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The United States Congress

Introduced By: Melissa Meng, The Institute for Youth in Policy
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A BILL

To give gig workers the ability to collectively negotiate for better working conditions and prevent companies from avoiding labor protections by classifying employees as independent contractors.

BE IT ENACTED BY THE LEGISLATURE OF THE UNITED STATES OF AMERICA

Section 1. Title.

This Act shall be known and may be cited as the "Gig Worker Collective Bargaining Act"

Section 2. Findings and Purpose.

(a) Findings:

- The United States' rapidly changing economy has outpaced labor law. The growth of platform-based work has created employment that doesn't fit within the conditions of current labor laws. In the National Labor Relations Act, independent contractors are expressly excluded. Additionally, due to companies in the private sector being profit-based and growing market competition, employers have the incentives to resist unionization, preventing workers from effectively collectively bargaining and organizing over compensation and working conditions.
- WHEREAS, in Section 2 of the National Labor Relations Act, the term employee "shall not include…any individual having the status of an independent contractor."



- WHEREAS, the U.S. The Bureau of Labor Statistics have found 7.4% of all workers to be independent contractors in 2023, up from 6.9% in 2017
    - WHEREAS, the gig economy data hub also finds that more than 1 in 4 workers are engaged in the gig economy in any capacity (as either primary or supplementary work); and roughly 1.7 million people engage specifically in platform-based work as of 2025. This represents the growing prevalence of independent contracting and platform-mediated work in the U.S. economy.
- WHEREAS, The Bureau of Labor Statistics found that union membership was just 5.9% and collective bargaining coverage was just 7% in the private sector
- WHEREAS, the Labor Lab of the Economic Policy Institute estimate that employers spend $1.7 billion a year on union avoidance consultants and law firms and an additional $442 million on anti-union campaigns
- WHEREAS, the Federal Trade Commission finds that independent contractors historically faced a “patchwork of cases” concerning whether labor exemption from antitrust laws protects their right to organize. In FTC v. Handy Technologies had controlled things like pay, hours, participation requirements, and payment processing. Handy had failed to clearly disclose fees and fines that resulted in millions of dollars being withheld from workers.
- WHEREAS, a survey from Skynova shows that 65% of gig workers in the United States are unsatisfied with what they earn, 55% are unsatisfied with their work-life balance, and 20% are unhappy with their job.
- WHEREAS, specific states have had incidents in which gig workers have organized when given the option. In May 2026 the Massachusetts Department of Labor Relations certified the App Drivers Union, representing nearly 70,000 Uber and Lyft drivers after organizers satisfied the statutory worker-support requirements. Additionally, California had gathered support from at least 10% of active drivers for its state Gig Workers Union.

(b) Purpose:

- Overall, this act will provide qualifying platform-based gig workers with federal protection to collectively negotiate certain terms and conditions of work while preserving the independence associated with gig work. It will address the following:



1. Extend collective bargaining rights to qualifying gig workers by forming a legal mechanism that allows them to organize, select representatives, and bargain collectively even though they are excluded from the NLRA's traditional definition of an "employee."
2. Protect workers from retaliation for organizing. Covered platforms will not have the ability to penalize, reduce work access, or generally fight against workers when participating in protected organizing or collective-bargaining.
    a. Additionally, workers could vote by secret ballot for representation, petition for, select, or reject a bargaining representative, and remove a representative if it no longer has worker support.
    b. Clarify the legal status of collective action under federal antitrust law by establishing that collective bargaining authorized by the Act does not itself constitute unlawful price-fixing or other prohibited anticompetitive coordination

- The Gig Worker Collective Bargaining act will eliminate the gaps in current federal labor law by creating a framework that directly includes qualifying platform-based independent contractors who are excluded in the National Labor Relations Act. Rather than reclassifying gig workers as employees, the Act preserves the flexibility of independent contracting while extending collective-bargaining protections to platform-based independent contractors.

Section 3. Definitions.

For the purposes of this Act, the following definitions shall apply:

1. a "covered platform worker' or "qualifying gig worker" would mean an individual who–

    A. provides compensated services, arranged, assigned, or facilitated through a digital labor platform; and

    B. is classified as an independent contractor instead of an employee under said platform
2. A "digital/online labor platform" means an online application, website, or digital service that organizes or facilitates paid services between covered platform workers and customers. The platform substantially influences the monetary transaction between workers and customers.
3. A "covered platform" is a digital labor platform subject to the Act.

4. A “worker organization” is an organization in which covered platform workers would exist as a whole for the purpose of representing covered platform workers concerning the conditions of work.
5. “Collective bargaining” would be the good faith negotiation between covered platforms and a selected bargaining representative.
6. A “good faith negotiation” is an honest and cooperative process where all involved parties speak fairly, are transparent, and want to reach a fair deal.
7. The abbreviation “NLRB” stands for the “National Labor Relations Board.”
8. The abbreviation “NLRA” stands for the “National Labor Relations Act.”

Section 4. Provisions.

(a) **In General. –** Notwithstanding section 2(3) of the National Labor Relations Act (29 U.S.C. 152(3)), all qualifying gig workers will have the ability to organize regardless of whether they are classified as an employee or independent contractor

(b) Covered platform workers could form organizations representing workers across platforms (e.g. rideshare workers could collectively negotiate with rideshare companies over compensation, deactivation policies, safety, etc. despite using different platforms for their rideshare work)

(c) Platforms would be required to participate in good-faith negotiations with a certified bargaining representative and recognized worker organizations

  (i) Negotiation could not be avoided even if workers are classified as “independent contractors” under the NLRA.

(d) The NLRB shall oversee these bargaining rights and investigate platform retaliation against collective bargaining and worker organization.

  (i) This retaliation includes and is not limited to direct disciplinary actions such as termination and demotion, psychological intimidation, economic pressure (e.g. reducing hours by cutting workers schedules and revoking health care and other benefits).

Section 5. Enforcement and Implementation.

(a) The National Labor Relations Board shall be responsible for the enforcement of this act.



(b) The NLRB shall establish a specialized Division of Platform Labor Enforcement (DOPLE) with the following duties:

(1) The NLRB shall extend all Section 8 unfair labor practice protection (29 U.S.C. 158) under the NLRA from any form of retaliation from covered platforms

(2) The DOPLE will assess civil penalties starting at $10,000 on covered platforms for violations of provisions and up to $100,000 for repeated offenses.

(3) The NLRB shall exempt qualifying gig worker labor organization and democratically chosen bargaining representatives from federal antitrust liability when specifically negotiation compensation standards, bonuses, working conditions, and terms of digital transaction with marketplace platforms

Section 6. Severability.

- If any provision of this Act or its application to any covered platform, qualifying gig worker, person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application. To this end, the provisions of this Act are severable.

Section 7. Effective Date.

- This Act shall take effect on February 8, 2028.