

Economic Policy Institute



# State and local labor standards enforcement during COVID-19

Protecting workers' health and economic security during a pandemic

**Resources** • By [Terri Gerstein](#) and [Jane Flanagan](#) • April 28, 2020

The need to safeguard workers' physical health and financial stability is more important than ever during the COVID-19 pandemic. State and local labor enforcement agencies are critical to such efforts, particularly given the federal administration's abdication of leadership on worker-protection issues. Yet responding to the current crisis will require state and local labor agencies to quickly reorient to a new reality and repurpose their staff and routine functions in new and creative ways. As former state enforcers, we share the following ideas about how such agencies might utilize tested and effective strategic enforcement strategies and tools to respond to this moment.

A few initial caveats: First, the discussion below concerns enforcement and actions, not recommendations for new laws, rules, or regulations. Second, it is primarily geared not toward safety and health enforcement agencies (which have direct jurisdiction and a clear enforcement and policymaking role in the crisis), but rather toward labor standards enforcement agencies, which are not generally directly involved in safety and health matters. Third, we offer these suggestions not as a comprehensive plan, but as a kind of menu of possibilities for agencies to consider, depending on their circumstances and resources. Our objective is to spark new thinking given changed circumstances.

## Background: Strategic enforcement and the rise of municipal labor agencies

Over the past decade, a broad consensus has been developing about what effective labor standards enforcement should look like, generally framed as a **strategic enforcement** model (Weil 2018):

- **Be proactive.** Rather than waiting for workers to complain about violations of workplace rights they may not even know exist, agencies should be proactive in targeting industries with high rates of

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violations, seeking to broadly change conduct in a lasting manner, including through pursuit of up-chain employers.

- **Use data and collaborate.** Such proactive enforcement requires both reliance on data to identify problem industries, as well as close collaboration with unions, community organizations, and worker organizations to learn about violations and reach workers.
- **Focus resources.** Labor enforcers should focus limited resources on industries with high rates of violations; resource limitations also require triage of incoming complaints.
- **Use multiple tools.** Labor enforcers should use a range of tools, including **publicity**, in order to drive deterrence (Johnson 2020).
- **Be flexible.** Strategic enforcement is not static or rigid but rather iterative, nimble, and dynamic, and responsive to new developments.

The U.S. Department of Labor’s Wage and Hour Division under the leadership of David Weil began implementing this strategic enforcement model during the Obama administration. Numerous state labor standards enforcement agencies have also adopted, or are striving to adopt, a similar approach. From California to New Jersey, states have moved beyond a model that waits for complaints to come in before acting and, instead, proactively seeks bad actors based on data and community-driven priorities.

This shift toward strategic enforcement has occurred during the same time period in which scores of municipalities have taken on a new role: setting labor standards and protecting workers’ rights. Historically, worker protection has been handled at the federal and state levels; it has not been a role of localities, and it has not been included in their own conception of what they do for their communities. But responding to a federal and—in some cases—state vacuum, **over 50** local governments have passed municipal minimum wages, **over 20** have established paid sick leave laws, and others have passed wage theft, fair workweek, and other laws (UC Berkeley Labor Center 2020; ABB 2020b). Many have also created or designated municipal agencies to enforce these new laws, including **Chicago, Denver, Flagstaff, Los Angeles, Minneapolis, New York City, Philadelphia, Seattle, St. Paul**, and the first such office, **San Francisco**.<sup>1</sup>

Understood narrowly, a state labor standards enforcement agency or local office of labor standards exists to enforce the state or local wage and hour, fair workweek, or paid leave laws. But understood more broadly, the role of these agencies is to be the governmental advocate or protector for workers: fighting for decent treatment and working conditions for people at work. As one office **website** states, “We are a dedicated voice in City government for workers” (NYC DCA 2020).

This role has never been more important: Only **6.2%** of private-sector employees are unionized, with the **protections** union membership provides (although **over half** of workers would join a union if given the chance) (BLS 2020; Gould 2020; Walsh 2018).

