

Recommendations for the Future of Work in Illinois

The State of Illinois must prioritize the economic well-being, health and safety, need for work/life balance, and equitable and fair treatment, outcomes, and opportunities for all workers, regardless of their classification or misclassification as employees or independent contractors, their status as full-time or part-time, permanent, temporary or day workers; the industry they work in; whether they work at home, in an office, factory, warehouse, in a vehicle, institution, or another individual's home; or the size or location of the employer or the business they contract with. Further, Illinois must ensure that all necessary laws, policies, and resources are in place to effectuate these priorities and implement and enforce these laws and policies so that no worker is denied any of these priorities, including on the basis of race, ethnicity, sex, pregnancy, marital status, sexual orientation, gender identity or expression, disability, criminal history, age, religion, language, or immigration status. In other words, all jobs must be good jobs.

The pandemic has wreaked havoc on workers, businesses, and communities alike. However, the issues presented here are not new, but are longstanding problems, merely highlighted and exasperated by the pandemic. They are also not isolated, infrequent occurrences, but a result of systemic exploitation. Wage theft, discrimination, sexual harassment, unsafe and unhealthy working conditions are endemic, particularly in low-wage, nonunionized jobs.

If the goal of the Illinois Future of Work Task Force is to provide the road map to build a vibrant middle class, with thriving workers, businesses, and communities then no issue can be left unaddressed, and no worker can be left behind.

The following is a list of some recommendations that must happen in the immediate future to reach the longer-term goals of this Task Force—there are many more, but this is a start. These recommendations are based on the lived experiences of Illinois workers. The organizations represented here either consist of workers or organizations that regularly collaborate with workers—it is workers that guide us, always. We look forward to discussions with the Task Force on these issues and recommendations, participation through presentations, and inclusion in the final report.

Benefits

Over 1.5 million workers in Illinois have no access to even a single paid day of leave. Whether it's a sick day to take care of themselves or a family member or other paid time off to ensure a healthy work-life balance, paid leave is essential. But, paid leave, like other benefits, are not available to all workers. Compared to white workers, Latino/a/x workers are 66% more likely, Black workers 83% more likely and Native American, Pacific Islander and multiracial workers are 100% more likely to be unable to take leave when needed. Inability to afford unpaid leave is the most common reason for needing leave but not being able to take it, followed by fear of losing a job. All workers, not just high-wage white collar workers, deserve an array of benefits that improve the quality of their jobs and their lives, including paid leave, retirement, life insurance, workers' compensation, and health insurance.

We all have families that rely on us, not just for our wages, but to be there for them. Over 20% of Black and Latino/a/x workers, and 16% of white workers have significant adult and elder care responsibilities. This is in addition to caregiving of children under 18 by millions of working parents—over 70% of parents are employed, including nearly 76% of unmarried mothers.

And the disproportionate negative impact of COVID on the health and well-being of Black and Latino/a/x communities cannot be denied. In a recent Chicago Workers' Collaborative study, 83% of those workers who contracted COVID reported they did not receive paid sick leave from their employer, nor any government assistance, such as unemployment benefits. For workers, the lack of benefits, particularly paid leave, contributed to a greater spread of COVID, which, in turn, resulted in a greater rate of infections among the Black and Latino/a/x communities. Almost all the workers interviewed for the study were Black and Latino/a/x temp workers, which reflects the demographics and subcontracted status of most food and other essential industry facilities. Black and Latino/a/x people account for 85% of Illinois's industrial temp staffing workers, while the state's overall workforce is only 35% non-white.

And availability must be real--too many workers experience a negative impact if they actually take leave, or as is the experience of domestic workers, they may have benefits such as paid sick leave on paper but are routinely denied access to them. In a 2020 national survey, 28% of Black workers reported being denied leave, compared to 9% of white workers.

Paid leave is not the only benefit that all workers need—retirement, health insurance, and life insurance—considered essential and expected by high-wage workers and their employers, are simply not available to most low-wage workers unless government acts.

Recommended solutions

Enact State legislation to secure paid leave for all Illinois workers that allows local jurisdictions to improve upon the state law if and when they choose, including sick leave, vacation leave, personal leave, disability leave, and family and medical leave.

For the immediate future, prioritize passage of State paid leave legislation, to serve as a floor, not a ceiling to such benefits, and passage of SB 835 SA1, the Family and Medical Insurance Act. All leave must be job-protected, include anti-discrimination provisions, and build upon pending paid leave legislation to allow for portability so that the benefits are attached to the worker, not the employer.

Enact State legislation to create universal access to portable benefits including, but not limited to, paid leave, retirement benefits, health insurance, workers' compensation, unemployment insurance, and life insurance.

Compensation

A direct legacy of slavery, the subminimum wage for tipped workers was a problem long before the pandemic for a workforce of several hundred thousand tipped workers in Illinois who are overwhelmingly women working in casual restaurants and bars, struggling with three times the poverty rate of other workers and the highest rates of sexual harassment of any industry because they must tolerate inappropriate customer behavior to feed their families in tips. Prior to the pandemic, seven states did it differently: California, Oregon, Washington, Nevada, Montana, Minnesota, and Alaska all require a full minimum wage with tips on top and have higher restaurant job growth rates, small business growth rates, and tipping averages than Illinois. They also have one half the rate of sexual harassment in the restaurant industry and lost fewer restaurants during the pandemic than Illinois.

