COALITION FOR A
DEMOCRATIC WORKPLACE

October 7, 2025

Members
Senate Health, Education, Labor, and Pensions Committee
428 Senate Dirksen Office Building
Washington, DC, 20510

Dear Members of the Senate Health, Education, Labor, and Pensions Committee:

The Coalition for a Democratic Workplace (CDW) thanks the Committee for holding the hearing "Labor Law Reform Part 1: Diagnosing the Issues, Exploring Current Proposals." We write to highlight the business community's position on various existing legislative labor reforms, including the:

- Save Local Business Act (H.R. 4366)
- Start Applying Labor Transparency (SALT) Act (H.R. 2952)
- Worker Enfranchisement Act (H.R. 2572)
- Faster Labor Contracts Act (H.R.5408 / S.844)
- Richard L. Trumka Protecting the Right to Organize (PRO) Act (H.R.20 / S.852)
- Senator Hawley's labor policy legislative framework
- Warehouse Worker Protection Act (H.R.4896 / S. 2613)

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.

CDW would like to share the letters of support and opposition for existing legislative labor reforms that the coalition has led since the start of the 119th Congress. Further, we urge the Committee to oppose legislation that will infringe on the rights of workers and employers alike, destabilize labor relations, and harm the economy, and instead support legislation that protects workers' rights and provides certainty to the regulated community.

Thank you again for holding this important hearing. It is critical that the Committee continue to pursue legislation that benefits workers, employers, and the broader economy.

Sincerely,

The Coalition for a Democratic Workplace

COALITION FOR A
DEMOCRATIC WORKPLACE

July 11, 2025

Members of the U.S. Senate and U.S. House of Representatives

Dear Senators and members of Congress:

The Coalition for a Democratic Workplace (CDW) and the 72 undersigned organizations commend the introduction of and write to urge your support for the Save Local Business Act, which would amend the National Labor Relations Act (NLRA) and the Fair Labor Standards Act (FLSA) to clarify that an entity is only a joint employer if it directly and immediately exercises meaningful control over workers' essential terms and conditions of employment. This common-sense approach would provide clarity and predictability to the regulated community and ensure that the entities that truly have control over a group of workers are at the bargaining table. We urge you to support 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 formed in 2005.

The joint employer standard under both the NLRA and FLSA is used to determine when two or more entities are jointly responsible for the terms and conditions of employment for a shared group of employees. This includes, but is not limited to, having the ability to hire, fire, discipline, supervise, or direct employees. Joint employer status comes with significant liability and responsibility under the law, including collective bargaining obligations and liability for any violations under either of the Acts committed against the shared employees.

For decades, only entities that had direct and immediate control over those terms and conditions of employment could be deemed joint employers. This standard provided clarity and predictability to the regulated community. Unfortunately, over the past several administrations, efforts have been made to broaden the standard, and the Biden administration went so far as to require a joint employer determination for any entity that had indirect or even unexercised, reserved control over workers' terms and conditions of employment. This standard encompasses nearly every contractual relationship across the economy, needlessly exposing vastly more businesses to unwarranted joint employer liability. Federal courts have recognized the absurdity of this standard, explaining that the rule "would treat virtually every entity that contracts for labor as a joint employer because virtually every contract for third-party labor has terms that impact, at least indirectly… essential terms and conditions of employment."

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If this standard were implemented, it would result in the decimation of the franchise model, as franchisors would be forced to withhold support from franchisees or exert increased authority over them; the loss of small businesses, as larger companies would bring work in-house out of fear of the liability of contracting with smaller entities; and the end of "corporate social responsibility" initiatives, as businesses distance themselves from their contractors, suppliers, and vendors.

The Save Local Business Act, on the other hand, would codify the traditional joint employer standard into both the NLRA and FLSA, ensuring that only direct and immediate control over workers' terms and conditions of employment could trigger joint employer status. It would provide the regulated community with the clarity and predictability it needs to comply with the law and plan for the future. It would safeguard pathways to the American Dream by protecting proven business models that allow small businesses and entrepreneurs to offer their services, expand, and thrive.

The Coalition for a Democratic Workplace and the undersigned organizations urge Congress to pass the Save Local Business Act. Doing so would provide certainty to the regulated community, workers, and the economy and block future policymakers from expanding the joint employer standard beyond what is reasonable or feasible.

