



February 5, 2020

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VOTE YES on H.R. 2474, the Protecting the Right to Organize Act of 2019

Dear Representative,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, we **urge you to vote YES on H.R. 2474, the Protecting the Right to Organize (PRO) Act of 2019 and oppose any Motion to Recommit (MTR).** Protecting the right to collectively bargain is a top priority for the civil and human rights community, and **The Leadership Conference will include your vote on H.R. 2474 in our Voting Record for the 116th Congress.**

Enabling working people to exercise the right to form unions and engage in meaningful collective bargaining is one of the most effective, efficient, and comprehensive ways to promote economic security for individuals and their families and to advance civil rights and workplace protections on the job. Unions allow working people to have a stronger voice and to advocate for fair wages, safer working conditions, and better workplace standards. A working person covered by a union contract earns, on average, 13.2 percent more in wages than a peer with similar education, occupation and experience in a nonunionized workplace in the same sector,¹ and unions also help close race and gender wage gaps. Unionized workers also enjoy safer workplaces, stronger health care benefits, more predictable work schedules, greater access to paid sick days, and better retirement benefits.²

Despite the right to form unions and collectively bargain, weaknesses in our current law give employers too much power to interfere with the right of working people to organize. Attacks on unions have led to a decline in the share of working people covered by collective bargaining agreements over the past 40 years, a trend that has mirrored the rise in income inequality in America. Research shows that working people want to join unions, but there is a large gap between the share of working people with union representation, around 11 percent, and the share of working people who do not belong to a union but would join one if given the opportunity to do so, 48

¹ Shierholz, Heidi. Economic Policy Institute. *Working Economics Blog*. "Weakened Labor Movement Leads to Rising Economic Inequality." January 27, 2020.

<https://www.epi.org/blog/weakened-labor-movement-leads-to-rising-economic-inequality/>

² Bives, Josh, et al. Economic Policy Institute. "How Today's Unions Help Working People." August 24, 2017. <https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy/>.



percent.³ The PRO Act would streamline the process for forming a union, ensure that new unions are able to negotiate a first collective bargaining agreement, and hold employers accountable when they violate workers' rights.

Though the National Labor Relations Act (NLRA) was meant to encourage collective bargaining, in the 80 years since its passage, nearly every amendment to the law has made it harder for working people to form unions. This creates opportunity for employers to take advantage of weaknesses in the law to undermine the rights of working people in a variety of ways including firing pro-union workers, holding mandatory meetings to bash unions, and refusing to bargain a first contract after a union is formed.⁴ These hostile behaviors, which occur at the expense of the employee, are often without consequence for the employer. The PRO Act seeks to remedy this imbalance by bolstering workers' rights and creating accountability for employers that engage in anti-union behavior.

The PRO Act would reform our existing labor laws and protect the right to join a union by:

- **Imposing stronger remedies when employers interfere with workers' rights.** The PRO Act would institute civil penalties for violations of the NLRA and would also require the National Labor Relations Board (NLRB) to go to court and get an injunction to immediately reinstate workers if the NLRB believes an employer has illegally retaliated against workers for union activity. The PRO Act would also give workers the right to go to court on their own to seek relief, bringing labor law in line with other workplace laws that allow for a private right of action. Finally, the PRO Act would prohibit employers from holding mandatory anti-union meetings and engaging in other coercive anti-union tactics.
- **Strengthening workers' right to join a union and collectively bargain over working conditions.** The PRO Act establishes a process for reaching a first agreement when workers organize, employing mediation and then, if necessary, binding arbitration. The PRO Act would also allow employers and unions to agree upon a "fair share" clause requiring all workers who are covered by the collective bargaining agreement to contribute a fair share fee towards the cost of bargaining and administering the agreement, even in so called "right-to-work" states. The PRO Act will also help level the playing field for workers by repealing the prohibition on secondary boycotts and prohibiting employers from firing workers during lawful strikes.
- **Unrigging the rules that are tilted against workers.** The PRO Act tightens the definitions of independent contractor and supervisor to crack down on misclassification and make sure that all eligible workers can unionize if they choose to do so. The PRO

³ Kochan, Thomas, et al., "Voice Gaps at Work, Options for Closing Them, and Challenges for Future Actions and Research." MIT Sloan School of Management, Institute for Work and Employment Research, working paper, June 2018. <https://gcmj.mit.edu/voice-gaps-work-options-closing-them-and-challenges-future-actions-and-research>.

⁴ AFL-CIO. "What Workers Want: Protecting the Right to Organize Act"



Act also makes clear that workers can have more than one employer, and that both employers need to engage in collective bargaining over the terms and conditions of employment that they control or influence. To create transparency in labor-management relations, the PRO Act would require employers to post notices that inform workers of their NRLA rights and to disclose contracts with consultants hired to persuade workers on how to exercise their rights.

Through organizing, bargaining, litigation, legislative, and political advocacy, unions and the labor movement have played a significant role in advancing the rights and interests of people of color and women in the workplace and in our society overall. Unions can best play this role when the right of workers to organize and bargain is fully protected and can be freely exercised.

Working people in America need – and have a right to enjoy – the benefits that result from collective bargaining and union membership. We urge you to vote yes on H.R. 2474, the Protecting the Right to Organize Act of 2019 to help ensure that working people are paid fairly, treated with dignity, and have a voice on the job. If you have any questions, please contact Gaylynn Burroughs, Senior Policy Counsel at burroughs@civilrights.org.

Sincerely,

A handwritten signature in dark ink, appearing to read "Vanita Gupta". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Vanita Gupta
President & CEO