

50 reasons the Trump administration is bad for workers

President Trump has said he would ‘protect’ and ‘fight for’ workers. Instead, his administration has systematically done the opposite.

Report • By [Celine McNicholas](#), [Lynn Rhinehart](#), and [Margaret Poydock](#) • September 16, 2020

The Trump administration’s mishandling of the COVID-19 pandemic marks the administration’s most glaring failure of leadership. However, the administration’s response to the pandemic is in no way distinct from its approach to governing since President Trump’s first day on the job. The administration has systematically promoted the interests of corporate executives and shareholders over those of working people and failed to protect workers’ safety, wages, and rights.

The pandemic has merely provided the administration another opportunity to continue its attacks on workers’ rights. Instead of instituting policies to protect the nation’s essential workers, the administration has remained largely silent on workplace safety standards, refusing to issue mandatory emergency standards to protect workers against the new threat of the coronavirus. As a result, workers continue to be required to work without protective gear and other measures necessary to keep them safe.¹ Furthermore, sick workers continue to lack access to paid leave.² And, when workers try to speak up for themselves and one another, they are fired.³

This report provides a review of the Trump administration’s 50 most egregious attacks on working people since Trump took office. This analysis reveals that President Trump’s time in office has been marked by a clear commitment to advancing a pro-corporate, anti-worker agenda.

It is critical that a new administration work with the same diligence from Day One to reverse these actions. But simply reversing the Trump anti-worker agenda will not be enough. A new administration must advance a workers’ first-100-day agenda that includes measures that provide working people with the rights and

protections they need and deserve.

Here are 50 ways the Trump administration has failed workers, starting with recent actions (or inactions) and extending back to the beginning of Trump's presidency.

1. It has failed to support adequate fiscal stimulus during the coronavirus pandemic

In March 2020, Congress passed the CARES Act, which included a temporary \$600 increase in weekly unemployment insurance (UI) benefits and \$150 billion in aid to state and local governments. However, once the relief measures ran out, the Trump administration vehemently opposed the extension of the \$600 increase of UI benefits⁴ and additional aid to state and local governments.⁵ The lack of fiscal relief will cost millions of jobs, including 5.3 million jobs due to insufficient federal aid to state and local governments⁶ and 5.1 million jobs due to the expiration of the \$600 boost in UI.⁷

2. It has diminished the integrity and accuracy of the 2020 U.S. Census

In 2019, the Trump administration proposed adding an untested citizenship question to the 2020 Census questionnaire, which would have depressed response rates, cost taxpayers more money, and diminished the accuracy of the 2020 Census.⁸ The proposal was ultimately blocked by the Supreme Court.⁹ In August 2020, the Trump administration announced that counting efforts for the 2020 Census would end a month early, despite significant delays caused by the coronavirus pandemic.¹⁰ These actions by the Trump administration will diminish the integrity and accuracy of the 2020 Census, which plays a central role in allocating political representation and federal government resources across states and localities.

3. It stopped funding for Social Security

Under the guise of pandemic relief, President Trump signed an executive order suspending funding for Social Security.¹¹ Specifically, the executive order allows employers to defer withholding and paying the 6.2% employee share of the Social Security payroll tax for workers making less than \$2,000 per week. This poorly targeted tax deferral increases the disposable income of higher earners more and does nothing for unemployed workers.¹² Only Congress has the authority to cut taxes—meaning affected workers may owe double taxes next year under the executive order. President Trump has said that he would like to permanently end payroll contributions to Social Security, but he has not offered a realistic plan to replace the lost revenue.¹³ Meanwhile, the Senate Republican leadership has tried to attach to a pandemic relief bill a fast-track, closed-door process that would make it easier to cut Social Security benefits.¹⁴

4. It dismantled fiduciary protections for retirement savers

The Trump Department of Labor (DOL) scrapped an Obama administration rule preventing conflicts of interest in investment advice offered to retirement savers, proposing to replace it with a misleading “best interest” standard based on vague and unenforceable language in an SEC rule.¹⁵ At the same time, the Trump administration reinstated a narrow definition of investment advice covered under a fiduciary standard that excludes most of the harmful “advice” offered to small savers.¹⁶ Dismantling fiduciary protections allows brokers and other salespeople to offer what appears to be expert advice while steering savers to higher-cost and lower-quality investments.¹⁷