Sincerely,

Coalition for a Democratic Workplace
60 Plus Association
Agricultural Retailers Association
AICC, The Independent Packing Association
Air Conditioning Contractors of America
American Association of Senior Citizens
American Bakers Association
American Foundry Society
American Hotel & Lodging Association
American Pipeline Contractors Association
American Seniors Housing Association
American Staffing Association
American Supply Association
American Trucking Associations
Asian American Hotel Owners Association
Associated Builders and Contractors
Associated Equipment Distributors
Associated General Contractors of America
Association of Bi-State Motor Carriers
Center for Individual Freedom
Center for the Defense of Free Enterprise
Construction Industry Round Table
Consumer Technology Association
Foodservice Equipment Distributors Association
Franchise Business Services
Global Cold Chain Alliance
Heating, Air-conditioning, & Refrigeration Distributors International
HR Policy Association
Independent Bakers Association
Independent Electrical Contractors

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International Foodservice Distributors Association
International Franchise Association
International Sign Association
International Warehouse Logistics Association (IWLA)
Manufactured Housing Institute
Manufacturer & Business Association
MEMA, The Vehicle Suppliers Association
National Apartment Association
National Association of Convenience Stores
National Association of Landscape Professionals
National Association of Manufacturers
National Association of Professional Employer Organizations
National Association of Wholesaler-Distributors
National Club Association
National Council of Chain Restaurants
National Council of Farmer Cooperatives
National Federation of Independent Business
National Grocers Association
National Marine Distributors Association
National Restaurant Association
National Retail Federation
National Roofing Contractors Association
National RV Dealers Association (RVDA)
National Small Business Association
National Tooling and Machining Association
NATSO, Representing America's Travel Centers and Truck Stops
Outdoor Power Equipment and Engine Service Association
Petroleum Equipment Institute
Power & Communication Contractors Association
Precision Machined Products Association
Precision Metalforming Association
PRINTING United Alliance
SIGMA: America's Leading Fuel Marketers
Small Business & Entrepreneurship Council
Technology & Manufacturing Association
Textile Care Allied Trades Association
The National Franchisee Association
Tile Roofing Industry Alliance
TRSA -- The Linen, Uniform and Facility Services Association
Truck Renting and Leasing Association
United States Hispanic Business Council
U.S. Chamber of Commerce
Workplace Solutions Association

COALITION FOR A
DEMOCRATIC WORKPLACE

April 15, 2025

Members of the U.S. Senate and U.S. House of Representatives

Dear Members of Congress:

The Coalition for a Democratic Workplace (CDW) and the 44 undersigned organizations urge your support for the Start Applying Labor Transparency (SALT) Act, which would amend the Labor-Management Reporting and Disclosure Act (LMRDA) to require labor organizations to register with the Department of Labor (DOL) their "salts," or employees who infiltrate other businesses to trigger an organizing campaign. Salting is inherently coercive, but, currently, neither unions nor salts are required to disclose their actions, in sharp contrast to the reports employers must file under the LMRDA. CDW urges Congress to support the SALT Act, which would require salts and the unions that engage them to file reports with DOL, ensuring employees and employers have access to critical information.

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 formed in 2005.

Unions use salts to destabilize non-unionized workplaces. Salts seek employment at a nonunionized facility with the intention of persuading the employees at that workplace to organize. Salts obtain a job, gain the trust of their fellow workers, sow discord (often by disparaging the employer), and then try to convince their colleagues that unionizing is the only solution to address workplace concerns. They use their positions within the company to obtain information for the union about their coworkers and the employer.

Salts intentionally do not inform their colleagues about their true intentions. They mislead the other workers into believing their goals are aligned. Salting is inherently coercive and violates workers' right to know when they are being persuaded about collective bargaining.

Moreover, under the LMRDA, employers must file reports when they hire consultants to speak to employees directly about organizing, but unions and their salts are allowed to engage in the same behavior in an unregulated, unjust manner. This is unfair to workers and businesses, particularly smaller businesses, who lack in-house lawyers or sophisticated human resources departments that can help navigate the discord and legal challenges posed by a salt.

