## PRO Act CP

#### CP text: the US ought to pass the PRO act.

#### The problem with worker organization isn’t the right to strike- it’s companies taking deliberate anti-union action. Means the aff can never solve.

Heidi **Shierholz, 20** - ("Weakened labor movement leads to rising economic inequality," Economic Policy Institute, 1-27-2020, 11-4-2021https://www.epi.org/blog/weakened-labor-movement-leads-to-rising-economic-inequality/)//AW

The basic facts about inequality in the United States—that for most of the last 40 years, pay has stagnated for all but the highest paid workers and inequality has risen dramatically—are widely understood. What is less well-known is the role the decline of unionization has played in those trends. The share of workers covered by a collective bargaining agreement dropped from 27 percent to 11.6 percent between 1979 and 2019, meaning the union coverage rate is now less than half where it was 40 years ago. Research shows that this de-unionization accounts for a sizable share of the growth in inequality over that period—around 13–20 percent for women and 33–37 percent for men. Applying these shares to annual earnings data reveals that working people are now losing on the order of $200 billion per year as a result of the erosion of union coverage over the last four decades—with that money being redistributed upward, to the rich. The good news is that restoring union coverage—and strengthening workers’ abilities to join together to improve their wages and working conditions in other ways—is therefore likely to put at least $200 billion per year into the pockets of working people. These changes could happen through organizing and policy reform. Policymakers have introduced legislation, the Protecting the Right to Organize (PRO) Act, that would significantly reform current labor law. Building on the reforms in the PRO Act, the Clean Slate for Worker Power Project proposes further transformation of labor law, with innovative ideas to create balance in our economy. How is it that de-unionization has played such a large role in wage stagnation for working people and the rise of inequality? When workers are able to join together, form a union and collectively bargain, their pay goes up. On average, a worker covered by a union contract earns 13.2 percent more than a peer with similar education, occupation and experience in a non-unionized workplace in the same sector. Furthermore, the benefits of collective bargaining extend well beyond union workers. Where unions are strong, they essentially set broader standards that non-union employers must match in order to attract and retain the workers they need and to avoid facing an organizing drive. The combination of the direct effect of unions on their members and this “spillover” effect to non-union workers means unions are crucial in fostering a vibrant middle class—and has also meant that as unionization has eroded, pay for working people has stagnated and inequality has skyrocketed. Unions also help shrink racial wage gaps. For example, black workers are more likely than white workers to be represented by a union, and black workers who are in unions get a larger boost to wages from being in a union than white workers do. This means that the decline of unionization has played a significant role in the expansion of the black–white wage gap. But isn’t the erosion of unionization because workers don’t want unions anymore? No—survey data show that in fact, a higher share of non-union workers say they would vote for a union in their workplace today than did 40 years ago. Isn’t the erosion of unionization due to the shifts in employment from manufacturing to service-producing industries? No again—changing industry composition explains only a small share of the erosion of union coverage. What has caused declining unionization? One key factor is fierce corporate opposition that has smothered workers’ freedom to form unions. Aggressive anti-union campaigns—once confined to the most anti-union employers—have become widespread. For example, it is now standard, when workers seek to organize, for their employers to hire union avoidance consultants to coordinate fierce anti-union campaigns. We estimate that employers spend nearly $340 million per year hiring union avoidance advisers to help them prevent employees from organizing. And though the National Labor Relations Act (NLRA) makes it illegal for employers to intimidate, coerce or fire workers in retaliation for participating in union-organizing campaigns, the penalties are grossly insufficient to provide a meaningful disincentive for such behavior. This means employers often engage in illegal activities, such as threatening to close the worksite, cutting union activists’ hours or pay, or reporting workers to immigration enforcement authorities if employees unionize. In at least 1 in 5 union elections, employers are charged with illegally firing workers involved in organizing. In the face of these attacks on union organizing, policymakers have egregiously failed to update labor laws to balance the system. Fundamental reform is necessary to build worker power and guarantee all workers the right to come together and have a real voice in their workplace.

