**Labor is Forcing Failed Arbitration on the Workplace**

My organization represents [number of small businesses] small businesses in [name of your state]. According to the US Small Business Association, there are [number of small businesses in your state; find the number [here](https://advocacy.sba.gov/2019/04/24/2019-small-business-profiles-for-the-states-and-territories/)] small businesses in [name of your state], and they employ [find the number [here](https://advocacy.sba.gov/2019/04/24/2019-small-business-profiles-for-the-states-and-territories/)] percent of employees in the state.

While I appreciate the important role that unions have played in this country, I am disappointed in and deeply concerned with the current effort by union lobbyists and their allies in Congress to pass the Protecting the Right to Organize (PRO) Act. While the PRO Act has numerous controversial provisions, one is particularly onerous – government-imposed arbitration on private companies that refuse to yield to union demands in first contract negotiations.

Under current law a company is required to negotiate in good faith on the terms of a labor contract, but it is not required to agree to any particular demand made by the union. The government has historically avoided dictating terms of collective bargaining agreements between private parties for a host of reasons, not the least of which is its lack of expertise with hard budget constraints, evidenced by the continually rising public debt and annual budget crises.

Under the PRO Act, however, if an employer and a union cannot reach a collective bargaining agreement within the first 120 days of negotiations, a government-approved arbitrator would step in to mandate the new contract terms, with neither the employer nor the employees having an opportunity to vote on whether or not they approve the new deal.

These arbitrators would have the authority to establish the wages, benefits, and workplace conditions of the new collective bargaining agreement. Unfortunately, these bureaucrats generally would not be familiar with the business or its operations. This means that if the arbitrator miscalculates what an employer can afford to pay or offer its employees or decides to force the employer into a failing multiemployer pension plan, the employer would have no opportunity to point out the mistake or flag the potential consequences. These miscalculations could result in massive layoffs or even the company going out of business. This is not a hypothetical situation; many blame the public sector’s experiment with using arbitrators to settle contract disputes for bankrupting multiple municipalities and for fueling the public sector pension crisis.

Furthermore, by allowing the government to take over, there would be no incentive for unions to engage in meaningful negotiations with employers, since they know the government will eventually get involved. In fact, under the PRO Act, the union has a strong incentive to enter into arbitration with fairly extreme demands.

The PRO Act takes away employees’ right to self-determination and jeopardizes the well-being of businesses across the country. Congress should unequivocally reject this bill and attempts by Labor to expand government interference in the private sector.