Using all of the powers of local government to advance workers' rights

Checklist for localities that **<u>are not</u>** significantly preempted by the state

- □ Be a model employer with high-road standards for your municipal workforce on wages, paid leave, and collective bargaining
- □ Establish a lasting institution devoted to workers within local government: Create a dedicated labor office for enforcement, outreach, and policy
- □ Give workers a formal voice in government: Establish a worker board or labor advisory council
- □ Enact worker protection laws, such as laws covering the following:
    - o Anti-wage theft
    - o Minimum wage
    - o Paid sick and safe leave
    - o Fair scheduling
    - o Protection for excluded workers (gig workers, freelancers, domestic workers, etc.)
    - o Retention laws
    - o Just cause termination
    - o Anti-discrimination laws: pay transparency, salary history ban, Crown Act, fair chance hiring
    - o Anti-retaliation laws
    - o Workplace safety
    - o Covid-related: hazard pay, right to recall, workplace safety
    - o industry specific: hotels, fast-food, grocery, car wash, etc.
- □ Create labor standards requirements and consequences for municipal government contractors and establish a method for operationalizing/enforcing these requirements
    - o Enact responsible bidder ordinances requiring disclosure and resolution of prior violations and disqualifying repeat violators from bidding
    - o Enact prevailing wage or living wage laws
    - o Establish local or targeted hiring policies
    - o Use project labor agreements, labor peace agreements, and community benefit agreements where appropriate
- □ Create labor standards requirements and consequences for applicants to obtain or renew permits or licenses issued by local government and establish a method for operationalizing/enforcing these requirements
    - o Require disclosure and resolution of prior violations before granting or renewing a permit or license
    - o Create a system for licensing/permitting agencies to routinely research and review grantees' workplace law compliance
    - o Set consequences for licensees/permit holders who commit serious violations
    - o Consider the carrot approach of swifter processing for high-road actors
- □ Use public leadership and bully pulpit of elected position
    - o Issue/commission reports
    - o Offer multilingual education/outreach about workers' rights
    - o Write public letters to companies
    - o Author op-eds
    - o Publish enforcement data
    - o Create one-stop complaint form
    - o Urge local DAs to bring labor cases
    - o Enlist local resources (NGO/private lawyers) to represent workers
    - o Show up and offer support at picket lines, unionizing workplaces, etc.
    - o Hold convenings or public hearings on worker matters
    - o Advocate at state and federals level for pro-worker policies
- □ Leverage public pensions' shareholder status to push for better labor standards
- □ Consider use of still-available American Rescue Plan Act (ARPA) funding for paid sick leave programs/enforcement and other qualified worker protection purposes

LOCAL PROGRESS EPI Labor and Worklife Program HARVARD LAW SCHOOL

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- ☐ Be a model employer with high-road standards for your municipal workforce on wages, paid leave, and collective bargaining
- ☐ Establish a lasting institution devoted to workers within local government: Create a dedicated labor office for any enforcement you can do, as well as for outreach and policy. This office could, for example,
    - o Assess possibilities for advancing workers' rights despite state preemption
    - o Take the lead in many "public leadership" activities below, including issuing reports, holding hearings or convenings, conducting outreach, enlisting local resources, etc.
    - o Develop a one-stop-shop worker complaint form and help package/refer cases to the relevant state and local agencies, as well as to nonprofit or private lawyers.
    - o If permitted under state law, be cross-designated by the state labor dept to help enforce state workplace laws
- ☐ Give workers a formal voice in government: Establish a worker board or labor advisory council
- ☐ Enact worker protection laws that are not preempted, such as anti-wage theft laws
- ☐ Unless preempted, create labor standards requirements and consequences for municipal government contractors and establish a method for operationalizing/enforcing these requirements
    - o Enact responsible bidder ordinances requiring disclosure and resolution of prior violations and disqualifying repeat violators from bidding
    - o Enact prevailing wage or living wage laws
    - o Establish local or targeted hiring policies
    - o Use project labor, labor peace, and community benefit agreements where allowed/appropriate
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- ☐ Leverage public pensions' shareholder status to push for better labor standards
- ☐ Consider use of still-available American Rescue Plan Act (ARPA) funding for paid sick leave programs and other qualified worker protection purposes, including education and outreach.

Adapted from the June 13, 2022 report, *The Role of Local Government in Protecting Workers' Rights*

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