

PRIORITIES FOR PROGRESS 2021

WORKER POWER

Durable solutions to the problems we face won't come from small fixes around the edges. We need solutions that build power for everyday people to emerge from this crisis as a more resilient, just nation. The work ahead of the next president and the next Congress to achieve these goals is formidable. And we can't afford for them to fail.

To help ensure that we are ready to meet this extraordinary moment, organizations from across the progressive movement gathered together to develop policy agendas on key progressive priorities, including both legislative and administrative proposals.



CONTRIBUTORS

The following organizations contributed policy recommendations and priorities to this memorandum.

American Economic Liberties Project
Center for Disability Rights
Center for Law and Social Policy
Economic Policy Institute
Groundwork Collaborative
Leadership Conference on Civil and Human Rights
National Employment Law Project
National Partnership for Women and Families
National Women's Law Center
PolicyLink
Public Citizen
Washington Center for Equitable Growth

PROGRESSIVE GOVERNANCE PROJECT

PRIORITIESFORPROGRESS2021.ORG

GOALS
PRINCIPLES
VALUES

LEGISLATIVE

Even pre-COVID-19, decades of anti-worker policies have left workers disempowered, vulnerable, and underpaid. These anti-worker policies, most rooted in systemic racism, along with persistent and pervasive employment discrimination, have particularly disadvantaged Black, brown, Native, immigrant, LGBTQ+, and women workers, workers with disabilities, and workers who come into contact with the criminal justice system. The triple crises of the COVID-19 pandemic, a mounting care crisis, and the worst recession since the Great Depression have further exposed the need for a sweeping response to support the workers and families that constitute our economy.

Congress must put first the workers and communities who have been most marginalized by pre-COVID and COVID-era impacts alike. Legislative action to address these challenges must prioritize:

Promoting worker power and human dignity.

- End employment discrimination and sexual harassment, and extend all labor protections to historically excluded workers (including domestic, gig, tipped, agricultural, undocumented, and disabled workers, as well as people with criminal records).
- Raise wages, ensure basic job quality, safety, and freedom from discrimination and harassment for all workers, for the duration of the pandemic and beyond.
- Strengthen and protect workers' right to organize and increase their collective power on the job.
- Expand both new and existing safety net programs to provide all people with the support and stability they need to live with dignity, whether on the job or outside the traditional paid workforce. Ensure that no one has to sacrifice their health or wellbeing for economic security.

Curbing and putting a check on private corporate power and privatization.

- Reject any more attempts for corporate power grabs, and reverse the policies that have expanded private control over workers' lives in recent decades.

ADMINISTRATIVE

Pre-COVID-19, pro-corporate policies led to unprecedented concentrations of corporate wealth and political power that destabilized our economy. And the corporate sector has already exploited the pandemic to further consolidate power, extract wealth from people, and escape accountability to workers and the public. In addition, the current administration has used the power of the executive branch to further an agenda of racist exclusion, stripping away worker and consumer protections and civil rights.

The next administration will face serious challenges with the tools available to them to address the economic crisis, including a decimated and demoralized federal government infrastructure, and an understandable loss of trust in public institutions—particularly among marginalized communities, who have suffered the most under these developments. In the face of these realities, the next administration will need to be pushed beyond “restoring” a failed status quo. The next administration must use every available tool of the executive branch to counterbalance corporate power and protect and empower workers, especially marginalized workers. The administration should prioritize:

Building beyond the old status quo.

- Go beyond merely undoing the harms of the current administration.
- Move decisively to build back besieged institutions, protections, and programs that are stronger and more inclusive than ever before.

Curbing corporate power over workers and consumers by rewriting the rules of our economic systems, prioritizing people over profits, and wielding real enforcement authority.

- Push back against the impacts of corporate concentration. Put people at the center of our approach to trade policy. Boost corporate employer accountability and transparency.
- Build public power into our systems, as a direct counterweight to corporate power.
- Promote and expand worker power and protect workers’ rights.

Changing the rules of engagement.

- Make durable procedural changes that clear the way for worker-friendly policies and programs, acknowledging that current procedures structurally advantage those with power and wealth at the expense of everyday workers and families.
- Nominate agency and executive branch leadership with strong analyses of racial justice, power dynamics, and worker rights. Create new opportunities for voices of workers—especially those most often excluded from the halls of power—to be heard at all levels of the administration.

LEGISLATIVE PRIORITIES

PROMOTE WORKER POWER AND DIGNITY

FIRST 100 DAYS: COVID-19 AND RECESSION PRIORITIES

— Enact premium pay for frontline workers, whether via the Heroes' fund in the Heroes Act, or similar legislation.

— Pass the PRO Act* to promote economic democracy by making it easier to organize and form unions, weakening anti-union state right-to-work laws, and extending union protections to workers in fissured workplaces. Pass the Public Service Freedom to Negotiate Act.

— Extend emergency paid sick days and paid family and medical leave provisions to all working people, and make it permanent to cover all future public health emergencies.

