

THE EMPLOYEE RIGHTS ACT OF 2025

PRO-WORKER, PRO-FREEDOM, PRO-GROWTH

The *Employee Rights Act of 2025* (ERA), introduced by Congressman Rick W. Allen (GA-12), Chairman of the Health, Employment, Labor, and Pensions Subcommittee, protects and strengthens the rights of American workers by bringing outdated federal labor laws into the 21st century. The National Labor Relations Act (NLRA), which was signed into law in 1935, is in desperate need of reform. Following a four-year assault on workers' choices and freedoms under the Biden-Harris Administration, the ERA puts workers first by codifying commonsense labor policies. **The ERA is the Republican vision for the future of the American workforce, outlined by several key provisions:**

Safeguards the Right to a Secret Ballot:

- On August 25, 2023, the National Labor Relations Board (NLRB) issued a decision that threatens a worker's right to decide union representation by a secret ballot vote.
- The ERA would guarantee American workers have the right to a secret ballot vote in union elections just like presidential elections.

Provides Legal Clarity for Independent Contractors:

- The ERA would enable American workers to have the freedom to determine how and when they work. The ERA would codify a rule from President Trump's first administration that provides much-needed legal clarity for independent contractors by amending the Fair Labor Standards Act (FLSA) and the NLRA to provide a predictable control and economic dependence test.

Clarifies the Definition of a Joint Employer:

- The Biden-Harris NLRB finalized a joint employer standard that held a company liable for employees it does not employ or directly control. When Democrats implemented this standard under President Obama, 376,000 jobs were lost and franchisees costs went up by \$33 billion.
- The ERA would protect small business owners and ensure they can continue to pursue the American Dream by eliminating the legal threat of shifting "joint employer" standards. Doing so will entice more men and women to start and grow small businesses.

Guarantees Fair Representation for All Employees:

- Adhering to President Trump's promise to eradicate Diversity, Equity, and Inclusion (DEI), the ERA would clarify that collective bargaining agreements cannot include any DEI initiatives.

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Ensures the Integrity of Union Elections:

- Following President Trump's Executive Order on election integrity and House-passage of the SAVE Act, the ERA would ensure that employees who vote in union elections are United States citizens or legal aliens who are lawfully authorized to be employed in the United States.

Protects American Workers' Privacy:

- Currently, workers do not have the option to opt out of having their personal contact information shared with a labor union.
- The ERA would protect American workers' privacy by limiting the personal information unions can access during organizing campaigns, giving workers the right to choose how they would like to be contacted.

Empowers Workers Through Choice:

- The ERA would allow workers in right-to-work states to fully opt-out of union representation.

Shields Workers from Harassment:

- The ERA would clarify that employers can take action to protect employees from discriminatory, harassing, or demeaning language, including during an organizing campaign. Employers would be able to protect their employees from such language and actions without fear of running afoul of the NLRA.

Prioritizes Workers Over Political Agendas:

- Labor unions can take money from an employee's paycheck—without approval—and use it for political activity. From 2010-2018, 99% of union political contributions went to left-wing advocacy groups aligned with the Democratic Party, even though 40% of households with a union member voted Republican.
- The ERA requires unions to receive opt-in permission every year from each member to use his or her union dues for purposes other than collective bargaining (i.e. political support).

Prevents Potential Union Violence:

- The ERA closes a loophole in the federal *Hobbs Anti-Extortion Act* to ensure that violence committed in pursuit of union goals is a federal crime subject to penalties.

Secures Tribal Labor Sovereignty:

- The ERA excludes Native American tribes and tribal enterprises on tribal lands from the NLRA, just as state and local governments are exempted.

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