A recent example of salting occurred in 2022 and 2023 during the organizing campaign that targeted Starbucks stores across the country. While the media at the time portrayed the unionization campaign as an organic grassroots effort by Starbucks baristas, we've come to learn that the campaign relied heavily on well-paid salts. Since the salts' activities were revealed, workers at numerous unionized Starbucks stores have filed to decertify their union, several citing salting as a reason.

The SALT Act would create parity with employer reporting obligations by requiring unions and salts to file reports with DOL. Publicizing this information would ensure workers, employers, and the public are fully aware when unions have paid a labor organizer to attempt to disrupt and organize a workplace. Workers deserve transparency in the collective bargaining process, and this legislation would ensure workers know when someone with an agenda is trying to persuade them.

CDW and the undersigned organizations urge Congress to support the Start Applying Labor Transparency Act to protect workers, guarantee transparency in union organizing campaigns, and ensure labor stability nationwide.

Sincerely,

Coalition for a Democratic Workplace
60 Plus Association
AICC, The Independent Packaging Association
Air Conditioning Contractors of America
American Association of Senior Citizens
American Pipeline Contractors Association
American Seniors Housing Association
American Staffing Association
Argentum
Associated Builders and Contractors
Center for Individual Freedom
Center for the Defense of Free Enterprise
Coalition of Franchisee Associations
Competitive Enterprise Institute
Construction Industry Round Table
Consumer Technology Association
Convenience Distribution Association (CDA)
Franchise Business Services
Global Cold Chain Alliance
Heating, Air-conditioning, & Refrigeration Distributors International

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HR Policy Association
Independent Bakers Association
Independent Electrical Contractors
International Foodservice Distributors Association
International Warehouse Logistics Association (IWLA)
Littler Workplace Policy Institute
Manufactured Housing Institute
National Association of Electrical Distributors (NAED)
National Association of Wholesaler-Distributors
National Council of Chain Restaurants
National Franchisee Association
National Ready Mixed Concrete Association
National Restaurant Association
National Retail Federation
Pennsylvania Utility Contractors Association
Plastics Pipe Institute
Power & Communication Contractors Association
PRINTING United Alliance
Small Business & Entrepreneurship Council
Technology & Manufacturing Association
Texas Hotel & Lodging Association
Truck Renting and Leasing Association
United States Hispanic Business Council
Virginia Manufacturers Association
Western Electrical Contractors Association

COALITION FOR A
DEMOCRATIC WORKPLACE

April 15, 2025

Members of the U.S. Senate and U.S. House of Representatives

Dear Senators and members of Congress:

The Coalition for a Democratic Workplace (CDW) and the 32 undersigned organizations write to urge your support for the Worker Enfranchisement Act (H.R. 2572), which would require a two-thirds participation rate in union representation elections before the results of elections can be certified. This legislation would protect workers' right to choose whether or not they wish to be represented by a union. It would guarantee workers' wishes are heard and enacted and protect workers from being forced into unions they do not support. We urge your support for this much-needed 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 without regard to the severely negative impact they would have on employees, employers, and the economy. CDW was formed in 2005.

Currently, unions can win the right to be the exclusive representative of a workforce after receiving votes in a union representation election from only a few workers in the potential bargaining unit. There is no minimum participation rate required under the National Labor Relations Act, which allows minimal support from the workers to lead to union representation. Only a handful of workers can force an entire workforce into a union.

In 2023, for example, unions won 258 representation elections with less than two-thirds of the eligible unit voting, 114 elections in which less than a majority of the unit participated, and 27 elections in which less than one-third of the unit voted. In this latter category, only 797 of the 2,930 eligible employees (27%) cast a vote in their respective elections. Unions won 287 representation elections with less than a majority of the potential bargaining unit voting in favor of representation. In 55 elections, the union won with less than one-third of the potential bargaining unit voting in favor of unionization, and in these elections, 1,967 workers obtained union representation for 7,442 workers (26%). In one election, two workers obtained union representation for 24 employees, and in another, 331 workers obtained representation for 1,603 workers.

The Worker Enfranchisement Act would fix this oversight by requiring a minimum participation rate in union representation elections before the results of that election can be certified. The bill requires two-thirds of the potential bargaining unit to participate in a representation election,

thereby guaranteeing that the workers' true desires on union representation are both heard and carried out. This requirement would guarantee that unions actually have majority support from the workers before they can obtain exclusive representation over those workers.

