

Dear Member of Congress:

On behalf of the following organizations, we ask for your full support and co-sponsorship of the Employee Rights Act (ERA), re-introduced in the 119th Congress by [U.S. Congressman Rick Allen](#) (GA) and [U.S. Senator Tim Scott](#) (SC).

The Employee Rights Act is a comprehensive labor reform bill that would expand employee rights, protect workers' flexibility, and improve worker led representation in the workplace by implementing policies that remove 20th century barriers for American families looking to thrive in the 21st century and beyond.

Unlike the Protecting the Right to Organize (PRO) Act that former President Joe Biden and many progressive leaders continue to support, ERA offers bottom-up solutions that put workers and small business entrepreneurs first instead of special interests.

The [Employee Rights Act](#) puts workers first by:

- **Protecting workers' right to a secret ballot election** in union organizing so that 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 do so by codifying a test similar to a rule from Department of Labor (DOL) in President Trump's first term. It would establish an economic realities test as the permanent criteria 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 American communities that operate as franchises and as vendors for other businesses.** ERA would do this by codifying a traditional joint-employer standard 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 what private and 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 unions cannot get private sector employees fired for not paying them, these employees would

also be able to exercise true worker choice and opt out of union representation. In other words, workers in Right-to-Work states 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.
- **Bans union leaders from implementing mandatory diversity, equity, and inclusion (DEI) initiatives,** hiring practices, and other workplace policies in bargaining contracts. This helps ensure equal representation for all workers and a collective bargaining process more focused on job-related matters.
- **Ensures anyone voting in a union election is a citizen or legally authorized to work in the United States.**

In order for American workers to enjoy their greatest success and fulfillment while providing for their families in the 21st century, Congress must update labor laws that date back to the early 20th century to what workers today are looking for in a dynamic economy. The Employee Rights Act empowers workers to chase opportunity instead of increasingly permission chasing from government and special interests. We undersigned organizations urge you to support a pro-worker agenda to make this a reality including the Employee Rights Act and each of the reforms found within it.

Sincerely,

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