

# Understanding the Equitable Enforcement Ecosystem

The law is a critical tool to solve problems within our communities, keep people safe and healthy, and help people to reach their fullest potential – but because of our history of discrimination in laws, policies, and practices, best intentions are not enough. A perfect law on

the books can be ineffective – or, worse, detrimental – without equitable and effective enforcement.

**Equitable enforcement** can be defined as “a process of ensuring compliance with law and policy that considers and minimizes harms to underserved communities.”<sup>1</sup>

This roadmap seeks to map the process and stakeholders within the equitable enforcement ecosystem, particularly in the context of employment and labor standards. Safe, secure, and stable employment helps children and families to thrive – and a multigenerational approach that supports children and families leads to improved health outcomes for the whole community. Fair living-wage policies and supplemental income programs work to reduce disparities in income and wealth accumulation. Paid leave policies and policies that expand worker protections in caregiving professions are two specific examples of interventions that promote stability and health equity for children and families – but careful attention to implementation and enforcement is required to achieve the intended results. Our research and the accompanying stakeholder spotlights show how enforcement processes that are inclusive, equitable, and fair can help ensure that policies meet their goals and promote health equity.



*Our guide **Equitable Enforcement to Achieve Health Equity** is a great starting point for learning about the importance of an intentional focus on equitable enforcement and inclusive policymaking processes that elevate the voices of people who are affected by enforcement.*

*In addition, our **Blueprint for Changemakers** explores how inclusive policymaking can address systemic drivers of health inequities, emphasizing the power of partnerships and community engagement. The Blueprint notes that policymakers must prioritize the people most affected by health inequities in order to achieve health for all.*

<sup>1</sup> ChangeLab Solutions. *Equitable Enforcement to Achieve Health Equity: An Introductory Guide for Policymakers and Practitioners*. [www.changelabsolutions.org/product/equitable-enforcement-achieve-health-equity](http://www.changelabsolutions.org/product/equitable-enforcement-achieve-health-equity). p. 14.

# Participants



**Community.** A community is a group of people who are located in a particular geographic area, or a group of people who share a common identity or characteristic but may not be located in a single geographic area. Communities involved in policymaking could include residents of a community (especially if the policy is linked to a particular neighborhood or location), community groups, nonprofit organizations, and workers and employers (if the policy is related to a workplace).

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*Community input is important at every stage of the policymaking process because community members will have valuable information about the problem to be solved, how a new policy might function, or what unintended effects might occur.*

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**Note:** *Community* is a very broad term, and several communities will likely be affected by any policy. For example, a business community and the families in the same geographical area may have differing – perhaps even opposing – interests and concerns. Particular attention should be given to communities that have historically been underrepresented in the policy process or that are underserved by the status quo.



## **Academics/researchers/think tanks.**

Researchers and academics can help gather, contextualize, and analyze information related to past policies, the context in which current policy options are being considered, or effectiveness of a particular policy or provision.



**Elected lawmakers.** Elected lawmakers are needed to draft and pass any policy that will be enacted as a statute or ordinance. A policy is more likely to function as intended if elected lawmakers familiarize themselves with input from other stakeholders and respond to their concerns.



**Administrators.** Once a law is passed, administrators are the government officials responsible for interpreting, implementing, and establishing policy to enforce the laws. Close relationships between community members, elected lawmakers, and administrators will help ensure that the policy functions as intended, accomplishing desired goals without inadvertent consequences.



**Enforcing officials.** The enforcing officials are responsible for ensuring compliance with statutory provisions – for example, by conducting outreach, identifying violations, or applying penalty provisions. Enforcing officials might differ, depending on the policy. They might be a subset of the administrators; they might be prosecutors or police (in the case of a policy that affects public safety); or enforcement authority could be granted to private citizens or community organizations.

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# Developing Equitable Enforcement Provisions:

## 1 IDENTIFY A PROBLEM

Begin by defining a problem that needs to be solved.

### COMMUNITY

**Community** members who will be directly affected or who have direct knowledge of the situation provide input into the problem to be solved. Multiple communities may be affected and/or overlap in different ways. Some communities may benefit more from the status quo, while others may advocate for change. Different groups may have competing or opposing goals.

### RESEARCHERS

**Researchers, academics, or think tanks** may provide historical context for the problem and may receive information from **administrators** or **enforcing officials**. Is the complaint a symptom of a larger or systemic problem? How did this problem arise? Have there been past efforts to fix this problem, and how did they work? This information gathering should be centered on input from **community** members.

