

Worker Protections in Freefall

The Collapse of Federal Labor Enforcement under the Second Trump Administration



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EXECUTIVE SUMMARY

The second Trump Administration is doing less to protect workers on the job than previous administrations. Indeed, 2025 has witnessed a dramatic drop in federal enforcement of wage and workplace safety regulations.

From 2009 through 2024, federal labor enforcement remained fairly steady, with average yearly penalty totals fluctuating only four percent. So far in 2025, combined penalty numbers for the Wage and Hour Division (WHD) and the Occupational Safety and Health Administration (OSHA) of the U.S Department of Labor are down sharply when measured in two different ways:

by comparing the January-September results in 2025 to those of the same nine-month period in previous years; and by comparing the monthly averages for the second Trump Administration so far to the monthly averages for previous administrations.

Key Findings

When comparing year-by-year enforcement activity:

- Combined wage and hour and safety penalties have dropped 66% in inflation-adjusted dollars.
- Wage and hour penalties have dropped 83%.
- Wage and hour enforcement cases have declined by 97%.
- Workplace health and safety penalties have dropped 47%.
- Health and safety enforcement cases have declined by 35%.
- The Wage and Hour Division issued the lowest total penalties for Davis-Bacon Act violations since 2009 (prevailing wage requirements on federally funded construction work).

When comparing monthly enforcement averages by presidential term:

- Wage and hour penalties have decreased 94% during Trump's second term.
- Workplace health and safety penalties have dropped 45% during the second Trump Administration.

The Wage and Hour Division made several rule changes earlier this year that have likely contributed to the nosedive in penalties. It stopped enforcing rules against misclassification of independent contractors (i.e., challenging so-called “1099” workers who should actually be considered employees); ended its practice of seeking liquidated damages (remedies beyond back wages); and waived civil penalties for employers who self-report wage violations.

These sharp decreases in enforcement numbers do not yet reflect the full impact of Trump administration rule changes. Both the WHD and OSHA have announced many more proposed changes that have not yet gone into effect.

OSHA, for example, has proposed to narrow

respirator guidelines for asbestos; remove construction lighting-safety requirements; and change its General Duty Clause (the catch-all provision for safety standards) requirements to exclude activities that are “inseparable” from the work. These changes are expected to further diminish effective worker protection efforts.

In addition to these deregulatory actions, funding for both WHD and OSHA is at risk under the FY 2026 Labor Department budget proposal. WHD is slated to lose nearly a third of its investigators and OSHA 12% of its enforcement staff.

With fewer compliance officials and significantly reduced enforcement funding, it is inevitable that more complaints will go uninvestigated, fewer workers will receive recourse for being cheated, and more workplace hazards will remain unremedied.

With federal deregulation and drastic funding cuts, it is up to the states to supplement where they can. This is tricky, given the convoluted relationship between federal and state enforcement agencies and divergent regulatory priorities among the states.

Even with the complicated structure, some states do have the statutory authority and capacity to enforce wage and workplace safety laws. States with dedicated labor agencies tend to have more robust enforcement. States that adopt their own state OSHA plans also improve worker outcomes.

Where these are lacking, state Attorneys General (AGs) and local prosecutors can enhance compliance with worker protection laws by prosecuting employers. When AGs and other prosecutors band together to bring multijurisdictional lawsuits, it promotes more even levels of enforcement across the country so that workers in states and localities with fewer resources are less likely to be left behind.

Policy Recommendations

- U.S. Department of Labor funding and staffing should be maintained at least at pre-2025 levels and further cuts to spending and staff should be cancelled.
- States must strengthen enforcement of their own workplace standards laws amidst the federal deregulatory agenda.

INTRODUCTION

The federal government plays a primary role in enforcing workplace standards through laws such as the 1938 Fair Labor Standards Act and the Occupational Safety and Health Act of 1970. The U.S. Department of Labor (DOL) carries out this function through its Wage and Hour Division (WHD) and Occupational Safety and Health Administration (OSHA).

The WHD enforces regulations regarding the minimum wage, overtime pay, and child labor. It is also responsible for guaranteeing that

contractors on federally financed public works projects pay their workers locally prevailing wages under the Davis-Bacon Act (DBA). OSHA sets standards meant to protect the physical safety and health of workers on the job. It also conducts inspections and fines employers for infractions.