5. It has engaged in persistent efforts to take away workers’ health care

The Trump administration sided with Congressional Republican allies¹⁸ in attempts to repeal the Affordable Care Act (ACA)¹⁹ in 2017, asked the Supreme Court to rule the ACA unconstitutional in its entirety on a wafer-thin legal justification,²⁰ and weakened the ACA greatly as part of the 2017 tax cut for corporations.²¹ Finally, even in the face of millions of workers losing their employer-sponsored insurance (ESI) due to the COVID-19 economic shock,²² the Trump administration not only persisted in its efforts to repeal the ACA (through its request to Supreme Court), but also did nothing to make it easier for workers who had lost ESI to slide into coverage under the ACA marketplace exchanges, even though an administrative fix was easily available at the time.²³

6. It narrowed the scope of ‘protected concerted activity’ under the NLRA

The centerpiece of the National Labor Relations Act (NLRA) is workers’ right to engage in “protected concerted activity”—for example, to protest, strike, or organize a union—to improve their working conditions. In a series of decisions and actions,²⁴ the Trump National Labor Relations Board (NLRB) has systematically narrowed its interpretation of what counts as protected concerted activity, leaving workers unprotected against employer retaliation when they protest or strike over safety conditions (for example, insufficient protections from COVID-19),²⁵ employer rules on tipping, and other issues.

7. It has persisted in attempts to end DACA

The Trump administration vowed to persist in its efforts to end Deferred Action for Childhood Arrivals (DACA) through the courts, despite legal challenges and despite the Supreme Court’s ruling that the administration had not followed proper administrative procedures in previous attempts.²⁶ DACA is an initiative started in 2012 that allows eligible migrants who entered the United States without authorization as minors to obtain a temporary reprieve from deportation. Those eligible for DACA can renew every two years and are able to obtain a Social Security Number and an employment authorization

document, allowing them to work lawfully and attend college. DACA has been one of the most successful immigrant integration programs ever, allowing recipients to have labor rights that have translated into massive wage gains and that make it more difficult for employers to exploit immigrant workers and the U.S.-born workers who work alongside them.²⁷

8. It suspended the issuance of green cards

In June 2020, President Trump issued a presidential proclamation that suspends the issuance of permanent immigrant visas—also known as “green cards”—to migrants who are applying for them from abroad.²⁸ Green cards grant lawful permanent resident status, which provides a path to citizenship for immigrants who wish to naturalize. Ironically, President Trump issued this proclamation at a time when nearly all forms of temporary and permanent immigration to the United States were already stopped or suspended as a result of the coronavirus pandemic. Nevertheless, if the proclamation were to remain in force for one full year during a period with normal levels of immigration, it would result in a reduction of nearly one-third of all green cards. This effort was clearly an attempt to scapegoat immigrants and blame them for a crashing economy in the spring of 2020.²⁹

9. It has failed to act to protect the health of workers during the pandemic

Despite the widespread reach of COVID-19 in the workplace, the Trump administration’s Occupational Safety and Health Administration (OSHA) has refused to issue any required measures—via an emergency temporary infectious disease standard—to protect workers from the virus. OSHA even rejected a petition by unions representing affected workers and by the AFL-CIO for mandatory rules to protect workers from exposure to the coronavirus on the job.³⁰ OSHA and the CDC have issued only general and vague guidance that OSHA is not enforcing.

Further, the Trump administration halted all work in 2017 on a permanent infectious disease standard that would have protected workers from COVID-19 and mitigated the spread of the disease at work and back out into the community.³¹

OSHA is also failing to enforce the Occupational Safety and Health Act during the pandemic. Despite over 9,000 complaints from workers about unsafe working conditions from COVID-19, the agency had issued only four citations for failure to protect workers as of August.³² A report by DOL’s Office of Inspector General found that understaffing of the agency has created significant delays in investigating these complaints.³³ These delays put more workers at risk for being exposed to unsafe working conditions.

