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March 4, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
Washington, DC 20515

RE: IEC Opposition to H.R. 842, the *Protecting the Right to Organize Act of 2021*

Dear Speaker Pelosi, Republican Leader McCarthy and Members of the U.S. House of Representatives:

The Independent Electrical Contractors (IEC) voices its strong opposition to the Protecting the Right to Organize (PRO) Act, H.R. 842, and urges a NO vote. The purpose of the PRO Act is to increase union membership through drastic changes to well-established labor law at the expense of the rights of employees and employers, like those of the merit shop electrical contracting industry.

Established in 1957, the Independent Electrical Contractors is a trade association representing 3,600 members with more than 52 chapters and training centers nationwide. Headquartered in Arlington, Va., IEC is the nation's premier trade association representing America's independent electrical and systems contractors. IEC National aggressively works with the industry to establish a competitive environment for the merit shop—a philosophy that promotes the concept of free enterprise, open competition, and economic opportunity for all.

The PRO Act contains many radical proposals. One of the most damaging would limit employees' ability to choose or reject union representation through secret ballots. Secret ballots are a vital component of a functioning democracy, but the PRO Act vastly increases the circumstances under which the government could impose union representation despite employees voting against such representation in a secret ballot election. The bill attempts to justify disregarding the election results by making the government-imposed union representation contingent on the fact that at some point in the past a majority of employees signed "authorization cards." This is known as "card check," a concept that was rightly rejected by Congress over ten years ago during the debate on the Employee Free Choice Act (EFCA). As members of Congress understood then, card check is no substitution for a secret ballot election. The process of collecting cards is a public one that is innately susceptible to coercion—where union organizers present employees with cards to sign in front of coworkers. Organizers are then free to share with employees who has or has not signed cards, needlessly exposing workers to intimidation and possibly harassment.

The bill would also codify into law the controversial Browning-Ferris Industries joint-employer standard, exposing merit shop electrical contractors to liability in nearly every contractual relationship for unlawful behavior committed by another contractor with which they do business. This standard inserts

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unnecessary and additional risks into the traditional contractor-subcontractor relationship, which could eventually lead to the larger contractor imposing far more control over the smaller subcontractor, or possibly refusing to do business with a small contractor altogether and choosing to bring the function in-house. Ultimately, the small contractors seeking to grow and expand would feel the negative repercussions of this policy change.

In addition, the PRO Act contains policies that would infringe on employees' rights to privacy and association. The bill mandates employers to provide to union organizers the contact information for all employees without prior approval from the employees themselves. Employees would not be able to opt out of this requirement and would not have a say in which contact information is provided, again exposing workers to potential harassment. The bill also rejects the rights of states to implement Right-to-Work laws by eliminating Right-to-Work protections nationwide. This legislation would go against the twenty-seven states with Right-to-Work laws in place, which give employees the option not to fund union activities they do not support.

Finally, there are additional provisions in the PRO Act that completely disregard employers' due process rights, which include:

- The inability for employers to challenge union misconduct during union elections.
- Fundamentally eliminating an employer's right to outside counsel on complex labor laws.
- Allowing for secondary boycotts, which would permit unions to target neutral third parties and cause them economic injury even if those entities have no underlying labor dispute with the union.

While this letter does not outline every provision of the PRO Act, it does outline many of its radical proposals that would amend the nation's labor laws for the sole purpose of increasing union membership without regard to the rights of employees, employers, or the impact to the overall economy. **For these reasons IEC urges a NO vote on the PRO Act.**

Sincerely,

Jason E. Todd
Vice President, Government Affairs
Independent Electrical Contractors