# AFL-CIO

## LEGISLATIVE ALERT

February 29, 2024

Dear Senator:

On behalf of the 12.5 million workers and 60 affiliate unions represented by the AFL-CIO, I urge you to oppose the Congressional Review Act (CRA) resolution (H.J.Res.98, with the Senate companion being S.J.Res.49) that would overturn the Joint Employer Rule issued by the National Labor Relations Board (NLRB) on October 27, 2023.

The NLRB's 2023 Joint Employer Rule rule replaces the Trump-era regulation that was purposefully crafted to restrict workers' rights and undermine their legitimate organizing efforts. The new rule establishes a reasonable standard based on long-standing common-law principles, ensuring that entities with control over working conditions are recognized as joint employers. This is essential for compliance with the National Labor Relations Act and the facilitation of effective collective bargaining.

Critics' concerns that the new rule threatens popular business models like franchising and staffing services are unfounded. The rule's realistic standard extends the obligation to bargain only to those firms that control workers' essential terms and conditions of employment and would in no way threaten or disrupt franchise arrangements or staffing firms.

Passage of the CRA would not only cause the law to revert back to the Trump Board's 2020 interpretation, but it would also hinder the Board's ability to take any further action to address the uncertainty and confusion that would ensue, particularly because the Trump Board's rule is the subject of a pending challenge in court. To ensure the stability and sanctity of workers' collective bargaining rights, we urge you to oppose any effort to weaken or nullify the Board's current joint employee rule.

Establishing a clear legal framework for union representation is crucial for stability in labor relations, allowing more workers to enjoy the full benefits of collective bargaining, including higher wages, benefits and safer working conditions.

Sincerely,

William Samuel
Director, Government Affairs