



Protection on the Picket Line Act

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[S.3124](#), Sponsored by Sen. Tommy Tuberville (R-AL)

The Protection on the Picket Line Act makes clear that employers can protect their employees from discriminatory, harassing, or demeaning language during a unionization campaign. Employers would be able to protect their employees without violating the National Labor Relations Act (NLRA).

A Biden-era interpretation of the NLRA allowed certain racist or sexist workplace harassment to remain protected if it occurs in the context of union activity. Under Title VII of the Civil Rights Act of 1964, racist and sexist comments can trigger liability for discrimination or harassment. However, during much of President Biden's tenure, then-NLRB Chair Lauren McFerran maintained that the NLRA can shield some of this conduct when it is connected to activity protected under Section 7 of the NLRA.

Tuberville's bill would ensure that employees subjected to racist, sexist, or otherwise abusive conduct during picketing or other union activity retain protections under the Civil Rights Act. It clarifies that Section 7 cannot be used to shield harassing behavior, nor override workplace safety and anti-harassment standards.

Bill Status: The Protection on the Picket Line Act was introduced on November 6, 2025, and referred to the Senate HELP Committee. A [hearing](#) on this and related legislation was held on October 22, 2025, at which I4AW president Vincent Vernuccio testified as an expert witness.

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