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The Progressive Case for the Protecting the Right to Organize Act

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Whether we are Black, Brown or White, young or old, in big cities or small towns, we work hard for our families and our future. All working people deserve safe jobs, family-sustaining wages, and time to care for our loved ones. To address the massive income inequality that keeps many of us living paycheck-to-paycheck, working people need stronger protections from union-busting to make it easier to have a collective voice on the job and the freedom to come together to bargain for our fair share. From closing the racial wealth gap and advancing pay equity to protecting LGBTQ+ workers to bolstering healthcare, strengthening the right to organize is a critical part of building the progressive movement. Now more than ever, it's time for the progressive movement to unite behind workers.

The [Protecting the Right to Organize \(PRO\) Act](#) would provide long overdue strengthened protections for employees organizing to form a union and for working people who are already members of a union. This bill would not only benefit unions. It would give basic labor protections to millions of workers who are not currently in a union. Strong unions help rectify long standing racial, gender, and economic inequality. Enacting the PRO Act will ensure that more workers have the right to organize and give them a greater voice in the workplace.

Increasing union density leads to higher wages and better benefits for non-union workers

When unions demand higher wages and benefits for their workers, they also establish standards and norms for compensation for similar work. This means that non-union workplaces will often aim to match the wages and benefits of unionized workers in order to stay competitive in hiring employees. A study found that if “union memberships rates today were as high as in 1979, working people who aren’t in a union now would take home an additional \$133 billion every year.”¹

¹ Mishel, Lawrence. “The Decline in Unions Has Hurt Nonunion Workers Too.” Economic Policy Institute, September 1, 2016.
<https://www.epi.org/publication/the-decline-in-unions-has-hurt-nonunion-workers-too/>.

Unions help close the wage gap for people of color

Economic inequality continues to disproportionately impact workers of color who are more likely to earn poverty-level wages than their White counterparts.² Unions help close the wage gap for people of color, with BIPOC people in unions earning higher wages than their nonunionized counterparts. A study from the Economic Policy Institute (EPI) found that “Black workers represented by a union are paid 13.7% more than their nonunionized peers. Hispanic workers represented by unions are paid 20.1% more than their nonunionized peers.”³ Expanding union membership under the PRO Act will help more BIPOC workers join or organize a union to attain better wages and benefits.

Unions help close the gender pay gap

Although women increasingly make up a greater percentage of the workforce, they continue to face a significant pay gap. A recent study using data from the 2018 Census found that, overall, women of all races still earn just 82 cents for every dollar their male counterparts receive.⁴ This wage gap is far more pronounced for women of color. For example, Black women are paid 63 cents for every dollar a white man is paid and Latinx women are paid 55 cents for every dollar a white man is paid.⁵

In contrast, the gender wage gap shrinks significantly for women in unions. A study from 2017 found that “working women in unions are paid 94 cents, on average, for every dollar paid to unionized working men, compared with 78 cents on the dollar for non-union women as a share of nonunion men’s dollar.”⁶

² Cooper, David. “Workers of Color Are Far More Likely to Be Paid Poverty-Level Wages than White Workers,” June 21, 2018.

<https://www.epi.org/blog/workers-of-color-are-far-more-likely-to-be-paid-poverty-level-wages-than-white-workers/>.

³ McNicholas, Celine, Lynn Rhinehart, Margaret Poydock, Heidi Shierholz, and Daniel Perez. “Why Unions Are Good for Workers—Especially in a Crisis like COVID-19: 12 Policies That Would Boost Worker Rights, Safety, and Wages.” Economic Policy Institute, August 25, 2020.

<https://www.epi.org/publication/why-unions-are-good-for-workers-especially-in-a-crisis-like-covid-19-12-policies-that-would-boost-worker-rights-safety-and-wages/>

⁴ Bleiweis, Robin. “Quick Facts About the Gender Wage Gap.” Center for American Progress, March 24, 2020.

<https://www.americanprogress.org/issues/women/reports/2020/03/24/482141/quick-facts-gender-wage-gap/>.

⁵ “The Wage Gap: The Who, How, Why, and What to Do.” National Women’s Law Center, October 2020. <https://nwlc.org/wp-content/uploads/2019/09/Wage-Gap-Who-how.pdf>.

⁶ Gould, Elise, and Celine McNicholas. “Unions Help Narrow the Gender Wage Gap.” Economic Policy Institute, April 3, 2017.

<https://www.epi.org/blog/unions-help-narrow-the-gender-wage-gap/>.

Unions protect essential workers

The COVID-19 pandemic has laid bare the inadequacies of the social safety net and the lack of protections needed to ensure that essential workers, who are disproportionately women and people of color, are able to work without the fear of being infected. We owe essential workers not just our gratitude, but also fair compensation for the added risk they took on to continue to deliver essential services throughout the pandemic. Studies have shown that union members are more likely to report unsafe working conditions, leading to a decrease in workplace hazards.⁷ Empowering more workers with recourse if they feel unsafe at their jobs through increased unionization could help avoid future on-site injuries or illnesses.