Not only has the Trump administration failed to protect the health of workers by issuing an infectious disease standard and by enforcing OSHA, it has in fact done the opposite. The CDC issued dangerous guidelines that allowed essential workers to continue to work even if they may have been exposed to the coronavirus—as long as they appear to be asymptomatic and the employer implements additional limited precautions.³⁴ This

guidance is in stark contrast to the guidelines issued for the general public that acknowledges the significant risk of infection from asymptomatic and presymptomatic infected individuals and recommends exposed individuals be quarantined.³⁵

10. It issued guidance that allows states to deny unemployment insurance (UI) benefits to workers who refuse to return to unsafe jobs

The Trump DOL issued temporary guidance that encourages state UI agencies to push employers to report workers who fail to return to work—so that the workers can be disqualified from receiving further UI.³⁶

11. It issued an executive order that intimidated local health departments from closing meat-processing plants with significant COVID-19 outbreaks

In April 2020, President Trump issued an executive order that claimed to require the nation's meat production plants to remain open.³⁷ The executive order did not actually prevent public health departments from closing plants, nor did it designate the industry as an essential industry, but it has been used by the Trump administration to intimidate local agencies from closing plants with multiple deaths and huge outbreaks.³⁸ State and local agencies mistakenly thought that their hands were tied and they could not demand that the meat industry implement the most basic CDC guidance of providing masks and social distancing. The result is over 40,000 meat and poultry workers sick and hundreds dead.³⁹

12. It excluded millions of workers from paid leave provisions in the Families First Coronavirus Relief Act (FFCRA), including 9 million health care workers and 4.4 million first responders

The Trump DOL issued a temporary rule exempting certain employers from the FFCRA paid leave requirement, including health care providers and companies with fewer than 50 employees.⁴⁰ According to the Department's own estimates, this would exempt 96% of firms covered by the law.⁴¹ It is worth noting that companies with 500 or more employees were already excluded from the FFCRA requirements.

13. It significantly narrowed benefits under the Pandemic Unemployment Assistance (PUA) program

DOL issued guidance narrowing the framework for eligibility and duration of PUA benefits.⁴²

14. It allowed poultry plants to increase line speeds during the coronavirus pandemic

In April 2020, the Trump Department of Agriculture allowed 15 large poultry plants to increase their line speeds in the middle of the pandemic, despite many of the plants being sites of COVID-19 outbreaks.⁴³ Poultry workers already faced high risk of work-related COVID-19 infections and serious injuries; this decision only exacerbated that risk.

15. It issued interim guidance that removed most employer responsibility to investigate or record workplace-related coronavirus cases in non-health-care workplaces

In issuing this guidance, Trump's OSHA signaled that it did not consider the spread of COVID-19 in non-health-care essential industries to be work-related and gave employers a pass on their obligation to protect workers. After a huge public outcry, the agency rescinded this guidance.⁴⁴

16. It pushed to lower wages for migrant farmworkers

Farmworkers in the United States are some of the lowest-paid workers in the labor market, despite the work they do being declared “essential” during the coronavirus pandemic.⁴⁵ In mid-2019 the Trump administration proposed a lengthy regulation seeking to change a number of H-2A visa program rules. The H-2A is a temporary work visa program used by agricultural employers to hire migrant farmworkers for seasonal jobs—including by President Trump himself at his wineries.⁴⁶ One of the proposals would change the way the required wage rates are calculated for H-2A jobs: The current rule would be replaced by one that is more complex and lowers wages for most H-2A workers. The change was opposed in formal comments by 42 organizations, including EPI.⁴⁷ A final version of the proposed regulation has not yet been issued, but in the meantime the White House has been justifying the wage cut as necessary given the challenges posed to employers by the pandemic.⁴⁸

The 200,000 H-2A farmworkers working in the United States last year represented approximately 10% of the crop farm workforce. Sadly, abuses by labor recruiters and employers are all too common.⁴⁹ The program desperately needs reforms to protect migrant and American workers, but over nearly four years Trump's proposals have all been employer-friendly—not worker-friendly—even as the program has grown rapidly.⁵⁰

17. It suspended all union elections

The Trump NLRB suspended all union elections, including mail ballot elections, between March 19 and March 31, 2020, and then allowed mail ballot elections only if the employer agreed to that arrangement.⁵¹

