

Opening Statement of Rep. Rick Allen (R-GA), Chairman
Subcommittee on Health, Employment, Labor, and Pensions
“Restoring Balance: Ensuring Fairness and Transparency at the NLRB”
June 11, 2025

Today’s hearing will examine the current state of labor law under the National Labor Relations Board and explore solutions that promote worker choice, provide legal predictability and stability for employers, and give workers better access to fair representation elections.

In 1935, Congress passed the *National Labor Relations Act* to protect workers and to supervise union elections through the NLRB. Under the Biden-Harris administration, however, the NLRB engaged in gross mismanagement and acted as the litigation arm for Big Labor protecting union bosses rather than elevating rank-and-file members.

The Board spent four years under the Biden-Harris administration gutting the democratic process by which unions become the exclusive representative of employees. One way in which the Board undermined this valued democratic process is by attacking the use of secret ballots. Secret ballot elections are the gold standard in any democratic system. That is why the NLRA, the Board, and the courts have traditionally encouraged their use in union elections. However, the Biden-Harris NLRB gutted that historic preference for secret ballot elections in favor of the card check process. I have been committed to protecting the use of secret ballots, which is why I recently introduced the *Secret Ballot Protection Act*, which guarantees that every vote to unionize a workplace is cast with a secret ballot.

In yet another blow to workplace democracy, the Biden-Harris NLRB gagged employers who wished to exercise their free speech rights during a union election campaign. The Board made it an unfair labor practice for an employer to require its employees to attend a meeting on work time and discuss its stance on unionization. The cornerstone of any campaign is robust debate about the pros and cons of the various candidates and options. But the Biden-Harris Board was less interested in debate and democracy than it was in seeing that unions were entrenched in every workplace.

One of the purposes of the NLRA is to help resolve workplace conflict and remedy unfair labor practices. Congress created the NLRB to right wrongs, not to punish wrongdoers. But the Biden-Harris Board was too interested in exceeding Congressional authority, and both the General Counsel and the Board itself worked to expand ways to punish parties found to have committed unfair labor practices.

The NLRB also raised barriers to holding elections at all, even when employees petitioned the Board for a vote. The biggest hurdle was the return of the controversial blocking charge policy, which allows unions to file frivolous unfair labor charges and delay elections by months or years.

Finally, the Biden-Harris Board spent four years engaging in government overreach to expand unions and their control over American workers. The Biden-Harris Board defined graduate students and student athletes as employees, simply so these groups can unionize. The NLRB also adopted an elastic standard to determine whether a worker is an employee covered by the Act or an independent contractor—despite data showing that this will have a disastrous impact on the economy. Similarly, the Board published a final rule establishing a broader standard to determine the existence of a joint-employer relationship, threatening the franchise model and other business relationships.

I will continue to fight for the rights of American workers and push back on NLRB overreach. For many Congresses, I have introduced the *Employee Rights Act*, which addresses the issues I have mentioned here today. As I work to reintroduce the bill this Congress, the well-being of the American worker will remain at the forefront.

We are here today to discuss how to ensure the NLRB serves the interests of workers, as Congress intended. It is time for the Board to champion the right of employees to pick the union, not of the union to pick the employees. It is time for the Board to refocus on resolving workplace conflicts instead of punishing business owners. I look forward to discussing how to do just that with our expert witnesses today. I hope that together we can find a way to make the NLRB a more balanced referee of American workplaces.

With that, I yield to the Ranking Member for an opening statement.