



The Morning Risk Report: What a Trump Victory Could Mean for Labor Laws

News

11.11.16

In the article, “The Morning Risk Report: What a Trump Victory Could Mean for Labor Laws,” featured in *The Wall Street Journal*, Fisher Phillips attorneys spelled out some areas where the firm thinks changes will come, in light of Donald Trump’s presidential victory. Some of these areas include immigration, labor relations and workplace safety.

With regard to immigration, the firm expects an increase in enforcement actions, including mandated employment eligibility ID checks to keep illegal immigrants out of workplaces and increased raids on workplaces. What is unclear, said Kim Thompson, chair of the firm’s global immigration practice group, is whether Mr. Trump he will attempt to accomplish this by reducing the number of work visas issued or by increasing wages and other actions to encourage the hiring of U.S. citizens.

It’s probable a Trump administration will curtail pro-union and anti-employer activities by the National Labor Relations Board (NLRB)—and eventually replace current NLRB members with more business-friendly successors, said Steve Bernstein, a partner in the firm’s labor relations practice group. Republicans support requiring transparency so union members know how their dues are being used and back right-to-work laws permitting workers to opt-out of forced union membership—positions Mr. Trump showed support for during his campaign. Since executive orders are easy to repeal, partner Howard Mavity said he expects Mr. Trump will overturn the fair pay and safe workplace executive order—the so-called ‘blacklist’ rule—as well as similar government contractor executive orders. “I suspect that the very burdensome new EEO-1 electronic recordkeeping obligations will be changed, modified, delayed or eliminated,” said Howard in an email.

In the area of workplace safety, attorney Travis Vance said he expects a Trump presidency to streamline the Occupational Safety and Health Administration by repealing some or all of its recent rules on increased penalties that saw fines rise as much as 80%. It’s also likely Mr. Trump will seek elimination of rule set to take effect July 1, 2017 that mandates certain employers to report injury and illness information to OSHA. Also, Howard and Travis both said the next administration will almost certainly shift resources away from the Obama administration’s efforts to protect whistleblowers from retaliation, especially when it comes to reporting injuries. Travis said OSHA currently enforces the whistleblower provisions of approximately 22 statutes and Mr. Trump may attempt to eliminate OSHA’s jurisdiction over many of these, as well as heighten the threshold for a claimant to establish a whistleblower claim. “These changes would allow OSHA to focus on high

claimant to establish a whistleblower claim. These changes would allow OSHA to focus on high-hazard industry enforcement, accident and fatality inspections, and safety outreach consultations with employers,” said Travis.

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Related People



Steven M. Bernstein
Regional Managing Partner and Labor Relations Group Co-Chair
813.769.7513
[Email](#)



Howard A. Mavity
Partner
404.240.4204
[Email](#)



Travis W. Vance
Regional Managing Partner
704.778.4164
Email

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