



Committee on Education & the Workforce  
U.S. House of Representatives  
2176 Rayburn House Office Building  
Washington, DC 20515

March 8, 2023

Dear Chairwoman Foxx and Members of the Committee:

On behalf of millions of Americans for Prosperity activists across all 50 states, I write to share our strong opposition to the “Protecting the Right to Organize Act,” a bill that would make major radical, negative changes to federal labor laws. AFP fully supports the ability of workers to choose with whom they associate and who speaks on their behalf. Unfortunately, the PRO Act would drastically undermine the rights and interests of workers, employers, and the public by undermining flexibility and choice and tilting the playing field in favor of union leadership. Among our concerns, this legislation would:

- Interfere with freedom of contract by restricting the ability of millions of people to work as independent contractors by instituting a California-style ABC test. This reduces workers’ ability to control their own schedules and provide services to a broader range of clients as they see fit. Independent contracting has grown by millions in recent years.
- Override Right to Work laws enacted in 28 states that give private sector employees the same freedom as all public employees to choose whether or not they wish to be members of a union and pay fees out of their hard-earned paychecks. The PRO Act allows bargaining contracts to override Right to Work laws and force all workers to pay fees as a condition of employment. Right to Work states enjoy greater job growth and lower welfare dependency than non-Right to Work states.
- Slant organizing efforts heavily in favor of unions at the expense of employee and employer rights by limiting legal communication, drastically shortening election timeframes to stifle discussion and education opportunities, and limiting the ability of employers to challenge concerning union practices while awarding unions organizing victories without proper elections under certain circumstances.
- Infringe on the privacy of workers by requiring employers to provide extensive employee contact information to unions during organizing efforts, including home addresses and personal phone numbers. Labor union officials are able to use this to confront individual workers anywhere and everywhere, often in intimidating manners due to the leeway they are given in communicating with workers.
- Enact a damaging joint-employer standard that undermines franchising models, contractor-subcontractor arrangements, and even relationships between businesses and vendors, all of which play major roles in helping entrepreneurs and small businesses thrive. This policy would negatively impact tens of millions of workers across every Congressional district.
- Force labor negotiations to be settled through binding arbitration, which can lead to mandatory contracts that businesses lack resources to meet and that can conflict with the interests of individual employees as well. Employees would not even be able to vote on the terms of these agreements that define their employment terms.

Instead of fostering an environment of cooperative relationships between employers, workers, and labor unions, the PRO Act would undermine the choice and dignity of individual workers while granting unequal privileges to labor unions and destroying career paths for millions of self-employed workers. Each of the PRO Act policies alone are an alarming direction to take private sector labor policy, undermining worker flexibility and erecting new barriers to economic opportunity – together, they represent one of the worst assaults on the American economy in a single piece of legislation that Congress has ever seen. This is particularly troubling at a time when our nation needs greater flexibility and opportunity following a disruptive pandemic and high levels of inflation.

We ask members of the Committee instead focus on a flexible work agenda that expands worker freedom and eliminates barriers to opportunity during these challenging times, and we look forward to working with you to achieve these goals.

Sincerely,

Akash Chougule  
Vice President  
Americans for Prosperity