
COMPARISON OF BIDEN-HARRIS AND TRUMP-PENCE WORKER AND UNION ISSUES

Your choice for president can be influenced by some high-profile issues, like guns, abortion, immigration. As a working person and union member, however, there are **other areas** that affect your day-to-day lives in greater ways. You should consider these “bread and butter” issues when deciding whether to support Donald Trump or Kamala Harris based on the records of presidential administrations in which they served.

APPOINTMENT TO COURTS

One of the most important powers the president has is appointing judges to the US Supreme Court and other federal courts. Once on the court, the judges stay for life and have enormous power to overturn pro-worker and pro-union laws and policies. Trump-Pence/Republican-appointed judges have issued many decisions that are anti-worker and anti-union. A few recent examples:

Trump-Pence/Republican Appointees	Biden-Harris/Democratic Appointees
<ul style="list-style-type: none">• Republican/Trump-Pence-appointed judges overturned 40 years of law to hold that unions in the public sector could <i>not</i> require workers to pay their fair share for representation. The decision weakens unions by allowing “free riders” to suck up union resources needed to fight employers. <i>Janus v AFSCME</i>.• Republican/Trump-Pence-appointed judges held that, although the National Labor Relations Act protects workers’ right to act together to protect each other, employers can force workers to sign away their right to participate collective action lawsuits over workplace disputes. The decision weakens workers’ ability to fight illegal and unsafe actions by employers. <i>Epic Systems Corp. v. Lewis</i>.• Republican/Trump-Pence-appointed judges again overturned 40 years of law to strike down a state law that allowed union representatives to meet agricultural workers at their worksites (these workers are difficult to reach off the job). Without access to the workers, unions are unable to effectively organize and represent the workers. <i>Cedar Point Nursery v. Hassid</i>.• Republican/Trump-Pence-appointed judges again overturned many years of law to block an OSHA regulation intended to protect workers. This weakens OSHA’s ability to make new rules and adapt to new risks in the	<ul style="list-style-type: none">• All judges appointed by Democratic presidents voted against this.• All judges appointed by Democratic presidents voted against this.• All judges appointed by Democratic presidents voted against this.• All judges appointed by Democratic presidents voted against this.

<p>workplace. <i>National Federation of Independent Business v. DOL, OSHA.</i></p> <ul style="list-style-type: none"> Republican/Trump-Pence-appointed judges held that an employer could sue a union (our sister Local) in state court for damages resulting from a strike, even though the National Labor Relations Board and the state court itself held that the lawsuit was barred by federal law. The decision could cripple unions' ability to strike for better contracts by subjecting unions to massive damage lawsuits. <i>Glacier Northwest v. Teamsters Local 174.</i> 	<ul style="list-style-type: none"> All judges appointed by Democratic presidents voted against this.
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These are just some examples of how the President's power to appoint judges affects workers and unions. As a worker and union member you want judges who will support workers' rights. Therefore, you must vote for presidential candidates who will appoint those judges.

APPOINTMENTS TO THE NATIONAL LABOR RELATIONS BOARD

Another important power of the president is to appoint members of the National Labor Relations Board (NLRB). The NLRB oversees everything from union elections to claims that an employer has retaliated against workers for supporting a union.

Recent history shows Trump-Pence/Republican appointees to the NLRB **roll back** protections for workers and unions, while Biden-Harris' appointees have done a lot to advance workers' and unions' ability to win elections and negotiate better contracts. A few recent examples:

Trump-Pence	Biden-Harris
<ul style="list-style-type: none"> Trump-Pence's NLRB decided that Walmart <i>lawfully</i> fired workers trying to form a union because they walked off the job 4 times over a 13-month period to protest working conditions. The Trump-Pence NLRB trampled on Walmart workers' right to strike guaranteed by the NLRA and threatened to deny the right to strike to any of Walmart's 1.3 million workers who wanted to walk out in the future. <i>Walmart Stores, Inc.</i>, 368 NLRB No. 24 (2019). The Trump-Pence NLRB overruled 70 years of law that held that employers could not make changes to wages, hours, or other working conditions without first negotiating with the union. The Trump-Pence NLRB held that employers could make any changes they want so long as there is any reference to management's rights in the union contract. <i>MV Transportation</i>, 368 NLRB No. 66 (2019). 	<ul style="list-style-type: none"> Expanded the "joint employer test" to force companies that outsource work to deal with unions and be responsible for unfair labor practices (ULPs) committed by contractors. Adopted a new rule banning employer rules that interfere with workers' right to organize a union and engage in protected activity. <i>Stericycle, Inc.</i>, 372 NLRB No. 113 (2023). Made it harder for employers to misclassify workers as "independent contractors" rather than "employees" that have the right to form unions. <i>Atlanta Opera Inc.</i>, 372 NLRB No. 95 (2023). Made it easier for unions to petition for the group of employees the union wants to organize rather than what the employer wants. <i>American Steel Construction</i>, 371 NLRB No. 41 (2021).

