



IWV Supports The Employee Rights Act

March 22, 2022

Dear Senators and Members of Congress,

Independent Women's Voice is the leading national women's organization dedicated to advancing common sense public policies that expand opportunity for women and all workers. On behalf of IWV, I urge you to support the Employee Rights Act (ERA), introduced by Senator Tim Scott.

The Protecting the Right to Organize (PRO) Act (H.R. 842) would push workers back into an antiquated, union-dictated 9-to-5 work world, but the ERA takes our changing workforce and modern economy into account.

The ERA includes an important provision also in the Modern Worker Empowerment Act which updates the law to utilize the common-law definition of an employee. This standard is less severe than the PRO Act's three-pronged ABC test which would reclassify millions of the nation's independent contractors leaving them economically vulnerable and threatening flexible work.

This bill would also allow companies to extend benefits to independent contractors without restricting the flexible work options that give these individuals more choice and control over when they work.

Women have been among the hardest hit by the pandemic and many are still struggling to find a path forward. If the PRO Act becomes the law of the land then even more women, particularly those who rely on flexible work arrangements that allow them to control their own schedules and balance their desire to work with caring for family members, might be forced to leave the workforce. Sadly, **this has been the case in California** where AB 5, which the PRO Act is modeled after, took effect in 2020. Thousands of contract jobs have been eliminated throughout the state, leaving many struggling to make ends meet.

Workers, especially women, have long sought out flexible work. Considering how much workers needed, and enjoyed, flexibility during the pandemic and lockdowns, now more than ever, policies should encourage employers to continue to offer this flexibility and allow more women to stay in the workforce.

Also, unlike the PRO Act which has over 20 provisions that would tip the scales in favor of unions at the expense of workers, the ERA prioritizes individual choice for workers over the agendas of union bosses. It prevents the elimination of Right-to-Work laws in 27 states which protect workers from being fired if they choose not to join a union, stipulates that a majority of employees must have the right to a secret

paper ballot election, and requires unions obtain explicit approval from members before using dues for political reasons.

We thank Senator Scott for his leadership on this issue and urge all senators and members of Congress to join him and support the Employee Rights Act.

Respectfully,

A handwritten signature in black ink, appearing to read 'Patrice Onwuka', with a long horizontal flourish extending to the right.

Patrice Onwuka

*Director, Center for Economic Opportunity
Independent Women's Voice*