



Getty Images / Tempura

In Their Own Voices: How Workers Earning Low Wages Struggle with COVID-19

October 2020 | Adewale Maye & Emma Williamson

CLASP
The Center for Law and Social Policy

Introduction

The COVID-19 pandemic and subsequent recession have crippled the economy and propelled many working families into economic uncertainty. Millions of workers have been permanently laid off or furloughed. Others have been deemed essential and have had to work through unsafe conditions threatening their health, the health of their families, and public health overall. People employed in jobs paying low wages, especially workers of color, have seen the pandemic's most acute social and economic impacts, underscoring the need for robust worker protections. Workers in jobs paying low wages are least likely even during normal times to have access to critical workplace protections and benefits, including sufficient hours, paid sick leave, paid family and medical leave, and overall job security. Unfortunately, the pandemic has further diminished workers' job quality and security.

“I’m kind of worried about what I’m going to go back into and how this whole COVID-19 pandemic has affected the industry...what that will mean for me and whether I’ll be able to survive it.”

In March 2020, Congress passed the *Families First Coronavirus Response Act (FFCRA)*, providing some employees up to 10 paid sick days and up to 12 weeks of paid family and medical leave. This was the first time Congress required federal paid leave for private sector workers. These short-term paid sick days and paid family and medical leave provisions were critical in ensuring workers’ access to paid leave. However, workers earning low wages have been particularly harmed by the exclusions and exemptions built into FFCRA and exacerbated by the U.S. Department of Labor (DOL)’s narrow interpretations of the legislation.¹ Over 106 million workers were excluded from the legislation.² These exclusions have had devastating implications for people of color, women, and immigrant workers who are disproportionately represented in low-wage sectors and most likely to be carved out from FFCRA’s protections.³ Recently, a New York judge has found parts of the Department of Labor’s interpretation of FFCRA unlawful and vacated aspects of the regulation.⁴ In response, DOL issued a revised regulation, which significantly narrows the scope of “health care providers” for whom employers can deny access to paid leave.⁵ However, many essential workers are still left without these important protections.

The coronavirus pandemic has shifted the nature of work, particularly for people earning low wages. That’s why advocates and others concerned about people with low incomes must document whether workers in low-wage sectors are able to access the critical benefits granted by FFCRA and/or use important new and existing labor rights on the state and local level. Workers’ unique stories are crucial to understanding the struggles of jobs that pay low wages and advocating for stronger policies and implementation of policies that support working people.

To amplify and assess the needs of workers during this time, CLASP has been collecting stories from workers nationwide. Although this project is ongoing, this brief reports on some initial findings of workers’ challenges in balancing work and caring for themselves or loved ones when they are ill during this public health crisis. These stories should help policymakers develop comprehensive and inclusive state, local, and national policies centered on equity that strengthen or improve the enforcement of existing policies for workers in low-wage sectors.

The workers interviewed represent a variety of geographic regions, identities, industries, and experiences. While some shared their work experiences before being furloughed or laid off, others—who continue to work on the frontlines—shared their current experiences. Nonetheless, all respondents shared four common job quality shortfalls.

KEY FINDINGS

Though workers' experiences differ greatly by region, identity, and industry, interview participants overall shared similar dilemmas:

- Greater financial insecurity and unemployment
- A lack of access to paid sick leave
- An increased shortage of hours or preferable hours
- A heightened fear of retaliation.

Each of these components of job quality have implications on a worker's economic security and community health during normal working times. However, in this public health emergency, these dilemmas have compounded and been further exacerbated by the on-going pandemic and subsequent recession. By enacting and enforcing comprehensive labor standards, policymakers can support workers during times of economic downturn and hardship.

The Effects of Unemployment During COVID-19

Beginning in March, the global pandemic halted the U.S. economy through nationally mandated shelter-at-home orders that caused businesses to close, reduced hours for workers, and spawned massive layoffs. By April, roughly 20.5 million workers had lost their jobs—creating one of the country's worst economic downturns in history, particularly for workers of color.⁶ The leisure, hospitality, and retail sectors, which predominantly employ part-time workers and workers paid low wages, were the most severely hit. Many of the workers we interviewed had lost their jobs and experienced vast financial insecurity.

“Worrying about bills has been a huge thing. I had to take a large sum of money out of my savings in order to feel more comfortable...Luckily, I’ve saved a little bit of money, but that little bit of money is shortly going away very quickly, you know? So, I’m kind of scared...I’m worried...It’s very challenging. I don’t have a job at 49 years old! I’ve had a job since I was 15 [years old] ...I still can’t find a job. Even working \$15 an hour, I can’t find a job. And it’s hard...”

