

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

May 16, 2019

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce strongly opposes H.R. 2474, the “Protecting the Right to Organize Act.” **Members who do not cosponsor this bill will receive credit for the Leadership component of their “How They Voted” rating.**

This bill would abolish any sense of balance between union rights and employer rights in labor organizing and negotiations by explicitly eliminating employers as a party in elections to determine if a union would represent that employer’s workforce. Moreover, under this legislation a secret ballot election where the employees chose not to be represented by a union could be overturned if enough employees signed cards saying they supported that union.

H.R. 2474 would also potentially take away workers’ traditional opportunity to ratify a first contract. If the newly recognized union and the employer cannot agree to a first contract through negotiation and mediation, an arbitration process would result in a contract without employees being able to vote on that contract.

This bill would also effectively repeal the Taft-Hartley Act, labor law reforms enacted in 1947 to rein in some of the most abusive union organizing tactics of that era. H.R. 2474 would once again allow unions to engage in secondary boycotts and picketing, meaning that they could target any employer doing business with a targeted company even if those employers have no connection with the union. This would allow for the disruption of entire segments of the economy.

Another key provision of the Taft-Hartley Act allowed states to pass right-to-work laws, meaning that workers could no longer be fired for not paying union dues. Twenty-eight states have enacted right-to-work laws. H.R. 2474 would repeal the section of the Taft-Hartley Act allowing these laws, invalidating all states’ right-to-work laws currently in place.

Moreover, H.R. 2474 would codify the National Labor Relations Board’s unworkable *Browning-Ferris* definition of joint-employer liability based on “indirect” or “potential” control of another company’s employees. It would also codify and nationalize the strict definition of independent contractors based on the California Supreme Court’s *Dynamex* decision that threatens to make using or operating as an independent contractor extremely difficult. This court decision is poised to seriously damage the tech sector, start-ups, and “gig” economy companies, as well as the millions of individuals who value the independence and flexibility of working as independent contractors. In addition, it would reinstate the “persuader” rule, which was intended

to deprive employers of legal representation during union campaigns, a rule that a court found “defective to its core.”

H.R. 2474 would codify bad labor policy and failed efforts at reform. The Chamber strongly urges you not to cosponsor this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a large, stylized flourish at the end.

Neil L. Bradley