18. It completed the U.S. Chamber of Commerce’s (anti-worker) wish list

The Trump NLRB actively pursued the U.S. Chamber of Commerce’s Top 10 wish list and adopted 10 out of 10 changes sought by the Chamber—all of which weaken workers’ ability to organize with their co-workers to bargain collectively with their employers. (See [Table 1.](#))

19. It has obstructed workers’ right to fair union elections

The Trump NLRB weakened rules aimed at making the union representation election process timelier and more efficient, and it adopted rules that put roadblocks in the way of workers forming unions.⁵²

20. It narrowed the joint-employer standard under the NLRA

After their first attempt was withdrawn due to ethics violations, the Trump NLRB used the rulemaking process to weaken the test for finding two employers to be “joint employers” of employees under the NLRA. As a result, workers from staffing agencies—e.g., temporary employees or contractors—are far less likely than other workers to be able to bargain with the employers who control their wages and working conditions. The test adopted by the Trump NLRB is weaker than the tests used by other agencies under other workplace laws. EPI estimates that workers will lose \$1.3 billion in wages annually as a result of the rule.⁵³ Moreover, the test excludes health and safety as an issue that must be considered as part of the joint-employer analysis—a glaring omission.⁵⁴

21. It has encouraged offshoring

The Tax Cut and Jobs Acts (TCJA) has encouraged offshoring of both paper profits and real production of U.S. multinational companies. The Trump administration’s failed tax (and currency) policies have resulted in continued offshoring, including the net loss of nearly 1,800 factories between 2016 and 2018 and 740,000 manufacturing jobs since February 2020.

The U.S. now has a massive trade deficit in pharmaceuticals, which increased rapidly after passage of the TCJA in 2017, and which exceeds its trade surplus in aerospace products, the strongest U.S. export industry.⁵⁵ Leading suppliers of pharmaceutical imports—many produced by U.S. firms, such as Pfizer, which had no taxable U.S. income over the entire decade from 2007 to 2016—include Ireland, Germany, Switzerland, India, and China.⁵⁶ Offshoring of U.S. pharmaceutical production, especially in the wake of the TCJA, has weakened U.S. supply chains during the coronavirus pandemic, as essential medical supplies, including generic asthma medications, have been in short supply.

The TCJA also accelerated profit-shifting to tax havens, which now deprives the United States of roughly \$100 billion in revenue *each year*.⁵⁷ Needless to say, it is not typical

Table 1

Doing the Chamber's bidding

Action on the Chamber of Commerce's top 10 list completed by the Trump board

Chamber wish	NLRB action
Overturn <i>Specialty Healthcare</i> to give employers more say in bargaining unit determinations.	<i>PCC Structural, Inc.</i> , 365 NLRB No. 160 (2017).
Weaken rules that were adopted in 2015 to streamline the representation election process.	The Trump board issued final rules weakening the representation election procedures. See Representation-Case Procedures, 84 Fed. Reg. 69524–69599 (December 18, 2019).
Overturn <i>Browning-Ferris</i> decision on joint employer.	The Trump board attempted to overturn <i>Browning-Ferris</i> in <i>Hy-Brand Industrial Contractors</i> , 365 NLRB No. 156 (December 14, 2017), but had to withdraw the decision because of member Emanuel's conflict of interest. The Trump board then proposed and finalized a new rule to overturn <i>Browning-Ferris</i> . See Joint Employer Status Under the National Labor Relations Act, 85 Fed. Reg. 11184–11236 (February 26, 2020).
Allow employers to force employees into arbitration and disallow class or collective claims.	The Supreme Court agreed with the Chamber of Commerce and the Trump board in <i>Epic Systems Corp. v. Lewis</i> , 584 U.S. ____ (2018).
Change rules on "management rights" clauses to give employers more power to make unilateral changes and undermine the collective bargaining process.	<i>MV Transportation, Inc.</i> , 368 NLRB No. 66 (2019); <i>Boeing</i> , 365 NLRB No. 154 (2017); <i>Raytheon Network Centric Systems</i> , 365 NLRB No. 161 (2017).
Allow employers to undermine the bargaining process by unilaterally imposing discretionary discipline without bargaining with the union.	<i>Care One</i> , 369 NLRB No. 109 (2020).
Allow employers to deny employees use of the employer email system for communication with co-workers about workplace issues.	<i>Caesars Entertainment Corp.</i> , 368 NLRB No. 143 (2019).
Allow employers to fire or discipline workers for profane or offensive language, even if it interferes with protected NLRA activity.	<i>General Motors LLC</i> , 369 NLRB No. 127 (July 21, 2020).
Allow employers to keep their investigations confidential and gag employees from talking with one another about pending employer investigations.	<i>Unique Thrift Store</i> , 368 NLRB No. 144 (December 16, 2019).

