2023 Policy & Advocacy Agenda:
Bold Solutions to Advance Racial and Economic Justice

Founded in 1969, the [National Employment Law Project (NELP)](#) is a leading advocacy organization with the mission to build a just and inclusive economy where all workers have expansive rights and thrive in good jobs. Throughout 2022, rising inflation and the erosion of workers' wages have highlighted the need for solutions to improve job quality and increase families' economic stability. Our 2023 Policy and Advocacy Agenda describes how we continue to advance transformative solutions to achieve racial and economic justice and support Black and immigrant workers in building power.

N ELP [advances its mission](#) with its partners through transformative legal and policy solutions, research, capacity-building, and strategic communications at the local, state, and federal levels. Our vision of a good-jobs economy means we have economic security over a lifetime. It means we can count on just working conditions, benefits, and wages—where equity is baked into policies and employers are accountable. A good-jobs economy is built on worker power, with which we collectively shape the conditions of the job to ensure our communities rise together. Leveraging our multiple roles as thought leader, connector, and convenor, in 2023 we will:

1. Promote Just Wages, Benefits, and Working Conditions

2. Build Worker Power and Challenge Corporate Power

3. Strengthen Enforcement to Secure Worker Rights

4. Work Towards an Inclusive Economy Centering Workers of Color

1 Promote Just Wages, Benefits, and Working Conditions

Over ten years ago, fast food workers in New York City—fed up with low wages and roadblocks to organizing—walked out of their jobs demanding a $15 hourly wage and a union. This action sparked the Fight for $15 movement in which workers across the country joined the demand for higher wages. Since 2012, more than 26 million workers have won higher pay to the tune of $150 billion, narrowing the racial wealth gap in states with higher minimum wages. Leveraging these wins, NELP in 2023 will be supporting workers' demands for raises beyond $15 as rapidly rising consumer prices have eroded the value of the minimum wage. NELP and partners launched the Raise Up NY campaign in New York, a broad coalition fighting in 2023 for a more than $21 minimum wage, which would update the state's $15 wage.

Unemployment insurance (UI) benefits provided critical support to workers, communities, and the economy during the pandemic and helped to advance racial equity. UI benefits enabled 4.7 million people, including 1.4 million children, to avoid poverty in 2020 and kept an additional 2.3 million workers and their families out of poverty in 2021. In 2023, NELP will continue to sound the alarm about the ways the nation's UI system fails to support workers, calling on Congress to reform and enhance emergency UI programs before the next recession hits. We are convening a national table of allies to advocate for a permanent overhaul of the UI system that will enhance eligibility, duration, adequacy, and access to enable all workers to thrive. We are also supporting state advocates through NELP's new UI Policy Hub, a resource for advocates to improve state UI programs, strengthening economic security for workers and their families.

For decades, employers have misclassified their employees as independent contractors to depress wages and working conditions and to maximize corporate profits. The illegal practice of misclassification is strikingly racialized, occurring in low-wage, labor-intensive occupations in which Black and immigrant workers are overrepresented. In 2023, we are leading a national table with partners committed to ensuring all subcontracted workers have access to core labor rights; and engaging with state allies in California, Colorado, Connecticut, Illinois, Massachusetts, New Jersey, New York, and Washington to strengthen labor protections for app-based, misclassified, and/or temporary workers. We are advocating that federal agencies improve the quality of "gig" jobs and increase corporate accountability. And we are making the case to Congress that paid leave and the right to scheduling predictability provides real flexibility for workers, in contrast with corporate-backed, anti-worker legislation that seeks to redefine worker exploitation as flexibility for workers.

In 2023, we will work with on-the-ground advocacy groups to pass state and local policies protecting workers in occupations that put them in danger from climate-change induced natural disasters, and we will share our analysis of the structural

racism that has segregated Black and immigrant workers into these occupations alongside policy recommendations to build the worker power needed to make these jobs safe and healthy.