<ul style="list-style-type: none"> The Trump-Pence NLRB held that it was lawful for an employer to fire a worker for union activity, even though it was proven that the reason the employer gave for firing the worker was false. If this decision were to stand, it would mean you could almost never prove a worker was fired for supporting a union unless the employer effectively admitted it. <i>Electrolux Home Products</i>, 368 NLRB No. 34 (2019). <p>These are just a few samples of dozens of anti-worker, anti-union decisions the Trump-Pence NLRB issued.</p>	<ul style="list-style-type: none"> Expanded remedies for workers who are fired or otherwise retaliated against for supporting a union to fully address the actual losses suffered by the workers. <i>Thryv, Inc.</i>, 372 NLRB No. 22 (2022). Expanded the definition of protected concerted activity to outlaw retaliation for employee speech and action to protest or improve working conditions. Reversed a Trump-Pence NLRB case that limited employee use of employer e-mail systems for communications related to union activity. Expanded union organizers' right to have access to employer property. Expanded use of the NLRB's power to get court injunctions against illegal employer actions, especially in union organizing drives. Automatically required employers to recognize and deal with unions, even without an NLRB election, if the employer commits any illegal activities. <i>Cemex</i>, 372 NLRB No. 130 (2023). <p>If Harris wins the presidency, the NLRB is expected to continue to expand protections for workers and unions' ability to organize and fight for workers.</p>
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ENFORCEMENT OF LAWS AND REGULATIONS THAT PROTECT WORKERS

Like appointments to courts and the NLRB, the President has the power to appoint the heads of other agencies that enforce workers' rights and workplace protections, such as the US Department of Labor (DOL) and Occupational Safety and Health Administration (OSHA).

Trump-Pence's Department of Labor (DOL) and OSHA

The people Trump-Pence appointed to DOL and OSHA took many actions to undermine workers' rights in favor of big business. A few examples:

Trump-Pence	Biden-Harris
<ul style="list-style-type: none"> Trump-Pence's head of the DOL, Eugene Scalia, was an anti-worker, union-busting corporate lawyer who defended an employer that fired 22 workers when they tried to win a union contract. 	<ul style="list-style-type: none"> Biden-Harris appointed a union member - Marty Walsh (LIUNA) - to head the Department of Labor.

