



## **LABOR BOARD'S ACTING GENERAL COUNSEL COMMITS TO EXPANDING WORKER PROTECTIONS LIMITED BY TRUMP BOARD**

On March 31, 2021, Peter Sung Ohr, Acting General Counsel for the National Labor Relations Board (“NLRB”), issued a memo to all NLRB regional offices in which he explained his expansive view of the rights of employees under the National Labor Relations Act to join together to improve their working conditions. Noting that recent decisions from the Trump Labor Board have tried to narrow the scope of worker activities that are considered protected by the Act, AGC Ohr committed to “robustly enforcing” the rights of workers to engage in protected concerted activities under Section 7 of the Act. He explained that these Section 7 rights apply in both union and non-union settings, and they protect a wide range of conduct beyond simply attempting to form a union. This includes sharing information with co-workers about wages or working conditions, as well as discussions about workplace safety or racial discrimination, both of which have become especially important topics during the past year of social upheaval and safety concerns related to Covid-19. According to the AGC’s memo, many of these actions should be considered “inherently concerted” and thus protected from any employer retaliation.

AGC Ohr was previously the Regional Director for NLRB Region 13 in Chicago. He was appointed in an interim capacity after President Biden fired Trump’s GC, Peter Robb, on President Biden’s very first day in office. The administration has since named Jennifer Abruzzo, a former Deputy General Counsel for the Obama NLRB. Ms. Abruzzo awaits a Senate confirmation hearing. In the meantime, AGC Ohr has made clear that he will use his time in this role, however long it may be, to fight for the rights of workers.

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