2 **Build Worker Power and Challenge Corporate Power**

Worker power is a driver of policy and systems change and is a check against excessive corporate power, which has resulted in gross inequality. NELP has been committed to bringing greater capacity and more resources to individual worker centers and the broader movement, which are vital to improving and protecting the labor rights of Black workers and immigrant workers of color in underpaid industries. In 2023, we are engaging with at least 60 worker centers in two dozen states, including California, Florida, Georgia, Minnesota, Missouri, North Carolina, Ohio, Texas, Washington and more. Our engagement with worker centers includes providing legal, strategy, research, communications, and financial support, while also facilitating collaborations to enhance infrastructure support and advocacy, such as being one of the anchor groups for the National Coalition for Worker Justice.

NELP is also a steadfast advocate for the PRO Act, a bill that would reform federal labor law to level the playing field for workers who want to organize and collectively bargain with their employers. As part of the Worker Power Coalition, we are lobbying for the PRO Act and advocating for enhanced funding for the National Labor Relations Board (NLRB), which investigates charges of unfair labor practices and supports workers who file petitions for union representation elections.

The at-will relationship—in which employers can legally fire workers without warning or explanation—creates an enormous power imbalance between workers and their employers. Without the ability to speak up about mistreatment, at-will employment also perpetuates longstanding racial inequities. In 2023, NELP is advocating for just-cause laws that protect workers from being discharged without warning or a good reason. NELP is helping defend New York City's precedent-setting fast food worker just-cause law, and supporting a new campaign to expand the law to other workers, together with a similar campaign with partners in Illinois.

3 **Strengthen Enforcement to Secure Worker Rights**

Workers in the United States generally bear the burden of enforcing their own labor protections—worker complaints are virtually the only way that violations are brought to the attention of public agencies or the courts.

When a worker comes forward to report a workplace violation, employers often retaliate or threaten to retaliate against the worker. Widespread economic insecurity makes the threat of losing one's job or income as a result of employer retaliation catastrophic. In 2023, we will continue to support the implementation of an affirmative process for immigration relief for workers involved in labor disputes and in need of protection against employer retaliation. We are also promoting new policy solutions in states, such as a retaliation fund that would allow workers to quickly access meaningful financial support when they exercise their rights and face employer retaliation.

For over six years, NELP has helped support the California Strategic Enforcement Partnership between worker centers, worker advocacy organizations, and the California labor commissioner's office to combat wage theft in underpaid industries in the state. We have leveraged our learnings and expertise from this partnership to develop a strategic community engagement model with the U.S. Department of Labor (USDOL) and other federal agencies with the purpose improving working conditions, particularly for underpaid workers of colors in dangerous jobs. In 2023, we will continue to develop this model by engaging with community-based partners in California, Florida, North Carolina, Ohio, Texas and Washington. At the federal level, we are also advocating for enhanced funding for USDOL to support enforcement, including leading an effort to increase funding for the Office of the Solicitor, the linchpin for USDOL's enforcement.

4 Work Towards an Inclusive Economy Centering Workers of Color

To achieve a just and inclusive economy, we must deliver economic justice and repair for people with records and their families, especially communities of color that have been subjected to racist punishment systems. The criminal legal system targets Black, indigenous, and Latinx people and people who are cash-poor. Beyond a person's direct sentence, ongoing punishments can lock workers into cycles of dead-end, dangerous jobs and reincarceration. In 2023, NELP will engage with reentry and workers' rights groups to uncover how criminalization is a driver of occupational and job segregation, lift up systemic solutions, and promote pro-worker policies to address the criminalization of workers.

Employment discrimination based on race remains a significant obstacle to advancement in our country. In 2023, NELP will be advocating for expanded government intervention to address employment bias and occupational segregation and will be promoting potential tools, such as audit testing, which can identify hiring discrimination, and potentially even target enforcement. We will also be expanding our focus on understanding how employers use technology to surveil workers, a practice which can amplify racial discrimination in the workplace.