#### The PRO act solves way better than the aff by making it easier for workers to unionize.

 Celine **McNicholas and**Lynn **Rhinehart, 19** - ("The PRO Act: Giving workers more bargaining power on the job," Economic Policy Institute, 5-2-2019, 11-4-2021https://www.epi.org/blog/the-pro-act-giving-workers-more-bargaining-power-on-the-job/)//AW

Our economy is out of balance. Corporations and CEOs hold too much power and wealth, and working people know it. Workers are mobilizing, organizing, protesting, and striking at a level not seen in decades, and they are winning pay raises and other real change by using their collective voices. But, the fact is, it is still too difficult for working people to form a union at their workplace when they want to. The law gives employers too much power and puts too many roadblocks in the way of workers trying to organize with their co-workers. That’s why the Protecting the Right to Organize (PRO) Act—introduced today by Senator Murray and Representative Scott—is such an important piece of legislation. The PRO Act addresses several major problems with the current law and tries to give working people a fair shot when they try to join together with their coworkers to form a union and bargain for better wages, benefits, and conditions at their workplaces. Here’s how: Stronger and swifter remedies when employers interfere with workers’ rights. Under current law, there are no penalties on employers or compensatory damages for workers when employers illegally fire or retaliate against workers who are trying to form a union. As a result, employers routinely fire pro-union workers, because they know it will undermine the organizing campaign and they will face no real consequences. The PRO Act addresses this issue, instituting civil penalties for violations of the National Labor Relations Act (NLRA). Specifically, the legislation establishes compensatory damages for workers and penalties against employers (including penalties on officers and directors) when employers break the law and illegally fire or retaliate against workers. Importantly, these back pay and damages remedies apply to workers regardless of their immigration status. The PRO Act also requires the National Labor Relations Board (NLRB) to go to court and get an injunction to immediately reinstate workers if the NLRB believes the employer has illegally retaliated against workers for union activity. With this reform, workers won’t be out of a job and a paycheck while their case works its way through the system. Finally, the PRO Act adds a right for workers to go to court to seek relief, bringing labor law in line with other workplace laws that already contain this right. And, the legislation prohibits employers from forcing workers to waive their right to class or collective litigation. More freedom to organize without employer interference. The PRO Act streamlines the NLRB election process so workers can petition to form a union and get a timely vote without their employer interfering and delaying the vote. The act makes clear it is workers’ decision to file for a union election and that employers have no standing in the NLRB’s election process. It prohibits companies from forcing workers to attend mandatory anti-union meetings as a condition of continued employment. If the employer breaks the law or interferes with a fair election, the PRO Act empowers the NLRB to require the employer to bargain with the union if it had the support of a majority of workers prior to the election. And the PRO Act reinstates an Obama administration rule, which was repealed by the Trump administration, to require employers to disclose the names and payments they make to outside third-party union-busters that they hire to campaign against the union. Winning first contract agreements when workers organize and protecting fair share agreements. The law requires employers to bargain in good faith with the union chosen by their employees to reach a collective bargaining agreement—a contract—addressing wages, benefits, protections from sexual harassment, and other issues. But employers often drag out the bargaining process to avoid reaching an agreement. More than half of all workers who vote to form a union don’t have a collective bargaining agreement a year later. This creates a discouraging situation for workers and allows employers to foster a sense of futility in the process. The PRO Act establishes a process for reaching a first agreement when workers organize, utilizing mediation and then, if necessary, binding arbitration, to enable the parties to reach a first agreement. And the PRO Act overrides so-called “right-to-work” laws by establishing that employers and unions in all 50 states may agree upon a “fair share” clause requiring all workers who are covered by—and benefit from—the collective bargaining agreement to contribute a fair share fee towards the cost of bargaining and administering the agreement. Protecting strikes and other protest activity. When workers need economic leverage in bargaining, the law gives them the right to withhold their labor from their employer—to strike—as a means of putting economic pressure on the employer. But court decisions have dramatically undermined this right by allowing employers to “permanently replace” strikers—in other words, replace strikers with other workers so the strikers no longer have jobs. The law also prohibits boycotts of so-called “secondary” companies as a means of putting economic pressure on the workers’ employer, even if these companies hold real sway over the employer and could help settle the dispute. The PRO Act helps level the playing field for workers by repealing the prohibition on secondary boycotts and prohibiting employers from permanently replacing strikers. Organizing and bargaining rights for more workers. Too often, employers misclassify workers as independent contractors, who do not have the right to organize under the NLRA. Similarly, employers will misclassify workers as supervisors to deprive them of their NLRA rights. The PRO Act tightens the definitions of independent contractor and supervisor to crack down on misclassification and extend NLRA protections to more workers. And, the PRO Act makes clear that workers can have more than one employer, and that both employers need to engage in collective bargaining over the terms and conditions of employment that they control or influence. This provision is particularly important given the prevalence of contracting out and temporary work arrangements—workers need the ability to sit at the bargaining table with all the entities that control or influence their work lives. The PRO Act does not fix all the problems with our labor law, but it would address some fundamental problems and help make it more possible for workers to act on their federally-protected right to join together with their coworkers to bargain with their employer for improvements at their workplace. Research shows that workers want unions. There is a huge gap between the share of workers with union representation (11.9 percent) and the share of workers that would like to have a union and a voice on the job (48 percent). The PRO Act would take a major step forward in closing that gap.

