away by allowing unions to pursue a "do-over" if they lose. And rather than have to bother with a second secret ballot election, unions can instead win just by presenting signature cards. Workers' signatures can be obtained by just about any means, and it's not too hard to imagine the coercive measures that might come into play.

The PRO Act also would repeal a provision of the National Labor Relations Act that prohibits unions from dragging neutral, third-party employers into labor disputes. Using so-called secondary pickets or boycotts, unions could then harass and intimidate employers who merely do business with a company that's in the crosshairs of an organizing campaign. Such intimidation tactics against innocent parties were outlawed long ago, and rightly so. Combined with measures to actually encourage more strikes, this is a recipe for undermining our strong economy.

The PRO Act also would allow unions to force employers into mandatory first contracts. After a very limited period of negotiating, a three member panel would be given the authority to impose a contract for two years, which may or may not be economically sustainable. This is a worrisome

prospect for employers. But from a worker perspective, this takes away more democratic rights – they get no ratification vote, since the first contract is mandated from above.

As if that were not enough, the PRO Act also establishes an expansive, albeit dubious, definition of joint employment to make national companies responsible for franchise employees they do not actually hire or employ. It would also copy the state of California in essentially outlawing independent contractors – a huge blow to the growing gig economy and the opportunities and services it provides.

Further provisions make it nearly impossible for employers to talk to workers about union issues, which perhaps should not be surprising since the bill also seeks them from much of the legal process that comes with an organizing campaign. Indeed, the bill is so hostile to America's employers that it seeks to impose personal liability on individuals for National Labor Relations Act violations along with penalties as high as \$100,000.

The PRO Act is little more than a power grab by organized labor, which has seen its share of the workforce steadily fall over the years. It would undermine the economy, hamstring employers, and weaken worker free choice. That it should not pass goes without saying.

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