

Getting to Know Labor Secretary Nominee Eugene Scalia

Eugene Scalia has been nominated by President Trump to be the next U.S. secretary of labor. His nomination is a contentious issue for advocates, working people, and policymakers due to Mr. Scalia's history of aggressively fighting on behalf of corporate power at virtually every turn during his long career as an attorney.

Here are a few things you should know about Mr. Scalia

The Senate declined to confirm Scalia when President George W. Bush nominated him to be the Labor Department's chief lawyer in 2001.

Mr. Scalia's pro-employer resume was so questionable that the Senate blocked his nomination and he only served as a recess appointee. As detailed below, both before and after his tenure with the Bush Labor Department, Scalia's resume demonstrates without question that he is not suited to be the nation's chief advocate for working people. Rather than being a secretary of labor, he will instead be a de facto secretary of corporate interests.

Workers should be and are rightly concerned about what Scalia's nomination means for the future of their work and the economy.

- **Scalia's most notorious accomplishment is leading the opposition to [the OSHA ergonomics rule](#).** The rule would have regulated workplace conditions to prevent musculoskeletal disorders (MSDs)—repetitive motion injuries that can be debilitating. Although the rule would have protected an estimated one million workers, Scalia led the fight against the rule, writing numerous articles and public comments dismissing years of science-based data on the effects of ergonomics as "[quackery](#)" and "[junk science](#)." He also argued that employers should not be responsible for MSD prevention.
- **Scalia opposed President Obama's executive order mandating a \$10.10 minimum wage for federal contract workers.** In a 2014 [op-ed](#), Scalia questioned both the economic wisdom of mandating such a modest wage for contract workers, and also opined that the President had questionable legal basis for his order. The order still stands today.
- **Scalia's ties to corporate industry will cause conflicts with his role as labor secretary.** For good reason, federal ethics rules required government officials to recuse themselves from any matter that could present a conflict of interest. Scalia's [list](#) of

[potential recusals](#) is extensive, demonstrating yet again that he consistently engages in work that is at odds with what is in the best interests of the our nation's workforce.

- **Scalia has fought against protections for workers with disabilities on more than one occasion.** According to experts, Scalia, in multiple lawsuits, "[consistently sought to narrow A.D.A. protections on a variety of issues, including the definition of disability and class certification.](#)"
- **When a wealthy casino owner wanted to steal his workers' tips, they hired Scalia.** Representing Wynn Las Vegas Casino, Scalia won for his client the "right" [to steal dealers' tips](#) and redistribute them to workers, including their supervisors, who were being paid badly by the casino. In 2018, Congress passed a law to guard against such tip theft.
- **Scalia is a union-buster.** When unionized Boeing workers in Washington State faced threats by their employer to relocate their jobs to another state if they included a no-strike clause in their contract, the National Labor Relations Board brought a case against the company. [Scalia defended](#) the Boeing Company in this case.
- **When SeaWorld was cited for the tragic death of one of its trainers, [Scalia defended it.](#)** The Occupational Safety and Health Administration cited the theme park after a trainer was killed by an orca whale at one of its facilities. Even when a lack of workplace safety results in death, Scalia doesn't believe that employers are responsible.
- **Scalia believes that "quid pro quo" sexual harassment shouldn't be legally actionable.** In a 1998 [article](#) written for the Harvard Journal of Law and Public Policy, Scalia argued that *quid pro quo* sexual harassment shouldn't be recognized as a cause of action for which employers could be held liable.
- **[Scalia defended Walmart](#)** when the State of Maryland attempted to establish a law requiring companies to either pay a portion of their payroll on healthcare or contribute to Medicaid.

Conclusion and recommendations

One of the Department of Labor's greatest responsibilities is to create and enforce policies that promote the safety and wellbeing of our nation's workers. A labor secretary nominee who has spent decades fighting against making workplaces safer and suing the government is not the right fit. Scalia's anti-worker resume contains plenty of evidence to prove that he will put profits over working people. Senators should reject Eugene Scalia's nomination as the next secretary of labor as an act of solidarity with working people.