



## PROTECTING THE RIGHT TO ORGANIZE (PRO) ACT:

The PRO Act (H.R. 2474 and S. 1306) attempts to implement radical labor policies that have been historically rejected by the judicial system, opposed on a bipartisan basis in Congress, and/or abandoned by the agencies asked to enforce them.

On Feb. 6, 2020, the Democratic-controlled House passed the PRO Act. Democrats in Congress are seeking to bring the bill back in 2021, knowing that a Senate Democratic majority would pass it and the Biden-Harris campaign has already vowed to sign into law.

### THE PRO ACT WOULD:

- Strip away workers' free choice in union elections by instituting a backdoor "card check," which would, in many circumstances, replace union elections with a system that forces employees to sign union authorization cards in front of coworkers and union organizers.
- Expose workers' personal privacy by mandating that businesses turn over workers' personal information, such as cell phone numbers, home addresses and even assigned shifts to union organizers.
- Codify the NLRB's controversial *Browning-Ferris Industries* joint-employer standard that has threatened our country's small and local businesses. If implemented, the standard would affect 44% of private sector employees, lead to between \$17.2 billion and \$33.3 billion in lost annual output for the franchise business sector alone and complicate many business-to-business contracts and arrangements, causing particular harm to small businesses.
- Curb opportunities for people to work independently through gig economy platforms or more traditional independent contractor roles. The provision would use the "ABC" test, the standard adopted in California's disastrous AB 5, to forcibly reclassify many independent contractors as employees. AAF research found that a national version of AB 5 could put up to 8.5% of gross domestic product at risk.
- Eliminate right-to-work protections for workers across the country, including in the twenty-seven states that have passed such laws. Repealing right-to-work protections would strip millions of employees of the right to refrain from joining a union, hindering private sector output, employment growth and business migration.
- Interfere with attorney-client confidentiality and make it harder for businesses, particularly small businesses, to secure legal advice on complex labor law matters.
- Strip "secondary boycott" protections that prevent unions from using their antitrust exemptions and immunity from certain state laws to target businesses for anticompetitive purposes other than organizing. This would allow unions to protest and boycott companies that are not directly involved in a labor dispute by eliminating the NLRA's 70-year ban on secondary boycott activity. If this provision is signed into law, unions could target not only the employer involved in a labor dispute but also any company that does business with that employer.

**For more details on the PRO Act, visit [freeenterprisealliance.org/PROAct](https://freeenterprisealliance.org/PROAct)**