

# Say NO to <sup>THE</sup> “PRO” Act

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

The PRO Act (H.R. 842 and S. 420) attempts to increase union density and union leverage without regard for the negative impacts it would have on workers, businesses, and the economy.

Democrats in Congress have reintroduced the PRO Act in the 117th Congress and have passed the bill again in the U.S. House of Representatives, threatening the fundamental rights of workers and job creators while putting the recovery of our economy at risk.

### 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 NLRB’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.