

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

Subcommittee on Health, Employment, Labor, and Pensions Hearing

"NLRB Overreach: Trampling on Workers' Rights and Fostering Unfairness"

2175 Rayburn House Office Building

Wednesday, June 12, 2024 | 9:45 a.m.

Thank you, Mr. Chairman.

As I have repeated many times, and many of you know, I was a small business owner for over 30 years, and I pride myself in the relationships I had with my purveyors, customers and employees over those 30 years. I understood my success as an employer having met multiple pay responsibilities to my employees was part of my success. That good employees and good employees work together for the success of the company. Whether it's a privately held company or corporation. I learned clearly in those 30 years there was an absolute obligation for your success and return on investment and profitability to make sure your employees were well treated. And if employees didn't perform just like employers and managers you would hold them accountable

As a former union member myself, I know firsthand the benefits of union membership and the power workers' unions have to bridge the gap between workers and their employers to help not only union workers succeed but all workers. Also, their non-union counterparts.

It was the labor movement that built the middle class in the United States by giving employees a voice on the job.

Some of our nation's greatest advances for workers—from the five-day workweek to the minimum wage—to child labor laws have been made possible by the labor movement. Americans recognize the importance of unions, which is why over two-thirds support of them approve of labor unions. Not only is public support at near-record highs, more and more workers

are uniting to demand higher wages, improved benefits, and safer workplaces, and we should support them. Those employees work with their employers for their success, the success of consumers, and the success of investors.

As John Galbraith put it, labor unions are among the "countervailing powers" that balance capitalist markets and corporate interests.

I look forward to this committee and my Republican colleagues having a similar hearing about abuses on the secure exchange commission under the former administration in favor of very wealthy people.

Today's hearing appears to be focused on the National Labor Relations Board, which, during the Biden Administration and under Chair McLerran's leadership, has often reinstated common sense and longstanding precedent that was cast aside by the prior administration's board. In the process of doing so, the NLRB has restored balance between workers and their employers—not an advantage but a balance.

I look forward to discussing those cases today and setting the record straight on them. In spite of our difference, I think we all want a balanced economy that all Americans benefit from. I *think*.

The bottom line is that Chair McFerran deserves credit for her leadership and thoughtful stewardship. I understand President Biden has renominated her for another four-year term, and I encourage the Senate to confirm Her again—just as they did on a bipartisan basis in July 2020.

But I think today’s hearing presents an opportunity to learn how the Board really functions to carry out its duties.

We are fortunate to have as one of our democratic witnesses, Eileen Goldsmith, a partner at a San Francisco-based law firm. For more than 20 years, Ms. Goldsmith has represented clients who regularly appear before the Board in both unfair labor practice and representation cases. She understands how the Board works and is supposed to work. Ms. Goldsmith, it’s great to have someone from my neck of the woods, the San Francisco Bay area, testify before this Subcommittee. Thank you for making the trip to DC and sharing your expertise.

What I think is clear in Ms. Goldsmith’s testimony is that the Board carries out its duties often on a bipartisan basis – but the Board needs additional resources to function effectively for workers, employers, and the American people. My Democratic colleagues and I strongly support additional funding for the NLRB to ensure that it can manage its caseload.

But as Ms. Goldsmith’s testimony makes clear, it is not just resources. Unscrupulous employers can get away with firing workers who try to organize a union. Congress needs to step in and stop that from happening. But for the employees but also high road employers who follow the letter of the law. And that’s why we need to pass the *Protecting the Right to Organize Act* and continue to uphold our commitment to workers’ rights.

Thank you, and I yield back.