



## COALITION FOR A **DEMOCRATIC WORKPLACE**

March 4, 2025

Members of the U.S. Senate

Dear Senator:

The Coalition for a Democratic Workplace and the 70 undersigned organizations write to urge your opposition to the Richard L. Trumka Protecting the Right to Organize (PRO) Act, which is scheduled to be introduced by Senator Bernie Sanders and Representative Bobby Scott on March 5. This bill would limit workers' right to secret ballot union representation elections, allow government bureaucrats to unilaterally impose contracts on the private sector, trample free speech and debate, jeopardize industrial stability, and limit opportunities for small businesses and entrepreneurs. It would also cost millions of American jobs, threaten vital supply chains, and greatly hinder the economy. Moreover, many of the bill's provisions would implement policies that have previously been rejected on a bipartisan basis in Congress, overturned by the judicial system, and withdrawn by the federal agencies tasked with implementing them. We urge you to oppose this legislation.

CDW is a broad-based coalition of hundreds of organizations representing hundreds of thousands of employers and millions of employees in various industries across the country concerned with a longstanding effort by some in the labor movement to make radical changes to the National Labor Relations Act (NLRA) without regard to the severely negative impact they would have on employees, employers, and the economy. CDW was formed in 2005.

The PRO Act is designed to push union representation on workers whether they want it or not. The bill does so by:

- limiting the right of employees to vote for or against union representation via secret ballots;
- limiting employers' free speech rights, which effectively silences debate on the pros and cons of union representation generally or a particular union at issue;
- granting the federal government unprecedented control over employment contracts in the private sector, crushing workers' voice in the workplace, violating the Constitution, and eviscerating voluntary agreement in labor-management relations;
- effectively allowing unions to choose a bargaining unit that maximizes its chances of winning a representation election rather than having the National Labor Relations Board (NLRB) choose a unit that would promote a functional and stable bargaining relationship and does not exclude other employees that share similar working conditions, hours, benefits, or supervision simply because they are unlikely to support the union;
- requiring employers to give union organizers employees' personal information without approval from the employees themselves, including home addresses, phone numbers, email addresses, work shifts and locations, and job classifications; and
- eliminating right-to-work protections across the country, including in the twenty-six states whose populations and representatives voted for and implemented such laws. Right-to-



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work laws allow workers to choose not to pay union dues to a labor organization whose policies and advocacy efforts do not align with their own beliefs and ensure workers can continue to work without being forced to join a union.

The PRO Act would disrupt or destroy certain business operations and significantly limit opportunities for small businesses and entrepreneurs. The PRO Act would do this by limiting the circumstances under which an individual can work as an independent contractor and expanding joint employment liability, which would discourage companies from franchising or contracting with smaller employers.

With respect to independent contractors, the PRO Act would limit opportunities for self-employment—gig work or otherwise—by imposing California’s failed “ABC test” for determining whether a worker is an independent contractor or employee. The ABC test makes it very difficult for someone to work as an independent contractor by defining the term “employee” very broadly. Nationwide implementation would forcibly reclassify millions of workers who routinely say they do not want a traditional employee relationship and prize the flexibility and autonomy independent contracting provides. The ABC test would harm those individuals wishing to work for themselves as well as the consumers and businesses that rely on the services independent contractors provide.

As to joint employment, the PRO Act would replace the existing standard for determining when two separate entities are “joint-employers” under federal labor law with one that is vague and more expansive. Joint-employers are mutually responsible for labor violations committed against the jointly employed workers as well as bargaining obligations with respect to those workers. The current standard focuses on whether the potential employers have direct and immediate control over employees. The PRO Act standard, on the other hand, would establish joint employment liability based on indirect or even just reserved control. It would overturn decades of established labor law and undermine nearly every contractual relationship, from the franchise model to those between contractors and subcontractors and suppliers and vendors. This new standard would also hamper businesses’ efforts to encourage “corporate social responsibility” throughout their supply chains and business partners, as doing so would likely trigger joint-employer liability.

