

ESTABLISHING PARTNERSHIPS TO IMPROVE ENFORCEMENT OF WORKPLACE STANDARDS

THE PROBLEM

Local governments across the country have passed laws to raise the minimum wage; allow workers access to essential benefits like sick leave and fair scheduling; and provide protections against discrimination and harassment. Unfortunately, violations of these laws are widespread, with research finding that more than two-thirds of low-wage workers experienced a pay-related violation in just the past week.¹ Local governments face a significant challenge enforcing their workplace laws. Federal wage and workplace safety investigators are not empowered to investigate violations of higher state and local standards. State and local inspectors are often under resourced—but even if they were more fully funded, they could never have enough staff to check on all workplaces, nor would they necessarily have the trust of vulnerable workers—as those workers who are most likely to have their rights violated are often the least likely to come forward.²

THE SOLUTION

Local governments need to do many things to ensure workplace laws are properly enforced, including providing adequate funding for government inspectors and making clear statements that workplace law enforcement is a priority. But a critical element of any enforcement strategy is partnering with worker and community organizations to enforce these laws, as Janice Fine, associate professor of labor studies and employment relations at Rutgers University, and Jennifer Gordon, professor of law at Fordham University, have forcefully argued.³ These organizations—from unions, to worker centers, to religious organizations and other volunteer groups—often have a sophisticated understanding of where workplace violations are most prevalent, access to large numbers of workers and significantly greater levels of trust and credibility with those affected by labor law violations than government em-

ployees.⁴ Moreover, these sorts of partnerships provide a critical opportunity for state and local governments to help strengthen worker organization.

Localities should provide funds to worker organizations for enforcement activities; ensure that these worker organizations are able to access information and workplaces to investigate possible violations; and enact fees on businesses to support co-enforcement. As partners, worker organizations can enforce the standards by educating workers and businesses about the laws, identifying problem industries and workplaces, supporting agencies in conducting workplace wide audits, investigating specific complaints, assisting agencies with interviews and securing complainants, and otherwise serving as trusted intermediaries.⁵ This model drastically increases the number of investigators available to investigate complaints and conduct enforcement activities.

CITY EXAMPLES: San Francisco and **Seattle** have implemented community enforcement programs by providing grant money to help enforce workplace standards. **San Francisco** established the Office of Labor Standards Enforcement (OLSE) in 2002, and since 2009, the office has contracted with community-based, worker-led organizations to support enforcement, with priorities and co-enforcement requirements outlined in RFPs, issued every few years. These groups are led by the Workers' Rights Community Collaborative (WRCC), a collaborative of worker centers, legal-aid organizations and community-based organizations rooted in ethnic or linguistic communities.⁶ The groups educate workers, perform preliminary investigations and make referrals to OLSE.⁷ Nearly one-third of the complaints received by OLSE come from the contracted community groups,⁸ and 85 percent of the cases that result in recovery for workers originate with the WRCC.⁹ The efforts of community-based organizations were so suc-

cessful that the San Francisco Board of Supervisors more than tripled annual funding for enforcement partnerships between Fiscal Year 2006 and Fiscal Year 2016, when annual funding reached \$660,000.¹⁰ Most recently, the OLSE contracted with the Chinese Progressive Association, which then subcontracts to several other organizations.¹¹

In 2015, the City of Seattle created the Office of Labor Standards (OLS) to advance labor standards through community and business engagement. The OLS is responsible for implementing seven citywide labor laws. In 2017, the OLS contracted with 21 community-based organizations for two-year contract cycles.¹² In the first three quarters of work, the organizations reached over 36,000 workers through 616 outreach activities, 247 trainings and 613 intakes of workers with potential labor violations.¹³ By August 2017, OLS Seattle assessed \$1 million in remedies for almost 2,000 Seattle workers under Seattle's labor standards, through 200 closed investigations.¹⁴ For its 2018 budget, the OLS has allocated \$2.3 million for outreach contracts with community based organizations.¹⁵

Even the most committed partnership between agency and community group will face challenges. On the worker organizing side, simultaneously identifying cases, balancing the relationship and communication with agency staff, and maintaining the integrity of daily organizing work can pose difficulties. For government agencies, considerations include reconciling government agency policies and procedures (e.g. privacy) with expectations of openness and transparency required in partnerships, as well as ensuring the agencies are responsive to the needs of the communities they are working to serve.¹⁶

LANDSCAPE AND RESOURCES

The **Center for American Progress Action Fund's American Worker Project** conducts research to increase the wages, benefits, and security of American workers and promote their rights at work and has published economy-focused issue briefs on worker organizing and worker power, including a report detailing how cities and state can implement this co-enforcement model and several other policies to build worker power. The **National Employment Law Project** has extensive resources on worker rights, wage theft, health and safety, and overtime, to highlight just a few.

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