



1310 N Courthouse Rd. | Ste. 700 | Arlington, VA 22201 | p: (703) 224-3200
AmericansforProsperity.org

March 22, 2022

Dear Member of Congress,

On behalf of more than 3 million Americans for Prosperity (AFP) activists across all 50 states, I write in support of the Employee Rights Act (ERA), introduced this week by Senator Tim Scott (R-SC) and Representative Rick Allen (R-GA). The ERA is the only comprehensive labor reform bill in Congress that would expand employee rights, protect workers' flexibility, and improve representation in the workplace. [AFP strongly supports this legislation, and we urge you to co-sponsor it.](#)

The ERA stands in stark contrast to the so-called "PRO" Act passed by the House of Representatives last year, which imposes sweeping and unprecedented restrictions on worker and employer rights alike. Among its many commendable reforms, the ERA puts workers first by:

- Allowing employees to decide for themselves if they wish for their private, personal information – such as home address and cellphone number – to be shared with union organizers. The PRO Act requires that several pieces of private information be handed over to union organizers without employee consent.
- Requiring secret ballot elections so that Americans can vote on their representation in the workplace the same way they vote for their representation in Congress. The PRO Act makes it easier to sidestep secret ballots, allowing union organizers to coerce workers into so-called "card check" signatures, which have resulted in well-documented harassment and intimidation.
- Protecting local small business franchise operations by codifying the correct joint-employer standard, which has bipartisan support in Congress. The PRO Act includes a definition of joint employment that functionally eliminates franchising and vendor relationships as we know it.
- Codifying the correct definition of "employee," creating consistency across federal law and protecting sharing economy workers and others who wish to remain independent contractors. At the same time, it allows companies to provide benefits to hired independent contractors without turning them into employees. The PRO Act codifies California's "ABC" test which significantly undermines independent contracting and has worsened the supply chain crisis.
- Requiring that unions receive "opt-in" permission before using member dues for political purposes. Right now, workers must endure a lengthy and confusing process to be refunded for political expenses. Worse, unions also use non-political dollars – funds intended for collective bargaining and representational purposes – to support political advocacy organizations. In the 23 states without a right-to-work law, workers have no way to opt out of this. In addition to their election spending, since 2010 unions have sent more than [\\$1.5 billion](#) in member dues to progressive advocacy organizations without workers' consent.

As the bill's name suggests, these and other reforms expand employee rights, not just special interest political power. That is why the ERA's key provisions are supported by a significant majority of the American people, [including](#) both Republicans and Democrats, independents, Hispanics, and [union](#)

[households.](#)

Since 2011, worker freedom has seen tremendous progress in states across the country, and AFP has been a proud champion of these efforts. Unfortunately, it remains under attack here in Washington from lawmakers who believe that the only way to help workers is to expand collective representation, including through coercive means. The ERA represents a strong, positive alternative to this way of thinking.

We applaud Senator Tim Scott and Representative Rick Allen for their leadership on behalf of America's workers and we strongly urge you to co-sponsor this important legislation.

Sincerely,

A handwritten signature in black ink that reads "Brent Gardner". The signature is written in a cursive, flowing style.

Brent Gardner

Chief Government Affairs Officer