– Service Industry, Florida

Access to Paid Sick Leave

People earning low wages and working part-time hours are the least likely to have paid sick days. When the pandemic began in the United States in March, only 31 percent of private sector workers in the bottom decile of wage earners had access to paid sick leave.⁷ While FFCRA provided millions of people with access to emergency paid sick leave, Congress in effect excluded many part-time workers and workers paid low wages by carving out large employers.⁸ Many of the interviewees we spoke with were excluded from coverage for that reason. Without a comprehensive and permanent national paid sick days law, workers are continually exposed to illness that can harm their personal and family wellbeing and the overall public health of our nation. Lacking paid sick days increases “presenteeism”—the phenomenon in which workers feel they need to go to work despite being ill or needing medical attention. This presenteeism coupled

with an on-going global pandemic has exacerbated the spread of contagion and the effects of devastating illness and death in the United States.⁹ The lack of sick leave before and during the pandemic reflects a culture that prioritizes profit over the health of workers, which disproportionately threatens the wellbeing of workers paid low wages and their families.

“I swear there were periods at multiple different restaurants where I felt like everybody on the staff was sick at once or caught the same thing around the same time”

– Service Industry, Tennessee

“There have been so many times I’ve [been] told to take Tylenol if I have a fever and just come to work anyway”

– Service Industry, North Carolina

“There is no paid sick leave. There was never anything before [the pandemic] ... I’ve never worked at a restaurant with paid sick leave... There is no such thing.”

– Service Industry, Florida

“You couldn’t call out at all. It didn’t matter how sick you were. I had one coworker one time who had the flu, just throwing up, terrible flu. She had to come in and because there always has to be a manager in the store. She came in with a blanket and a pillow and just slept in the office and threw up in the trash can and came out when she was absolutely needed.”

– Retail Industry, North Carolina

Retaliation & Unsafe Working Conditions

Given the high rates of unemployment, employees who have jobs may be increasingly fearful of speaking out about unsafe or exploitative working conditions. This is likely particularly true for workers paid low wages and workers of color. In the event that workers do assert their rights, some employers may choose to retaliate by continuing to subject them to poor working conditions and harassment, including unfair scheduling, reduced hours, or termination. While many large employers have claimed to increase safety measures and encourage their employees to raise COVID-19 concerns, a recent study conducted by the National Employment Law Project (NELP) has shown that many more have not. In this study, the fear of retaliation in the workplace has disproportionately harmed Black workers. While Black workers were more likely to have workplace health and safety concerns due to the pandemic, they were twice as likely as white workers to have unresolved concerns.¹⁰ Additionally, about one in seven Black workers responding to a survey said they avoided raising concerns to their employer for fear of retaliation.¹¹

Immigrants—particularly undocumented immigrants—are also particularly susceptible to retaliation because their employers can exploit deportation fears to discourage them from reporting labor violations

and protesting unlawful conditions.¹² Given the current administration’s anti-immigrant stance and rhetoric, immigrant workers may feel even more powerless in exercising their rights. Employers may be emboldened to engage in such retaliatory conduct as threatening to report workers or their family members to immigration authorities.

In the current job market, over 55 million workers have filed for unemployment since March, and many more have seen their work environment dramatically shift.¹³ Millions of essential workers have been forced to work in unsafe environments and under illegal conditions for fear of losing their livelihood. These range from transportation gig workers having to continue providing rides during the pandemic to food sector workers having to serve an influx of customers who frequently disobey social distancing guidelines.

“We got no safety precautions at all. It took two months for them to install glass shields...They know that most of the employees need to be working and so if they took a leave, they couldn’t afford it. And they’re leveraging that, using that to pull as much as they can from us...It’s not looking after anyone’s safety or health. There are no headcounts in the store. Anyone can come in. Entire families can come in. With no facemasks required at least at my location. And just breathe all over us and some of them think it’s a hoax and tell you they think it’s a hoax virus and they don’t care how close they get to you...My workload raised exponentially, and the stress of the work raised exponentially ... and we were watching our company do absolutely nothing to protect us... it really makes you feel kind of worthless at your job.”

– Retail, North Carolina

“Most places can find somebody else. We are very replaceable and we’re kind of told that from day one in most restaurant jobs”

– Service Industry, North Carolina

“I feel like at any moment I could be fired and replaced by some 20-year olds ... If I said something my hours would be cut.... You say the wrong thing to the wrong person and that can turn your whole world upside down.”

