



**Opening Statement of Rep. Bob Good (R-VA), Chairman
Subcommittee on Health, Employment, Labor, and Pensions
Hearing: “Protecting Workers & Small Businesses from Biden's Attack on
Worker Free Choice & Economic Growth”
December 13, 2023**

(As prepared for delivery)

Judging by recent events, President Biden is making good on his promise to be the “most pro-union President leading the most pro-union administration in American history.”

When President Biden joined the United Auto Workers picket line in Michigan, last September, he put his thumb on the scale in favor of the union like no president has ever done before. Ironically, Biden claimed to stand with the workers who are hurt directly by the Bidenflation and America-last energy policies that are so harmful to the auto industry.

Biden’s federal bureaucrats regularly fall in line to promote union interests over workers and job creators.

But the *National Labor Relations Act* (NLRA) does not play favorites between unions and businesses. The NLRA has two basic functions: First, to determine whether employees wish to join a union, and second, to prevent and remedy unlawful actions of employers and unions.

The U.S. Supreme Court recognized in *Letter Carriers v Austin* (1974) that federal law favors “uninhibited, robust, and wide-open debate” between union and management. The law provides a level playing field for workers to decide whether to join a union and protects workers who decide to work for themselves.

Somehow, President Biden didn’t get the memo.

The Biden administration is attempting to micromanage every employer-employee relationship in the country at the behest of Big Labor union bosses. To achieve its goals, the Biden administration has weaponized the anti-business National Labor Relations Board (NLRB or Board) to target business owners across America.

The NLRB serves as the pro-union litigation arm of the Biden administration. To this end, it targets job creators, adds burdensome red tape for small business owners, and severely reduces employee free choice.

In two recent Board decisions, the NLRB has drastically overstepped its mandate. In the *Cemex* case, it limited the longstanding right of employees to vote in secret ballot elections. Additionally, the Board decided that a union could simply claim majority support through the unreliable card check process. This makes it easier to impose union representation on workers and businesses.

The *Atlanta Opera* decision further curtailed employee rights when it revived an Obama-era standard for determining independent contractor status. Some estimate that over 60 million workers across the U.S. enjoy independent contractor status and the freedom self-employment brings. This disastrous decision by the Board will crush their ability to earn a living as they choose.

Finally, the NLRB has issued a final rule that undermines the franchise model for many beloved brands that Americans know and rely on. Franchisors and franchisees like 7-Eleven, Dunkin', and Great Clips are major economic actors comprising 11.4 percent of all businesses in America. One estimate found that a similar NLRB rule during the Obama administration would have cost the franchise model \$33.3 billion annually and cut 376,000 jobs.

This is the promise of a pro-union president: businesses will suffer, and American workers will lose their jobs.

Republicans, on the other hand, side with employees who value their precious right to join—or importantly, not join—a union.

The legislation we will consider today, *The Employee Rights Act*, *Save Local Business Act*, *Modern Worker Empowerment Act*, and *Small Businesses Before Bureaucrats Act*

are all proposals that will affirm *employee* rights—not “union rights”—and fight back against the Biden administration’s Big Labor agenda.

Make no mistake, when Biden brags about being “pro-union” he intends to line the pockets of union bosses and inflict pain on business owners and their employees.