<ul style="list-style-type: none"> • Trump-Pence changed rules about who qualifies for overtime pay making more than 8 million workers ineligible for overtime, costing those workers over \$1 billion per year in lost wages. • Trump-Pence weakened tip protections, allowing employers to pocket some tips earned by workers, costing workers \$6 billion per year (“tip pooling” rules). • Trump-Pence reduced the number of OSHA inspectors. There were fewer OSHA inspectors under Trump-Pence than at any time in history. • Trump-Pence weakened penalties for companies that failed to report safety violations. • Trump-Pence relaxed requirements for employers to report workplace injuries and rejected a proposed ban on a toxic pesticides, chlorpyrifos, that caused acute reactions in workers. • Trump-Pence made it easier to fire federal employees and made it tougher for federal employee unions to represent workers. 	<ul style="list-style-type: none"> • Biden-Harris not only reversed Trump-Pence’s overtime rule but increased the number of workers who will now be eligible for overtime. • Biden-Harris reversed Trump-Pence’s tip pooling rule protecting millions of hospitality workers from having their wages reduced by employer’s taking “credit” for tips. • As of March 2023, Biden-Harris had increased the number of OSHA inspector by 20%. • Biden-Harris increased OSHA fines to maintain their strength as deterrents. • Biden-Harris expanded employer requirements for submitting information on workplace injury and illness. • Biden-Harris issued an executive order on Protecting Worker Health and Safety directing OSHA to enforce workplace safety rules and implement enforceable standards on employers. • Biden-Harris directed the DOL to clarify that workers have a federally guaranteed right to refuse employment that will jeopardize their health and still qualify for unemployment. • Biden-Harris rolled back Trump-Pence rules that made it easier to fire federal employees and harder for federal employee unions to represent workers. • Biden-Harris implemented a rule enhancing protections for federal workers from unjust or politically based firing. • Implementing the Inflation Reduction Act (IRA), Biden-Harris issued a rule to increase tax incentives for companies that pay workers union-based “prevailing wages” and use union apprentices. The rule encourages the use of Project Labor Agreements (PLAs), which basically guarantee projects are done with union workers.
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	<ul style="list-style-type: none"> • Biden-Harris’s DOL issued a rule updating the federal prevailing wage standards for the first time in 40 years raising wages for construction workers on federal projects. • Biden-Harris recovered \$700 million for more than 440,000 workers across the nation by enforcing laws protecting workers from wage theft (minimum wage, overtime wages, being denied tips, or were misclassified as independent contractors). • Biden-Harris’s Department of Treasury issued a report stating that unions help grow the economy by reducing inequality, raising incomes, increasing savings, and broadening homeownership. Biden-Harris is the first president ever to issue such a report. • Biden-Harris created the “White House Task Force on Worker Organizing and Empowerment” with the goal of identifying ways of promoting worker power, worker organizing, and collective bargaining. In 2022, the Task Force released its report, providing more than 60 recommendations, including: <ul style="list-style-type: none"> (1) training small businesses on labor laws and worker rights (2) using the DOL to expose “union busting” firms (3) ramping up action to prevent and remedy misclassification of employees as independent contractors (4) using government resources to educate workers about their right to unionize (Biden-Harris recently launched the “WORK Center” as the federal government’s online resource center providing information about labor unions and their importance to workers and communities) (5) requiring more cooperation and coordination between the NLRB, DOL, and other agencies to ensure more workers are protected from retaliation for trying to unionize.
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IT’S THE ECONOMY STUPID

You can’t argue that, between Trump-Pence and Biden-Harris, Biden-Harris has been better for workers and unions. Yet, some will say that a better economy helps all workers, and Trump-Pence’s economy was “better.” Not true. The facts show that, despite post-pandemic challenges, Biden-Harris’s economy has been better. A comparison of **major** economic measurements proves the point:

Trump-Pence	Biden-Harris
<ul style="list-style-type: none"> • Trump-Pence’s main economic policies had little or no effect on the economy and even hurt it. Studies show that Trump-Pence’s tariffs were neutral at best and may have cost America hundreds of thousands of jobs and higher prices for consumers.¹ • Trump-Pence’s 2017 tax cuts modestly increased investment and wage growth short term, but they did not pay for themselves as Trump-Pence promised and are projected to balloon the national debt and increase income inequality.² • After 3 years in office (pre-pandemic), Trump-Pence’s job growth was 4.4% higher than when they took office.³ • After 3 years in office (pre-pandemic), Trump-Pence’s economy added 6.4 million jobs.⁴ • Average economic growth (GDP) under Trump-Pence was 2.6%.⁵ 	<ul style="list-style-type: none"> • Biden-Harris passed a bipartisan infrastructure law⁷ and semiconductor law (CHIPS Act)⁸ that experts say will help bolster the economy. • Biden-Harris passed the Inflation Reduction Act, which will lower costs for prescription drugs and increase energy and manufacturing jobs. After only one year, the law has led to massive investment in clean energy infrastructure and related job growth.⁹ • After 3 years in office, Biden-Harris’s job growth was 10% higher than when they took office, which is faster than any of Biden-Harris’s predecessors.¹⁰ Unemployment reached the lowest level since 1969, and the US gained a record 7.27 million new jobs in 2021.¹¹ • After 3 years in office, Biden-Harris’s economy added 14.8 million jobs (more than any presidential administration in history over 3 years).¹² • Average economic growth (GDP) under Biden-Harris was 2.6%, but higher than expected. The Federal Reserve projected economic growth by late 2023 to be at 2%. It is now at 3%.¹³