This much-needed legislation will protect the rights of workers to choose whether or not they want to unionize. CDW and the undersigned organizations urge your support for this bill.

Sincerely,

Coalition for a Democratic Workplace
60 Plus Association
AICC, The Independent Packaging Association
American Association of Senior Citizens
American Pipeline Contractors Association
Associated Builders and Contractors
Center for Individual Freedom
Center for the Defense of Free Enterprise
Coalition of Franchisee Associations
Construction Industry Round Table
Consumer Technology Association
Convenience Distribution Association (CDA)
Franchise Business Services
Global Cold Chain Alliance
HR Policy Association
Independent Bakers Association
Independent Electrical Contractors
International Foodservice Distributors Association
International Warehouse Logistics Association (IWLA)
Littler Workplace Policy Institute
National Association of Electrical Distributors (NAED)
National Association of Wholesaler-Distributors
National Council of Chain Restaurants
National Franchisee Association
National Ready Mixed Concrete Association
National Retail Federation
Power & Communication Contractors Association
Small Business & Entrepreneurship Council
Texas Hotel & Lodging Association
Truck Renting and Leasing Association
United States Hispanic Business Council
Virginia Manufacturers Association
Western Electrical Contractors Association

COALITION FOR A
DEMOCRATIC WORKPLACE

March 26, 2025

Dear Members of Congress:

Senators Josh Hawley (R-MO), Cory Booker (D-NJ), Bernie Moreno (R-OH), Gary Peters (D-MI), and Jeff Merkley (D-OR) recently introduced S. 844, the "Faster Labor Contracts Act" (FLCA). The undersigned organizations, representing a wide variety of industries from across the country and economy, urge you to oppose this legislation, which could lead to the Federal Government mandating the terms of contracts between unions and companies. The bill runs directly counter to President Trump's recent pronouncement that "the days of rule by unelected bureaucrats are over,"[1] threatens the economic viability of companies and jobs, forces contract terms without the consent of employees or companies, and is tantamount to an unconstitutional taking.

The FLCA is nearly identical to a provision in Senator Bernie Sanders's PRO Act and similar to a provision in the Employee Free Choice Act (EFCA), both of which Congress has repeatedly rejected on a bipartisan basis. The bill would require employers and unions to finalize initial collective bargaining agreements within 120 days or face "binding interest arbitration of first contracts." In practice, this means that an arbitration panel would be authorized by the federal government to dictate exactly what is included in the first contract, including wages, benefits, safety procedures, leave questions, and nearly every other aspect of workplace policy for newly organized employees. The arbitrators' ruling would "be binding upon the parties for a period of two years."

Parties would have no recourse against the government or arbitrators if the mandated contract terms result in company bankruptcy or closure, and neither the federal government nor arbitrators are equipped to set terms for private parties to a contract. As former Federal Mediation and Conciliation Service Director Peter Hurtgen explained to Congress when testifying on EFCA, "No outside agency, whether arbitration, courts, or government entity, has the skill, knowledge, or expertise to create a collective bargaining agreement. If it is not a creature of the parties' creation, it likely will fail of its purpose. It must be done with tradeoffs and separate prioritizing. Only the parties can do that. There are no standards for arbitrators to apply. There is no skill set for arbitrators to use. Solomon is simply unavailable."[2]

The bill also creates constitutional concerns. Mandatory arbitration would deprive both employers and employees of property rights without the requisite due process safeguards. The

[1] President Trump, Speech to a Joint Session of Congress, March 4, 2025.
[2] "Employee Free Choice Act: Restoring Economic Opportunity for Working Families." Senate Committee on Health, Education, Labor & Pensions, Public Hearing, March 27, 2007.

government would be granted the authority to impose a binding first contract unbounded by Fifth Amendment protections or any other statutory guidelines. As such, the FLCA runs "smack into the takings clause."[3] The mandated contract could force an employer already working on thin profit margins to spend thousands of dollars to overhaul their facilities, change subcontractors, or alter promotion policies, without any judicial oversight. Similarly, the imposed contract could cut the wages of employees without any consideration of legal fairness.

