Protection the Right to Organize (PRO) Act
Talking Points

While advocates for the PRO Act claim it will help workers organize, the bill actually infringes on employee rights and privacy, violates employers’ right to due process, and drastically changes labor policy in a way that will only hurt the U.S. economy.

VIOLATES EMPLOYEE RIGHTS & PRIVACY
The PRO Act forces employers to share an expanded list of employee personal information, including phone numbers, email addresses, and work schedules, with union organizers without employees’ approval or employees being able to choose which information is given. This opens employees who may still be undecided on unionization up to potential harassment, coercion, and intimidation; this provision also overrides state privacy and stalking laws. Additionally, union organizers are not required to protect the information they’re given, needlessly making the personal data as well as employees’ privacy vulnerable.

The bill establishes a new standard for determining worker classification that would make it extremely difficult for a person, including those in the gig economy, to be an independent contractor. As a result, workers around the country would lose flexibility opportunities to earn money on their own schedule—something many Americans have come to rely on.

The PRO Act eliminates Right-To-Work protections, including in the 27 states that have approved their own Right-to-Work laws. These laws allow workers to choose not to join a union they didn’t and may never get a chance to vote for or that is using workers’ contributions for political activity the worker does not agree with. Right-to-Work laws protect workers jobs when they choose to opt out of that financial demand. Eliminating them would violate states’ rights and force employees to contribute financially to political organizations they may not agree with or risk losing their jobs.

INFRINGES ON EMPLOYERS’ RIGHT TO LEGAL COUNSEL
The PRO Act expands reporting requirements for employers and their attorneys and requires them to report virtually every interaction they have, violating employers’ right to counsel and attorney-client confidentiality. This would make it increasingly difficult for employers to find competent labor attorneys to aid them during union organizing campaigns and help them avoid violating various complicated labor laws. This policy is designed to make employers afraid of discussing unionization with their employees and make it easier for union organizers to catch employers unknowingly violating the law. Importantly, this policy was already attempted by the Obama administration and was struck down by a federal court, which called it “defective to its core.”

DRASTIC CHANGES LABOR POLICY & DEREGULATION OF LABOR UNIONS
The PRO Act exposes nearly every business to liabilities for the collective bargaining negotiations and unfair labor practices committed by companies with which they do business. We’ve already seen this new “joint employer standard” chill economic growth and result in decreased autonomy of the small business owners who own and operate franchises and other small companies.

The PRO Act would force government intervention on labor relations and collective bargaining agreements if employers and employees can’t reach an agreement within 120 days. Arbitrators, who are not familiar with the business’ operations, would have full authority to determine the terms of the agreement, potentially leaving both parties with an agreement they do not approve of or could jeopardize the entire business. Mandatory arbitration has been blamed for multiple municipal bankruptcies and fueling the public sector pension crisis, leading to numerous states and localities eliminating or curbing arbitrator authority.

The PRO Act would allow unions to picket and boycott neutral businesses they do not have a dispute with simply because that business works with a company the union is fighting or trying to organize. These “secondary boycotts” are coercive and are currently illegal. The PRO Act would also allow unions to picket companies they want to organize indefinitely, eliminating the 30-day limit that protected employers, supplies, and customers from unfair economic harm.