

a **NEW** social contract for workers



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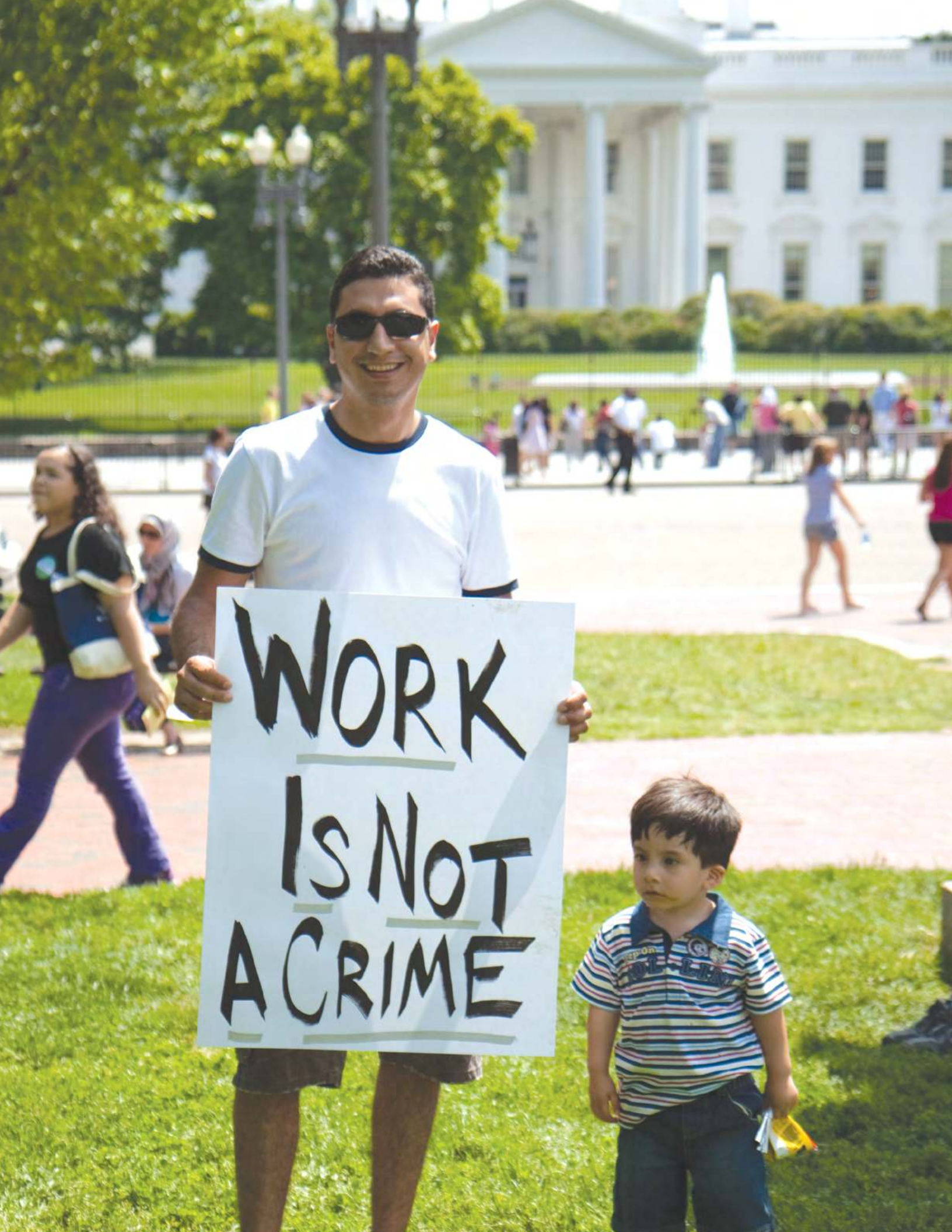
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WORK
IS NOT
A CRIME

A NEW SOCIAL CONTRACT FOR WORKERS

We need to envision a new social contract that puts people and our planet first, one that emerges from community, worker and social-movement driven solutions promising a more equitable and liberated future for all. We can, and must, fight for and build this future together.

The New Social Contract project creates dialogue across the country about how to build this new vision. It poses the question: what would our values look like in practice if our whole society were built around them? In this report, we focus on a new social contract for workers and the jobs they take up every day. Workers and their families must be at the center of any new social contract if we are to build a resilient democracy and a just economy.

Our last social contract during the New Deal era was a step forward for the human rights of workers. But it fell short of guaranteeing decent jobs for all. It also carved out the mostly Black and brown female domestic workers and Black and brown farmworkers from its new labor laws and other protections. And Black and brown workers faced pervasive discrimination generally locking them out of higher paid industries and some of the bigger unions throughout parts of the last century. Despite Black workers creating unions of their own and the biggest unions reversing course and embracing inclusivity and civil rights powerfully by the latter half of the



century, for much of the 20th century our social contract divided workers along lines of race and gender. This enabled some workers to more effectively negotiate for better conditions and left others with little support for taking collective action to improve their working lives.

As capital has globalized, employers have exploited divisions among workers along with the threat of joblessness to erode working conditions in the United States and across the globe. As a result, most US families today are living paycheck to paycheck in a constant state of economic and social insecurity.¹ No racial or geographic demographic has been immune from this economic injustice, but the long history of structural racism has ensured that communities of color have been hardest hit.

