

BLACK
WORKER
Bill Of Rights

Created by The Black Worker Policy Coalition

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ABOUT THE BLACK WORKER POLICY COALITION

In October 2021, the National Black Worker Center launched the [Black Worker Policy Coalition](#). The coalition includes the voice and genius of local Black worker centers and representatives of Black worker-focused and issued-focused organizations. This Black-led strategy coalition is dedicated to racial, gender, and economic justice with the belief that we can achieve our goals through organizing, power building, advocacy, and policy work done in deep partnership with each other. We are committed to:

WE ARE COMMITTED TO:

- **Addressing issues critical to Black workers.**
- **Supporting Black worker organizing and power building happening on the ground.**
- **Centering Black workers in policy spaces concerning issues that affect us like infrastructure investments, job quality, pay equity, health, safety, etc.**

The coalition's first joint initiative is the co-creation and advancement of the Black Worker Bill of Rights.

THE BLACK WORKER BILL OF RIGHTS

We must build a new anti-racist economy that works for everyone. To do so, Black workers demand that the following 10 rights be meaningfully reflected in the law and enforced:

1. **The Right to Organize**
2. **The Right to Resources and Information to Address Barriers to Quality Employment.**
3. **The Right to Assert and Have Your Rights Enforced**
4. **The Right to Equitable Wages, Equal Pay, and Compensation that is Owed.**
5. **The Right to Career Advancement Opportunities.**
6. **The Right to Workplaces Free from Discrimination, Harassment, and Other Harm.**
7. **The Right to Health, Healing, and Rest.**
8. **The Right to Privacy and Freedom from Surveillance, Monitoring, Automated Management, and Control.**
9. **The Right to Dignity in Seeking, Securing, Maintaining, and Retiring from Employment.**
10. **The Right to Participate in Democracy**

THE BLACK WORKER BILL OF RIGHTS

EXECUTIVE SUMMARY

PREAMBLE

Over 50 years ago, Dr. Martin Luther King, Jr. declared that “all labor has dignity”. Dr. King delivered this sermon in solidarity with Memphis workers who were striking against poor working conditions and low pay in an era fraught with racist Jim Crow laws in the South. This fight continues as millions of workers across the country are organizing to demand dignity in work with safe, healthy, and fair job conditions.

Black workers, no matter if we are domestic workers, restaurant workers, health care providers, legal professionals, or construction workers, we face a shared problem: significantly more instances of workplace discrimination, higher unemployment rates, lower wages, unsafe and unhealthy work conditions, benefits gaps including a higher share of workers without health insurance, and much fewer savings to fall back on. Too many Black workers struggle to find quality jobs that guarantee the dignity Dr. King spoke about – jobs that pay a family-supporting wage, offer consistent schedules, and provide work benefits like health care and paid sick day.

Poor job quality for Black workers is too often blamed on racist notions of personal responsibility, thereby putting the burden on workers versus centuries-old history of systemic corporate power imbalances, policy decisions, and discrimination in education, employment, and labor law. Issues of job quality, health, safety, fair compensation, workplace organizing, and legal rights and protections are exceptionally layered for Black workers, whose success in the labor market depends on labor laws that center Black workers and anti-racist policies that redress years of labor exploitation and discrimination. Rarely, if ever, are the direct experiences of Black workers centered in job quality solutions. It is time for a worker bill of rights that does just that.

The Black Worker Bill of Rights would impact more than 20 million Black people in the U.S. job force. This bill of rights affirms and calls for greater enforcement of existing rights and would enact new rights, protections, accommodations, and services to counteract persistent racial discrimination and racial disparities in today’s job market and workplaces.

1. THE RIGHT TO ORGANIZE:

Black workers have the right to organize in the workplace safely and without the fear of retaliation. This right extends to the public and private sectors, including new industries such as the app-based economy. Workers must have the freedom to form an organization that is representative of those who join and/or engage in collective bargaining for better wages, benefits, workplace safety, accommodations, against all discrimination, and any other purpose that the union and/or organization deems necessary.

Black workers have the right to organize free from interference and corporate agendas designed to undermine workers' ability to engage in collective bargaining, such as restricting union and organizations' access to workers on the employer's property. The government must enforce this established right and employers must be receptive to oversight from worker-focused organizations to ensure that Black workers are not exploited.

2. THE RIGHT TO RESOURCES AND INFORMATION TO ADDRESS BARRIERS TO QUALITY EMPLOYMENT:

Black workers have the right to receive resources and information necessary to change workplace conditions for the better. All Black workers must have access to resources and services that support a healthy standard of living. These resources include education, training, apprenticeship, affordable and adequate childcare, accessible and reliable transportation to and from work, assistance with obtaining a license, and vehicles for jobs that require them. Black workers also have the right to financial resources, including specific state and federal funding that works to address long-standing barriers to employment.

Information must be provided in a language and vocabulary that workers can understand. The right to information includes access to resources to help Black workers remedy work-related issues and the ability to freely share information with co-workers, a union, or other organizations about workplace organizing, pay, benefits, employment contracts, and other working conditions.



3. THE RIGHT TO ASSERT AND HAVE YOUR RIGHTS ENFORCED:



Black workers have the right to be safe and protected when asserting rights and demanding better working conditions. Employers must be prevented from using tools such as employment waivers and releases, non-disclosure agreements, and forced arbitration agreements that reduce the likelihood that workers will assert rights. Worker education and community outreach must be prioritized for this right to have maximum impact. When rights are violated, Black workers should experience fair and accessible enforcement processes with the help of free legal representation and support from community-based organizations and unions. Government agencies charged with enforcing rights must be proactive and strategic in preventing violations, committed to serving the interests of workers, equipped with the necessary resources, and willing to issue penalties to employers who violate workers' rights.

4. THE RIGHT TO EQUITABLE WAGES, EQUAL PAY, AND COMPENSATION THAT IS OWED:

Black workers have the right to earn a wage and receive benefits that are adequate enough to support themselves and their families as well as build wealth. The right to equitable wages necessitates a ban on subminimum wages for disabled workers, tipped workers, the youth, incarcerated and formerly incarcerated workers, and all other multiple marginalized Black workers. This right also requires an end to state preemption laws that prevent wage increases in municipalities. Building wealth through work requires that Black workers have equitable access to gainful employment. It also means that Black workers have the right to income that allows workers to save, invest in assets, and gain freedom from the stress of perpetual financial pressure that plagues many Black communities.

Black workers who receive public benefits have a right to save and build wealth which requires stable access to public benefits and support services that do not attach eligibility to asset limits and work requirements. The right to equitable wages and compensation that is owed includes being paid for work done, all hours worked, and reparations for the enslavement of Black people and the series of anti-Black policies that followed and continue today. Black workers have been intentionally and systematically excluded from opportunities to amass wealth and it is the responsibility of our government to rectify that disparity.

5. THE RIGHT TO CAREER ADVANCEMENT OPPORTUNITIES :

Black workers have the right to access higher-paying jobs through career pathways. All Black workers have the right to be considered for positions with greater responsibilities and benefits, eliminating the segregation of Black workers into jobs that pay low wages and provide little to no mobility. Black workers must be provided cost-free education and training to enter higher-paying roles for upward mobility. Educational access includes access to state funding for training and workforce development (including special consideration of careers/industries where there is underemployment of Black workers such as in technology and green jobs); comprehensive education in science, technology, engineering, and mathematics (STEM); job and mentoring networks; pre-apprenticeships and apprenticeships; and English as second language education.

6. THE RIGHT TO WORKPLACES FREE FROM DISCRIMINATION, HARASSMENT, AND OTHER HARM:

Black workers have the right to be free from harm in the workplace, which means protection against discrimination based on race, hairstyles, name, sex (including perceived or self-identified gender, gender presentation), sexual orientation, citizenship or immigration status, and former justice-system involvement. The right to a harm-free workplace would mean that the workplace is accessible and free from hazards that could cause serious harm, including outdoor/indoor air pollution, toxic exposure, extreme temperatures, as well as free from unfair and coercive working conditions. Employers must raise workplace standards by instituting fair and equitable workplace policies and benefits such as paid time off, rest or break time, flexible scheduling, sick time, considerations for the COVID-19 pandemic, inclement/severe weather and, where possible, remote work opportunities. A safe and healthy workplace also includes the right to be protected from harassment, physical and emotional abuse, threats, and violence.





7. THE RIGHT TO HEALTH, HEALING, AND REST:

Black workers have the right to health and healing, including quality, culturally appropriate mental health support, preventive health services, gender-affirming surgical care, abortion access and care, and comprehensive quality health care coverage (regardless of income, type of job, pre-existing condition) for workers and their families. This right includes access to paid sick leave, other types of paid leave (paternity, adoption, bereavement, etc.), universal paid leave, and Medicare for all. Black workers must have a right to rest, including adequate rest breaks, easily accessible break spaces, and additional provisions for workers laboring outdoors in extreme weather. Due to trauma experienced by many Black workers in the workplace, there is a need for reasonable accommodations and accessible services that support healing and recovery time for workers and their families.

8. THE RIGHT TO PRIVACY AND FREEDOM FROM SURVEILLANCE, MONITORING, AUTOMATED MANAGEMENT, AND CONTROL:

Black workers have the right to privacy, autonomy, and freedom from surveillance in the workplace. Employers increasingly use surveillance, productivity monitoring, and automated management to dehumanize workers, negatively impacting workers' mental and physical health, and lower wages. This right ensures protection so that workers do not have their privacy intruded upon by employers. Privacy extends to data collection and uses, especially data that concerns people's identities, locations, conditions, and data that is vulnerable to exploitation and discriminatory use. Workers should have the choice to keep personal information confidential, maintain personal space and autonomy, refuse the employer's monitoring of actions, speech, or correspondence, and protection against an unreasonable search or seizure.



9. THE RIGHT TO DIGNITY IN SEEKING, SECURING, MAINTAINING, AND RETIRING FROM EMPLOYMENT:

Black workers have the right to search for a job, earn wages, leave a job, and retire without experiencing degradation, disrespect, shame, and social exclusion. In seeking, securing, and maintaining employment, Black workers should not be unfairly judged by history with incarceration, information from private life, or physical presentation and appearance— all of which are often clouded by anti-Black racism. Dignity includes the right to receive real investment in the retention of workers and the prevention of firing workers without just cause. Furthermore, Black workers who reach retirement age should not have to labor to afford basic needs such as housing and healthcare— regardless of their legal ability to contribute to social security or pension funds over their prime working years.

