



March 8, 2021

Speaker Nancy Pelosi  
United States House of Representatives

Leader Kevin McCarthy  
United States House of Representatives

Dear Speaker Pelosi and Leader McCarthy,

The Society for Human Resource Management (SHRM) has long championed balanced labor-management relations and the inherent rights of employees to form, join, assist or refrain from joining a labor organization. In the pursuit of expedience for union organizing, H.R. 842, the Protecting the Right to Organize Act proposes significant policy changes that would disrupt labor-management relations to the detriment of employees and employers.

While many provisions included in H.R. 842 would impact work, workers and the workplace, SHRM is particularly concerned with the following provisions:

**Violates Employee Privacy** — H.R. 842 violates employee privacy under the Excelsior List by denying employees the ability to choose how the union communicates with them. This legislation requires the disclosure of employees' home addresses, work locations, shifts, job classifications; and, if available, cell and landline numbers along with work and personal email addresses — personally identifiable information that deserves the utmost protection.

**Revocation of Attorney-Client Privilege** — H.R. 842 amends the Labor-Management Reporting and Disclosure Act to require employers and their advisors to file public reports with the Department of Labor disclosing any arrangement that indirectly persuades employees regarding union organizing or collective bargaining. This provision improperly revokes attorney-client privilege, discouraging employers from seeking legal advice, a concept that was barred from going into effect under the Obama Administration's "Persuader Rule."

**Shortened Union Election Timeframe** — H.R. 842 requires employers to provide the Excelsior List within two days of when a union petition has been filed. This timeframe is inadequate for employers and increases their liability for an unfair labor practice if the information is not accurate.

SHRM strongly supports policies that protect and ensure employers and employees are equally represented at the bargaining table. Because H.R. 842 would create an imbalance in labor-management relations, SHRM urges you to oppose H.R. 842.

Sincerely,

Johnny C. Taylor, Jr., SHRM-SCP  
*President & CEO*

Emily M. Dickens  
*Chief of Staff, Head of Government Affairs & Corporate Secretary*

CC: Members of the U.S. House of Representatives