In this way our 20th century social contract has unraveled. But working people, through their social movements and organizations—unions, networks, worker centers and community groups to name just a few—are developing new solutions. Many of these ideas have been tested at smaller scale, and all of them offer a dramatically different future for working families. They express a faith in both human rights and democracy in the workplace, which translates into economic and public policy that guarantees decent jobs for all and affords workers the power and dignity to shape the terms and conditions of their work.

To begin to build a new social contract for workers, our movements are calling for the following bold new public policies:

- **The Right to Collective Action at Scale: Sectoral Bargaining**—By reinventing our labor law system so that workers are not forced to bargain company-by-company, but instead can negotiate fair work conditions across a whole sector and up supply chains, we can restore workers' bargaining power at scale;
- **Freedom from Arbitrary Job Loss: "Just Cause" Employment**—We can protect workers from being abruptly left with bills due and no paycheck by adopting "just cause" employment protections that require employers to give a good reason, fair notice and severance pay before a worker can be left without a job;
- **The Human Right to a Decent Job: A Federal Job Guarantee**—With a federal job guarantee we can end structural unemployment and ensure that every person in America has access to a decent job;

- **Democracy at Work: The Cooperative Advantage**—We can democratize our economy and ensure workers receive a fair share of economic gains by promoting the growth of worker cooperatives that enable workers to be owners of their workplaces; and
- **Universal Guarantees to Basic Needs: Medicare for All and Universal Family Care**—We can free workers from inadequate employer-based benefits by creating new universal social support systems, beginning with health insurance through Medicare for All and Universal Family Care to meet their caregiving needs.

In addition to calling for these five transformational policies, workers are urging action on a broader agenda of other badly needed labor reforms. As detailed below, such reforms can pave the way for more fundamental change by responding to abusive policies and removing obstacles workers face today in their push for justice.

Too many of our elected leaders are blocking serious dialogue about these alternatives. Many are scapegoating Black and brown families, especially those who are new immigrants, for increased economic injustice or blaming globalization, automation, and other economic forces. In reality, these injustices are the results of public policy decisions. Looking ahead to the 2020 election, we are demanding more from our leaders who should be fighting for us.

**HOMECARE
& HEALTHCARE
WORKERS**

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FOR \$15**

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United Healthcare Workers East

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PART I

BOLD SOLUTIONS FOR CREATING A JUST ECONOMY

We must not simply reform our existing policy and economic frameworks. We need to restructure many of them in fundamental ways. Our laws and economic policy drive inequity and value profit over family well-being. This approach, which is destroying both our ecological and social infrastructure, is not sustainable. We need to center the dignity and rights of all our people with the following bold solutions that worker movements have proposed.

1. THE RIGHT TO COLLECTIVE ACTION AT SCALE: SECTORAL BARGAINING

We value democracy at the ballot box and across our institutions. This includes a democratic economy and workplace. But democracy requires an equitable sharing of power and is crushed by the extreme power imbalances between employers and workers today. In response to this democracy deficit, there is a growing consensus that we need strong action to restore workers' bargaining power at scale.

Workers in the United States are increasingly forced to fend for themselves in workplaces where they have no power, work under exploitative conditions, and face retaliation for speaking up. Even those who have the crucial benefit of being able to act collectively through a union are limited to negotiating only with their formal employer, despite the reality that many employers do not have the economic power to change working conditions meaningfully. In many sectors, all but the most

powerful companies at the top of corporate supply chains are subject to a combination of price pressure from the top and race-to-the-bottom competition that makes meager pay and benefits the norm for workers. As a result, our nation's labor law system, which has not responded to protect workers in the face of changes in the global economy, effectively prevents workers from joining together to advocate for better job conditions. Workers need the ability to bargain collectively at scale with all of the corporations that control their lives and livelihoods—and that have an outsized role in our democracy.

Sectoral bargaining will give workers the power to negotiate more effectively towards redistributing gains fairly to all who contribute, creating safe and dignified conditions of work, and developing worker-led enforcement strategies to protect workers' human rights. This means expanding

“We’re fighting for a prevailing wage for all workers across our entire industry because we all deserve to be able to make ends meet while doing this important work. When our workplace standards are protected by law and based on our union contracts, we have the power to set a higher standard for all the companies, big and small.”

YENNY HERNANDEZ,
BUILDING CLEANER, NEW YORK CITY



collective bargaining so that workers can bargain together across an entire industry, sector, or region to improve wages, benefits and working conditions broadly, leaving corporations to compete on how well they run their companies, not how low they can push down pay.

For example, rather than forcing workers in hundreds of independently owned fast food restaurants to organize separate campaigns, hold separate elections, and then bargain separately—workers should be able to organize and bargain across the sector—as workers in New York did with that state’s fast food “wage board.” Workers should also be empowered to bargain with corporate actors at the top of supply chains that determine the conditions in their industry, as workers in Bangladesh have done with the Accords creating much needed responsibility by large brands for building safety in factories.

It is essential that new sectoral bargaining systems be both participatory and equitable, taking into account race, gender and other disparities in outcomes. They should look to inclusive democracy models to ensure that the most marginalized workers have the power to shape the demands for their workplaces and sectors.

Initial steps towards sectoral bargaining include:

- Authorizing the National Labor Relations Board to mandate multi-employer bargaining so that workers can bargain across entire industries.²
- Extending prevailing wage laws to ensure that employers cannot drive down wages and benefits in sectors where unions are able to achieve a decent level of bargaining coverage.³
- For sectors where there is not a significant union presence, establishing a federal “wage board” system under which representatives of workers, employers and the public can be brought together to negotiate standards across industries, as the US used to during the early era of the Fair Labor Standards Act,⁴ and as other nations do today.⁵
- Repealing the prohibition on so-called secondary boycotts and other restrictions on negotiating with companies that impact workers whether or not those companies are their legal employers, so that workers can organize where it can be most effective, including with companies at the top of corporate supply chains that often have the economic power that determines wages and working conditions at the bottom.

