



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

August 10, 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Patty Murray
Chair
Senate Committee on Health, Education,
Labor and Pensions
154 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Richard Burr
Ranking Member
Senate Committee on Health, Education,
Labor and Pensions
217 Russell Senate Office Building
Washington, D.C. 20510

RE: Support of H.R. 842 “Protecting the Right to Organize Act of 2021”

Dear Senators:

The Protecting the Right to Organize Act of 2021 (PRO Act) strengthens and modernizes the National Labor Relations Act (NLRA), which enshrines the fundamental rights to organize, unionize, and bargain collectively. In the face of globalization, rapid technological change, rising income inequality, race and gender wage gaps, and a pandemic-fueled recession, the PRO Act honors this country’s longstanding commitment to treating workers fairly and respecting the dignity of work. As the Attorneys General of our respective states, it is our duty to vigorously protect the rights of workers. We respectfully urge the U.S. Senate to seize this historic opportunity to pass the PRO Act and thereby improve the lives of America’s working families.

When the NLRA was enacted in 1935, it was broadly intended to promote workers’ rights to unionize and bargain collectively for better wages and working conditions. Progress was never easy. From Black sanitation workers in Memphis to Latina janitors in California and all points in between, organizing has always required real struggle. But the law worked. Between the late 1940s and the 1970s, union membership skyrocketed, and median household income rose in lockstep with increased productivity—both growing over 100 percent. As President Biden often notes, “The middle class built this country, and unions built the middle class.”

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But the Act’s guarantees and protections have not stood the test of time. Today, just 12 percent of American workers are represented by a union—down from 27 percent in 1979. And this decline in union membership has contributed significantly to a historic rise in income inequality. Despite rising labor productivity, median earnings have barely budged upwards over the past four decades.

This dramatic decline in union membership is no accident. It tracks the rise in corporate opposition to organizing and aggressive anti-union campaigns. Indeed, these campaigns, which often spare no cost, seek to intimidate workers and often falsely imply that unionization will lead to mass layoffs or the closure of the workplace. And they employ a wide range of other pernicious tactics. To combat union drives, employers routinely enforce disciplinary rules with more frequency against pro-union workers, engage in pretextual retaliatory firings, interfere with union elections, hire union-busters, employ delay tactics, and impart misleading information via mandatory captive-audience meetings. Compounding this range of problems, the penalties for such unlawful tactics are insufficient to provide a serious economic disincentive. Unsurprisingly, one out of five union election campaigns involves a charge that a worker was illegally fired for union activity.

The PRO Act is comprised of commonsense reforms to the NLRA designed to curb these abusive practices and, more generally, restore the law’s original purpose of encouraging unionization.¹ Restoring that purpose benefits all workers. Compared to their non-union counterparts, union members earn 10 to 15 percent higher wages, are more likely to have employer-sponsored benefits (like health insurance, paid sick days, and pensions), experience less wage theft, and are less reliant on public benefits.

Importantly, in the midst of our national conversation about racial inequality in all its forms, we must not shy away from hard truths. Workers of color have suffered the worst effects of rising income inequality in recent decades and they have suffered a disproportionate burden from the COVID-19 recession. For example, Black and Latina women have lost jobs at a rate three times higher than that of white men during the pandemic. Unions are a critical antidote to these disparate outcomes; the benefits of the PRO Act will be magnified for workers of color. According to one recent study, among nonwhite families, union members had a median wealth that was nearly five times the wealth of their non-union counterparts, and they were 50 percent more likely to have a retirement savings account.

¹ Some critics, including South Carolina Attorney General Alan Wilson, wrongly contend that the Pro Act will “forc[e] someone to be a member of a union against their will.” The Act does no such thing. On the contrary, it merely enshrines the freedom of workers to enter into collective bargaining agreements that call for “fair share fees.” These are fees that cover the costs of bargaining, contract administration, and grievance processes that unions are required by law to undertake on behalf of all (union and nonunion) members of a collective bargaining unit.

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The PRO Act’s commonsense reforms—and the associated benefits to workers—cannot come soon enough. There is growing support for unions in this country, and a growing appetite to join them. A recent Gallup survey showed that 65 percent of respondents approve of labor unions. And another recent survey found that nearly half of all nonunion workers say they would vote for a union if given the opportunity—a full 15 percentage points higher than when a similar survey was taken four decades earlier.

This is a critical moment in our history. We remain embroiled in a once-in-a-lifetime pandemic that has underscored both the daily heroism of our essential workers and the precariousness of their daily circumstances. Passing the PRO Act will help restore the ability of our nation’s workers to organize and bargain collectively for better pay and improved working conditions. It will also reduce racial inequities and help stem the tide of rising income inequality. We respectfully urge the Senate to pass the Pro Act.

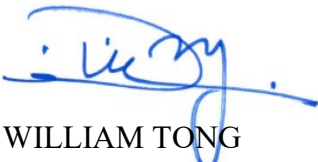
Sincerely,



ROB BONTA
California Attorney General



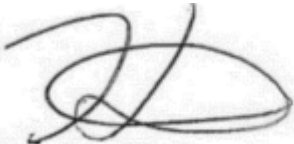
PHILIP J. WEISER
Colorado Attorney General



WILLIAM TONG
Connecticut Attorney General



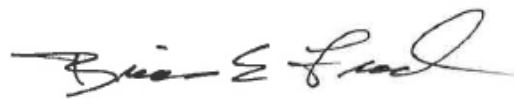
KATHLEEN JENNINGS
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BRIAN E. FROSH
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MAURA HEALEY
Massachusetts Attorney General

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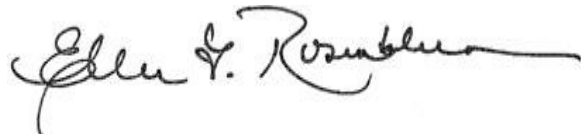
DANA NESSEL
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New York Attorney General



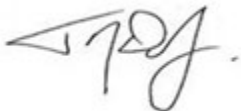
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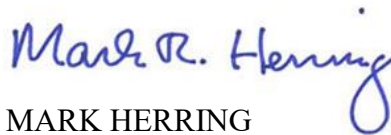
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