

A collage of seven diverse individuals of various ethnicities and ages, some wearing face masks, representing the community the organization serves.

2022 Policy & Advocacy Agenda: *Bold Solutions to Advance Racial and Economic Justice*

The National Employment Law Project (NELP) is inspired to tackle labor market inequities that are deeply embedded in this nation. [Our findings](#) illustrate how structural racism created the preconditions for Black communities and other communities of color to suffer the most during the pandemic, from their health to their wallets. Our 2022 Policy and Advocacy Agenda describes how we will advance transformative solutions to achieve racial and economic justice and support Black and immigrant workers in building power.

NELP is a leading advocacy organization with the mission to build a just and inclusive economy where all workers have expansive rights and thrive in good jobs. With our partners, NELP [advances its mission](#) through transformative legal and policy solutions, research, capacity-building, and strategic communications at the local, state, and federal levels. In 2022, we are fighting for a good-jobs economy. A good-jobs economy means we have economic security over a lifetime. It means we can count on just working conditions, benefits, and wages—where equity is baked into policies and employers are accountable. A good-jobs economy is built on worker power, with which we collectively shape the conditions of the job to ensure our communities rise together. In 2022, we will:

1. Raise Wages and Benefits and Make Workplaces Safer
2. Build Worker Power
3. Strengthen Enforcement to Secure Worker Rights
4. Advance Toward an Inclusive Economy Centering Workers of Color

1

Raise Wages and Benefits and Make Workplaces Safer

Raising wages has never been more urgent than during this pandemic—and underpaid frontline workers are demanding higher wages and better benefits and working conditions. Since fast-food workers in New York City first walked off the job in 2012 demanding a \$15 minimum wage and the right to form a union, the Fight for \$15 has led to 26 million workers winning over [\\$150 billion in additional annual income](#), raising the earnings of nearly 12 million workers of color and 18 million women. In 2022, NELP continues to make the case that Congress heed the demands of workers and pass a higher [federal minimum wage](#) and abolish subminimum wages for tipped workers, youth workers, and workers with a disability. NELP is also supporting state and local campaigns to raise pay and strengthen overtime protections for workers, including agricultural, domestic, and [tipped workers](#), whose [exclusion from standards](#) are emblematic of systemic racism.

Increasingly, [corporations mislabel](#) their workers as [independent contractors](#) and hire workers through temp and staffing firms to avoid being held accountable as employers. For example, [app-based](#) and [temp](#) jobs are associated with low wages, few benefits, workplace injury and deaths, and an inability of workers to exercise rights. And as app-based companies race to the bottom of job quality, Black, Latinx, immigrant, and other workers of color—who [disproportionately work](#) in these jobs—are excluded from core labor standards. In 2022, NELP continues to combat the corporate crusade to expand low-quality contracted work by launching a national table; we are also engaging in Massachusetts, New Jersey, New York, and other campaigns. At the federal level, we are seeking to strengthen policies and enforcement for workers misclassified as independent contractors and for temporary and other subcontracted workers. And we are continuing to call on federal agencies to lead by strengthening and enforcing labor law with respect to contracted workers and [raising standards](#) for federally contracted workers.

We are developing a long-term vision for achieving a robust set of federal priorities that will transform the UI system.

For decades, NELP has promoted fundamental reform and expansion of the unemployment insurance (UI) program. During the pandemic, we have been a leader in achieving [\\$664.9 billion in UI benefits for workers](#), which have been a vital lifeline and the first line of defense against homelessness and poverty for families facing job loss. The fight continues in 2022 as we focus on increasing access and broadening eligibility for UI benefits in states to ensure workers—[especially workers of color](#)—are not excluded from supports. Together with allies, we are also developing a long-term vision for a [robust set of federal priorities](#) that will transform the UI system to ensure all workers have the resources they need.

Since the pandemic began, NELP has sought to meet the urgent health and safety needs of workers. In 2022, we continue to advocate for [strong federal administrative agency efforts](#) to protect against community and workplace spread of COVID-19. Locally, we are supporting [the enactment of laws and policies](#) to keep

workers and the public safe. As we explore the intersection of climate justice and worker rights, we will support campaigns—for example, in the South and Southeast—aimed at advancing standards to protect workers from the dangers of working in rising temperatures, including the increasing numbers of incarcerated people forced to work in conditions that expose them to heat stress.

