

LAWCHA statement opposing Andrew Puzder for Secretary of Labor

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The Labor and Working-Class History Association (LAWCHA) **strongly opposes the nomination of Andrew Puzder** for the position of Secretary of Labor. We believe he is not qualified to occupy this position and indeed, would pose a profound threat to workers.

LAWCHA is a nation-wide organization of 600 scholars and educators who specialize in research on labor politics and policy, employment standards, working-class history, gender equity in the workplace, immigration, and racial equality. We have published many books and articles on the histories of working people, their gains and losses over the decades, the importance of unions, and the significance of public policies and agencies. We have participated in policy hearings, court cases, public history and landmark preservation, and sponsor the journal, *Labor: Studies in Working Class History of the Americas*.

For over a century, the U.S. Department of Labor has served as the enforcer of rights and standards in the workplace, overseeing regulations affecting wage and hours, workplace safety and health, sanitary conditions, maximum hours, child labor regulations, and pension guarantees. Its staff conducts the research that helps formulate and advise on laws pertaining to conditions of work, providing data for Congress, states, administrative agencies, courts, and research institutes.

Mr. Puzder, in his work as both a lawyer and a corporate CEO, **has repeatedly shown his disregard for the laws that the Department of Labor is charged to enforce**. The Secretary of Labor will supervise the Wage and Hour Division, which is responsible for enforcing the key provisions of the Fair Labor Standards Act (FLSA), especially minimum wage and overtime protections. The Wage and Hour Division also enforces other laws such as the Family and Medical Leave Act, the Migrant and Seasonal Agricultural Worker Protection Act, and the prevailing wage requirements of the Davis Bacon Act. These laws have been crucial to improving workers' standard of living, their ability to balance family and work needs, and fend off abuse by employers

All employees are entitled to minimum wage and labor standards. Further, workers have the

right to report FLSA violations to the Wage and Hour Division. The Division has been tasked with safeguarding workers' rights to file grievances free of threats and intimidation. Moreover, federal agencies are supposed to protect all workers from exploitation and violations, regardless of immigration status. Yet Mr. Pudzer's company has fired workers who raise complaints about company wages and policies.

Mr. Pudzer's company, CKE Restaurants, has in fact **engaged in systemic violations of the law**. It has been cited for numerous violations, including forcing employees to work off the clock, not paying minimum wage, refusing required breaks, and denying overtime compensation. 60% of inspections of Carl's Jr. and Hardees found labor law violations. CKE has already had to settle three major class action lawsuits. Indeed, Mr. Pudzer is still party to several Department of Labor complaints, a direct conflict of interest. Can Andrew Pudzer really be both prosecutor and defendant?

As Secretary of Labor, Mr. Pudzer would oversee the Women's Bureau, which has historically gathered data about and proposed policies to facilitate greater economic security for women. Mr. Pudzer comes from both a sector and a company that thrives on the low-wage labor of women; women in the food industry are among the lowest paid workers in the country. At the same time that he has actively sought to suppress their collective organization for higher wages and rights guaranteed under the National Labor Relations Act, **his company has exploited sexualized images and peddled sexual availability of women in his company's advertising**. Nationally, restaurant workers face disproportionate rates of poverty, discrimination, and sexual harassment. According to a report of the Restaurant Opportunities Center and Corporate Accountability International, women at CKE Restaurants reported over 1.5 times the rate of sexual harassment reported for the industry as a whole. As the massive Women's Marches that took place all over the nation demonstrated, women are deeply concerned about the infringement of their rights, opportunities, and dignity under the new government.

LAWCHA contends that it is impossible to have an individual such as Mr. Pudzer in an enforcement position when he himself violates the very laws this agency is meant to uphold.

His track record and President Trump's larger agenda suggest that Mr. Pudzer will seek to undo the laws the Department of Labor is charged with enforcing. Mr. Pudzer has publicly stated his opposition to overtime compensation, implementation of mandatory sick leave, and increases to minimum wage. President Trump's administration has already initiated roll backs of Fair Labor Standards Act coverage. The National Restaurant Association has spent decades lobbying against such laws.

The Occupational Safety and Health Administration, another DOL unit, enforces safety, health, and sanitary conditions on the job. Violations have been on the rise. **Mr. Puzder cannot be trusted to defend the critical work of OSHA.**

The Pension Benefit Guarantee Corporation is under similar threat. That DOL unit is charged with overseeing compromised pension plans and protecting the retirement of millions of working Americans. In recent years, companies have been using bankruptcy court to default on pension obligations and destroy the retirement savings of women and men who have worked for them for decades. Given the complete avoidance of employee benefits by Mr. Puzder's companies and the positions advocated by the National Restaurant Association, **we can expect the nation's retirement systems to become further imperiled.**

Through its various subdivisions, the U.S. Department of Labor also collects and reports data that researchers rely on to understand trends in employment, barriers to better job opportunities, inequities in pay and benefits, safety and health hazards in the workplace, and employee benefits. As scholars, researchers, and educators, we are concerned that Mr. Puzder would impede the collection of vital information that would enable us to understand the conditions people face, the functioning of various labor markets, and possibilities for fair policies.

We urge the Senate to vote NO on Mr. Puzder's nomination and insist on a more appropriate nominee.

Approved by LAWCHA Executive Committee February 13, 2017

Jennifer Klein, Professor of History, Yale University, took the lead in drafting this statement

Author



• LAWCHA Executive Committee

