

Workforce Primary Strategy 4: Education & Enforcement



Worker Education and Labor Enforcement is a function that local government agencies are uniquely positioned to play in order to protect and uplift workers in their communities while educating and supporting their local businesses. It includes a careful balance of helping businesses understand and adapt processes to stay current with new regulations while enforcing the law through investigations, citations, settlements, fines or other actions to prosecute violations of worker protection laws on behalf of the local public.

BIL and IRA,¹ along with many recent executive orders,² emphasize the importance of ensuring that communities are benefiting and not harmed by program implementation and that companies are compliant with worker protections. Job security and working conditions are also a key element of the [Good Jobs Principles](#),³ the guide that many of the funding agencies have adopted for their IRA and BIL investments. Proactively identifying education and enforcement processes in the grant submission not only strengthens the proposal but provides a proactive opportunity for city leadership to examine current resources and determine where additional staff or budget may be required to meet the future needs flowing from such new projects. As an added benefit, worker education programs can also advance both the city and the administration's goals to shift centers of power and create spaces for true community voice.

Workplace conditions, processes and policies vary greatly by industry, size of business and the degree to which human resources, compliance and legal functions exist internally. Workers also have different levels of knowledge regarding their rights, reporting channels and resources, with some reluctant to file a complaint due to their immigration status, lack of personal knowledge, or even fears about job security and potential repercussions. In an environment where diverse populations have been traditionally underserved, unconscious bias is baked into many systems, traditional employment relationships have evolved, labor union participation has declined and new forms of workplace risk are ever present, education and enforcement are critical to protect both new infrastructure and climate workers, as well as existing workers in construction fields.

- 1 For example, [DOT's grant submission checklist](#) asks submitters to address questions including "How are you ensuring workers are aware of their rights, including those below?" "Are you providing direct individualized information to workers about their status as an employee or independent contractor, their Davis-Bacon Labor classification, and their wage/fringe rates? How does your application demonstrate that workers will have the free and fair choice to join a union and to participate in collective bargaining? Do you have plans to conduct regular pay audits to ensure pay equity for workers performing similar work and possessing similar skills?" much of which can be achieved by planning and carrying out education and enforcement tasks.
- 2 [Executive Order 13988: Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#), [Executive Order 14025: Worker Organizing and Empowerment](#), [Executive Order 14063: Use of Project Labor Agreements For Federal Construction Projects](#) and the [Fair Pay and Safe Workplaces](#), among others
- 3 DOL's Good Job Principles state "Workers have a safe, healthy, and accessible workplace, built on input from workers and their representatives. Workers have job security without arbitrary or discriminatory discipline or dismissal. They have adequate hours and predictable schedules. The use of electronic monitoring, data, and algorithms is transparent, equitable, and carefully deployed with input from workers. Workers are free from harassment, discrimination, and retaliation at work. Workers are properly classified under applicable laws. Temporary or contractor labor solutions are minimized."

To advance equity and job quality, enforcement should:

- Be applied fairly and impartially, following established laws and procedures. This ensures predictability and trust in the system.
- Provide space for those impacted to be heard and defend themselves. This protects individual rights and considers centers of power.
- Lead with education and be proportionate to the severity of the violation. This ensures fairness and transparency, and builds public trust.

When a design for enforcement supports programmatic elements as well as policy tools, like those laid out in the [policy](#) section of this document, it demonstrates a full lifecycle view of how workers will be both connected to work and supported while performing it, which proactively limits or stops violations before they occur.

Enforcement includes three core substrategies. Use the links below to jump directly to the strategy of interest. These can be used individually or in concert to demonstrate how city leadership will multiply the positive impact of the infrastructure investments in the community.

Education and Enforcement Substrategies		
4a - Strategic Enforcement	Employer education, outreach, compliance reporting, as well as application of penalties, fines and other restrictions	JQ Principle: Safety and Security, Earnings, Schedule, Benefits
4b - Worker/Industry Standard Boards	Sector, industry or issue specific worker-led boards	JQ Principle: Safety and Security, Voice & Representation
4c - Worker Education and Engagement	Outreach, education and campaigns that increase worker knowledge and create space for worker voice	JQ Principle: Safety and Security, Voice & Representation, Learning & Development

4a - Strategic Enforcement

The structure of the BIL and IRA funding provides the added benefit of supporting strategic enforcement given the heavy focus on particular industries including construction and skilled trades, manufacturing (building materials and clean energy technologies), transportation and some aspects of technology, particularly broadband. Strategic enforcement fosters new ways of thinking about priorities, partnerships, communications and engagement. This model seeks to deter, focusing on targeting high-violation industries and maximizes the use of enforcement powers, increasing the cost of noncompliance, and tracking reductions in negative behavior over time. Strategic enforcement:

- **Focuses on deterring violations from happening** in the first place through policies, partnerships, public education campaigns, increased inspections in high-risk areas and imposing significant penalties for repeat offenders. BIL and IRA investments provide an opportunity to embed these activities into the program from the beginning.
- **Leverages the power of partnerships** between government agencies, industry stakeholders and worker advocacy groups to share information, develop best practices and maximize impact. The inherent need for partnerships in the BIL and IRA grants provides a wonderful starting point for raising shared awareness and outlining collaboration approaches throughout the duration of the projects and beyond.
- **Uses data analysis to identify trends and patterns** to anticipate needs, target resources and develop responsive training. Cities can build data collection requirements into projects and grant awards to create a better understanding of worker and employer experiences.

This demonstrates a commitment not only to winning the funding but to using it to create maximum impact on the safety and security of workers, as well as their economic mobility. Common mechanisms that cities use to carry out enforcement include the following.

Enforcement Mechanism	Description
Labor Standards Offices	Dedicated city departments or offices tasked with enforcing labor laws, investigating violations, and educating workers and employers.
Civil Penalties and Fines	Imposing fines on employers who violate labor laws, acting as a deterrent against non-compliance.
License and Permit Denial or Revocation	Withholding or revoking business licenses or permits from businesses that fail to comply with labor laws.
Public Reporting and Transparency Requirements	Requiring businesses to publicly report compliance with certain labor standards, enhancing transparency and accountability.
Private Right of Action	Allowing workers to sue employers directly for violations of local labor laws.
Community Partnership and Outreach	Collaborating with community organizations and labor unions to educate workers about their rights and assist in enforcement efforts.
Mandatory Arbitration and Mediation Services	Providing mediation and arbitration to resolve disputes between workers and employers without going to court.
Contract Compliance Monitoring	Monitoring compliance with labor standards in city contracts and public procurement, ensuring that contractors adhere to fair labor practices.

Enforcement Examples

[Tukwila, WA: Tukwila Labor Standards](#) ↗

The purpose of Tukwila Labor Standards is to provide rules and procedures to implement and ensure compliance with the Tukwila Municipal Code, and to ensure that the employees as specified in the ordinance who work in the City of Tukwila receive at least a minimum wage comparable to employees in neighboring cities of SeaTac and Seattle, and have fair access to additional hours of work.

[Minneapolis, MN: Labor Standard Enforcement Division](#) ↗

The City of Minneapolis continues to update the laws that protect employees by providing resources and enforcing these laws: [paid sick leave](#), [minimum wage](#) and [wage theft prevention](#).

[Philadelphia, PA: Office of Worker Protections, Department of Labor](#) ↗

A new regulation related to the Office of Worker Protections went into effect in July 2023. [The regulation](#) outlines policies and procedures for enforcing the city's worker protection laws.

[State of Arkansas: Labor Standards](#) ↗

Arkansas has taken many steps to improve the economic development prospects for the state, including making bureaucratic processes friendlier to entrepreneurs and business owners. Labor standards include these regulations: [Minimum Wage and Overtime](#), [Child Labor](#), [Wage Claims](#), [Mediation and Conciliation](#), [Nursing Mother Breaks](#) and [Private Employment Agency Laws and Regulations](#).

[State of Wyoming: Labor Standards](#) ↗

The Labor Standards Office of the Wyoming Department of Workforce Services enforces all labor laws created for the protection of Wyoming workers. These laws include: process, investigate, mediate and render decisions on complaints of employment discrimination and claims for wages; issue certificates of residency to eligible contractors for public works projects; and monitor employment of minors.

4b - Worker / Industry Standard Boards

Cities can also consider initiatives to establish or expand worker / industry standard boards as part of their proposals or plans for BIL or IRA investments in their communities. Such boards can be structured to represent specific populations, geographics or issues and serve as an important mechanism to ensure the requirements within BIL to prioritize underserved communities are carried out across the life of the programs. Boards can also be an important way to incorporate the voice of local, minority, and women-owned business organizations, community-based organizations trusted by the communities they serve and the workers themselves into the planning and implementation of projects funded by BIL and IRA, as encouraged by the legislation.

Boards can assist city leadership with the review of proposed policies and procurement documentation, as well as serve as trusted communicators to gather, distill and amplify the voice of workers throughout the community. In planning to create or expand such entities, keep in mind the following from both a personnel support and cost perspective:

- Recruiting can take time, especially if this is the first board of its kind in the area, and outreach may need to be conducted through a variety of channels, languages and formats.
- Workers, particularly those in low-wage jobs, selected to participate on the board may need access to stipends for their time, transportation to meetings and technology for document review in order to fully engage.
- Training on processes such as rules of order and city policy standards will be important so that individuals feel equipped to engage in conversations.