10. THE RIGHT TO PARTICIPATE IN DEMOCRACY:

Black workers have the right to freely exercise our voice and leadership through voting and other civic activities, including access to paid time off and other necessary accommodations (e.g., transportation, education on voting rights) required for workers to participate fully in democracy. Regarding local, state, and federal regulatory, labor, and economic development policies, Black workers must be included in the process to shape policy changes and receive compensation for their time. Trusted Black worker organizations and leaders are to have a mandatory formal role in the policy development and implementation.

The Black Worker Bill of Rights

POLICY PLATFORM

1. THE RIGHT TO ORGANIZE

THE ISSUE

Many workers still face barriers to organizing, including [interference by employers](#), despite existing labor laws. The right to organize is being weakened by legislators across the country, particularly in states and industries where Black workers are overrepresented.

Black union membership has decreased over the years. Today, the share of Black workers in a union has dropped from 40 percent in the 1960s to just [12.3 percent](#). Offshoring manufacturing jobs, automation, and [companies' aggressive opposition](#) to all efforts to unionize have resulted in a [decline in union membership](#). Not only has the erasure of millions of unionized jobs devastated Black communities, but many Black workers, including public sector workers, domestic workers, and agricultural workers, are not covered under the National Labor Relations Act (NLRA). For workers who are covered under the NLRA, it does little to protect workers who attempt to organize from employer abuse and retaliation. This is a denial of Black workers' voice in workplace decision making.

In addition to unions being spread thin across the country and very limited in southern states, right-to-work laws have also made it harder for working people to form unions and collectively bargain for better wages, benefits, and working conditions. These laws have their roots in the Jim Crow South, where white southerners and their northern allies used anti-Black racism to maintain a system of racial division and cheap labor. Jim Crow era practices persist today as most southern states have implemented right-to-work laws, and most Black workers live and work in southern states. Right-to-work laws have a misleading name as it does not guarantee employment. In fact, it [lowers the conditions of employment](#) (i.e., lower wages and benefits, and weaker workplace protections).

The labor movement centers traditional union organizing, although there has been an increase in nontraditional organizing with worker centers and community groups. Breaking tradition in organizing can expand Black worker power and efforts to improve job conditions. Alternative labor organizing is necessary as there are remnants of [past racial exclusion](#) by some unions and often discrimination and racism experienced by Black members is not considered a union issue.

Black workers' ability to unite and organize to protect rights and improve work conditions remains extremely important. Too many Black workers fear demanding better pay and benefits, criticizing the workplace, or speaking out against discriminatory and harmful practices. Black workers often stay silent on these issues for fear of losing jobs.

THE DEMAND

Protect organizing. Black workers can organize in the workplace safely and confidently in the public and private sectors. Black workers will be supported and protected when engaging in organizing work, including traditional union organizing for the purpose of collective bargaining for better wages, benefits, workplace safety, accommodations, and any other purpose that the union and/or organization deems necessary.

Enforce and expand existing rights. Employers and the government must honor the established right to organize and support the expansion of concerted protected activities.

Forming a union should be a democratic process free from interference. The National Labor Relations Board (NLRB) should vigorously enforce the NLRA to prevent employer interference, so that joining and maintaining union membership is accessible.

Modernize the NLRA. Update and expand the NLRA to protect the rights of all working people including private and public sector workers, and workers in informal, gig, care, and criminalized (i.e., sex work, etc.) economies.

Promote unionization efforts and collective bargaining. The federal government will ensure that it is effectively implementing and that states are implementing the specific action to Increase Visibility, Support, Awareness, and Promotion of Collective Bargaining – Increasing Awareness of Worker's Rights from the White House Task Force on Worker Organizing and Empowerment's report.

Guarantee access to resources. Equitable access to resources is an integral part of Black workers having quality jobs as well as exercising rights, particularly the right to organize in the workplace.

Build and maintain partnerships with Black worker organizations. Government's responsibility to protect the right to organize must center on Black workers' experiences. This requires deep and intentional partnerships with Black workers and Black-led and centered organizations that work with communities and on issues impacting Black workers.

Racism and discrimination are union matters. Unions must commit to interrogating and eliminating racism and discrimination that persist within unions. Unions should advance racial justice as a part of the fight for economic justice.

THE ACTION

Legislative Action:

- Pass the **Protecting the Right to Organize (PRO) Act**
- Pass the **Public Service Freedom to Negotiate Act**
- Pass the **Protect Our Workers from Exploitation and Retaliation (POWER) Act**
- Repeal “right-to-work” laws.

Agency Action:

- NLRB and DOL will expand their practices to effectively enforce workers' rights both within the scope of their existing authority and by seeking additional resources or authority where needed.
- End the misclassification of worker centers as unions and clarify the difference between unions and worker centers. The NLRB and DOL must issue clarifying statements that worker centers are not labor organizations. A lack of understanding of worker centers and bad-faith interpretations of labor law have created an environment where worker centers are under constant threat of being misclassified as labor organizations. Misclassification of worker centers severely restricts the work of our non-profits.
- End the misclassification of workers as independent contractors, so that the National Labor Relations Act (NLRA) and other basic legal protections apply to more workers.
- Extend NLRA protections to workers who have been excluded, including but not limited to domestic, agricultural, gig, and disabled workers.
- Issue an executive order mandating the NLRB to vigorously enforce and expand their practice to effectively enforce sections 7 and 8(a) of the NLRA to better protect workers and prevent interference of employers and policymakers who seek to do the bidding of employers. In addition to covering more activities that would be considered employer interference within labor organizing, the NLRB should expand the list of concerted protected activities under Section 7.
- Rectify the harmful action of the Trump NLRB that advanced an anti-worker and anti-union corporate agenda designed to undermine workers' ability to form unions and engage in collective bargaining.
- Reinstatement of previous rules, including Union-Buster Disclosure Rule and Union Election Expedition Rule, that protected workers in underpaid industries and provided for effective enforcement of workplace rights.

2. THE RIGHT TO RESOURCES AND INFORMATION TO ADDRESS BARRIERS TO QUALITY EMPLOYMENT

THE ISSUE

Since the inception of the United States, Black labor has been exploited, thus creating an economic deficit in our communities. From enslavement to current day, U.S. policies have excluded Black workers from receiving resources that were provided to other groups of workers equitably. For example, the Social Security Act of 1935, which provided unemployment insurance, retirement benefits, and assistance to dependent mothers and children, intentionally excluded from coverage agricultural and domestic workers—a large percentage of whom were Black then and now.

In 2021, the American Rescue Plan passed and included \$4 billion in direct debt relief payments aimed at compensating Black farmers for systemic racism and years of discrimination in accessing [U.S. Department of Agriculture \(USDA\) loans](#) and other support programs. Yet, [lawsuits](#) have blocked the promised stimulus. These examples show how resources have been withheld from Black workers. To rebuild thriving Black communities, there must be significant resource investments from all levels of government.

Not only is there a historic and current practice of denying resources to Black workers, but information sharing has been a lasting problem. Information is a powerful tool and thus U.S. institutions and policies have constantly tried to withhold accurate information, whitewash it, and miseducate Black people. For example, depending on where Black workers are in the country (i.e., living in a southern state), many of these workers will not be taught about several important worker rights issues including labor organizing, health and safety requirements, wage theft, and misclassification of workers as independent contractors. This of course limits workers' ability to engage in collective action and union formation, amongst several other activities beneficial to workers.

Therefore, the right to information that is culturally appropriate and historically accurate is necessary for Black workers to live and thrive at work. The right to access information and share it with other workers is one of the most important mechanisms in helping workers gather the facts and data necessary to engage in collective action to change workplace conditions. The right to information would enable Black workers to know how the decisions that affect them are made, how public funds are handled and according to which criteria, to perform effective checks on government, to identify violations and report it, to protect rights, and to obtain information required to develop effective programs and strategies.

THE DEMAND

Allocate federal resources to advance equity and opportunity. Section 5 of the Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government requires the federal government to allocate resources to address historical failures to invest in underserved communities, which includes Black communities. Immediate implementation of this order in partnership with Black-led and centered community-based organizations is necessary. Equitable access to resources should be an integral part of repairing the harm of economic exploitation that Black workers and Black families have experienced for generations.

Promote equitable delivery of government resources, benefits, and opportunities. Section 7 of the racial equity order requires that benefits, contracting and procurement opportunities be provided on an equal basis. This order should be amended and reissued to include a more thorough analysis of racial equity and a clear plan for how it will be implemented. This order should be also set disaggregated goals for hiring benchmarks; and disaggregating hiring goals by race/ethnicity to include goals for Black, Latinx, and Asian and Pacific Island workers based on appropriate workforce demographic data. Promoting equitable delivery of resources requires addressing the real barriers to using federal funds.

Reduce administrative burdens. Reduce agency administrative burden in procurement and contracting experienced by marginalized communities and small disadvantaged businesses.

Radically restructure the tax code. The tax code must be radically restructured at all levels of government to ensure sustainable redistribution of wealth.

Achieving the goals of the Justice 40 initiative and accountability. Executive Order 14008 sets a goal that 40 percent of the overall benefits of investments in climate change, clean energy, clean transit, affordable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure, will flow to disadvantaged communities. Black communities and workers must benefit from these investments and there must be accountability measures in place to ensure that Black communities receive these benefits.

Require targeted hiring on publicly funded projects. Governments can choose equity through targeted hiring programs. It would require contractors on publicly funded projects to hire workers from economically distressed neighborhoods, and set a preference for workers who: (a) are of a race or ethnic group that has historically been excluded from worker protections (where permitted by law), (b) are formerly incarcerated, (c) have a disability, or (d) have been long-term unemployed. To ensure success, community-based organizations with 85% Black leadership should be provided grants to conduct outreach in the most impacted

neighborhoods and monitor program compliance. Furthermore, the program should require that contractors provide regular data that shows retention rates for workers hired under the program, to ensure that Black workers are provided jobs that last beyond the program's life.

Adopt best practices for equitable employment program.

Federal, state and local governments must take concrete steps to advance Black workers including: (a) measure, set benchmarks, and evaluate program outcomes by race; (b) actively recruit participants from Black communities; (c) ensure participants with prior justice involvement are included; (d) offer positions that are accessible to workers with limited prior work experience; (e) avoid requirements that could disproportionately screen out Black applicants; and (d) offer incentives and support for employers to hire employment program participants.

Resources to support the building of solidarity economy ecosystems.

Loans and other government directed resources should be provided to support the development of worker cooperatives in Black communities.

Maintain and update basic needs programs.

All workplaces should have a human resources department that will develop and maintain a basic needs handbook or other written documentation. This document is to be distributed to employees listing basic needs programs that employees are eligible for, such as food, housing, medical care, and immediate safety. This will ensure that workers receive fundamental human care so that they can function and contribute to the workplace. If the workplace does not have a human resources department, employees must be granted time to research and utilize these services for themselves.