The work is critical: an estimated \$15 billion is in effect stolen from workers due to wage violations each year, and nearly 3.2 million work-related injuries and illnesses are reported annually.¹

KEY FINDINGS

From 2009 through 2024, federal labor enforcement monetary penalties remained steady, with average yearly fluctuations of only four percent.² This resulted in the collection of an annual average of \$385 million (in constant dollars) in restitution, damages, and civil penalties by the WHD and OSHA.

So far in 2025, combined penalty numbers for the Wage and Hour Division and the Occupational Safety and Health Administration of the U.S Department of Labor are down sharply when measured in two different ways:

- by comparing the January-September results in 2025 to those of the same nine-month period in previous years;
- and by comparing the monthly averages for the second Trump Administration so far to the monthly averages for previous administrations.

Dramatic Drop in Federal Labor Enforcement in 2025

For the first nine months of 2025, penalty totals for these two agencies dropped to \$130 million – a 66% decrease from the average penalties during the same time periods over the previous 17 years.³ The number of cases brought by the WHD and OSHA for labor offenses declined 52% versus the average for comparable periods.

As measured by cases and penalty dollars, the enforcement drop at WHD is far sharper than at OSHA.

The following section looks at yearly enforcement from January 1 through September 30 for all years since 2009.⁴ The section after analyzes enforcement activity based on monthly averages for Trump's second

term and the three previous presidential administrations (including Trump's first).

The Wage and Hour Division

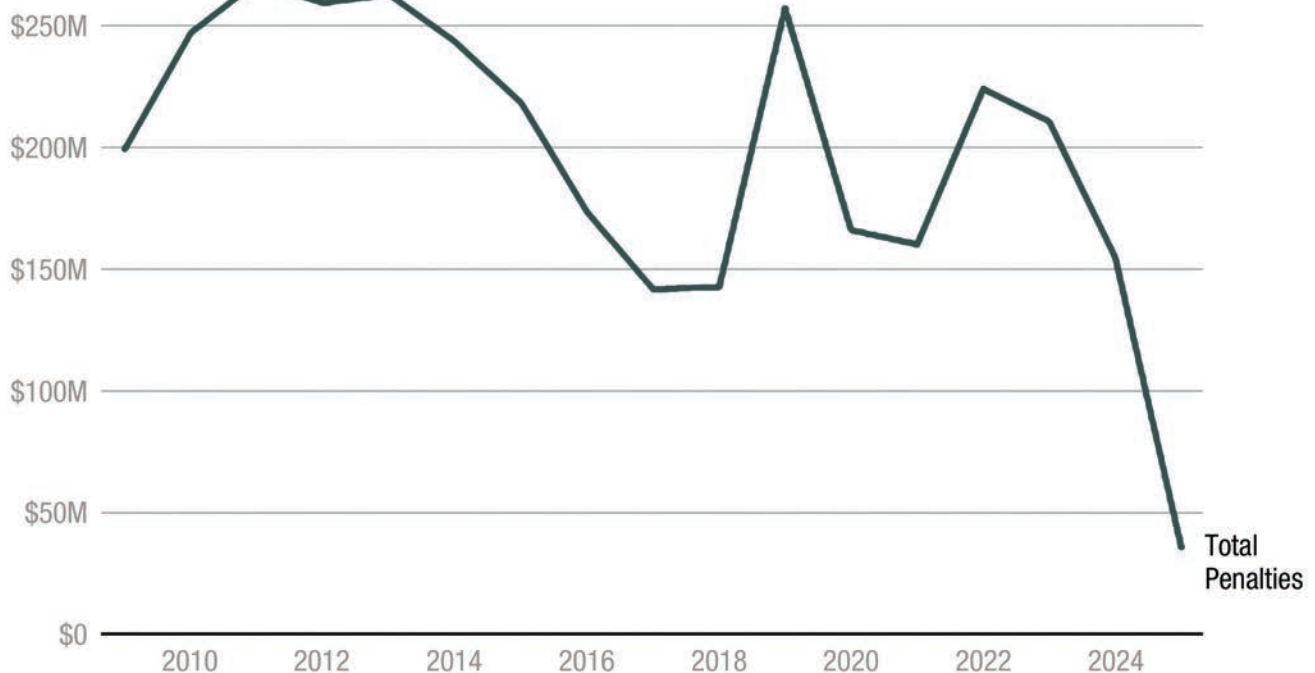
In the first nine months of this year, the WHD issued its lowest total monetary penalties for the same months of any year since 2009 — just \$35 million in penalties or an 83% decrease in average penalties.

