



H.R. 4154, Employee Rights Act: A Congressional Reform Agenda to Empower American Workers

The Employee Rights Act (ERA), [H.R. 4154](#), has been introduced by Representative Rick Allen (R-GA). As the premier worker empowerment bill for the 119th Congress, ERA would modernize American labor laws so that workers and their families find their greatest opportunities in the 21st century and beyond. Americans would be able to chase opportunity instead of permission.

The Employee Rights Act includes a number of key reforms to increase worker choice and flexibility in both union and non-union employment policies. These include:

Requiring secret ballot elections for union organizing

Americans can vote on representation in the workplace the same way they vote for their president and representation in Congress. This would significantly reduce issues of intimidation and harassment that workers face, instead allowing them to vote with their conscience - something union households support even more strongly than non-union households.

Protecting self-employment career paths across American industries

The Employee Rights Act would codify a Trump era Department of Labor (DOL) rule that streamlined the Department's economic realities test, in this instance for both DOL and the National Labor Relations Board (NLRB), ending back and forth regulatory changes that lead to uncertainty and stifle vital career paths for Americans. Considering that upwards of 64 million Americans do some form of freelancing each year and that the Bureau of Labor Statistics (BLS) found that less than 10 percent of independent contractors would prefer a traditional work arrangement, this reform opens the doors to the careers Americans are seeking.

Protecting small businesses in communities that operate as franchises and as vendors for other businesses

ERA would do this by codifying a traditional joint-employer standard - the same as found in the Save Local Business Act - that prevents government agencies from designating workers as employees of multiple businesses just because they are engaged in contractual work together. The traditional joint employer standard rejects Biden-era joint employer efforts to allow federal agencies to determine that indirect or even unused theoretical control of workers was sufficient to create joint employer standards that could restrict or even eliminate millions of small businesses.

Allowing employees to decide for themselves whether any of their private, personal information such as home addresses and cellphone numbers will be shared with union leaders during organizing campaigns

The bill also makes it an unfair labor practice for a union to contact workers with shared personal information for any reason beyond communicating about representation proceedings.



Allowing workers to opt-out of union representation

In Right to Work states where union dues and membership are optional for private sector employees, they will be able to exercise true worker choice and opt out of union representation, too. In other words, workers don't have to be bound to union contracts, and unions do not have to represent workers who do not wish to be members.

Requiring that unions receive “opt-in” permission from workers before using a part of workers’ paychecks for political purposes

Right now, workers must endure a confusing and cumbersome process every year to be refunded for political efforts they do not wish to support. Under ERA, unions would need permission from unionized workers to use money on non-representational activity. Considering unions spent over \$1.67 billion on political advocacy, the opportunity for workers to have a say in at least some of this spending would be a significant victory for workers.

Bans union leaders from implementing mandatory diversity, equity, and inclusion (DEI)

hiring practices, and other workplace policies in bargaining contracts. This helps ensure equal representation for all workers and a collective bargaining process focused more directly on job-related matters.

Ensures anyone voting in a union election is a citizen or legally authorized to work in the United States.

Unlike the union-backed PRO Act and laws from decades ago that favor union leaders over workers and limit worker choice and flexibility, American workers under the Employee Rights Act would be empowered to chase opportunity instead of chasing permission from government and special interests. In fact, both union and non-union households strongly support key policies in this legislation, making it an opportunity for bipartisan reform that unlocks new opportunities and success for American workers.

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