By eviscerating any "voluntary agreement," the FLCA also runs counter to a fundamental tenet of U.S. labor law. Under this longstanding bedrock principle, the parties, not the government, should determine the applicable terms and conditions of employment. The original authors of the

National Labor Relations Act (NLRA) acknowledged this important notion.[4] As the Supreme Court explained, "The object of [the NLRA] was not to allow governmental regulation of the terms and conditions of employment, but rather to ensure that employers and their employees could work together to establish mutually satisfactory conditions. The basic theme of the Act was that, through collective bargaining, the passions, arguments, and struggles of prior years would be channeled into constructive, open discussions leading, it was hoped, to mutual agreement. But it was recognized from the beginning that agreement might, in some cases, be impossible, and it was never intended that the Government would, in such cases, step in, become a party to the negotiations, and impose its own views of a desirable settlement."[5] Multiple federal courts have confirmed this over time, finding that a "fundamental premise" of the NLRA is to ensure "private bargaining under governmental supervision of the procedure alone, without any official compulsion over the actual terms of the contract."[6] The Faster Labor Contracts Act would obliterate this principle and allow the government-mandated arbitrators to force their own views on the parties.

Under the bill, workers would effectively be shut out of the negotiation process and forfeit their right to vote for or against the contract. As University of Chicago Professor Richard Epstein explained in 2009, workers should be "free to walk away from any deal they don't like."[7] The FLCA would prioritize speed over safeguarding workers' critical right to have a voice in the workplace.

The FLCA would require a large expansion of the federal government at a time when the Trump administration is reducing the scope and size of federal agencies. Proponents must clarify who will be accountable for hiring and training the thousands of new federal government employees

[3] Epstein, Richard. "The Employee Free Choice Act Is Unconstitutional." Hoover Institution, Dec. 19, 2008.
[4] See Remarks of Senator David I. Walsh, 79 Cong. Rec. 7659; see also 79 Cong. Rec. 9682, 9711.
[5] H. K. Porter Co., Inc. V. NLRB, 397 U.S. 99 (1970), emphasis added.
[6] U.S. Can Co. v. NLRB, 984 F.2d 864, 870 (7th Cir. 1993).
[7] Epstein, Richard. "The Case Against the Employee Free Choice Act." University of Chicago Law School, 2009.

required to oversee this significant new initiative, as well as how taxpayers would finance the implementation of this proposal.

Finally, the sponsors of the bill have not made the case for the FLCA or explored in any depth whether existing law is inadequate and, if so, what reforms short of an unconstitutional takeover of private contracts might address these possible inadequacies. The NLRA already contains requirements that parties bargain in good faith toward a contract.[8] Any failure by parties to abide by these obligations may result in the National Labor Relations Board assessing penalties. As part of this obligation to bargain, employers must meet with the union at reasonable times and intervals and negotiate in good faith on mandatory subjects. Neither party can engage in bad-faith, surface, or piecemeal bargaining nor refuse to provide relevant information. The law also imposes many other restrictions on employers during bargaining, including limits on employers directly communicating with employees and changing wages, hours, working conditions, or other mandatory bargaining subjects without negotiating with the union.

In summary, this bill is bad for American workers, employers, and the overall economy. We strongly urge you to oppose the legislation.

Sincerely,

Coalition for a Democratic Workplace
60 Plus Association
AICC, The Independent Packaging Association
Alliance for Chemical Distribution
American Bakers Association
American Hotel and Lodging Association
American Pipeline Contractors Association
American Trucking Associations
Associated Builders and Contractors
Associated Equipment Distributors
Associated General Contractors of America
Construction Industry Round Table
Consumer Technology Association
Convenience Distribution Association
Foodservice Equipment Distributors Association
Global Cold Chain Alliance
Heating, Air-conditioning, & Refrigeration Distributors International
HR Policy Association

[8] National Labor Relations Act, 29 U.S.C. §§ 151-169.