Keep workers informed. All concerned entities, such as employers and government, have an obligation to proactively share information with workers about their rights as an employee or independent contractor. Sharing information includes full disclosure of workers' rights as well as resources for workers to be able to understand those rights. Employers should be required to share information collected on workplace hazards, medical records concerning the worker, and the employer's legal rights and responsibilities to their employees and contractors. Workers who disclose information are to be protected from retaliation. Workers and worker organizations have free access to information or non-imposition of excessive costs.



Additional resources provided should include but are not limited to:

- Financial resources, such as federal and state grants, are to be allocated to community development programs and quality job creation in Black communities.
- Quality and equitable job training programs that, at a minimum, provide participants with family-supporting wages and offer wraparound services.
- Accommodation for workers with temporary and permanent disabilities.
- Accessible and reliable transportation to and from work; and assistance with obtaining a license and vehicle for jobs that require a license and vehicle.
- Resources connected to individuals including expanded child tax credit, stimulus checks, access to health care, affordable and adequate childcare, and affordable housing.
- Legal resources to help combat the decades of public policy in Black communities that have led to Black workers facing disproportionate involvement with the criminal legal system.

THE ACTION

Legislative Action:

- Make the expanded **Child Tax Credit** permanent.
- Pass the **Jumpstarting Our Businesses by Supporting Students (JOBS) Act**.
- Pass the **Justice for Black Farmers Act**

Agency Action:

- Federal government must create sustainable funding source to be allocated to Black workers and organizations supporting Black workers' organizing and power building work.
- The allocation of these resources should be seen as part of reparations for the mistreatment of Black workers by the state, and in as much as possible any financial resources should be allocated to trusted community organizations and increase utilization of a participatory budgeting framework.
- Local, state, and federal labor agencies should work proactively to ensure that employers fulfill their responsibility to provide up to date and accessible workers' rights information, and act if the employer does not uphold its responsibility.
- Department of Labor to issue sub-regulatory guidance on Executive Order 11246 that updates the goals and disaggregates goals by specific racial groups.

3. THE RIGHT TO ASSERT AND HAVE YOUR RIGHTS ENFORCED

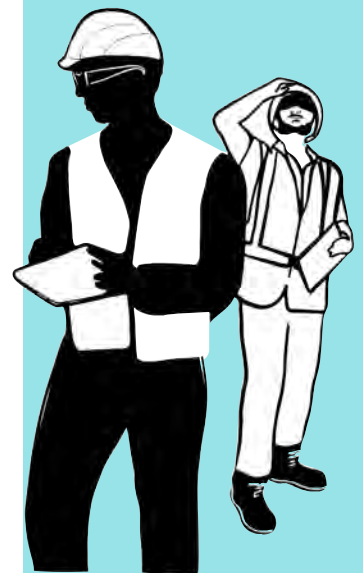
THE ISSUE

Black workers need free, confidential, equitable and accessible means to pursue action when rights are violated or when something improper has happened in the workplace. A workplace where Black workers do not fear asserting rights and have supports in place to help understand rights, free legal representation in filing complaints, and federal and state agencies ready and willing to enforce laws and hold employers accountable is paramount to the growth in equity, wages, and work conditions.

Enforcement of labor rights primarily relies on workers coming forward to the Department of Labor or another enforcement agency to make complaints, thus putting the burden of identifying and reporting a violation on workers. [61](#) percent of U.S. employees have experienced or witnessed discrimination based on race, gender, age, and sexuality, yet reporting rates [remain low](#) with only 30% of impacted employees filing internal complaints and less than 15% filing formal legal charges. A [national survey](#) conducted in 2020 on COVID-19 and workplace retaliation showed one in seven Black workers avoided raising concerns to their employers for fear of retaliation.

Workers who report workplace issues, or assert their rights often face the risk of retaliation by their employer. A 2020 survey found that Black workers were more likely to have concerns and twice as likely as white workers to report that they or a coworker were punished or fired for raising concerns about COVID-19 spreading in the workplace. Even when workers take the risk and file a complaint, government investigations or audits of employers are relatively rare. With weak enforcement by agencies and many Black workers unable to hire attorneys to pursue a private right of action, retaliation by employers runs rampant and is a persistent challenge to effective enforcement of labor and civil rights laws.

In addition to the fear of losing a job or the workplace becoming even more hostile, the increased use of employment waivers and releases, nondisclosure agreements, and forced arbitration have lessened the ability of workers to assert rights. Current laws that allow employers to lawfully use these tools and the current system of labor enforcement fail to provide a meaningful mechanism for legal protection when it comes to workers asserting their rights and having them enforced.



THE DEMAND

Workplace Advocacy. Ensure that all Black workers can assert their labor and civil rights, speak out against issues in the workplace, and demand better conditions without fear of retaliation by their employer.

Free legal representation. There should be a guarantee of free legal help for people who experience workplace issues and who cannot afford a lawyer.

Prevent unfair employment practices. Restrict the use of employer tools that lead to workers not asserting their rights, such as non-disclosure agreements, forced arbitration, and employment waivers and releases that waive or release an employer from liability for discrimination claims.

New pathways for enforcement. Create new pathways for enforcement that consider the needs and experiences of marginalized workforces (i.e., farmers/ agriculture workers, domestic workers, incarcerated workers, workers with records, contract workers). This should include investing in proactive approaches to enforcement (i.e., workforce surveys, audits, standards boards, etc.)

Expand protection. Create proactive protections for Black immigrant workers with precarious status so that they will come forward about violations of their rights and file more complaints. It is also necessary to provide additional protection for workers who are paid low wages in states that do not have minimum wage or overtime protection on their books.

Invest in worker education. DOL, OSHA, EEOC, and NLRB must increase education and outreach in partnerships with community-based organizations, worker centers, and unions.

Invest in Black led and centered organizations. Invest in community-based organizations, workers centers, and unions that are more accessible to Black workers to ensure that workers have a more accessible way to begin the rights enforcement process in their own community.

Prevent retaliation. All states should adopt retaliation protection laws that offer better support systems for workers, adequate compensation for workers who experience retaliation, and that deter employers from retaliating.



THE ACTION

Legislative Action:

- Pass the **Protect Our Workers from Exploitation and Retaliation Act (The POWER Act)** that would provide protections for immigrant workers who seek to vindicate their labor rights and vital safeguards against retaliation by employers.
- Pass the **Domestic Workers Bill of Rights** that would strengthen protections against retaliation for domestic workers who exercise their rights, create a hotline for workers who seek support, and create a standards board as a mechanism for workers to organize and have their voice heard in the workplace.

Agency Action:

- Coordinate enforcement across agencies. The recent memorandum of understanding between the Department of Labor and the Equal Opportunity Employment Commission promotes interagency coordination in processing complaints of employment discrimination. DOL and EEOC must use their new inter-agency coordination to not simply investigate discrimination after it has already happened, but to target discrimination before it begins.
- Establish an administrative agreement between DOL and Department of Homeland Security (DHS) that would trigger the DHS to put the worker on a protective list so that the employer couldn't leverage the workers' status against them.
- Pursue strategic enforcement where labor standards enforcement agencies target high-violation industries.
- Pursue co-enforcement where labor standards enforcement agencies engage in sustained partnerships with Black worker centers, unions, legal advocacy organizations, and other community-based organizations that focus on Black and immigrant communities, low-wage worker communities and high-violation sectors.
- Establish standards boards to investigate standards in the industries that Black workers are disproportionately located that include Black worker representation, Black worker advocates from community-based organizations, local Black worker centers, and unions and make recommendations to promote the workers knowing their rights and asserting their rights.
- Increased funding for and staff of DOL's Wage and Hour Division, EEOC, OSHA, NLRB, and state enforcement agencies.

4. THE RIGHT TO EQUITABLE WAGES, EQUAL PAY, AND COMPENSATION THAT IS OWED

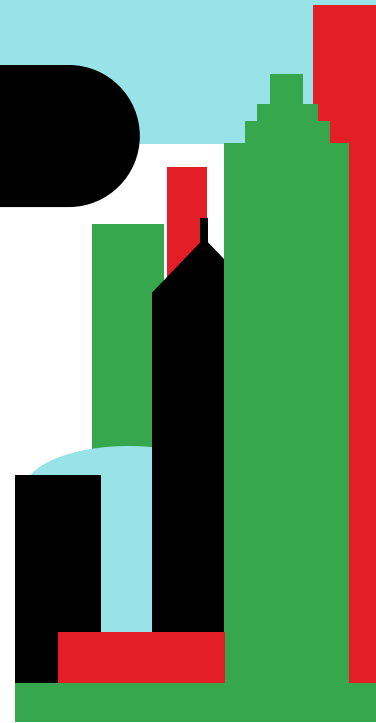
THE ISSUE

Black workers are disproportionately paid low wages, forced to endure unpredictable scheduling practices, and are provided inconsistent and insufficient work hours that make it difficult to have a work-life balance and results in irregular earnings; making it hard to earn a living, care for families, and obtain public benefits.

Due to the United States' legacy of institutionalized racism and the systemic exclusion of Black people from many of the economic advancements that other racial groups have been able to participate in, it is essential that Black workers are included in a growing and bustling economy, incoming major federal investments and are able to participate fully in the job market. It is because of this legacy of exclusion that Black communities have not been able to fully take advantage of centuries of economic opportunity and wealth-building, which other groups, namely white people, have experienced by way of home ownership, fair access to education, equitable opportunities in employment and career advancement (among many other things).

Even where the government has created public benefits programs to provide at least a minimum degree of economic security to people who need it, Black workers are still on the lower receiving end. [19.5 percent of Black people](#) fell below the federal poverty line in 2020 (8.5 million people) compared to 8.2 percent of the white population that live in poverty. Data on recipients of public benefits show that white Americans are [43 percent of the population that receives welfare benefits](#), while Black people are only 23 percent of recipients. Of Black workers who receive public assistance, the ability to build wealth while receiving benefits is greatly impacted due to asset limits on disability benefits, Medicaid, SNAP, and TANF. Asset limits work to prevent low-income families from building a savings. Asset tests lack nuance and force working class families to choose between assets and destitution.

The United States has a history of exploiting Black labor that reaches back to its inception. The legacy of slavery and its lasting effects can be tracked clearly from the antebellum period to the current moment. As enslaved Black people found freedom, the system of white supremacist capitalism adapted and found new ways to retain control over Black labor in a myriad of ways; notably through the [system of tipped wages](#). Black workers in the 1960s were subjected to zero-dollar wages that were only supplemented by tips, leaving their income in the hands of racist, sex and otherwise prejudiced white patrons. Many Black workers in our current moment are beholden to the same restrictions on labor and livelihood. We can no longer tolerate an economic system that allows the exploitation that is inextricably tied to subminimum wages to persist.