— Pass the FAMILY Act to create a national, universal, comprehensive paid family and medical leave program, with amendments to make it more equitable for low-income workers, particularly around expanded access to job-protected leave.

— Pass the Healthy Families Act to allow all working people to earn paid sick time for their own health or the health of their family members, with an amendment ensuring that all working people have access to paid sick leave.

— As part of any comprehensive recovery packages, get needed aid to state and local governments, both to protect and expand public sector employment, and because a robust public sector at the state and local level will speed other positive labor market benefits of recovery.

— Create a robust federal jobs program to help finance wages for public, private, or nonprofit jobs, as well as job training and child care services—whether via the Jobs for Economic Recovery Act or similar legislation. Promote public sector employment to meet urgent needs in public health, education, the care workforce, and green jobs to support climate crisis mitigation.

— Build automatic stabilizers into more safety-net and recession recovery bills, to shore up the economy whenever it falters rather than waiting to fight recessions on a case-by-case basis.

* Indicates a bill that has already passed in the 116th Congress.



FIRST 100 DAYS: OTHER IMPORTANT EARLY PRIORITIES

- Pass the Paycheck Fairness Act* to eliminate loopholes in the Equal Pay Act and close the gender pay gap.
- Pass the Equality Act* to prohibit discrimination on the basis of sexual orientation and gender identity in employment, housing, public education, healthcare, and other areas of civil society.
- Pass the Raise the Wage Act* to raise the federal minimum wage to \$15 an hour in 2025 and eliminate the subminimum wage for tipped, disabled, incarcerated, and youth workers.
- Pass the Pregnant Workers Fairness Act to address pregnancy discrimination.
- Pass the FAIR Act* to ban mandatory arbitration clauses in contracts with employees and consumers avoidance programs.
- Restore and enhance network integrity for high quality family planning and sexual healthcare for Title X and other programs that support the safety net.
- Ensure that the safety net is equipped with resources and policies that allow providers to deliver high quality care in the midst of the pandemic, including extending telehealth provisions, creating parity between public programs, etc.

BEYOND 100 DAYS

- Pass the Part-Time Worker Bill of Rights Act to extend family and medical leave, pension plan participation, pay parity, and access to adequate hours to part-time workers.
- Pass the Domestic Workers' Bill of Rights Act to extend federal labor protections and additional benefits to domestic workers.
- Pass the Schedules that Work Act to provide two weeks' notice of schedules, compensate workers when their hours change at the last minute, give workers a voice in their schedules, and guarantee adequate time between shifts to commute, eat, and rest.
- Overhaul and expand unemployment insurance, including adding automatic stabilizers, expanding eligibility, and removing restrictions that contribute to backlogs and delays.
- Restructure and renew our jobs and skills training infrastructure to establish a new public workforce development program that centers racial, gender, and disability equity—the workers most likely to be left on the margins in the economic recovery.

* Indicates a bill that has already passed in the 116th Congress.

- Pass the Restoring Worker Power Act to ensure equal pay for temporary workers and demand accountability from temp agencies and employers.
- Pass a bill extending full protection of the Fair Labor Standards Act to agricultural workers.
- Pass the Disabled Access Credit Expansion Act to help small businesses comply with the ADA and hire disabled workers.
- Introduce legislation to remove barriers for workers with disabilities to access key safety net programs such as Social Security Disability Insurance (SSDI).
- Use the Congressional Review Act to repeal the Department of Labor (DOL)'s worker classification regulation and any other regulations finalized within the CRA timeframe.
- Pass the BE HEARD in the Workplace Act to expand and strengthen anti-discrimination laws, remove barriers to justice, promote harassment-free workplaces, and hold employers accountable for harassment on their watch.
- Pass the Transformation to Competitive Employment Act to update employment standards for workers with disabilities.
- Further promote union membership and collective bargaining by passing the Workplace Democracy Act, extending the gains of union contracts to similarly placed workers, and creating workers' boards.
- Ban coercive contracts, starting with the Workforce Mobility Act or similar legislation to ban non-compete clauses and the Restoring Justice for Workers Act to ban forced arbitration in employment and labor disputes.
- Introduce a bill requiring just cause for termination of employment, and hold a hearing on it.
- Protect and empower workers in marginalized, criminalized, or overpoliced industries.

CURB CORPORATE POWER

BEYOND 100 DAYS

- Reform laws governing mergers, considering everything from total prohibition to requiring reviewing agencies to apply stricter scrutiny and shift review authority to the antitrust agencies and away from court review, and direct regulators to consider potential effects of mergers on the labor market, marginalized communities, and racial equity.
- Mandate retrospective review of past mergers and unwind those that should/would have been blocked under new rules.
- Reform antitrust laws to designate specific conduct as per se illegal, clarify labor exemption to cover gig workers, and address BigTech platform conduct.