¹ <https://abcnews.go.com/Business/Trump-Pence-trade-war-triggered-job-gains-happen/story?id=107601458>

² <https://www.propublica.org/article/national-debt-Trump-Pence>

³ <https://www.poynter.org/fact-checking/2024/is-economy-good-better-Trump-Pence-vs-biden-jobs-inflation>

⁴ <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>

⁵ <https://www.nasdaq.com/articles/from-lbj-to-biden:-how-the-economy-performed-under-each-president>

⁷ <https://www.pgpf.org/blog/2021/09/what-economic-effects-can-we-expect-from-the-bipartisan-infrastructure-bill>

⁸ <https://www.dataforprogress.org/memos/economic-impacts-of-the-chips-for-america-act>

⁹ <https://time.com/6304143/inflation-reduction-act-us-global-impact/>

¹⁰ <https://www.poynter.org/fact-checking/2024/is-economy-good-better-Trump-Pence-vs-biden-jobs-inflation>

¹¹ <https://www.cnbc.com/2023/02/03/us-unemployment-hit-a-historic-low-economists-arent-sure-itll-stick.html>

¹² <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>

¹³ <https://www.vox.com/politics/24094752/biden-Trump-Pence-strong-economy-2024-inflation>

<ul style="list-style-type: none"> Under Trump-Pence, the stock market hit a high of around 3500 (S&P 500).⁶ 	<ul style="list-style-type: none"> Under Biden-Harris, the stock market hit a record of around 5000 (S&P 500 February 2023) after growing 24% in 2023.¹⁴ Inflation is down to 3.2% (March 2024) from 9.1% peak in June 2022. Experts say the goal for inflation is 2%, but under Biden-Harris Americans' wages are growing faster than inflation.¹⁵ The USA under Biden-Harris curbed inflation faster than other developed countries, while also maintaining lower levels of unemployment and higher wage growth.¹⁶ Biden-Harris's reduction of inflation from its peak, while the economy still grew, is unmatched in modern history.¹⁷
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Using the traditional measurements for the health of the “economy,” Biden-Harris has done better than Trump-Pence. There are some less-traditional measurements for the health of the economy that make the point even clearer.

Trump-Pence	Biden-Harris
<ul style="list-style-type: none"> Between 2016 and 2019—most of Trump-Pence's term—the number of Americans without health insurance increased by about 2.3 million.¹⁸ American's household net worth was at \$131.4 trillion at the end of Trump-Pence's term.¹⁹ Income inequality – the gap between the lowest earners and higher earners – increased under Trump-Pence.²⁰ 	<ul style="list-style-type: none"> Under Biden-Harris, the number of uninsured Americans hit an all-time low of 7.2% (second quarter 2023).²² American's household net worth was at \$156.2 trillion at the end of 2023. According to Bloomberg, “American households are wealthier and in better financial shape than ever before by almost any measure.”²³ Income inequality – the gap between the lowest earners and higher earners – shrunk every year of Biden-Harris's presidency.²⁴

⁶ <https://www.vox.com/politics/24094752/biden-Trump-Pence-strong-economy-2024-inflation>

¹⁴ <https://www.vox.com/politics/24094752/biden-Trump-Pence-strong-economy-2024-inflation>

¹⁵ <https://www.axios.com/2024/02/05/wages-outpacing-inflation>

¹⁶ <https://www.investopedia.com/inflation-rates-us-and-the-world-7369986>

¹⁷ <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>

¹⁸ <https://www.hsph.harvard.edu/news/hsph-in-the-news/quantifying-health-coverage-losses-under-Trump-Pence/>

¹⁹ <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>

²⁰ <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>

²² <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>

²³ <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>

²⁴ <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>

<ul style="list-style-type: none">Violent crime, including homicide, increased every year from 2017-2020 under Trump-Pence.²¹	<ul style="list-style-type: none">Violent crime, including homicide, has decreased every year since 2021 under Biden-Harris, including a record reduction of 11.8% in 2023.²⁵
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The bottom line is that, when you consider what should matter most to working people and union members, Biden-Harris is the only choice.

²¹ <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>

²⁵ <https://www.bloomberg.com/graphics/2024-opinion-biden-accomplishment-data/>