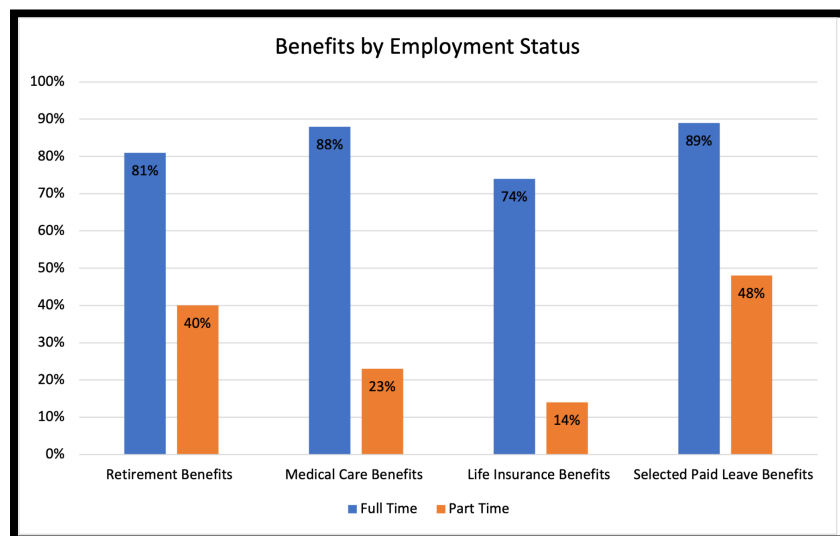


Labor Benefits, Protections and Standards Enforcement

The COVID-19 pandemic has upended and permanently changed the relationship between employees and employers. 2022 hiring forecasts capture the emerging sentiment, employers must provide flexible, quality benefits that center the well-being of employees to stay competitive. Forbes reports from a recent survey that [“62% of employees identified well-being benefits as a key factor in deciding whether to apply for a new job” \(67% for Gen Z employees\).](#) Similarly, [Chicago Business Journal](#) urged companies to adopt improved benefits and labor standards, keeping in mind different needs by worker demographics, to recruit the best candidates. Employee well-being will be essential for the future of work, both for workers personally and the bottom line for businesses.

A closer look at benefits offered to employees in the United States paints a grim picture. [Zenefits, a national HR technology company, reports that the United States ranks last in worker benefits among developed countries.](#) Furthermore, [data from the Bureau of Labor Statistics](#) (March 2021) shows part-time employees often do not have access to benefits at all. Part-time work is held disproportionately by women and people of color



exacerbating the gender and racial gap of access to benefits. Addressing worker benefits will be essential for business success as employers with quality benefits have higher retention rates, recruit more skilled employees, and have higher productivity.

While many businesses are committed to ensuring the health and safety of their workforce, however COVID-19 has highlighted the danger many employees face in their work environments. Increasingly, state and local governments are stepping in with innovative protections strategies for enforcement, as the federal government trails behind. [Cities and counties across the nation have adopted 21st-century labor standards, including fair workweek laws, rights to paid time off, and pandemic safety measures. To enforce the new worker protections, cities and states are using general attorney offices and new labor standards offices.](#)

The [current model for labor standards enforcement agencies across the nation is a complaint-based system](#), wherein an affected worker files a grievance with the agency and then investigates the claim. This model is inadequate for many workers, as the process of submitting a claim is difficult to navigate through the bureaucracy. In addition, the process can be

intimidating for workers who have tenuous relationships with government institutions. The fissuring of workplaces, where the relationship between employers and employees is blurred, has also disrupted the complaint model. The grievance enforcement model continues to fall short as workplaces [most affected by labor standard violations are least likely to report violations. The highest violating industries are private households, social servicing, and food manufacturing.](#)

