

December 12, 2023

The Honorable Virginia Foxx
Committee on Education & the Workforce
U.S. House of Representatives
Washington, DC 20515

RE: Congressional Review Act Resolution to Rescind NLRB Joint Employer Rule

Dear Chairwoman Foxx:

HR Policy Association submits this letter in support of the Congressional Review Act resolution (“Resolution”) to overturn the National Labor Relation Board’s (“NLRB” or “Board”) recently finalized joint employer rule. The Association urges the Committee to move the Resolution to a full floor vote as expeditiously as possible.

HR Policy is a public policy advocacy organization that represents the most senior human resources officers (CHROs) of nearly 400 of the largest corporations doing business in the United States and globally. Collectively, these companies employ more than 10 million employees in the United States, nearly nine percent of the private sector workforce, and 20 million employees worldwide. The Association’s member companies are committed to ensuring that laws and policies affecting the workplace are sound, practical, and responsive to the needs of the modern workforce and economy.

The Association [submitted comments in opposition](#) to the Board’s joint employer rule as proposed, and expresses even more concern over the final rule. The Board’s final rule is unprecedentedly and inappropriately broad and would establish joint employer liability for companies even where they have no meaningful control over – or relationship with – the employees alleging unfair labor practices. Companies should not bear responsibility for labor law violations committed by third parties when they have no substantial control over the employees or practices of those third parties.

Further, the final rule provides no clear limits or boundaries to its vague and overly broad joint employer liability standard, particularly when it comes to the degree of control employers must retain to trigger liability. Accordingly, employers are largely left in the dark regarding when, where, and how their third-party relationships may create joint employment status. Regulations should provide consistent and clear guidelines for all stakeholders; the Board’s final rule makes no meaningful attempt to do so.

This lack of clarity, in conjunction with the final rule’s extraordinarily broad reach, will also disincentivize employers from setting minimum standards throughout their supply chains. These standards, which include corporate social responsibility programs and ESG initiatives, raise the floor for both workers and consumers and promote a more robust and sustainable

economy for all. Regulations should incentivize such practices, rather than deter them.

The Board's joint employer rule, along with its decision in *Cemex* that would circumvent the secret ballot election process for unions, its new union election procedural rules, and the Occupational Safety and Health Administration's recently proposed walkaround rule – to name only a few recent actions – is simply not sound policy, and instead merely another handout to organized labor from the Board and the Biden Administration. Accordingly, the Association supports the rule's rescission through the Congressional Review Act and urges the Committee to advance the Resolution as expeditiously as possible.

Sincerely,

/s/ Gregory Hoff

Gregory Hoff
Associate Counsel, Director, Labor &
Employment Policy
HR Policy Association
4201 Wilson Blvd. St. 110-368
Arlington, VA, 22203