



INSTITUTE

for the American Worker

Worker Flexibility and Choice Act

Bill name: Worker Flexibility and Choice Act, [H.R. 8442](#)

Sponsored by Reps. Henry Cuellar (D-TX), Elise Stefanik (R-NY), and Michelle Steel (R-CA)

Background: Independent contracting has become a growing part of the American workforce in the last decade, with many [seeking](#) it out for the inherent flexibility or as a step toward creating a new business. But several states and even federal bureaucrats have tried to limit the opportunities of independent workers. And if a business provides financial assistance or other benefits to a contractor, under current law the exchange could be considered employment compensation, which puts the contractor at risk of falling into the legal category of employee—triggering a whole different set of responsibilities and regulations.

Summary: The “Worker Flexibility and Choice Act,” a bipartisan solution introduced in the U.S. House of Representatives, would create new, voluntary “worker flexibility agreements” to protect the ability of independent contractors to maintain their work flexibility and work for multiple companies if they choose. Businesses, under the agreements, would be able to offer benefits to the independent contractor without running afoul of outdated aspects of the Fair Labor Standards Act (FLSA). The legislation would also harmonize these positive independent contractor rules across the nation – a plus for independent contractors in some states that are limited in how they can make a living under their preferred work arrangement.

Bill Status: The “Worker Flexibility and Choice Act” was introduced in the House on July 20, 2022. It has been referred to the Education and Labor Committee and Ways and Means Committee.

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