

Putting Workers First? The Year in Review

Workers had a tough 2017, thanks to the Trump administration and the GOP-controlled Congress. The year began with some warm rhetoric for working people, at least, with President Trump promising in his inaugural address that every decision he makes would be to benefit workers. But the president's subsequent actions showed the emptiness of that rhetoric, starting with his initial choice to lead the Department of Labor—the notoriously anti-worker fast-food CEO Andrew Puzder.

Over the course of 2017, President Trump repeatedly broke his promise to put workers first, siding with wealthy corporations and Wall Street over working families at virtually every turn. The president and his administration, with assistance from the GOP-led Congress, launched initiatives to take money out of workers' paychecks, roll back on-the-job protections that keep workers safe, and make it harder for workers to count on their own hard-earned retirement savings, just to name a few of the year's *lowlights*.

Below, we review just some of the key policy choices made by the Trump administration and the 115th Congress in 2017. The inescapable conclusion is that our nation's top elected leaders have prioritized wealthy corporations and Wall Street over workers.

***January:* Anti-Worker Fast-Food CEO Nominated to Lead Labor Department.**

The U.S. Labor Department is charged with promoting the welfare of workers, improving working conditions, and increasing opportunities for workers to earn good wages. But the Trump administration nominated Andrew Puzder, a wealthy fast-food CEO with a documented history of [labor violations](#), [anti-worker philosophy](#), [misogyny](#), and [sexual harassment](#), to fill this important post. NELP and Jobs with Justice led a coalition of workers, advocacy groups, and community activists to shine a bright light on Puzder's unsuitability for the job as well as the contradiction his nomination posed to the agency's mission. Puzder [ultimately withdrew](#) the night before his confirmation hearing.

***March:* Protecting Large Federal Contractors That Endanger Workers and Steal Wages.** The Trump administration teamed up with congressional leadership to [invalidate the regulations](#) implementing President Obama's Fair Pay and Safe

Workplaces executive order. The Obama executive order simply required federal agencies to consider a potential large contractor's record of employment law violations when deciding whether to award it a contract. The rules would have helped ensure that taxpayer dollars do not go to contractors who are skirting the law and creating jobs that don't even meet the bare minimum legal requirements.

March: Drug Testing People Who Lose Their Jobs. Instead of helping people who've lost their jobs get back to work, congressional leadership and the Trump administration repealed a 2016 Labor Department rule, thereby making it easier for states to drug-test [unemployment insurance](#) claimants. The 2016 rule had implemented a narrow legislative compromise allowing two types of claimants to be tested: those who were discharged from their last jobs due to unlawful drug use; and those whose only "suitable work" is in an occupation that regularly conducts drug tests. But congressional leadership and the Trump administration complained that this rule was too narrow, leading to its repeal. A broader rule, however, would not only be unlawful, it would also waste taxpayer dollars on expensive drug tests that are unlikely to be effective, and would only serve to stigmatize unemployed workers who rely on unemployment insurance to survive until they can find their next jobs.

March: Broken Promises on Coal Jobs. As a candidate on the campaign trail, President Trump regularly promised he would bring back coal jobs. But when it was time for the president to release his budget—the first formal iteration of what the White House's priorities will be—coal miners were caught off guard. Instead of putting money behind coal country, his [budget](#) actually cut funding for Appalachia, and [even his coal industry backers balked](#).

April: Allowing Employers to Hide Dangerous Working Conditions. One major challenge to the Occupational Safety and Health Administration's efforts to investigate and remedy unsafe working conditions is that some large employers in dangerous industries like poultry and construction have failed to retain accurate records of workplace injuries and illnesses even though they are required by law to keep accurate records for five years. In 2016, OSHA finalized a rule that would have allowed the agency to hold employers accountable for failing to keep accurate records for the full five years. But in April, Republicans in Congress passed and President Trump signed a [resolution](#) invalidating the regulation, drastically limiting an employer's liability for failing to keep accurate records to six months after the failure to record. This opens the door for employers to hide injuries that reveal unsafe conditions and will further jeopardize workers in high-hazard workplaces.

April: Undermining Retirement Security. The Labor Department [delayed](#) key enforcement provisions of a regulation requiring financial retirement advisors to put their clients' interests before their own when providing investment advice. The Labor Department's Employee Benefits Security Administration has since [announced further delay of these provisions](#) until mid-2019. The [Economic Policy Institute projects](#) that this delay would cost retirement savers' accounts between \$5.5 and \$16 billion over the next 30 years.

April: Endangering Worker Safety and Health. Worker safety regulations do not kill jobs, they prevent jobs from killing workers. Yet the Occupational Safety and Health Administration under President Trump bowed to industry pressure and [inexplicably delayed rules](#) intended to protect workers from exposure to deadly silica dust. Moreover, in an unprecedented move, OSHA proposed in June to strip away critical protections for construction and shipyard workers against [cancer-causing beryllium](#).

