

Opening Statement of Ranking Member Mark DeSaulnier (CA-10)

Subcommittee on Health, Employment, Labor, and Pensions Hearing

Protecting Workers and Small Businesses from Biden's Attack on Worker Free Choice and Economic Growth

2175 Rayburn House Office Building

Wednesday, December 13, 2023 | 10:15 a.m.

Thank you, Mr. Chairman, and I want to thank all the witnesses.

Protecting workers' rights to organize and confronting worker misclassification is crucial to ensuring workers succeed in the modern economy.

As a former businessowner, it's important that your workforce, whether they're unionized or not, are respected and have a voice for the success of the business—that's what the labor movement frequently does—often does.

It helps a balance.

When workers have the power to negotiate for higher wages, better benefits, and safer workplaces, we all share in those victories. As members of this Committee, we are charged with empowering workers—instead today we are meeting to push bills that favor wealthy special interests at the expense all too often of workers' rights.

We cannot forget that workers in the labor movement built the middle class by giving employees a voice on the job. And some of our nation's greatest advances stem from workers having a fair share of the profits that they help create.

The American people's support for unions has never been higher. Unlike on many issues facing the country right now, Americans across party lines are united in support of the labor movement's goals—according to a recent poll from Navigator research. Just last week, for the first time in Louisiana history, nurses at the University Medical Center New Orleans voted overwhelmingly to unionize, and many of them said they were inspired by the UAW's successful contracts with Detroit automakers. They see the best impacts of union representation coming from better pay, more benefits, and stronger job security.

Unfortunately, after reviewing the three bills discussed today – the *Modern Worker Empowerment Act*, *Save Local Business Act*, and *Employee Rights Act* – it is clear these bills do not share the same goal of supporting workers' right to form a union. These bills limit workers' rights and protections by chipping away at the *Fair Labor Standards Act* and the *National Labor Relations Act*.

Democratic Committee staff was initially told that H.R. 3400, the so-called *Small Businesses before Bureaucrats Act*, would be part of today's legislative hearing and our witness, Mr. Griffin, commented on it in his written testimony. I am disappointed that my friends on the Republican side opted to instead markup this bill yesterday and bypass this hearing.

The agenda of today's hearing is also particularly troubling considering that the rise of aggressive union-busting campaigns and worker misclassification by unscrupulous employers—not all employers—unscrupulous employers.

Between 2016 and 2021 alone, more than 85 percent of employers conducted anti-union campaigns during union elections, including firing organizers, closing stores, and reducing pay.

Further, the misclassification of workers allows employers to cut corners and skimp on worker pay, again not all employers; some employers make it more difficult for employers who respect their workforce, leaving taxpayers to foot the bill for lost tax revenue caused by misclassification.

Thankfully, under President Biden, the National Labor Relations Board has taken key steps to hold bad actor employers accountable for violating workers' rights and undo the dangerous precedents set by the Board under the previous administration.

For instance, the Board restored the longstanding process for determining whether a bargaining unit is appropriate—after the Trump administration made it easier for employers to gerrymander elections against the workers in unions.

Lastly, NLRB General Counsel Jennifer Abruzzo is undertaking a historic effort to restore labor law's promise of "full freedom of association." This includes ending the practice of captive audience meetings, where employers force workers to listen to anti-union propaganda or else face discipline and termination.

But, ultimately, the responsibility of protecting workers' rights also falls on us—Congress. That is why we must pass legislation that improves the lives of workers and their families while also boosting our economy and helping responsible employers.

For example, the *Protecting the Right to Organize (PRO) Act* levels the playing field for workers and strengthens their ability to form unions to bargain for higher pay, better benefits, and safer workplaces—without the fear of intimidation or retaliation.

We should also advance the *Wage Theft Prevention and Wage Recovery Act*, which deters wage theft practices and helps workers recover lost wages.

Finally, I hope my colleagues will help us finally put an end to child labor. The *Fair Labor Standards Act* was written with a broad definition of employment precisely because too many businesses exploited narrow definitions to turn a blind eye to child labor violations. The bills that are the subject of the hearing today would turn back the clock on child labor at a time when violations are on the rise.

In contrast, Democrats' *Protecting Children Act* would provide federal worker protection agencies with the resources they need to deter violations and protect children from being forced to work in dangerous working conditions where they may be injured.

In conclusion, workers are counting on us to stand up for them. The last thing they need or want is for us to chip away at essential worker protections.

Thank you, Mr. Chairman, I yield back.