



HERE'S HOW THE ERA **PUTS THE AMERICAN WORKER FIRST:**

1. RIGHT TO A SECRET BALLOT

The ERA guarantees that workers have the right to a secret-ballot vote in unionization elections. The right to vote privately is fundamental and critical to ensuring that workers can vote without fear of reprisal.

2. WORKER'S CHOICE

The ERA empowers workers in right-to-work states to opt out of union representation. They would be free to negotiate contracts, wages, and working conditions directly with their employer, the same as the 93 percent of private-sector workers who do not have a union contract. It would also free unions from the burden of representing workers who do not want to be members.

3. PRIVACY PROTECTIONS

The ERA protects workers' privacy by empowering them to choose what contact information is shared with a union seeking to organize them. Under current law, workers do not have the option to opt out of having their personal contact information shared with a union, including their home address, phone number, and personal email.

4. LEGAL CLARITY FOR INDEPENDENT WORKERS

The ERA gives workers the freedom to choose how and when they want to work—including in the gig economy. It provides much-needed legal clarity and harmonization by amending the Fair Labor Standards Act (FLSA) and the National Labor Relations Act (NLRA) with a predictable control and economic dependence test, making it easier for entrepreneurs to work for themselves.

5. PROTECTION FOR SMALL BUSINESS OWNERS

The ERA protects small business owners and entrepreneurs by reaffirming a commonsense "joint employer" standard. It sets a legal bright-line rule, finding a joint employment relationship only if the employer "directly, actually, and immediately" exercises significant control over employment decisions.

6. ENFRANCHISE LEGAL WORKERS

The ERA makes sure that only individuals legally allowed to work in the United States are allowed to vote in unionization elections. It requires that unions verify the citizenship or legal status of all employees who vote in a union election, ensuring they're lawfully authorized to be employed.

7. ENSURES EQUAL REPRESENTATION FOR ALL EMPLOYEES

The ERA prohibits collective bargaining agreements from including any Diversity, Equity, and Inclusion (DEI) initiatives unless otherwise required by law.

8. PROTECTS WORKERS FROM HARASSING LANGUAGE

The ERA makes clear that employers can protect their employees from discriminatory, harassing, or demeaning language during a unionization campaign. Employers would be able to protect their employees without violating the federal labor law under the NLRA.

9. FREEDOM FROM UNION VIOLENCE

The ERA closes a loophole in federal law, eliminating the judicially created exemption for union-related violence and extortion. This would hold unions to the same legal standards as the rest of the country, recognizing that union-related violence is a federal crime with associated penalties.

10. PRIORITIZE WORKERS OVER POLITICAL AGENDAS

The ERA gives all workers the right not to subsidize unions' political agendas. A union's use of workers' dues would be limited to collective bargaining or contract administration on behalf of the union members and represented workers. Workers who wish to fund a union's political spending would be able to opt in annually for such contributions, instead of being forced to opt out.

11. TRIBAL LABOR SOVEREIGNTY

The ERA excludes Native American tribes, as well as tribal enterprises on tribal lands, from the NLRA, similar to how state and local governments are exempted.



**INSTITUTE FOR THE
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