#### IN COLLABORATION WITH

ADMINISTRATORS

ENFORCING OFFICIALS

COMMUNITY

### ELECTED LAWMAKERS

**Elected lawmakers** should listen and be responsive to input from **community** members – including concerns about what the problem is, the context for the problem, and potential solutions.

#### IN COLLABORATION WITH

COMMUNITY

## 2 GATHER INFORMATION

Gather information that's relevant to the problem's history, scope, and possible solutions.

### COMMUNITY

### RESEARCHERS

Gather information that's relevant to the problem through public records requests, engagement with community-based organizations (CBOs), media, interviews, or surveys. **Community** members and organizations may be effective in obtaining relevant, reliable information that an outsider might be unable to access. (Example: Workers are more likely to share candid opinions on workplace violations with organizations that have built trust through ongoing interactions than with government officials whom they may distrust due to historical mistreatment.)

**Researchers** may provide valuable insight and assist with this process.

### ELECTED LAWMAKERS

### ADMINISTRATORS

### ENFORCING OFFICIALS

Based on information gathered, **elected lawmakers**, in coordination with **administrators** and **enforcing officials**, determine what possible solutions exist and what resources are needed and available to address the problem.

Be sure to consult **community** members about possible solutions and potential consequences, particularly unintended consequences that may not directly stem from the issue addressed.

#### IN COLLABORATION WITH

COMMUNITY

## 3

Begin drafting your policy by laying out your main approach to enforcement; then address implementation, equity, education, and evaluation.

### APPROACH

### ELECTED LAWMAKERS

Ensure that those tasked with implementing the enforcement provisions, those who stand to benefit from the enforcement provisions, and those who might be targeted by the enforcement provisions are involved in the drafting process alongside **elected lawmakers**, with the goal that everyone's perspectives are heard and no one is surprised by how the enforcement provisions affect them.

#### IN COLLABORATION WITH

ADMINISTRATORS

ENFORCING OFFICIALS

COMMUNITY

### COMMUNITY

### RESEARCHERS

Does the enforcement provision target the root cause of the problem or merely the symptoms of a larger problem? **Community** involvement will be important in determining how best to target a problem at its source, and input from **researchers** may be valuable as well. It is also critical to include the **elected lawmakers** who make policy decisions and **administrators** who can address the feasibility of implementation.

#### IN COLLABORATION WITH

ADMINISTRATORS

ELECTED LAWMAKERS

*An enormous amount of effort and resources must be first put into outreach and education before being able to facilitate workers' coming forward to enforce rights. Monitoring the cases brought by domestic workers allows us to then assess issues that come up and continue policy advocacy for solutions. Solutions may be within power of the agency to fix themselves; it may be a regulatory change, and we may need to campaign for a new piece of law. We see policy advocacy and enforcement working through a feedback loop as we hope to see our members realize their legal rights.*  
—Reena Arora, National Domestic Workers Alliance

*How do you work with community in a way that is transparent, so that you're sharing information, you're building trust, and it's not a one-way street?*  
—Jenn Round, workplace justice lab@RU

*Often, the starting place when crafting equitable enforcement mechanisms is looking to examples that already exist in the state's laws.*  
—Jared Make, A Better Balance

# A Roadmap for Collaborative Policy Development

THIS IS AN ITERATIVE PROCESS

## DRAFT THE ENFORCEMENT PROVISION

Write a policy that implements the desired change and sets forth the necessary details. Clearly state what the policy requires or prohibits, how it will be enforced, the resources required, and how those resources will be provided. Outline how the policy will be enforced equitably. Include provisions for educating stakeholders about the policy, as well as how the policy will be evaluated. The written policy will largely determine how the policy will be implemented and what impacts it will have, so each of these steps should be addressed in the written law, with consideration given to the roles of rulemaking and discretion.

### IMPLEMENTATION

#### ELECTED LAWMAKERS

#### ENFORCING OFFICIALS

Enforcement provisions may be funded through the governing body's general revenue or self-funding mechanisms such as licensing fees. **Elected lawmakers** should prioritize economic consequences that affect actors in positions of power, like fines for businesses or property owners. Financial penalties imposed on individual **community** members may perpetuate inequities driven by systemic or structural issues. The rationale and goals should be made clear for **enforcing officials**.

IN COLLABORATION WITH  
**COMMUNITY**

#### COMMUNITY

**Community** organizations can be a source of information about potential violations, can help with investigations, and can even act as private attorneys general if given the right to initiate lawsuits against violators on behalf of the government.

They can help identify systemic violations and ensure that resources are being used in a way that will positively affect most people.