- Because sectoral bargaining must be universal, ensuring that new sectoral bargaining laws eliminate all exclusions from labor protections, such as exclusions of farmworkers, domestic workers, public employees, and “platform workers” or independent contractors.

In addition to sectoral bargaining, as detailed below, there are a wide range of other long overdue fixes that are urgently needed to bring functionality to our broken labor laws, beginning with those included in the **Protecting the Right to Organize (PRO) Act**⁶ and the **Public Service Freedom to Negotiate Act**.⁷ Adopting them is an important first step in moving us forward toward this vision.

2. FREEDOM FROM ARBITRARY JOB LOSS: “JUST CAUSE” EMPLOYMENT

The constant threat of losing your job at any moment is fundamentally at odds with human rights and democratic principles. And in an economy where workers are living paycheck to paycheck, the threat of job loss is enormous. Losing a job, even for just a few months, can lead to extreme hardship including eviction, foreclosure, and even homelessness. But because of our archaic “at-will” employment system, workers can be fired without any notice, reason or severance pay, and left with bills due and no paycheck.

This system is out of line with norms in most other industrialized countries and with the practices of more responsible employers. It also makes existing anti-discrimination protections difficult to enforce because employers can legally give almost any excuse—rational or not—for a firing. And while many US workers are surprised to learn that they can be fired without any real cause, low-wage workers are well aware of this reality, which severely hampers their ability to speak up on the job and organize for their own well-being at work.

“Winning Just Cause is a big deal because all of us fear being fired at any time. I am a going to community college full time, in addition to working parking full time. It is scary to think about how a manager can take away your job or your hours for no reason. Now the companies cannot mess with our lives by firing us or changing hours, locations and schedules as punishment. Having this security means the world to me and my co-workers.”

CIARA DIBERARDINO,
PARKING WORKER, PHILADELPHIA



To move towards a new social contract where workers are secure in their jobs and have the ability to bargain collectively at scale to improve their working conditions, we must restructure power relations at work. One key component of such a new system should be a “**just cause**” employment standard to protect workers against sudden and unfair job loss. Together with a Federal Job Guarantee discussed next, such a basic protection can provide a foundation of job security essential for empowering workers to organize to improve their jobs, lives and communities.

Fortunately, there is a growing movement in the US to finally replace at-will employment with just

cause.⁸ Cities are starting to adopt just cause standards for industries with high employee turnover and rampant worker abuses.⁹

Building on this movement, Congress should adopt a federal just cause employment standard that requires employers to give employees a good reason, advance notice, and a chance to address any problems before they can be left without a job and a paycheck—and severance pay when they do lose their jobs. Just cause employment will increase fairness on the job and economic security, and give workers the ability to stand up for their rights without fear of losing their jobs.

3. THE HUMAN RIGHT TO A DECENT JOB: A FEDERAL JOB GUARANTEE

Access to a decent job in our society often determines whether a person can meet their basic needs and those of their family. Work is also one of the primary ways each of us expects to contribute to our society. It was because of the centrality of jobs to opportunity in America that President Franklin Roosevelt first called for—but was unable to achieve—a “right to employment.” His proposal was modeled on the New Deal’s federal job creation programs such as the Civilian Conservation Corps and the Works Progress Administration that helped the nation weather the Great Depression and put millions to work. Later, the racial justice and labor movements came together during the civil rights movement to champion the “right to a job.”¹⁰ Today multiple movements, including those for racial justice, labor rights and climate justice, have joined forces to renew this push with a bold new proposal for a **Federal Job Guarantee** to finally deliver on our nation’s promise of decent jobs for all who need them.¹¹

A Federal Job Guarantee responds to the chronic, structural unemployment in our current system. While the Federal Reserve is nominally charged with the dual goals of maximizing employment and containing inflation,¹² it has never seriously sought to achieve the former and instead treats an

unemployment rate of about 4.2% as “full employment.”¹³ As a result, our public policies effectively guarantee joblessness for millions of workers at any given moment. The problem is most acute for Black workers, whose unemployment rate is perpetually stuck at twice that of whites.¹⁴

Millions more who want full time work are not even counted in official unemployment statistics, as they are underemployed, incarcerated, or have dropped out of the labor force. And even among available jobs, more than one in three pay less than \$15 an hour,¹⁵ and workplace conditions in low-wage industries are typically precarious, dangerous and exploitative.

Under a Federal Job Guarantee program, the federal government would launch a new agency to finance jobs with living wages and benefits and a path to a union for workers who are unable to find decent jobs.¹⁶ The program would be developed in partnership with state and local governments, and would be targeted to meet identified local needs.

A key benefit of a Federal Job Guarantee would be to help raise the quality of jobs across our economy, as private sector employers were spurred to match the pay and benefits of the federal program in order to attract workers. A Federal Job

Guarantee would strengthen workers' bargaining power by guaranteeing them a livelihood should they lose their jobs for any reason, including when retaliated against for exercising their workplace rights. It would also provide a job creation tool to help the nation's economy and workers weather recessions. And it would provide a crucial source of employment for the workers who bear the brunt of joblessness, such as those with unjust arrest or conviction records, the long-term unemployed and laid off older workers.