The number of cases brought by the WHD this year has also hit an all-time low since 2009. The WHD resolved only 91 cases through September of 2025, compared to an

average of nearly 3,500 cases for all prior nine-month periods — a 97% reduction in wage theft cases completed by the agency.

These numbers reflect the fact that current enforcement staff for the WHD is at its lowest level since records have been kept, with a mere 611 investigators.⁵ An unknown number of investigators at the WHD accepted deferred resignation offers from the so-called Department of Government Efficiency (DOGE), so the ranks may now be even lower.

Figure 1: Wage and Hour Division Penalties since 2009
WHD penalties reach new lows after nearly two decades



Penalty amounts for all years are from January through September (in constant dollars).
Source: Violation Tracker • Created with Datawrapper

Davis-Bacon Act Penalties Drop to Lowest on Record

The WHD not only ensures fair wages for all workers but enforces prevailing wage provisions in public works contracts. This guarantees that employees of federal contractors are paid a fair, market-based wage, including fringe benefits, for a specific job in a local area.

In 2025, after adjusting for the partial year and inflation, the Wage and Hour Division issued the lowest penalties for Davis-Bacon Act violations since 2009. Employees of federal contractors are more at risk for unfair pay now than at any time since the beginning of the Obama Administration.

Figure 2: Davis-Bacon Act Penalties Drop to Lowest on Record since 2009

| Year | Total Penalties |
|------|-----------------|
| 2009 | \$10,056,810 |
| 2010 | \$29,280,983 |
| 2011 | \$39,024,390 |
| 2012 | \$36,144,733 |
| 2013 | \$31,795,915 |
| 2014 | \$25,212,257 |
| 2015 | \$13,411,722 |
| 2016 | \$8,262,998 |
| 2017 | \$5,555,667 |
| 2018 | \$4,096,195 |
| 2019 | \$8,625,610 |
| 2020 | \$9,826,943 |
| 2021 | \$10,691,352 |
| 2022 | \$18,958,837 |
| 2023 | \$8,051,585 |
| 2024 | \$19,183,671 |
| 2025 | \$634,996 |

Penalty amounts for all years are from January through September (in constant dollars).

Source: Violation Tracker • Created with Datawrapper

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) has also seen a significant decrease in enforcement this year, issuing its lowest penalties since 2009 (after accounting for inflation), despite largely growing its enforcement penalties between 2010 and 2024.

OSHA's imposed penalties through September of 2025 total less than \$94 million — a 47% decrease from average penalties during similar periods each year since 2009.

Caseloads for the agency took a similar hit. While 2009 has a smaller number of cases than 2025 (but a higher penalty total in 2025 dollars), the number of cases so far in 2025 is 35% lower than prior years.

It remains unclear what impact DOGE layoffs may have had on OSHA earlier in 2025. While DOGE announced closures of nearly a dozen OSHA field offices across the country, those plans were later abandoned. Some OSHA staff did take the deferred resignation option offered by DOGE, but inspectors and investigators were not included in this program.

Figure 3: Occupational Safety and Health Administration Penalties since 2009



Penalty amounts for all years are from January through September (in constant dollars).
Source: Violation Tracker • Created with Datawrapper

Average Monthly Penalties by Presidential Term

Comparing enforcement penalties by presidential term reveals similar changes. Starting with the Obama Administration, average monthly penalties were compared to get at the overall enforcement pattern of each presidential administration across its entire term rather than focusing on snapshots in time. Comparing Trump’s first and second terms reveals a much sharper assault on enforcement in the second administration.

Wage and Hour Division

The Wage and Hour Division has seen the

sharpest reduction in enforcement penalties in Trump’s second term compared to the three previous administrations. The WHD penalized companies an average of just over \$1 million per month between January 20 and September 2025, compared to over \$22 million per month in the previous three administrations, including that of Trump himself. This represents a reduction of more than 90% in each case.

The number of cases with employer penalties have likewise fallen 98%, dropping from an average of 376 monthly cases for the three prior administrations to just nine per month in Trump’s second term.