Worker/Industry Standard Boards Examples

Detroit, MI: Industry Standards Board [↗](#)

This 2021 ordinance allows Detroit's city council to establish industry standards boards, which bring workers and employers together to set standards for wages, benefits and working conditions. It outlines the process by which worker groups may petition for an industry standards board, as well as specific responsibilities. These include evaluating the causes of worker shortages, determining adequate wage and compensation levels, and improving worker and community health conditions.

Harris County, TX: Essential Workers Board [↗](#)

In late 2021, an Essential Workers Board (HCEWB) was created to advise Harris County's Department of Economic Equity and Opportunity (DEEO) and Commissioners Court on programs and policies to improve the health and economic outcomes of essential workers and the overall public. This board is the first of its kind in the U.S. and has since served as an example for other jurisdictions.

Seattle, WA: Domestic Workers Standards Board ↗

The board provides a “place for domestic workers, employers, private households, worker organizations, and the public to consider and suggest ways to improve the working conditions of domestic workers.” This might include changes to regulations, education or enforcement. Schedules and agenda are made available publicly, and ultimately the body makes recommendations to government officials including the Office of Labor Standards, mayor and city council.

Durham, NC: Workers’ Rights Commission ↗

This commission acts as a public forum for workers’ rights issues by conducting studies and making recommendations to the city council, raising pro-worker policies to the Durham City Council, crafting an aspirational bill of rights, supporting workers in their campaigns to form unions, and provide channels of communications among organized and unorganized workers.

New York, NY: Keeping Kids Safe in the Workplace ↗

The city launched a NY Youth Worker Pledge to protect young workers. Companies are asked to take the pledge to affirm that they will “protect New York youth workers through educating ourselves about labor rights and human trafficking, not to employ minors in prohibited occupations or exploit their youth or labor, always consider minors' safety and wellbeing as employees, future employees, or members of our community, and report suspected violations to the Child Labor Task Force.”

4c - Worker Education and Engagement

Finally, including worker education and engagement approaches in your proposal is a key way to increase worker voice and power.⁴ The city might allocate funding in the proposed budget to carry these functions out directly, engage with community based organizations or implement requirements that successful awardees incorporate education in their programs. Delivery mechanisms for such education can include classroom or online training, posters and handouts, social media campaigns and one-one-one consultations. Common engagement approaches include but are not limited to:

- Using human-centered design practices to guide program development, implementation and assessment in ways that are responsive to community needs
- Engaging participants/customers directly in the development, implementation and evaluation of the work, compensating for their time and demonstrating value for their insights
- Leveraging trusted communicators to convey messaging or collect feedback to the community
- Conducting focus groups or worker voice surveys to better understand local needs and address nuances
- Supporting or encouraging companies to create employee resource groups within a business or organization to inform the work
- Reporting back to those who shared their insights on progress in implementing feedback
- Acknowledging potential power imbalances built into the systems and the impact they can have on worker/employer relationships
- Supporting worker organizing, worker power or related campaign activities such as those carried out by community worker centers

Worker Education and Advancement Examples

Philadelphia, PA: Know Your Rights Workshops ↗

The city has developed a series of workshops, [posters, videos and other materials](#) on city labor laws including fair workweek and domestic workers' rights. Materials are available in 12 languages. The city uses social media, amongst other channels, to get the word out. To address transparency on worker rights and other issues, Philadelphia also posts labor [compliance reports](#) for the community to access.

Chicago, IL: Office of Labor Standards Education and Outreach ↗

The office provides extensive training and education on Chicago's labor laws, aiming to inform workers of their rights and employers of their obligations. Training is provided through a set of webinars, many of which are delivered in English and in Spanish, and posted on the office's website for future viewing.

⁴ Addresses [DOL's Good Jobs Standards](#) including "All workers have equal opportunity. Workers are respected, empowered, and treated fairly. DEIA is a core value and practiced norm in the workplace." and "Workers can form and join unions. Workers can engage in protected, concerted activity without fear of retaliation. Workers contribute to decisions about their work, how it is performed, and organizational direction." Also a mechanism to address questions from [DOT's Grant Application Checklist](#) including "Are you planning to hold meetings that will include local, minority, and women-owned business organizations; community-based organizations trusted by the communities they serve; unions; tradeswomen; contractors; and the project owner as a means of tracking progress?" or "Are you encouraging and/or requiring the distribution of education materials on workplace rights under the National Labor Relations Act, Davis Bacon Act, EO 11246, Title VII of the Civil Rights Act of 1964, and the Occupational Safety and Health Act as well as information on whistleblower protection laws including the right to report safety violations free from intimidation and harassment to workers?"

