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Pro-Employer Labor Law Reform Proposed by Senate GOP: What's in the Package and Why It Matters

Labor Relations Update on **November 17, 2025**

Labor law reform resurfaces nearly every Congress, but rarely advances given polarized views. The National Labor Relations Act ("NLRA" or "Act") has not been amended since 1984, yet proposals continue to recur—the Protect the Right to Organize Act ("PRO Act") being the most recent high-profile example that stalled.

The latest package from Senate Republicans warrants attention. On November 10, 2025, Senator Bill Cassidy (R-LA), Chair of the Senate Health, Education, Labor and Pensions ("HELP") Committee, unveiled a suite of bills pitched as part of President Trump's "Pro-Worker Agenda," but whose practical effects would generally favor employers and disadvantage labor unions. Whether any bill will pass is uncertain; the history of similar measures suggests steep odds.

Below is a concise overview of the bills, how they differ from current National Labor Relations Board ("NLRB" or "Board") practice, and the likely impact on employers and unions.

Worker RESULTS Act

Senator Cassidy's RESULTS Act seeks to expand "worker choice by ensuring the integrity of union elections, helping workers reach a first contract in a timely manner, and enhancing workers' opportunity to determine whether a union contract is working for them."

- Secret-Ballot Mandate and Turnout Threshold: The bill permits union selection only through an NLRB-run secret-ballot election and adds a quorum rule: at least two-thirds of unit employees must vote, with the union needing a majority of votes cast. Today, voluntary recognition via card check is permissible and there is no turnout minimum; only a majority of votes cast is required. The added hurdles would likely make organizing harder and give employers leverage by insisting on

elections and benefiting from lower turnout.

- Election Bars and Recurring Windows: After the first CBA takes effect, petitions are allowed only when no contract is in effect or during a recurring 90-day "window" every two years (150–60 days before each two-year mark; for health care, 180–90 days). The bill also creates a 90-day decertification window if the Board finds the union failed to bargain in good faith during initial negotiations. Currently, the contract-bar generally lasts up to three years with a narrower window near expiration and no special decertification window for union bad faith. Expect more predictable, frequent challenge points; employers and employees gain opportunities to revisit representation, while unions face greater instability.
- No Successor Bar: Successor employers cannot rely on acquisition-based bars to delay or prevent petitions challenging existing bargaining relationships. The current "successor bar" stabilizes representation for at least 6 months after transactions. The bill enables immediate post-transaction challenges, increasing risk for incumbent unions and requiring employers to manage representation contests soon after closing.
- Blocking Charges, Settlement Bar, and Timing Limits: Parties seeking to block an election with unfair labor practice ("ULP") charges must file offers of proof and produce witnesses. Ballots are counted promptly, with only narrow, time-limited impoundment (up to 60 days) for specified allegations. The Board cannot bar an election based on ULP settlements or impose timing restrictions beyond the statute. Historically, blocking-charge and settlement-bar doctrines have delayed elections (though rules have shifted). The bill would speed timelines and reduce tactical delays; unions lose a key pause lever, while employees and employers gain clarity. Certification may still wait until related ULPs are resolved.
- No-Raid Agreements: It would be a ULP for unions to agree not to organize or represent defined groups or crafts. Inter-union no-raid arrangements are generally lawful today. The bill invites more inter-union competition, multi-union campaigns, and rival petitions—potentially complicating employer-union dynamics.

Fairness in Filing Act

According to Senator Cassidy, this bill addresses frivolous NLRB claims that contribute to backlogs and delays. It hardwires good-faith and documentation thresholds and requires pre-hearing disclosure, shifting investigative, and litigation dynamics.

- Good-Faith Filing and Documentation: Section 10(b) would require ULP charges to be filed "in good faith" and include supporting documentation (e.g., affidavit, photo,

message) or a certification explaining the absence of documentation and describing the evidence. The statute currently lacks an express good-faith standard at filing. This would raise initiation thresholds and provide clearer grounds to challenge tactical filings.

- Pre-Hearing Access to Evidence: Before an administrative law judge hearing, the Board must permit the charged party to inspect, copy, test, or sample any evidence to be used to determine whether a ULP occurred. There is no statutory open-file rule today; discovery is limited by Board procedures. This would enhance transparency and defense preparedness and may accelerate motion practice.
- Monetary Penalties: A new penalty of up to $5,000 would apply for ULP charges not filed in good faith or for patterns of frivolous filings, including repeated failures to meet documentation/certification requirements. The NLRA presently provides no general fine for frivolous filings. Expect fewer barebones ULP charges, more robust initial submissions, and more early dispositive challenges.

Worker Privacy Act

Senator Tim Scott (R-SC) frames his bill as protecting workers' personal data in the unionizing process and preventing use of that data for non-organizing purposes.