Equally important, such a job creation program can finance a workforce to tackle urgent national needs such as rebuilding our crumbling infrastructure, addressing our climate and green energy crisis, and meeting the caregiving needs of our aging population. The Green New Deal¹⁷ provides a particularly compelling opportunity to advance this vision and already incorporates a proposal for a federal job guarantee, including a component to ensure a just transition for workers currently trapped in dirty energy industries by offering them income support and guaranteed new employment.

4. DEMOCRACY AT WORK: THE COOPERATIVE ADVANTAGE

One marker of our deepening democracy deficit is the concentration of ownership into ever larger companies. Immense corporations control—either directly or through subcontracting, outsourcing, and supply chains—more and more of the economy. Working people, cut off from capital, are forced to choose between laboring for these increasingly powerful employers and their surrogates or taking up insecure and unstable independent contracting or day labor on their own.

There is a deeply democratic alternative we can support, however: the worker cooperative model. Worker cooperatives are an arrangement where the workers both manage and own a business. Specifically, workers in the cooperative own a share

of the business, with a one-member, one-vote approach, and as shareholders they share profits. As a result, cooperatives do not have the same wage disparities as traditional companies, so worker-owners make more than they would in a traditional job. Some low-wage workers in New York City, for example, have seen their income rise from \$6.25 to \$25.00 an hour after joining a worker coop.¹⁸ There is also evidence that they are more productive than conventional businesses.¹⁹

Cooperatives offer many advantages. Traditional corporations don't always deliver jobs, products and services that meet the needs of communities without wealth or high incomes. Instead, remote business owners often extract profits, with very limited returns to local communities. Because workers in cooperatives often come from the communities in which their business operates, coops create local wealth because profits stay in the community along with quality jobs.²⁰ And worker cooperatives have no incentive to leave a community in search of lower labor costs.

Growing worker cooperatives can also address the challenge of diminishing small businesses. Despite a widespread recognition of the value of small businesses, only one-in-ten people in the US is self-employed—down from one-in-five in the mid-20th century, and from one-in-three prior to the industrial revolution.²¹ Self-employment is



becoming ever elusive. Worker cooperatives, however, offer an alternative allowing workers to move beyond the limited binary of boss or employee, while extending ownership to more workers.

The worker cooperative sector is currently extremely small. Still, altogether, worker cooperatives in the United States produce \$400 million in revenue, and recent studies indicate that they are more productive than traditional business.²² Cities are beginning to respond to interest in worker cooperatives as well. New York invested \$1.2 million in cooperatives and doubled the small number in the city, adding 21 more in the first year. Moreover, as a report by the Democracy at Work Institute noted, although “[a]ltogether worker cooperatives represent a small part of the national economy [...] there may be a greater impact at the local level in areas where they are more concentrated.”²³

In 2004, the United States Federation of Worker Co-ops (USFWC) was formed, creating a way to connect workers interested in cooperative development. The Federation is led by and constituted by a majority of people of color and immigrants. In the US, cooperatives and solidarity economy efforts have a rich history in the Black community, but were destroyed by white supremacist attacks, including violence from groups such as the Ku Klux Klan. In the wake of those attacks, the cooperative movement suffered from a serious lack of diversity. Today, however, Estaban Kelly, the director of USFWC, explains that:

[While w]orker co-ops used to be a strategy for people to opt out of the economy and do something alternative, ... now it's a mechanism for people to opt in. Mostly low-income people, poor people, immigrants, people of color, formerly incarcerated people who have not had a strategy or an option to enter into a formal economy in a way that was not completely extractive or demeaning and demoralizing. And so worker co-ops have been adopted at the fastest rate from historically marginalized people in the US as a way to enter into the economy.²⁴



Worker cooperatives have been growing and deserve public investment, particularly since one of the most cited reasons for the slow growth of cooperatives is lack of capital.²⁵ The New York City experience demonstrates that government investment can successfully be a part of the solution of growing cooperatives to occupy a larger portion of our economy and give people more choices for working and making a living. We should take all available opportunities to grow this model and:

- Create “public banks” that can potentially offer the institutional infrastructure for expanded investment to meet community needs such as financing worker cooperatives. There is one public bank in the US in North Dakota established a century ago with great success, but efforts in upwards of half a dozen cities seek to establish new ones.²⁶
- Pass the US Employee Ownership Bank Act²⁷ to provide a public funding pool to finance new cooperatives, and pass the WORK Act²⁸ to create new state employee ownership centers modeled on the successful Vermont Employee Ownership Center to provide technical assistance and marketing support to promote coops.
- Enhance tax incentives for worker ownership—for example, by eliminating capital gains tax on businesses selling to worker owners and creating a preference for cooperatives in federal agency procurement, as cities have begun to do.²⁹

5. UNIVERSAL GUARANTEES TO BASIC NEEDS: MEDICARE FOR ALL AND UNIVERSAL FAMILY CARE

Healthcare, housing, food and other basic needs, including family and child care, are basic human rights. Currently our economy is structured so that meeting these needs is inextricably tied to one's job. But basic rights should not be dependent on the availability of a job or whether a person is able to work. Nor do most low-wage jobs today provide affordable health coverage or pay enough for workers to be able to pay for basic needs. Through bold new universal social insurance programs such as **Medicare for All** and **Universal Family Care**, we can liberate workers from our archaic employment-based benefits system and guarantee the resources that all workers and families need to thrive. While we need a range of universal social insurance systems, we can begin with:

- **Guaranteeing Healthcare as a Human Right:** Medicare for All proposals seek to ensure that all people in the US finally have access to quality, affordable healthcare and are not trapped in jobs due to dependency on employer benefits.