In response to the failure of the complaint-based method, a new model has emerged through state and local actors. Agencies are now using a strategic enforcement method, a proactive approach to reach out to vulnerable workers and prioritize industries with high rates of violation. The model allows government agencies to use creative tactics to increase compliance, such as settlements and [publicity](#) of investigations. Government agencies are encouraged to triage complaints, allowing bureaucrats to prioritize worker and industry needs. Strategic enforcement relies on co-enforcement as well, where the agencies work in tandem with community organizations and unions to further investigations. California recently changed its labor enforcement practices which resulted in [“increasing the ratio of violations to investigations from 49 percent in 2010 to 150 percent in fiscal year 2017–2018, and ages assessed per inspection rose from \\$1,402 to \\$28,296 over the same time period.”](#)

[Beyond government agencies, attorney generals are using criminal law to prosecute violating businesses.](#) Beyond government enforcement, business, community organizations, and labor unions must also be invested in workplace safety and culture. Workers who may feel less comfortable approaching the bureaucracy can rely on their community and organized labor to empower them. For example, ARISE Worker Center in Chicago [maintains an updated Worker Rights Manual](#) to educate and empower workers to fight for their rights and offers multiple solutions to workers who face exploitation. No single organization can ensure workers' health and safety, but collaboration between government agencies, community organizations, businesses, and labor unions can enable a better future of work.

Many prominent employers are leading the way in creating safe, thriving workplaces for their employees to prosper. Microsoft is paving the way for working parents by [providing 12-week paid family leave, adoption assistance benefits, nearby daycare, and childcare subsidies.](#) In the food manufacturing industry, General Mills has [implemented a new rigorous safety system that has resulted in a “52% reduction in injuries” on their way to the goal of a zero-loss culture.](#) Equity is on the minds of many businesses, with companies including [NVIDIA, Semiconductors & Equipment, Procter & Gamble, Personal Products, General Motors, Automobiles & Parts all working toward gender equity in hiring, pay, and workplace safety.](#) Companies are beginning to recognize the power of centering their employees well-being in creating a productive workplace.

Employee access to benefits and safe work environments not only benefits employees but employers and the larger economy. [Zack Silk, President of City Ventures, shares how Seattle’s ordinances to improve labor standards in the city have allowed robust, healthy competition in the local economy benefiting growing businesses competing within monopolized industries.](#) Furthermore, employees are more productive in safe and rewarding workplaces. [Illinois has](#)

[significantly higher worker productivity than right-to-work states, which have fewer benefits across the board for employees.](#) The future of work in Illinois will be determined by an emphasis on the benefits and well-being of employees to maintain a dedicated and skilled workforce.

Reports Referenced

1. Washington Center for Equitable Growth- [Strategic enforcement and co-enforcement of U.S. labor standards are needed to protect workers through the coronavirus recession](#)
2. [State and Local Workers' Rights Innovations: New Players, New Laws, New Methods of Enforcement](#), Terri Gerstein, Saint Louis University Law Journal, 65 St. Louis U. L.J. 45 (2021).
3. [Regulation by Shaming: Deterrence Effects of Publicizing Violations of Workplace Safety and Health Laws](#), Duke Professor Matthew S. Johnson, American Economic Review, Vol 110, No. 6, June 2020.

Recommended Reading

1. Harvard Business Review- [How The Gap Used an App to Give Workers More Control Over Their Schedules](#)
2. Harvard Law and Policy Review- [California Co-Enforcement Initiatives that Facilitate Worker Bargaining](#)
3. Economic Policy Institute [Workers' rights protection and enforcement by state attorneys general](#),
4. Economic Policy Institute- [State and local labor standards enforcement during COVID-19](#)

Featured Speakers



Nik Theodore is a Professor in UIC's Department of Urban Planning and Policy. His work focuses on economic restructuring, labor standards, and worker organizing. His research has been published in economics, public policy, and urban studies journals including: Cambridge Journal of Economics, International Journal of Urban and Regional Research, Urban Geography, European Urban and Regional Studies, Economic Development Quarterly, Political Geography, and others. His research on employment issues has been featured in the New York Times, Wall Street Journal, Time, Chicago Tribune, Los Angeles Times, Washington Post, CNN, BBC, PBS's NewsHour, All Things Considered, MarketPlace, and others. Prior to joining UIC he was an Atlantic Fellow in Public Policy at the University of Manchester (England). He is also an editor of Antipode: A Radical Journal of Geography.