IN COLLABORATION WITH  
**ADMINISTRATORS**  
**ENFORCING OFFICIALS**

*Even agencies that have more staffing — they'll get a number of staff for the laws that are on the books then, and the legislators will pass three or four more laws without additional staffing or resources. So all of a sudden, resources are thinner and thinner and then these great laws don't have the staff capacity or resources needed to actually implement them.*

—Janice Fine, workplace justice lab@RU

### EQUITY

#### ADMINISTRATORS

#### ENFORCING OFFICIALS

#### COMMUNITY

Enforcement provisions should be designed with attention to parties and processes that can steer enforcement in an equitable way. For example, enforcement that relies exclusively on complaint-based processes may create insurmountable barriers for underserved groups who fear retaliation or lack trust in the government system.

**Administrators** and **enforcing officials**, who are primarily responsible for day-to-day implementation of the enforcement provision, should seek continual dialogue with **community** members to ensure that the policy is functioning as intended.

*How equitable is that access? These laws have the potential not just to raise the floor but to narrow the gap in many aspects of job inequality by race, by gender, by ethnicity. But we need to really go out and hear from workers directly about whether or not they're getting the benefits and rights that they are due under the law. I would also say it's not sufficient to go ask employers if they are complying; you need to ask workers if they are getting what they are due — and those two sets of reports can be very different.*

—Daniel Schneider, The Shift Project

### EDUCATION

#### COMMUNITY

#### ADMINISTRATORS

Include provisions on educating **community** members about the new enforcement strategies (e.g., employers and employees on enforcement of workplace policies). This approach provides an opportunity for **administrators** to collaborate with CBOs and other partners trusted by affected parties. Providing the rationale for the intervention and giving all stakeholders the information they need to comply helps set the stage for successful policy implementation.

#### ENFORCING OFFICIALS

Include provisions on educating the **enforcing agency** about equity concerns in enforcement, including potential bias and risks that could arise from over- or under-enforcement. Equitable Enforcement to Achieve Health Equity is a useful resource for framing these conversations.

*As we create more public education materials on Colorado's paid sick time law, we've seen a notable increase in workers across the state who contact our legal helpline with questions about how the law works, what it covers, and other baseline information. We tend to hear most from Coloradans in low-wage jobs, a trend that we see nationwide and that reflects the data showing that workers in low-wage positions are least likely to have access to paid sick leave before a law requiring such leave is passed.*

—Jared Make, A Better Balance

### EVALUATION

#### COMMUNITY

#### RESEARCHERS

#### ELECTED LAWMAKERS

Enforcement provisions should include evaluation, data collection, and monitoring to ensure that the policy is having the intended effect. The policymaking process is not finished when a bill becomes a law: the policy should provide **administrators** with sufficient resources for ongoing evaluation and revision in collaboration with **community** partners. **Elected lawmakers** can receive data on implementation and make further revisions if necessary.

**Researchers** may also be able to provide insight and evaluation, helping to quantify the effects of the policy and identify potential disparities in implementation.

IN COLLABORATION WITH  
**ADMINISTRATORS**

#### ADMINISTRATORS

#### ENFORCING OFFICIALS

**Administrators** and **enforcing officials** can give feedback on the clarity of the law, efficacy of education, and additional tools that would assist them in making the policy more effective and equitable.

*We were able to work very closely with the city auditor's office and the Office of Labor Standards to design an evaluation of Seattle's secure scheduling ordinance. We were able to go back and follow up and get new samples of workers after the law had gone into effect to understand how things had changed for those covered workers in Seattle and for workers elsewhere. Using that before-and-after comparative design, we're able to generate estimates of the effects of Seattle's law.*

—Daniel Schneider, The Shift Project

# A Better Balance



Community, nonprofit organization

Headquartered in New York, NY; offices nationwide

Founded in 2006, A Better Balance is a national nonprofit advocacy organization dedicated to making sure that workers have adequate access to crucial benefits for personal and family health without jeopardizing their financial security. The organization focuses on supportive work-family policies like paid sick time; paid family and medical leave; pregnancy and caregiving nondiscrimination; fair scheduling; and accessible, quality childcare and elder care. These policies are critical to ensuring that workers, many of whom are parents or caregivers, can care for themselves and their loved ones without jeopardizing their employment. These supportive policies are linked to better health outcomes for children and families; for example, lack of paid sick leave is correlated with greater incidence of illness and with children's use of health services at a lower rate.<sup>1</sup> These supportive policies are particularly important for workers with low income and workers of color because they are less likely to have paid sick leave offered by their employer,<sup>2</sup> more likely to be burdened economically or health-wise by caregiving,<sup>3</sup> and generally have fewer resources to assist them with caregiving or child care.

