Family Values @ Work Opposes Puzder for Labor Secretary

Below is the letter Family Values @ Work sent to the Senate HELP Committee opposing the nomination of Andrew Puzder to be Secretary of the Department of Labor.

US Senate Committee on Health, Education, Labor & Pensions
428 Senate Dirksen Office Building
Washington, DC 20510
Submitted electronically: Manuel_Contreras@help.senate.gov

January 11, 2017

Dear Members of the Senate Committee on Health, Education, Labor, and Pensions:

We are writing on behalf of Family Values @ Work, a national network of coalitions in 24 states working for family-friendly workplace policies, including paid family and medical leave and paid sick days. We are asking you to vote against the confirmation of Andrew Puzder as Secretary of Labor.

Mr. Puzder has shown that he will be unable to execute the core responsibility of the Secretary of Labor: “to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.” Mr. Puzder’s public comments and his company’s lingering controversies illustrate this point.

We cannot trust Mr. Puzder to enforce laws that his company, CKE Restaurants, has been caught violating on numerous occasions over his 16 years as CEO. In 60 percent of the investigations conducted by the Department of Labor regarding CKE, the company’s restaurants and franchises were found to have violated wage and hour laws.\(^1\) During Mr. Puzder’s tenure as CEO, the company has also faced nearly 100 safety violations, including 36 that inspectors said could have resulted in grave physical harm or death.\(^2\) Mr. Puzder has been an outspoken opponent of regulations that that protect the health and welfare of employees because he believes they constrains an employer’s ability to do business as it sees fit.\(^3\)

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Mr. Puzder opposes improving working conditions for the most vulnerable working people, despite growing calls, and votes, from millions of Americans demanding just that. Low-wage workers, including in the food service industry, are the least likely to have paid sick days — and the ones who need it most. In a recent survey of CKE workers, 79 percent of survey respondents said they had served or prepared food while they were sick. No one should have to choose between putting food on the table and following doctor’s orders. Yet Mr. Puzder is a staunch opponent of any measure that allows workers to earn paid sick days and raise worker wages to realistic minimum wage standards. His opposition to this worker protection hurts, rather than fosters, the well-being of wage earners. A minimum wage job with no access to paid sick days is actually a sub-minimum wage job.

Beyond opposing measures that boost the financial stability of his workers, Mr. Puzder also disregards the importance of a healthy, safe work environment. The Centers for Disease Control found that sick restaurant workers contaminating food while they are at work causes more than 2.5 million cases of food-borne illness each year. Access to paid sick days keeps sick employees from spreading illness and also allows parents to take the time they need to care for sick children instead of being forced to send them to school contagious.

Opposition to paid sick days shows how out of touch Mr. Puzder is with the American people. Voters overwhelmingly support paid sick day measures, as demonstrated by the 14 jurisdictions (including 3 states) that passed their own policies in 2016 alone, with passage of paid sick day measures in both states where the issue was on the ballot this November.

Mr. Puzder has also opposed the Obama administration’s recent rule expanding overtime protection, essentially coming out against a raise for 12.5 million people. Astonishingly, Mr. Puzder is even on record opposing meal and rest breaks—basic rights won by the labor movement decades ago.

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8 Ibid.
Mr. Puzder has contributed to the growing inequality in our economy and has shown disregard for the workers that have made his tenure as CEO a successful one. Mr. Puzder is paid 294 times what an average minimum wage earner takes home in a year. Additionally, under Mr. Puzder’s leadership, CKE Restaurants have stopped making contributions to 130 employees’ 401(k) plans while he continues to enjoy extravagant benefits, such as personal use of the company’s airplane and reimbursement for recreational clubs and activities.

While Mr. Puzder has refused to reveal if he offers his workers paid family and medical leave, he vehemently opposed Sec. Hillary Clinton’s paid family leave proposal. The lack of paid leave forces workers to choose between much-needed pay and caring for a new child or aging parent.

The Women's Bureau of the DOL has been a critical tool for improving the employment of women, who make up the majority of restaurant workers. Mr. Puzder’s demeaning comments about women make him unfit to oversee this bureau. What message would it send to female employees to have the leader of the Department of Labor respond to concerns about sleazy ads featuring women with this remark: “I like our ads. I like beautiful women eating burgers in bikinis. I think it’s very American. I used to hear, brands take on the personality of the CEO. And I rarely thought that was true, but I think this one, in this case, it kind of did take on my personality.”

Additionally, women in the fast food and restaurant industry experience high rates of sexual harassment while at work. A 2016 poll found that 40 percent of women in the fast food industry experienced unwanted sexual behaviors on the job. A 2014 report indicates that the restaurant industry is the single-largest source of sexual harassment charges filed by women with the Equal Employment Opportunity Commission (EEOC). The numbers appear to be even higher at fast food restaurants operated by Mr. Puzder; two-thirds of female survey respondents said they experienced sexual harassment at work.

At the same time, the National Restaurant Association (NRA), which represents the interests of this industry, applauded Mr. Puzder’s selection as Secretary of Labor stating he is an “active member of the association.” The National Restaurant Association has systematically opposed improving labor standards such as raising the minimum and subminimum wage and guaranteeing paid leave.

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Finally, Mr. Puzder has demonstrated a problematic attitude toward the developing conversations around the automation of work. Mr. Puzder has been quoted as saying “[machines are] always polite, they always upsell, they never take a vacation, they never show up late, there’s never a slip-and-fall, or an age, sex, or race discrimination case.” This cavalier attitude to the many issues that face American workers, especially in the face of allegations that CKE actively contributes to many of these problems, is unfitting for a potential Labor Secretary.

Should Mr. Puzder be appointed as Secretary of Labor, we believe that he would cause great harm to our economy and to working people across the country. While America faces a crisis of inequality, we cannot afford to have a Secretary of Labor with such a flippant and cavalier attitude toward the plight of working people. We strongly urge you to vote against Mr. Puzder’s confirmation.

Sincerely,

Ellen Bravo and Wendy Chun-Hoon
Co-Directors, Family Values @ Work

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