– Service Industry, Florida

Unpredictable Scheduling

During this ongoing pandemic, employers have cut workers’ hours and subjected them to increasingly volatile schedules. With limited access to hours, workers receive inadequate income to support themselves and their families. Many part-time workers and workers paid low wages were already struggling with unpredictable scheduling and reduced hours. In 2016, as many as one in ten part-time workers were facing underemployment, which refers to workers who want or are available to work more hours.¹⁴ When compared to worker with fixed schedules, approximately, 15 percent of workers who had variable schedules were underemployed.¹⁵ In 2019, about 70 percent of workers had schedules that varied based on their employers’ needs.¹⁶

While unpredictable schedules have invariably hurt workers and their families, the coronavirus pandemic further exacerbates many of the structural barriers facing workers earning low wages and underscores the

need for equitable and comprehensive protections. We've found that when employers reduce hours for some employees, those workers whose hours haven't been cut end up with increased workloads and responsibilities. While the scheduling is still erratic, the volume of the work increases. With millions of people furloughed, unemployed, or involuntarily working part time, workers around the country have faced erratic and abrupt schedule changes that disrupt their weekly hours and income.

"They cut all those part-timer hours some, at least in my store, were working like 30 hours a week and now they were only getting 8 or 10 hours...About 25% of my weekly hours were cut so I took a cut in my paycheck. So, we're all experiencing this tough time and the company decides to take more from us...They slashed our hours like probably about ... payroll.... probably about two-thirds of it was cut. So now we're overworked, we're overstressed, we're doing things that aren't essential...They haven't given us anywhere close to what the payroll was before. So the hours that they did give us back...the first employees to get most of their hours back were the managers...but that's not the case for everyone else."

– Retail, North Carolina

"In the time leading up to it, I went from 35 hours a week down to like 20ish hours a week pretty quickly... [My schedule] varies. That's been pretty consistent, or the opposite of consistent I guess, everywhere I've worked is that the schedule just varies based on which manager makes the schedule, and how they're feeling, and a million other variables."

– Service Industry, Tennessee

Recommendations

As the country struggles to cope with the economic implications of COVID-19, workers and their families continue to suffer and their need for comprehensive protections grows. Having national policies can help alleviate the harm of the pandemic on workers earning low wages. In order to safeguard and bolster the economic security of workers in low-wage jobs during and beyond the pandemic, Congress must:

1. Ensure any COVID-related or broader economic recovery bills include extensions and expansions of emergency paid sick leave and paid family and medical leave under FFCRA

FFCRA provided millions of eligible workers emergency paid sick leave and paid family and medical leave. However, the law sunsets at the end of 2020. Additionally, FFCRA excludes millions—like the workers we interviewed. To ensure broader protections and rights to workers during the recession and help stem the spread of the virus, Congress must cover excluded workers, especially frontline workers and those who work for businesses with more than 500 employees. Future economic recovery bills should build on FFCRA by

- expanding the bill's benefits for paid family and medical leave (which currently provides only leave to care for a child) to better support the needs of working families by covering all types of caregiving and personal needs in paid family and medical leave,
- extending the sunset date, and
- offering 100 percent wage replacement.

Without broader access and benefits to paid family and medical leave, millions of working families will continue to suffer and struggle during the pandemic.

2. Ensure national, inclusive job quality policies, including on paid sick days, paid family and medical leave, the minimum wage, and fair scheduling

Policy proposals such as the FAMILY Act, Healthy Families Act, Schedules That Work Act, Raise the Wage Act, and Part-time Workers Bill of Rights are all national, comprehensive laws that would benefit millions of workers with a particular focus on workers paid low wages.

- The FAMILY Act would establish a federal program giving almost every worker up to 12 weeks of paid leave to bond with a new child, care for a seriously ill family member, or treat their own serious illness. This bill would help protect workers, sustain wages, and keep more women in the workforce.¹⁷
- The Healthy Families Act would provide workers up to seven days of job-protected sick time a year without losing wages or their job. It would also allow workers to care for themselves or a sick loved one, help prevent the spread of infections in the workplace and beyond and allow workers to seek timely preventive services and medical care.¹⁸
- Predictable scheduling policies like those required by the Schedules That Work Act would offer workers economic stability and the opportunity to plan across life's many inevitable financial and social activities.¹⁹ The Schedules That Work Act, which applies to employers with 15 or more employees, would provide workers at least two weeks of advance notice of their schedules and compensate them when employers make last-minute schedule changes.²⁰
- Research studies indicate that raising the federal minimum wage to \$15 an hour by 2025 would improve the earnings of over 33 million workers.²¹ With the Raise the Wage Act, the minimum wage would gradually increase to \$15 an hour by 2025 while also indexing the minimum wage to the median wage starting in 2025.²² This bill would provide tens of millions of workers the wage increases they desperately need to support their families, especially in times of crisis.
- The Part-time Workers Bill of Rights would strengthen protections for part-time workers and allow them to better balance their work schedules and family needs. Specifically, the bill would
 - ensure compensation for existing employees should their employer hire new workers instead of assigning new work to available and qualified existing employees;
 - expand access to family and medical leave to more part-time workers; and,
 - allow part-time workers to participate in their employers' pension plans.²³