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These supportive policies are linked to better health outcomes for children and families.

## Role in Equitable Enforcement Ecosystem

A Better Balance pursues legislative and policy advocacy, direct legal services, strategic litigation, and public education. During policy development, A Better Balance drafts model legislation and provides research and technical support for advocates and legislators on work-family policies. A Better Balance also engages with governments on implementation of new laws; conducts educational outreach by creating and distributing materials on workplace rights – such as state-by-state know-your-rights guides – to workers and their advocates; and supports legal defense work when work-family laws are challenged.<sup>4</sup> Finally, A Better Balance also advises workers on their rights via a free and confidential helpline and initiates complaints and legal action against employers on behalf of workers. For example, the organization was co-counsel on a \$14 million settlement that paid claims to a class of pregnant workers at Walmart who had requested but were denied workplace accommodations.<sup>5</sup>

## Key Accomplishments

A Better Balance played a key role in drafting and passage of Colorado's 2020 paid sick leave bill – the Colorado Healthy Families and Workplaces Act. One of the strongest paid sick leave bills in the nation, it guarantees *all* Colorado workers access to up to 48 hours of paid sick leave per year, accruing immediately upon employment at 1 hour of leave per 30 hours worked. It also provides supplemental paid sick leave during

certain declared public health emergencies, including COVID-19. Previously, Colorado workers were not legally entitled to paid sick leave unless their employer voluntarily provided it or pursuant to a collective bargaining agreement.

In the decade prior, advocates including A Better Balance supported campaigns to pass paid sick leave bills in Denver and statewide. Despite significant grassroots organizing, however, these early paid sick leave efforts didn't advance or pass at the time, in large part due to opposition from political and special interests and the fact that the paid sick leave movement was still gaining momentum around the country. Years later, in 2020, however, the political climate allowed high-impact legislation to finally be adopted. The emergency need for COVID-19 leave, significant research on the case for paid sick leave, and the policy's successful implementation around the country made paid sick leave legislation politically feasible.

A Better Balance and a coalition of groups in Colorado leveraged their collective experience in working directly with communities, as well as from previous advocacy campaigns, to navigate the bill through Colorado's legislative process. After meeting with key stakeholders throughout the state, A Better Balance drafted model legislation that addressed the need for workers and their families to access paid sick leave while also maintaining buy-in from key stakeholders. The bill also needed to include enforcement provisions that were strong enough to promote compliance while also maintaining political support. The process involved multiple rounds of input, discussion, and, in some cases, compromise with numerous stakeholders such as community groups, business interests, and labor enforcement agencies.

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**In 2020, the political climate allowed high-impact legislation to be adopted.**

- 1 Lankachandra D, Gomez C, Leiwant S, Make J. *Sick Without a Safety Net: Now Is the Time to Build on State Successes with a Federal Paid Sick Time Law*. New York, NY: A Better Balance; March 2022. [abetterbalance.org/sick-without-a-safety-net](https://abetterbalance.org/sick-without-a-safety-net); Seixas B, Macinko J. Unavailability of paid sick leave among parents is a barrier for children's utilization of nonemergency health services: evidence from the National Health Interview Survey. *Health Plann Manage*. 2020;35(5):1083-1097. [onlinelibrary.wiley.com/doi/abs/10.1002/hpm.2988](https://onlinelibrary.wiley.com/doi/abs/10.1002/hpm.2988); Lovell V. *No Time to Be Sick: Why Everyone Suffers When Workers Don't Have Paid Sick Leave*. IWPR Publication no. B242p. Washington, DC: Institute for Women's Policy Research; May 2004. [paysickdays.nationalpartnership.org/site/DocServer/No\\_Time\\_To\\_Be\\_Sick.pdf](https://paysickdays.nationalpartnership.org/site/DocServer/No_Time_To_Be_Sick.pdf).
- 2 Lankachandra D, Gomez C, Leiwant S, Make J. *Sick Without a Safety Net: Now Is the Time to Build on State Successes with a Federal Paid Sick Time Law*. New York, NY: A Better Balance; March 2022. [abetterbalance.org/sick-without-a-safety-net](https://abetterbalance.org/sick-without-a-safety-net); Maye A. Low-wage workers least likely to have paid sick days. The Center for Law and Social Policy website: [clasp.org/blog/low-wage-workers-least-likely-have-paid-sick-days](https://clasp.org/blog/low-wage-workers-least-likely-have-paid-sick-days). November 21, 2019.
- 3 Collinson C, De La Torre H. *The Many Faces of Caregivers: A Close-up Look at Caregiving and Its Impacts*. Los Angeles, CA: Transamerica Institute; September 2017. [transamericainstitute.org/docs/default-source/caregivers-research/household-income-influences-on-caregiving-2017.pdf](https://transamericainstitute.org/docs/default-source/caregivers-research/household-income-influences-on-caregiving-2017.pdf).
- 4 Workplace rights hub: a state by state legal guide to asserting your rights for workers caring for yourself and your loved ones. A Better Balance website: [abetterbalance.org/know-your-rights](https://abetterbalance.org/know-your-rights).
- 5 Court approves \$14 million settlement agreement with pregnant workers from 2013-2014. A Better Balance website: [abetterbalance.org/court-approves-14-million-settlement-agreement-with-pregnant-workers-from-2013-2014](https://abetterbalance.org/court-approves-14-million-settlement-agreement-with-pregnant-workers-from-2013-2014). April 29, 2020.



