

7 June, 2021

PRO-ACT and US Labor Laws

Since the 19th century, unions were created to advocate for workers safety, wages and education. Unions have grown and sprung from coast to coast, bringing forth principles of labor movements decades ago into today's society. Even so, union memberships have been declining. From 1983 to 2019, union memberships in the United States have dropped from 20.1% to 10.3%, the biggest decline in American history. Jobs that have not been traditionally unionized are growing, including independent contractors, leased and domestic workers. Higher wages, better benefits and limited manager discretion are not what employers today desire in their own businesses. (www.cnbc.com) What does this mean for organized workers? Due to the lack of creation in unions, some of these workers will have to transfer to nonunion companies. In nonunion companies, there are no collective bargains, low benefit accommodation, and a lack of education provided. However, with Joe Biden as president, there is good news for unions in America. President Biden intends to be “the most pro-union president you’ve ever seen.” (www.cnbc.com) This quote indicates that Biden will be in favor of pro-union bills and laws and passing them into legislation. Within the first months of his presidency, the House of Representatives passed an act called the PRO Act. The PRO Act (Protection of Rights in Organizing Act) will promote the creation of unions and depict the relationship between employer and employees. If Biden chooses to pass this act, it will not only determine unions' future, but also the nonunion and independent contractors indirectly.

It's important to realize that the PRO Act is specifically designed to strengthen unions through new legislation on employers, and through the encouragement of creating more unions. There are some key points in which the PRO Act will help create and strengthen unions. From www.npr.org, they say that a) it will mandate all workers to pay their unions due and therefore counteract the Right to Work laws, b) it will be made illegal for employers to have an influence on union elections, and c) it will allow new

PRO-ACT AND US LABOR LAWS

2

unions to seek an arbitrator to settle any form of disputes in order to sign the first contract. There are other things that the PRO Act presents that deal with the relationship between employer and employee:

Employers cannot discriminate against a candidate's immigration status, and employers who violate any rights of workers will face fines of up to \$50,000. (www.washingtonpost.com) How do these points affect organized contractors and their workers? It will be beneficial for both the contractors and workers if union dues are made mandatory. Although union dues vary in price, they provide organized workers with collective bargaining and training programs. Also, by making it illegal for employers to influence union elections, the winner will be chosen without fraud or bias. That means that the candidate chosen is an accurate representation of the union contractors and employees. Same with employers who violate workers rights. It maintains worker safety and security within the workplace, but also holds the employer accountable for their actions. All in all, these points improve the quality of the work environment for both contractors and workers. This could potentially create stepping stones for new unions.

On the other hand, if Biden passes the act, nonunion and independent contractors would not be sufficed with this decision. This act is meant to promote union contractors and not themselves. For example, nonunion contractors will have to compete more with union contractors as unions grow in strength and numbers. In perspective, unions are favoritized by clients as their workers are known to be highly professional. They have gone through proper training in their trade and have higher expectations in their performance. Nonunion workers also have on job training, but in most cases, it's not through certification in a trades school. This will not only increase the competition of work in the area, but it will also lead to a loss of nonunion jobs. Same idea with independent contractors. Freelance workers are in charge of organizing their own work; in doing so, they have to be aware of the economical competition in the area. Not only will they have to compete with unions and nonunions, but they also have to appeal to clients given their status of "freelancer". California's AB5 act contains the ABC test. As it has been adopted by the PRO Act, it will define whether freelancers (independent contractors) are considered employees or not. Due to this, it will threaten their jobs as independent contractors because they will not

PRO-ACT AND US LABOR LAWS

3

be able to pursue their entrepreneurial career and will have to abide by other companies' policies. Overall, the PRO Act will be seen as destructive by both nonunion and independent contractors.

All things considered, the PRO Act will be rewarding for the unions and a drawback for nonunion and independent contractors. It will improve the working conditions for the organized contractors and workers alike and will also progress the creation of more unions. The president of AFL-CIO Richard Trumka says, "It's a game changer. If you really want to correct inequality in this country — wages and wealth inequality, opportunity and inequality of power — passing the PRO Act is absolutely essential to doing that." (www.npr.org) Trumka's statement displays one thing: if Biden signs the PRO Act, it will advance unions and how they work and develop. While it may be seen as a limitation for nonunion and independent contractors, it will satisfy the needs for both gradually in the future.

PRO-ACT AND US LABOR LAWS

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