

# Protecting the Right to Organize (PRO)

S. 420 **Senator Patty Murray**

H.R. 842 **Representative Bobby Scott**

A union gives workers the ability to act together to advocate for safe working conditions, to improve their wages and benefits, and to protect their workplace rights through collective bargaining and concerted activity. For registered nurses, union advocacy and representation allows us to focus on what we do best: caring for our patients. The benefits of unionization for nurses have never been more clear than during the Covid-19 pandemic. Since the pandemic began, unionized nurses have been able to win access to PPE and other worker and patient protections through their union, while nurses in non-union hospitals have found it more challenging to secure the protections they need. And yet, current labor law does far too little to protect and allow workers to exercise our right to join a union. The PRO Act is an important step to protect workers' rights to organize a union and to stop employers' attacks so that every worker can organize without fear of retaliation.

## The union difference

- » Workers who are part of a strong union get a voice on the job to ensure safe working conditions that prevent death, illness, and injury. Improving the working conditions for registered nurses directly improves patient care. For example, unionized nurses have won laws requiring safe nurse-to-patient staffing ratios, which have proven to save lives and improve patient care.
- » Nationwide, union workers make 13.2 percent more in wages than non-union workers, and are more likely to have employer-provided pensions, health insurance, and other benefits.<sup>1</sup>
- » The average hourly wage of unionized registered nurses in the United States is 30 percent higher — approximately \$10.00 an hour more — than the average hourly wage of non-union registered nurses.<sup>2</sup>
- » Higher union density of registered nurses is correlated with higher wages and increased bargaining power.<sup>3</sup>

## Attacks on workers' rights

- » The National Labor Relations Act (NLRA) was intended to protect the right of workers to organize and engage in collective bargaining, but has proven a weak deterrent against union-busting employers.
- » Employers frequently threaten, harass, and intimidate workers who seek to form or join a union, even firing union activists, which makes free and fair union representation elections impossible. Since 1956, union density has decreased from 33.2 percent to 10.7 percent in 2016.
- » Since 1973, workers' productivity has increased by 73.7 percent, while wages have only grown by 12.3 percent (adjusting for inflation). In contrast, between the end of World War II and 1973, wages and productivity increased in lockstep by over 90 percent.<sup>4</sup>
- » During nurses' union organizing efforts, most hospitals hire professional union-busting consultants to try to stop nurses from organizing, often spending millions of dollars to fight nurses who are acting collectively in the best interest of patient safety and quality care.

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## The Protecting the Right to Organize Act will strengthen protections for workers who want to unionize by »

- » Bolstering remedies and increasing punishment for violations of workers' rights by strengthening support for workers who suffer retaliation and requiring the National Labor Relations Board (NLRB) to immediately seek an injunction to reinstate the employee while their case is pending; authorizing a private right of action for violations of workers' rights; and preventing employers from interfering in union elections, including prohibiting employers from holding captive audience meetings.
- » Strengthening workers' rights to join a union and negotiate a collective bargaining agreement. The bill enhances the right to support boycotts, strikes, and other acts of solidarity, prevents employers from forcing employees to waive their right to collective or class-action litigation, allows collection of "fair share" fees for unions to properly represent every worker it represents, and facilitates first contracts by requiring mediation and arbitration to settle disputes.
- » Preventing employers from using loopholes in the federal labor law to deny pay, benefits, or workers' rights to employees. The bill prevents employers from misclassifying their employees as supervisors or independent contractors, and prevents workers from being denied remedies due to immigration status.

## Sources »

- 1 Economic Policy Institute, "How today's unions help working people," August 2017. Available at: <https://www.epi.org/publication/how-todays-unions-help-working-people-giving-workers-the-power-to-improve-their-jobs-and-unrig-the-economy>.
- 2 Bureau of Labor Statistics. U.S. Department of Labor. 2016. "Modeled Wage Estimate." Available at: <https://beta.bls.gov/dataViewer/view/8cea31d424214b0b8c8028572fe59a20>.
- 3 Christopher Coombs, Robert Newman, Richard Cebula, Mary White, *The Bargaining Power of Health Care Unions: Union Wage Premiums for Registered Nurses in Hospitals*, Nov. 9, 2013. Available at: [https://mpira.ub.uni-muenchen.de/56223/1/MPRA\\_paper\\_56223.pdf](https://mpira.ub.uni-muenchen.de/56223/1/MPRA_paper_56223.pdf).
- 4 Economic Policy Institute, *The Productivity-Pay Gap*, October 2017. Available at: <https://www.epi.org/productivity-pay-gap>.



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