2

Build Worker Power

In order to ensure workers have good jobs, workers must be able to assert their rights. Our focus on bolstering the capacity of worker centers nationwide—particularly for Black and immigrant communities—is aimed at strengthening labor rights and worker collective action. In 2022, we are engaging with 25 worker centers in nearly a dozen states, including Alabama, Georgia, Florida, and Minnesota. We are buttressing the legal stability of worker centers, supporting base-building and organizing, and providing legal, communications, strategic, and financial support. We continue to co-coordinate the National Coalition for Worker Justice—comprised of 120 organizations, half of which are worker centers—focusing on federal advocacy. And we continue to support the [PRO Act](#) and the [Public Service Freedom to Negotiate Act](#) to strengthen workers’ ability to unionize and collectively bargain. Harnessing the power of narrative and storytelling, we are [amplifying the voices of workers](#) who are asserting their rights and [sharing their experiences](#).

In the United States, most employers can legally fire workers without warning or explanation. A growing movement of workers and labor organizations around the country is calling for the adoption of “[just cause](#)” laws to prohibit terminations without advance notice and a good reason. Just-cause laws promote economic security and stability for workers and their families. They also protect workers from being punished in retaliation for speaking up about workplace discrimination or health and safety violations. In 2022, we will be incubating and supporting more state and local campaigns to advance just-cause policies, while elevating pro-worker, racial justice narratives to undergird our efforts.

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3

Strengthen Enforcement to Secure Worker Rights

Workers must be able to come together to raise concerns about the workplace [without fear of retaliation](#) and to change their working conditions for the better. For employment standards to be meaningful, workers must be able to enforce their rights. In 2022, NELP continues to advocate for strong enforcement mechanisms, significant funding, and effective whistleblower protections to prevent employers from penalizing workers for raising concerns. NELP is also pushing for limitations on employer-imposed forced arbitration and collective action waivers

that strip workers of their day in court and keep illegal practices secret. And as immigrant workers face exceptional challenges exacerbated by the pandemic, in 2022 we are working to strengthen anti-retaliation protections, developing new policy ideas such as a [retaliation fund](#), and [exploring](#) how to counter worksite anti-immigrant tactics. NELP will also seek to engage with strategic and complaint-response enforcement practices at federal enforcement agencies, including the Wage and Hour Division of the U.S. Department of Labor (DOL), the Occupational Safety and Health Administration (OSHA), the Equal Employment Opportunity Commission (EEOC), and the National Labor Relations Board (NLRB).

Since 2016, NELP has been working intensively with a cohort of worker centers and worker advocacy organizations to build their capacity to partner with the California labor commissioner's office to combat wage theft in underpaid industries and to more deeply connect these efforts to worker power-building. In 2022, we are continuing to strengthen this model in California, and we are expanding this pioneering approach to lift up worker priorities at the federal level with DOL and other federal agencies.

4 Advance Toward an Inclusive Economy Centering Workers of Color

Workers with records need reliable access to income [through employment](#). They deserve safe, good-paying, stable jobs. Because of massive investments in a legal system that criminalizes people of color, Black and Latinx people are much more likely to have a record than white people. In 2022, NELP will continue [to advocate](#) for policymakers and employers to remove overly broad and unnecessary barriers to jobs for millions of people with records and to raise job standards. We will also continue to elevate awareness of [how the exploitation](#) of workers with records drives down wages, degrades working conditions, and incentivizes cutting corners on safety standards.

Occupational segregation is a designed outcome rooted in systemic racism and sexism. The systemic segregation of women and people of color into underpaid occupations accounts for a large portion of the gender and racial wage gap. Too many women and workers of color are undervalued and segregated into precarious jobs, subjected to unsafe conditions, cheated out of wages earned, and discriminated against in employment. In 2022, we are ensuring that we and our field understand the policy choices, root causes, and impact of occupational segregation. Across NELP's work, we will develop structural solutions that take on occupational segregation and integration while raising standards for pay, full benefits, safe conditions, quality of life, and the basic building blocks of an inclusive good-jobs economy.

