



## COALITION FOR A **DEMOCRATIC WORKPLACE**

June 10, 2019

Dear Representative:

The Coalition for a Democratic Workplace (CDW) urges the House reject the Protecting the Right to Organize (PRO) Act, H.R. 2474. In an attempt to increase union membership at any cost, the bill would make radical changes to well-established law, diminish employees' rights to privacy and association, destroy businesses, and threaten entire industries that have fueled innovation, entrepreneurship and job creation. CDW strongly opposes this bill.

CDW is a broad-based coalition of hundreds of organizations representing hundreds of thousands of employers and millions of employees in various industries across the country concerned with a long-standing effort by some in the labor movement to make radical changes to the National Labor Relations Act without regard to the severely negative impact they would have on employees, employers and the economy. CDW was originally formed in 2005 in opposition to the so-called Employee Free Choice Act (EFCA)—a bill similar to the PRO Act—that would have stripped employees of the right to secret ballots in union representation elections and allowed arbitrators to set contract terms regardless of the consequence to workers or businesses.

Like EFCA, the PRO Act contains provisions that would allow arbitrators with no business experience and no accountability to set contract terms. The arbitrator's decision would be compulsory, regardless of whether the parties find the terms unacceptable or the arbitrator miscalculated what the company can actually afford. In fact, this type of binding arbitration in the public sector has been blamed for multiple municipal bankruptcies and for fueling the public sector pension crisis. Many states and municipalities have taken steps to eliminate or curb arbitrator authority in the wake of fiscally irresponsible arbitrator decisions. Unlike the public sector, private employers go out of business, and the PRO Act does not provide any recourse to employers and employees if the arbitrator's forced contract terms result in job loss or business closure.

The bill would also codify into law the controversial *Browning-Ferris Industries* joint-employer standard, exposing nearly every business relationship to liability for unlawful behavior committed by any entity with which they do business, such as contractors, suppliers, and franchisees. Out of fear of this increased responsibility, larger corporations will either hold back on assisting their franchisees, contractors, or suppliers, impose far more control over them, abandon the franchise model, or cease outsourcing work to smaller, more specialized businesses; in any of these circumstances, small business owners will feel the negative repercussions of this policy change, and the American dream will be far more difficult to achieve.

Similarly, the PRO Act would greatly narrow the circumstances under which an individual can work as an independent contractor, thus substantially diminishing opportunities for Americans to find flexible ways to earn money on their schedule or start their own business. The provision threatens many opportunities in the gig economy and more traditional independent contractor roles.

Unfortunately, the bill also contains many provisions that strip workers of essential rights. Most importantly, the PRO Act limits employees' ability to choose or reject union representation through secret ballots, which was also a key provision in EFCA. Secret ballots are a vital component of a functioning democracy, but the PRO Act vastly increases the circumstances under which the government could impose union representation despite employees voting against such representation in a secret ballot election. The bill attempts to justify disregarding the election results by making the government-imposed union representation contingent on the fact that at some point in the past a majority of employees signed "authorization cards." This is known as "card check," a concept that was rightly rejected by Congress during the debate on EFCA. As members of Congress understood then, card check is no substitution for a secret ballot election. The process of collecting cards is a public one that is innately susceptible to coercion—where union organizers present employees with cards to sign in front of coworkers. Organizers are then free to share with employees who has or has not signed cards, needlessly exposing workers to intimidation and possibly harassment.

The PRO Act also violates employees' rights to privacy and association. The bill mandates employers provide the contact information for all employees without prior approval from the employees themselves to union organizers. Employees would not be able to opt out of this requirement and would not have a say in what, if any, contact information is provided, again exposing workers to potential harassment. The bill also eliminates Right-to-Work protections nationwide, including in the twenty-seven states that have passed Right-to-Work laws, forcing workers to fund union activity they do not support.

Finally, employers' due process rights are entirely disregarded by the bill. Under the PRO Act employers would not be able to challenge union misconduct during union elections, their right to counsel on complex labor laws would be practically eliminated, and secondary boycotts would be permitted, allowing unions to target neutral third parties and cause them economic injury even if those entities have no underlying labor dispute with the union.

This letter outlines only some of the nefarious provisions the PRO Act imposes on the American workforce. This bill tramples on rights and ignores the consequences of dangerous policies on our economy. CDW urges the House to reject emphatically and unequivocally this bill.