Table 1
(cont.)

Chamber wish	NLRB action
Allow employers to keep employees and their supporters off the employer's property to discuss and publicize their views on workplace issues.	<i>Tobin Center for the Performing Arts</i> , 368 NLRB No. 46 (August 23, 2019); <i>Kroger Limited Partnership</i> , 368 NLRB No. 64 (September 6, 2019); <i>UPMC</i> , 368 NLRB No. 2 (June 14, 2019).

Source: EPI analysis of U.S. Chamber of Commerce, *Restoring Common Sense to Labor Law: Ten Policies to Fix at the National Labor Relations Board*, February 28, 2017.

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workers and their families who benefit from the use of international tax havens to shield corporate income.

22. It has denied workers more bargaining power on the job

On February 6, 2020, the House of Representatives passed the Protecting the Right to Organize (PRO) Act, which would significantly restore workers' right to organize and bargain collectively.⁵⁸ However, days before the passage of the PRO Act, the administration issued a Statement of Administration Policy recommending that President Trump veto the bill if it reaches his desk.⁵⁹

23. It narrowed the joint-employer standard under the FLSA

The Trump DOL proposed and finalized a rule updating the joint-employer standard under the Fair Labor Standards Act (FLSA). The rule narrows the set of circumstances whereby a firm can be deemed a joint employer under the FLSA, substantially limiting shared liability for wage and hour violations and making it harder for workers to hold accountable all parties who set their terms of employment. EPI estimates the ruling will cost workers more than \$1 billion annually.⁶⁰ A federal court struck down most of this rule, holding that the Trump DOL failed to account for some of the rule's "important costs, including costs to workers."⁶¹

24. It has allowed states to privatize employment services

The Trump DOL finalized a rule that allows states to privatize employment services for unemployed job seekers. This rule allows states to use contractors or other personnel, instead of public employees, in the administration of the employment services program. This would likely result in the privatization and reduction in quality of employment services, including job search, job referral, and placement assistance for job seekers.⁶² This would also reduce the quality of jobs for those providing the services.

25. It has decreased workplace safety inspections

During the first three years of the Trump administration, OSHA workplace inspection activity has fallen relative to the previous two administrations.⁶³ OSHA also currently has the lowest number of inspectors in the history of the agency. Further, more complex health-related inspections are occurring less frequently. The decline in inspections clearly puts the safety of workers at risk, especially those who work in the most dangerous jobs and industries. In its latest release of workplace deaths, the Bureau of Labor Statistics (BLS) reported that Black and Latinx workers suffered higher workplace fatality rates than other workers. BLS also found that the number of Black workers killed on the job in 2018 increased 16% over 2017, from 530 to 615, the highest total since 1999.⁶⁴

26. It has proposed a rule that would lower the earnings of tipped workers

In December 2019, the Trump DOL proposed a rule that would allow employers to assign more “side tasks” to their tipped employees—“side tasks” are tasks for which they do not receive tips, such as restocking and cleaning—while continuing to pay them the subminimum tipped-worker wage. This would effectively reduce tipped workers’ earnings by reducing their opportunities to earn tips. This proposal is little more than a technical way to allow employers to capture workers’ tips.⁶⁵ If finalized, the proposed rule would cost workers more than \$700 million annually.⁶⁶

27. It has sought to expand the use of the fluctuating workweek method, which makes it easier for employers to avoid paying overtime

In November 2019, the Trump DOL proposed a rule that would make it easier for employers to use the “fluctuating workweek method” for calculating overtime pay. Under this method, employers can pay workers *half* of their regular rate for hours worked over 40, rather than the usual time-and-a-half.⁶⁷ As a result, workers would earn less overtime pay. Further, because overtime pay would be lower, the rule provides an incentive for employers to require workers to work more overtime, which undermines the purpose of overtime protections under the Fair Labor Standards Act.⁶⁸