# Organizing DA

#### Strikes lead to backlash bills that weaken unions – empirically proven. Partelow ‘19

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In 2018 and 2019, after a decade of disinvestment in education that led to stagnant teacher salaries, policymakers have introduced [proposals in states](https://thehill.com/homenews/state-watch/426030-states-race-to-prevent-teacher-strikes-by-boosting-pay) across the country to begin reinvesting, spurred in part by teacher walkouts and activism nationwide. While it is wonderful to finally see broad support for raising teacher salaries and investing in public schools, a predictable backlash has also emerged. Legislators in some states that were hotbeds of teacher activism are [introducing bills](http://nymag.com/intelligencer/2019/01/teacher-walkouts-gop-lawmakers-push-retaliatory-bills.html) to explicitly prohibit walkouts or punish teachers who participate, often with a sprinkling of additional anti-union provisions. Weakening unions and refusing to invest in education are long-standing conservative tenets, and these bills are evidence that we should expect conservative policymakers to return to them as soon as they believe them to be politically viable. The consequences of a decade of education funding cuts came into sharp relief last spring, after teachers staged walkouts in [half a dozen states](https://www.nytimes.com/2018/05/16/us/teacher-walkout-north-carolina.html). The [decade of disinvestment](https://www.americanprogress.org/issues/education-k-12/reports/2018/09/20/457750/fixing-chronic-disinvestment-k-12-schools/) in education had its roots in the Great Recession, when many states were forced to drastically cut their K-12 education funding. But as the recovery got underway, many governors — particularly in red states — made intentional policy choices to cut taxes for wealthy residents and corporations rather than allow education funding to rebound to pre-recession levels as revenue increased. As a [result](https://www.americanprogress.org/issues/education-k-12/reports/2018/09/20/457750/fixing-chronic-disinvestment-k-12-schools/%5b), teacher wages stagnated, school budgets were strapped, and expenses such as building repairs and learning materials were deferred year after year. By 2018, reports of [crumbling schools](https://www.motherjones.com/politics/2018/01/its-not-just-freezing-classrooms-in-baltimore-americas-schools-are-physically-falling-apart/), students learning from [decades-old textbooks](https://www.cnn.com/2018/04/03/us/oklahoma-teachers-textbooks-trnd/index.html), high teacher turnover, and staff [shortages](https://tucson.com/news/local/we-continue-to-worsen-nearly-arizona-teaching-jobs-remain-vacant/article_1c8d665a-a422-5c7b-95b9-98afe0cb0c6f.html) in these states became common. Teachers had reached their [boiling point](https://morningconsult.com/opinions/americas-teachers-are-at-their-boiling-point/). The teacher walkouts have been very effective. Though they were a last resort, they finally got lawmakers’ attention in states that had seen the most chronic and severe cuts to education. In the states where teachers walked out, governors who hadn’t historically supported [education funding](https://www.americanprogressaction.org/issues/education/news/2018/10/09/171813/little-late-many-gubernatorial-candidates-education-funding/) agreed to enact significant [pay raises](https://www.latimes.com/nation/la-na-teacher-funding-20180306-story.html) and increases in education funding. For example, in