

# House bill would prevent employers from changing health care coverage for workers on strike

By Shayna Greene

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House lawmakers on Feb. 2 introduced legislation, [H.R. 6557](#), that would prevent employers from canceling or changing health care coverage for workers on strike. Some companies have used the threat of cutting off health insurance as a way to dissuade workers from striking or continuing to strike.

The bill, known as the Striking Workers Healthcare Protection Act, follows a string of efforts to unionize that have been building throughout the pandemic, with recent examples at Amazon, Kellogg and Starbucks. The importance of accessing health insurance has been exacerbated by Covid-19, especially for workers in frontline jobs facing increased exposure to the virus.

“Exercising your right to fight for a better contract shouldn’t mean risking your ability to get lifesaving coverage for yourself or your family,” Rep. [Cindy Axne](#) (D-Iowa), who introduced the bill, said [in a statement](#). “This is a basic measure, one born of the unfortunate reality that employers use termination of health coverage to break strikes and force employees to accept a subpar contract.”

The legislation was referred to the House Education and Labor Committee but has not been scheduled for a hearing or markup.

## WHAT'S IN THE BILL?

*This Pro Bill Analysis is based on [the text of the bill](#) as introduced on Feb. 2.*

H.R. 6557 would amend the National Labor Relations Act to prohibit employers from terminating or “significantly” altering employees’ health care coverage under a group health plan while they’re lawfully on strike.

Under the legislation, “group health plans” would have the same definition as what is currently in the [Employee Retirement Income Security Act of 1974](#), which states that “the term ‘group health plan’ means an employee welfare benefit plan providing medical care (as defined in section 213(d) of the Internal Revenue Code of 1986) to participants or beneficiaries directly or through insurance, reimbursement, or otherwise.”

ERISA also states that “such term shall not include any plan substantially all of the coverage under which is for qualified long-term care services (as defined in section 7702B(c) of such Code). Such term shall not include any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986).”

The legislation would also impart civil penalties for unfair labor practices. Employers who commit unfair labor practices would be required to pay up to \$50,000 for each violation. The National Labor Relations Board would have the ability to double the civil penalty to no more than \$100,000 in situations where an employer has committed the same violation during the past five years, if the unfair labor practice involved the discharge of an employee “or other serious economic harm to an employee.”

The NLRB would determine the amount of the civil penalty by considering the:

— “Gravity of the actions of the employer resulting in the penalty, including the impact of such actions on the charging party or on other persons seeking to exercise rights guaranteed by the Act”

— Size of the employer

— Employer’s history of unfair labor practices or “other actions by the employer resulting in a penalty”

— Public interest

The NLRB would also be authorized to determine if a civil penalty may be directed toward a director or officer if that person was found to have directed or committed the violation, or had knowledge of and the authority to prevent the violation but failed to do so.

## WHO ARE THE POWER PLAYERS?

Axne introduced H.R. 6557 along with Reps. [Steve Cohen](#) (D-Tenn.), [Brian Higgins](#) (D-N.Y.), [Andy Levin](#) (D-Mich.), [Jim McGovern](#) (D-Mass.), [Bill Pascrell](#) (D-N.J.), [Linda Sánchez](#) (D-Calif.) and [Nikema Williams](#) (D-Ga.).

The bill has 19 co-sponsors as of mid-February, including House Education and Labor Vice Chair [Jamaal Bowman](#) (D-N.Y.).

Axne represents the Iowa district in which John Deere workers were on strike last year. Cohen represents the Tennessee district in which Kellogg workers also went on strike.

In [both labor disputes](#), the employees reportedly lost access (or almost lost access) to health care and other benefits while participating in the work stoppages.

On the labor side, the legislation has been endorsed by: the AFL-CIO; International Union; UAW; United Food and Commercial Workers; Bakery, Confectionery, Tobacco Workers, and Grain Millers; SEIU; CWA; United Mine Workers of America; International Association of Iron Workers; and United Steelworkers.

“No working family should be forced to choose between their right to advocate for better pay and benefits, and their need for medical care for their families,” UAW President Ray Curry said in a statement. “Rep. Axne’s bill protects working families from corporations that would seek to use the health care of members as a pressure point in a workers voice to advocate for better working conditions.”

## WHAT'S HAPPENED SO FAR?

Axne introduced the bill on Feb. 2 and it was referred to the House Education and Labor Committee. House Democrats’ [budget reconciliation bill](#) and [PRO Act](#) both have similar language regarding penalties the NLRB could impose on employers who commit unfair labor practices, including conditions for ordering a \$50,000 or \$100,000 penalty.

In her [announcement introducing H.R. 6557](#), Axne referenced the trend of corporations threatening to cancel — or fully canceling — health insurance for workers on strike. She referred to the UAW strike against John Deere that took place from Oct. 14 to Nov. 17, in which striking workers did not end up losing their health coverage and a final contract was drawn up with UAW workers.

She also cited an example from California, where members of BCTGM Local 37 “have been without health care benefits since January 1, 2022 while on strike against Rich Products at the Jon Donaire Desserts plant in Santa Fe Springs.”

Senate Judiciary Chair [Dick Durbin](#) (D-Ill.) and Sen. [Catherine Cortez Masto](#) (D-Nev.) introduced a similar bill in February 2020. The Worker Health Coverage Protection Act, [S. 4714 \(116\)](#), aimed to protect unemployed or furloughed workers from losing their health care coverage. The measure was reintroduced in the 117th Congress as [S. 263 \(117\)](#). Both iterations were referred to the Finance Committee, but the panel did not mark up the language.

## WHAT'S NEXT?

An Education and Labor Committee aide said Chair [Bobby Scott](#) (D-Va.) supports H.R. 6557 but prefers enactment of the PRO Act because it represents a more expansive overhaul of labor laws. The House-passed PRO Act remains stalled in the Senate due to GOP opposition.

Although the Striking Workers Healthcare Protection Act's list of Democratic co-sponsors means the measure would likely garner enough support to pass the Democrat-controlled House, the lack of Republican support means the bill would face poor odds of success in the evenly split Senate.

[View POLITICO news on H.R. 6557.](#)

*Eleanor Mueller contributed to this report.*