Additionally, the PRO Act would impose government control over employment contracts in the private sector by mandating parties use an obscure federal agency, the Federal Mediation and Conciliation Service (FMCS), if they cannot agree to a contract within an arbitrary timeline. The FMCS would have the authority to impose a contract covering all aspects of the workers’ terms and conditions of employment without any input from the workers, employer, or union. These bureaucrats would have no insight into the business’s operations, potentially resulting in a contract that decimates the business or harms the workers. This provision would violate the Fifth Amendment of the Constitution, ignores the fundamental tenet of US labor law that the parties voluntarily agree to the contract, and crush workers’ voice in the workplace. Federal labor law already requires employers bargain in good faith. Moreover, the FMCS is simply incapable of handling this responsibility. The agency would need thousands of new employees and substantial new resources to be able to process this new workload.



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The PRO Act would also destabilize US industrial operations and the economy and threaten supply chains by reversing current bans on intermittent strikes and secondary boycotts. Under the PRO Act, unions would be able to conduct a series of short intermittent strikes to disrupt business operations if an employer doesn't concede to their demands, potentially disrupting the economy and critical supply chains. One of the fundamental goals of the NLRA is to help ensure industrial peace, but intermittent strikes would leave unionized and nonunionized employers alike in constant fear of work stoppages.

The PRO Act would rescind all restrictions against “secondary boycotts,” or activity used by unions to impose economic injury on neutral third parties, including consumers, companies, or other unions, that do business with a company involved in a labor dispute with the union. These activities were banned in the 1940s and 1950s after unions engaged in excessive and abusive tactics. Allowing secondary boycotts will once again expose all consumers, unions, and businesses to coercion, picketing, boycotts, and similar tactics.

These are only a few of the dangerous policies included in the PRO Act.

The economic impact of the PRO Act would be catastrophic. An American Action Forum study conducted in 2021 found that the bill's independent worker reclassification provision alone could cost as much as \$57 billion nationwide, while the joint-employer standard would cost franchises up to \$33.3 billion a year, lead to over 350,000 job losses, and increase lawsuits by 93%.

CDW and the undersigned organizations urge the committee to reject this dangerous legislation and protect the rights of America's workers, small businesses, and consumers.

Sincerely,

Coalition for a Democratic Workplace  
AICC, The Independent Packaging Association  
Air Conditioning Contractors of America  
Alliance for Chemical Distribution (ACD)  
American Bakers Association  
American Home Furnishings Alliance  
American Hotel & Lodging Association  
American Pipeline Contractors Association  
American Rental Association  
American Staffing Association  
American Supply Association  
American Trucking Associations  
AmericanHort  
Argentum  
Associated Builders and Contractors



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Associated Equipment Distributors  
Associated General Contractors of America  
Association of Bi-State Motor Carriers  
Center for Individual Freedom  
Ceramic Tile Distributors Association  
Coalition of Franchisee Associations  
Construction Industry Round Table  
Consumer Technology Association  
FMI – The Food Industry Association  
Foodservice Equipment Distributors Association  
Franchise Business Services  
Global Cold Chain Alliance  
Heating, Air-conditioning, & Refrigeration Distributors International  
HR Policy Association  
Independent Electrical Contractors  
Industrial Fasteners Institute  
International Foodservice Distributors Association  
International Franchise Association  
International Sign Association  
International Warehouse Logistics Association (IWLA)  
Iowa Association of Business and Industry  
Job Creators Network  
Kansas Chamber  
Metals Service Center Institute  
National Apartment Association  
National Armored Car Association  
National Association of Electrical Distributors (NAED)  
National Association of Home Builders  
National Association of Landscape Professionals  
National Association of Manufacturers  
National Association of Wholesaler-Distributors  
National Club Association  
National Council of Chain Restaurants  
National Federation of Independent Business  
National Franchisee Association  
National Lumber & Building Material Dealers Association  
National Multifamily Housing Council (NMHC)  
National Ready Mixed Concrete Association  
National Restaurant Association  
National Retail Federation  
National Roofing Contractors Association  
National Stone, Sand & Gravel Association  
National Tooling and Machining Association  
Pennsylvania Utility Contractors Association



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Plastics Pipe Institute  
Power & Communication Contractors Association  
Precision Machined Products Association  
Precision Metalforming Association  
PRINTING United Alliance  
Small Business & Entrepreneurship Council  
SNAC International  
TRSA - The Linen, Uniform and Facility Services Association  
Truck Renting and Leasing Association  
Truckers Integral to Our Economy  
U.S. Chamber of Commerce  
Western Electrical Contractors Association