

PRO Act News Coverage
July 16, 2021

NATIONAL COVERAGE

Biden's PRO Enforcer

The Wall Street Journal

Kimberley Srsasel

July 15, 2021

<https://www.wsj.com/articles/president-joe-biden-pro-act-david-weil-union-progressive-labor-nominee-11626384645>

Bad as those years were, business is aware that a Weil reconfirmation would prove even more destructive. The Biden administration is pressing Congress to pass the Protecting the Right to Organize Act, a legislative monstrosity that would eliminate right-to-work states and turn union bosses into the masters of workplaces everywhere. Should they fail to sneak the bill through as part of a budget-reconciliation measure (Senate rules could make that hard), the White House will deputize the Labor Department to implement as much of it as possible through regulatory fiat. Mr. Weil would be a chief enforcer, and history shows he won't be shy. Put another way, the Weil nomination is shaping up as a proxy vote for the PRO Act. And it's had the remarkable effect of reminding U.S. business that there are battles to fight, and that they matter far more than scraping for approval from woke America. In the run-up to Mr. Weil's Senate hearing this Thursday, the business community engaged in a fierce campaign against the nomination, exhibiting a determination that's been missing for too long in corporate world.

FACT SHEET: How The Build Back Better Framework Will Support Women's Employment And Strengthen Family Economic Security

The White House

Press Release

July 15, 2021

<https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/15/fact-sheet-how-the-build-back-better-framework-will-support-womens-employment-and-strengthen-family-economic-security/>

President Biden is also calling on Congress to ensure all workers have a free and fair choice to join a union by passing the Protecting the Right to Organize (PRO) Act. Unions benefit women's wages; in 2020, the median weekly earning of full-time workers 16+ was \$1,067 for women who are members of unions, \$1,057 for women who are represented by unions, and \$862 for non-union women. His plan also ensures domestic workers receive the legal benefits and protections they deserve and tackles gender pay inequities.

U.S. CEO-To-Worker Pay Ratio Rose To 299:1 Last Year -Union

Reuters

Ross Kerber

July 14, 2021

<https://www.reuters.com/business/us-ceo-to-worker-pay-ratio-rose-2991-last-year-union-2021-07-14/>

Among all U.S. workers, the average production and nonsupervisory worker earned \$43,512 in 2020 according to the U.S. Labor Department, a union spokeswoman said. The union cited the figures to argue for the passage of a bill backed by Congressional Democrats known as the PRO Act to make worker

organizing easier. Pay ratios between CEOs and workers were lower in more heavily unionized industries, the AFL-CIO said. Among utilities the average pay ratio was 97-to-1, but stood at 741-to-1 among consumer discretionary companies, for example.

Infrastructure Summer: The Senate Budget Deal Kicks Off A Flurry Of Negotiation

The American Prospect

David Dayen

July 15, 2021

<https://prospect.org/infrastructure/building-back-america/infrastructure-summer-senate-budget-deal-kicks-off-flurry-of-negotiation/>

Then there are the less fleshed-out planks, like “small business support” and “American manufacturing.” Two surprising bits: Sanders says the PRO Act, which would make it easier to organize workers, is in the bill, and there’s definitely an immigration component as well (the fact sheet just says “LRPs for immigrants,” which stands for legal permanent residents, as well as “border management”). Even the revenue offsets include a surprise: Though Biden never added it, some \$600 billion in savings from allowing Medicare negotiation for prescription drugs is in the bill. This creates a virtuous circle, because if moderates are concerned about taxes, then the prescription drug component, which will also lower costs for patients, would need to be expanded. (Dynamic scoring is built in as well, “paying for” this investment by saying it will promote long-term economic growth.)

As Unions Go Woke, PRO Act Forces Dissenters To Pay Dues

The Daily Signal

Bill McMorris

July 15, 2021

<https://www.dailysignal.com/2021/07/15/as-unions-go-woke-pro-act-forces-dissenters-to-pay-dues/>

“Traditionally, labor’s primary pathway to power was the labor market,” Cass says. “As unions have less and less to do with the economy, they’ve had more and more to do with politics.” And so they hope to reap rewards for helping deliver President Joe Biden to the White House. He has pledged to become “the most pro-union president in history” and he will make good on the promise if he is able to usher in the PRO Act (for Protecting the Right to Organize), which would effectively overturn right-to-work laws in 27 states that allow workers to opt out of union membership. The PRO Act would force nearly 3 million dissenters into union ranks. The influx of these workers automatically enrolled spares unions the cost of persuading workers to join. Unions collected \$11.1 billion in dues and fees in 2020, but those revenues could nearly double to \$20 billion if the PRO Act—which is facing strong opposition from Republicans—is passed, according to the Institute for the American Worker.

