



Dear Member of Congress,

On behalf of more than 3 million Americans for Prosperity activists across all 50 states, I write in support of the Employee Rights Act, introduced this week by Senator Tim Scott (R-SC) and Representative Rick Allen (R-GA).

The Employee Rights Act 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 today.

The Employee Rights Act stands in stark contrast to the so-called "PRO" Act passed by the House of Representatives last Congress, which imposes sweeping and unprecedented restrictions on worker and employer rights alike, as well as the Biden administration's regulatory agenda, which seeks to advance pieces of the PRO Act by executive fiat.

The Employee Rights Act puts workers first by:

- **Protecting independent contractors, like those in the sharing economy – the vast majority of whom prefer freelancing over traditional employment. Independent contracting has grown enormously, particularly through the pandemic. More than 70 million Americans now work as independent contractors, spanning every congressional district in the country.**

The PRO Act codifies California's "ABC" test, which functionally eliminates independent contracting as we know it and has worsened the supply chain crisis. The Biden administration is working to narrow independent contracting through the NLRB and the Department of Labor, and 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.

- **Protecting local small business franchise operations by codifying the correct joint-employer standard, which has bipartisan support in Congress. Franchise businesses employ more than 8 million Americans across every congressional district in the country.**

The PRO Act includes a definition of joint employment that functionally eliminates franchising and vendor relationships as we know it, and the Biden NLRB is creating a standard that is even worse – vaguer and more expansive – than that of the PRO Act or the Obama NLRB.

- **Requiring secret ballot elections for union organizing 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 of workers. The General Counsel of the National Labor Relations Board, a Biden appointee, has urged the NLRB to undo longstanding precedent and codify card-check union certification.

- **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 bill also makes it an unfair labor practice for a union to share elsewhere or mishandle this information.**

The PRO Act requires 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,” disregarding employee privacy.

- **Requiring that unions receive “opt-in” permission before using member dues for political purposes. Right now, workers must endure a lengthy and confusing process every year to be refunded for political expenses they do not wish to support. Worse, unions also use *explicitly non-political dollars* – union dues intended for collective bargaining and representational purposes – to support political advocacy organizations.**

In the 24 states without a Right to Work law, workers have no way to opt out of funding causes and candidates they do not support. In addition to their election spending, since 2010 unions have sent [nearly \\$2 billion](#) in member dues to progressive advocacy organizations without workers’ consent. Immediately upon taking office, the Biden Department of Labor rescinded a rule that created more transparency for workers to see how union leaders spend their dues.

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

AFP has been proud to lead the effort for worker freedom in the states and at the federal level for more than a decade. Unfortunately, worker freedom remains under attack here in Washington from some lawmakers and the Biden administration who believe that the only way to help workers is to expand collective representation, including through coercion. The Employee Rights Act represents a strong, positive alternative to this way of thinking. We applaud Senator Scott and Representative Allen for their leadership on behalf of America’s workers and we strongly urge you to co-sponsor their important legislation.

Sincerely,



Akash Chougule

Vice President

Americans for Prosperity