By decoupling healthcare from employment, we can increase worker freedom while decreasing the burden on US businesses that currently pay inflated insurance premiums for their workforces. Such decoupling would also help boost wage growth, which has been held down in the US by the spiraling cost to employers of health insurance, costs that would be effectively controlled by a public and universal financing system.

At the same time, unlike proposals that are not universal, bills like the Medicare for All Act of 2019³⁰ can finally deliver adequate health insurance for all in our nation—not only finally covering the uninsured, but also ending the serious problem of inadequate employer-based coverage. At least 43 million people who have health insurance are denied care every year because their insurance coverage does not meet their needs, in particular for dental care, eye care and long-term care.³¹ And 65 million people are

“The night before Thanksgiving I shattered my wrist. I worried about a lot of things at that time, but the one thing I didn’t think I had to worry about was payment for surgery and treatment. After all, I have health insurance. Within a month, though, the bills started coming in. Claims denied. Partial payments. If I have health insurance through my employer, if I pay my premium every month and co-pays at the point of service, why am I looking at over \$7000 in debt, literally a third of my annual income, for using it? This is what ‘access’ to health care looks like, & it’s nowhere near enough. I need actual health care coverage. Medicare for All is the only plan that provides for that.”

JODIE NEWELL, PARENT, DIRECT SERVICE WORKER
KEENE, NEW HAMPSHIRE



PART II

REMOVING THE OBSTACLES IN OUR PATH TO JUSTICE WITH A BROAD AGENDA TO PROTECT WORKERS

Worker movements envision a future where our economic and labor policy is designed to ensure democracy, equity and rights. As we work towards this deeper change and future system, there are a wide range of other urgently needed reforms we can and should implement to protect workers, respond to abusive policies, and remove obstacles workers face in their push for justice. We have an opportunity to protect workers immediately and clear the path toward change by:

1. PROTECTING IMMIGRANT WORKERS

Human rights are universal and extend to every worker regardless of where they were born. Our public policies and economy have never adequately protected immigrant workers, but today as immigration becomes increasingly politicized, xenophobia is being expressed at the highest levels of power, and the threat of deportation has become a tool of abusive employers, immigrant workers are under severe threat. To address those abuses we should:

- Take immigration enforcement out of the workplace by: (1) ending workplace raids by Immigration and Customs Enforcement (ICE); (2) stopping the practice of sending Social Security “no match” letters to employers; and (3) stopping the overuse of E-Verify by employers and prohibiting employers from reverifying workers’ status—a practice that is often used to intimidate workers.
- Enact the Protect Our Workers from Exploitation and Retaliation (POWER) Act³⁴ to make it easier for workers to get U visas when they are the subject of a workplace-related crimes and ensure that workers who are involved in labor actions are eligible for deferred status and work authorization.
- Establish strong protections for workers against abusive international labor recruiter practices and include guest workers in protections against retaliation.
- Pass the Dream and Promise Act³⁵ to restore protections and grant visas for the dreamers and for workers who have lived in the US legally for years and put down roots under the Temporary Protected Status (TPS) program.

“[The supervisor] would threaten us with immigration. Once, he got us all together—it was in 2014, I think [and he said], ‘The union is connected to immigration... They are going to come. Do you want to lose your jobs or not? No, right? If so, then there’s the door, so you can leave because immigration is going to come here now.’ It was clear he was threatening us so that we wouldn’t continue participating in the union worker committee.

[He] barred me from speaking with the other women at work.... He said anything I said would be used against me. It was as if I didn’t have the right to have any friendships there.”

In late April 2015, she was called to the supervisor’s office where he claimed that she wasn’t working and refused to review the camera footage which would have shown that she was. Julia was not allowed to plead her case. Julia was officially fired a few days after this incident.

Julia still hopes for improved working conditions for the existing employees. She says, “I [endured] so much because I was afraid.... More than anything, you’re afraid because you’re an immigrant.”

“JULIA,”
RECYCLING WORKER

- Ensure that immigrant workers who are mistreated on the job or subject to workplace discrimination are entitled to all remedies available under those laws—both to ensure that they

receive fair recompense for the wrongs done to them and to protect all workers by reducing employers’ incentive to exploit immigrants.

2. STRENGTHENING PROTECTIONS FOR WORKER ORGANIZING

The right to association and collective bargaining is fundamental. But our nation’s labor law system is broken and today effectively prevents workers from joining together to advocate for better job conditions. In addition to empowering workers to bargain collectively at scale through sectoral bargaining as detailed above, there are a wide range of other immediate steps we should take to restore workers’ power to negotiate for fair treatment on the job. We should:

- Pass the Protect the Right to Organize (PRO) Act,³⁶ which includes long overdue reforms such



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- as: protections against employer interference, intimidation and retaliation; more significant penalties for corporations that violate workers' rights; closing loopholes for independent contractors or "platform workers"; repealing the ban on so-called secondary boycotts; streamlining the process for selecting worker representatives; and ensuring that corporations bargain with newly formed unions.
- Guarantee public sector employees in all 50 states the right to unionize and bargain collectively by passing the Public Service Freedom to Negotiate Act.³⁷
 - Create fair systems for joining a union, such as "card check" recognition that are free from employer intimidation.
 - Protect concerted activities beyond the workplace and empower workers and communities to organize together to address the range of issues, from wages to housing to environmental justice that are impacted by corporate action.
 - Adopt comprehensive responsible contracting standards for federal contractors to ensure that federal government spending creates quality jobs that pay living wages and benefits, provides safe workplaces, and allows workers to unionize without employer threats.
 - Remove barriers to community benefits agreements so that state and municipal licensing and spending can be harnessed to generate quality, union jobs for local residents.