- Voter List and Employer Duty: Within 2 business days of an election direction or approval, employers must provide each petitioning union with a voter list that includes names and no more than one personal contact method per employee—chosen by the employee in writing—and in a searchable electronic format (absent certified incapacity). Noncompliance is a ULP. Current practice generally provides multiple contact fields where available, such as home address, phone number and email address, which must be provided within 5 business days. The bill would shorten the window for employer production, while also narrowing union outreach channels and enhancing employee privacy.
- Limits on Union Use of Data: It would be a ULP for a union to fail to protect personal information provided under the voter-list rule, to use it beyond representation proceedings, to retain or use it after the proceeding ends, or to sell/use it for political activism. Today, there is no explicit ULP under the NLRA targeting such post-proceeding or non-representation uses. The bill imposes strict handling, retention, and purpose limits, reducing follow-on or political contacts.

Union Members Right to Know Act

Senator Cassidy presents this bill as strengthening worker voice by ensuring employees control how their union payments are used, which has been a controversial topic for numerous unions in the current political climate.

- Mandatory Disclosures: Unions must provide members with: a copy of the Labor-Management Reporting and Disclosure Act ("LMRDA") and summaries of each title; a summary of Title VII religious accommodation rights not to pay dues/fees; and a summary of *Beck* rights to refuse funding non-representational activities. Delivery must occur to new members within 30 days, to all existing members within one year of enactment, and annually thereafter, and unions with websites must maintain a homepage link titled "Union Member Rights and Officer Responsibilities Under the LMRDA." This exceeds current federal requirements and will increase administrative obligations and member awareness.
- Compliance Certification: Unions must certify initial website-link compliance to the U.S Department Of Labor within 180 days (if applicable) and certify ongoing compliance within 18 months and annually thereafter. This adds attestations beyond current LMRDA reporting, requiring tracking and recordkeeping.
- Annual Opt-In for Non-Representational Spending: Dues, fees, or other payments cannot be used for purposes not directly related to collective bargaining or contract administration unless the employee affirmatively authorizes the expenditure in writing after at least 35 days' notice; the authorization expires within one year and cannot auto-renew. While *Beck* limits already protect objectors from funding non-representational expenses, there is no universal annual opt-in requirement today. The bill would likely reduce funds for political and other non-representational activities and require unions to implement annual consent workflows and granular accounting.

NLRB Stability Act

Senator Cassidy's bill provides that NLRB orders may not conflict with the decisions of the U.S. Court of Appeals in the circuit where a ULP occurred and narrows venue to that circuit or the D.C. Circuit. Proponents claim this will anchor Board decisions to controlling precedent and curb forum shopping. Currently, the Board may "nonacquiesce" in adverse circuit rulings and parties enjoy broader venue options, including any circuit where a party resides or transacts business.

The bill would increase predictability within circuits, reduce venue skirmishes, and potentially create regional divergence where circuits split—implications that matter for multi-state employers and national unions.

Protection on the Picket Line Act

Senator Tommy Tuberville (R-AL) proposes codifying a burden-shifting test that clarifies when discipline for harassment or abuse during Section 7 activity is lawful. Discipline is not a ULP unless the NLRB General Counsel shows an employee engaged in protected activity, employer knowledge of that activity, and employer anti-union animus causally linked to the discipline; employers may avoid liability by proving they would have made the same decision absent the employee's protected activity. Current Board doctrines sometimes shield heated outbursts tied to Section 7 activity. The bill provides clearer authority to discipline abusive conduct without anti-union animus, narrowing protections for such conduct during organizing, picketing, and concerted activity.

Put American Workers First Act

Senator Jim Banks (R-IN) proposes creating ULPs for unions that unionize illegal immigrants and for employers that hire them. The measure targets both sides of the employment relationship and would add NLRA-specific consequences atop existing immigration enforcement.

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Takeaways

If enacted, the package would meaningfully transform the practice of private-sector labor law for employers and unions in numerous ways—*e.g.,* changing the representation and election process, elevating requirements for ULPs that could reduce frivolous filings, narrowing union access to and use of worker contact data, requiring extensive member disclosures and annual opt-ins for non-representational spending, and aligning Board orders with controlling circuit law. The cumulative effect could tilt leverage toward employers in many respects, increase regional legal variation, and create new compliance demands for unions.

While passage of the bill package or any specific bill remains uncertain—and perhaps highly unlikely to pass if history is an indicator—employers and unions should evaluate how these proposals would affect organizing campaigns, bargaining timelines, litigation strategy, membership engagement, and communications protocols if any of these measures gain traction.

We will continue to monitor this and other proposals seeking to amend federal labor law.

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