The racially tiered economic system created by relegating Black folks to tipped work extends further into our current moment by leaving an unacceptable gap in the wages that Black workers presently take home. In 2021, Black women's take-home earnings were only [63 percent of white male counterparts](#), denoting a widening of the gap compared to previous years. Every moment that our government and employers allow wage gaps to remain and widen reiterates their complicity in retaining the social conditions that devalue Black people and Black labor. The federal minimum wage has not increased since July 2009, despite the rising cost of living and the extreme wealth held by the few billionaires in the U.S.

In 2021, a worker who is paid the federal minimum wage of just \$7.25/hour [earns less than 21 percent](#) of what a similarly situated worker earned 12 years ago, after adjusting for inflation. This is a result of intentional decisions made by Members of Congress. Although Congress has failed to raise the federal minimum wage, [more than 21 states and several cities have raised their minimum wage](#), resulting in increased earnings for workers who have been underpaid. In states where wage raise actions are occurring, state policymakers are harming workers who are paid low wages by preventing the increase. 26 states have passed laws that prohibit local governments from raising their minimum wage. This tool is preemption.

Preemption laws have been used by corporations and their allied state policymakers to prevent cities and counties from passing their own minimum wage laws that would raise wages. For example, [in 2015](#) St. Louis city, a city with a population that is about 45 percent Black, had its ordinance that would have raised the minimum wage to \$11.00 per hour blocked. This decision by lawmakers resulted not only in [68,000 workers](#) being denied a wage increase but also a drop in the minimum wage from \$10/hour to \$7.70/hour. Local minimum wage laws play a key role in ensuring that workers' pay corresponds to the local cost of living. [Preemption](#) has been used as a tool to limit workers' rights to more equitable wages, which has had a disproportionate impact on Black workers, women, and workers living in the South and Midwest.

Many Black workers, especially those paid low-wages and immigrant women, have had wages stolen by employers. Wage theft typically occurs when employers do not pay workers all the money to which they are



entitled. Although violations of minimum wage laws are the most common form of wage theft, wage theft also occurs when employers fail to pay workers for all hours worked, for overtime, for paid rest breaks, for legislatively required leave, and for reimbursements for employer expenses. Additionally, when employers misclassify workers as independent contractors instead of employees, they are depriving workers of full wages and protections.

Unfortunately, the pervasiveness of wage theft is neither new nor surprising. The exploitive nature of the history of capitalism in the United States only serves as a model for the very exploitive nature of wage labor in the U.S. today. Attempts to [calculate](#) the theft of enslaved labor has shown amounts in [trillions of dollars](#).

Over the last decade, in just the service and security industries, employers have stolen [\\$22 million](#) in wages from Black workers. In 2020 alone, more than [190,000 Black workers](#) had their wages stolen by their employers. It is insufficient to only ensure that Black workers have a right to fair and equitable wages and compensation in their current workplace. It must be paired with the right to reparations for many years of economic exploitation and extraction.

THE DEMAND

Equitable wages. An equitable wage includes wages and benefits that allow workers to support themselves and their families, and to gain economic mobility (regardless of the type of work/education/experience). A living, family-supporting, wage should be based on only having to work one full-time job, not multiple jobs combined.

Raise the minimum wage. The federal minimum wage should reflect changes in the American economic condition, commensurate with the ever-rising cost of living, and adapt with inflation. There should be an ongoing process of reevaluation that determines whether the federal minimum wage is appropriate given these changes in the economy. The last time the federal government updated the minimum wage was in 2009, which only represented an incremental increase. If the federal minimum wage was adaptable and dynamic, it would be updated regularly.

Fight preemption. Challenge corporate abuse of preemption. Support advocacy and legislative efforts to repeal minimum wage preemption and that grant express power to localities to adopt higher local minimum wage.

Fair and predictable scheduling. Workers should have consistent and sufficient work. Fair Scheduling ensures that workers are paid for shifts that are scheduled and then canceled at the last minute.

Fair wage practices. Investment in and promotion of fair wage practices that include strong safeguards against wage-theft and enforcement of labor laws (regardless of

the sector or industry). Black workers are to be paid for all work done and all hours worked (regardless of immigration status, legal work authorization, or past criminal record). Employers do not have the discretion to decide if they want to pay, when to pay, or to skip payments and pay later. Workers must be paid regularly and in a timely manner.

Close the wage gap. Intentional measures to be put into place to close the wage gap for all Black workers with a particular focus on women and LGBTQ communities. In order to ensure these gaps are closed, a system of pay transparency should also be implemented. This ensures that inequity cannot be hidden by bias and secrecy and empowers marginalized workers to advocate for fair wages for the work they produce.

Benefits provided at the start of a job. Benefits such as health insurance, paid time off, flexible and remote working options, life insurance, disability benefits, childcare benefits, student loan repayment benefits should be provided to workers without delay.

Invest in and support the building of wealth and savings. This can be achieved through guaranteed income, raising the minimum wage, repairing the institutions that reproduce unfair economic standards, access to substantial and high road employment, enriching higher education pipelines for Black students.

Employers must be held accountable. When an employer is found to have paid any worker less than the wage to which that worker is entitled, back pay is to include not only the wages owed, but also leave, health care coverage, and retirement benefits. Increase penalties for employers committing wage theft/ wage-hour violation to include administrative fines and an award of damages to workers for the violation of their rights in addition to the unpaid wages. Employers who have committed a willful violation of wage and hour laws should have their business license denied or suspended by the authorized local agency.

Reparations. Reparations for the enslavement and forced uncompensated labor of Black people and for the series of anti-Black policies that followed and continue today, including harm caused to Black communities by state sanctioned acts of economic violence. This means both individual and community compensation for the descendants of the enslaved Africans who built the economic backbone of the United States. Reparations should not be limited to financial payments to individuals but should also include community investments and radical change to the systems that allowed the initial harm to take place.

Know your rights initiative. Government should work with Black community-based groups, worker centers, and unions to provide workers with education and training on wage theft, misclassification, management of compensation and funds, unjust charging of taxes, and respective rights and complaint process.

THE ACTION

Legislative Action

- Pass the **Wage Theft Prevention and Wage Recovery Act**, which would prevent wage theft and assist in the recovery of stolen wages.
- Pass the **Raise the Wage Act**, which would increase the federal minimum wage and gradually eliminate the sub minimum wage for people with disabilities, youth, and tipped workers.
- Update the **Paycheck Fairness Act** to include a racial equity analysis and pass the amended Act.
- Pass the **Domestic Workers Bill of Rights**, which would close legal loopholes that exclude domestic workers from federal labor and civil right laws as well as create new benefits and protections for domestic workers.
- Pass **H.R.40 - Commission to Study and Develop Reparation Proposals for African Americans Act**
- Pass the **Sending Unconditional Payments to People Overcoming Resistances to Triumph (SUPPORT) Act** and the **Genuine Progress Indicator (GPI) Act**, which would create a grant program to fund local income pilots, implement a national guaranteed income program, and establish a new economic metric to measure well-being.
- Pass the [Schedules That Work Act](#), which seeks to address unfair scheduling practices and promote equity and financial stability.
- Pass the [Part-Time Worker Bill of Rights](#), which supports part-time workers having the necessary pay, hours, and benefits to support themselves and their families.

Agency Action

- Implement the actions recommended by the White House Task Force on Worker Organizing and Empowerment; particularly actions directed toward federal and state agency employees ensuring the effective enforcement of existing laws.
- Strategic enforcement where labor standards enforcement agencies target high-violation industries and maximize the use of enforcement powers to increase the cost of noncompliance
- Co-enforcement where labor standards enforcement agencies engage in sustained partnerships with Black worker centers, unions, legal advocacy organizations, and other community-based organizations that focus on Black communities, low-wage worker communities and high-violation sectors.
- Increased funding for federal and local Wage and Hour Divisions.

5. THE RIGHT TO CAREER ADVANCEMENT OPPORTUNITIES

THE ISSUE

Black workers have been systematically relegated to poor quality jobs and are often given fewer opportunities to advance to higher-paying roles within their own organization or industry. [According to a recent survey](#), 44 percent of Black workers feel that they are overlooked or intentionally passed by for career advancement opportunities because of their race, while nearly 30 percent said they are thinking about leaving their current job due to the lack of growth or advancement opportunities. Black workers are also denied access to on-the-job training at higher rates than others; training that could increase access to better paying and fulfilling jobs.

Black women in particular represent the single most educated group of workers, [but remain less likely](#) to hold senior positions when compared to their white counterparts. Across the board, [the higher the position the fewer Black workers you will see](#). In the private sector alone, Black

professionals make up just four percent of senior vice president roles and one percent of fortune 500 CEO positions. The systematic exclusion of Black workers in higher-paying roles reinforces longstanding income and wealth disparities.

Black workers must be guaranteed equitable access to career growth opportunities that lead to higher paying jobs. All Black workers should have the right to be considered for positions with greater responsibilities, benefits and higher pay. Black workers should no longer be relegated to jobs that provide little-to-no economic mobility.



THE DEMAND

Partnerships with Black worker centers and other trusted Black organizations.

Black workers, our experiences, and needs must be centered, including all the challenges Black workers encounter in accessing, being able to fully participate, and ultimately use earned credentials, in every aspect of workforce policy. This means that Black workers are not an afterthought and program officials do not figure out how to fit Black workers into the program after the policy has been developed. This will require deep and intentional partnerships with Black workers and Black-led and centered organizations that work with Black workers and on issues impacting Black workers.

Targeted federal funding to Black communities. Local, state, and federal funding for workforce development should explicitly support Black workers to move into careers where there is systematic underemployment of Black workers. This should be in the form of direct aid to help Black workers access on-the-job training, educational opportunities at postsecondary institutions, and other no-cost opportunities that help Black workers gain the experience necessary to be promoted to better jobs. To aid workers in participating in training, those enrolled in college or workforce must be categorically eligible for public benefits like food assistance, childcare subsidies, and housing assistance.

Connect Black workers to green jobs. IIJA investments in the green economy workforce must be directed towards Black workers, who are among those most primarily harmed by climate disaster. Target apprenticeships and green jobs that hold potential for long-term training and career development toward Black workers.

