



April 17, 2023

U.S. House of Representatives  
Washington, DC 20515

U.S. Senate  
Washington, DC 20510

Dear Representatives and Senators:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 22,000 members, I write in support of the Employee Rights Act.

The ERA's primary objective is to provide essential protections for workers' rights, choices and freedoms, standing in stark contrast with the so-called Protecting the Right to Organize Act. The PRO Act would drastically restructure America's labor laws, which would damage the economy, cost millions of American jobs, threaten vital supply chains and greatly diminish opportunities for entrepreneurs and small businesses.

It is essential that Congress act to strengthen the rights, flexibility and privacy protections of workers laid out in the ERA as the Biden administration, most notably through the National Labor Relations Board and U.S. Department of Labor, seeks to implement provisions of the PRO Act through regulatory action.

ABC is supportive of the ERA and these provisions:

#### **Ensuring the Use of Secret Ballots in Union Elections:**

- The ERA would ensure that any effort to organize a workplace or hold a strike is subject to a private ballot vote. Secret ballot elections ensure that workers have a privacy-protected vote that reflects their true preference for unionization in their workplace. Attempts to eliminate the secret ballot vote and replace it with a card check system where workers' votes are public means that employees' rights to a private ballot in union elections are stripped away in favor of collecting signatures or "cards." ABC believes that efforts to eliminate a secret ballot can expose workers to intimidation and coercion and that votes for representation in the workplace must uphold the standard of a private, secret ballot.

#### **Stimulating Local Businesses and Entrepreneurship Opportunities:**

- The ERA includes the ABC-supported Save Local Business Act, which clarifies the joint employer standard to provide clarity and certainty for small business owners and workers. It would protect the traditional contractor and subcontractor relationship in construction and give more Americans the opportunity to start their own businesses. This provision would restore clarity and protect businesses from unnecessary involvement in labor negotiations and disputes involving workplaces in which they do not have direct control.

### **Defending Worker Choice and Independent Contractors:**

- The ERA updates the current law to provide much needed clarity and guidance to the proper classification of contractors under the Fair Labor Standards Act and promotes certainty for employers, independent contractors and employees.

### **Protecting Workers From Unwanted Political Exploitation:**

- The ERA would require employees to consent to their union dues being used for anything other than collective bargaining efforts. Many workers join a union in hopes that their dues will help improve their workplace, however, hundreds of millions of dollars in union dues are spent each year supporting political candidates and causes. The ERA would require workers to consent to their union dues being used for other purposes, including political advocacy.

### **Safeguarding Employee Privacy:**

- The ERA limits the amount of employee personal information a union receives during an organizing drive. In addition, the bill makes it an unfair labor practice for the union to use employees' personal information for any reason other than a representation proceeding. Employees currently have no ability to prevent their personal information from being disclosed to the National Labor Relations Board and to the union that seeks to represent them. Conversely, the PRO Act would require companies to turn over sensitive employee records like cell phone numbers, work shifts and home addresses to union organizers.

In the face of an increasingly hostile regulatory environment for America's small businesses, the ERA provides much needed protection and clarity for our nation's job creators and workforce, and ABC urges your support of this critical legislation.

To join as a cosponsor in the Senate, please contact Ashling Preston in the Office of U.S. Senator Tim Scott ([Ashling\\_Preston@scott.senate.gov](mailto:Ashling_Preston@scott.senate.gov)). For House cosponsorship, please contact Lauren Hodge in the Office of Congressman Rick Allen ([Lauren.Hodge@mail.house.gov](mailto:Lauren.Hodge@mail.house.gov)).

Sincerely,



Kristen Swearingen  
Vice President, Legislative & Political Affairs