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Independent Bakers Association
Independent Electrical Contractors
International Foodservice Distributors Association
International Franchise Association
International Warehouse Logistics Association
Missouri Chamber of Commerce
Missouri Retailers Association
National Association of Wholesaler-Distributors
National Council of Chain Restaurants
National Fastener Distributors Association
National Federation of Independent Business
National Marine Distributors Association
National Ready Mixed Concrete Association
National Restaurant Association
National Retail Federation
National Roofing Contractors Association
Ohio Chamber of Commerce
Outdoor Power Equipment and Engine Service Association
Pennsylvania Utility Contractors Association
Plastics Pipe Institute
Power & Communication Contractors Association
Small Business & Entrepreneurship Council
Tile Roofing Industry Alliance
U.S. Chamber of Commerce
Western Electrical Contractors Association

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-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, ignore the fundamental tenet of US labor law that the parties voluntarily agree to the contract, and crush workers' voices in the workplace. Federal labor law already requires employers to 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.

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

COALITION FOR A
DEMOCRATIC WORKPLACE

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
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)

COALITION FOR A
DEMOCRATIC WORKPLACE

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
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

COALITION FOR A
DEMOCRATIC WORKPLACE

February 6, 2025

Members of the U.S. Senate

Dear Senator:

The Coalition for a Democratic Workplace (CDW) and the 42 undersigned organizations write to raise significant concerns with the labor policy legislative framework released by Senator Josh Hawley (R-MO) on January 10. While Senator Hawley has not released any specific legislative language, the provisions described in the framework mirror provisions contained in two flawed bills – the Protecting the Right to Organize (PRO) Act (S. 567, 118th Congress), introduced by Senator Bernie Sanders (D-VT), and the Warehouse Worker Protection Act (S. 5208, 118th Congress), introduced by Senators Edward Markey (D-MA), Elizabeth Warren (D-MA), and Sanders. Congress has repeatedly rejected the PRO Act on a bipartisan basis because of the threats it poses to workers and our economy. If Senator Hawley decides to introduce legislation based on his framework, we urge you not to support it and reject the policies contained therein.

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 formed in 2005.

The legislative framework promoted by Sen. Hawley includes provisions that have been rejected by Congress, the National Labor Relations Board (NLRB or Board), and the courts, and face strong opposition from the regulated community for their potentially devastating consequences.

Two provisions within the framework guarantee workers will not be fully informed before they choose whether or not they want union representation in the workplace. The first mandates that representation elections be held within 20 business days after a union files a petition for an election. These "ambush elections" will result in "backdoor organizing," leaving employers – especially small businesses – without an opportunity to discuss potential unionization with their employees. In essence, ambush elections silence debate on unionization and only result in workers being less informed about the pros and cons of union representation before voting. As current Board Chair Marvin Kaplan explained, such policies value "quick elections over fully informed voters."[9]

[9] NLRB Representation Case Procedures Final Rule, 29 CFR Part 102, August 25, 2023.

Additionally, the framework bans so-called "captive audience meetings." These meetings are held by employers during work hours and can cover a variety of topics, not just unionization. Moreover, these meetings often serve as the only opportunity for workers to hear from employers about the accuracy of union claims and promises and about the potential negative consequences of union organizing on the workers and/or the business. By banning such meetings, the framework would leave employees without a full understanding of the consequences of union representation before placing their vote. Importantly, these meetings and employer speech rights during union organizing drives have been protected by Congress, the Supreme Court, and the Board itself for decades. They should continue to be protected to ensure workers are fully informed before voting on union representation.

The framework also imposes a 10-day time period for an employer and union to begin negotiating following a representation election, as well as a requirement that a bargaining agreement be finalized "within months." The consequences for not obtaining such an agreement will likely be mandatory, binding arbitration, which will allow the federal government to set the terms of private contracts without the input or consent of the employees, employers, or unions involved. The 10-day period is simply too short a window to allow the collective bargaining process to take shape. Complex negotiations must take place on any and all terms and conditions of employment. These discussions, by nature, take time. Moreover, many issues can arise during the election process that must be settled before meaningful negotiations can occur. The arbitrary timeline proposed will not make this process more efficient but will result in worse outcomes for workers and businesses nationwide.

Sen. Hawley's framework is misguided at best and dangerous at worst. The policies contained therein will infringe on the rights of workers and employers alike. It will destabilize labor relations and harm the economy. CDW and the undersigned organizations strongly urge you to reject this framework and its imprudent policies.