Los Angeles, CA: Wage Theft Campaign ↗

The Los Angeles Coalition Against Wage Theft was launched by a combination of workers and worker advocacy entities and later grew to include legal services, policymakers, unions and other community members, ultimately increasing knowledge of what wage theft was, driving passage of wage enforcement law and resulting in the increase of minimum wages in the city.

Providence, RI: Campaign to End Wage Theft ↗

A worker, union, nonprofit collaborative that engages with local government to shift policy. To date, its work has resulted in wage theft being classified as a felony and the potential liability of violators for “paying up to double damages to workers as well as 12% interest and attorney fees.”

San Jose, CA: Office of Equality Assurance ↗

The office implements, monitors and administers living wage requirements for city contractors, the prevailing wage law for public construction projects and the minimum wage ordinance. The office also contracts with a number of neighboring localities to provide minimum wage enforcement services for their own local minimum wages, working together with smaller cities to enforce laws across the regional labor market.

Evidence Base for Education and Enforcement

Enforcement plays a key role in protecting workers. Evidence explores how co-enforcement and other innovative models can increase success rates.

- [Enforcing Labor Standards in Partnership with Civil Society: Can Co-enforcement Succeed Where the State Alone Has Failed?](#) by Janice Fine
- [Improving Workplace Conditions Through Strategic Enforcement](#) by David Well
- [Models of Labour Enforcement: Necessary Indeterminacy](#) by Steven L. Willborn
- [Wage Theft in a Recession: Unemployment, Labour Violations, and Enforcement Strategies for Difficult Times](#) by Janice Fine, Daniel J. Galvin, Jenn Round, Hana Shepherd
- [Cooperative Regulatory Enforcement and the Politics of Administrative Effectiveness](#) by John T. Scholz

Embedding Equity in Enforcement

Advancing equity is a key consideration in designing an enforcement strategy as part of your proposal or project.

- **Disaggregated Data:** Include a plan to regularly collect and analyze data on enforcement actions disaggregated by race, ethnicity, socioeconomic status and other criteria as part of your program. Establish regular intervals to review the information to identify potential biases in enforcement practices. See this [guide](#) from the Department of Justice on understanding bias in a law enforcement environment. This [piece](#) from Brookings also examines bias that can be embedded in the use of automation for the collection/analysis of data. See [DOT's](#) work-force checklist questions around gathering and publishing data.
- **Public Reporting:** Consider how you will publish data on enforcement activities in a clear and accessible format to provide public transparency and build trust. Examine what changes to systems, dashboards, websites and approval processes may be needed to make this a standard part of your process during and beyond the BIL grant term.
- **Review for Bias:** Consider in your proposal or project time and resources that may be required to review existing enforcement policies and procedures to identify potential biases. Dedicated staff time may be needed to not only complete such assessments but incorporate the results through continuous process improvement. Consider incorporating implicit bias and cultural competency training into your offerings for BIL-funded employers, partners and program management staff.
- **Standardization:** Document standardized criteria for enforcement actions to minimize discretion and reduce the potential for bias in decision-making.
- **Root Causes:** As you design enforcement mechanisms for your BIL-funded activities, consider how you will assess the root causes of non-compliance such as lack of access to resources or underlying social issues. Explore alternative approaches to enforcement that address the root causes and promote long-term compliance. This could involve education programs, mediation or community-based solutions.

Resources and Reports on Equity and Enforcement

- [Momentum for Worker Standards Boards Continues To Grow](#) by Center for American Progress
- [Protecting Workers and Supporting Businesses, Office of Worker Protections, City of Philadelphia, PA](#) by Results for America
- [Equitable Enforcement to Achieve Health Equity](#) by ChangeLab Solutions
- [Basics of Enforcement](#) by the Environmental Protection Agency
- [Fair Pay and Safe Workplaces](#) executive order
- [Inequitable Enforcement: Introducing the Concept of Equity into Constitutional Review of Law Enforcement](#) by the University of California
- [The Role of Local Governments in Protecting Workers' Rights](#) by the Economic Policy Institute and the Harvard Law Labor and Worklife Program
- [Clean Slate for Worker Power](#) by Harvard Law Labor and Worklife Program
- [Power in partnership: How government agencies and community partners are joining forces to fight wage theft](#) by the Economic Policy Institute and the Harvard Law Labor and Worklife Program
- [Principles of Sectoral Bargaining: A Reference Guide for Designing Federal, State, and Local Laws in the U.S.](#) by Clean Slate for Worker Power
- [Introduction to Strategic Enforcement](#) by Rutgers University