The other 93.8% of private-sector employees are without any large institution to safeguard their well-being in relation to work. At the same time, the rise of forced arbitration has

meant that workers who want to enforce their rights privately through class or collective action lawsuits often cannot do so. In this context, state and local labor agencies are one of the few potential forces to stand up for the rights of working people.

## The current crisis

Against this backdrop, labor agencies are suddenly faced with the COVID-19 crisis.

Workers are being exposed to COVID-19 on the job and some are dying from it—health care workers as well as transit, grocery store, and other workers. People need paid sick leave in order to be able to care for themselves or their family members, to quarantine, or to care for children whose schools have closed. A shocking total of **over 24 million** workers have filed for unemployment in the last five weeks, and many more workers **can't or haven't filed** (Shierholz 2020; Gould and Zipperer 2020). Countless businesses are at least temporarily shut down. Previously thriving industries, like restaurants or travel, may see a long-term reduction, while other industries, like online grocery stores or any kind of delivery services, have seen a spike in business.

Local and state labor enforcement offices are flooded with calls, but with different problems than the usual intake. Along with calls about unpaid wages, overtime, or paid sick leave (where it exists), there are new calls for help from:

- People who have lost their jobs and want information about unemployment insurance;
- People who are being required to work, but who believe that their employer or their particular job is not essential;
- Essential workers whose unsafe workplaces expose them to infection risks that could be avoided; and
- Workers who need paid sick or family leave, to care for themselves or their families, and are trying to navigate a complicated new set of leave laws.

Meanwhile, the federal government has failed to protect workers. The Occupational Safety and Health Administration (OSHA) first issued an **interim enforcement plan** in response to COVID-19 on April 13 and has not otherwise **enforced workplace safety laws** or **passed emergency standards or rules** in response to the crisis (OSHA 2020d; Schwing 2020; Felsen 2020; Michaels 2020). Further, the interim plan contemplates on-site inspections only among health care employers, with no real enforcement (beyond informal measures like letters or phone/fax efforts) for non-health-care companies. OSHA has also **relieved non-health-care employers** of the responsibility to report COVID-19 illnesses and deaths among their workforce (OSHA 2020d). The Centers for Disease Control, meanwhile, **passed rules** making it easier for essential workers exposed to COVID-19 to get back to work (CDC 2020).

But even if the federal agencies were doing a better job, this would still be an all-hands-on-deck moment in which strong action by state and local labor enforcers is critically needed.

# A reoriented approach

How should state and local labor enforcers conceive of their role and strategic priorities at this moment? It's difficult to even consider such questions amid the deluge of incoming calls for help. At the same time, our existing enforcement systems were not built with the current reality in mind. State and local labor enforcers need to reorient operations to fit that new reality.

As an initial threshold matter, the work should still be undertaken in a strategic manner, but the goals may be different. As public health becomes a paramount concern, some enforcement priorities may change. Some existing cases also may no longer make sense to pursue: For example, well-selected cases involving systemic overtime violations may involve employers that are now already out of business or insolvent. An overtime lawsuit against a local restaurant chain based on their treatment of assistant managers as overtime-exempt might no longer be the highest priority, at least for the immediate future. New priorities may need to be considered.

We would suggest that the work should be oriented around four current worker needs:

1. Safety on the job (for essential workers);
2. The ability to stay home, either when sick or caring for family, or if someone is a nonessential worker;
3. Income for those who have lost their jobs or cannot currently work; and
4. Ability to exercise voice on the job and protect one's safety and health on the job (both individually and collectively) without retaliation.

While some of these priorities are not within the general expertise or experience of state and local labor standards enforcement agencies, if these goals are the North Star, then new operational activities and priorities will begin to logically flow from these goals. The key is to utilize the tools and lessons learned from strategic enforcement, while building in new flexibility in response to changed priorities and circumstances. The skill set and expertise of labor standards enforcement agencies may not be 100% on point for all of the varied needs of the moment, but their expertise is still highly relevant and largely transferable and applicable.