Arizona, Republican Gov. Doug Ducey was forced to sign off on a teacher pay bill he had [previously opposed](https://tucson.com/news/local/gov-ducey-teachers-aren-t-going-to-get-percent-pay/article_75a9b7dc-930b-5374-be12-61fb840e4ced.html) that provided a [20 percent raise](https://www.reuters.com/article/us-usa-education-arizona/arizona-governor-signs-bill-to-boost-teachers-wages-amid-strike-idUSKBN1I40N8) to the state’s teachers — some of the lowest-paid in the nation — and invested an additional $100 million in schools in the state. And now, in several states with low teacher pay that have so far avoided major protests, some governors have proposed salary increases. Remarkably, much of this movement is happening in [deep-red states](https://thehill.com/homenews/state-watch/426030-states-race-to-prevent-teacher-strikes-by-boosting-pay) with historically low education spending. In South Carolina, Gov. Henry McMaster wants to give teachers a 5 percent pay raise; in Texas, Lt. Gov. Dan Patrick has proposed a $5,000 increase; and in Georgia, Gov. Brian Kemp has proposed a $3,000 increase. In all three of these states, teachers are [paid less](http://www.nea.org/assets/docs/180413-Rankings_And_Estimates_Report_2018.pdf) than the national average. It’s likely that last year’s walkouts nudged these governors to consider teacher pay in a way that they wouldn’t have otherwise. Though it goes against traditional conservative principles, supporting these raises is smart politics for these governors. There is widespread public [support for increasing teacher pay](https://www.apnews.com/883e9d387709112a11ee8901c223294e), particularly in the states where walkouts occurred. But even as some conservative policymakers agree to raise teacher salaries, as the 2019 legislative sessions have begun, others in Arizona, Oklahoma, and West Virginia have introduced bills that would [make walkouts illegal](http://nymag.com/intelligencer/2019/01/teacher-walkouts-gop-lawmakers-push-retaliatory-bills.html) and penalize teachers with fines, loss of their teaching licenses, or even [jail time](https://www.vox.com/policy-and-politics/2018/4/23/17270422/colorado-teachers-strike-jail-bill). Some of the bills also contain provisions designed specifically to weaken teachers unions, such as a requirement that teachers must [opt in to dues each year](https://www.nytimes.com/aponline/2019/01/28/us/ap-us-education-bill-west-virginia.html), which sponsors hope will reduce membership by adding an extra step to the process. Legislators in walkout states have also introduced stand-alone proposals designed to make union membership more difficult and, therefore, less likely, such as a prohibition on districts [withholding union dues](https://newsok.com/article/5593286/bill-is-revenge-for-teacher-walkout-unions-say) from teachers’ paychecks. These backlash bills hint at a much more familiar conservative education agenda of slashing funding and working to weaken teachers unions. After all, it is this agenda that led to stagnant teacher salaries, deplorable conditions in many school buildings, and consequences for students whose schools were chronically underfunded in the first place. Supporting increases to teacher pay and greater investment in schools is the right thing to do for America’s students. Unfortunately, this wave of backlash makes clear that for some policymakers, it’s all about politics — and as soon as they have the chance, they’ll once again slash education funding and attack hardworking teachers.