Sincerely,

Coalition for a Democratic Workplace
Air Conditioning Contractors of America
American Bakers Association
American Pipeline Contractors Association
Associated Builders & Contractors
Associated Equipment Distributors
Associated General Contractors of America
Association of Bi-State Motor Carriers
Ceramic Tile Distributors Association
Coalition of Franchisee Associations

COALITION FOR A
DEMOCRATIC WORKPLACE

Construction Industry Round Table
Consumer Technology Association
Convenience Distribution Association
Foodservice Equipment Distributors Association
Franchise Business Services
Global Cold Chain Alliance
Heating, Air-conditioning, & Refrigeration Distributors International
Independent Bakers Association
Independent Electrical Contractors
Independent Lubricant Manufacturers Association
International Foodservice Distributors Association
International Warehouse Logistics Association (IWLA)
Iowa Association of Business and Industry
Metals Service Center Institute
National Association of Electrical Distributors
National Association of Home Builders
National Association of Wholesaler-Distributors (NAW)
National Fastener Distributors Association
National Franchisee Association
National Lumber & Building Material Dealers Association
National Marine Distributors Association
National Ready Mixed Concrete Association
National Retail Federation
National Stone, Sand & Gravel Association
Outdoor Power Equipment and Engine Service Association
Power & Communication Contractors Association
Small Business & Entrepreneurship Council
Textile Care Allied Trades Association
The Fertilizer Institute
Truck Renting and Leasing Association
United States Hispanic Business Council
Western Electrical Contractors Association
World Millwork Alliance (WMA)

COALITION FOR A
DEMOCRATIC WORKPLACE

September 15, 2025

To the Members of the United States Senate and House of Representatives:

The 45 undersigned organizations strongly oppose the Warehouse Worker Protection Act (S.2613/H.R.4896), which would impose long-discarded and unworkable regulations on warehouse distribution centers, curtail employers' due process rights when challenging citations from the Occupational Safety and Health Administration (OSHA), and hamstring a critical part of our national supply chain. Despite its narrow-sounding title, the legislation would impact workplaces in nearly every industry sector nationwide. Protecting workers is a priority for all employers, but this bill would only impede efficient operations without improving workplace safety.

The Warehouse Worker Protection Act would resurrect OSHA's long-discarded ergonomics standard. When this regulation was first promulgated a quarter century ago, it was found to be so unworkable that a strong bipartisan majority of Congress voided it in the first-ever use of the Congressional Review Act. Congress was right then and should not revisit this issue now. In addition, the bill would force employers to implement costly remedial measures even before OSHA has proven any violation.

The bill would also establish a highly burdensome system to micromanage the warehousing and distribution industry, which would undermine the efficiency of this vital part of American supply chains.

Finally, the Warehouse Worker Protection Act is opposed by a wide variety of employers and industries, demonstrating the breadth of the bill's impact and the serious consequences it would have on the economy.

We urge Congress to reject this bill.

Sincerely,

60 Plus Association
Agricultural Council of Arkansas
Alliance for Chemical Distribution
American Association of Senior Citizens
American Bakers Association
American Pipeline Contractors Association
American Supply Association
American Trucking Associations

COALITION FOR A
DEMOCRATIC WORKPLACE

Arkansas Cotton Warehouse Association
Associated Builders and Contractors
Associated Equipment Distributors
Association for Hose and Accessories Distribution
Ceramic Tile Distributors Association
Convenience Distribution Association
FMI – The Food Industry Association
Foodservice Equipment Distributors Association
Heating, Air-conditioning, & Refrigeration Distributors International
HR Policy Association
Independent Electrical Contractors
International Foodservice Distributors Association
International Housewares Association
International Warehouse Logistics Association
ISSA, The Worldwide Cleaning Industry Association
Littler Workplace Policy Institute
National Armored Car Association
National Association of Electrical Distributors
National Association of Manufacturers
National Association of Wholesaler-Distributors
National Beer Wholesalers Association
National Cotton Ginners Association
National Council of Chain Restaurants
National Federation of Independent Business
National Fisheries Institute
National Grocers Association
National Marine Distributors Association
National Retail Federation
National Roofing Contractors Association
Non-Ferrous Founders' Society
Outdoor Power Equipment and Engine Service Association
Pet Industry Distributors Association
Power and Communication Contractors Association
PRINTING United Alliance
Small Business & Entrepreneurship Council
Tile Roofing Industry Alliance
U.S. Chamber of Commerce