

PROTECTING THE RIGHT TO ORGANIZE ACT

FACT SHEET

The American economy is not working for most Americans. While corporations and the wealthy continue to capture the rewards of a growing economy — working families and middle-class Americans are being left behind. From 1980 to 2017, average incomes for the bottom 90 percent of households increased just 1.1 percent, while average incomes for the wealthiest 1 percent [increased more than 184 percent](#).

This inequality is not a natural product of a functioning economy. It is the result of policy choices that have stripped workers of the power to join together and negotiate for decent wages, benefits, and working conditions. The *Protecting the Right to Organize (PRO) Act* restores fairness to the economy by strengthening the federal laws that protect workers' right to join a union. The COVID-19 pandemic [has revealed](#) that far too many workers do not have access to basic workplace safety protections, health care, or paid leave. Protecting the right to organize is therefore [essential for ensuring a just recovery](#).

Unions are critical to increasing wages and creating an economy that rewards hardworking people, but special interest-funded attacks on labor laws have eroded union membership. In 1956, roughly one in every three workers were union members. After a decades-long effort to weaken and exploit toothless labor laws, just 10 percent of American workers are unionized today.

The Protecting the Right to Organize Act protects the basic right to join a union by:

- (1) Introducing meaningful, enforceable penalties for companies and executives that violate workers' rights;
- (2) Expanding workers' collective bargaining rights and closing loopholes that corporations use to exploit workers, and
- (3) Strengthening workers' access to fair union elections and requiring corporations to respect the results.

Introducing Meaningful, Enforceable Penalties for Companies that Violate Workers' Rights

Under the National Labor Relations Act (NLRA), the federal law that protects workers' right to join together and negotiate with their employers, there are no monetary penalties for companies that violate workers' rights and no assurance that workers will have timely access to justice. In response, the Protecting the Right to Organize Act:

- **Authorizes meaningful penalties for companies and executives for violating workers' rights.** The bill authorizes the National Labor Relations Board (NLRB) to assess monetary penalties for each violation in which a worker is wrongfully terminated or suffers serious economic harm. The bill also permits the Board to impose personal liability on corporate directors and officers who participate in violations of workers' rights or have knowledge of and fail to prevent such violations.
- **Streamlines access to justice for workers who suffer retaliation for exercising their rights.** Rather than enduring a long period of unemployment waiting for their case to be heard, the bill requires the NLRB to immediately seek an injunction to reinstate the employee while their case is pending. It also gives the NLRB the power to enforce its own rulings, like other federal agencies, instead of waiting for a decision from the Court of Appeals.
- **Authorizes a private right of action for violations of workers' rights.** The bill allows workers to seek justice in court when employers unlawfully interfere with their rights or retaliate against them for exercising their rights, if the NLRB's General Counsel fails to prosecute their case. Under current law, workers have no recourse if the NLRB's General Counsel fails to take their case.

Expanding Workers' Collective Bargaining Rights and Closing Loopholes that Corporations Use to Exploit Workers

In the Supreme Court, in Congress, and in state legislatures, conservative ideologues have attacked workers' rights, allowing greedy corporations to deprive workers of their pay, benefits, and rights. In response, the PRO Act:

- **Gives workers the power to override so-called "right-to-work" laws that prevent unions from collecting dues from the workers they represent.** To prevent free-riders from benefitting from the representation and services unions must provide without paying their fair share for those services, the *PRO Act* allows employers and unions to enter into a contract that allows unions to collect fair-share fees that cover the costs of collective bargaining and administering the agreement.
- **Enhances workers' right to support boycotts, strikes, or other acts of solidarity.** The bill protects workers' First Amendment Rights by removing prohibitions on workers acting in solidarity with workers at other companies. Also, the bill safeguards the right to strike by clarifying that "intermittent" strikes don't lose their federal protection, and by prohibiting companies from permanently replacing workers who participate in a strike.
- **Closes loopholes in labor law that erode workers' rights.** The bill prevents employers from misclassifying their employees and prevents workers from being denied remedies due to their immigration status. It also sets a "joint employer" standard that ensures employees across the country have the right to collectively bargain with all of the companies that control the terms and conditions of their employment.
- **Safeguards workers' access to justice** by overturning Justice Gorsuch's assault on workers in *Epic Systems v. Lewis*. The bill will clarify that employers may not force employees to waive their right to engage in collective or class-action litigation.

Strengthening Workers' Access to Fair Union Elections and Requiring Corporations to Respect the Results

Workers seeking to form a union are forced endure a process that is rigged against them from start to finish. As a result, many workers do not have a real opportunity to exercise their basic rights. In response, the PRO Act:

- **Prevents employers from interfering in union elections.** The bill prohibits employers from requiring workers to attend meetings designed to persuade them against voting in favor of a union. If a violation takes place or the employer otherwise interferes with a union representation election, the NLRB will be empowered to issue an order that requires the employer to bargain with the union. The bill also prevents employers from interfering in representation cases, which exist to determine workers' free choice, not corporations' preference about how their employees should exercise protected rights. Furthermore, the bill permits employees to vote off their employers' premises, in a neutral, non-coercive environment of their choosing.
- **Facilitates initial collective bargaining agreements.** Even when workers succeed in forming a union, nearly half of newly formed unions fail to ever reach a contract with the employer. The bill facilitates first contracts between companies and newly certified unions by requiring mediation and arbitration to settle disputes.
- **Increases transparency in labor-management relations.** The bill requires employers to post notices that inform workers of their rights under the National Labor Relations Act, and to disclose contracts with consultants hired to persuade employees on how to exercise their rights.