May: House Republicans Pass a Bill that Undermines Overtime Pay: The so-called “Working Families Flexibility Act” passed the House solely on Republican votes. President Trump registered his [support](#) of this bill. Rather than providing any real flexibility, this [bill](#) would allow employers to replace overtime pay with compensatory time off, without adequate protections against worker coercion to accept come time rather than overtime, and without adequate guarantees that workers could even use comp-time when they wanted to.

May: Proposing a Wholly Inadequate Paid Leave Plan. Instead of supporting the FAMILY Act, which would provide real and adequate paid leave, both in terms of duration and the amount of wage replacement, to many of our nation’s workers, the Trump administration [proposed](#) a mere six weeks of paid leave for birth or adoption of a child, and would only replace about one-third to one-half of a worker’s wages during that leave. Not only would the administration’s plan leave out 75 percent of workers who need family or medical leave, but it would not cover the full amount of job-protected leave under the existing Family and Medical Leave Act, which grants many workers the ability to take up to 12 weeks of *unpaid* leave in certain circumstances to care for themselves or a family member after the birth or adoption of a child, or because of a serious illness. The administration also proposed to pay for this leave by raiding the unemployment insurance trust funds, and using illusory savings that would never offset the costs of even this stingy plan.

June: A Pay Cut. The Trump Labor Department’s Wage and Hour Division [preannounced an effort](#) to roll back the 2016 overtime rules that promised to give 4.2 million workers around the country a long-overdue raise or more time with their families.

June: Stacking the Deck Against Worker Voice. The Trump Labor Department’s Office of Labor Management Standards [proposed eliminating the “persuader rule,”](#) a common-sense reform that gives workers a window into shadowy anti-union campaigns targeting them. Unions already operate under strict transparency rules, and rescinding the persuader rule stacks the deck even more for employers who pull out all the stops in blocking workers from exercising their right to form unions and bargain collectively.

June: Making it Easier for For-Profit Colleges to Take Advantage of Students While Failing to Prepare Them for Gainful Employment. President Obama implemented two rules during his presidency that protected students from predatory for-profit colleges that employ deceptive practices and that often does not lead to “gainful employment.” Under this standard, a program does not lead to

[gainful employment](#) if graduates typically make annual loan payments beyond 20 percent of their discretionary income or 8 percent of their total earnings. The Trump administration suspended these rules, opening the door to mountains of student loan debt for students who attend for-profit colleges that place students into jobs that don't pay enough to meet their financial obligations.

June: Denying Workers Their Day in Court. The Trump administration takes steps to defend “forced arbitration” clauses that deny consumers and workers alike their day in court when they have a legitimate claim against a large corporation, going so far as to [switch sides on the matter in a case before the Supreme Court](#). Today, more than half of all non-union private sector workers—and two-thirds of those employed by large corporations—are bound by these take-it-or-leave-it clauses to which they must agree in order to get a job, [according to the Economic Policy Institute](#). The Trump administration wants to change the rules to make it even easier for business to take away individuals' right to have their day in court.

August: Invalidating Tools to Identify Gender and Race-Based Pay Gaps. In a move that undermines pay-practice transparency, which is the first step in eliminating gender- and race-based pay gaps, the White House in August [halted an Equal Employment Opportunity Commission initiative](#) to collect better data on what companies pay workers by race and gender.

November: The House Passes a Bill Making It Harder for Workers to Hold Employers Accountable for Violations of Labor Standards. As the economy changes and more and more businesses restructure business operations and employment arrangements, workplace rights are meaningless if workers can't enforce them against all the employers who control the terms and conditions of employment. But a [bill](#) passed by the House of Representatives will make it all-but-impossible to hold all the employers they work for accountable for their basic rights to wages and the right to organize.

December: Taking Workers' Tips. Many workers in service industries like restaurants depend on tips to get by. The Labor Department has now [proposed rescinding a rule](#) that ensured that tips belong to workers. This proposal would give employers the chance to redistribute and even steal a portion of tips. It's a prime example of an attempt to redistribute money from working people to employers, including large corporations.

December: Tax Cuts for Corporations. Congress and the president frantically attempt to pass a tax overhaul that would pay for massive tax breaks for corporations and wealthy investors by raising taxes on working people.

We've seen this act before—and no one should be fooled by it. Rushing to deregulate, dilute and destroy core labor protections doesn't create new jobs; it only helps large corporations make the jobs that already exist less safe and lower quality. And frantically trying to pass massive tax-cuts for corporations and wealthy

investors that will be paid for by [raising taxes](#) on working people is not putting workers first; it's rigging the rules one more time in favor of corporate America and the super-rich.

For more information on any of these topics, please contact neng@nelp.org.