28. It has undermined job security for service workers

In October 2019, President Trump repealed Executive Order 13495, which had provided job security to workers on federally funded contracts for services. The executive order, a legacy of the Obama administration, had required successor contractors to retain the service workforce for a set period of time.⁶⁹

29. It has hindered workers' ability to organize during nonwork hours

In a series of decisions, the Trump NLRB gave employers more power to prevent union organizers and off-duty employees from talking with employees at the workplace, during nonwork time, about forming a union.⁷⁰ These decisions exacerbated the imbalance between an employer's ability to deliver anti-union messages at the workplace and the limited opportunities for workers to have pro-union meetings.

30. It has sought to exclude student employees from the NLRA

In September 2019, the Trump NLRB proposed a rulemaking that would strip student workers at private universities of their right to organize and bargain. The immediate effect of this proposed rule would be to take away the collective bargaining rights of the roughly 57,500 graduate assistants working at private universities. Additionally, more than 1.5 million graduate students at private universities would stand to lose the right to form a union.⁷¹

31. It prevented millions of workers from receiving overtime

In 2016, the Obama Department of Labor updated the overtime salary threshold from \$23,660 to \$47,476, but this update was ultimately blocked in the courts before the rule could be fully implemented. Instead of defending the 2016 rule—which would have strengthened overtime protections for 12.5 million workers—the Trump administration proceeded with their own proposed rule.⁷² Under the 2019 rule, the Trump DOL updated the overtime threshold to \$35,568.⁷³ Roughly 8.2 million workers who would have benefited from the 2016 rule were left behind by the Trump DOL's rule.⁷⁴

32. It put forward anti-worker DOL nominations

During his term in office, President Trump has repeatedly nominated anti-worker candidates for positions at the Department of Labor, starting at the top: Andrew Puzder, former CEO of a company with a record of labor law violations,⁷⁵ withdrew his nomination for Labor Secretary less than a month after his nomination after strong opposition from worker advocates.⁷⁶

President Trump's first confirmed Secretary of Labor, Alexander Acosta, advanced a pro-business agenda by delaying and rolling back many workplace protections the Obama administration had implemented, most notably the 2016 overtime pay rule.

Eugene Scalia, President Trump's current Secretary of Labor, built his career representing corporations, financial institutions, and other business organizations while fighting against worker protections like health and safety regulations, retirement security, and collective bargaining rights.⁷⁷

Prior to becoming the head of DOL's Wage and Hour Division, a position responsible for enforcing our nation's basic wage protections, Cheryl Stanton spent her career defending employers in wage and hour cases.⁷⁸

David Zatezalo, the head of DOL's Mine Safety and Health Administration (MSHA), previously served as the chief executive to Rhino Resources, a coal company that had numerous clashes with MSHA officials during the Obama administration, including numerous health and safety violations.⁷⁹

33. It has neglected to address overvaluation of the U.S. dollar

Dollar overvaluation is the single largest cause of growing U.S. trade deficits, which are the most important cause of the loss of 5 million U.S. manufacturing jobs and 91,000 plants since 1998.⁸⁰ The dollar's value has *increased* nearly 23% in the past five years, going in exactly the wrong direction. The administration has done nothing to ameliorate this and has done much to make it worse. More than half of this increase has occurred since the Trump administration began imposing tariffs on China in March 2018.⁸¹

34. It denied workers a minimum wage increase

On July 18, 2019, the House of Representatives passed the Raise the Wage Act, which would increase the federal minimum wage to \$15 by 2025. A \$15 minimum wage would increase wages for over 33 million U.S. workers and lift 1.3 million people out of poverty—nearly half of them children.⁸² However, days before the passage of the Raise the Wage Act, the administration issued a Statement of Administration Policy recommending that President Trump veto the bill if it reaches his desk.⁸³

35. It allowed misclassification of gig workers

In April 2019, the Trump General Counsel stripped tens of thousands of workers of protections under the National Labor Relations Act by deciding that platform-based drivers for Uber and Lyft are not employees covered by the NLRA.⁸⁴ Because workers cannot litigate cases on their own, this means that Uber and Lyft drivers are left with no recourse to defend themselves against violations of the NLRA.⁸⁵ In addition, the Trump NLRB narrowed the test for determining employee status, depriving Super Shuttle drivers of their rights under the NLRA and setting a precedent that undermines employee status for other misclassified workers.⁸⁶