# Los Angeles City Attorney's Office (Affirmative Litigation Division)



Enforcing authority, local government

Los Angeles, CA

The Los Angeles City Attorney's Office not only represents the city in all traditional municipal matters – defending the city in litigation, writing municipal laws, and prosecuting misdemeanor crimes – but also represents the city (and in cases filed under the Unfair Competition Law, the people of the state of California) as plaintiffs in its Affirmative Litigation Division (ALD). ALD pursues litigation in matters such as consumer protection, wage theft, and unfair business and housing practices. Los Angeles is the country's second largest economy and is home to nearly 4 million residents and 343,419 households with children.<sup>1</sup> As such, it is particularly important to ensure that labor laws are enforced, so that millions of workers in the city are able to work safely and access the pay and benefits they are entitled to as they support themselves and their families.

## Role in Equitable Enforcement Ecosystem

Typically, the day-to-day enforcement of labor laws is carried out by numerous agencies, including the state's Division of Labor Standards Enforcement, the county's Department of Consumer and Business Affairs, and the city's Office of Wage Standards. These agencies typically enforce labor laws by examining worker complaints, conducting investigations, and then imposing administrative penalties (e.g., fines and license suspensions). ALD, on the other hand, is not the primary labor law enforcer in the city but can bring civil lawsuits against violating employers and secure civil remedies for workers. This broad power can be particularly helpful in targeting bad actors who may otherwise escape the jurisdiction of labor law-enforcing agencies. For example, a company operating a job referral and placement business that classifies its workers as contractors can create jurisdictional difficulties for a labor-enforcing agency because it may not be clear whether an employer-employee relationship exists. Because ALD is able to pursue *any* legal remedy, it can bring a lawsuit on other grounds, such as unfair competition laws.

Both enforcement agencies and units like ALD can work collaboratively with communities and community-based organizations (CBOs) to enforce laws more effectively. First, CBOs are often better suited to identify instances of employer misconduct and can lend credibility and support when workers are apprehensive about talking to government officials. Additionally, ALD and similar units are not bound by worker arbitration agreements and may not face the same standing issues that community-based organizations do when they bring lawsuits on behalf of workers.

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It is particularly important to ensure that labor laws are enforced, so that millions of workers in the city are able to work safely and access the pay and benefits they are entitled to.

## Key Accomplishments

In 2018, the Los Angeles Affirmative Litigation Division successfully secured over \$1 million in restitution for workers from two Los Angeles car wash businesses.<sup>2</sup> These businesses allegedly deprived workers of minimum wages (paying workers as little as \$6.50 an hour) and overtime and rest breaks, falsified payroll records, failed to provide proper safety equipment, and engaged in witness tampering and intimidation throughout litigation.<sup>3,4</sup> The case and the subsequent settlement were a joint effort of the ALD, the California Division of Labor Standards Enforcement, and two community-based organizations, the Bet Tzedek Employment Rights Project and the Community Labor Environmental Action Network (CLEAN).

Victims of wage theft are often reluctant to complain due to a number of vulnerabilities. Despite only having one cooperating worker as an informant at the time the action was filed, ALD was able to bolster the evidence through discovery. ALD received and analyzed wage statements, time cards, and other employment documents to build its case. ALD simultaneously collaborated with Bet Tzedek and CLEAN, which connected ALD with other aggrieved workers and provided translation services. Additionally, Bet Tzedek also represented individual workers against the companies and counseled workers on settlement offers in those lawsuits in order to counter a common tactic used to undermine larger cases.

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Despite only having one cooperating worker as an informant at the time the action was filed, ALD was able to bolster the evidence through discovery.

1 Households by city/community, Los Angeles County: 2020 census estimates. Los Angeles Almanac website: [laalmanac.com/population/po30.php](http://laalmanac.com/population/po30.php).