Figure 4: Average Monthly Penalty Totals by Presidential Term for the Wage and Hour Division

| Presidential Term | Average Monthly Penalties (in constant dollars) | Percent Decrease Under Trump 2.0 |
|-------------------|---|----------------------------------|
| Obama | \$26,779,393 | -95% |
| Trump 1.0 | \$18,951,765 | -93% |
| Biden | \$20,720,583 | -94% |
| Trump 2.0 | \$1,321,678 | NA |

Source: Violation Tracker • Created with Datawrapper

Occupational Safety and Health Administration

While not as severe, OSHA has also seen cuts in enforcement actions and penalties issued under the current administration. And again, Trump’s record was not anomalous during his first term but has veered sharply in his second.

During the first eight months of Trump’s second term, average monthly OSHA enforcement penalties dropped to \$10 million—a 55% decrease from the Biden Administration and a 38% drop from Trump’s first term.

The average monthly number of cases closed by OSHA dropped 36% in Trump’s second

term compared to all other presidents: from 1021 to just over 650.

Workplace safety penalties are already shockingly low, with a maximum penalty of \$16,550 per violation for first time offenders—even in cases of a worker’s death.⁶ Since 2009, OSHA’s overall average penalty per violation is roughly \$3,000.⁷ Further reducing enforcement of these cases does not adequately deter companies from putting their workers’ lives at risk by skirting these standards.

The rapid decrease in enforcement numbers shown above does not yet reflect announced plans for more deregulation and funding cuts. We expect these trends to continue even more dramatically into at least 2026.

Figure 5: Average Monthly Penalty Totals by Presidential Term for the Occupational Safety and Health Administration

| Presidential Term | Average Monthly Penalties (in constant dollars) | Percent Decrease Under Trump 2.0 |
|-------------------|---|----------------------------------|
| Obama | \$16,364,335 | -37% |
| Trump 1.0 | \$16,592,278 | -38% |
| Biden | \$22,909,110 | -55% |
| Trump 2.0 | \$10,230,027 | NA |

Source: Violation Tracker • Created with Datawrapper

FEDERAL REGULATORY AGENCIES ADOPT DEREGULATION AGENDA

Shortly after taking office, the Trump Administration released its deregulatory agenda through the Executive Order “Unleashing Prosperity Through Deregulation,” which called on agencies to eliminate 10 rules for every one added.⁸

The Department of Labor quickly responded by announcing more than 60 deregulatory actions, some of which have already gone into effect.⁹ Many of these focus on creating employer-friendly regulations rather than supporting workers.

The WHD has already made several changes that give leniency to employers. It has:

- Stopped enforcing protections about misclassification of independent contractors, allowing employers to avoid paying benefits to workers they do not deem to be employees.¹⁰
- Ended its practice of seeking liquidated damages, or money paid to workers to compensate for any losses from lost wages and to enhance deterrence for employers.¹¹
- Waived penalties for employers who self-report their wage and hour violations. That is, the DOL stopped fining companies for delayed or incomplete wage payments. That means companies no longer have an incentive to proactively pay proper wages. This will contribute to withholding or delayed payment of wages without any real consequences, harming workers that live paycheck to paycheck.¹²

Though there haven't been any changes to

enforcement of the Davis-Bacon Act, the Trump Administration revoked a previous rule that increased the prevailing wage floor for federal contractors.¹³

These rule changes at the WHD have likely contributed to the more than 90% nosedive of enforcement penalties for wage violations in 2025. Future rulemaking, such as the removal of home care workers from labor standards, is expected to worsen enforcement even further.¹⁴

OSHA has followed suit with pro-employer policies by expanding the definition of small employers that qualify for lower penalty rates. Since businesses with up to 25 employees receive smaller fines, this policy also reduces the incentive to proactively address workplace safety concerns.¹⁵

Given OSHA's less severe reduction in penalties this year, compared to the WHD, it's not clear whether recently enacted rule changes have already begun impacting enforcement activity.

There are, however, many proposed rulemakings for the loosening of workplace standards that may impact future enforcement by OSHA. The changes would involve:

- Eliminating mandatory medical evaluations for workers who use respirators while working with asbestos or other carcinogens.¹⁶
- Removing construction-lighting requirements.¹⁷
- Changing the General Duty Clause (the catch-all provision for safety standards) to

exclude enforcement of “known hazards that are inherent and inseparable from the core nature of a professional activity or performance.”¹⁸ This limits the agency’s ability to cite employers for injuries in the entertainment and sports industries in particular but may also expand beyond these industries to any “high-risk profession.”