Unions provide better benefits, including healthcare and paid leave

Healthcare is a human right, not a benefit. Unions are more likely to provide healthcare benefits for their workers. Studies show that “More than nine in 10 workers covered by a union contract (94%) have access to employer-sponsored health benefits, compared with just 68% of nonunion workers.”⁸ Unions also provide more paid leave to their workers: “Nine in 10 workers covered by a union contract (91%) have access to paid sick days, compared with 73% of nonunion workers.”⁹

Unions support LGBTQ workers

While federal legislation protecting LGBTQ workers from discrimination still has not been signed into law, collective bargaining agreements (CBAs) negotiated by unions can provide greater protections in the workplace. For example, “within the American Federation of State, County, and Municipal Employees Union, over 1,000 union contracts prohibit discrimination based on sexual orientation, and many include gender identity language.”¹⁰ This means that LGBTQ employees that face discrimination in the workplace based on sexual orientation or gender expression

⁷ Amick, Benjamin C. III PhD; Hogg-Johnson, Sheilah PhD; Latour-Villamil, Desiree MS; Saunders, Ron PhD Protecting Construction Worker Health and Safety in Ontario, Canada, Journal of Occupational and Environmental Medicine: December 2015 - Volume 57 - Issue 12 - p 1337-1342.

https://journals.lww.com/joem/Fulltext/2015/12000/Protecting_Construction_Worker_Health_and_Safety.14.aspx

⁸ McNicholas, Celine, and Margaret Poydock. “Who Are Essential Workers?: A Comprehensive Look at Their Wages, Demographics, and Unionization Rates.” Economic Policy Institute, May 19, 2020.

<https://www.epi.org/blog/who-are-essential-workers-a-comprehensive-look-at-their-wages-demographics-and-unionization-rates/>.

⁹ Ibid.

¹⁰ Heydemann, Sarah David. “Unions Can Protect Transgender and Gender Non-Conforming Workers, Despite Trump's DoJ.” National Women's Law Center, June 13, 2019.

<https://nwlc.org/blog/unions-can-protect-transgender-and-gender-non-conforming-workers-despite-trumps-doj/>.

and are covered by a CBA with strong protections have greater recourse through union supported grievance proceedings.

Unions also support LGBTQ families: “While 53 percent of state and local workers represented by unions had access to health care coverage for same-sex domestic partners, only 17 percent of non-union state and local workers had this access.”¹¹

The Protecting the Right to Organize (PRO) Act

To ensure that more workers are able to organize collectively and fight for their rights as employees and to support movements for economic, social, racial and gender equality, working people need the PRO Act. Here is what the PRO Act would do:

The PRO Act streamlines organizing and negotiation

- The PRO Act makes it easier to file for and get a union election by streamlining the process. It makes the system fairer by requiring employers to negotiate with the union if the union has the support of a majority of employees and the employer interferes with the election.
- The PRO Act streamlines organizing and negotiation. If the National Labor Relations Board (NLRB) believes a worker has been illegally terminated for engaging in union activity, the PRO Act would require the NLRB to file for an injunction immediately, so that the employee can be reinstated while the case is pending. This would ensure that employees do not spend years out of work while their cases are being resolved.
- Under current law, bargaining for a first contract can drag on for years without any mechanism to quickly and effectively resolve disputes. To address this, the Act establishes a process for mediation and if necessary, binding arbitration, to reach a first contract.

The PRO Act enhances and protects workers’ rights

- Court decisions have allowed for the permanent replacement of striking workers, which leaves these workers with no job and no economic leverage. Under the PRO Act, employers are prohibited from permanently replacing employees who strike. Workers who strike in solidarity with workers in other companies would also be protected.
- Workers with more than one employer are protected under the Act, which codifies the joint-employer standard established by the National Labor Relations Board in 2015. As a result, more than 24 million contract workers would enjoy stronger protections under the National Labor Relations Act (NLRA).

¹¹ Ibid.

- The PRO Act prevents the misclassification of workers as independent contractors or supervisors, who are not covered by the NLRA.
- The PRO Act would allow unions to reach an agreement in all states with the employer to collect a “fair-share fee” from workers covered by a collective bargaining agreement.

The PRO Act ensures that employers who break the law face financial consequences

- Too many employers regard the very limited back pay remedy that currently may be assessed under the NLRA as a small price to pay to engage in unlawful activity. The PRO Act provides compensatory damages for employees and penalties against employers that illegally fire or retaliate against workers, adding additional financial consequences for anti-union practices
- The PRO Act also gives employees the right to bring a lawsuit in court.
- The PRO Act prohibits employers from requiring employees to attend “captive audience” meetings to discourage employees from joining a union. Captive audience meetings – compulsory, anti-union meetings that employees must attend – currently occur in 89 percent of union elections and can have a significant impact on the outcome. One study showed that unions won 47 percent of their elections when captive audience meetings were used, but won 73 percent of elections when they were not used.¹²

¹² McNicholas, Celine, and Lynn Rhinehart. “The PRO Act: Giving Workers More Bargaining Power on the Job.” Economic Policy Institute, May 2, 2019. <https://www.epi.org/blog/the-pro-act-giving-workers-more-bargaining-power-on-the-job/>.