#### The right to strike just leads businesses to take stronger steps to stop unionization.

Gordon Lafer, 20 - ("Fear at work: An inside account of how employers threaten, intimidate, and harass workers to stop them from exercising their right to collective bargaining," Economic Policy Institute, 7-23-2020, https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/)//va

NLRB elections are fundamentally framed by one-sided control over communication, with no free-speech rights for workers. Under current law, employers may require workers to attend mass anti-union meetings as often as once a day (mandatory meetings at which the employer delivers anti-union messaging are dubbed “captive audience meetings” in labor law). Not only is the union not granted equal time, but pro-union employees may be required to attend on condition that they not ask questions; those who speak up despite this condition can be legally fired on the spot.[19](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note19) The most recent data show that nearly 90% of employers force employees to attend such anti-union campaign rallies, with the average employer holding 10 such mandatory meetings during the course of an election campaign.[20](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note20) ¶ In addition to group meetings, employers typically have supervisors talk one-on-one with each of their direct subordinates.[21](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note21) In these conversations, the same person who controls one’s schedule, assigns job duties, approves vacation requests, grants raises, and has the power to terminate employees “at will” conveys how important it is that their underlings oppose unionization. As one longtime consultant explained, a supervisor’s message is especially powerful because “the warnings…come from…the people counted on for that good review and that weekly paycheck.”[22](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note22) ¶ Within this lopsided campaign environment, the employer’s message typically focuses on a few key themes: unions will drive employers out of business, unions only care about extorting dues payments from workers, and unionization is futile because employees can’t make management do something it doesn’t want to do.[23](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note23) Many of these arguments are highly deceptive or even mutually contradictory. For instance, the dues message stands in direct contradiction to management’s warnings that unions inevitably lead to strikes and unemployment. If a union were primarily interested in extracting dues money from workers, it would never risk a strike or bankruptcy, because no one pays dues when they are on strike or out of work. But in an atmosphere in which pro-union employees have little effective right of reply, these messages may prove extremely powerful. ¶ It is common for unionization drives to start with two-thirds of employees supporting unionization and still end in a “no” vote. This reversal points to the anti-democratic dynamics of NLRB elections: voters are not being convinced  of the merits of remaining without representation—they are being intimidated into the belief that unionization is at best futile and at worst dangerous. When a large national survey asked workers who had been through an election to name “the most important reason people voted against union representation,” the single most common response was management pressure, including fear of job loss.[24](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note24) Those who vote on this basis are not expressing a preference to remain unrepresented. Indeed, many might still prefer unionization if they believed it could work. Where fear is the motivator, what is captured in the snapshot of the ballot is not preference but despair. ¶To understand what union elections look like in reality, we have profiled two cases in which workers sought to create a union and met with a harsh (and typical) employer backlash. In both cases—a tire plant in Georgia and a satellite TV company in Texas—the employer response ranges from illegally firing union activists to engaging in acts of coercion and intimidation that are illegal in any normal election to public office but are allowed under the NLRA. ¶

**This outweighs the Aff. Their solvency is all about how *unionization* is key, not a stronger right to strike. Whatever marginal increase in bargaining power they achieve is drowned out by the fact that there will be much lower union density in the first place.**

# Case

1. No right is capable of being absolutely unconditional
   1. Our right to assemble is limited when violence occurs, our right to free speech is limited when we are causing harm to others. The right to strike is protected under the same concept, meaning its conditionality is vital. Saying a just government would make this right unconditional is suggesting that a just government will have to support and protect strikes that lead to heavy violence or lead to a spread of harm to others.
2. Bornman ’16 and Waas ‘12
   1. If these rights to strike were defended unconditionally, the debate would automatically be over. No government, even a just one, would recognize something unconditionally. Unconditionality in rights defends access to violence under the protection of the constitution.
3. The affirmative evidence only mentions the actual usage of strikes once in the Myall card. All of their other evidence is based off of unions. By defending the whole resolution of the topic, they are to defend the right to strike rather than the right to unionize.