3. RAISING THE FLOOR ON WORKING CONDITIONS

Every person is entitled to a decent standard of living as a matter of basic human dignity. Yet, our labor law standards are inadequate to ensure decent lives and decent workplaces for America's families. Our wage floors are too low, too many workers are excluded from protections, and there are too many dangerous gaps in needed protections. In response, we should raise the floor on working conditions and, as recommended further below, also extend labor standards to protect workers who are classified—and often misclassified—as independent contractors. We should:

- Finally deliver a \$15 federal minimum wage for workers in all 50 states by enacting the Raise the Wage Act,³⁸ which the US House of Representatives passed in 2019—and then look beyond it to continue raising wages higher towards a living wage level above \$15 an hour.
- Repeal the Fair Labor Standards Act's unfair exemptions of tipped workers, younger workers, and workers with disabilities³⁹ from the full minimum wage, as the Raise the Wage Act⁴⁰ would do.
- Restore the overtime salary threshold to the level of past decades when approximately 55% of salaried, full-time workers were guaranteed overtime by guaranteeing overtime pay to workers earning up to \$83,000 by 2026.
- Pass the Domestic Workers Bill of Rights⁴¹ to raise standards for domestic workers that have been long excluded from a range of labor protections.
- Adopt a national paid-time-off policy ensuring that, like in all other industrialized countries, US employers provide employees at least fifteen paid days off each year for everything from sick days, to parent teacher conferences, to weddings, funerals and family vacations.
- Adopt the Schedules That Work Act⁴² to restore to workers some control of their work lives, ensure fair work weeks, and prohibit erratic and abusive scheduling practices.
- Adopt new workplace data privacy and algorithmic accountability standards to protect workers, including "platform workers" and independent contractors, from the growing threat of intrusive workplace monitoring and data-gathering, and unaccountable algorithmic decision-making that often disadvantages Black and brown workers, older workers and women.

4. IMPROVING ENFORCEMENT FRAMEWORKS

Rule of law is the foundation of any functioning democracy. Yet low wage workplaces have become lawless, with employers committing pervasive violations. Multiple surveys have indicated that as many as two thirds of low-wage workers may, for example, experience some form of wage theft or other pay-related violation in any given week.⁴³ Additionally, sexual harassment and abuse, health and safety dangers, mistreatment, discrimination and more are widespread in low-wage workplaces. To respond, we need to significantly strengthen our enforcement frameworks and institutions and should:

- End forced arbitration (other than traditional labor arbitration agreed to in a collective bargaining agreement) once and for all and restore workers' access to the courts to enforce their rights by passing the Restoring Justice for Workers Act⁴⁴ and the Forced Arbitration Injustice Repeal Act (FAIR Act).⁴⁵
 - Update and strengthen remedies for violations of employment and labor law to authorize significant monetary damages, a private right of action and attorney's fees recovery to incentivize private enforcement.
 - Create automatic rather than discretionary penalties for violations, and increase damages and penalties for employers that delay justice once a claim is brought to light.
 - Increase the enforcement staffing of the US Department of Labor's (USDOL) Wage and Hour Division, Occupational Safety and Health Administration (OSHA) and other worker protection agencies by adequately funding them at the levels recommended by the International Labour Organization (ILO).
 - Establish community partnerships at USDOL's Wage and Hour Division and OSHA and make grants to community organizations, labor unions, and similar organizations to ensure worker-to-worker education for all workers, enable worker-led monitoring and access to workplaces for worker organizations, create accountability of agency monitors to worker organizations, create transparency in enforcement, and ensure that "co-governance" models inform and guide strategic enforcement.
- Create a new USDOL Office of Advocacy to promote the voices of workers throughout the federal policy-making process and to push federal agencies to ensure that government action protects workers and promotes quality union jobs.⁴⁶
 - Create "no wrong door" complaint processing so that a worker may file a complaint through a single accessible and timely process that allows complaints to then be steered to the most appropriate agencies and enable investigations by one agency that reveal lawbreaking to trigger investigations by other agencies.
 - Improve inter-agency enforcement coordination by making it a priority with agency leadership, providing enhanced funding, including for technology upgrades needed to facilitate it, cross-training of agency staff, MOU's with state enforcers, and updates to agency rules and authority where necessary to facilitate such action.
 - Require strategic enforcement by agencies and implement proactive, affirmative enforcement programs that target identified low-paying, dangerous or high violation industries—especially those where workers of color and women are concentrated—and that use tools such as random audits, workplace-wide investigations and other strategies to target high-violation sectors and incentivize better compliance.
 - Require agencies to provide corrective action plans to ensure prevention of violations, rather than simply imposing penalties. In this way, agencies can offer concrete recommendations and a set of action steps to change human resource systems to achieve prevention and build the capacity of employers to comply with the law.

5. STRENGTHENING PROTECTIONS AGAINST RETALIATION

When they are mistreated on the job, workers currently bear all of the risk of coming forward to hold their employers accountable. Retaliation and the fear of retaliation keep countless workers from asserting their rights—especially Black and brown workers who disproportionately face wage theft and other labor violations but have the least power in our economy to stand up and demand fair treatment.⁴⁷ In response, we should:

- Give workers the ability to recover significant monetary damages when they experience retaliation, and to recover attorney's fees and costs when bringing retaliation cases.
- Afford a right to go both to a government agency or directly to court to enforce retaliation protections.
- Impose significant fines on employers that try to silence workers through retaliation.
- Fast-track retaliation claims in all agencies and courts.
- Increase resources for worker protection agencies to fight retaliation.
- Create a legislative presumption that firings soon after workers assert their rights are retaliatory.