Jane Flanagan is a Deputy General Counsel in the Office of Illinois Governor J.B. Pritzker. She recently completed a Leadership in Government Fellowship with the Open Society Foundations and, during this time, was also a Visiting Scholar at IIT Chicago-Kent College of Law. Jane is the founder and former Chief of the Workplace Rights Bureau in the Office of the Illinois Attorney General and also previously served as counsel to Maryland's Commissioner of Labor and Industry. Jane began her career representing employees in private practice.



Scott Weiner — a Northbrook, IL, native — traces his love and passion for the restaurant business back to taking his first job as a server at Johnny Rockets as a teenager. Working at a variety of other restaurants in the North Shore, Scott focused his career towards the hospitality industry at an early age. Prior to opening The Fifty/50 with business partner Greg Mohr in March 2008, Scott was the assistant general manager at Joe's Seafood, Prime Steak, and Stone Crab in Chicago where he focused on food purchasing and menu development. Today, Scott is mainly on the day-to-day operations of the Fifty/50 Restaurant Group with a focus on developing the group's infrastructure, systems, and marketing program. Scott also sits on the executive board for the Illinois Restaurant Association and actively oversees all legal, bank, and financial areas of the business.



Terri Gerstein is the Director of the State and Local Enforcement Project at the Harvard Law School Labor and Worklife Program, and also a Fellow in the Program. She recently completed an Open Society Foundations Leadership in Government fellowship. Previously, she worked for over 17 years enforcing labor laws in New York State, including as the Labor Bureau Chief for the New York State Attorney General's Office, and as a Deputy Commissioner in the New York State Department of Labor. Before her government service, Terri was a nonprofit lawyer in Miami, Florida, where she represented immigrant workers and also co-hosted a Spanish language radio show on workers' rights.



Chasse Rehwinkel in his current role as the director of banking for the state of Illinois, he hopes to give back to society and provide equal opportunities to individuals from all walks of life, whether it be ensuring that people with loans receive breaks when they need it, or that those struggling are receiving financial assistance. He went on to earn his master's in public policy at the University of Chicago in 2015, simultaneously building his portfolio in politics by working for an Illinois state representative and eventually serving as policy director for the state treasurer. In 2017, he served as the chief economist and director of bond division for the state comptroller, and when the new governor came on board in 2019, he was invited to join his cabinet, where he's served for the last two years. Here, Rehwinkel regulates state-chartered banks, non-bank mortgage lenders, student loan servicers, and pawnbrokers, in addition to implementing various financial policies. Amid the COVID-19 pandemic, Rehwinkel and his colleagues' work shifted to focus on ensuring banks remained secure and wouldn't falter and that individuals and local businesses facing strained financial situations received the support they needed.



Susan J. Lambert is Professor in the Crown Family School of Social Work, Policy, and Practice at the University of Chicago, and Director of the Employment Instability, Family Well-Being, and Social Policy Scholars Network (EINet). Lambert received a B.A. summa cum laude in Psychology from Eastern Michigan University, a M.S.W. (Social Program Evaluation) and a Ph.D. in Social Work and Social Science (Organizational Psychology) from the University of Michigan. Susan is one of the few researchers focusing on the "work" side of work-life issues, primarily studying low-skilled, hourly jobs. Central to her research is examining whether it is possible to create a better model of work for both hourly low-wage employees and employers. This is especially important at a time when employers are shifting risk from the market onto employees, subsequently undermining workers' ability to access social benefits such as health insurance, unemployment insurance, and paid leave.