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LEGISLATIVE ACTION ALERT

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How Joe Biden would strengthen unions

By IAN KULLGREN
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According to an article posted on line by Politico© former Vice President Joe Biden [released a plan Friday](#) to strengthen labor unions. Biden's proposal would, among other things, give employees more leverage to organize in the workplace, raise the hourly minimum wage to \$15 and make it harder for businesses to classify workers as independent contractors rather than employees.

How would it work?

Biden's plan would build on proposals already introduced by House Democrats and would resurrect several Obama-era policies. [Biden supports Democratic legislation](#) that would allow employees to [unionize by "card check"](#) — the informal collection of authorization forms from a majority within a proposed bargaining unit. Current law gives employers the right to require a formal secret-ballot election overseen by the National Labor Relations Board; Biden's plan would make card-check the default method, something that unions have long sought.

Biden supports the Protecting the Right to Organize Act, H.R. 2474 (116), which would, among other things, enhance the National Labor Relations Board's power by allowing it to levy punitive fines against employers who violate labor laws; today, the agency is permitted only to collect back pay. House Education and Labor Chairman Bobby Scott (D-Va.) has called the PRO Act "the most comprehensive legislation in recent history to strengthen workers' right to organize and bargain for higher wages, better benefits and safer working conditions." Businesses

oppose the bill, arguing that it would give unions too much power. Biden pledges to form a "cabinet-level working group" with representatives from labor unions that would, in the first 100 days of his administration, deliver a plan to "dramatically increase union density and address economic inequality."

In addition, Biden supports Democratic bills that would establish minimum collective bargaining rights for public-sector employees and would revive an Obama-era rule requiring additional disclosures for union-busting activities by management.

Biden says he would work with Congress to write a stricter law on employee misclassification, the practice of classifying a worker an independent contractor rather than an employee in order to avoid providing various mandatory benefits. [Biden's bill mirrors one recently signed into law](#) by California Gov. Gavin Newsom that could dramatically change large sections of the "gig economy," such as Uber and Lyft. Biden would also curb the imposition in employee contracts of non-compete clauses and mandatory arbitration agreements that prevent workers from suing their employers for misdeeds such as sexual harassment.

Biden says he would restore and possibly expand an Obama-era rule that would have extended overtime eligibility to an additional 4.2 million workers. That regulation was enjoined by a federal court in Texas shortly before it was to take effect in December 2016. [The Trump administration substituted a rule](#) expanding overtime eligibility to 1.3 million workers.

Biden would increase the number of Labor Department employees who investigate wage theft, worker safety violations and worker misclassification. He would also require government contractors to pledge neutrality on employee unionization efforts, to pay \$15 an hour and to provide “family sustaining benefits.”

Biden would impose a national ban on state right-to-work laws, which prevent unions from collecting “fair-share” fees from union non-members to cover their share of the costs of collective bargaining.

How would it work?

Like most of the candidates’ labor plans, Biden’s depends mainly on changes to the law, some of which Democrats have been seeking since passage of the anti-union Taft-Hartley Act in 1947. But changes to federal contracting and overtime requirements could be done administratively without approval from Congress.

View entire article at: <https://www.politico.com/news/2019/10/25/joe-biden-2020-labor-unions-plan-057991>

View “The Biden Plan for Strengthening Worker Organizing, Collective Bargaining, and Unions” at:
<https://joebiden.com/empowerworkers/>