



PRO Act

Oppose Overly Restrictive Changes to Labor Laws

Action Needed:

Oppose the PRO Act.

H.R.2474 is an unprecedented attempt to change labor laws to assist organized labor without any regard to the negative impact on workers, employers and the economy.

Background:

The Protecting the Right to Organize (PRO) Act makes an unprecedented attempt to fundamentally change dozens of well-established labor laws to assist organized labor without regard to their detrimental impact on workers, employers—union and open-shop—and the economy. If enacted, the PRO Act would completely upend decades of work to balance employee and employer rights and restrictions settled in courts, the National Labor Relations Board, and Congress.

AGC Message:

- **The PRO Act fundamentally transforms long-standing labor law.** Among the PRO Act's most significant changes impacting the construction industry include:
 - **Strips away “secondary boycotts” protections.** Allows unions to launch disruptive protests against any employer, even those having nothing to do with a labor dispute.
 - **Imposes “Backdoor Card Check”.** Creates an exception to employees' well-established right to a secret ballot election free of employer or union intimidation.
 - **Codifies “ambush” or “quickie” election regulations.** The expediting of union representation election cycle limits employees' access and opportunity to consider information about the union seeking to represent them.
 - **New standard for Joint Employer Liability.** Establishes joint employer status if an entity possesses, reserves, or exercises enough direct or immediate control over terms and conditions of employment. This change could alter well-settled subcontracting practices in the construction industry.
 - **Imposes “ABC” test for independent contractor.** Expands the definition of “employer” by requiring the use of the “ABC” test to determine if a worker is an independent contractor; test requires worker be free from control, operate outside typical course of business, and be customarily engaging in the trade.
 - **Impedes employer access to legal counsel and expert advice.** The burdensome and invasive reporting requirements will have a chilling effect on the seeking of guidance on rights, obligations, and restrictions resulting in less-informed employers and employees, and a higher incidence of unfair labor practices.