Goodbye To Employer Protections? Biden Issues Executive Order Encouraging Curtailing Of Post-Employment Noncompetes

The Employer Report

Michael Brewer, JT Charron, William Dugan, Susan Eandi, Autumn Sharp

July 15, 2021

<https://www.theemployerreport.com/2021/07/goodbye-to-employer-protections-biden-issues-executive-order-encouraging-curtailing-of-post-employment-noncompetes/ - page=1>

On July 9, 2021, President Biden issued his Executive Order on Promoting Competition in the American Economy (EO) (Fact Sheet here) signaling support for severe limitation of post-employment noncompete restrictions—a move likely to add fuel to the fire of states passing laws to limit the use of post-employment noncompetes. The EO Fact Sheet states that the banning or limiting of noncompetes will “[m]ake it easier” for employees to “change jobs[.]” Though employers may balk, given Biden’s campaign promises and support for passage of the Protecting the Right to Organize (PRO) Act (see our prior blog here), employers should not be surprised. The EO encourages the Chair of the Federal Trade Commission (FTC) to exercise the FTC’s statutory rulemaking authority to “curtail the unfair use of non-compete clauses and other clauses or agreements that may unfairly limit worker mobility.” It is uncertain whether that rulemaking will entirely ban or just limit noncompete agreements; focus on restricting noncompetes for all workers or just those considered more vulnerable (such as low wage earners); restrict nonsolicit agreements along with noncompetes; or preempt state law.

Senators Add PRO Act Fine Provision To Reconciliation Plans

Law360

Kevin Stawicki

July 15, 2021

<https://www.law360.com/employment-authority/articles/1403447/senators-add-pro-act-fine-provision-to-reconciliation-plans>

Senate Democrats will include President Joe Biden's worker organizing priorities in a filibuster-proof reconciliation bill by inserting provisions of the federal labor law overhaul known as the PRO Act, including fines...

[Subscription required to access the full article.]

The Democrats' \$3.5 Trillion Gift To The GOP

Commentary Magazine

Noah Rothman

July 15, 2021

<https://www.commentarymagazine.com/noah-rothman/the-democrats-3-5-trillion-gift-to-the-gop/>

The Democrats are so committed to going for broke that they even included provisions that are proven political losers. The reconciliation bill will include the “PRO Act,” a bill designed to artificially increase union membership by constraining independent contractors and override laws that allow non-union members to opt out of affiliation with dues-collecting labor organizations. That bill was modeled on legislation briefly implemented in California before the state’s voters turned out in droves to repeal it in a referendum. Democrats have also included provisions that would expand access to green cards and provide a pathway to U.S. citizenship for some illegal immigrants; a brazen attempt to circumvent the negotiations over a contentious issue that enthralls the Republicans who oppose it more than it energizes the Democrats who support it.

Sanders Confirms Inclusion Of Provisions Of PRO Act In Reconciliation Bill

Truthout

Sharon Zhang

July 15, 2021

<https://truthout.org/articles/sanders-confirms-inclusion-of-provisions-of-pro-act-in-reconciliation-bill/>

The PRO Act, or the Protecting the Right to Organize Act, is a sweeping bill meant to strengthen unions and make it easier for workers to organize in the U.S. It has been lauded by progressives and the labor movement as a strong and crucial beginning to empower the working class in the country and provide a platform to level the playing field between workers and employers. As details of the reconciliation bill are still emerging, it's still unclear which provisions of the PRO Act are included. One element that may be included is a proposal to create monetary penalties for companies violating labor laws, though that's just one element of the broad pro-union proposal. ... The PRO Act, however, enjoys support from a wide swath of the Democratic Party. Pressure campaigns from labor activists convinced the conservative Sen. Joe Manchin (D-West Virginia) to back the proposal earlier this year. The bill passed the House in April but hasn't been brought to a floor vote in the Senate since it would undoubtedly be shot down by Republicans and face the filibuster anyway.

Does DOL Nominee David Weil Believe in Guilty Until Proven Innocent?

Competitive Enterprise Institute

Sean Higgins

July 15, 2021

<https://cei.org/blog/does-dol-nominee-david-weil-believe-in-guilty-until-proven-innocent/>

Weil is a major advocate of unionization. Like many who favor that, he isn't big on the idea of letting the individual workers decide for themselves whether they want to be in one. He is more concerned with making unions as large and as powerful as possible. This has been a big enough struggle for unions in recent decades, their membership as a percentage of the workforce having dropped to 10.8 percent, almost half the rate in 1983. Reversing that decline has become even harder thanks to the rise of the so-called "gig economy, which jobs like ridesharing, whereb7 people do short-term contract work as freelancers rather than as full-time employees. Contract workers are legally considered to be separate businesses and therefore are not directly covered by most workplace laws such as the FLSA or the National Labor Relations Act and don't benefit from things like the minimum wage or overtime. But it also means the contractors can work quickly and flexibly, something employees cannot do because employers must track and control worker hours in order to comply with minimum wage and overtime laws. It is true that some employees are misclassified as contractors by unscrupulous employers who want to get around those laws, but in many cases workers enjoy the freedom afforded by contract work and don't want to lose it. Finding a better, clearer way to distinguish between traditional employment and contract work was something the Trump administration attempted to do but the Biden administration has abandoned.

