

ANTI-RETALIATION INITIATIVE TO PROTECT WORKERS WHO FACE ILLEGAL RETALIATION WHEN THEY ORGANIZE AND EXERCISE THEIR WORKPLACE RIGHTS

What We're Doing

- The Department of Labor is committed to using its outreach, education and enforcement tools to identify, prevent and address retaliation against workers who exercise their labor and employment rights.
- DOL's Anti-Retaliation Initiative, in partnership with the National Labor Relations Board (NLRB) and the Equal Employment Opportunity Commission (EEOC), will further amplify the message that the Administration will not tolerate any form of illegal retaliation against workers. Coordinated law enforcement, including ensuring worker protection agencies understand what retaliation looks like, can help to ensure that employers understand the gravity of the alleged violations and that workers feel protected by a whole-of-government approach.
- The Department of Labor's Wage and Hour Division has renewed and strengthened, and Occupational Safety and Health Administration will renew and strengthen their Memoranda of Understanding with the National Labor Relations Board (NLRB) to ensure that workers who allege retaliation when they are engaged in concerted activity or complain about the violation of their workplace rights receive the full protection of the law.
- To better ensure that workers filing retaliation complaints with DOL are referred to the NLRB when appropriate, DOL will participate in cross-training to facilitate coordination and effective enforcement.

Why We're Doing It

- Illegal retaliation against workers exercising their federally protected workplace rights is a **pervasive problem**. It chills the **exercise** of these **rights**, including rights to minimum wages and overtime pay, safe and healthy working conditions, organize a union and bargain collectively, and a workplace free from illegal discrimination.
- Retaliation is particularly **acute** for the most vulnerable workers, including low-wage workers, workers of color, and immigrant workers. Retaliation keeps already-exploited workers from having the power to improve their working conditions.
- Claims involving retaliation against workers for exercising their federally-protected right to organize a union or otherwise engage in protected concerted activity are within the jurisdiction of the NLRB, but this retaliation is often brought to the attention of the Department of Labor through its various enforcement activities. Strengthening coordination between the Department and the NLRB will equip the Federal government to better address retaliation complaints and mitigate the chilling impact of retaliation on the exercise of workers' rights.

Why it Matters for Worker Organizing and Collective Bargaining

- Actively protecting the right of workers to exercise their rights, to access their government, and to engage in collective action helps build worker power.
- Collectively, the DOL and the NLRB have recovered millions of dollars for workers facing illegal retaliation, making it clear to those who would engage in illegal retaliation that there will be consequences.
- The deterrent power of these consequences allows workers to exercise their organizing and bargaining rights more freely and without fear of retaliation, thereby increasing worker organizing and strengthening collective bargaining rights.
- By referring appropriate cases to the NLRB and sending the message to unscrupulous employers that they will be held accountable, the Department of Labor and the NLRB can fully harness the deterrent power of their enforcement authorities.