ADMINISTRATIVE PRIORITIES

BUILD A NEW STATUS QUO

FIRST 100 DAYS: COVID-19 AND RECESSION PRIORITIES

— Immediately issue an emergency Occupational Safety and Health Administration (OSHA) standard to ensure all workers' rights to protections from COVID-19 in the workplace. Take action to make that standard permanent and strengthen existing infectious disease standards.

— Initiate federal rulemaking to raise the pay threshold below which workers are eligible for overtime pay to well above the updated threshold of the 2016 rule. There is a great deal of room to go higher than the updated 2016 threshold; the threshold could be phased in to \$82,732 by 2026 and still be within historic norms.

— Issue an executive order to raise the minimum wage for federal contractors to \$15 per hour immediately, updated annually going forward, and also stating that the minimum wage for federal contractors shall always be at least 10% higher than the federal minimum wage.

FIRST 100 DAYS: OTHER IMPORTANT EARLY PRIORITIES

— Impose a moratorium on Trump administration rules under development. Begin a comprehensive scan of all pro-corporate, anti-worker regulatory actions and identify which can be halted, rescinded or need to be fully untangled through rulemaking. These include (but are not limited to) the harmful worker classification rule at the Wage and Hour Division (WHD), joint employer rules at WHD, the National Labor Relations Board (NLRB), and the Equal Employment Opportunity Commission (EEOC), the NLRB rule preventing graduate student workers from



organizing unions, and regulations that made workplaces more unsafe, such as the poultry line processing speed rule.

— (Re)-Institute the DOL/EEOC Equal Pay Task Force.

— Take action through all avenues available to protect immigrant workers and undocumented workers from harms inflicted by the Trump administration.

— Rescind anti-worker interpretations of labor policy regulations.

BEYOND 100 DAYS

— Take action to address anticompetitive trade rules that have led to weak supply chains in the U.S. and contributed to shortages of crucial medical equipment and medicines during the COVID-19 pandemic.

— Strengthen the EEOC, OSHA, WHD, Office of Federal Contract Compliance Programs (OFCCP), and other related agencies to take decisive enforcement action against workplace harassment and discrimination.

— Strengthen enforcement of the Americans with Disabilities Act (ADA) and enforcement of all workplace disability non-discrimination protections.

— Rescind the directive exempting religious organizations from anti-discrimination requirements for federal contractors. Conduct an examination across all agencies of the impact of the Trump administration's "religious freedom" executive order and make clear that it cannot be a license to allow discrimination.

— Move to address algorithmic employment discrimination, especially in lower-

wage industries. Develop legislation to ensure workers' rights to freedom from surveillance on the job, and to privacy for their data.

— Halt Office of Labor-Management Standards (OLMS) scrutiny of worker centers.

— Boost employment of workers with disabilities in the federal workforce and federal contracting workforce.

— Reform guest worker programs to empower guest workers, not their employers and corporations, with full rights and high-road pay.

— Restore full staffing levels and leadership at OSHA, WHD, and other key labor enforcement agencies.

— Ensure the federal government, and employers supported by federal funds, are model employers on all fronts including high pay and good benefits.

— Publicize data on labor law violations by federal contractors, prioritize contractors who are high-road employers, and ban labor rights violators from federal contract dollars.

CURB CORPORATE POWER

FIRST 100 DAYS: COVID-19 AND RECESSION PRIORITIES

— Use all available avenues at the Department of Labor to address the harmful impacts of the fissured workplace, particularly addressing misclassification of workers as independent contractors.

BEYOND 100 DAYS

— Reorient around an approach to trade policy that centers protecting worker rights at home and abroad, and that decenters pursuit of corporate profit.

— Press pause on chasing new trade deals, and instead work with multiple international institutions to develop agreements that instead aim to combat the climate crisis and carbon emissions, crack down on tax havens, and protect basic worker safety and rights.

— Restore liquidated damages in settled cases for labor standards enforcement.

— Discontinue the Payroll Audit Independent Determination (PAID) amnesty program in WHD.

— Issue an Federal Trade Commission (FTC) rule to ban non-compete clauses in employment contracts.

— Conduct a retrospective review of past mergers with the goal of seeking to unwind mergers that should have been challenged.

CHANGE THE RULES OF ENGAGEMENT

FIRST 100 DAYS

— Establish a practice of publicly holding corporate actors accountable for the harm done, especially to low-wage workers. Convene a meeting of CEOs and industry leaders from the agricultural, fast food, and service industry, and beyond, to publicly hear from and respond to workers.

BEYOND 100 DAYS

— Establish advisory boards of workers and direct worker constituency organizations, with real authority, at the White House and all federal agencies regulating the conditions of workers. These must include job-seeking unemployed workers, particularly critical during economic crisis and recovery.

— Empower the executive branch to combat corporate concentration by moving more regulatory process and enforcement authority into agencies.

— Require antitrust enforcement agencies to analyze and consider the impacts that corporate actions have on the labor market and on worker power and voice.

— Establish major worker outreach and education initiatives about labor rights, enforcement, and resources, prioritizing the most vulnerable or low-paid workers.

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