

The PRO Act: What Manufacturers Need to Know

Issue: Congress has re-introduced the Protecting the Right to Organize Act (H.R. 842/S. 420), commonly known as the PRO Act. The PRO Act would make dramatic changes to important labor and employment laws that cover every American business and worker, spurring the greatest restructuring of workplace policies in generations.

The PRO Act seeks to increase the number of unionized workers nationwide by changing the ways that union elections are held, workers are classified, businesses communicate with their employees and by increasing penalties and liability on employers. The PRO Act would codify new rules and laws that have previously been introduced through rulemakings and would overturn laws that states have passed on their own.

The PRO Act is gaining steam - it has over 200 bipartisan cosponsors in the House and 40 cosponsors in the Senate. In 2020, the House passed the PRO Act.

Impact: The PRO Act is a catch-all of two dozen misguided employment proposals, but among the most impactful to manufacturers and workers are:

- **Remove the right to a secret ballot and institute “card check.”** If a union claims that an employer committed an unfair labor practice during an organizing drive, the union can move to a card check election which may cause employees to face coercion, intimidation and would restrict democracy in the workplace.
- **Remove Right to Work laws nationwide.** Currently, 28 states have passed Right to Work laws which provide workers the right to decide where they spend their hard-earned paychecks.
- **Remove the legal protections of union elections.** Workers should have the right to join a union if that is what they decide. The PRO Act seeks to remove employee choice by shortening the timeframe of union elections, making it harder for workers to learn the merits of joining a union and restricting employers’ ability to seek legal counsel on complex labor matters.
- **Make it harder for workers to remain independent and needlessly increase employer liability.** The PRO Act seeks to limit the innovative business models that manufacturers are using by essentially eliminating the independent contractor model and making more companies joint employers of their business partners.
- **Disrupt critical business operations during the COVID-19 pandemic.** The PRO Act would allow secondary boycotts, intermittent strikes and place restrictions on hiring decisions, which could disrupt the production of vaccines, PPE and essential goods.
- **Reveal confidential and sensitive employee information.** Under the PRO Act, companies would be required to provide unions with employees’ home address, cell phone numbers, email addresses and work shifts without the consent of employees.

NAM in Action: The NAM will continue to strongly oppose the PRO Act and call on Congress to reject all of its proposals. We will show why the PRO Act hurts workers, the economy and the relationships between employers and employees. The NAM sent a [letter](#) to Congress opposing the bill and highlighted the need for labor policies that reflect the modern manufacturing facility.

The NAM will lead manufacturers' advocacy efforts on Capitol Hill and provide NAM members with resources to fight back and educate workers on the impacts of the bill. We will host webinars, activate grassroots and target priority Congressional districts with media and testimonials.

For more information or questions, please contact Drew Schneider, Director of Labor and Employment Policy (dschneider@nam.org).