6. DISMANTLING BARRIERS TO EMPLOYMENT

Equality and equity are central human rights and democratic values. Yet not all groups of workers have the same access to jobs. Simply put, structural racism and gender injustice create unacceptable and inequitable barriers to work. In response we should:

- Pass the Fair Chance Act⁴⁸ and the Fair Chance Licensing Act⁴⁹ to ensure that arrest and conviction records are not used to unfairly lock workers out of the job market.
- Pass the BE HEARD in the Workplace Act⁵⁰ to strengthen non-discrimination laws by removing loopholes and obstacles to enforcement; clarify that unlawful sex discrimination includes discrimination based on sexual orientation and gender identity; cover discrimination against independent contractors; and increase resources for federal and state enforcement and education around combatting employment discrimination.
- Pass the Paycheck Fairness Act,⁵¹ which would strengthen protections against pay inequality and ban consideration of salary history in pay setting, which perpetuates gender and racial pay inequality.
- Prohibit the use of credit checks by employers—a practice that unfairly hurts low-income workers and workers of color.

7. GUARANTEEING LABOR STANDARDS FOR “PLATFORM WORKERS” AND OTHER WORKERS TREATED AS INDEPENDENT CONTRACTORS

All businesses have a responsibility for protecting the human rights of the workers who build their businesses. The rise of online platforms like Uber, Instacart and Amazon Flex presents a new form of a longstanding problem: major corporations seeking to side-step that responsibility. We need to hold these corporations accountable and protect

their workers with a multi-pronged approach. We should:

- Clarify that all basic employment protections such as minimum wages, overtime pay, unemployment insurance, workers' comp protection and the right to collectively bargain apply to all

“[An] ear infection got really bad because I didn’t have time or money to go see the doctor. I needed a loan to cover the doctor and Instacart had just started offering payday loans through a company called Elevate. So, for the last 3 months I made next to nothing because my sh*t pay from Instacart barely covered the interest on the loan Instacart promoted, which I needed because Instacart doesn’t provide health insurance.”

JED, INSTACART IN-STORE SHOPPER,
LAGRANGE, ILLINOIS



workers, regardless of classification, by confirming that laws like the Fair Labor Standards Act, the National Labor Relations Act, and anti-discrimination laws like Title VII incorporate inclusive definitions of employee like the “ABC” test that is used in over half of the states and was adopted recently in California.

- Establish collective bargaining structures for platform workers so that workers can negotiate

strong labor standards for their sectors, while preserving the flexibility and independence that many like about these jobs.

- To protect true freelance workers who would remain independent contractors under an ABC test, we should pass sectoral laws that guarantee all workers, regardless of classification, comparable minimum employment and labor standards, as some cities are starting to do.

8. CONSTRAINING OUTSOURCING AND TEMP ARRANGEMENTS THAT UNDERMINE ACCOUNTABILITY

In our increasingly fissured economy, large corporations outsource work in a range of ways to avoid accountability for how their workers are treated. In many cases, they are essentially outsourcing violations. In response we should:

- Limit employers’ use of temp workers to cases where they are necessary to meet extraordinary business needs for short periods of time.
- Prohibit temp work for hazardous work or work central to a business’s operations.
- Prohibit employers of temp workers from being charged conversion fees that lock workers into temp jobs forever.
- Prohibit temp workers from being charged fees for background checks, drug tests, and credit checks.
- Require reporting on demographics of temp agencies’ hires and placements to combat discrimination.
- Require temp worker wage and benefits parity with the host employer’s pay scales.
- Make host companies jointly liable for workplace violations by subcontractors or other labor intermediaries, especially for work such as the cleaning and securing of the property where the business operates, warehousing and

transporting the business's goods, and operating franchises that extend the business's reach.

- Create a nationwide broad standard of liability for supply chains that holds corporations

responsible for subcontractors' labor violations where the corporation purchases labor or services at prices that it should have known were insufficient to comply with labor laws, as California has done.

9. STRENGTHENING HEALTH AND SAFETY PROTECTIONS FOR WORKERS

Workers have a right to safe working conditions. Yet, today in America, almost 2 million workers are seriously injured on the job each year and over 5,000 are killed. These unacceptably high numbers reflect needless and preventable harms to workers, and conditions are often worse for workers in low-wage sectors. Health and life should not be the price of going to work every day. To protect people at work, we should:

- Pass the Protecting America's Workers Act,⁵² which would extend the Occupational Safety and Health Act's coverage to workers currently excluded, strengthen civil and criminal penalties for violations, enhance antidiscrimination protections by including a private right of action, and strengthen the rights of workers, unions and victims.
- Ensure that OSHA promulgates specific standards to protect all workers from the deadly hazard of high heat, and to protect workers from workplace violence.
- Require all states to implement state OSHA protections for all public sector workers.

- Ensure that federal spending does not reward employers that endanger their workers by requiring that federal agencies like the US Department of Defense—our nation's largest purchaser of goods and services—review an applicant's history of OSHA violations and severe injury reports prior to awarding any contracts with federal funds.
- Set strong national minimum standards to improve state-run workers' compensation programs so that injured workers in all sectors of the economy, including agriculture, have guaranteed and timely access to medical care and adequate replacement income.
- Strengthen protections for injured workers from retaliation and discrimination for accessing workers' compensation benefits.
- Ensure that workers' compensation is available to workers on online platforms by adopting inclusive definitions of employee like the "ABC" test used in over half of the states and recently adopted by California.