This would effectively remove any enforcement of the General Duty Clause, which covers things like heat protection and workplace violence, if it is deemed those hazards are integral to completing

the work, regardless of the impact on the workers themselves.

Finally, the Department of Labor has proposed rescinding coordinated enforcement activities between the WHD and OSHA.¹⁹ Referrals and information-sharing between agencies facilitate more efficient investigations and improve employer compliance. Removing this coordination will put more stress on already underfunded and overburdened agencies, reducing the number of inspections and the number of enforcement actions issued.

LABOR DEPARTMENT MAY LOSE EVEN MORE FUNDING AND STAFF

Despite America's growing workforce, the Labor Department has seen consistent reductions in funding and staffing levels since its peak in the 1980s.²⁰ The agency's budget decreased from \$119 billion in 1980 to \$54.3 billion in 2024—now just 0.8% of all federal spending.²¹

That includes all divisions of the DOL. The WHD and OSHA combined spent just \$1 billion on their operations in 2024, or less than 2% of the DOL's budget.²² This funding is now at risk of being cut even more with the anticipated passage of the FY 2026 Labor Department budget proposal, backed by the Trump Administration.

The administration's budget proposes reducing WHD funding by \$25 million and the number of employees by over 400 — or one-third of existing staff.²³ The WHD is charged with protecting more than 165 million workers in 11 million workplaces throughout the country. It currently employs just 611 investigators nationwide, or a single investigator for every 270,000 workers.²⁴ If only two-thirds of investigators are retained in FY 2026, the burden would be 360,000 workers per investigator.

OSHA may not fare much better. The proposed budget would cut 8% of OSHA's overall budget, nearly 10% of the enforcement budget, and cut enforcement staff by 12%.²⁵ This would result in a reduction in OSHA's workforce from 1,810 to 1,587 employees, a loss of 223 full-time equivalent positions. At a current ratio of one inspector for every 70,000 workers, the agency can ill afford to lose even more capacity. The proposed budget cuts would result in an estimated 10,000 fewer workplace inspections next year.²⁶

The National Institute for Occupational Safety and Health (NIOSH), the workplace safety research agency that provides guidelines for OSHA, faces an 80% reduction in funding down to just \$73 million, as requested by the Trump Administration.²⁷ This essentially secures the near elimination of the agency sought by the so-called Department of Government Efficiency (DOGE) earlier this year. By contrast, the House Appropriations Committee's recommendation cuts agency funding by 14% from FY 2025.²⁸ While the House budget cuts are significantly less severe, any reduction in funding to NIOSH will hinder the development of new workplace safety regulations backed by medicine and research.

THE ROLE OF STATES IN WORKPLACE STANDARDS ENFORCEMENT

With federal enforcement endangered by deregulation and drastic funding cuts, it is up to the states to supplement where they can. This is tricky, given the complicated relationship between federal and state enforcement agencies and divergent regulatory priorities among the states.

Wage and Hour Enforcement

State must adhere to federal wage requirements under the Fair Labor Standards Act (FLSA) but may establish more robust coverage than the federal minimum. Currently, 46 states plus the District of Columbia have a state minimum wage, and 30 of those are higher than the federal floor.²⁹ This does not guarantee, however, that these states have their own wage and hour enforcement bodies.

