

PRESIDENT BIDEN CREATES NEW LABOR TASK FORCE – SYMBOLIC GESTURE OR HARBINGER OF THINGS TO COME?

Insights
May 5, 2021

President Biden recently issued an Executive Order creating a labor task force designed to “encourage worker organizing and collective bargaining.” Headed by Vice President Harris, the task force includes cabinet members such as [Labor Secretary Martin J. Walsh](#) (vice-chair) and Treasury Secretary Janet L. Yellen, and is seen as a step toward following up on President Biden’s promise to be “the most pro-union president you’ve ever seen.” What do employers – unionized and non-unionized alike – need to know about this April 27 development?

The Details (or Lack Thereof)

As for specific action items to be addressed, the Executive Order directs the Task Force to “identify executive branch policies, practices, and programs that could be used, consistent with applicable law, to promote the Biden Administration’s policy of support for worker power, worker organizing, and collective bargaining.” This includes identifying policies and practices that could be used to promote worker power in areas of the country with what the administration perceives as “hostile labor laws.” The Task Force is directed to submit recommendations within 180 days on proposed changes to policies, practices and/or programs, consistent with the stated objective of encouraging unionization.

Still confused as to what this all means? We don’t blame you. The lack of any concrete details within the Executive Order leaves one pondering what (if any) practical impact

Related People



Alex G. Desrosiers

Partner

[407.541.0857](tel:407.541.0857)

Service Focus

[Labor Relations](#)

this Task Force may have on employers and employees alike. Let's start with the most immediate takeaways.

What Does this all Mean?

First, the Executive Order is devised to convey a clear-cut message from the White House in favor of organized labor. Even prior to issuing this Executive Order, President Biden's rhetoric has been staunchly pro-union, going so far as to make very public comments in the middle of recent high-profile labor issues. Thus, this Executive Order is clearly aimed at using the power of the Executive Branch to promote unionization.

At the very least, this can be interpreted as a harbinger of things to come for entities that do business with the federal government. Many of the changes contemplated by the Task Force would ultimately require legislative action in a 50-50 Senate and slim majority in the House of Representatives. In the short term, however, other recommendations may target federal contractors, where the President has significant discretion in setting policy without the need for legislative action ([such as his recent decision to require \\$15 minimum wage for federal contractor employees](#)). Any such changes will likely be exploited by unions to stem the tide of membership decline across multiple industry sectors.

This Executive Order may also reveal the administration's level of confidence in whether the [PRO Act is likely to pass in the near term](#). Though there has been a strong push from pro-union lobbyists to increase legislative support for the PRO Act — [even leading to reports that some Unions threatened to pull their support for Democrats if they don't back the PRO Act](#) — it nonetheless faces an uphill battle in the United States Senate. This Executive Order could be seen as a symbolic gesture of continued support from an administration that may see the writing on the wall for sweeping labor reforms in the form of the PRO Act.

Finally – and admittedly this involves reading the tea leaves to some extent — this may only represent the beginning of a well-organized and federally funded PR campaign on behalf of organized labor. Recent history is telling in this regard. In the early years of his administration, President Clinton appointed a commission on the "Future of Worker-Management Relations." That commission ultimately recommended broad, sweeping changes to then-existing labor policies. However, due in part to a closely divided

Congress, the proposed changes never materialized. Employers should therefore remain vigilant and stay up-to-date on the activities of the Task Force and its proposed findings/recommendations.

Conclusion

We will continue to monitor this situation as it unfolds. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information direct to your inbox. For further information, contact your Fisher Phillips attorney, or [any member of our Labor Relations group](#).