## Applying key strategies to new priorities

Given the heightened demands on agencies and their resource limitations, we offer the following suggested possibilities for putting these new priorities into practice. We recognize that labor standards enforcement agencies face significant resource limitations and often operate within an administration and chain of command that itself has competing priorities. However, within these constraints, a great deal can be accomplished for workers at this time.

# Safety on the job

Workplace safety and health are generally regulated and enforced at the federal level, by OSHA. However, states can choose to become an OSHA-approved **state plan**, which means that states take on this responsibility; 21 states and Puerto Rico have chosen to do so (OSHA 2020c). This paper is focused on the potential role of state and local agencies enforcing labor standards and not on OSHA state plans.

It may initially be challenging for state and local labor standards enforcers to get involved in workplace safety and health, given their lack of specialized knowledge and experience in this area, but this moment requires creative strategies from state and local enforcers, especially given OSHA's inaction. Moreover, states and localities are not preempted from enforcing their own safety and health laws, as long as OSHA does not have a specific rule or "standard" in place covering the particular issue.

Ensuring workplace safety is currently of paramount concern not only for workers but also for overall public health. This will only become more salient as the economy begins to reopen in certain locations.

State and local labor standards agencies also have many existing skills and capabilities that can be employed to improve workplace safety, including direct contact with workers and worker organizations; experience communicating about legal requirements directly with employers, workers, and the public; and the power of the government's voice and leadership to promote worker health and safety. Some specific ideas include:

1. **Issue guidance and step up enforcement in states with state plans.** In jurisdictions with OSHA state plans, states can issue COVID-19-specific workplace guidance and step up enforcement to protect workers' safety and health. While specific recommendations for state plan enforcement are beyond the scope of this paper, we note that state plans should be aggressively enforcing workplace safety and health laws, using any and all methods that can protect workers during this unprecedented crisis. Where there are state plans, state and local labor standards enforcers should seek to collaborate with their corresponding occupational safety and health enforcers more directly in whatever manner will best protect workers within the jurisdiction.
2. **Partner with health officials.** State and local labor standards enforcement agencies can partner with local public health officials, such as city or county health departments, to jointly enforce safety and health requirements. These departments may be overwhelmed at this moment and may welcome a collaboration of this sort. Such a collaboration is mutually beneficial: It weds the health departments' jurisdiction and subject matter expertise with the labor standards enforcement agencies' experience engaging with workers and employers. This kind of partnership could be effectuated in several ways: informally (probably the quickest), through a memorandum of understanding, or even through cross-designating or deputizing if local laws permit this.
3. **Partner with licensing authorities.** Agencies can also partner with their jurisdiction's licensing and permitting authorities to provide occupational safety information to

employers and to consider potential licensing and permitting consequences for a business that has failed to comply with safety and health requirements. Similarly, labor standards enforcement agencies can collaborate with state or local contracting agencies to consider whether such violators could be barred from government contracting with the jurisdiction.

