

## S 1201

### Employee Rights Act

**Congress:** 118 (2023–2025, Ended)

**Chamber:** Senate

**Policy Area:** Labor and Employment

**Introduced:** Apr 19, 2023

**Current Status:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

**Latest Action:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Apr 19, 2023)

**Official Text:** <https://www.congress.gov/bill/118th-congress/senate-bill/1201>

### Sponsor

---

**Name:** Sen. Scott, Tim [R-SC]

**Party:** Republican • **State:** SC • **Chamber:** Senate

## Cosponsors (28 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Barrasso, John [R-WY]	R · WY		Apr 19, 2023
Sen. Braun, Mike [R-IN]	R · IN		Apr 19, 2023
Sen. Budd, Ted [R-NC]	R · NC		Apr 19, 2023
Sen. Cassidy, Bill [R-LA]	R · LA		Apr 19, 2023
Sen. Cornyn, John [R-TX]	R · TX		Apr 19, 2023
Sen. Cramer, Kevin [R-ND]	R · ND		Apr 19, 2023
Sen. Crapo, Mike [R-ID]	R · ID		Apr 19, 2023
Sen. Hagerty, Bill [R-TN]	R · TN		Apr 19, 2023
Sen. Hyde-Smith, Cindy [R-MS]	R · MS		Apr 19, 2023
Sen. Johnson, Ron [R-WI]	R · WI		Apr 19, 2023
Sen. Lee, Mike [R-UT]	R · UT		Apr 19, 2023
Sen. Lummis, Cynthia M. [R-WY]	R · WY		Apr 19, 2023
Sen. Risch, James E. [R-ID]	R · ID		Apr 19, 2023
Sen. Thune, John [R-SD]	R · SD		Apr 19, 2023
Sen. Tuberville, Tommy [R-AL]	R · AL		Apr 19, 2023
Sen. Blackburn, Marsha [R-TN]	R · TN		Apr 20, 2023
Sen. McConnell, Mitch [R-KY]	R · KY		Apr 20, 2023
Sen. Paul, Rand [R-KY]	R · KY		Apr 20, 2023
Sen. Wicker, Roger F. [R-MS]	R · MS		Apr 20, 2023
Sen. Hoeven, John [R-ND]	R · ND		Apr 25, 2023
Sen. Britt, Katie Boyd [R-AL]	R · AL		Apr 27, 2023
Sen. Boozman, John [R-AR]	R · AR		May 1, 2023
Sen. Lankford, James [R-OK]	R · OK		Jun 21, 2023
Sen. Young, Todd [R-IN]	R · IN		Jun 22, 2023
Sen. Tillis, Thomas [R-NC]	R · NC		Jul 13, 2023
Sen. Mullin, Markwayne [R-OK]	R · OK		Dec 4, 2023
Sen. Moran, Jerry [R-KS]	R · KS		Sep 19, 2024
Sen. Cotton, Tom [R-AR]	R · AR		Dec 3, 2024

## Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Apr 19, 2023

## Subjects & Policy Tags

### Policy Area:

Labor and Employment

## Related Bills

Bill	Relationship	Last Action
118 HR 2700	Identical bill	Apr 28, 2023: Sponsor introductory remarks on measure. (CR H2104)
118 S 1328	Related bill	Apr 27, 2023: Read twice and referred to the Committee on Indian Affairs.
118 HR 2826	Related bill	Apr 25, 2023: Referred to the House Committee on Education and the Workforce.
118 S 1261	Related bill	Apr 25, 2023: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

## Summary (as of Apr 19, 2023)

### Employee Rights Act

This bill generally addresses employer obligations related to unionized workplaces.

This bill provides that an employer may be considered a joint employer in relation to an employee under federal labor law only if such employer directly, actually, and immediately (and not in a limited and routine manner) exercises significant control over the essential terms and conditions of employment. Such control may be demonstrated by hiring and discharging employees, determining individual employee rates of pay and benefits, day-to-day supervision of employees, assigning individual work schedules, positions, and tasks, and administering employee discipline.

The bill also requires a workplace election to approve or reject a union to be conducted by secret ballot. Further, the bill requires an employer to provide limited employee information to union representatives to facilitate a workplace election. An employer that mishandles or fails to provide such information according to the bill's requirements may be liable for an unfair labor practice (i.e., labor law violation).

Additionally, the bill requires an employee to authorize in writing any use of the employee's labor organization dues or other contribution for a purpose other than collective bargaining or contract administration. Such authorization must be made upon 35 days' notice and expires after one year.

Finally, the bill exempts Indian Tribes, including Indian Tribe enterprises and institutions, from the collective bargaining rights and related provisions of federal labor law.

### Actions Timeline

- **Apr 19, 2023:** Introduced in Senate
- **Apr 19, 2023:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.