

PRO Act Changes

The Protecting the Right to Organize Act (PRO Act) was first introduced in the 116th Congress. This proposal would, among other things, undermine secret ballot elections, violate worker privacy, force workers to pay union dues, and impose California's stringent independent contractor test nationwide, taking away flexible work options and limiting workers' ability to earn extra income.

The PRO Act as introduced in the 117th Congress (S. 420/H.R. 842) includes a number of new provisions. Members of Congress who co-sponsored the PRO Act in the 116th Congress should not feel bound to co-sponsor a different bill.

Among the changes from the 116th to the 117th Congress:

- **Additional Violations of Worker Privacy:** S. 420/H.R. 842 requires employers to turn over their workers' personal information in a "searchable electronic format" with no privacy protections, thus risking exposure of their confidential information and opening the door to intimidation.
- **Decrease Turnout In Elections:** The National Labor Relations Board has always preferred in-person voting for union elections. In limited cases it has allowed mail-in ballots. During Covid, mail-in ballots have been far more frequent. However, this has led to decreased turnout. S. 420/H.R. 842 would allow unions to permanently demand mail-in ballots, reducing opportunities for workers to express their choice about a critical workplace decision.
- **Further Limits on Free Speech:** S. 420/H.R. 842 prohibits businesses from explaining that, per existing law, independent contractors are excluded from coverage of the NLRA.
- **Workers Can Check-In, But Can't Check Out:** S. 420/H.R. 842 codifies the so-called "election bar" doctrine prohibiting a decertification election prior to the end of an existing contract. In effect, this would deny workers the option of voting out a union they were unhappy with.
- **Further Disruption of the NLRA's Balance:** The National Labor Relations Act establishes a careful balance between the rights of unions and employers. Unions can launch strikes, but employers are given the commensurate ability to lock out the workplace. S. 420/H.R. 842 would take away that right, leaving unions with one-sided power to apply economic pressure in a labor dispute.