36. It issued a rule allowing hog slaughter facilities to function at unsafe speeds

In April 2019, the Trump Department of Agriculture's Food Safety and Inspection Service finalized a rule that would allow an unlimited increase in hog slaughter line speeds—putting public health, worker safety, and animal welfare at risk. The industry was already extremely dangerous for workers—it is estimated that every year, there are more

than 4,700 occupational injuries and more than 2,700 occupational illness in hog-slaughtering plants. An unlimited increase in line speeds will unquestionably raise those numbers, but the administration completely ignored any negative impact on worker safety and health when issuing the rule.⁸⁷

37. It proposed a rule allowing young workers to perform unsafe tasks in health care occupations

In September 2018, the Department of Labor proposed a rule that would allow 16- and 17-year-olds to *independently* operate power-driven patient lifts, putting these young workers at risk as well as endangering patients.⁸⁸

38. It undercut public-sector workers' freedom to organize

The Trump Justice Department argued to the U.S. Supreme Court that it is unconstitutional for employers and unions in the public sector to negotiate and agree to “fair-share” arrangements. Under these agreements, all workers covered and protected by a collective bargaining agreement pay their fair share toward the cost of negotiating and enforcing the agreement.⁸⁹ The Trump Justice Department urged the Supreme Court to overturn 40 years of precedent and thousands of fair-share arrangements. With the addition of Trump nominee Neil Gorsuch to the Supreme Court, the Court ruled 5–4 in favor of the Trump administration.⁹⁰

39. It denied workers the right to class or collective claims by reversing the Justice Department's prior position in *Epic Systems*

The Trump Justice Department filed a brief in *Epic Systems v. Lewis* (consolidated with *Murphy Oil*) urging the U.S. Supreme Court to find that it is legal for employers to require employees to waive their rights to class or collective claims.⁹¹ The National Labor Relations Board and the Obama Justice Department had determined that this practice violated workers' rights under the National Labor Relations Act, but the Trump Justice Department sided with employers, as did the U.S. Supreme Court, in an opinion authored by Trump appointee Neil Gorsuch.⁹²

40. It eroded the collective bargaining rights of federal workers

The Trump administration launched a multifaceted attack on the collective bargaining rights of federal workers, including limiting the use of official time for collective bargaining activities, weakening due process protections for federal workers subject to discipline, and undermining the U.S. Postal Service.⁹³

41. It weakened standards for mine safety inspections

In April 2018, the Mine Safety and Health Administration finalized a rule that weakens metal/nonmetal mine safety inspection requirements. Prior to the final rule, mine safety inspectors were allowed to conduct a safety examination at any time, including during the mineworkers' shifts, making it easier for inspectors to spot unsafe practices and stop them before someone gets hurt. Under the final rule, mine safety inspections can occur only before or right as workers are beginning their shift in the mine.⁹⁴

42. It appointed anti-worker NLRB members

The Trump administration has stacked the National Labor Relations Board (NLRB) with corporate lawyers and a former Republican Hill staffer. In September 2017, William Emanuel, a former attorney at the Littler Mendelson law firm who regularly represented large employers, was confirmed as a member of the NLRB, along with Marvin Kaplan, a former Republican Hill staffer. Later, in November 2017, Peter Robb, who spent much of his career as a management-side labor and employment lawyer, was confirmed as the NLRB's General Counsel. John Ring, another corporate-side lawyer, was confirmed and made chairman in April 2018.⁹⁵ These Trump appointees have systematically rolled back workers' rights under the National Labor Relations Act.⁹⁶

43. It hid economic analysis on the 'tip stealing' rule

In December 2017, the Trump DOL proposed a rule that would allow employers to pocket the tips of their employees as long as workers are paid the minimum wage.⁹⁷ EPI's estimates show that, if finalized, the rule would have resulted in \$5.8 billion in lost wages of tipped workers each year.⁹⁸ However, before the rule was finalized, a reporter found that the Secretary of Labor had gone to great lengths to hide the Labor Department's economic analysis, which showed just how costly the rule would have been to workers.⁹⁹ In the wake of this news, Congress added a section to the Fair Labor Standards Act, through the Consolidated Appropriations Act of 2018, that prohibits employers from keeping tips received by employees, ultimately making the DOL's proposed rule invalid.¹⁰⁰