2 City Attorney Feuer secures more than \$1M in wage restitution for car wash employees. Mike Feuer, Los Angeles City Attorney, website: [lacityattorney.org/post/2018/11/27/city-attorney-feuer-secures-more-than-1m-in-wage-restitution-for-car-wash-employees](http://lacityattorney.org/post/2018/11/27/city-attorney-feuer-secures-more-than-1m-in-wage-restitution-for-car-wash-employees). November 27, 2018. Updated March 3, 2021.

3 City Attorney Feuer secures more than \$1M in wage restitution for car wash employees. Mike Feuer, Los Angeles City Attorney, website: [lacityattorney.org/post/2018/11/27/city-attorney-feuer-secures-more-than-1m-in-wage-restitution-for-car-wash-employees](http://lacityattorney.org/post/2018/11/27/city-attorney-feuer-secures-more-than-1m-in-wage-restitution-for-car-wash-employees). November 27, 2018. Updated March 3, 2021.

4 City Attorney Feuer files lawsuit against Silver Lake car wash for alleged wage theft. Mike Feuer, Los Angeles City Attorney, website: [lacityattorney.org/post/2018/01/18/city-attorney-mike-feuer-continues-crack-down-on-wage-theft-alleges-operators-of-silver-l](http://lacityattorney.org/post/2018/01/18/city-attorney-mike-feuer-continues-crack-down-on-wage-theft-alleges-operators-of-silver-l). January 18, 2018. Updated February 25, 2021.



# National Domestic Workers Alliance



## Community, nonprofit organization

Headquartered in New York, NY; affiliated organizations and local chapters nationwide

The National Domestic Workers Alliance (NDWA) is the leading voice for dignity and fairness for the millions of domestic workers in the United States. Founded in 2007, NDWA represents 2.2 million domestic workers who work as nannies, home care workers, and house cleaners in private homes, providing essential care and supportive services to children, households, aging parents, and family members with disabilities every day.

Most domestic workers are women of color; often, they are also immigrants, mothers, and low-wage workers.<sup>1</sup> Because of their race and socioeconomic and immigrant statuses, domestic workers are particularly vulnerable to workplace exploitation and are often outright excluded from many labor rights and benefits.

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The breadth of NDWA's work allows it to pursue strategies tailored to different jurisdictions to maximize feasibility and impact.

## Role in the Equitable Enforcement Ecosystem

NDWA organizes domestic workers, develops policy solutions, pursues legislative advocacy, and helps ensure enforcement of labor standards.

When governments identify problems and gather information during policy development, input from individual constituents, especially those who do not have political capital, often gets lost. NDWA amplifies the voices of domestic workers, organizing to ensure that their experiences, needs, and wants are heard and considered. And when policies are drafted, NDWA draws on the experiences of domestic workers in its network to guide the creation of equitable and effective policy that centers domestic workers. NDWA also advocates for policies – for example, by pushing for passage of federal and state versions of a Domestic Workers Bill of Rights.<sup>2</sup> Finally, NDWA and its national alliance of more than 70 affiliates and online community of over 250,000 workers identify enforcement needs and drive action by collaborating with legal service providers as well as labor standards departments.

The breadth of NDWA's work allows it to pursue strategies tailored to different jurisdictions to maximize feasibility and impact. For example, jurisdictions that have passed domestic workers bills of rights are solidly progressive blue states. In states where such legislation is highly unlikely to pass, NDWA may instead strengthen its enforcement programming.

## Key Accomplishments

NDWA's organizing and advocacy was central to passage in 2010 of New York's Domestic Workers' Bill of Rights – the first of its kind.<sup>3,4</sup> The legislation guaranteed domestic workers the right to overtime pay, a day of rest every seven days, paid rest days, and protection under the New York State Human Rights Law. The legislation also created a special cause of action for domestic workers who suffer sexual or racial harassment on the job. In 2021, NDWA successfully advocated for full inclusion of domestic workers in anti-discrimination protections in both New York State's and New York City's human rights laws.

