



A Union of Professionals

## AFT Concerns with Kavanaugh's Record on Worker Rights

As we saw in the *Janus v. AFSCME* decision, the Supreme Court has enormous power to interfere in the lives of working Americans. In *Janus*, the Supreme Court limited the power of millions of hardworking Americans to come together in strong unions to bargain over fair wages, decent benefits and a voice on the job. Judge Brett Kavanaugh's confirmation could further erode worker rights.

### **Puts corporations and employers first:**

- Kavanaugh routinely rules against hardworking Americans. His record shows that he regularly rejects the right of employees to receive employer-provided healthcare in the workplace.
- He often sides with employers in denying employees relief from discrimination in the workplace and appears to have a narrow understanding of antidiscrimination protections.
- Kavanaugh routinely rules against employees and individuals in safety cases. When drivers challenged tire safety standards, Kavanaugh's opinion stated that the increased risk of severe traffic accidents was not sufficiently imminent.

### **Supports Wall Street over Main Street:**

- After the 2008 financial crisis, there was bipartisan support for tougher regulations on Wall Street and protections for consumers. The Consumer Financial Protection Bureau was created and became a champion for working families. The CFPB fought for consumers who were cheated by financial companies, including predatory lenders, corrupt payday lenders and fraudulent for-profit colleges, resulting in giving back billions of dollars in relief to working Americans. Yet, Kavanaugh has publicly stated that the CFPB is unconstitutional because it may have more power than the president of the United States.

### **Advances the anti-worker agenda:**

- Kavanaugh wrote a decision that would allow the secretary of defense to "abolish collective bargaining altogether" for workers at the Department of Defense.
- In the troubling decision in which he declared the Consumer Financial Protection Bureau unconstitutional, he stated that other agencies, such as the National Labor Relations Board, the Equal Employment Opportunity Commission and the Social Security Administration, "pose a significant threat to individual liberty and to the constitutional system of separation of powers and checks and balances."
- In a case where nurses wanted to be able to request information about a peer-review committee, discuss incidents related to the committee and have a union representative accompany them to committee proceedings, Kavanaugh's decision stated that employees have no right to be joined by a union representative in any proceeding that is part of state licensing process and that the nurses had no right to share details of the peer-review committee's process with their union.

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The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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