44. It has allowed employers to gerrymander bargaining units

In 2011, the Obama NLRB ruled in *Specialty Healthcare* that bargaining units sought by employees when petitioning to form a union at their workplace were presumptively appropriate if the employees shared a "community of interest" and that the NLRB would respect workers' choice unless the employer made a compelling case as to why the bargaining unit was not appropriate. The Trump NLRB overturned *Specialty Healthcare*—enabling employers to gerrymander bargaining units to make it more difficult for workers to organize.¹⁰¹

45. It passed the Tax Cuts and Jobs Act—which benefits the wealthy at others' expense

The signature legislative achievement of the Trump administration was the so-called Tax Cuts and Jobs Act (TCJA).¹⁰² The TCJA is mostly a large tax cut for corporations (and, by extension, the wealthy households that own these corporations' stock).¹⁰³ The TCJA's permanent effects will see the top 1% of households, ranked by income, claim a full 83% of the law's benefits.¹⁰⁴

The TCJA's proponents made ambitious claims about how cutting taxes for corporations would eventually trickle down into much higher wages for typical workers. But these claims rested on a mix of unrealistic theory and ignorance of current (or historical) evidence.¹⁰⁵

Finally, an undernoticed and particularly bad part of the TCJA provides a tax benefit for firms that “fissure” their operations by outsourcing work to subcontracted firms.¹⁰⁶ This fissuring of the workplace has been a damaging feature of the labor market for decades now, and it will only be accelerated by the TCJA.

46. It removed the public record of worker deaths from OSHA's homepage

For over five years, OSHA maintained a running list of workplace fatalities on the agency's homepage, both to acknowledge the tragedies of lives lost and to remind the public about the need to act to prevent such tragedies. In August 2017, OSHA moved the list of workplace fatalities to an internal page, posting less information and burying information that could save workers' lives.¹⁰⁷

47. It removed requirements that employers disclose their use of union-avoidance consultants

The Trump DOL repealed rules requiring employers to disclose information about the companies they hire and how much they pay them to fight worker organizing campaigns. The rules would have closed a giant loophole that allows employers and union-avoidance companies to avoid public reporting.¹⁰⁸ Employers hire anti-union consultants in 75% of campaigns.¹⁰⁹

EPI estimates that employers spend \$340 million per year hiring anti-union lawyers and consultants to help prevent employees from organizing.¹¹⁰ At the same time the Trump DOL was repealing requirements on anti-union consultants, it was adopting additional rules requiring unions to file more reports on their activities.¹¹¹

48. It repealed a requirement that employers report workplace injuries and illnesses

In 2017, President Trump signed a resolution repealing OSHA's rule clarifying an employer's obligation to keep accurate records of work-related injury and illnesses.¹¹² In January 2019, the Department of Labor rolled back parts of the Tracking of Workplace Injuries and Illnesses rule, which required companies with more than 250 workers to electronically submit detailed information to OSHA on workplace injuries.¹¹³

49. It delayed enforcement of a rule protecting workers from exposure to silica dust

In April 2017, OSHA delayed by three months the enforcement of a rule limiting workers' exposure to deadly silica dust. Exposure to silica dust can cause silicosis, an incurable and often fatal lung disease, and is also associated with an increased risk of lung cancer.¹¹⁴ The three-month delay in enforcing the rule allowed continued high exposures that will lead to an estimated 160 more worker deaths.¹¹⁵ In August 2019, OSHA issued a request for information reevaluating the guidance for limitation of silica dust exposure for the construction industry.¹¹⁶

50. It made it easier for contractors who violate basic labor and employment laws to be awarded contracts paid for by taxpayer dollars

In March 2017, President Trump signed a resolution that blocked the implementation of the Fair Pay and Safe Workplaces rule, which had been issued during the Obama administration to ensure that taxpayer dollars are not awarded to contractors who cut corners on workplace safety and other labor protections.¹¹⁷

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