



COALITION FOR A
DEMOCRATIC WORKPLACE

June 20, 2023

Honorable Bernie Sanders
Chair
Senate Health, Education, Labor, and Pensions Committee
428 Senate Dirksen Office Building
Washington, D.C., 20510

Honorable Bill Cassidy
Ranking Member
Senate Health, Education, Labor, and Pensions Committee
428 Senate Dirksen Office Building
Washington, D.C., 20510

Dear Chair Sanders and Ranking Member Cassidy:

The Coalition for a Democratic Workplace (“CDW”) writes to urge your opposition to the Richard L. Trumka Protecting the Right to Organize (“PRO”) Act, S. 567. This radical legislation will limit workers’ right to secret ballot elections, trample free speech and debate, jeopardize industrial stability, and limit opportunities for small businesses and entrepreneurs, all while costing millions of American jobs and greatly hindering our economy. CDW urges the Committee to reject this bill.

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 without regard to the severely negative impact they would have on employees, employers, and the economy. CDW was originally formed in 2005 and has since focused on pushing back against regulatory overreach by the NLRB.

In March 2023, CDW sent a letter¹ to Congress demonstrating the employer community’s significant concerns with the PRO Act. One hundred organizations representing nearly every industry in the economy signed onto this letter. Our letter outlined numerous concerning provisions included in the bill, such as its efforts to:

- limit the right of employees to vote for or against union representation via secret ballots;
- limit employers’ free speech rights, effectively silencing debate on the pros and cons of union representation generally or a particular union at issue;

¹ CDW letter to Members of U.S. Congress (March 24, 2023), available at http://myprivateballot.com/wp-content/uploads/2023/03/CDW-PRO-Letter-Congress_Mar-2023.pdf.



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- allow unions to choose a bargaining unit that maximizes its chances of winning a representation election rather than having the NLRB choose a unit that would promote a functional and stable bargaining relationship and does not exclude from the proposed unit other employees that share similar working conditions, hours, benefits, or supervision simply because they are unlikely to support the union;
- require 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
- eliminate right-to-work protections across the country, including in the twenty-seven states whose populations and representatives voted for and implemented such laws. (Right-to-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.)

Additionally, our letter highlighted a 2021 Forbes Tate Partners survey² that showed registered voters across the country are deeply concerned with the legislation. We also pointed to a 2021 American Action Forum study³ that found that the economic cost of the bill's provisions altering the independent worker and joint-employer standards would be devastating for the economy.

The PRO Act is radical legislation that will infringe on the rights of workers and employers alike and have significant negative consequences for our economy. CDW urges the Committee to listen to their constituents and reject this misguided legislation.

Sincerely,

Kristen Swearingen
Chair
Coalition for a Democratic Workplace

² Forbes Tate Partners, "National Survey: Voters are concerned about the PRO Act and its negative impacts on workers and small businesses" (June 2021), available at http://myprivateballot.com/wp-content/uploads/2021/06/PRO_Act-National-Survey-Summary-6.28.21.pdf.

³ Isabel Soto and Thomas O'Rourke, "State-Level Costs of the Protecting the Right to Organize Act," American Action Forum (August 13, 2021), available at <https://www.americanactionforum.org/research/state-level-costs-of-the-protecting-the-right-to-organize-act/>.