



8 Ways States Can Build Worker Power

By Sachin Shiva, Karla Walter, and David Madland January 15, 2025

Wages for too many working Americans have stagnated over the past several decades, even as corporate profits have approached record highs and CEO pay skyrockets.¹ A key reason for this is that workers still do not have sufficient power to negotiate for higher compensation.² Decades of attacks against collective bargaining, along with changing economic and employment structures, have weakened worker power.³ While federal reforms are necessary to rebalance power across the economy and fix many structural issues facing workers, state lawmakers can empower workers to bargain for decent working conditions and support good-quality jobs in local communities, even without federal action.

The full issue brief can be found online at:

<https://www.americanprogress.org/article/8-ways-states-can-build-worker-power/>

This issue brief details eight ways that states can continue growing worker power and improving the lives of working people in the U.S. economy:

- 1. Bring workers and employers together in industry standards boards** to help set minimum workplace standards across an entire sector of the economy.
- 2. Create good jobs for workers from all walks of life through government spending** by adopting pay standards and hiring goals and encouraging project labor agreements, responsibility standards, and community benefits agreements to support the consistent delivery of goods and services.
- 3. Empower public sector workers to exercise their rights** to unionize and bargain on a fair playing field by supporting communication between government workers and their unions, simplifying the union sign-up process, and protecting public sector jobs from outsourcing.
- 4. Make worker protections and benefits real through enforcement and outreach** by fully funding state labor enforcement agencies, allowing workers to sue when their rights are violated, protecting employees from being fired without good reason, and collaborating with unions and worker centers to increase effective use of unemployment insurance.

- 5. Support collective action for private sector workers** by banning right-to-work laws, granting union rights to workers excluded from federal labor law, protecting striking workers, allowing union members to deduct dues directly from taxes, and creating a state-level task force to support worker power.
- 6. Support partnerships between unions and employers to train the next generation of American workers** by promoting registered apprenticeships, increasing the number of worker representatives on workforce boards, and expanding the use of and funding for labor-management partnerships.
- 7. Protect workers from the misuse of recently developed technologies** such as artificial intelligence (AI) by requiring employer disclosure of AI use, banning AI's most harmful applications, and protecting workers most at risk of exploitation.
- 8. Ban practices undermining worker power and support local innovation to improve workers' lives** by banning noncompete clauses in employment contracts for all workers, ensuring managers cannot force workers to attend meetings on a corporation's religious or political views such as opposition to unions, and encouraging local jurisdictions to pass higher baseline labor standards.

Through these reforms, policymakers can boost the wages and wealth of working people across their state, ensuring that the middle class drives economic growth.

1. Bring workers and employers together in industry standards boards

Industry standards boards bring together representatives of workers, businesses, and government to help set minimum workplace standards for an entire sector of the economy such as fast food, nursing homes, home care, or agriculture.⁴ These boards create a forum for workers and employers to discuss a range of industry issues—including wages, benefits, training, and leave—rather than a single legislated standard such as the minimum wage. They are particularly important for including workers in the process of setting standards in industries where union membership is low, heavily outsourced, or structured in a way that makes unionization and collective bargaining especially difficult.

In recent years, six states (California, Colorado, Michigan, Minnesota, Nevada, and New York) and three local governments have enacted this type of policy.⁵ The most effective boards—for example, the Minnesota Nursing Home Workforce Standards Board—contain several policy elements, including three critical measures: 1) the authority to hire dedicated staff, 2) an easy process for recommendations to become law, and 3) worker-led compliance provisions.⁶

2. Create good jobs for workers from all walks of life through government spending

Each year, state governments fund jobs through spending on contracts, grants, and loans, along with incentives such as tax breaks and economic development subsidies.⁷ Yet the jobs created through government spending too often pay very low wages, have poor working conditions, and/or do little to ensure that local residents benefit.⁸ Policymakers should attach standards to all forms of government spending to ensure that the public and workers get the best results and that employers who respect workplace laws and pay decent wages can compete on an even playing field. Specifically, states should:

