



March 8, 2021

Dear Members of Congress:

We write in strong opposition to the PRO Act and every provision within this bill that may be considered in separate legislation or through regulatory actions. While supporters argue these policies will expand worker rights, the PRO Act instead would drastically undermine the rights and interests of workers, employers, and the public.

Instead of fostering an environment of cooperative relationships between employers, workers, and labor unions, the PRO Act deprives workers of fundamental rights, eliminates employment opportunities for those seeking financial independence, imposes tens of billions of dollars of additional costs on small businesses, and will do irreparable harm to our economic recovery at a time we can least afford it.

Among other provisions, the PRO Act would:

- **Invalidate Right to Work laws enacted in 27 states**, which give private sector employees freedom to choose whether or not to pay fees to unions out of their hard-earned paychecks. All public employees in America enjoy this constitutional right, as affirmed in the *Janus v. AFSCME* Supreme Court decision, and these rights should be expanded to all workers.
- **Restrict the ability of millions of people to work as independent contractors by instituting a California-style “ABC” test that subjects reclassified workers to unionization and places costly, unpredictable penalties on businesses utilizing contractors.** The vast majority of independent contractors [prefer](#) their existing, flexible arrangement to the rigidity of traditional employment, yet the PRO Act reduces workers’ ability to control their own schedules and work when and how they see fit – and potentially levies costly fines on small businesses for misinterpreting the ABC test’s vague and confusing legal standard.
- **Infringe on individual privacy by requiring employers to provide extensive employee contact information to unions, including workers’ home addresses, personal phone numbers, and more.** Union officials could use this information to confront workers anywhere and everywhere, often in an intimidating manner, in the workplace and even at home.
- **Remove secret ballot protections**, ending the right to a private vote under certain circumstances on whether workers wish to be represented by a union. Instead, workers would be forced to declare their vote publicly and would be subject to further harassment and intimidation from union organizers.
- **Repeal the ban on secondary boycotts**, massively expanding the ability of unions to subject neutral third parties to harassment and economic injury during organizing drives. Unions could picket, boycott, and more against any consumer, vendor, supplier, business partner, or other entity that merely does business with a company a union is attempting to organize.
- **Enact a vague and confusing joint-employer standard that eliminates franchising and contractor-subcontractor arrangements as we know them**, and even undermines relationships between businesses and vendors, all of which currently create important and accessible opportunities for entrepreneurship.
- **Slant organizing efforts heavily in favor of unions** at the expense of employee and employer rights by limiting legal communication between employers and their staff; drastically shortening election timeframes to stifle discussion; limiting the ability of employers to challenge concerning union practices; and potentially awarding unions organizing victories by requiring the NLRB to dismiss legitimate election issues raised by employers.
- **Force labor negotiations to be settled through binding arbitration**, which can lead to mandatory contracts which employers lack resources to meet and which can conflict with the interests of individual employees. Employees would not even be able to vote on the terms of these agreements that define their employment terms.

- Eliminate attorney-client privilege for a wide array of communication between employers and legal professionals that businesses rely on to be educated about representative elections. The PRO Act damages not only the ability of employers to be properly informed but also the ability of employers to communicate with and inform their own employees about workplace matters.

Instead of supporting the PRO Act and measures that undermine worker choice, we call on lawmakers to instead prioritize defending and expanding choice and flexibility for workers so that they are best able to address the challenges of the pandemic and maximize opportunity in the 21<sup>st</sup> century.

Sincerely,



Americans for Prosperity



Center for Freedom and Prosperity



Council for Citizens Against Government Waste



Alaska Policy Forum



Center for Independent Employees



FreedomWorks



ALEC Action



Center for Individual Freedom



Freedom Foundation



AMAC Action



Club for Growth



Heritage Action for America



Americans for Tax Reform



Commonwealth Foundation



Illinois Policy Institute



The Buckeye Institute



California Policy Center



Competitive Enterprise Institute



Independent Women's Voice



Center for a Free Economy



Conservatives for Property Rights



Institute for Liberty

Conservatives for Property Rights



Institute for the American Worker



Mississippi Center for Public Policy



Small Business and Entrepreneurship Council



John Locke Foundation



National Taxpayers Union



State Policy Network



Kansas Policy Institute



Open Competition Center



Taxpayers Protection Alliance



Less Government



LIBERTY • OPPORTUNITY • PROSPERITY  
Rio Grande Foundation



1889 Institute



60 Plus Association



Roughrider Policy Center

