



## PRO Act

The Protecting the Right to Organize (PRO) Act, introduced by Representative Bobby Scott (VA) as H.R. 842, passed in the U.S. House of Representatives on March 9, 2021. Senator Patty Murray (WA) introduced the companion bill, S. 420, in the U.S. Senate on February 24, 2021. This landmark legislation would remove needless barriers for workers to form a union, while protecting workers and strengthening retirement security.

A strong and growing labor movement is good for workers and for all Americans. The labor movement has been, and continues to be, the leading force in the fight to strengthen Social Security, Medicare and Medicaid, ensuring a measure of retirement security for all Americans. Our country, our democracy and our people benefit when workers have a strong voice at work and are able to join together to build a more secure future for their families and their communities.

### Alliance for Retired Americans Position

The Alliance for Retired Americans endorses the PRO Act and urges all senators and members of Congress to co-sponsor the PRO Act and work toward its enactment.

Union workers have higher wages and can negotiate for benefits such as health care, pensions and employer contributions to retirement plans, which leads to higher income in retirement. Union jobs often come with negotiated defined benefit pensions, which ensure lifelong retirement income.

#### What the PRO Act Does:

### Protects and Expands the Freedom to Organize

The PRO Act streamlines the National Labor Relations Board (NLRB) election process so workers can petition to form a union and get a timely vote. It prohibits employer interference of any sort, including delaying the vote or forcing workers to attend mandatory anti-union meetings as a condition of continued employment. Should an employer break the law or interfere with a fair election, the PRO Act mandates that the NLRB require the employer to bargain with the union if it had the support of a majority of workers prior to the election. The PRO Act also requires employers to disclose the names and payments they make to outside third-party union-busters that they hire to campaign against the union.

## **Enables More Workers to Organize and Bargain for their Rights**

When there is no union in a workplace, employers often misclassify workers as independent contractors or supervisors in order to deprive them of their rights under the National Labor Relations Act (NLRA). The PRO Act cracks down on misclassification by employers, extending NLRA protections to more workers. This is an extremely important provision given the rise in contracting jobs and workers who have jobs with more than one employer.

## **Strengthens Penalties against Employers who Violate the NLRA**

The PRO Act strengthens labor laws by instituting civil penalties for violations of the NLRA, including for corporate officers and directors. It also provides compensatory damages to workers. The bill allows workers to go to court to seek relief and provides job and paycheck protections while their case is going through the system.

## **Ensures First Contract Agreements when Workers Choose to Organize**

While existing law requires that employers bargain in good faith when workers have chosen to join a union, the employer often drags out the bargaining process to avoid reaching a contract, discouraging workers in the process. The PRO Act establishes a process to reach a first contract, including the use of mediation and, if necessary, binding arbitration to reach a contract.

## **Protects the Right to Strike and Protest**

Currently, if workers strike, employers can permanently replace them. The courts have also sided with employers and prohibited workers from boycotting secondary companies doing business with their employer. The PRO Act repeals the prohibition on secondary boycotts and prohibits employers from permanently replacing strikers with new workers.