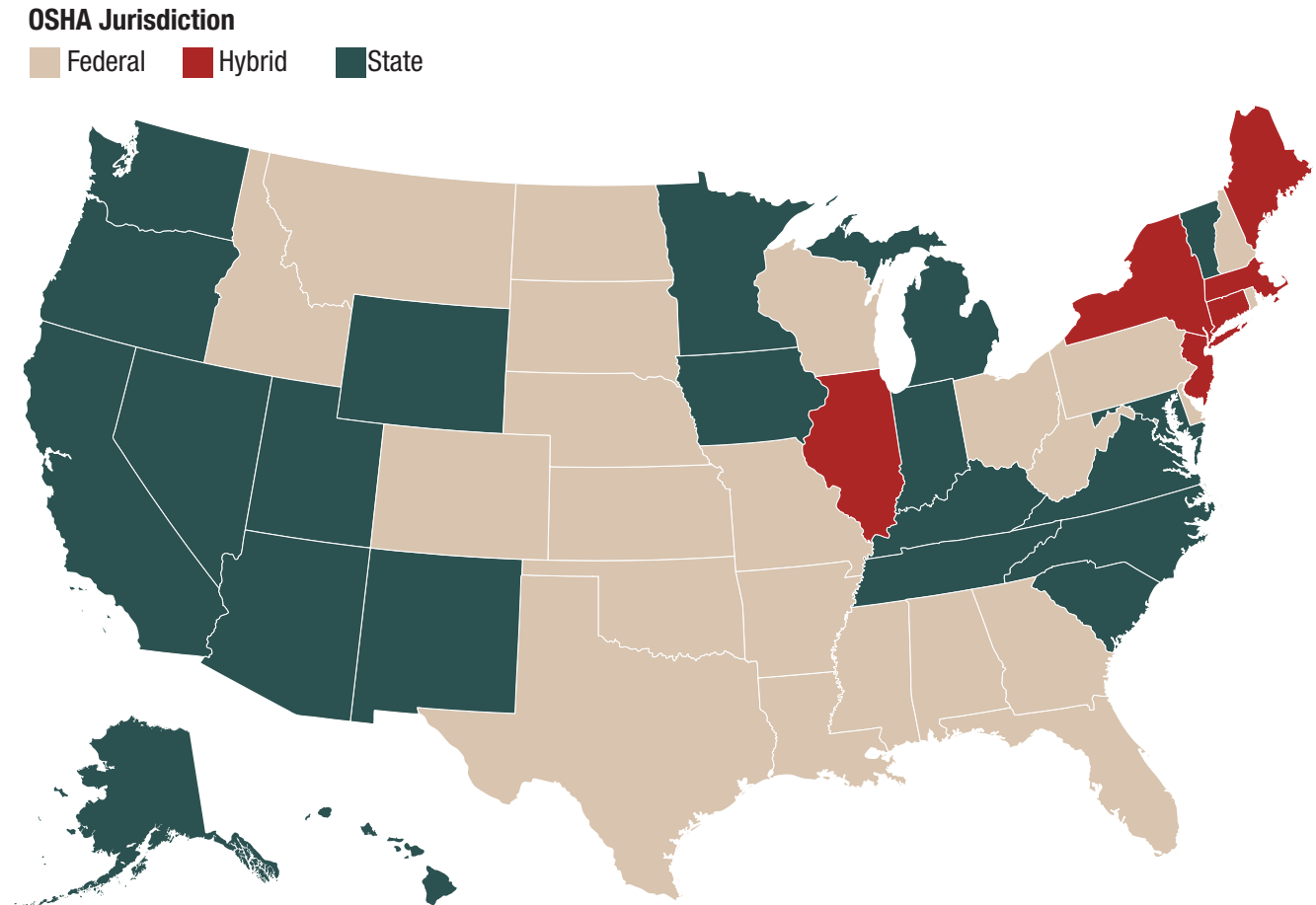
While there are Labor Departments in most states and DC, only 45 of the 51 have both state-level wage laws and an enforcement

branch.³⁰ Mississippi does not enforce any labor standards, for example, and Georgia and Florida only enforce child labor laws.³¹ Thirty-eight state agencies have the statutory authority to assess civil penalties, fines, or fees. But of these, only 23 — or 61% — actually impose penalties on employers.³² So fewer than half of the states are effectively enforcing their own state-level wage requirements through dedicated agencies.

Those states that do penalize employers for breaking wage laws have varied approaches to how they do so. A survey of state labor agencies revealed that seven states reported assessing penalties at the “high end” of what is allowed by law; nine states made assessments “in the middle” of what is allowed by law; and eight states made assessments “at the low end.”³³

States collectively employ around the same number of wage and hour investigators as the WHD.³⁴

Figure 7. States with Federal, State, or Hybrid OSHA Jurisdiction



Map: Good Jobs First • Source: Economic Policy Institute • Created with Datawrapper

Prosecutorial Enforcement

There is another avenue for states to enforce worker protection laws: State Attorneys General (AGs). As a relatively new method of labor law enforcement, prosecution against employers can boost outcomes for workers in states with limited labor laws or inactive enforcement agencies.³⁸

While all 50 states plus the District of Columbia have elected AGs, fewer than 10 have dedicated workers' rights units.³⁹ These states, which include New York, Massachusetts, and California, among others, make up 98% of all wage cases handled by AG offices across the country.