With the pandemic, six million restaurant workers lost their jobs—one in four workers in Illinois who lost their jobs was in the restaurant industry; but two thirds of restaurant workers reported they couldn't access unemployment benefits because they were told their subminimum wage was too low to qualify for benefits. Then hundreds of thousands went back to work last summer and found tips went down 50-75% because sales were down, and customer hostility, health risks, and harassment increased, with women being asked to remove their masks so men could judge their looks and their tips on that basis.

With the pandemic driving tips down and harassment up, those life-threatening situations for service workers resulted in thousands leaving the industry, and 57% of those who remain in the Illinois restaurant industry say they're leaving; 80% say the only thing that will make them stay or return to working in restaurants is a full livable wage with tips on top.

Recommended solutions

Eliminate the tipped subminimum wage now, in order to allow Illinois restaurants to fully reopen and thrive.

Employment security

Amid a catastrophic health and economic crisis, Illinois public officials have a shared responsibility to keep working families safe and stable. Illinois' current at-will employment paradigm—which grants employers free reign to terminate workers at any time and justified by any or no reason—prevents workers from accessing reliable employment; enables a culture of fear that prevents workers from improving their workplaces; and undermines Illinois' public health and employment standards. This applies to all workers, including domestic workers and gig workers--job security and due process is a big concern. Rideshare and delivery workers can be deactivated at any time for something as simple as their profile picture not "matching" a new photo sent in to verify their identity, an unverified customer complaint or even an accident or ticket for which they are not at fault. There is no attempt most of the time to resolve the issue as the businesses like the high turnover.

Recommended solutions

Pass the Secure Jobs Act, HB 3530/SB 2332. The Secure Jobs Act will ensure job stability by implementing a "just cause" standard to prevent unjust and arbitrary termination. The bill requires employers to have a reason to fire an employee, prevents blacklisting, limits the use of electronic monitoring, and provides for severance pay. The Act will end the culture of fear that pressures Illinoisians to work in unsafe conditions and allow workers to speak up from a position of equal grounds.

Enforcement

It is not enough to pass a law or implement a policy if the State does not provide the programs and resources to effectuate the change. This includes not only vigorous and timely enforcement, but the use of the State's authority to ensure workers know their rights through education and

training and expand investigations and less reliance on complaint-driven enforcement to prevent retaliation.

Recommended solutions

Provide additional state funding for legal aid organizations. Nonprofit legal aid organizations do not have enough resources to meet the demand of employment cases, leaving too many workers without representation when their rights were violated.

These same organizations need state funding so that they have the capacity to provide additional legal services so workers with employment contracts can enforce those contracts, access state administered benefits such as unemployment insurance and workers compensation.

Conduct proactive enforcement of industries and individual employers with high instances of violations of local, state, and federal laws, including minimum wage, wage theft, discrimination, sexual harassment, health and safety violations, retaliation, etc. Actively pursue audits, unannounced workplace visits and other investigatory tools without relying on a complaint-driven process. Too many workers, particularly low-wage workers, are fearful of filing complaints.

Partner with worker centers to conduct co-enforcement of employment laws and policies. This arrangement will greatly aid in investigations and the enforcement of state laws and policies.

Provide the resources for the relevant state agencies, including the Department of Labor, the Department of Human Rights, the Attorney General's office, and the worker centers, to ensure timely and effective enforcement.

Equity

Women and people of color do not have access to, or are allowed to retain, many high-wage, high-road jobs. This is true for a range of occupations but is particularly true for employment in the union construction sector, which offers competitive wages, expansive skills, and benefits. To attain and maintain employment, workers who are underrepresented in high-road, high-wage construction jobs need additional supports.

Racial and gender equity in high-wage, high-road occupations are critical and require interventions from the State.

Recommended solutions

For the construction industry, create a comprehensive equity plan for all infrastructure spending that would include 1) setting participation goals for women and people of color based on the percentage of hours worked by trade and position, 2) transparency through public reporting online, 3) sanctions for noncompliance, and 4) community monitoring of compliance.

Dedicate State funding towards services that support the hiring and retention of women and people of color, such as transportation, apprenticeship costs, childcare, and application fees. Specifically, the Illinois Department of Transportation should utilize the option allowed under 23

U.S. Code § 140(b) and dedicate ½ of 1% of Federal Highway dollars to support services that would enable to participation of groups underrepresented in the workforce.

