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. 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 21st 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

Competitive Enterprise Institute

Independent Women’s Voice

California Policy Center

Conservatives for Property Rights

Institute for Liberty

Center for a Free Economy

Conservatives for Property Rights