

POINT/COUNTERPOINT: Should the U.S. Congress move forward on the Protecting the Right to Organize Act? A mix of opinions

EDITOR'S NOTE: For the past month the *Illinois Business Journal* has gathered opinions on the proposed *Protecting the Right to Organize Act*, which would amend the *National Labor Relations Act* by, among other things, overriding state "right-to-work" laws. Here is a sampling of voices from the debate.

Associated General Contractors Chief Executive Officer Stephen E. Sandherr: "The PRO Act is anti-worker, anti-privacy and anti-recovery. The measure threatens workers' absolute right to a free, fair and secret union ballot. There is something fundamentally un-American about subjecting workers to intimidation and coercion when it comes to deciding whether and how to organize and seek representation at the workplace.

"By allowing secondary boycotts and other actions against firms that are not directly involved in labor disputes, the measure means many workers could be idled for a dispute where they do not stand to benefit. This would also put union construction firms at a competitive disadvantage, as owners seek firms less likely to be impacted by unrelated labor disputes.

"The measure also makes it extremely difficult for entrepreneurial workers to establish their own businesses by discriminating against independent contractors. These provisions will undermine many working people's ambitions to establish their own firms and become self-employed.

"The measure also harms the tens of thousands of construction firms that choose to hire union workers. That is because the Pro Act undermines the collective bargaining process that has worked to successfully elevate construction workers into the upper ranks of the middle class for the past half century.

"More broadly, the PRO Act will un-

leash a new era of labor unrest and strikes that will make France look like the land of labor harmony compared to the U.S. It is hard to imagine how the country can build back better when work is idled, workers are unpaid and projects go uncompleted.

"We view this measure as a significant threat to the viability of the commercial construction industry, its long history of offering advancement and opportunity to all workers and its ability to rebuild our economy and revive our nation. That is why we will take every possible step to ensure that the PRO Act does not become law."

Eve Tahmincioglu, director of communications, Economic Policy Institute: "EPI data shows U.S. employers are willing to use a wide range of legal and illegal tactics to frustrate the rights of workers to form unions and collectively bargain. Employers are charged with violating federal law in 41.5 percent of all union election campaigns. And one out of five union election campaigns involves a charge that a worker was illegally fired for union activity.

"This is beyond unacceptable. The constant deployment of union busting tactics is suppressing the rights and wages of working people.

"The results of the election at the Amazon fulfillment center in Bessemer, Ala., reveal a broken union election system. It is clear that if policymakers fail to reform our nation's labor law system, they are effectively denying workers a meaningful right to a union and collective bargaining.

"Policymakers must take action on legislative reform to restore and strengthen workers' rights to organize and collectively bargain."

Illinois Chamber of Commerce, in a notice to members: "On Feb. 4, 2021,

the *Protecting the Right to Organize Act* (PRO Act) was reintroduced in the U.S. Congress. The PRO Act, which originally was introduced in 2019 and passed the House of Representatives in 2020, would completely change the landscape in the labor-relations world. The PRO Act is a priority of the Biden Administration and the revamped U.S. Congress.

"The PRO Act seeks to overhaul the *National Labor Relations Act* and make it easier for unions to organize more employees, remove most restrictions on union strikes and other union pressure tactics, weaken employers' ability to resist unionization, and provide massive fines and penalties on employers (including individuals) who violate the law. While the bill's wholesale passage in the Senate may be unlikely, if just a one or two of the legislation's terms find daylight in the Senate, then it's a whole new ballgame for any private employer (and its employees) preferring to remain union-free. Additionally, President Biden wasted no time reshaping the *National Labor Relations Board* when, in an unprecedented move, on his first day in office he fired the NLRB's General Counsel. With the NLRB moving decidedly on the side of Big Labor once again, employers (both union and non-union) should be on notice and reassess its vulnerabilities concerning union related activity and tactics."

Associated Builders and Contractors: "The PRO Act is rife with policies that impose radical changes to settled U.S. labor law, benefiting big labor at the expense of workers' rights and the well-being of the nation's small businesses. A recent analysis by the American Action Forum proved the PRO Act's economic cost would be disastrous for the economy. The

provision limiting independent contractors' rights would affect 8.5 percent of GDP and put up to \$12.1 billion of additional annual cost pressure on employers, and the joint employer provision would cost up to \$33.3 billion in lost annual output for the franchise business sector alone.

Kristen Swearingen, chairman of the Coalition for a Democratic Workplace, composed of hundreds of organizations representing millions of businesses that employ tens of millions of workers nationwide in nearly every industry, released this statement:

"Biden's pledge to unify the country takes another hit by adding a radical and overreaching poison pill like the PRO Act to his infrastructure plan that would deteriorate the relationship between employers and employees.

"The PRO Act would be devastating to small businesses and employees in the infrastructure industry, especially small, women- and minority-owned contractors who would have otherwise benefited from investment in our nation's infrastructure.

"Unfortunately, the PRO Act would put many construction contractors out of business before a single shovel hits the ground on any new infrastructure projects funded by Biden's plan and will put thousands of blue-collar men and women out of work.

"The PRO Act would force employers to hand over personal contact information of employees to labor organizers, even for those employees who have no interest in the union. With unfettered access to employees, union organizers would have the ability to harass and bully workers into joining a union. The PRO Act is incredibly shortsighted, especially given growing concerns regarding privacy in this country.

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