4. **Widely disseminate information about proper safety practices.** Agencies can prominently publish and/or link to accessible information about workplace safety and health, directed at both workers and their employers, including information about OSHA's free small business [consultation program](#) (OSHA 2020b). Useful materials are available from a range of sources, such as the [National Employment Law Project](#), the [National Council for Occupational Safety and Health](#), [some state OSHAs](#), and unions (in relation to [specific industries](#)) (Berkowitz 2020, National COSH 2020, Washington L&I 2020, UFCW 2020). This information can be made available on agency websites, as well as on local government TV channels or on social media sites like Facebook, Twitter, or Instagram. In keeping with existing best practices, this information should be provided in other languages as appropriate given the language needs of the particular community. This simple act of disseminating reliable information is helpful to workers who want to know how to keep themselves and others safe. It's also helpful for employers, particularly small employers (like the local grocery store or nursing home) who don't have ready access to legal counsel and who may not themselves know the best way to enable social distancing and hygiene practices during this unprecedented moment.
5. **Publicize employers' worker-protection actions (or inaction).** Agencies can survey employers within one or more high-risk industries about what actions they are taking to protect workers and make results (or failure to respond) public on the agency website. Seeking this information through a letter request may itself spur changed practices among some employers, as they review procedures in order to respond. One California union local provides a good example of this approach: It surveyed grocery stores with which the union had contracts about steps they are taking to protect workers in light of COVID-19, and [published](#) the results (UFCW 770 2020).
6. **Encourage the public to take steps to protect workers.** State and local labor standards agencies can help the general public understand their own important role in following best practices to keep workers safe at the businesses they patronize (such as restaurants with takeout, pharmacies, and supermarkets), as well as in reporting working conditions that endanger employees and others. A campaign similar to New York's long-standing "[if you see something, say something](#)" campaign (which is now a national campaign; see DHS 2020) could be developed, with a hotline number for people to call.
7. **Directly contact employers about reported safety issues.** When state and local labor standards agencies receive complaints from workers or the general public about unsafe conditions, in addition to referring the matter to OSHA or the state plan, they can directly contact the employer about the situation—letting them know what is needed to improve the situation. A phone call from a government agency can often make a real difference.

# The ability to stay home

Ensuring public health at the moment requires (1) that essential workers receive pay when they need to stay home in order to care for their own health, a sick family member, or children whose schools and child care providers have closed, and (2) that nonessential workers stay home. (We will discuss income concerns for these workers in the following section.) These priorities create two distinct enforcement needs:

- 1. Protect essential workers' access to paid sick or family leave.** Where such laws already exist at the state or local level, many labor standards offices have routinely been enforcing them. It goes without saying that this work should continue and should be a top priority now, particularly in relation to COVID-19-related leave. Also, where there are local paid sick days laws but no paid leave laws at the state level (or vice versa), state agencies can collaborate with their local counterparts (and vice versa) in enforcing paid leave laws.
  - **Publicize new federal requirements.** In all jurisdictions (but especially those without state or local paid leave laws), agencies can provide information about the new **requirements** contained in the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (ABB 2020a) and try to help workers by advocating with employers, especially those with a number of workers at high risk.
  - **Address violations quickly using “soft power” tools.** Agencies can also take complaints and, as with workplace safety and health violations, seek to address these issues through a combination of “soft power” tools, including negotiation and mediation with employers and workers’ groups, as well as public exposure of employers who are putting their workers at risk. Agencies can and should consider traditional enforcement tools, such as citations and lawsuits where appropriate, but these tools may be slower and less available given court closures or slowdowns.
  - **Publicize employers' sick leave policies (or lack of).** Also, as with workplace safety and health, state and local agencies can send letters surveying key employers (in essential industries) about their paid sick leave policies and **publish the results** (or their failure to respond) on their websites (Miller, Schulte, and Swenson 2020). This may be especially useful for companies with 500 employees or more that are exempted from the new federal legislation. Obtaining this information will be useful for the public—not only for workers, but also for potential customers—and will help provide state and local legislators with more complete and accurate information as they consider pending or potential paid leave proposals.
- 2. Ensure that nonessential workers are not being required or pressured to work onsite.** Almost all states have issued some kind of executive order requiring people to stay at home. While these orders have different titles (shutdown, shelter-in-place, stay-at-home) and are set to expire at different times, they all define certain businesses as essential and prohibit other, nonessential businesses from operating. State methods

of enforcement for these orders vary; in some cases, the state attorney general and/or other state agencies (labor, health, economic development) are playing the lead role in enforcement, while in other places enforcement is mostly handled on a local level. In many instances, workers have experienced considerable uncertainty about where to go for help if their employers are not following these guidelines. In some cases, employers that are nonessential (or are arguably nonessential) are disregarding stay-at-home orders and continuing to operate. In other cases, businesses that *are* essential have some workers who are nonessential or who could work from home, but those businesses are using their “essential” status to require those workers to work onsite. State and local labor standards agencies can help address workers’ uncertainty about how to address such situations and assist in enforcing stay-at-home orders in the following ways:

- **Provide (and publicize) a phone number that workers can call.** In jurisdictions where there is no central phone number for workers to call, state and local labor standards agencies can volunteer their number as the point of contact for workers on this issue. In other jurisdictions, these agencies should train their staff on how to properly respond to such inquiries even if they are not directly charged with enforcement.
- **Collaborate with worker advocates.** State and local labor standards agencies should also stay in touch with unions, advocacy groups, community organizations, and other worker organizations, who may have real-time information about what is happening on the ground.
- **Collaborate with other states.** To the extent that national or regional nonessential employers have remained open, state or local labor standards agencies can collaborate with their counterparts in other states and jointly publicize noncompliance and seek change.

## Income

The current stay-at-home orders have put many workers in extremely difficult financial situations. Workers need income for basics like buying food and paying rent. Workers who have lost their job because their workplace has closed may be at risk of food or housing insecurity. The spectre of income loss also poses a public health issue if it incentivizes nonessential businesses to remain open and nonessential workers to continue working in violation of stay-at-home orders.

State and local labor agencies can and should ensure that staff are trained to respond to basic questions about unemployment insurance and the new federal relief programs and know where to refer callers for assistance accessing these income sources. State and local labor standards agencies can also reach out to sister agencies (or divisions) that administer unemployment benefits to see if there are ways to collaborate or provide assistance.

With regard to wage claims, state and local labor standards agencies should prioritize

enforcement actions that will put money back in workers' pockets, while also bearing in mind the long-term viability of their employers. It is worth noting that some of the essential industries remaining open are also some of the industries that traditionally have the highest violation rates, including food processing, delivery services, warehouses, and others. Assessing urgent needs and long-term viability will impact both ongoing enforcement and prospective enforcement priorities.

1. **Ensure workers receive back wages that have already been collected from employers.** In terms of ongoing enforcement, labor standards agencies can step up efforts to locate workers who are owed back wages and have not picked up or received their checks yet. For example, in the last week alone, one municipal office was able to provide checks for back wages to 100 workers who likely desperately need them now.<sup>2</sup>
2. **Institute payment plans to collect back wages from employers.** Where there are administrative orders or settlements in place that require employers to pay back wages, agencies can work with employers where necessary to create payment plans that allow employers to pay a small amount of back wages over a longer period of time. These measures are less than ideal, but they are preferable to having an employer close up, disappear, or stop paying back wages altogether.
3. **Prioritize wage claims to target issues amplified by the current crisis.** In terms of prospective or ongoing enforcement of wage claims, some potential priority areas might include: industries that are currently operating at usual or higher than usual capacity during the crisis (such as online grocery stores, warehouses, some manufacturing) and essential businesses (including food processing, agriculture, home health agencies); employers alleged to be engaged in ongoing nonpayment of wages or using threats of job loss to silence employees; and employers who have allegedly misclassified workers as independent contractors. Employee misclassification is important because if workers are properly reclassified as employees, this can potentially result in access to paid sick leave, workers' compensation insurance, and easier access to unemployment insurance (with employers paying the appropriate taxes to fund the UI system), among other things.
4. **Prioritize cases involving immigrant workers.** Another important area of focus should be cases involving immigrant workers or undocumented workers, who are particularly vulnerable in the current crisis. These workers, especially undocumented workers, are ineligible for almost all emergency relief, and immigrant workers with documentation may be hesitant to seek relief because of concerns about the impact on immigration status. This is not only a human rights concern, it is also a public health issue—we must ensure that *everyone* has the resources to stay home and stay healthy (including making sure they have received all income they have earned), regardless of immigration status. Although most labor standards agencies have a policy against asking workers about their immigration status—and that policy should absolutely continue—agencies can prioritize enforcement in contexts where immigration-related abuses are most likely to occur: in the underground economy, in industries that have high shares of immigrants in their workforces, or in the cash economy. It is worth consulting [resources](#) about immigrant workers' rights in light of the pandemic (NILW,

NELP, and OSH Law Project 2020).