10. PROTECTING WORKERS FROM ECONOMIC DISLOCATION

We have a public responsibility for ensuring economic stability and security for workers and their families. Yet, in our global economy, companies can dislocate whole workforces in an instant. This is devastating for families and communities. To address this, we should:

- Establish a new comprehensive dislocated worker program for workers impacted by mass

lay-offs and job loss regardless of cause with expanded funding, benchmarks for minimum standards and innovative programs. Key components should include rapid-response services; targeted training that leads to in-demand occupations, credentials, or degrees; layoff aversion programs; support for conversion to employee ownership; and income and related services for workers.

- Modernize the WARN Act to guarantee at least one week of severance pay for each year of service; protect against corporations using bankruptcy to avoid responsibility for pensions or severance pay; make worker restitution the top priority when companies do file for bankruptcy; and create a joint industry fund paid for by employers to provide severance pay and pensions and cover other workers' claims when employers cannot be held responsible.

11. INCREASING WORKER PARTICIPATION IN ENTERPRISE OWNERSHIP AND CORPORATE DECISION MAKING

Democracy should not end at the ballot box. A truly democratic society infuses its values throughout all institutions and workplaces. Our lack of economic democracy is one of the reasons that corporations have increasingly captured for investors and executives virtually all of the benefits of productivity and growth. To help workers reclaim a fair share of economic gains, we need to give workers a voice in how corporations are governed and promote worker ownership. We should:

- Give workers a voice on corporate boards by passing the Accountable Capitalism Act,⁵³ to establish a system for federal charters of large corporations under which at least forty percent

of corporation directors would need to be workers.

- Promote worker ownership by supporting the growth of coops (as discussed above) and employee stock ownership plans (ESOPs)—both of which provide means for promoting good jobs and expanding the voice of workers in the workplace. We can do this by passing the Work Act⁵⁴ to create new state employee ownership centers to provide technical assistance and marketing support for ESOPs and coops, and by passing the US Employee Ownership Bank Act⁵⁵ to provide a public funding pool to finance new ESOPs and coops.

12. PROMOTING A PRO-WORKER COMPETITION POLICY

Democracy requires a fair distribution of power and opportunity. Yet our laws addressing competition too often protect large powerful companies at the cost of working people, rather than encouraging fair competition. This is one area where the rules are so rigged, it undermines the very nature of fair competition. In response, we should:

- Have the Federal Trade Commission (FTC) ban unfair contracts that limit workers' economic mobility like non-compete requirements in employment contracts, and "no-poaching" agreements among employers.

- Have the FTC and US Department of Justice block mergers that increase concentration in labor markets, and practices that increase pressure on firms to keep wages low, such as franchisors mandating prices for franchisees.
- Clarify that the labor antitrust exemption applies equally to organizing by non-traditional workers such as independent contractors, as well as to state and local policies that facilitate organizing and bargaining by such workers.
- Strengthen the regulatory and remedial powers of the FTC, including by giving it the authority to impose civil penalties.

13. MODERNIZING EXISTING SOCIAL INSURANCE SYSTEMS TO ENSURE INCOME STABILITY

Access to basic needs is a central human rights value. Eligibility for many of our social insurance programs that ensure income stability when people are no longer working are tied to work and the quality of a job. How they are structured determines whether America's families can meet their basic needs and live decent lives. To strengthen our existing social insurance systems we should:

- Strengthen and expand Social Security. Social Security is the foundation of our retirement security system, especially for workers of color and low-income workers. But it should do more for more workers. We must increase Social Security benefit levels to provide a more meaningful retirement cushion, and expand coverage to ensure that all workers have equal access; shore up the system and finance this significant expansion by lifting the cap that prevents high-income earners and those with unearned income from paying their fair share of FICA taxes; and reexamine who we consider to be "independent contractors" who must pay both their own share and the employer share of FICA taxes.
- Strengthen unemployment insurance (UI) to protect workers when they are jobless. We should create a robust federal floor for UI that sets strong minimum standards for the states and ensures all states adopt proven best practices that make unemployment compensation a meaningful and reliable benefit. This should include: at least 26 weeks of benefits and replacement of at least 50% of income; expanding eligibility to cover the full range of uncontrollable job loss including workers who quit jobs for legitimate reasons such as erratic job schedules, violence, caregiving, loss of childcare, relocation or relocation of a spouse; and ensuring that workers for online platforms are covered by adopting inclusive definitions like the "ABC" test used in over half the states.
- Prepare for the next recession by federally funding the Extended UI benefits program with additional weeks of benefits available during a recession and establish automatic triggers as unemployment rates increase.
- Require states to set up work sharing programs to prevent layoffs by allowing workers to reduce their hours and receive unemployment benefits for those lost hours.

We urge our leaders to embrace and fight for both this agenda of urgently needed labor reforms, and for the five new transformational worker policies that we highlight: (1) Sectoral Bargaining; (2) Just Cause Employment; (3) a Federal Job Guarantee; (4) Worker Cooperatives; and (5) Universal Guarantees to Basic Needs like Medicare for All and Universal Family Care. Together they point the way to a more just and democratic economy. This is a possible future for America's working families, and we are all deeply committed to building it together. Will you join us?

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