

March 4, 2021

To all Members of the U.S. House of Representatives:

I am writing today on behalf of the National Association of Wholesaler-Distributors (NAW) to express our strong opposition to H.R. 842, the “Protecting the Right to Organize (PRO) Act,” which will be considered by the House of Representatives this week.

NAW is the “national voice of wholesale distribution,” an association comprised of employers of all sizes, and national, regional, state and local line-of-trade associations spanning the \$5.75 trillion wholesale distribution industry that employs almost 6 million workers in the United States. Approximately 30,000 enterprises with almost 395,000 places of businesses in all 50 states and the District of Columbia are affiliated with NAW.

You should know that this legislation is not only organized labor’s top legislative agenda, but that of business as well. H.R. 842 is a transparent thank you gift to national unions for their election help in 2020. Congress should focus on keeping businesses open and workers employed during this pandemic, rather than giving blatant handouts to organized labor by attempting to increase the number of dues-paying union members at the expense of workers, small and local businesses, and entrepreneurs.

This radical legislation would impose policies that were rejected by the judicial system, opposed on a bipartisan basis in Congress, and/or abandoned by the agencies asked to enforce them. Unions continue to push this legislation to unfairly tip the playing field in their favor at the expense of the fundamental rights of workers to choose for themselves whether to accept or reject union representation.

H.R. 842 attempts to dramatically change the way labor unions conduct organizing drives by disallowing government-supervised secret ballot elections to certify a union as a recognized collective bargaining agent and replacing it with a zombie reiteration of “Card Check.” For more than seventy years, employees have largely decided on unionization through a secret ballot election. This legislation, however, would force reluctant workers to accept union representation, not when a majority of their co-workers vote by secret ballot to accept the union, but when 50 percent plus one of those workers simply acquiesce to union organizers’ efforts to obtain their public signature on a card. This provision is intended to ensure that labor unions win organizing campaigns by removing a worker’s right to vote “no” or “yes” without fear of recrimination by either the union or employer. As a Member of Congress who was elected to your position by a secret ballot, you understand that eliminating the fundamental right to vote by secret ballot would expose voters – in this instance workers – to intimidation and possible harassment.

The PRO Act would also quash employees’ rights to privacy by mandating that employers provide the contact information for all employees without prior approval from the employees themselves. Furthermore, employees would not have the right to opt out of this disclosure of their personal information nor would they have a say in which contact information is provided.

**NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS**

1325 G Street N.W., Suite 1000, Washington, DC 20005 • 202-872-0885 • FAX: 202-785-0586 • [www.naw.org](http://www.naw.org)

These are basic privacy rights afforded by acts of Congress to American citizens, which this bill would deny to workers solely to advantage union organizers.

This legislation would also codify many requirements of the Department of Labor's 2016 "persuader" regulation, including the provisions that would force a breach of attorney-client confidentiality, which was struck down by the courts when it was found to be "defective to its core" and "undermine[d]the attorney-client relationship and the confidentiality of that relationship."

H.R. 842 also eliminates Right-to-Work protections nationwide, superseding the Right-to-Work laws passed in twenty-seven states, forcing workers to fund union activity they may not support and removing their protection from being fired if they decline to pay union dues. The bill would remove existing law that limits unions to thirty days of picketing unless they file a representation petition, which could allow unions to engage in recognition picketing indefinitely. Additionally, the legislation would permit unions to engage in so-called secondary boycotts, which have been unlawful since 1947, exposing consumers, employers, suppliers, vendors, franchisors, franchisees, and all other business to picketing, boycotts, and similar tactics, regardless of whether they have any dispute with the union.

The PRO-Act would also codify the National Labor Relations Board's controversial *Browning-Ferris Industries* joint-employer standard that threatens small and local businesses; curb opportunities for people to work independently through traditional independent contractor roles or gig economy platforms; and prohibit arbitration agreements in employment contracts.

Union "density" has fallen dramatically in recent years, but rather than address that decline by persuading workers of the merits of union representation, labor unions are asking Congress to put its thumb on the scale in their favor. If Congress kowtows to the demands of labor by passing this legislation the idea of fair elections and due process rights for workers and employers alike will be systematically dismantled.

NAW urges you to vote against H.R. 842. This issue is of such critical importance that we will key vote not only any and all votes on, but also co-sponsorship of, this effort to rob workers of their right to a secret ballot and silence the voice of employers.

Sincerely,

A handwritten signature in black ink that reads "Seth Waugh". The signature is written in a cursive, flowing style.

Seth M. Waugh  
Associate Vice President – Government Affairs