

Here's what could be in store for workers under Trump Critics say Trump presidency could decimate unions, dismantle worker protections across the U.S.

By Sara Mojtehedzadeh

February 16, 2017 – *The Toronto Star*

He's the self-styled champion of the Forgotten American. But if you're trying to figure out how billionaire President Donald Trump will square his much-touted business acumen with his concern for the working masses, the clues may lie in a list of broken web links.

In a review of the Department of Labor's website, the *Star* found that multiple posts about protecting precarious workers, enforcing labour laws, and cracking down on wage theft appear to have vanished from the website.

For the charitably-inclined, it might be a mysterious coincidence. For critics, it's a signal of what's to come.

"The first three actions that Donald Trump took, one was to take down information from the Department of Labor website," said California-based workers' rights advocate Carmen Rojas on a recent visit to Toronto.

"If we have been living in an overcast period for working people in the U.S., we are about to enter into a dark, dark period."

Gone is Trump's first pick for labor secretary Andrew Puzder, who withdrew his nomination Wednesday following a public outcry over the business magnate who has trash talked minimum wage hikes and overtime protections.

But critics have other concerns.

The *Star* found that many official departmental documents and orders from the Obama administration were still available. Yet there were notable disappearances, including an executive order that lifted the minimum wage of federal contractors to \$10.10 an hour — a move that provided an estimated 200,000 low-wage workers with a raise. Numerous links to Department of Labor blog posts also appeared

to be broken, specifically on issues related to wage theft, enforcement, and employee misclassification — the practice of wrongly classifying workers as independent contractors to avoid legal obligations like paying minimum wage.

All three areas were championed under Obama in an effort to better protect vulnerable workers. The administration's significant investments in proactive enforcement recovered more than \$1.2 billion in back pay for wage-theft victims over five years.

Other pages from a similar time period are still available. No one from the department or the White House answered the *Star*'s questions as to why pages on specific subjects appeared to have vanished, or what the administration's overall labour strategy would be. David Weil, a senior Department of Labor official under Obama and outgoing head of its Wage and Hour division, said the posts were still active under his tenure.

"The stuff they are playing with on their website is the stuff we were very successful with," he told the *Star*. "But also it's the stuff that is about helping the people who have been left behind for too long."

Weil, a Boston University business professor and the author of a book called *The Fissured Workplace*, has documented how businesses have increasingly moved to subcontracting, franchising, and temp agency employment to cut costs and dump legal responsibilities. (A recent study by Harvard and Princeton economists showed 94 per cent of net American job growth since 2005 came from temporary, insecure gigs.) The result is a workforce where basic protections are substantially eroded, and

the hardest hit are women, immigrants and people of colour.

“I think (our policies) were all efforts to say, enough risk has been shifted onto working people and it’s time that growth in the economy should be shared with all people in our country,” Weil said.

Weil’s work has been influential in shaping the Ontario government’s current Changing Workplaces Review, which aims to update the province’s employment laws to better protect precarious workers. But south of the border, Rojas believes many such trailblazing protections are about to be eviscerated.

The president has significant leverage to do so. Currently, traditional labour groups as well as workers’ rights centres, which support precarious non-union workers, enjoy tax exempt status in the U.S. — a privilege Rojas believes the Trump administration will soon attack through the Internal Revenue Service. With a conservative majority now restored at the Supreme Court, a seminal legal case that (so far unsuccessfully) sought to block public sector unions from collecting mandatory dues from members could be re-argued. Trump will also select a new general counsel for the National Labor Relations Board, a body that issued significant rulings to protect vulnerable workers under Obama.

“I think the mandate for Trump writ large is, let’s destroy government. This is an anti-state, anti-government administration,” Rojas said.

So far, the president’s narrative has focused mainly on job creation — a task Rojas believes he will be successful in; his plan to “fix our inner cities and rebuild our highways, bridges, tunnels, airports, schools, hospitals” translates to employment for working-class Americans. Free trade and jobs figured in discussions with Prime Minister Justin Trudeau Monday: an estimated 9 million U.S. jobs are tied to free trade with Canada.

But Weil says simply generating work is not enough — noting that Obama-era policies focused not just on creating jobs, but ensuring they were safe, secure and decently paid.

“If Donald Trump’s reaction is to pull all that back, then I don’t know what ‘Making America Great Again’ means. I think it would be very clearly a step in the opposite direction,” he told the Star.

It’s a cautionary tale for the rest of the continent, says Weil, where the same dynamic of precarious employment and rising disparity is unfolding.

“I think what concerns me most is we have decades of erosion (in work standards), and that erosion has led to this phenomenon of growing inequality,” he said.

“I don’t view it as unrelated that we have this level of inequality and some of the threats to the basic democratic practices we face. To me, these factors are related, and they deeply concern me — ultimately because of the threat they pose to democratic market-based economies.”

Which is why Deena Ladd of the Toronto-based Worker’s Action Centre says the Ontario government must pay attention, as it reviews its own legislation on workplace standards.

“I think it’s a big wake-up lesson for everyone,” she said. “With the Changing Workplaces Review, it’s the perfect time to ensure we’re keeping up with more of the up-to-date, 21st century labour legislation.”

“If working people have power, voice, agency, and mobility in the places where they spend the vast majority of their time, then our democracies are richer,” added Rojas. “Our countries and cities are better. Our families are healthier.”

To accomplish that, Weil has a few suggestions.

Governments across the continent, he says, need to “reset the boundaries within which businesses operate” so the balance is more evenly weighted between innovation and worker protection. Labour groups, he says, must experiment with new forms of organizing that support better work for all, whether they are union members or not.

And Trump, he says, must be judged on whether he remembers the Forgotten American he claims to represent.

“They brought into their coalition people who felt left behind — and truly were left behind by economic growth and didn’t reap the benefits of it,” Weil said.

“The question is whether any of his policies will lead to a change in that.”