

Draft Amendment to the NLRA to Allow Freelance Creators to Collectively Bargain

TITLE: APPLICATION OF THE NATIONAL LABOR RELATIONS ACT TO FREELANCE WRITERS, ARTISTS, AND PHOTOGRAPHERS

SECTION 1. SHORT TITLE.

This Act may be cited as the Freelance Author and Artist Labor Act (“FAALA”) of 2021.

SECTION 2. Section 2 of the National Labor Relations Act ([29 U.S.C. 152](#)) is amended by adding at the end the following:

15. “Professional creator” means an individual who provides professional creative services.
16. “Professional creative services” means professional services or work product provided, under contract and on a freelance basis for present or future compensation, by any of the following individuals (or “loan-out” or other entities created to solely represent the individual creator for purposes of entering into such contracts):
- (a) writers, including authors, playwrights, screenwriters, journalists, copywriters, or digital media writers or creators;
 - (b) visual artists, including without limitation fine artists, graphic designers, photographers, photojournalists, animators, illustrators, industrial product designers, interior designers, or fashion designers;
 - (c) songwriters, composers, or librettists; or
 - (d) videographers or filmmakers.”

SECTION 3. Section 7 of the National Labor Relations Act ([29 U.S.C. 157](#)) is amended by adding “and professional creators” in the first line after “Employees.”