Health and safety

The lack of effective government and employer policies and practices and timely and meaningful enforcement that prioritizes worker health and safety is a recurring theme among workers, regardless of the industry, occupation, or wages earned. This lack of concern has always been a problem but translated into real danger for workers during the pandemic. Too many workers are, and continue to be, required to work longer hours, more days, without protective gear or social distancing, and in otherwise unsafe conditions. Factories and warehouses have been a leading source of COVID infections after nursing homes in Illinois. A 2021 report found that 65% of industrial food workers interviewed had either themselves gotten sick or knew someone in their workplace who contracted the virus. And 85% of workers interviewed said that their employer either didn't respond to workers' complaints, retaliated against those who spoke up with concerns about their employers' handling of COVID, or took action that didn't improve the situation. And those who serve customers such as restaurant workers were required to enforce COVID policies, such as wearing masks, and suffered increased harassment as a result.

Dangerous health and safety issues did not start with the pandemic, nor will they end when it is over. Women in nontraditional trade occupations often experience unsafe workplaces due to bullying, hazing and harassment, which result in them leaving these family-sustaining jobs. And accommodations and food service workers experience sexual harassment at the highest rate of any industry. Prior to the pandemic, while accommodations and food service industry account for just 7% of the total U.S. workforce, these workers accounted for 14% of the sexual harassment claims filed with the EEOC, where 66% of all female workers are paid in tips. The problem has escalated during the pandemic—47% of restaurant workers have reported experiencing sexual harassment. And, with the added increase in carjackings and other theft, safety is of grave concern for rideshare drivers.

Recommended solutions

Require worker health and safety committees at all individual work locations, regardless of the size or number of locations of the employer.

Create an Illinois OSHA bureau within the Department of Labor to expand coverage to all workers, not just public employees.

Implement co-enforcement models between workers and local public health agencies.

Eliminate the subminimum wage for workers who receive gratuities.

For all workplaces, but start with the construction industry, require all employers, contractors, and subcontractors on all jobs, especially state infrastructure projects, to ensure safe, respectful worksites through on-going respectful workplace training accompanied by a social campaign designed to create inclusive and diverse work sites.

Job quality

There are too many bad jobs—low pay, no benefits, no work/life balance, etc. But even the worst jobs can be transformed into quality jobs. To do this, workers must be front and center in the decision-making in the development of laws and policies, implementation at the workplace, and enforcement of those laws and policies. With workers at the table, Illinois can ensure both the growth of new, quality jobs, and the transformation of current jobs. The worker centers in Illinois have fomented grassroots leadership so that workers can lend their voice to this growth and transformation.

Recommended solutions

Invest in creating quality jobs and transforming bad jobs, by using public dollars - through procurement, economic development, and workforce training investments - to incentivize job quality among Illinois employers. For example, Illinois could create a “Job Quality Index” and only invest in companies that meet a certain job quality threshold.

Illinois and employers must collaborate with worker centers to ensure workers’ voices, including those of low-wage, nonunionized workers, are decisive in creating, implementing, and enforcing employment laws and policies.

Enact and implement State laws and policies that foster unionization.

Worker education and training

An equitable workforce system needs to provide workers with real choices. Workers empowered with options are not trapped in precarious jobs and instead may offer their valuable labor to employers who provide the best working conditions and compensation. But workers and job seekers who have educational barriers to employment cannot afford the expense of upskilling, changing careers, relocating, or other ways they will need to adapt to evolving workplace. Illinois does not invest enough in workforce development. The vast majority of workforce funding in Illinois comes from dwindling federal investment, which has decreased over 30% over the past two decades.

Recommended solutions

Provide material support to workers while they enroll in skills training and/or higher education. This can be accomplished by 1) increasing state funding for supportive services and expanding services offered in higher education and employment and training programs; and 2) establishing a cross-agency Employment Barrier Support & Job Retention Fund to help job seekers overcome acute barriers to employment and meet their career advancement goals. This fund would allow workforce training and education programs to disperse emergency and support funds to program participants that will allow adults to complete credentials giving them access to better quality, better paying jobs. This fund would be similar to emergency funds provided to higher education students using federal relief dollars which paid for childcare, transportation, etc.

Invest State dollars in workforce development, to address historic opportunity gaps, skill gaps, and systemic barriers to employment faced by women, workers of color, younger workers, and foreign-born workers.

Include a full range of worker education and training options for employment—not only for the technology sector or technology-related, but also for green jobs, construction jobs, and self-employment, in addition to ESL classes, and programs that assist workers to jump through the hoops in obtaining professional licenses (cosmetology, real estate, CDL, etc.).

Conclusion

The organizations that have contributed to this document are listed below. They are prepared to respond to questions, provide additional information, and make presentations before the Task Force upon request. Please contact either the individual organizations or Wendy Pollack, Women's Law and Policy Initiative Director, Shriver Center on Poverty Law, at wendypollack@povertylaw.org, Thank you for your consideration.

Respectfully submitted,

Alliance of Filipinos for Immigrant Rights and Empowerment (AFIRE)

ARISE Chicago

Centro de Trabajadores Unidos

Chicago Jobs Council

Chicago Women in Trades

Chicago Workers Collaborative

Heartland Alliance

Latino Union of Chicago

National Legal Advocacy Network

One Fair Wage

Raise The Floor Alliance

Revolution Workshop

Shriver Center on Poverty Law

The Peoples' Lobby

Warehouse Workers for Justice

Women Employed

Young Invincibles