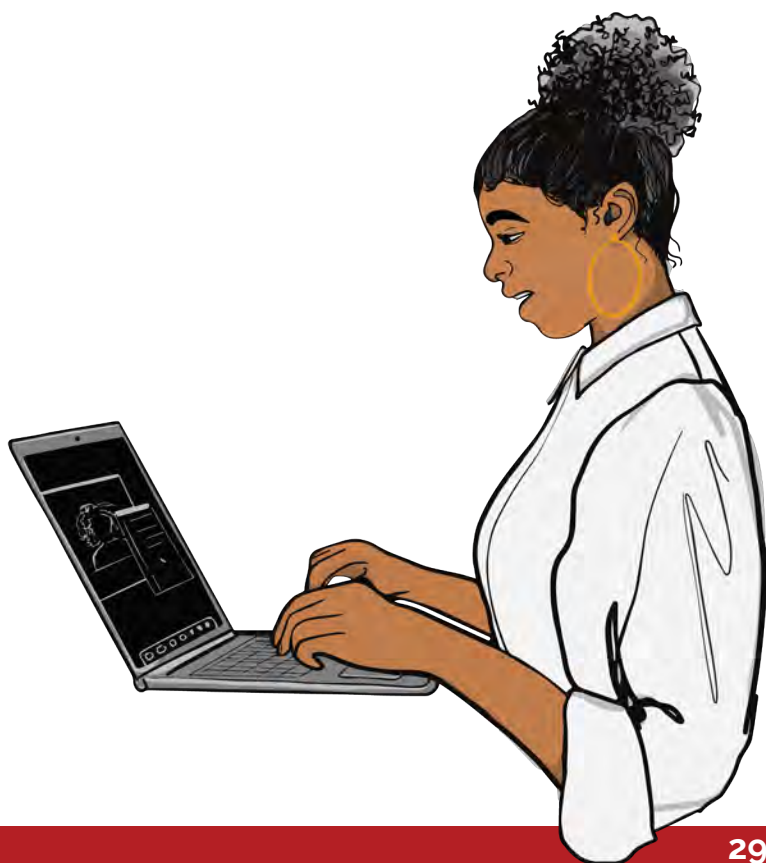
Workforce development must be accessible. Job training programs, including WIOA-funded training, must compensate Black workers and provide wraparound support. DOL must direct states to remove barriers to WIOA training programs. This includes ensuring that training programs, when necessary, are scheduled outside of work hours, that workers are compensated for training at a family supporting wage, cost of the training itself is covered (i.e., tuition, feeds, books) and apprenticeships; state and local agencies should provide wraparound services like childcare, transportation reimbursements, health care, assistance with housing, and uniform expenses so that Black workers can participate in programs.

Institute measures for Black worker career advancement. Labor offices must work with workers in assessing government-backed businesses and non-profits to measure the promotion rates of Black workers and make recommendations to increase promotion. Also, employers and institutions operating training programs using government funding should have reporting requirements that mandate disaggregated data by race, ethnicity, gender, and other important demographics. Only workforce credentials that meet specific standards (i.e., led to higher wages and quality jobs) should receive government funding. This would focus programs on helping Black workers earn a credential that has value in the labor market.

Clear and enforceable participation goals. Ensure that Black workers are accessing job pathways programs and that there are mechanisms in place to confirm that employers and organizations offering job pathway programs are compliant with participation goals.

Increase accountability and transparency in job pathways and promotions. There must be transparency about wages, and it must be unlawful to conceal past salaries and qualifications/certifications of people in the same position. This ensures that employers are truthful about how much the last person in the position was paid and experience they had and shares that information with candidates before Black workers accept a position and salary. Also, government must be transparent with the public by collecting and disclosing data around the effectiveness of job training programs, pre-apprenticeships, apprenticeships, and other job pathway programs to move Black workers into quality employment.

Black workers and Black worker leaders must have shared control over workforce system decisions. The Workforce Innovation and Opportunity Act requires the establishment of workforce development boards at the state and local levels with representatives from many stakeholder groups including employers; however, it does not require job seekers to be included as representatives on the boards. State governors must be required to appoint Black workers and Black worker leaders to workforce development boards to be a part of the decision-making around resource allocation, selection of training providers, service implementation, and performance measures and reporting.



Discrimination-free training programs.

Proactive measures should be embedded in policies to ensure that Black workers can have access to safe, healthy, and welcoming training opportunities. Organizations receiving funding to conduct short term training must demonstrate that safety is a priority, and that racism and discrimination will not be tolerated.

Opportunities to distance learn.

This would provide workers with the opportunity to build work into school schedules. One class per term at schools so one can focus on succeeding in one class rather than being overwhelmed with several.

THE ACTION

Legislative Action

- Policymakers should update the **National Fair Labor Standards Act (FLSA)**, the **Equal Employment Opportunity Act** and the **Equal Pay Act** to include provisions that require employers to make public chances for upward mobility within their own organization and mitigate the concealment of salaries within workplaces to ensure Black women workers and all Black workers have access to higher paying jobs.
- Policymakers should also ensure that employers provide a benefit (professional development stipend, tuition reimbursement, on the job training) to cover the full costs of Black workers to pursue training that could help them advance in their careers or simply follow their passions.
- Through the **Workforce Innovation and Opportunity Act (WIOA)** reauthorization, Congress can ensure Black workers who participate in the public workforce system are guided to more on-the-job training opportunities, where they are currently underrepresented.

Agency Action

- The EEOC and Fair Employment Practices Agencies (FEPAs) must increase the use of its investigator authority to address employer discriminatory policies and practices that so that Black workers have equal pay and promotional opportunities. One way that the EEOC can do this is by engaging in more systemic investigations and lawsuits concerning race discrimination in denials of promotions, unfavorable job assignments, and harassment.
- The Federal Trade Commission's new proposed rule that would ban employers from imposing noncompete agreements on their workforce should be used to protect workers who are often blocked from pursuing better opportunities.
- The Department of Labor and Department of Commerce's Good Jobs Principles, including the principle concerning skills and career advancement, should be mandatory for all federally assisted contractors and Work Opportunity Tax Credit (WOTC) subsidized jobs. DOL should ensure that all federally assisted contractors and WOTC-subsidized jobs are in compliance with the Good Jobs Principles.
- The Department of Labor should support research and ongoing evaluation that can help to ensure that the Work Opportunity Tax Credit (WOTC) provides high-quality, long-term employment for target populations. This should include an assessment of whether workers in WOTC-subsidized jobs have access to training and career ladders.

6. THE RIGHT TO WORKPLACES FREE FROM DISCRIMINATION, HARASSMENT, AND OTHER HARM

THE ISSUE

Black workers have a right to safe and healthy workplaces, which are necessary to protect from dangerous and harmful conditions. Given the amount of time spent in workplaces, it is unacceptable that Black workers are expected to spend dozens of hours every week in unsafe spaces. Currently, workplace procedures do not reflect safety and health considerations that prioritize workers – instead, the safety considerations center productivity and output. These protections must also extend to private homes that serve as workplaces because there should be no loopholes available that can lead to harm.

In addition to the risk of physical harm associated with specific trades or workplace circumstances, including exposures to toxins through air, water, building materials, or otherwise and harsh working conditions due to extremes in heat or cold, there is the ever-present risk of psychological, emotional, and mental harm within the workplace for Black workers. Black workers' mental health must be centered and protected. Black workers have been expected to cope with workplaces that replicate racist harm and trauma. Because work is often required to maintain livelihood, Black workers have little to no recourse to protect mental health in the workplace without risking financial hardship.

The legacy of discrimination, harassment, and retaliation on the job has led to the trends we see amongst Black workers today -- which have only worsened during the COVID-19 pandemic. Chief among these worsening conditions are two poignant facts: that Black workers are [more likely to be permanently laid off](#) than any other group, and that even when Black workers are more educated, they are still less likely to be promoted.

While discrimination can be measured by looking at hiring and promotion trends, harassment can be harder to prove -- particularly for workers who do not have access to education, training, or advice on how to record and report incidents of harassment and discrimination. For Black workers who do record and report the harm experienced, there is a chance of retaliation. Due to the limitations of protections – even under federal policy like Title VII – the incentives for Black workers to currently report workplace discrimination, harassment, and retaliation are few and far between. Despite existing laws prohibiting employment discrimination based on race, color, religion, sex, or national origin and retaliation, Black workers still experience pervasive discrimination in the workplace.



THE DEMAND

Equitable workplaces for Black workers. It is time to expand the definition of health and safety to include the ability to work free from racial discrimination, harassment, and violence. It has been documented that Black workers who have had to endure things from racial slurs to nooses in the workplace suffer from depression, low self-esteem, and PTSD that does not equate to a healthy workplace. This is unacceptable for any workplace. Black workers must be guaranteed equitable workplaces, free of discrimination, harassment, retaliation, and violence. Workplaces must also ensure that Black workers are not facing harm in the form of racism, such as discipline or reprimands based on race-based hairstyles and grooming. Employers must demonstrate that racism and discrimination are not tolerated, including by taking swift action to investigate and resolve complaints of discrimination or harassment.

Raise health and safety standards to protect workers' health. Workplaces must have proper safety equipment, up-to-date screenings and inspections, a process by which equipment is regularly replaced within a timely fashion, first aid kits, PPE, and training to minimize the risk of injury or harm in the workplace. Safety information must be transparent and accessible for all Black workers, including being translated when needed.

Require employer compliance with health and safety standards. Federal, state, and local government must proactively and affirmatively demonstrate that health and safety are a priority, including strategic enforcement of existing workplace safety requirements, safety training and education that is accessible to all, and making information on grievances and employers reporting safety issues available.

Greater enforcement. Employers that willfully put profits before the health of Black workers must be held accountable. This includes both strategic enforcement and co-enforcement where community groups are involved in the enforcement process. Greater enforcement and consequences are needed, so that employers understand that there are large costs for violating the law and that their ability to do business will be directly impacted by their treatment of workers.

Strengthen government offices that protect workers. Increase funding and staff at the EEOC, provide effective anti-racist trainings, and task the agency with taking a proactive role in resolving workplace discrimination. This should include setting goals to pursue an explicit number of cases, with particular emphasis on race discrimination and harassment claims, along with intersectional claims (those involving claims of race and gender, race and LGBT+ status, etc.).

Establish new government offices to protect workers. Establish a Black Worker Office dedicated to promoting racial equity and to advancing full, quality employment for Black workers. The Office should be charged with resetting the baseline for Black workers so that we are on equal footing regarding employment rates, wages and salary, benefits, career advancement, and experience of

harassment or discrimination. To this end, the Office will help coordinate policy between federal agencies and with the various levels of government. The Office will help ensure that racial equity drives other key decisions and offer guidance and technical support to state and local governments to do the same.

