**PRO Act (Protecting the Right to Organize Act)**

Strip away workers’ free choice in union elections as well as their privacy rights;

Codify into law the NLRB’s controversial *Browning-Ferris Industries* joint-employer standard (Concern to anyone who subcontracts work!)

Curb opportunities for people to work independently through gig economy platforms or more traditional independent contractor roles;

Eliminate Right-to-Work protections for workers across the country, including in the twenty-seven states that have passed Right-to-Work laws;

Interfere with attorney-client confidentiality and make it harder for businesses, particularly small businesses, to secure legal advice

Prohibit arbitration agreements in employment contracts;

Infringe on the due process rights of employers; and

Strip away “secondary boycott” protections that prevent unions from using their anti-trust exemptions and immunity from certain state laws to target businesses for anti-competitive purposes other than organizing.

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**OSHA COVID Employer Rule**

President Joe Biden’s Executive Order issued on January 21, 2021 requiring the Federal Government to take swift action to protect workers from the COVID-19 pandemic

Employers should provide all workers with face coverings. Many states did not require this, and OSHA did not previously recommend employers purchase masks.

Provide a COVID-19 vaccine at no cost to eligible employees.

Not distinguish between vaccinated workers and those who are not vaccinated for purposes of implementing safety measures.

Minimize the effect of quarantine and isolations by implementing non-punitive policies and provide paid sick leave.

Provide guidance on screening and testing.

Assign a workplace coordinator responsible for COVID-19 issues.

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**Democrats Election Overhaul Bill Preview:**

H.R. 1, the Democrats bill to overhaul the U.S. election system and campaign funding, is one of House majority leadership’s top legislative priority. The bill would implement government funding for federal elections, enact new federal voter registration laws, support DC statehood, and impose new requirements on engaging in the political process. ABC believes this bill would severely limit the ability of members from engaging in the political process and prevent Americans from exercising their first amendment rights.

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**Buy American**

Directs agencies to implement stricter measures in how domestic content is measured and increase domestic content requirements. Existing Buy American rules establish a domestic content threshold – the amount of a product that must be made in the U.S. for a purchase to qualify under Buy American law. This Executive Order directs an increase in both the threshold and the price preferences for domestic goods – the difference in price over which government can by a product from a non-US supplier. It also updates how government decides if a product was sufficiently made in America.

Reiterates the President’s strong support for the Jones Act and its mandate that only U.S.-flag vessels carry cargo between U.S. ports.

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**President Biden Fires NLRB General Counsel Peter Robb:**

Within hours of taking the oath of office, President Biden asked for the resignation of NLRB General Counsel Peter Robb (R). After Robb refused to resign, Biden [fired](https://www.washingtonpost.com/business/2021/01/20/biden-fires-nlrb-peter-robb/) him and his deputy, Alice B. Stock later in the day. Robb leaves the NLRB with 10 months left in his term.

Robb’s termination is unprecedented at the independent agency and is being questioned by many to be potentially unlawful. However, the role of General Counsel, an agenda setting position at the NLRB, is now open for Biden’s own nomination, as the eventual candidate will likely face a tough confirmation in the closely divided Senate.

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Regulated industries can expect the new administration to consider action on

* climate change,
* environmental justice,
* chemicals regulation,
* wetlands/waters of the United States, and
* endangered & threatened species.

Abandonment of WOTUS rule defense: In April 2020, U.S. EPA finalized its Navigable Waters Protection Rule, which streamlines the definition of “waters of the United States” under the Clean Water Act into relatively clear categories of jurisdictional waters and provides exclusions for certain water features.

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One of the policies that could make a comeback under a Boston Mayor now DOL Secretary Marty Walsh is the DOL is the “blacklisting rule” that was part of President Barack Obama’s Fair Pay and Safe Workplaces Executive Order, which was swiftly scuttled after President Donald Trump took office.

The order required that contractors submit a record of past violations related to health and safety, civil rights, wage and other federal statutes and equivalent state laws prior to bidding on projects valued at more than $500,000. Contractors would have been required to disclose the same information about their subcontractors. If contracting officers determined that a contractor’s violation record was egregious or had repeat breaches, they could deny those contractors work.

Walsh is a former member of the construction Labors International Union local leader in Massachusetts.