

Electronic Alert

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Senators Introduce Legislation to Include College Athletes as “Employees” Protected by the National Labor Relations Act

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On Wednesday, December 6, 2023, U.S. Senators Bernie Sanders, Chris Murphy, and Elizabeth Warren reintroduced the *College Athlete Right to Organize Act* (CARO). The bill seeks to amend the National Labor Relations Act (NLRA) to specifically include college athletes in the definition of employees who have collective bargaining rights and labor protections under the NLRA. U.S. Representative Jamaal Bowman also introduced similar legislation in the U.S. House of Representatives. If passed, the amendment to the NLRA would give student athletes the statutory right to organize into unions and bargain for their wages, hours, and other terms and conditions of employment.

Senators Murphy of Connecticut and Sanders of Vermont have attempted these changes to national labor law before, in 2021 and in 2019. There is companion legislation in the House of Representatives and support from five different professional sports unions. The Major League Baseball Players Association, National Football League Players Association, National Basketball Players Association, National Hockey League Players Association, and Major League Soccer Players Association have all endorsed labeling student athletes as employees.

This comes at a time when the National Labor Relations Board General Counsel’s office is also prosecuting cases to address the issue of whether student athletes should be considered “employees” under the NLRA. For example, the GC’s office filed a complaint in May 2023 against the University of Southern California, the Pac-12 Conference, and the NCAA, arguing that their failure to use the term “employee” in reference to student athletes in various policies unlawfully discourages athletes from exercising federal labor law rights.

Businesses and organizations involved in college sports should stay updated on potential changes to the law as student athletes having labor law rights under the National Labor Relations Act could fundamentally alter college athletics.

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P.S. Both authors of this E-Alert are proud Huskies. Go Dawgs!