Protect workers' rights to refuse unsafe work. Workers must have a right to deny working when a workplace's conditions are not found to be safe, healthy, or sound.

Adequate compensation for workers. Workers who get hurt or sick, even with the best precautions, deserve adequate workers' compensation. Furthermore, Black workers must receive hazard pay if they serve an essential function during a public emergency, including a pandemic. This includes jobs where workers regularly encounter hazards, including when there is not a public emergency.

Strengthened protections for incarcerated workers and agricultural workers. Extra measures of policymaking, monitoring, and enforcement must be employed regarding all the above areas of workers' rights for currently and formerly incarcerated workers and agricultural workers.

Protect workers at meat and poultry processing facilities. Workers must be protected in exercising rights under occupational safety and health laws and regulations. The workplace safety and health requirements must be expanded to account for the shared experience of workers in this industry, which include prohibiting waivers related to inspections and line speeds. OSHA must be properly funded and staffed to meet the investigative and enforcement needs. The United States Department of Agriculture (USDA) should be prohibited from using federal funds to implement any policy whether it be a regulation or directive that would increase line speeds at meat and poultry processing establishments.



THE ACTION

Legislative Action

- Pass the **Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination (BE HEARD) in the Workplace Act**, which would protect all workers, including independent contractors, interns, volunteers, and trainees from various types of discrimination and harassment in the workplace.
- **Eliminate the Section of the 13 Amendment that legalizes forced labor for incarcerated persons.** Penal labor in the United States is explicitly allowed by the 13th Amendment of the U.S. Constitution: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."
- Strengthen, protect, and defend the **Clean Air Act** and its corresponding rulemaking.
- Ensure that the protections in the **Fair Labor Standards Act** and the **Migrant and Seasonal Agricultural Worker Protection Act** are strengthened, extended, monitored, and enforced for farmworkers.
- Pass the **Protecting America's Meatpacking Workers Act**.



Agency Action

- OSHA, EEOC, and states' fair employment practices agencies must enforce health and safety laws and anti-discrimination laws, including for incarcerated persons. This would ensure that it costs more to break the law than to follow it; increasing the likelihood that more employers will not violate the law and penalized if they do.
- EEOC must institute policies that include a threshold beyond which EEOC will conduct a systemic Investigation of an employer or industry for racial discrimination (i.e., if 10% of the grievances about an employer are about racial discrimination, there must be a proactive response).
- OSHA and DOL must work together to conduct proactive investigations of worksites, including worksites involving incarcerated persons. OSHA and DOL should engage in the use of co-enforcement models where community organizations are involved in the investigations.
- The Environment Protection Agency (EPA) must ensure monitoring and enforcement of clean air (including indoor air), clean water, and healthy building standards, including collaboration with the Department of Justice (DOJ) for sites of incarceration and other worksites involving incarcerated persons.
- The Federal Emergency Management Agency (FEMA), OSHA, and DOJ must ensure that even in the context of post-disaster circumstances, that the rights to safe healthy working conditions are upheld, including for workers who are incarcerated.
- Agencies should provide safety and health education grants for Black workers to worker organizations and community-based organizations for educational purposes.
- Decrease line speeds in meatpacking, one of the most dangerous industries. Put in place line speed limits that protect worker safety. Suspend and prohibit "line speed waivers."
- OSHA must issue and enforce a pro-worker rule for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings. In creating a heat-specific workplace standard, there must be clearly defined employer obligations and measures to protect workers from hazardous heat and to prevent injuries.

7. THE RIGHT TO HEALTH, HEALING, AND REST

THE ISSUE

Black workers still suffer from being treated and viewed as limitless free labor. Our introduction to the American workforce as forced unpaid labor under the deplorable conditions of enslavement, has still not been repaid. These working conditions have morphed and been codified in current practices and policies that continue to dehumanize Black workers today. Black workers are often denied adequate rest or break-time. Rest, which maintains our capacity to build power and resist subjugation, includes breaks during the work period. Adequate healing time after healthcare events like surgery, birth, mental health care are all extremely relevant to our collective fight against white supremacy and its remnants. Rest and healing time are preventative and restorative care measures.

In addition to rest and healing time, quality and culturally appropriate mental health support, preventive health services, and comprehensive quality health care coverage are needed for workers and their families. These services should be

provided to workers, regardless of income, full or part-time status, job type, or pre-existing condition. Recent [data](#) shows that Black people were more likely to lack health insurance than their white counterparts and [11.8 percent](#) of Black Americans have no health insurance. No worker should be without health insurance or saddled with inadequate or unaffordable insurance. Yet, this is the case for many Black workers.

The U.S. relies primarily on employer policies to supply paid leave for family and medical reasons. [Only 15% of workers](#) have access to paid family leave through their employers. [Only 1 in 5 of workers](#) paid the lowest wages have access to paid sick days. Studies have shown that there are paid-leave disparities by race, ethnicity, and income earned. [Access to paid leave](#) is lower for



Black workers, particularly [Black women](#), workers with less education, workers paid lower wages, and part-time workers.

The federal Family and Medical Leave Act (FMLA) only provides rights to unpaid leave for some employees and only a few states currently have public programs that supply paid leave. A higher proportion of Black workers are [eligible](#) for FMLA due to higher employment rates in public sector jobs. Nevertheless, affordability is an issue. Leave through FMLA is unpaid, so many Black workers do not have the [financial ability](#) to take time off without income, even when eligible. Black workers are [less likely to afford unpaid leave](#) from work than white workers, due to the racial disparities in wealth building opportunities and higher paying jobs. To address this racial and gendered penalty, it is essential that all Black workers are afforded equitable access and opportunity to take job-protected paid leave.

The definition of family is being redefined. A family may consist of partnered adults with no children, same-gender parents, and grandparents raising grandchildren. The notion of a "typical" family is a heteronormative colonial construction that improperly influences workplace policies, rights, and protections afforded to workers in non-traditional family arrangements. Workplace policies and benefits must be transformed to be more inclusive of varying family structures. Black workers should have the flexibility to be parents, partners, and caregivers without societal and financial penalties.

Over the years, much has changed in the workplace (i.e., flextime, telecommuting, remote work, emphasis on self-care, more workers with caregiving responsibilities). Flexible work arrangements enhance the option for diversity of childcare options as well as opportunities for stay-at-home parents and homeschooling parents. Nonetheless, a lot of employers still have not shifted their practices and are demanding workers spend more time on the job. For employers to keep pace with these changes and prevent high turnover, low job satisfaction, burnout, and job-related stress, more employers must adopt flexible work arrangements.



THE DEMAND

Comprehensive quality health care coverage. Black workers should be provided quality health care coverage regardless of income, job or a pre-existing condition, for the worker and dependents. Quality is defined not only by the amount of coverage but also that workers have access to coverage immediately upon starting the job -- so that workers do not need to wait 30, 60, or 90 days for coverage. This should include quality and culturally appropriate mental health support and preventive health services.

Create a Medicare for All program. A national health insurance program to provide comprehensive health care coverage, free at the point of service.

Paid leave. Black workers should have access to paid leave, including vacation time, personal leave, sick leave, and family and medical leave. Mental health days are included in paid time off plan and must be during fiscal year.

Flexible work arrangements. Flexibility to work at home or in a co-working space to encourage a diverse work environment and safety based on worker preference and health needs.

Flexible Scheduling. A flexible schedule that allows workers greater control over scheduling and hours.

Accommodation for medical appointments. Workers should be allowed to build in time for doctor's appointment and therapy into the workday (i.e., trauma stewardship). It is important that workers are still paid for the time spent, so that they are encouraged to obtain medical treatment and support.

Required training for managers. Employers must train their managers in anti-racist practices to ensure they are culturally competent to manage Black workers, which could have a positive impact on the health of workers.

THE ACTION

Legislative Action

- Pass key worker-centered provisions of the original **Build Back Better Act**, which would establish national paid leave and provide this vital benefit to the 77 percent of workers who do not have paid family leave, and the 60 percent of workers without paid medical leave.
- The **Lower Health Care Costs Act** is a good starting point for legislation that would reduce health care costs for workers and ensure high quality care.
- Pass the **Resilience Investment, Support, and Expansion from Trauma (RISE from Trauma) Act**

8. THE RIGHT TO PRIVACY AND FREEDOM FROM SURVEILLANCE, MONITORING, AUTOMATED MANAGEMENT, AND CONTROL.

THE ISSUE

Although the U.S. Constitution does not include an explicit right to privacy, the Supreme Court has found that several amendments create this right. Those amendments protect the freedom to make certain decisions about one's body and private life without interference from the government, and against unreasonable search and seizure. *Roe v. Wade* held that the federal right to an abortion is a part of a right to privacy derived from the First, Fourth, Fifth, Ninth, and Fourteenth Amendments. The recent Supreme Court decision *Dobbs v. Jackson Women's Health Organization* overturning *Roe* threatens key privacy protections. Not even including the fact that the Supreme Court has largely not extended privacy rights to include a right to data privacy, privacy rights that do exist mostly concern consumers, not explicitly workers on the job. This right is almost nonexistent in workplaces and when race, class, gender, and other social hierarchies are factored in; meaning surveillance is unequally used and Black communities enjoy far less privacy in practice. The *Dobbs* ruling highlights a need for greater privacy protection, especially against worker surveillance and control.

Infringement on Black workers' rights to privacy comes in many forms including policing tactics, surveillance and control of public benefits recipients, union-busting, and daily on the job monitoring. Black workers, including workers with disabilities, have the right to a fair and equitable hiring process. As employers turn to artificial intelligence, algorithm-, or data-driven hiring assessments, which process data about workers' appearance, movements, speech, personality traits, and prior experiences, more employers will use it to influence hiring decisions. Tools that use this kind of data are, in effect, evaluating workers based on factors that are irrelevant to job performance. These factors are often related to protected traits, therefore implicating anti-discrimination laws about hiring, compensation, and other employment decisions.

Worker surveillance and control is a racial justice issue that has its roots in slavery. White people who enslaved Black people and forced labor had a system of tracking, documenting, and managing enslaved workers with the goal of maximizing productivity and profits. White plantation owners used [surveillance techniques](#) that included "sophisticated calculations" that "measure productivity in a standardized way," thus allowing them "to determine how far they could push their workers to get the most profit." The control of Black workers has long been a practice of the state and private employers and is frequently used in the modern workforce to extract as much productivity as possible from workers as well as to stop organizing.

