

117TH CONGRESS
1ST SESSION

H. R. 3358

To clarify that employees may seek recourse from the National Labor Relations Board if discriminated against by an employer for participating in an unfair labor practice strike.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2021

Mr. STAUBER introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To clarify that employees may seek recourse from the National Labor Relations Board if discriminated against by an employer for participating in an unfair labor practice strike.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Striking
5 Workers Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that it is the policy of the United
3 States that workers have the right to participate in lawful
4 strikes in protest of unfair labor practices.

5 **SEC. 3. CLARIFYING RECOURSES FOR WORKERS DISCRIMI-**
6 **NATED AGAINST FOR PARTICIPATING IN A**
7 **LAWFUL UNFAIR LABOR PRACTICE STRIKE.**

8 Section 10(c) of the National Labor Relations Act
9 (29 U.S.C. 160(c)) is amended by inserting before “*And*
10 *provided further,*” the following: “*Provided further,* That
11 in any case in which the Board finds that an employer
12 unlawfully discriminated against an employee in relation
13 to the employee’s participation in a lawful strike to protest
14 an unfair labor practice of the employer, the Board may
15 order reinstatement of the employee, require back pay, re-
16 quire the employer to post a notice to employees of its
17 commitment to observe employee’s rights under this Act,
18 or take such other affirmative action as the Board may
19 consider appropriate:”.

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