Today, 10 states and 2 major cities (Philadelphia and Seattle) have passed a domestic worker bill of rights.<sup>5</sup> NDWA is working to pass a federal domestic worker bill of rights through legislation that would guarantee the rights of domestic workers nationwide.<sup>6</sup>

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**In 2021, NDWA successfully advocated for full inclusion of domestic workers in anti-discrimination protections in both New York State's and New York City's human rights laws.**

1 Economic Policy Institute. *Domestic Workers Chartbook: A Comprehensive Look at the Demographics, Wages, Benefits, and Poverty Rates of the Professionals Who Care for Our Family Members and Clean Our Homes*. 2020. [epi.org/publication/domestic-workers-chartbook-a-comprehensive-look-at-the-demographics-wages-benefits-and-poverty-rates-of-the-professionals-who-care-for-our-family-members-and-clean-our-homes/#:~:text=A%20majority%20\(52.4%25\)%20of,care%20aides%20are%20black%20women](https://epi.org/publication/domestic-workers-chartbook-a-comprehensive-look-at-the-demographics-wages-benefits-and-poverty-rates-of-the-professionals-who-care-for-our-family-members-and-clean-our-homes/#:~:text=A%20majority%20(52.4%25)%20of,care%20aides%20are%20black%20women).

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3 Hilgers L. Out of the shadows. *New York Times Magazine*. February 21, 2019. [nytimes.com/interactive/2019/02/21/magazine/national-domestic-workers-alliance.html](https://www.nytimes.com/interactive/2019/02/21/magazine/national-domestic-workers-alliance.html). Updated February 22, 2019.

4 Domestic Workers' Bill of Rights. New York State Department of Labor website: [dol.ny.gov/domestic-workers-bill-rights](https://dol.ny.gov/domestic-workers-bill-rights).

5 New York (NY) 2010; Hawaii (HI) 2013; California (CA) 2013 and 2016; Massachusetts (MA) 2014; Connecticut (CT) 2015; Oregon (OR) 2015; Illinois (IL) 2016; Nevada (NV) 2017; Seattle, WA, 2018; New Mexico (NM) 2019; Philadelphia, PA, 2019; and Virginia (VA), 2020 and 2021.

6 National Domestic Workers Bill of Rights. National Domestic Workers Alliance website: [domesticworkers.org/programs-and-campaigns/developing-policy-solutions/bill-of-rights/current-campaigns/national-domestic-workers-bill-of-rights](https://domesticworkers.org/programs-and-campaigns/developing-policy-solutions/bill-of-rights/current-campaigns/national-domestic-workers-bill-of-rights).

# The Shift Project, Harvard Kennedy School and University of California, San Francisco



Researcher, academic, joint university collaboration  
Cambridge, MA, and San Francisco, CA

The Shift Project, a joint project of the Harvard Kennedy School and the University of California, San Francisco, uses innovative approaches to collect and analyze workplace data from hourly service workers.

The Shift Project uses targeted advertisements on Facebook and Instagram to identify and recruit respondents who are employed at large service-sector firms in the United States. This approach yields customized policy-relevant samples of employees matched to their respective employers.

This dataset allows the Shift Project to produce reports that estimate the effects of secure scheduling laws on work scheduling practices, measure the health and well-being of workers and their families, monitor changes in scheduling practices and worker outcomes over time, and identify the effects of unstable and unpredictable schedules on health. For example, analysis conducted by the Shift Project shows that the vast majority of service-sector workers experience instability in their weekly work schedules and that workers who experience more predictable scheduling report less stress and better overall health in comparison with workers who experience less predictable and less stable scheduling.<sup>1</sup>

The Shift Project is led by Daniel Schneider, professor of public policy and professor of sociology at Harvard University, and Kristen Harknett, professor of sociology at the University of California, San Francisco.

## Role in the Equitable Enforcement Ecosystem

The Shift Project plays a key role in policy development by helping to identify problems and gather information. The data and reports produced can also inform how enforcement and evaluation might be done more effectively and equitably.

Robust worker data collection provides invaluable insight into the experiences of workers. This data fills in missing information about working environments that might otherwise remain unknown. Community advocates, lawmakers, and government administrators generally do not have the resources or expertise to conduct widespread surveys and analyses. Government officials also may not have workers' trust. Finally, private employers do not have an incentive to conduct research beyond the scope of their employees or to make such information accessible.

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**Robust worker data collection provides invaluable insight into the experiences of workers.**

## Key Accomplishments

The Shift Project is the largest source of data on work scheduling for hourly service workers, with reports from 150,000 workers in the retail and fast-food sectors from across the country.<sup>2</sup> Shift Project data include information on worker schedules, economic security, and the health and well-being of workers and families. Reports generated from the dataset provide insight on topics that are difficult to research.

For example, in close partnership with the City of Seattle, the Shift Project designed a quasi-experimental study that surveyed workers before and after Seattle's secure scheduling ordinance took effect. The resulting dataset helped provide the first estimates of the impact of the policy and was able to show downstream improvements in health and well-being.<sup>3</sup>

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Reports generated from the Shift Project dataset provide insight on topics that are difficult to research.