Multistate AG enforcement efforts can improve participation of states that may not have prosecuted an employer on their own. Though these coalitions have historically been focused on consumer or anti-trust cases, engagement in workers' rights issues has increased in the last few years. Just earlier this year, HCA Healthcare paid \$2.9 million to a group of states for the use of unlawful training repayment agreements with nurses.⁴⁰

Since 2000, there have been nearly 800 settled cases resulting in more than \$171 billion in penalties brought by multistate AG cases.⁴¹ Only two of these are related to workplace safety or wage laws. But that doesn't mean

that AGs are silent on workers' rights; In 2019, 17 state AGs, led by the California and Pennsylvania attorneys general, opposed a new rule that would undermine civil rights protections for employees of federal contractors.⁴²

Local prosecutors can also exert their authority on labor standards enforcement. These offices have issued \$64 million in penalties for wage and workplace safety violations since 2000. Some, like New York district attorneys, have

even recovered over \$7 million in state-level or "little" Davis-Bacon Act penalties. Other states, like California, have robust multijurisdictional enforcement across counties and cities.

Joint enforcement between state and local prosecutors' offices needs to be prioritized for workplace protections to promote even enforcement across the country so that workers in less regulated states and counties are not forgotten.

POLICY RECOMMENDATIONS

Department of Labor funding levels should be kept at levels at least equal to those prior to 2025, and further cuts to spending and staff should be rejected, particularly for the Wage and Hour Division, the Occupational Health and Safety Administration, and the National Institute for Occupational Safety and Health.

States should strengthen their own enforcement of workplace standards laws amidst the federal deregulatory agenda.

Wage enforcement:

- All states need to implement minimum wage laws that surpass federal standards and enforce their laws to the fullest extent possible.
- States with existing minimum wage laws need to raise penalties for noncompliance to ensure deterrence.

Workplace safety enforcement:

- States under federal OSHA jurisdiction need to create their own state OSHA plans.

- States with state OSHA plans need to enact standards that exceed the federal floor, such as raising civil monetary penalty amounts.
- All states should adopt standards in key areas federal OSHA fails to cover, especially as the General Duty Clause becomes vulnerable to rollbacks.

Prosecutorial enforcement:

- States with Attorney General offices that lack a dedicated workers' rights unit need to create one.
- State Attorneys General need to coordinate multistate actions to enforce workplace safety and labor laws across the country rather than on a state-by-state basis.
- Local prosecutors need to improve their enforcement practices and work in concert with other counties or cities in their state for more even enforcement.

METHODOLOGY

This report uses data from Good Jobs First's Violation Tracker database derived from reported enforcement actions by the U.S. Department of Labor's Wage and Hour Division and the Occupational Safety and Health Administration. For both of these agencies, we collect from their [Enforcement Datasets](#). We used case details for 275,000 labor and safety enforcement actions issued between January 2009 and September 2025, with more details on specific time periods below. The Violation Tracker database only includes cases with penalties of at least \$5,000.

Data used for yearly comparisons only includes cases between January 1 and September 30 to account for the partial 2025 data that is available in Violation Tracker. Penalties prior to 2017 were then further adjusted to account for inflation based on the Consumer Price Index data and are expressed in 2025 dollars. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to increase penalties

annually for inflation. That law went into effect in 2017, so we did not adjust for inflation starting in 2017 so as not to double-adjust.

Enforcement data was also divided into four presidential terms: Obama, Trump 1.0, Biden, and Trump 2.0. Presidential average monthly penalties were used for comparison to emphasize the overall enforcement pattern of each presidential administration across its entire term and not just snapshots in time. To calculate these monthly averages, we took total inflation-adjusted penalties for the entirety of each presidential term and divided them by the total number of months the president was in office (48 for Trump 1.0 and Biden; 96 for Obama). Trump's second term was calculated based on eight months of available data from January 20 through September of 2025. Final penalties from 2009 through 2016 were inflation-adjusted following the same methodology above.

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