The impact on Black workers is extensive as shown by reported experiences and expressed sentiments:

- Pervasive surveillance criminalizes workers in their workplace and undermines workers' autonomy and dignity. Working people work incredibly hard and do not need to be constantly monitored and disciplined.
- The stress and negative impact on mental and physical health caused by surveillance, constant monitoring, and automated control.
- "Time off tasks" policies that limit bathroom breaks and relentlessly monitors workers.
- An excessively rapid work pace is enforced through a disciplinary system that combines intensive electronic surveillance with very frequent discipline and termination.
- Afraid to speak out and organize and workers who speak out are tracked and face hostile conditions.
- Being forced to provide written documentation for absences or use of vacation, sick time, or personal time off.
- Being required to share private information about medical issues and needs.
- Required to keep computer camera on in "remote work" positions, so that the employer can monitor employee.
- Misuse of cell phone access to workers.
- Employers who do not allow internet, email, and phone privacy at work.
- Jobs demanding workers use personal social media accounts for work, event promotion, etc.
- Searches of employees' person and belongings and seizure of property, that result in criminal law consequences, unlawful terminations, drug testing leading to automatic firings whether it is decriminalized or legal in that jurisdiction.

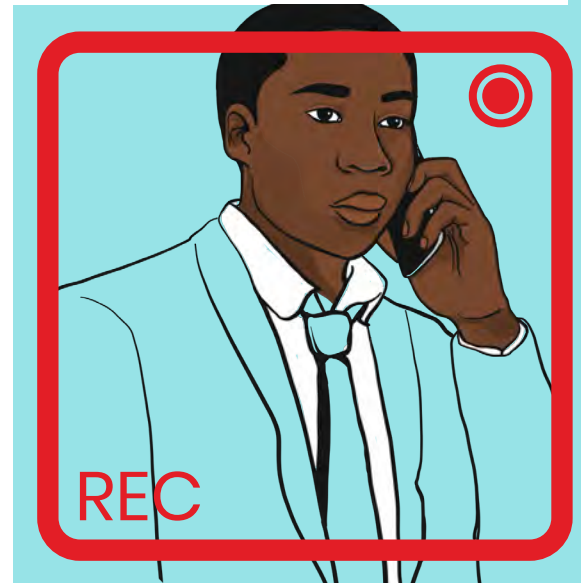
Hiring technologies that can promote racial inequities are used in the following ways:

- Resume screeners search through resumes for certain terms provided by the employer directly or derived from trends in resumes that the employer has previously selected, and which scans dates and flag gaps in work history.
- Recorded video interviews analyze applicants' speech, facial expressions, and movements while they respond to interview questions.
- Personality tests require applicants to answer a set of questions or react to a set of images.
- Gamified assessments process data about applicants' performance while they play a set of games to assess applicants' aptitudes and personality traits.
- Simulation tests require applicants to perform exercises like certain tasks that a job position may involve.

The hiring technologies mentioned above can cause applicants to be disqualified without taking context into account. A resume might include information that an

employer previously has not sought but that demonstrates why the applicant can in fact perform essential job functions and even why they might be as or more qualified than the types of applicants the employer typically favors. An evaluation of personality traits might disfavor traits that can be an asset in the job. An evaluation of aptitudes might not show how well an applicant would perform with reasonable accommodations provided in the workplace. This creates added barriers to employment for Black workers, particularly Black workers with disabilities.

Unfortunately, current labor laws do not offer much privacy protection to Black workers and there aren't meaningful restrictions on employers' use of invasive and extractive technology.



THE DEMAND

End the long-standing practice of invasive surveillance of Black workers.

Employers must end the monitoring of workers' actions, speech, or correspondence to impede unionizing; tracking workers' movements and activities (e.g., through video surveillance, location tracking, and other forms of tracking); monitoring performance and productivity to pressure workers to work faster or with fewer or shorter breaks than needed, causing anxiety, stress, and injury; and dehumanizing people for the sake of production.

Protect workers' data. Prevent employers from collecting and using sensitive data from workers, including about medical needs, health care, disability, caregiver responsibilities. Workers' sensitive information must be kept confidential and secure, and workers must be allowed to self-report reasons for absences and paid or unpaid time off.

Worker power. Workers must be allowed to negotiate terms of employer monitoring and to refuse to be subjected to employer monitoring of workers' actions, speech, or correspondence.

Expand legal definitions. Invasive surveillance must be recognized as an unfair labor practice under the National Labor Relations Act.

Increase Oversight. Employer monitoring must be subject to oversight mechanisms, such as contractually obligating employers through "right-to-know" clauses that inform workers about how they are being monitored, what data is being collected, how workers can opt out of or limit collection of certain data, and what recourse they have for adverse actions resulting from employer monitoring.

THE ACTION

Legislative Action

- Pass legislation that bans discriminatory workplace and hiring technology that has a disparate impact on Black workers.
- Establish in legislation a new set of worker rights related to workplace technology and surveillance, that prioritize workers' health, safety, dignity, and autonomy and stop predatory business practices that have contributed to injuries, high turnover, deskilling, and lower wages.¹ Such legislation should:
 - Identify and target sensitive data and data that carries a high risk of causing disparate impact on Black workers;
 - Establish that workers cannot meaningfully consent to data collection when they are obligated to provide such data in the course of their work; and Protect worker data generated on employer-provided devices and systems.
- Update the **Electronic Communications Privacy Act of 1986 (ECPA)** to cover all worker data that employers collect. ECPA focuses on communications content and therefore leaves out the many other kinds of data that employers collect. Although ECPA isn't limited to government access, it mainly aims to ensure that government access to third-party data doesn't violate the Fourth Amendment. It doesn't adequately address worker data that private employers collect through their own systems or devices for their own use (e.g., productivity tracking data that employers are using to make employment decisions, not to give to the government).
- Update the **Electronic Communications Privacy Act of 1986 (ECPA)** to cover monitoring practices used today. Title I of the ECPA, the Wiretap Act, doesn't clearly apply to the range of monitoring technologies used today that is much wider than what was available when it was passed in 1986. It applies to wire, oral, or electronic communications, or to electronic, mechanical, or other devices, but the definitions of these terms are limited. Practices like movement and location tracking, performance monitoring, and health data tracking aren't clearly covered. The use of a device for interception doesn't include a device used in the ordinary course of business. Title II of the ECPA, the Stored Communications Act, only prohibits monitoring stored communications through unauthorized access to the facility where the communication service is provided. An employer is authorized to access the email, messaging, or phone services that they provide, and real-time processing of data (as opposed to storage) isn't covered.

Agency Action

- Amend recordkeeping and reporting requirements under the Fair Labor Standards Act to require employers to keep and report use of all surveillance technology in the workplace.
- Investigate and implement solutions to the disparate impacts of increased surveillance and automated management on Black workers, including the impacts on mental and physical health, wages, turnover, and retaliation.
- Strengthen strategic enforcement, in which labor standards enforcement agencies target industries that are increasingly turning to surveillance tech, investigate how employers are using the technology to monitor and discipline workers, and maximize the use of enforcement powers where investigations reveal discriminatory use of surveillance software.
- Update regulation to clarify employers' obligations under Title VII of the Civil Rights Act and the Americans with Disabilities Act when using hiring technologies.
- Strengthen regulations to recognize vendors of hiring technologies as employment agencies.

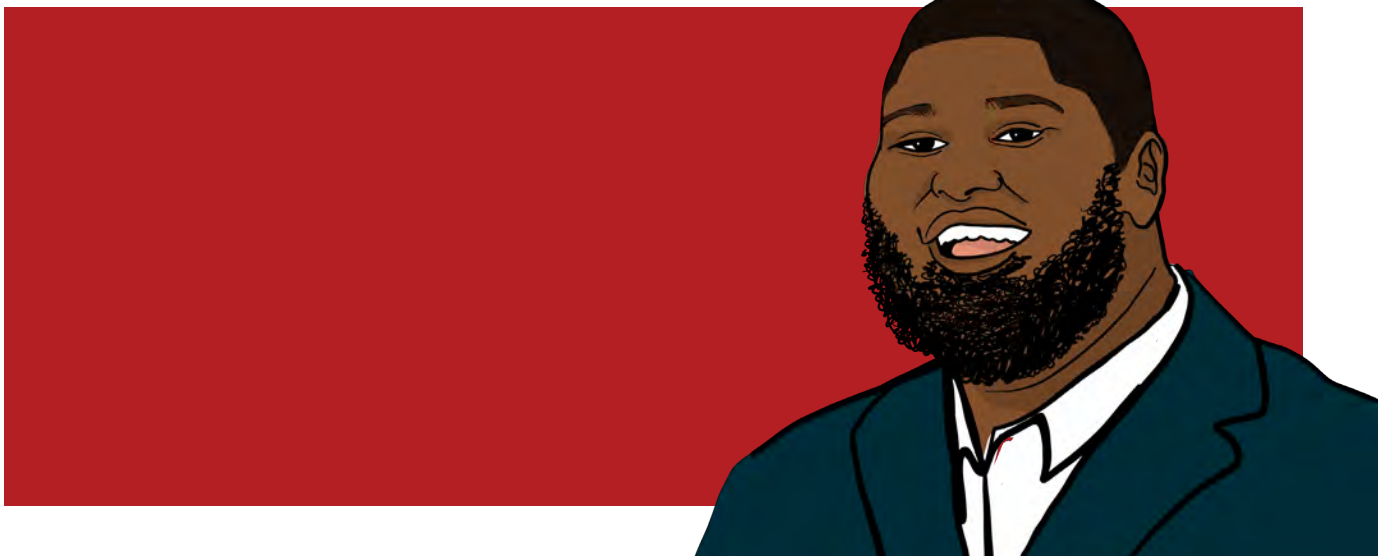
9. THE RIGHT TO DIGNITY IN SEEKING, SECURING, MAINTAINING, AND RETIRING FROM EMPLOYMENT

THE ISSUE

Race-based discrimination and harassment create conditions where Black workers must experience degradation and disrespect to earn their wages. Shame and social exclusion should not be a central component of the job search, but for many Black workers it currently is. In the process of seeking, securing, and maintaining a job, we should not be unfairly judged by things like our history with incarceration, our private lives, or the way we present ourselves –which employers often view through the lens of anti-Black racism. All Black workers deserve access to good jobs that sustain our lifestyles and pathways to those jobs that are not demeaning/racist in their processes, reinforced by governmental policies.

At will employment and right-to-work laws weaken the ability of Black workers to engage in collective bargaining, the primary democratic tool workers could use to secure greater protections and wages in the workplace. Without collective bargaining power, workers in right-to-work states and the communities they live in become more vulnerable to economic and social decay. Workers in states with these laws are paid lower wages than those in non-right-to-work states; they are also less likely to have health insurance, resulting in delayed diagnoses of serious illnesses, and more out-of-pocket health costs. Right-to-work states have fewer workers with access to pensions or retirement plans, higher rates of poverty, less investment in education and higher rates of workplace fatalities.

