

Legal Update Article

U.S. House Committee to Focus on Workforce Protections

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Signaling a renewed emphasis on workforce protections at the opening of the 116th Congress, the U.S. House of Representatives has changed the name of its committee with jurisdiction over labor matters back to the Committee on Education and Labor. It was called the Committee on Education and the Workforce when Republicans held the majority in the House. The Committee is headed by Chairman Robert C. Scott (D-Va.).

The Committee has not changed in name only. It has identified eight categories of emphasis under the banner “Putting Workers First”:

1. Wage and hour issues
2. Worker safety and health
3. Civil rights in employment
4. Health care
5. Employee benefits
6. Collective bargaining and union membership
7. Retirement and pensions
8. Reauthorization of the Older Americans Act of 1965

The Committee’s objectives include supporting the Equal Employment Opportunity Commission collection of pay data from employers, “Ban the Box” legislation prohibiting federal employers and contractors from asking applicants for criminal background history, and a crackdown on misclassification of employees as independent contractors. Legislation has been introduced by Scott and 188 cosponsors that would raise the federal minimum wage to \$15 per hour by 2024.

The shift in emphasis will be significant. The Subcommittee on Workforce Protections provides a case in point. In 2018, during the 115th Congress, the Subcommittee held a hearing (“A More Effective and Collaborative OSHA: A View from Stakeholders”) in which industry representatives offered solutions to the concern expressed by then-Chairman Bradley Byrne (R-Ala.) that employers often struggle “to comply with the ever-changing standards and new regulations released by OSHA every year.”

In the current Congress, the Subcommittee may take up unfinished work on provisions of the Protecting America’s Workers Act that Scott supported during the last Congress. These include enhanced whistleblower protections, penalizing employers for Occupational Safety and Health Act (OSH Act) violations committed by contractors’ employees under the employers’ control, and felony prosecutions of employers (including corporate officers and directors) who knowingly commit OSH Act violations that result in death or serious bodily injury.

Jackson Lewis attorneys are available to discuss what may be in store for employers. Jackson Lewis represents industrial employers nationally in labor and employment matters and in regulatory matters before agencies of the U.S. Department of Labor, including the Occupational Safety and Health Administration, and in government affairs matters in the U.S. Congress and in such states as New York and Virginia.

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