**Labor – Stealing like a PRO**

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 seriously concerned with the current effort by union lobbyists and their allies in Congress to pass the Protecting the Right to Organize (PRO) Act. The PRO Act steals opportunities from small businesses and entrepreneurs simply to make it easier for unions to access the deeper pockets and larger workforces of bigger companies. This bill will do nothing but block pathways to the American Dream of owning a small business and being your own boss.

While the PRO Act contains a dozen controversial provisions that would change decades of established law, the one that worries me most is a change to the law around “joint employers.” Two companies are joint employers if they share direct and immediate control over the working conditions of the same group of employees. Joint employers are mutually responsible for each other’s violations of federal labor law with regards to the employees in question and must jointly bargain with any union representing those employees. This is an important safeguard for workers; it ensures they can negotiate their terms and conditions of employment with the entities that maintain control over their workplace.

The PRO Act, however, would turn this important protection into a weapon against small businesses by extending joint employer liability to arrangements where companies might share *indirect* or even just *unexercised* control over employees. These terms are purposely vague in an attempt to capture as many businesses and business relationships as possible. By expanding the standard in this manner, unions will be able to target more vulnerable small businesses in order to access the larger company’s greater financial resources. Additionally, under the new standard unions will have increased opportunities to organize the larger company’s workforce, potentially providing them with new members and thereby new revenue sources.

One industry that will be hit the hardest by the PRO Act’s joint employer standard will be franchising. The franchise industry is sizeable and vital to the economy. There are currently more than 733,000 franchise establishments in the U.S. They support nearly 7.6 million jobs and create $674.3 billion of economic output for the economy. Under the new joint employer standard franchisors will be forced to increase their oversight and authority over their franchisees’ labor practices to protect themselves from their potential liability. In many cases companies will even limit franchise opportunities, denying many Americans access to their dream of owning their own company. According to the International Franchise Association a prior attempt to impose the PRO Act’s joint employer standard cost franchise businesses $33.3 billion per year, led to a 93% increase in litigation, and resulted in 376,000 lost job opportunities, as business owners were afraid to expand and risk additional liability under the law. As a country we simply can’t afford this type of loss.

The PRO Act and its joint employer standard are bad policy. We cannot allow union lobbyists and lawmakers beholden to them to steal opportunities from small businesses and entrepreneurs or discourage franchise opportunities. Voters in our state need to tell Congress to reject this bill.