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Workers' Rights Are in Peril

Why Congress Must Pass the PRO Act

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In response to stagnating wages, poor working conditions, and a harrowing two years of health-related work concerns, workers across the country are increasingly exercising their right to organize unions. Workers at more than 318 Starbucks stores have filed for union elections, and 220 locations have won union representation.¹ Warehouse and retail workers at companies like Amazon, REI, Trader Joe's, and Apple have joined the organizing wave. According to the federal Bureau of Labor Statistics, union election petitions have increased 57 percent in the first half of fiscal year 2022, compared to the first half of 2021.²

The publicity around these organizing drives has also exposed the failures of our federal labor law, which allows companies to intimidate, harass, and fire employees with impunity for exercising their rights to organize and bargain collectively. This fact sheet summarizes some of the pervasive tactics employers use to deter union organizing or to delay workers reaching a first contract. In addition, it examines how provisions in the Protecting the Right to Organize Act (PRO Act) can strengthen labor law and provide greater protections for workers. And it offers a summary of the benefits of union representation for workers, their families, and their communities.

CURRENT LABOR LAW FAILS TO PROTECT WORKERS

- The rate of workers filing union representation petitions at the National Labor Relations Board (NLRB) has increased 57 percent in 2022 as workers try to gain economic security and worker power:³
 - As inflation soars to 8.5 percent, workers in jobs paying low wages are attempting to unionize their workplaces to increase wages. In 2021, full-time union workers had average weekly earnings of \$1,169 compared to nonunion worker earnings of \$975.⁴
 - Americans' approval of unions has hit a peak of 71 percent, a high not seen since 1965. Yet only 10.3 percent of Americans are represented by unions, with just 6.1 percent of private sector workers in unions.^{5, 6}
 - Unions contribute to closing racial disparities in wages with wage premiums of 17.3 percent for Black workers, 23.1 percent for Latino workers, 14.7 percent for Asian workers, and 10.1 percent for white workers.⁷
- Tactics allegedly used by Starbucks are a case study in the increasing violations of labor law, such as wrongly terminating workers for unionizing efforts, closing storefronts, and disciplining workers.
 - In the first three quarters of 2022, the number of employers charged with unfair labor practices rose 16 percent.
 - In a CLASP analysis of NLRB data, we found over 300 unfair labor practice charges have been filed against Starbucks since January 2021. Workers alleged anti-union actions such as being fired, threatened, interrogated and unjustly disciplined for union activity.⁸
 - During union organizing campaigns, 90 percent of employers were found to use "captive audience" meetings, which are mandatory meetings employers hold to discourage union organizing—holding an average of 10.4 meetings of this type a year.⁹
 - Starbucks has reportedly closed 16 stores as a form of retaliation for employees unionizing.¹⁰



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CONGRESS MUST PASS THE PRO ACT

The PRO Act's provisions would protect workers by

- Imposing fines of between \$50,000 and \$100,000 on employers that fire employees who try to unionize their workplace.¹¹
- Requiring the NLRB to seek a court injunction to immediately reinstate workers if they have been illegally fired for union activity.
- Prohibiting employers from holding “captive audience” meetings, which are meant to intimidate employees and discourage employees from organizing.
- Setting a timeline for the collective bargaining process between unions and employers as well as prohibiting the delay of union elections by having the NLRB set union election guidance.
- Prohibiting employers from forcing employees to enter into arbitration agreements, which is when employees waive their right to collective and class action lawsuits.

Ultimately, workers should have the right to unionize their workplace and demand better working conditions without threats from their employers. In addition to empowering workers to organize their workplaces, the PRO Act would increase worker wages and protect workers from wrongful tactics used by their employers. Congress must pass the PRO Act and ensure the protection of workers remains a priority in the United States.

ENDNOTES

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4. Bureau of Labor Statistics, Union Members – 2021, U.S. Department of Labor, 2022, <https://www.bls.gov/news.release/pdf/union2.pdf>.

5. Justin McCarthy, “U.S. Approval of Labor Unions at Highest Point Since 1965,” Gallup, August 30, 2022, <https://news.gallup.com/poll/398303/approval-labor-unions-highest-point-1965.aspx>.

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