

117TH CONGRESS
1ST SESSION

H. R. 5143

To amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Fair Labor Standards Act of 1938, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008 to require that individuals who perform work for employers as independent contractors be treated as employees.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 31, 2021

Ms. NORTON introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Fair Labor Standards Act of 1938, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008 to require that individuals who perform work for employers as independent contractors be treated as employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Inde-
3 pendent Contractors from Discrimination Act of 2021”.

4 **SEC. 2. AMENDMENTS.**

5 (a) TITLE VII OF THE CIVIL RIGHTS ACT OF
6 1964.—The first sentence of section 701(f) of title VII
7 of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f)) is
8 amended by inserting “or an individual who provides work
9 for an employer under the terms of an independent con-
10 tract with such employer,” after “employer,”.

11 (b) AGE DISCRIMINATION IN EMPLOYMENT ACT OF
12 1967.—The first sentence of section 11(f) of the Age Dis-
13 crimination in Employment Act of 1967 (29 U.S.C.
14 630(f)) is amended by inserting “, an individual who pro-
15 vides work for an employer under the terms of an inde-
16 pendent contract with such employer,” after “employer”.

17 (c) FAIR LABOR STANDARDS ACT OF 1938.—Section
18 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C.
19 206(d)) is amended by adding at the end the following:

20 “(5) For purposes of this subsection, the term
21 ‘employee’ includes an individual who provides work
22 for an employer under the terms of an independent
23 contract with such employer.”.

24 (d) AMERICANS WITH DISABILITIES ACT OF 1990.—
25 The first sentence of section 101(4) of the Americans with
26 Disabilities Act of 1990 (42 U.S.C. 12111(4)) is amended

1 by inserting before the period at the end the following:
2 “or an individual who provides work for an employer
3 under the terms of an independent contract with such em-
4 ployer”.

5 (e) REHABILITATION ACT OF 1973.—Section
6 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C.
7 794a(a)(1)) is amended by inserting “or any individual
8 who provides work for an employer under the terms of
9 an independent contract with such employer” after “appli-
10 cant for employment”.

11 (f) GENETIC INFORMATION NONDISCRIMINATION
12 ACT OF 2008.—Section 201(2)(A) of the Genetic Informa-
13 tion Nondiscrimination Act of 2008 (42 U.S.C.
14 2000ff(2)(A)) is amended—

15 (1) by striking “or” at the end of clause (iv);

16 (2) by striking the period at the end of clause

17 (v) and inserting “; or”; and

18 (3) by adding at the end the following:

19 “(vi) an individual who provides work

20 for an employer under the terms of an

21 independent contract with such employer.”.

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