- **Adopt living wage and prevailing wage laws** that require private companies to adhere to pay and benefit standards for workers employed on projects receiving government support. These laws should extend wage standards to all forms of government spending, including contracting, grants, tax credits, and service work supported by the government.⁹ For example, New Jersey has adopted wage standards for a range of projects receiving public support; enacted a service-sector prevailing wage for building service workers, including janitors and security guards; and adopted the Healthy Terminals Act to ensure that airport service workers earn decent wages and benefits.¹⁰

- **Expand registered apprenticeships and targeted hire programs** to prepare the next generation of local workers to access high-quality construction jobs.¹¹ For example, Washington state established an apprenticeship utilization standard requiring that 15 percent of work on some publicly supported projects be completed by apprentices.¹² Several jurisdictions have adopted goals to ensure that a share of local workers from economically disadvantaged communities have access to good jobs.¹³
- **Prevent labor disputes and support high-quality public infrastructure and services** by encouraging the use of project labor agreements (PLAs)—contracts between employers and labor, with mechanisms to resolve disputes without strikes in exchange for consistent pay and hours for workers—as well as community benefit agreements and other types of agreements to prevent labor disruption.¹⁴ For example, Maryland Gov. Wes Moore (D) issued an executive order in November 2023 expanding the use of PLAs for state public works projects with a value of at least \$20 million.¹⁵ States should also track compliance with contractors’ job quality commitments.¹⁶
- **Evaluate bidders’ ability to support workforce stability** by requiring contractors to submit cost breakdowns in proposals to discourage artificially low bids, provide details on any previous workplace law violations, and demonstrate participation in an active registered apprenticeship program. Many states have enacted responsibility standards that include some evaluation of workplace practices. However, dozens of cities and counties across Indiana and Illinois have gone further to support workforce stability by requiring bidders to report prior workplace violations, participate in an active registered apprenticeship program, and submit certified payroll on an ongoing basis.¹⁷

3. Empower public sector workers to exercise their rights

Strong public sector unions allow workers to bargain for family-supporting wages and benefits, grant them a voice on the job, and even help increase the quality of public services by creating a stable, well-qualified workforce.¹⁸ State laws, not federal laws, govern whether state and local public employees can unionize, yet many states do not recognize bargaining rights or extend these protections to all eligible workers.¹⁹ After the 2018 Supreme Court decision *Janus v. American Federation of State, County and Municipal Employees, Council 31* (AFSCME) weakened the ability of public sector unions to advocate for government employees and their families, some state policymakers stepped in to support these workers.²⁰ Yet there is more to be done even in the most pro-worker states. State policymakers should:

- **Extend collective bargaining rights to all state and local public sector workers.** Washington state, for example, has recently expanded collective bargaining rights for workers beyond direct city and state government employees to include student employees at regional four-year universities, publicly supported home care and child care workers, and employees of state and local lawmakers.²¹
- **Allow new and existing workers to join and communicate with their union.** Unions should be allowed to give trainings to new hires on membership benefits and regularly receive updated lists of contact information for workers, including email addresses. In 2023, Minnesota Gov. Tim Walz (D) signed a comprehensive labor reform package that includes these features.²²
- **Create simple and efficient means for workers to automatically deduct union dues from payroll.** Policymakers should also enact trigger laws that would restart fair share fee collections of union-represented workers if *Janus v. AFSCME* is overturned, which Michigan recently enabled.²³
- **Educate workers to navigate their benefits and understand the value of their health and retirement plans.** As part of an employee retention strategy, the state of Oregon collaborates with Service Employees International Union (SEIU) Local 503 and AFSCME Council 75 to train workers to navigate health insurance and retirement plan selection and understand the value of the high-quality benefits negotiated between the state and unions.²⁴

- **Guarantee workers are able to negotiate on an even playing field with employers.**

All public sector workers should be protected with strong binding impasse resolution standards during contract negotiations. Moreover, public sector workers beyond those essential for upholding public safety—such as firefighters, police officers, and paramedics—should be granted the right to strike and the ability to maintain a decent standard of living while exercising their rights. For example, California makes it easier to exercise the right to strike through its Public Employee Health Protection Act, which requires public employers to maintain health coverage for workers participating in an authorized strike.²⁵

