



Dear Chairman Sanders; Ranking Member Cassidy; and Members of the Senate Committee on Health, Education, Labor and Pensions –

On behalf of the millions of American workers represented by our organizations, we write in strong opposition to the so-called Protecting the Right to Organize (PRO) Act, the so-called Paycheck Fairness Act, and the so-called Healthy Families Act. While supporters argue these bills will expand worker rights and opportunity, the reality is that these misleadingly named bills would force top-down government mandates that drastically undermine the rights and interests of workers, businesses, and the public – and would do grave harm to the American economy.

First, instead of fostering an environment of cooperative relationships between employers and workers, the PRO Act undermines workers' choice and dignity in order to grant unequal privileges to labor unions. In totality, PRO Act policies would constitute a never-before-seen attack on the American worker, the American small business, and the economy as a whole. More than ever, workers need flexibility and opportunity to provide for their families in a way that allows them to juggle multiple priorities while making ends meet in the face of inflation caused by President Biden's policies. But the PRO Act instead doubles down on an antiquated approach that puts power and control in the hands of third-party union leadership, who are uninterested in the concerns of individual workers or of employers trying keep their businesses afloat.

Among its numerous harmful provisions, the PRO Act would:

- **Invalidate Right to Work protections enacted in 26 states**, which give private sector employees the freedom to choose whether or not to pay fees to unions out of their hard-earned paychecks.
- **Risk the livelihoods of more than 70 million self-employed income earners by codifying California's unworkable "ABC" test that reclassifies many independent contractors (ICs) as employees. This will end careers for many workers while threatening unpredictable penalties on small businesses that work with contractors.** The vast majority of ICs prefer their existing, flexible arrangement to the rigidity of traditional employment, yet the PRO Act reduces workers' ability to control their own schedules and work when and how they see fit.
- **Enact an arbitrary, confusing joint-employer standard that eliminates franchising and contractor-subcontractor arrangements as we know them**, jeopardizing millions of small businesses and a key opportunity for entrepreneurship across America.
- **Violate workers' personal privacy by forcing businesses to provide workers' home addresses, personal phone numbers, personal emails, and more to union officials.** Union officials use this information to confront workers anywhere and everywhere. Former AFL-CIO President Richard Trumka, after whom this bill is named, openly acknowledged to Congress in 2019 that unions would use this information to accost workers "at their home" and "at the grocery store."
- **Remove secret ballot protections in many instances, ending the right to a private vote on whether workers wish to be represented by a union.** Notably, Congressional Democrats, all of whom were elected by secret ballot, worked to ensure secret ballot protections for Mexican workers in the United States-Mexico-Canada trade deal, but are undermining it for Americans in the PRO Act.



- **Legalize secondary boycotts, massively expanding the ability of unions to subject neutral third parties to union harassment during organizing drives.** Unions could picket, boycott, and more against any consumer, vendor, supplier, business partner, or other entity that merely does business with a company a union is attempting to organize.

Simply put, the PRO Act is one of the most economically harmful bills ever introduced in Congress. Its widespread economic pain would affect nearly every family and business in America in order to benefit union leaders who, in the face of record-low union membership, are demanding the government rig the playing field in their favor – instead of having their unions simply attempt to organize more than *one-tenth of one percent* of eligible employees each year, as is currently the case. Congress should reject the PRO Act and instead enact the Employee Rights Act, which actually strengthens the rights of individual workers by protecting their job opportunities and allowing them to make critical union-related decisions for themselves.

Next, the so-called Healthy Families Act would institute new government-mandated paid sick leave requirements on private businesses. Already, more than 8 in 10 full-time workers have access to paid sick leave benefits, making this mandate unnecessary. Moreover, compensation decisions, whether wage or non-wage, are best made between businesses and workers to meet the needs of each workplace and each individual worker. While paid leave can be an important benefit, many Americans would prefer higher wages or other compensation instead. Unfortunately, this legislation would make it more difficult for employees to be compensated in the manner that they would most prefer, while killing as many as 430,000 jobs – the majority of which would be borne by small businesses.

Instead of forcing a once-size-fits-all policy that would ultimately lead to lower wages and fewer jobs, Congress should instead enact the Working Families Flexibility Act, which gives private sector workers the same ability as federal workers to choose between accumulating 1.5 times normal wages or 1.5 hours of paid leave for each hour of overtime work. This would add flexibility to current law to the benefit of millions of workers, instead of imposing the clunky, heavy hand of government once more.

Finally, the so-called Paycheck Fairness Act is touted as ensuring equal pay for equal work – but that has been law for 60 years. In reality, it would lead to more than \$600 million in additional compliance burdens on businesses, reduced employment opportunities for women, loss of information privacy for businesses and workers alike, and create other negative consequences by using flawed criteria that fails to take into account a variety of factors which can result in differences in pay, such as choices around work flexibility. For instance, women often work fewer overtime hours and seek workplaces and employment terms that prioritize flexibility over pay to fit family and personal lifestyle needs – but this bill would ignore those choices and subject workers and employers alike to costly legal proceedings.

Instead of supporting these bills that prioritize top-down government mandates and the preferences of union leadership over the needs of America's workers, we call on lawmakers to defend and expand choice and flexibility for workers so that they are best able to address the challenges of and maximize opportunities in the 21st century economy. We strongly urge you to reject the Protecting the Right to Organize Act, the Healthy Families Act, and the Paycheck Fairness Act, and we look forward to working with you to pursue a path forward that puts workers, not special interests, first.



Sincerely,

Brent Gardner – Chief Government Affairs Officer, Americans for Prosperity

Grover Norquist – President, Americans for Tax Reform

David McIntosh – President, Club for Growth

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