

Senate HELP Committee
Freedom to Work: Unlocking Benefits for Independent Workers
Thursday, July 17, 2025
10:00 AM ET/ 9:00 AM CT
430 Dirksen Senate Office Building
Testimony of President Timothy J. Driscoll,
International Union of Bricklayers & Allied Craftworkers

Thank you Chairman Cassidy and Ranking Member Sanders, I am here today on behalf of BAC, the International Union of Bricklayers & Allied Craftworkers.

Today's hearing is an examination of proposed legislation that seeks to address the accessibility, portability, and security of benefits for workers who may be employed by multiple firms, and at times needing to work across state lines. I am well acquainted with the needs of such workers because BAC members, along with millions of other building trades workers, find it necessary to work for multiple employers across various jurisdictions throughout the year, and the availability and security of benefits is a core concern for such workers. My union is dedicated to strengthening laws that protect workers and the benefit systems that they rely upon. Unfortunately, the "Unlocking Benefits for Independent Workers Act", as currently written fails on both these counts.

Misclassification of workers as independent contractors is rampant in the construction industry. It provides low-road employers the ability to mistreat workers as contractors, deny workers the essential protections afforded to employees, and deprive state and local governments of the tax revenue that such employment should generate. The "Unlocking Benefits for Independent Workers Act" would only accelerate this insidious race to the bottom by providing such unscrupulous employers a "safe harbor" under **all** federal laws when such companies provide any benefit or protection commonly provided to full-time employees. This unseemly expansion of independent contractor status would leave such workers without the basic protections of the Fair Labor Standards Act and would make next to impossible their ability exercise their right to form unions or bargain collectively under the National Labor Relations Act. As currently written this legislation is an extreme departure from the benefits and protections that workers have relied upon and is a thinly veiled attempt to weaken the rights of workers to join unions, be paid fair wages, and have safe working conditions.

Similarly, Senator Scott's "Modern Worker Empowerment Act", would narrow the test under the FLSA to the "usual common law rules" and thereby expand the ability of unprincipled employers to misclassify employees as independent contractors. Congress was clear in its intentions when establishing the FLSA that people working for someone else should enjoy the benefits and protections afforded by the Act. This broad scope—laid out under the "economic realities test"—has been established through decades of case law and rulemaking. The FLSA should not be weakened to deny workers the basic protections of the Act for minimum wages, overtime, and child labor protections that employers might otherwise exploit.

Rather than spend time on disingenuous efforts such as these, Congress should instead pass the *Protecting the Right to Organize (PRO) Act* so that all working people have the freedom to join together and negotiate with their employers for better wages and working conditions. Research shows that falling union density has been a direct cause of rising economic inequality over the past five decades. Unions reduce inequality during times of high density by bringing workers within our ranks and by raising standards for nonunion workers as well. When unions

are strong, they set wage standards for entire industries and occupations. They make wages more equal within occupations. They close pay gaps and bring living wages to underserved communities. Most importantly for today's proceeding, the PRO Act guarantees bargaining rights for employees who are misclassified as independent contractors and establishes a process for helping newly organized workers achieve a first contract. These are real policy solutions to challenges that face American workers today. These are solutions that build worker power through a voice at work and empower them to ensure that they have access to the benefits they need through bargaining with their employer. These are honest solutions to address the needs of workers across our country.

Thank you again for the opportunity to represent BAC members and speak on behalf of American workers this morning. I look forward to answering any questions the Committee may have on my testimony.