



# Opening Statement

COMMITTEE ON EDUCATION & LABOR

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The Hon. Robert C. "Bobby" Scott • Chairman

## Opening Statement of Chairman Robert C. "Bobby" Scott (VA-03)

House Committee on Education and Labor Full Committee Markup

*H.R. 2474 – Protecting the Right to Organize Act*

2175 Rayburn House Office Building

Wednesday, September 25, 2019 | 10:15am

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Today, we are here to markup H.R. 2474, the *Protecting the Right to Organize Act*, or *PRO Act*, the most comprehensive legislation in recent history to strengthen workers' right to organize and bargain for higher wages, better benefits, and safer working conditions.

Labor unions have long fueled our nation's prosperity, protected the health and safety of American workers, and protected a strong middle class. When union membership was at its peak of around 30 percent of the workforce between the end of World War II and 1973, wage growth and worker productivity rose steadily together, creating an economy where most working families could achieve a basic standard of living.

But, in the last four decades, union membership has plummeted while income inequality has soared. Despite the clear benefits of strong unions, just one in 10 workers is currently a union member and only 6 percent of private sector workers are union members.

Over the course of several legislative hearings this year, Committee Members heard compelling testimony on how this trend has contributed to stagnant wages and financial insecurity for workers and their families.

Low union membership certainly does not mean American workers have given up on unions. In fact, according to a poll of workers across the country conducted by MIT, 48 percent of non-union workers said they would vote to join a union if given the opportunity.

What is keeping them from doing so are toothless labor laws, aggressive employer opposition to unions, and relentless political attacks that have dismantled workers' right to organize.

To make matters worse, the National Labor Relations Board – the NLRB – under the Trump Administration has taken steps to permit employers to gerrymander union elections, misclassify employees as independent contractors, and punish workers for exercising their First Amendment rights. Meanwhile, the NLRB has proposed substantive rules that will roll back protections for workers with joint employers and promote decertification elections.

The *PRO Act* would deter employers from violating workers' rights to form unions in five keyways:

First, it authorizes civil monetary penalties for companies that violate the NLRA and inflict serious economic harm to employees, such as firing union supporters for engaging in protected activity. There are currently no civil penalties for employers who violate the law, leaving no deterrent for employers who choose to violate workers' rights. The *PRO Act* finally puts some teeth into the NLRA.

Second, the *PRO Act* would streamline procedures to guarantee swift remedies for workers. Currently, even if a worker proves that they were unlawfully fired for organizing, they may have to wait years before being reinstated and receiving back pay. The *PRO Act* would guarantee temporary reinstatement for workers whose cases are found to have merit, while their cases are being adjudicated. It would also make National Labor Relations Board orders self-enforcing, like those of any other federal agency.

Third, the *PRO Act* would protect the integrity of union elections by banning employers from requiring employees to attend captive audience meetings. These meetings force workers to hear anti-union rhetoric meant to spark fear and uncertainty. The *PRO Act* provides for remedies when employers interfere in union representation elections. It also establishes mediation and arbitration procedures to encourage employers and unions to reach a first collective bargaining agreement.

Fourth, the *PRO Act* would modernize labor law by clarifying when employees and employers are covered under the *National Labor Relations Act*. Too often, employers misclassify their employees as anything but employees to avoid their legal obligations to workers. The *PRO Act* safeguards against these practices. The *PRO Act* also protects workers' First Amendment rights to engage in peaceful picketing and other free speech activities.

And, finally, the *PRO Act* fosters transparency, so employees know their rights under the law. Other labor laws require employers to post notices of employees' rights—like Title VII of the *Civil Rights Act*, the *Family and Medical Leave Act*, and OSHA. The *PRO Act* will similarly guarantee that employers notify employees of their rights. The *PRO Act* would also require employers to disclose how they are spending money on both direct and indirect persuader activities against unions, so employees understand how their employers spend money during representation elections.

At its heart, the legislation before us today is about restoring workers' right to organize and restoring balance to the economy. By passing the *PRO Act*, we can take a historic step towards improving the quality of life for workers and their families across the country. I urge all Committee members to support it.