

Provisions	Workplace Democracy Act (2015) (S 2142 , HR 3690)	Workplace Democracy Act (2018) (S 2810 , HR 5728)	Workers' Freedom to Negotiate Act (2018) (S 3064 , HR 6080)
Expands the definition of "employer" by requiring the use of the "ABC" test to determine if a worker is an independent contractor; test requires worker be free from control, operate outside typical course of business, and be customarily engaged in the trade)		§2(a)	Title I §101(a)(1)
Allows NLRB to hire an economist			Title I §101(b)
Makes it an ULP to permanently replace a striker			Title I §101(c)(1)(B)
Increases penalties against employers for discrimination against workers that support the union			Title I §101(c)(1)(B)
Eliminates the prohibition of "secondary boycotts" against other companies using the services or products of the primary company		§2(b)(1)(B)	Title I §101(c)(2)
Eliminates the 30-day limit in which unions can picket for recognition		§2(b)(1)(B)	Title I §101(c)(2)
Makes it a ULP to require or coerce participation in activities unrelated to the employee's job duties, such as "all hands" meetings		§2(b)(1)(A)	Title I §101(c)(3)
Makes it a ULP for an employer to enter into a contract with an employee in which a provision prohibits collective action lawsuits; reserves the right for a union's negotiated collective bargaining agreement			Title I §101(c)(4)
Requires employers provide to employees physical and electronic notices listing employee rights under the NLRA			Title I §101(c)(5)
Codifies into law the voter list requirements of the ambush rule; requires employers provide to the union all employee personal contact information within 2 days of receiving a petition for representation			Title I §101(c)(5)
Requires employers and a union begin negotiating a "first contract" within 10 days	§3	§2(b)(3)	Title I §101(c)(5)

of receiving a union request; after 90 days, parties are required to enter compulsory mediation process; after 30 more days, mandates the contract be determined through binding arbitration			
Eliminates employers' standing in a hearing determining an appropriate bargaining unit			Title I §101(d)(1)
Requires NLRB certify a union even though a majority of votes cast are against unionization if the NLRB determines the employer committed a ULP and couldn't prove it didn't affect the outcome of the election			Title I §101(d)(1)(D)
Allows the NLRB to certify a union with card check, replacing secret ballot elections	§2(a)	§2(c)(2)	
Requires pre-election hearings within 8 days of the filing of a petition for representation and post-election hearings within 14 days after filing of objections			Title I §101(d)(1)(E)
Increases penalties against employers and awards for employees in cases of discrimination or wrongful termination			Title I §101(e)
Makes Board orders enforceable immediately upon issuance and establishes civil penalties for not obeying			Title I §101(f)
Establishes that findings of the Board should be considered conclusive			Title I §101(f)(4)(C)
Employees who are discriminated against or wrongfully punished can pursue civil action against the employer and potentially a director/officer of the employer			Title I §101(h)(1)(B)
Codifies the 2015 <i>BFI</i> joint employer standard into law; establishes joint employer status if an entity possesses, reserves, or exercises enough direct or immediate control over terms and conditions of employment to permit meaningful collective bargaining		§2(e)	Title I §101(h)(1)(B)
Allows employees to file civil actions against employers for Unfair Labor Practices under the NLRA			Title I §101(h)(1)(B)

Provides unions with greater freedom to engage in short-term and/or “intermittent” strikes			Title I §101(i)
Eliminates Right-to-Work protections under the NLRA, requiring employees pay for collective bargaining activities conducted by the representative union		§2(d)	Title I §101(j)
Codifies into law the Persuader Rule; requires employers conduct extensive reporting on all arrangements in which a third-party drafts communications with the object of persuading employees against unionization and limits the ability of employers to interactive with legal counsel prior to a union organizing drive		§4	Title I §103
Codifies Blacklisting regulation into law and calls for reissuing implementing regs; allows the procuring agency/department to use in the procurement process for contractors and/or subcontractors any admin. merit determinations, arbitral awards or decisions, or civil judgements against an employer over the preceding 3 years; allows Labor Compliance Advisors to refer matters for suspension or debarment from the agency’s procurement process; requires employers update the info every 6 months while under a covered contract			Title II §203
Requires each contract or subcontract with federal government include semi-annual reporting to employees on hours worked, overtime, pay, and additions/deductions from pay			Title II §207(a)
Requires contractors and/or subcontractors with the federal government provide a document to independent contractors informing them of their status			Title II §207(d)
Prohibits federal govt from entering into contract/subcontract unless the contractor agrees to only arbitrate Civil Rights Act or sexual assault and/or harassment claims if the employee/independent contractor			Title II §208(a)

voluntarily consents; not applicable to unionized employees or employees already under arbitration agreement prior to federal contract			
Mandates that the government will pay for union costs (e.g., shop stewards, labor management committees) but not union avoidance efforts			Title II §209
Allows union to bypass Board and go directly to court			Title I §101(h)(1)