5. **Consider use of tolling agreements to stop the clock on statutes of limitation during the pandemic.** Workplace statutes, like all laws, have time limits, or statutes of limitations, within which time workers must file lawsuits in court. Tolling agreements temporarily press “pause” on a statute of limitations during a negotiation or for any other reason. In states or cities where initiating an investigation does not itself toll the statute of limitations, agencies may want to consider reaching out to employers to try to resolve the case based on an estimate or entering into a tolling agreement, given anticipated COVID-19-related delays and in order to be able to focus limited resources on COVID-19-reoriented enforcement for the present time.
6. **Ascertain current status of businesses under investigation.** Moving forward, agencies’ ability to collect back wages may be severely impacted by the number of employers who are going out of business. As an initial information-gathering step, offices should assign staff within one or two months to ascertain the current status of all employers under investigation, including of course whether they are still in business.
7. **Be alert to emerging wage theft trends.** At the same time, the dearth of employment and the high rate of unemployment may give rise to greater and more severe wage theft by employers, which will be important to monitor and address. It will also be critical for agencies to stay abreast of new schemes that may emerge and to act on those quickly to promote deterrence. For example, there have been [reports](#) that some employers intend to decrease their workers’ pay by the amount of the federal government’s stimulus checks (Barr 2020).

## Protections for collective voice and from retaliation

Workers’ ability to speak out, organize, or refuse to work is inextricably linked to their safety at work and ability to stay home when necessary. As noted above, very few private-sector workers are unionized and most workers lack any formal or organized mechanism for exercising collective voice. Despite this, many workers have taken powerful and impactful [collective action](#) in recent weeks, from [an Instacart strike](#) to [an Amazon walkout](#) (both of them for such basics as hand sanitizer and other protections to mitigate the risk of infection at work) (McNamara 2020; Selyukh and Bond 2020).

Federal law protects collective action to demand safer working conditions or higher wages; specifically, the National Labor Relations Act (NLRA) protects collective action to improve working conditions.

Federal preemption under the NLRA limits the jurisdiction of state and local labor standards agencies. Regardless, state and local labor standards agencies can still play a role, in several ways:

1. **Collaborate with worker advocates.** Many state and local labor standards agencies have strong relationships with local community groups and workers’ centers. They

can communicate with unions and worker organizations, as well as leaders or informal worker organizing efforts, to learn what is happening and assess whether agency intervention might be helpful. For example, labor enforcers in multiple jurisdictions are currently playing more informal roles in helping to bring both parties to the table or broker agreements between workers and their employers.

2. **Utilize OSHA state plans.** In jurisdictions with an OSHA state plan, state labor standards agencies have more leeway to take action to address retaliation for collective action taken to address workplace safety.
3. **Support worker collective action and voice by enforcing laws that are not preempted by the NLRA.** In other jurisdictions, state and local labor standards agencies can try to find other sources of non-preempted jurisdiction. This may mean relying on less commonly used relevant statutes. For example, [New York's Labor Law Section 740](#) prohibits employer retaliation against workers who have objected to or refused to participate in an activity that is a violation of a law when the violation presents a specific danger to public health or safety.<sup>3</sup> Other states may have similar laws. Also, there may be ways to avoid federal preemption by framing enforcement actions in terms of the impact on public health; i.e., agencies are taking these actions to prevent risk to customers and the broader public.
4. **Use “soft powers.”** Again, there is considerable space to use soft powers to address these situations. State and local labor agencies can clearly communicate that retaliation is unlawful conduct, on their website and in the press or through other venues, and can attempt informal resolution of the situation, including reinstatement of employees and improvement of safety conditions. They may also be able to assist workers' advocates in obtaining information about how to file a federal charge or otherwise making federal agencies aware of retaliation or other illegal conduct by employers.

