

EMPLOYEE RIGHTS ACT



The newly updated *Employee Rights Act*, introduced by Senator Tim Scott (R-SC) and Representative Rick Allen (R-GA), empowers workers with more rights in the workplace and reflects the changing landscape and preferences of the American workforce in 2023.

The ERA stands in stark contrast to the so-called “PRO” Act and the Biden administration’s aggressive regulatory agenda, which impose unprecedented restrictions on workers’ and employers’ rights and worsen an outdated vision that does not fit in the 21st century.

HERE’S HOW THE UPDATED EMPLOYEE RIGHTS ACT IS SUPERIOR TO THE PRO ACT

Includes the *Modern Worker Empowerment Act* to protect independent contractors, or “freelancers,” like those in the sharing economy. More than 70 million Americans work as freelancers, spanning every congressional district in the country.

- The PRO Act codifies California’s harmful “ABC” test, which threatens the livelihoods of tens of millions of freelancers even though the vast majority prefer their independent status to traditional employment.¹
- The Biden administration is working to narrow independent contracting through the NLRB and the Department of Labor. President Biden’s nominee for Secretary of Labor, Julie Su, was previously California Labor Secretary and the chief enforcer of the “ABC” test that stripped millions of livelihoods in the state.

Includes the *Save Local Small Business Act* to protect small business franchises and vendors from becoming corporate middle-managers. Franchise businesses employ more than 8 million Americans across every congressional district in the country.

- The PRO Act includes a vague definition of joint employment that functionally eliminates entrepreneurial franchising and vendor business relationships.
- The Biden NLRB is creating a joint employment standard that is even worse – vaguer and more expansive – than that of the Obama NLRB or the PRO Act.

Allows employees to decide for themselves if they wish to share personal information – such as home address and cellphone numbers – with union organizers.

- The PRO Act mandates that several pieces of private information be handed over to union organizers without employee consent. Testifying in favor of the PRO Act in 2019, former AFL-CIO President Richard Trumka said that unions need this information to confront workers “at their home” and “at the grocery store.”²
- The NLRB recently took action to shorten the number of days by which employers must turn over employees’ information. Now, employers must hand over employee information – without employee consent – in just two days.

<p>Requires unions to receive permission from employees before using their union dues for political purposes. Since 2010, unions have spent more than \$1.6 billion in member dues on progressive political causes without receiving prior consent from employees.³</p>	<ul style="list-style-type: none"> • The PRO Act functionally eliminates right-to-work by allowing union contracts to force millions of workers to fund union activity against their will, undermining right-to-work laws on the books in more than half the states. • The Biden Department of Labor eliminated a reporting requirement that created more transparency for union dues, shielding union leaders from accountability and making it harder for workers to know how their dues are being spent.
<p>Guarantees the right to a secret ballot in union elections, so Americans can vote on their representation at work the same way they vote on their representation in Congress.</p>	<ul style="list-style-type: none"> • The PRO Act undermines secret ballots and makes it easier to unionize workers through “card check,” where workers can be publicly pressured by union organizers into supporting the union. • The NLRB’s General Counsel, nominated by President Biden, filed a brief in 2022 to overturn precedent and urge the NLRB to demand that unions be certified without ever winning a secret ballot election.

Unlike the PRO Act and the Biden agenda, the Employee Rights Act strengthens workers’ rights, not just unions’ power. That’s why its major provisions are supported by overwhelming majorities of Republicans, Democrats, independents, Hispanics, and union households.⁴

Members of Congress should stand with their constituents and with workers nationwide and cosponsor the Employee Rights Act!

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Sources:

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