

Republicans Introduce "Employee Rights Act" Targeting NLRA

November 27, 2013 | [National Labor Relations Board, Labor And Employment](#)

Republicans in Congress continue to introduce legislation aimed at reforming what they see as pro-union provisions in federal labor law. The latest bill is the "Employee Rights Act" introduced on Nov. 14 in the Senate by Senator Orrin Hatch and in the House by Representative Tom Price. The bill would amend the NLRA and LMRA to:

1. require secret ballot elections both for initial union representation and to authorize a strike,
2. require a majority of all employees in the bargaining unit vote favor of certification for it to be effective, not just a majority of those employees who vote,
3. require recertification elections after significant employee turnover,
4. allow employees to opt out of providing their contact information to unions during campaigns,
5. require unions to get authorization from dues paying members before using dues for political and other purposes not directly related to collective bargaining, and
6. provide additional safeguards against union coercion and threats.

As we [previously reported](#), GOP legislators have continuously introduced these types of bills, likely in reaction to the failed Employee Free Choice Act (EFCA) and rule changes by the NLRB that would make union organizing and recognition efforts easier. A similar "Employee Rights Act" introduced by Sen. Hatch and Rep. Price during the last Congress in 2011 died in committee. It is likely that the latest iteration of the Employee Rights Act will suffer a similar fate, but introducing the bills allows Republican lawmakers to continue to keep the issues in the spotlight.

The text of the Employee Rights Act is available on Congress.gov [here](#).

RELATED PRACTICE AREAS

Labor and Employment

Labor Relations

National Labor Relations Board (NLRB)