

March 21, 2022

The Honorable Tim Scott
United States Senate
Washington, DC 20510

Dear Senator Scott:

The undersigned groups thank you for introducing the Employee Rights Act, a bill that reforms federal labor and employment law to better reflect the American economy and workforce of the 21st Century. We are proud to support this legislation.

Over the past several years, the economy and the needs of American workers have fundamentally changed, but our federal laws have not kept up with these advancements. Additionally, federal agencies charged with interpreting and enforcing those laws have implemented significant policy changes with each new administration, destabilizing labor-management relations and the economy. These dynamics have left workers without the protections and benefits they deserve and employers without the certainty and stability needed to operate their businesses and create a thriving economy.

The Employee Rights Act will modernize our federal labor and employment laws to bring them into the 21st Century. The bill protects workers' privacy by ensuring secret ballots in union representation elections and providing workers with the power to decide who receives their personal information. The bill also protects workers against harassment, retaliation, and threats of violence for not supporting unionization and guarantees workers will have the freedom to choose if they want to continue to be represented by a union and if their membership dues should be spent on political activity. It ensures workers who want to be self-employed can work freely and independently by clarifying and safeguarding independent contractor status in law.

The Employee Rights Act also protects small business owners by ensuring the joint employer standard isn't expanded. The joint-employer standard is used to determine if two or more entities are jointly responsible for the terms and conditions of employment over the same group of employees. Joint employer status comes with significantly increased liability and responsibilities under federal labor and employment law, so an expanded standard will result in small business owners either losing support from larger, more experienced businesses or being forced to become employees of those larger entities. An expanded standard would also result in fewer businesses taking an active role in encouraging "corporate responsibility" among their franchisees, vendors, supplies, and contractors to the detriment of consumers, workers, communities, and the economy. The Employee Rights Act ensures only those entities who truly are joint employers are held responsible for their joint employees.

Again, the undersigned organizations thank you for introducing this important bill and look forward to working with you to advance the legislation into law.

Sincerely,

American Business Conference
American Hotel & Lodging Association
Asian American Hotel Owners Association
Associated Equipment Distributors
Ceramic Tile Distributors Association
Consumer Technology Association
Family Business Coalition
Foodservice Equipment Distributors Association
Heating, Air-conditioning, & Refrigeration Distributors International
HR Policy Association
Independent Bakers Association
Independent Electrical Contractors
International Association of Plastics Distribution
International Franchise Association
Metals Service Center Institute
National Association of Electrical Distributors
National Association of Manufacturers
National Association of Wholesaler-Distributors
National Fastener Distributors Association
National Marine Distributors Association
National Ready Mix Concrete Association
National Restaurant Association
National Retail Federation
NFIB
Outdoor Power Equipment and Engine Service Association
Retail Industry Leaders Association
Small Business & Entrepreneurship Council
U.S. Chamber of Commerce