

NOVEMBER 26, 2024 | OSHA INSPECTIONS, CITATIONS & ENFORCEMENT

Trump Nominates Lori Chavez-DeRemer as Labor Secretary

By [Samuel Rose](#)

Last week, President-elect Donald Trump announced that he will nominate Rep. Lori Chavez-DeRemer to be the next Secretary of Labor. Rep. Chavez-DeRemer most recently represented Oregon's 5th District in the US House of Representatives but lost a tight race in her reelection bid.

Chavez-DeRemer is widely considered to be the most pro-union Republican in Congress, and Labor leaders like Teamsters President Sean O'Brien supported her nomination.

Who is Lori Chavez-DeRemer?

Chavez-DeRemer was born in Santa Clara, CA and earned her bachelor's degree in business administration from California State University, Fresno. She is also a small business owner, having started an anesthesia management company with her husband, an anesthesiologist, in Oregon.

In 2004, she was elected to the city council of Happy Valley, OR, a suburb of Portland, and she was elected mayor in 2010, serving in that position until 2018. Chavez-DeRemer was elected in 2022 to represent Oregon's 5th District, but lost her reelection bid this year.

What Bills Did Chavez-DeRemer Support in Congress?

Chavez-DeRemer's record in Congress supports her reputation for being a pro-union Republican. She was one of only three Republicans to co-sponsor the Protecting the Right to Organize (PRO) Act which would, in part:

1. Authorize the NLRB to assess monetary penalties for each unfair labor practice by an employer.
2. Require the NLRB to immediately seek an injunction to reinstate the employee while a retaliation case is pending.
3. Create a private right of action allowing employees to enforce the NLRA in court.
4. Amend the NLRA to incorporate the ABC test for determining employment status, thereby pulling workers formerly classified as independent contractors under the law's umbrella.
5. Clarify that employers may not force employees to waive their rights to engage in collective or class-action litigation.

6. Require mediation and arbitration to settle disputes and facilitate first contracts between employers and unions.
7. Require employers to post notices that inform workers of their rights under the NLRA.
8. Require employers to disclose contracts with consultants hired to persuade employees on how to exercise their rights.

She also supported the Public Service Freedom to Negotiate Act, which would guarantee public sector workers (teachers, firefighters, first responders, etc.) the right to organize under federal law.

What Should Employers Expect?

This nomination certainly shocked the employer community, which expected Trump to nominate a pro-employer Secretary of Labor. However, Trump won the election, in part, due to a significant increase in support from union workers. This nomination appears to be a nod to Labor's support.

That said, we do not expect Chavez-DeRemer to result in significantly more pro-employee policies. First, the PRO Act has yet to make it out of the House Education and the Workforce Committee and would likely fail in the incoming Republican-controlled Congress. Second, the AFL-CIO tracked Chavez-DeRemer's votes on 10 bills impacting employees and found that she "voted against working people" on 9 of the 10 bills. The Union also gave her a low rating (10%) on a scale it uses to measure a candidate's support for workers. For the sake of comparison, the average score for Republican politicians is 6%, while the average score for Democrats is 99%.

Chavez-DeRemer could nonetheless impact employers by acting on the federal independent contractor and joint employer tests. The first Trump Administration issued a rule that clarified the test to classify workers as independent contractors by focusing on two "core factors": control over the work and opportunity for profit or loss. It also issued a rule that limited application of joint employer liability for wage and hour matters. The Biden Administration rescinded both rules and issued its own independent contractor regulation. While employers still expect the second Trump Administration to reinstate the more relaxed rules, Chavez-DeRemer's nomination may mean change happens more slowly than expected or that the change which does happen is less dramatic. We could also see her take a position supporting an increase to the federal minimum wage, although that is still unlikely.

Lastly, Chavez-DeRemer will have a say in determining the Trump Administration's priorities with respect workplace safety and health rulemaking and enforcement. Remember, while Trump will choose the next Assistant Secretary of Labor for OSHA, Chavez-DeRemer would essentially be their boss. With Trump poised to return to the White House, many employers are expecting OSHA to increase the emphasis on compliance assistance, scale back enforcement, and slow down or even stop rulemaking efforts. However, with the nomination of an individual who has supported pro-worker legislation while in Congress, the extent to which OSHA changes will be watched closely in the months ahead, both in terms of enforcement efforts, as well as the fate of heat illness prevention and emergency response rules.

Unless and until Chavez-DeRemer is confirmed as Secretary of Labor, this is all speculation. Indeed, her prior support of the PRO Act could result in the business community – and its allies in the Senate – torpedoing her nomination.

We will continue to monitor developments in the presidential transition process impacting workplace safety and employment issues. Also, check out our previous articles that provide a comprehensive analysis of how Trump's election could impact [OSHA](#) and [employment](#) issues.

Image Credits:

Official photo of Congresswoman Lori Chavez-DeRemer. Photo courtesy of her [official website](#).