

# Construction Industry Workplace Law Update – Spring 2021

By Victor N. Corpuz, Michael R. Hatcher, Brian P. Lundgren, Richard F. Vitarelli,

March 31, 2021

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### Biden Administration Indicates Support for Union Neutrality Agreements

Employers can expect union and political pressure to push for neutrality agreements. President Joe Biden had signaled his approval of employers that enter into union neutrality agreements, including making a campaign promise that he would ensure federal contracts are awarded only to employers that sign union organizing neutrality agreements.

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### Changing COVID-19 Guidance and Requirements Cause Consternation at Construction Sites

After a year of frequently changing guidance and requirements for construction firms, the Occupational Safety and Health Administration has issued new Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace, which expands on earlier guidance on preventive measures and addresses new topics, such as workplace testing programs, employee vaccinations, and sick leave policies. This is the latest in changing recommendations for employers, including those in the construction industry, from federal and state agencies in response to the COVID-19 pandemic.

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### Creating Solutions to Racism Problem in Construction Industry

In 2020 alone, there were nearly 20 highly publicized incidents of flagrant racism on construction jobsites throughout North America, ranging from workers of color finding nooses hung in the workplace to racist graffiti. Many companies in the construction industry recognize the “racism problem” and want to do their part to bring about meaningful change.

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### Protecting the Right to Organize (PRO) Act Passes House, Awaits Senate Fate

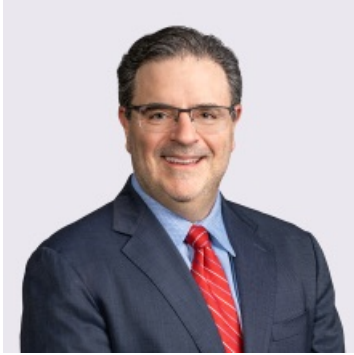
A revived “Protecting the Right to Organize Act,” or PRO Act, has passed the House of Representatives again. The sponsors described the bill as comprehensive labor legislation aimed at bolstering workers’ collective bargaining rights. The bill is in the Senate and was referred to the Committee on Health, Education, Labor and Pensions on March 11, 2021.

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### Advantages and Disadvantages of Raising Federal Minimum Wage to \$15

In January 2021, legislators introduced the “Raise the Wage Act of 2021,” to increase the federal minimum wage from \$7.25 an hour to \$15 an hour by 2025. If passed, it would be the first increase in more than a decade, the longest stretch since 1938. While the federal

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minimum wage has remained stagnant, many state and local governments have already implemented a \$15 minimum wage.

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