Republicans Call NLRB, DOL Nominees 'Very Troublesome'

Reuters

Daniel Wiessner

July 15, 2021

<https://www.reuters.com/legal/transactional/republicans-call-nlrb-dol-nominees-very-troublesome-2021-07-15/>

President Joe Biden's nominees for seats on the National Labor Relations Board and to head the U.S. Department of Labor office that enforces wage laws at a hearing on Thursday swatted away Republicans' concerns over their union ties and progressive records.

NLRB Nominees Face Lawmakers' Concerns About Union Ties

Law360

Kevin Stawicki

July 15, 2021

<https://www.law360.com/employment-authority/articles/1403309/nlrp-nominees-face-lawmakers-concerns-about-union-ties>

President Joe Biden's two nominees to serve as members of the National Labor Relations Board on Thursday faced some tough questions from Republican senators about the attorneys' union ties, but they...

[Subscription required to access full article.]

Biden Administration Picks To Labor Board Could Change The Outlook For Unions

Marketplace

Meghan McCarty Carino

July 15, 2021

<https://www.marketplace.org/2021/07/15/biden-administration-picks-to-labor-board-could-change-the-outlook-for-unions/>

A Senate committee will today consider two appointees of President Biden's to the National Labor Relations Board, and the Senate itself is preparing to consider a Biden-appointed general counsel for the board. The five-member NLRB enforces federal laws that grant workers the right to organize and collectively bargain through a union. If President Biden's picks are confirmed, the board will go from Republican control to Democratic control, which could affect how it interprets the law, said Harvard Law School's Benjamin Sachs.

Biden's Pick For NLRB GC On Track For Confirmation Vote

Law360

Braden Campbell

July 15, 2021

<https://www.law360.com/employment-authority/articles/1403553/biden-s-pick-for-nlrp-gc-on-track-for-confirmation-vote>

The National Labor Relations Board appears close to getting a confirmed general counsel after Senate Majority Leader Chuck Schumer on Thursday teed up a vote on President Joe Biden's nominee for...

[Subscription required to access full article.]

STATE COVERAGE

Letter To The Editor For July 16, 2021

The News & Advance

Shirl Douglas

July 16, 2021

https://newsadvance.com/opinion/letters/letter-to-the-editor-for-july-16-2021/article_615c2de0-e4c6-11eb-a917-e3d5d7941db6.html

That's why I'm happy to see that Senator Mark Warner hasn't signed onto the PRO Act, which has a narrow way of defining independent work that could limit opportunities for people to earn money through driving or other app-based work. Lawmakers should be finding ways to protect flexible and independent earning opportunities, not passing laws that could take them away. I want to keep driving for as long as I can, but I simply can't without the flexibility it gives me right now. I appreciate that Senator Warner hasn't signed onto this bill yet, and I hope he continues standing with workers like me.

The Human Cost Of Doritos: Why Workers At A Frito-Lay Factory Are On Strike

The Independent

Alex Woodward

July 15, 2021

<https://www.independent.co.uk/news/world/americas/frito-lay-strike-factory-doritos-b1885068.html>

A potential union at the nation's second-largest retailer, founded by the world's wealthiest man, marked a turning point for US labour; The International Brotherhood of Teamsters, one the largest labour unions in the US, passed a resolution committing to "supply all resources necessary" to help unionise workers at Amazon as a "top priority" for the union. The Frito-Lay strike also comes as members of Congress revive debate over the White House-backed Protecting the Right to Organise Act, or Pro Act, which would constitute one of the largest labour provisions since the New Deal era, taking aim at so-called "right to work" laws in 27 states.

Capito, Manchin Discuss Upcoming Action On Infrastructure, Budget

The Intelligencer Wheeling News-Register

Steven Allen Adams

July 16, 2021

<https://www.theintelligencer.net/news/top-headlines/2021/07/capito-manchin-discuss-upcoming-action-on-infrastructure-budget/>

The bill is also expected to include other items on progressive Democrats' wish lists, such as immigration reform, the PRO Act, which would provide increased protections for unions and undo state Right-to-Work laws, and require the use of clean energy for 80% of the U.S. power needs by 2030 and other clean energy initiatives. Pay-fors would come from tax increases on corporate and international rates. The budget reconciliation process doesn't need the usual 60 votes to pass in the U.S. Senate, requiring at least 10 Republicans to vote. The process only needs a simple majority of 51 votes, all 50 members of the Senate Democratic Caucus plus Vice President Kamala Harris to break a tie.

Letters To The Editor - Rep. Ronny Jackson, Opinion Versus News, Toyota, Polls

The Dallas Morning News

Gene Lantz

July 15, 2021

<https://www.dallasnews.com/opinion/letters-to-the-editor/2021/07/16/letters-to-the-editor-rep-ronny-jackson-opinion-versus-news-toyota-media-bias/>

If we are really as concerned about democracy in America as your pages indicate, we need to restore our right to organize. Only when people are organized can they really defend democracy. American labor law has been bent so far to the side of the billionaires that ordinary people find themselves isolated and

defenseless. We have a chance in Congress right now to pass the Protect the Right to Organize (PRO) Act to restore our rights. Could we give it a chance?

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