

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.”.

○