- **Protect public sector jobs** by requiring a careful review of decisions to contract out government work to the private sector. Maryland requires state agencies that are considering contracting out services to conduct an analysis of alternatives and meet with the representative of the affected public sector workers to discuss these alternatives.²⁶

4. Make worker protections and benefits real through enforcement and outreach

Without strong enforcement of workplace employment laws, vulnerable workers are left to fend for themselves as lawbreaking employers steal workers' wages, deprive them of leave and other benefits, and jeopardize their safety. For example, in the 10 most populous U.S. states, 2.4 million workers lose \$8 billion each year because of minimum-wage violations.²⁷ Wage theft and other workplace violations increase workers' use of public assistance, threaten state economies, and negatively affect other workers by placing downward pressure on wages.

To ensure all workers have access to the same workplace protections, policymakers can take the following steps:

- **Fund state agencies that investigate violations and include community and worker organizations in enforcement efforts.** For instance, the state of California has partnered with 10 worker centers through strategic enforcement partnerships, wherein worker centers and other organizations have received \$12 million in private foundation funding to ensure workers know their rights and are empowered to come forward to report violators.²⁸ In addition, California's heat illness prevention rule requires that all employees and supervisors doing work with a risk of heat illness receive trainings on the risks and their rights under the law.²⁹ Finally, states can allow worker representatives to join state Occupational Safety and Health Administration inspections to ensure they have a voice at the table, matching the federal government's rule enabling such representation.³⁰

- **Grant workers a private right of action** so they can bring lawsuits in court to recover unpaid wages and hold employers accountable. Arizona, California, the District of Columbia, Florida, New York, and Oregon are the jurisdictions with the most robust private right of action for minimum wage violations.³¹ Similarly, New York’s Empowering People in Rights Enforcement (EMPIRE) Worker Protection Act supports workers whose rights are violated to bring whistleblower lawsuits on the state’s behalf, even if their employer has forced them to sign an arbitration agreement.³²
- **Protect workers from unfair discipline or dismissal.** New York City passed a “just cause” law for fast-food workers in 2021, which prevents workers from being disciplined or terminated unless they fail to “satisfactorily perform job duties or engage in misconduct.”³³ Similarly, New Jersey enacted the Service Worker Retention Law to improve employment stability for maintenance, airport, and food preparation workers hired by labor subcontractors, requiring that these workers be offered continued employment when contracts change hands.³⁴
- **Boost utilization of unemployment insurance** to improve the effectiveness of government services and empower workers. Maine’s Peer Workforce Navigator program, which funds unions and worker centers to support government workers and help unemployed workers access benefits and new jobs, has increased uptake rates, reemployment, and interest in worker power and collective action.³⁵

5. Support collective action for private sector workers

In recent decades, declining union power has explained one-fifth to one-third of the growth in U.S. wage inequality.³⁶ As union membership declines, so does middle-class prosperity. Though the federal National Labor Relations Act preempts many state actions to support private sector unions and collective bargaining, states still have some authority to rebuild power for working people by taking the following actions:³⁷

- **Ban right-to-work laws.** Right-to-work laws undermine workers’ essential right to form, join, and sustain unions. Policymakers should reject these laws that stack the deck in favor of corporations and make all workers poorer by allowing some workers to free ride, or benefit from a union contract without being required to pay the costs of negotiating or administering it. Research shows that workers in right-to-work states have lower wages, and these laws have no impact on job growth, contradicting claims advanced by right-to-work proponents.³⁸ In March 2023, Michigan set the right example by repealing its right-to-work law.³⁹