## Observations

Reenvisioned enforcement in light of COVID-19 will employ many of the tools routinely used, but also with key changes. Agencies will need to:

- **Transition effectively to remote/virtual enforcement.** Although it varies by jurisdiction, many agencies will need to adjust to conducting more enforcement work than usual remotely or virtually. Not going to worksites will create enforcement challenges, especially in taking a proactive approach. One way to deal with this is through letter requests or surveys asking for responses, as well as close relationships with worker organizations (discussed below).
- **Listen to worker advocates and media reports.** Agencies will need to also be proactive about learning what is happening to workers on the ground.
  - Close communication with worker organizations and advocacy groups is more important than ever. These groups are in touch with workers on the ground and know what problems are emerging. Also, they often possess detailed knowledge

of specific industries that can be useful for identifying realistic solutions for safety issues.

- Following media reports closely is also important. There has been a recent surge of reporting on labor and workplace issues. Labor journalists often learn about problems that need to be addressed, or they are directly contacted by workers seeking help.
- **Employ virtual tools for public outreach.** Direct outreach to and engagement with the public remains vitally important. For example, offices could provide regular **virtual town halls** or a **series of webinars** for workers (in English, Spanish, and other languages, as appropriate to the community's needs) (Racine 2020; ABC7 Chicago Digital Team 2020). There is a great deal of confusion about workers' rights at this time and about the various federal, state, and local programs available to assist workers, so simply providing accurate and accessible information is a critical service.
- **Continue to disseminate information through trade associations.** Working with employer trade associations also remains a useful method for disseminating information about compliance, and, in this situation, ways to keep workers safe.
- **Collaborate with other government agencies.** Intragovernmental cooperation and coordination are always important, but are particularly crucial to consistent, accurate, and effective public enforcement, information, and services right now.
- **Use soft powers.** This is a time to use soft powers in addition to traditional legal authority. In some instances, pressure, negotiation, publicity, and the like may result in quicker resolution than issuing subpoenas, reviewing documents, and eventually filing a lawsuit.
- **Recognize that media outlets are important allies in getting information to the public and deterring employer violations.** The importance of media outreach cannot be understated. Issuance of press releases and bad publicity can have a significant **impact** on employer conduct (Johnson 2020). Outreach and public education is also **critical** to ensure workers know their rights (Rankin and Lew 2018). State and local labor standards agencies should make use of these tools to drive safer conditions for workers as well as compliance with wage, paid leave, and other requirements.
- **Understand and emphasize the positive aspects of reconsidered priorities.** Finally, although pivoting to changed priorities will require staff to be adaptable and take on new types of work, agencies and their staff should strive to remember how critical their actions on behalf of workers are during the pandemic. One agency leader reported that it has been meaningful and invigorating for her team to take on work that is directly responsive to the current crisis.<sup>4</sup>

## Conclusion

Perhaps offices will be able to return to their prior methods of operations once the pandemic is over. For now, however, state and local labor standards enforcement agencies should consider not only how the unfolding events and emerging issues fit into their office

operations, but also how operations can be structured to respond to a flood of urgent new worker needs.

## Endnotes

1. City of Chicago 2020; City and County of Denver 2020; City of Flagstaff 2020; City of Los Angeles 2020; City of Minneapolis 2020; NYC DCA 2020; City of Philadelphia 2020; City of Seattle 2020; City of St. Paul 2020; City of San Francisco 2020.
2. Email message from head of the municipal office to Terri Gerstein, April 8, 2020.
3. [New York Labor Law § 740](#) et. seq.
4. Reported by the agency leader in conversation with the authors, April 23, 2020.

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