Sincerely,

The Coalition for a Democratic Workplace

Agricultural Retailers Association  
Air Conditioning Contractors of America  
Alabama Retail Association  
American Bakers Association  
American Foundry Society  
American Home Furnishings Alliance  
American Hotel & Lodging Association  
American Pipeline Contractors Association  
American Rental Association  
American Seniors Housing Association  
American Staffing Association  
American Supply Association  
American Trucking Associations

Argentum  
Arizona Builders Alliance  
Arizona Retailers Association  
Arkansas Hospitality Association  
Arkansas State Chamber of Commerce  
Asian American Hotel Owners Association  
Associated Builders and Contractors  
Associated Builders and Contractors Central Texas Chapter  
Associated Builders and Contractors Cornhusker Chapter  
Associated Builders and Contractors Florida East Coast Chapter  
Associated Builders and Contractors Georgia Chapter  
Associated Builders and Contractors Greater Michigan Chapter  
Associated Builders and Contractors Greater Tennessee Chapter  
Associated Builders and Contractors Hawaii Chapter  
Associated Builders and Contractors Illinois Chapter  
Associated Builders and Contractors Indiana/Kentucky Chapter  
Associated Builders and Contractors Inland Pacific Chapter  
Associated Builders and Contractors New Orleans/Bayou Chapter  
Associated Builders and Contractors North Alabama Chapter  
Associated Builders and Contractors North Florida Chapter  
Associated Builders and Contractors Northern Ohio Chapter  
Associated Builders and Contractors of Louisiana  
Associated Builders and Contractors of Ohio  
Associated Builders and Contractors Pelican Chapter  
Associated Builders and Contractors Rhode Island Chapter  
Associated Builders and Contractors South Texas Chapter  
Associated Builders and Contractors West Virginia Chapter  
Associated Builders and Contractors Western Pennsylvania Chapter  
Associated Equipment Distributors  
Associated General Contractors  
Associated Industries of Arkansas, Inc.  
California Business Properties Association  
California Retailers Association  
Capital Associated Industries, Inc.  
Center for the Defense of Free Enterprise  
Coalition of Franchisee Associations  
Colorado Chamber of Commerce  
Consumer Technology Association  
Employers Coalition of North Carolina  
Farm Equipment Manufacturers Association  
Florida Retail Federation  
Food Marketing Institute  
Franchise Business Services  
Georgia Retail Association  
Global Cold Chain Alliance  
HR Policy Association  
Idaho Lodging & Restaurant Association  
Idaho Retailers Association

Illinois Chamber of Commerce  
Independent Electrical Contractors  
Independent Electrical Contractors Central Ohio  
Independent Electrical Contractors Chesapeake  
Independent Electrical Contractors Midwest  
Independent Electrical Contractors of Arizona  
Independent Electrical Contractors of Atlanta  
Independent Electrical Contractors of Central Indiana  
Independent Electrical Contractors of Central Pennsylvania  
Independent Electrical Contractors of Georgia  
Independent Electrical Contractors of Greater Cincinnati  
Independent Electrical Contractors of Greater St. Louis  
Independent Electrical Contractors of Montana  
Independent Electrical Contractors of Northwest Pennsylvania  
Independent Electrical Contractors of Oklahoma City  
Independent Electrical Contractors of Texas  
Independent Electrical Contractors Rocky Mountain  
Independent Electrical Contractors San Antonio Chapter  
Independent Electrical Contractors Southern Colorado Chapter  
Indiana Retail Council  
Industrial Fasteners Institute  
Interlocking Concrete Pavement Institute  
International Council of Shopping Centers  
International Foodservice Distributors Association  
International Franchise Association  
International Sign Association  
International Warehouse Logistics Association  
Iowa Association of Business and Industry  
Kentucky-Indiana Automotive Wholesalers  
Littler Workplace Policy Institute  
Louisiana Retailers Association  
Manufacturer & Business Association  
Maryland Retailers Association  
Material Handling Equipment Distributors Association  
Metals Service Center Institute  
Minnesota Grocers Association  
Minnesota Retailers Association  
Missouri Retailers Association  
Motor & Equipment Manufacturers Association  
National Apartment Association  
National Association of Chemical Distributors  
National Association of Home Builders  
National Association of Manufacturers  
National Association of Wholesaler-Distributors  
National Club Association  
National Council of Chain Restaurants  
National Demolition Association  
National Federation of Independent Business

National Franchisee Association  
National Grocers Association  
National Lumber and Building Material Dealers Association  
National Marine Distributors Association  
National Multifamily Housing Council  
National Pest Management Association  
National Precast Concrete Association  
National Ready Mixed Concrete Association  
National Restaurant Association  
National Retail Federation  
National Small Business Association  
National Tooling and Machining Association  
Nebraska Retail Federation  
Nevada Manufacturers Association  
New Jersey Independent Electrical Contractors  
North American Die Casting Association  
Ohio Equipment Distributors Association  
Outdoor Power Equipment and Engine Service Association  
Plastics Industry Association  
Power and Communication Contractors Association  
Precision Machined Products Association  
Precision Metalforming Association  
Printing Industries of America  
Retail Association of Maine  
Retail Association of Nevada  
Retail Industry Leaders Association  
SNAC International  
Texas Retailers Association  
The Employers Association  
TRSA – The Linen, Uniform and Facility Services Association  
Truck Renting and Leasing Association  
Tucson Metro Chamber  
United Equipment Dealers Association  
United Motorcoach Association  
Virginia Trucking Association  
Washington Retail Association  
WCI, Inc.  
Workforce Fairness Institute