- **Grant union rights to the millions of workers excluded from federal labor law,** including farmworkers, domestic workers, and independent contractors.⁴⁰ California, for example, has long allowed agricultural workers to bargain collectively.⁴¹ In 2019, farmworkers in New York state won similar rights.⁴² Voters in Massachusetts recently approved a ballot initiative granting ride-share drivers the right to unionize and bargain across the sector.⁴³
- **Protect striking workers and ensure that they can afford to exercise their rights.** For instance, New Jersey expanded its eligibility for striking workers to collect unemployment insurance benefits.⁴⁴ Also, Illinois passed two measures to protect workers who are picketing from any interference, intimidation, and legal liability for unintentional property damage.⁴⁵
- **Allow union members to deduct dues directly from taxes.** While large corporations can deduct or fully write off many of the costs associated with doing business, workers lost the ability to deduct their union dues—a cost of negotiating their incomes—with the enactment of the Trump administration’s 2017 Tax Cuts and Jobs Act.⁴⁶ Previously, federal law allowed the deduction, and many states had laws that recognized the federal deduction. In 2023, Maryland restored the deduction for union dues.⁴⁷
- **Create a task force to leverage states’ full range of powers to support worker organizing and empowerment,** modeling it after the White House Task Force on Worker Organizing and Empowerment.⁴⁸ In 2022, the federal task force issued nearly 70 recommendations, including reducing barriers to organizing, protecting organizing workers from illegal retaliation, and establishing more public resources on unions and collective bargaining.⁴⁹ As of 2023, federal agencies have strengthened job quality standards for grant funding, provided information about workers’ organizing rights, and reduced obstacles to exercising workers’ rights on federal property.⁵⁰
- **Leverage the bully pulpit to further encourage workers to exercise their rights and ensure public investments create good jobs.**⁵¹ Pro-worker policymakers can use official speeches, high-level convenings, and private conversations to help improve industry norms. Companies can then better understand the importance of respecting workers’ rights and creating good union jobs. For example, President Joe Biden became the first sitting president to walk the picket line when he joined striking members of the United Auto Workers union in Belleville, Michigan.⁵² In his remarks, President Biden made his administration’s support for workers’ demands clear: “You deserve what you’ve earned, and you’ve earned a hell of a lot more than you’re getting paid now.”⁵³ At the state level, Gov. Josh Shapiro (D-PA) lauded \$750 million in federal investments to support a clean hydrogen facility in Philadelphia, arguing it would “create 20,800 good paying union jobs in plumbing, pipefitting, electrical work, [and] engineering.”⁵⁴

6. Support partnerships between unions and employers to train the next generation of American workers

Current workforce training programs are of variable quality and too often fail to lead to good jobs.⁵⁵ At the same time, on-the-job training from private employers is becoming less common.⁵⁶ Fortunately, unions have a long, successful track record in training workers, improving workplace benefits, and enforcing workers' rights.

Labor-management partnerships—independent organizations jointly controlled by unions and employers—allow partners to collaboratively design and manage workforce training, professional learning, and apprenticeship opportunities.⁵⁷ Research shows that involving unions in joint labor-management programs can lead to more training for workers and better results.⁵⁸ Moreover, when properly designed, these programs can help increase the diversity of a sector; create pathways to good jobs for workers, particularly those who face multiple barriers to finding employment; and provide a tangible example of the benefits of unionization to workers, thereby sustaining worker organization.⁵⁹

Policymakers can support these goals by taking the following steps:

- **Promote registered apprenticeships** (as discussed in section 2) through apprenticeship utilization and local hire standards on publicly supported work.
- **Boost the number of worker representatives on state and local workforce boards** to ensure these boards address worker needs. Since 1991, Washington state's workforce board has operated under a tripartite model, bringing together business, labor, and government.⁶⁰ The tripartite model, with labor having an equal seat at the table, is essential in ensuring that the training that workers receive is relevant to their job.⁶¹
- **Expand the use of labor-management training programs** to attract and retain the next generation of public sector workers. Washington state's Imagine Institute, created through collective bargaining between the state and SEIU Local 925 members, provides professional development training and builds career pathways for child care workers.⁶² New York state partners with AFSCME District Council 37 on the Green Jobs – Green New York Program that delivers environmental literacy and technical training to new and incumbent workers in order to green the state's building stock.⁶³

- **Direct funds and programmatic support toward labor-management partnerships.**

For example, California’s High Road Training Partnership is a \$10 million fund that was established to support “industry-based, worker-focused training partnerships.”⁶⁴ Washington state enacted comprehensive legislation to expand its long-term care support and services in 2007.⁶⁵ This spurred the creation of the SEIU 775 Training Partnership to improve recruitment, retention, and professionalization of the state’s home care industry.⁶⁶