1 About Us. Shift Project website: <https://shift.hks.harvard.edu/about>.

2 About Us. Shift Project website: <https://shift.hks.harvard.edu/about>.

3 The Evaluation of Seattle's Secure Scheduling Ordinance: Baseline Report. Shift Project website: <https://shift.hks.harvard.edu/the-evaluation-of-seattles-secure-scheduling-ordinance-baseline-report>.

# workplace justice lab@RU, Rutgers School of Management and Labor Relations



Researcher, academic, university  
New Brunswick, NJ

workplace justice lab@RU is a research center housed within Rutgers University's School of Management and Labor Relations. workplace justice lab@RU seeks to address economic inequality by supporting, strengthening, and fostering innovations in government and grassroots organizing. These innovations include incorporating **strategic enforcement** – the maximization of enforcement resources by targeting high-violation industries and employers – and **co-enforcement**, an enforcement framework that uses insights gleaned from a sustained partnership with community-based organizations and advocates to more effectively identify and remedy labor violations.

workplace justice lab@RU benefits from the deep expertise of its team members. Janice Fine, director of workplace justice lab@RU and professor of labor studies and employment relations at Rutgers University, is the foremost scholar on co-enforcement and innovative labor enforcement partnerships between governments and community groups; her research interests include economic justice movements and labor standards enforcement. Jenn Round is director of the Strengthening Labor Standards Enforcement program; she previously helped launch and led enforcement at Seattle's Office of Labor Standards. Aquilina Soriano-Versoza, project lead of the Build the Base program, uses her decades of organizing and advocacy experience to support organizations in implementing new leadership and recruitment models.

## Role in the Equitable Enforcement Ecosystem

As a research center, workplace justice lab@RU plays a key role in policy development by helping to identify problems, document wage theft and the need for robust enforcement, and provide resources that can shape more equitable government policy responses to labor standard enforcement issues. Specifically, workplace justice lab@RU has conducted numerous federal, state, and local studies that have demonstrated the deficiencies of the traditional enforcement model, in which enforcement agencies simply react to worker complaints! By comparing complaint and violation data, these studies confirm the importance of proactive strategies in high-violation, low-complaint industries.

Further, articles, reports, and case studies written by members of workplace justice lab@RU shed light on nationwide trends in employment standards, labor enforcement, and other areas in which other participants may have less insight or a more limited scope of expertise. These publications also highlight and evaluate extant enforcement models, examine why enforcement schemes did or did not work, and offer further recommendations based on considered research?

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workplace justice lab@RU seeks to address economic inequality by supporting, strengthening, and fostering innovations in government and grassroots organizing.

workplace justice lab@RU also provides trainings that can inform policy design and implementation and educate enforcement officials and administrators, to help them perform their duties more effectively and equitably.<sup>3</sup>

Additionally, workplace justice lab@RU works with worker advocates to ensure that effective enforcement is built into their broader organizing campaigns. These efforts build advocates' capacity to use enforcement as a tool to create structures for organizing and bargaining in order to build worker power and improve job quality across low-wage, predominantly BIPOC sectors.<sup>4</sup>

## Key Accomplishments

workplace justice lab@RU is a cutting-edge source for information, data, and technical assistance related to implementation of co-enforcement models and other collaborative models for more equitable labor markets. Informational webinars and virtual and in-person trainings by workplace justice lab@RU have been attended by thousands of labor advocates, government officials, and community members. Through these webinars and trainings, as well as through communities of learning and practice, government agencies nationwide learn, share, and implement innovative approaches to labor complaint intake, investigations, improvement of collection rates, more effective settlement terms and negotiation techniques, joint employer liability and multi-jurisdictional cooperation, protection of vulnerable workers from retaliation, strategic enforcement, and co-enforcement.

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Informational webinars and virtual and in-person trainings by workplace justice lab@RU have been attended by thousands of labor advocates, government officials, and community members.

1 Workplace justice lab@RU, website: <https://smlr.rutgers.edu/workplace-justice-lab-ru>.

2 Beyond the Bill Academic Articles and Case Studies, workplace justice @RU website: <https://smlr.rutgers.edu/wjl-ru/beyond-bill-academic>; Beyond the Bill Studies and Policy Papers, workplace justice @RU website: <https://smlr.rutgers.edu/wjl-ru/beyond-bill-studies>.

3 Beyond the Bill Webinars, workplace justice @RU website: <https://smlr.rutgers.edu/wjl-ru/beyond-bill-webinars>.

4 Build the Base, Grow the Movement. workplace justice lab@RU website: <https://smlr.rutgers.edu/wjl-build-base>.