Social Security provides cash benefits that are critical for many retired workers, especially Black retirees who receive a [disproportionate share of retirement income](#) from Social Security. Due to Social Security being a partial income replace, most retired workers will need to supplement Social Security benefits with another form of retirement savings, usually through an employer-sponsored plan. Black workers have [significantly less access](#) to employer-sponsored retirement plans than do white counterparts, which weakens workers' ability to have financial security later in life. Among private sector employees ages 18 to 64, more than [53 percent of Black workers](#) do not have access to a workplace retirement plan. Of the workers who do have access, Black workers get less return due to earning considerably less than white counterparts.



THE DEMAND

State and federal policy must play a role in restoring dignity at work for people working in low-wage jobs and there are many solutions that get overlooked. For example, state leaders must develop mandates to increase the presence of “high road” employers and require local labor boards to help Black workers find jobs that offer wages above the industry standard and guarantee fair scheduling policies and paid leave. Additionally, dignified employment means all Black workers have access to:

- **Meaningful career counseling, severance pay and benefits, wellness packages, and unemployment insurance should be available to all who need it.**
- **Given the massive wealth disparities, Black workers in all occupations and income-levels must have access to retirement benefits that guarantee a high-quality return on investment for their years of labor.**
- **Real investment in retention and protections from the firing of workers without just cause through at-will employment.** Eliminate the use of at-will employment, where a workers can be fired at any time for any reason or for no reason at all. When there is just cause for termination of employment, it should be carried out with as much notice, dignity, and support as possible.
- **Real employment opportunities for workers with criminal records and to not be denied employment solely because of a criminal record.** Legal racist hiring practices hurt Black jobseekers impacted by the mass incarceration system. Public access to records in addition to requiring applicants to share whether they have a record on job applications leads to higher rates of discrimination among Black workers. The game is rigged even when you play by the ascribed rules.

THE ACTION

Legislative Action

- Lawmakers should act to dissolve right-to-work laws and protect workers' rights to fair hiring and firing practices, in addition to family-supporting wages.
- Congress should take action to guarantee that Social Security is fully and reliably funded. Expand state-facilitated retirement savings programs and require employers to enroll workers in the program.
- Expand the **Fair Chance Act** to prevent employers from asking prospective employees for their criminal background before offers for employment are made. Local jurisdictions should enact **Ban the Box legislation** to prevent employers from discriminating against Black people affected by mass incarceration.
- Policymakers in all jurisdictions should also pass fair scheduling laws, requiring employers to post schedules in enough time to give workers the chance to organize their lives, make caregiving arrangements, etc.
- Pass the **CROWN Act** to ensure that Black workers are no longer dismissed and targeted due to the presentation of their natural hair.
- Pass the **Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination in the Workplace Act** or the **BE HEARD in the Workplace Act** to ensure that Black women, two thirds of which are primary income earners and caregivers for their households, are free from gender and sex-based discriminatory practices on the job.



10. THE RIGHT TO PARTICIPATE IN DEMOCRACY

THE ISSUE

Our lives are shaped by regulation, policy, economic development strategies and other governmental mechanisms. Black workers do not have equal democratic access to these processes – and have been purposely excluded. Workers' rights must have a greater right than corporations and businesses to shape local, state, and federal regulatory, labor and economic development policy.

Further, democracy requires nurturing and active engagement. Black workers deserve the right to time off to exercise their franchise. In addition, there must be workplace accommodations that provide workers with time to actively engage in local jurisdictional meetings (i.e., school board, city council, county meeting, etc.) to ensure that workers have a voice in the governance of the system that shapes our lives and our communities.

Black workers' participation in the democratic process should not be used as a reason for retaliation or hostility in the workplace, and any political work that Black workers do outside of their jobs should not be used against them.

THE DEMAND

- **Time off to participate in elections respected by employers.** This includes time off to participate in all elections within the jurisdiction where the worker lives and to participate in hearings, meetings, and events related to the function of our democracy.
- **Formal recognition that workers build economies, create jobs and generate wealth.**
- **Black workers and worker advocates to be included as required stakeholders in economic development commissions.**
- **Black workers must have control over tax policy including but not limited to decisions around corporate incentives, economic development plans, and forced economic migration.**



- **Regulatory processes must be streamlined to allow for greater public comment and democratic participation.**
- **Black workers must have a formal seat at the table, and these bodies must be restructured to be accessible (to include but not limited to meetings and events not being held during work hours, reimbursement for travel and childcare, etc.)**
- **Nationwide co-enforcement and recognition of the rights of workers to gather and file complaints for formal investigation on behalf of other workers.**

THE ACTION

Legislative Action

- Make **Election Day** a federal holiday
- Pass the **For the People Act**
- Pass the **John R. Lewis Voting Rights Advancement Act**
- Pass the **Restaurant Workers Bill of Rights**

Agency Action

- Implement the actions recommended by the White House Task Force on Worker Organizing and Empowerment; particularly recommendations connected to ensuring unions and worker centers serve on advisory committees.
- Create more opportunities for the public to participate in federal decision-making that are accessible and convenient, especially when agencies are preparing to issue new rules. This should occur during the early stages of the decision-making process.
- Transform the process by which agencies develop and issue regulations, including the rulemaking process to ensure the full participation of the public.



The Black Worker Coalition is made up of representatives from these Black Worker-focused and issue-focused organizations:

National Black Workers Center
Joint Center for Political and Economic Studies
Mother's Outreach Network
Detroit Action
Make It Work Nevada
Atlanta- North Georgia Labor Council
Southern California Black Worker Hub for Regional Organizing
Pittsburgh Workers Center
Black Voters Matter
New Orleans Worker Center for Racial Justice
Miami Workers Center
The National LGBTQ Workers Center
Mothering Justice
One DC
CBTU International
Mississippi Women's Round table
LA Black Worker Center
RWDSU
The Chisholm Legacy Project
Black Workers for Justice
We Dream in Black
Black to the Future Action Fund



NATIONAL BLACK WORKER CENTER



Mother's Outreach NETWORK

Make It Work NEVADA



JOINT CENTER FOR POLITICAL AND ECONOMIC STUDIES



SOUTHERN CALIFORNIA BLACK WORKER HUB FOR REGIONAL ORGANIZING



NEW ORLEANS WORKERS' CENTER FOR RACIAL JUSTICE

BLACK VOTERS MATTER



CBTU INTERNATIONAL



ORGANIZING NEIGHBORHOOD EQUITY



B2F BLACK TO THE FUTURE ACTION FUND



BWRI MISSISSIPPI BLACK WOMEN'S ROUNDTABLE



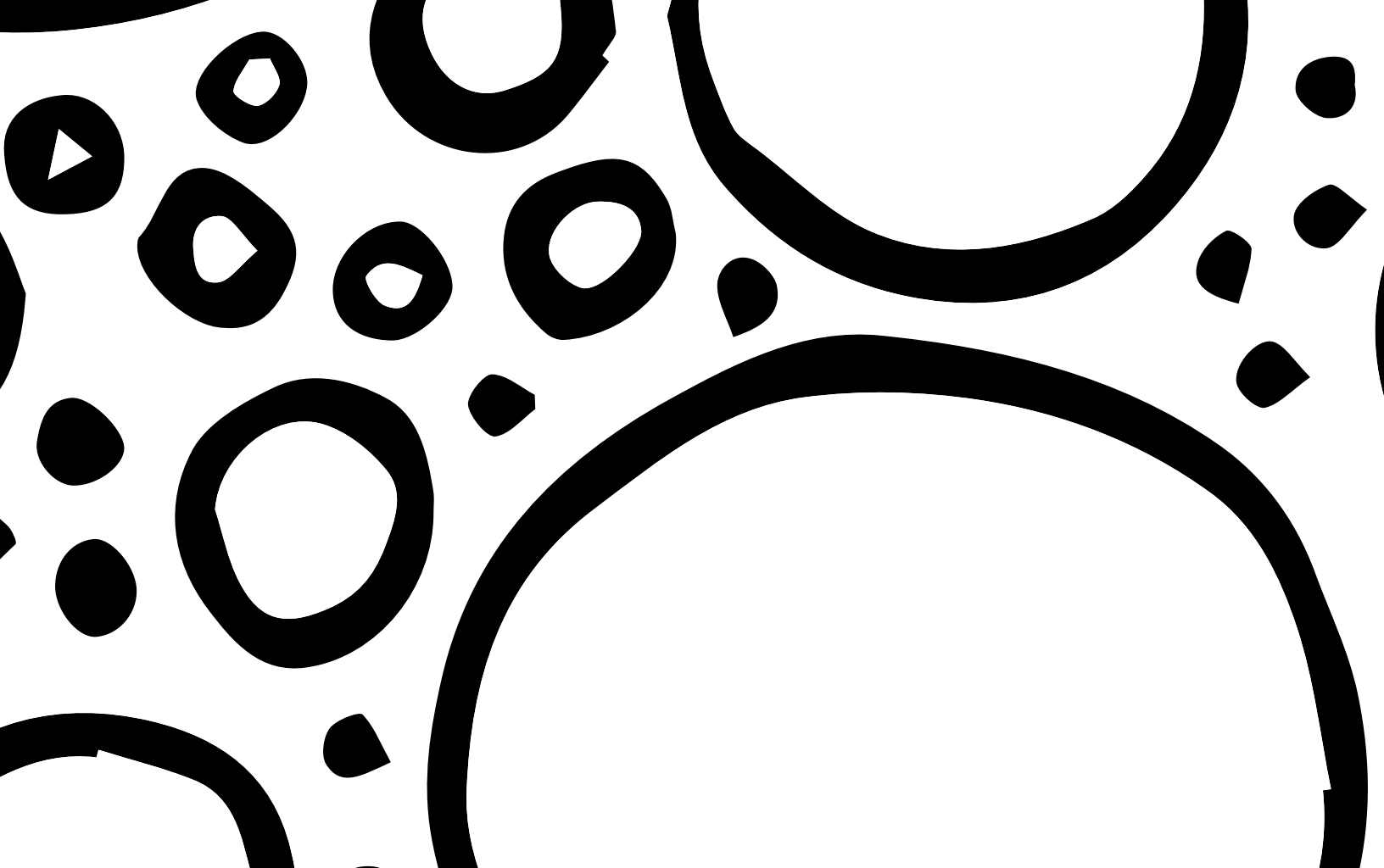
LOS ANGELES BLACK WORKER CENTER



Black Workers for Justice



THE CHISHOLM LEGACY PROJECT



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