7. Protect workers from the misuse of recently developed technologies

Recent technology advancements such as AI have the potential to support and benefit workers, but only if workers have a say over its use and fundamental workplace protections are respected.⁶⁷ Unfortunately, there are many cases in which employers abuse AI in the workplace. According to a study of Amazon warehouse workers, pervasive technology-enabled surveillance aimed at speeding up the pace of work has led to nearly half of workers reporting moderate or severe pain in their past three months on the job.⁶⁸ Additionally, biases in AI software used to hire employees can have a discriminatory impact on workers.⁶⁹ State governments should:

- **Require employer disclosure of the use of AI** so that workers know what to negotiate for and allow workers to dispute decisions made by AI. Colorado requires disclosure when employers intend to use an automated decision-making system and allows workers to appeal decisions made by such a system.⁷⁰ New York mandates disclosing the use of automated decision-making systems by state agencies.⁷¹
- **Ban AI’s most harmful uses.** Illinois and Colorado have banned the use of AI decision-making that discriminates or has adverse outcomes for any group, or on the basis of any characteristic protected by federal antidiscrimination law.⁷²
- **Protect workers in at-risk industries from exploitation.** California, Washington, New York, and Minnesota have all passed laws to protect warehouse workers from unsafe working conditions due to AI.⁷³ These laws constrain the use of quotas, guarantee minimum time for breaks, and require employers to disclose data on their quota-related performance.
- **Require that developers and deployers of AI provide regular updates to their states’ labor enforcement agency,** enabling states to bring cases on behalf of workers when their rights are violated. Colorado has enacted this requirement.⁷⁴

8. Ban practices undermining worker power and support local innovation to improve workers' lives

The Biden administration advanced several critical protections for U.S. workers such as establishing guardrails against extreme heat and reducing barriers to organize. While the incoming Trump administration and pending legal challenges threaten these hard-fought wins, state policymakers can act now to support good jobs and prevent the erosion of workers' rights in their states with the following policies:⁷⁵

- **Ban noncompete agreements for all workers.** Many employers require workers to sign restrictive contractual agreements such as noncompete contracts that prevent individual workers from moving to better jobs.⁷⁶ Currently, four states ban noncompete agreements by preventing either their use or their enforcement.⁷⁷ For example, Minnesota's legislation prevented employers from creating noncompete agreements as of July 1, 2023, regardless of a workers' income or status as an employee or independent contractor.⁷⁸ Similarly, a recent report by several progressive organizations documents how states can update their antitrust laws to match recent federal actions to protect workers from harmful mergers.⁷⁹
- **Ban captive audience meetings**—mandatory meetings where workers must listen to a corporation's religious or political views such as opposition to unions—that infringe on workers' right to not listen to employer speech.⁸⁰ California, Maine, Minnesota, New York, and Illinois recently banned this practice for employers.⁸¹
- **Protect workers from extreme heat** by enacting laws that protect them from dangerous indoor and outdoor work environments and ensure workers know their rights and feel empowered to report violations.⁸² For example, California, Oregon, and Maryland have enacted these protections for both indoor and outdoor workers.⁸³
- **Raise workers' wages and reward hard work** by raising the state's overtime threshold. For instance, California, New York, Colorado, and Washington have all raised their overtime thresholds with annual adjustments in the next few years.⁸⁴
- **Encourage local jurisdictions to go further in upholding decent standards in workers' local labor markets.** Too many states preempt this sort of action, enacting either broad preemption standards or preventing local governments from taking action to raise the minimum wage, adopt contracting standards, or guarantee sick leave.⁸⁵ Pro-worker state officials should work to overturn these preemptions, empowering local governments to pass stronger labor standards.⁸⁶

Conclusion

State policymakers can strengthen worker power and map a way forward for federal policy reforms by upholding workers' rights, strengthening protections for workers in nontraditional employment structures, giving workers a voice in setting job standards, and involving worker organizations to improve training and enforce standards. By adopting any of these actions, policymakers can help rebalance the U.S. economy and enable more workers to share in its growth.

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