All of these comprehensive policies address the disparate gaps in labor protections for workers paid low wages, improve the economic security of workers and their families, and prevent working families from slipping into poverty. Without these policies, workers will continue to bear the brunt of economic downturns like the current recession.²⁴

3. Uplift workers' voices through the right to organize

Strengthening collective bargaining and protecting workers' union rights is vital in improving the quality of jobs for all workers. By uplifting worker voices and building their power, workers can increase wages, combat inequality, and improve benefits that support working families.²⁵ Policies like the Protecting the Right to Organize Act (PRO Act) prevent employer interference in workers' organizing and bargaining rights and protect the right of workers to form a union and negotiate for better wages, benefits, and conditions at their workplaces.²⁶

4. Strengthen strategic enforcement and co-enforcement

During economic downturns with high unemployment rates, many workers may be desperate to maintain their jobs, even if their employer is violating workplace rights or standards. In a recent study, the share of workers earning low wages subjected to minimum wage violations during the Great Recession rose with rising unemployment rates, particularly for Black and Latinx workers.²⁷ During the current coronavirus recession, these violations may be just as high, if not higher. As these violations increase, the need for stronger enforcement to safeguard worker protections becomes central to creating more quality jobs and less repressive workplace environments. Furthermore, workers should play a role in the implementation and enforcement of these labor protections. Allowing worker organizations and community advocates to partner with local and state labor enforcement agencies in “co-enforcing” these labor standards will help amplify workers’ voices and ensure crucial protections reach everyone, particularly workers paid low wages, workers of color, and immigrant workers.

5. Expand outreach and education

If workers are unaware of their rights under state and federal legislation and are unable to access them, protection programs will ultimately be ineffective. Strong policy created through relationships with outreach organizations, worker centers, and community partners can provide the trust and support needed for effective outreach and organizing around the implementation of new labor laws. Complicated legal rights and technical rules in work support and public benefit programs often prevent workers with low incomes, who need these programs the most, from accessing them. To achieve the most successful implementation and enforcement, we need to make serious investments in ensuring communities and workers are aware of these rights. Policymakers should include funding for outreach and education in the laws’ core provisions, and state and local budgets should fully fund these priorities. Investment in education and outreach can be the most effective tool in ensuring workers are aware of—and can benefit from—these laws and protections.

6. Build equity into policies

For policies to work efficiently for all workers, policymakers must center equity in them from the very beginning. When policies like FFCRA’s paid leave provisions are passed—particularly in response to moments of need—policymakers often overlook equitable access to these programs. When they do so, millions of workers who are already more likely to be experiencing poverty are disparately cut out. That’s why advocates and policymakers must ensure the most marginalized workers are centered in policies to guarantee that those who most disparately need coverage are not excluded from the benefits and rights allotted to them.

The best way to focus equity in policies is to rely upon the voices of workers themselves. When policymakers and advocates form strong partnerships with worker centers and community organizations, workers can provide their detailed expertise to inform what parts of each policy and its implementation will work and critique those that won’t work. Workers, particularly those earning low wages and workers of color, possess deep and intimate expertise about the anti-poverty and work support programs written into laws by policymakers. As a best practice, we recommend compensating people for providing this expertise. It’s only fair that workers who are already striving for economic security should not be asked to donate their time. In the end, by uplifting worker voices, we can ensure community power and equitable policy.

CLASP's Job Quality team is leading a multi-year effort to document workers' experiences with new, hard-won state and local labor standards such as paid sick days. We have been partnering with worker centers, community organizations, and other advocates in this process. Our goal is to identify critical lessons, successes and strategies to improve the policy design, implementation, and enforcement of new and existing labor standards so they improve the economic security of all workers and strengthen worker and community voice in the policymaking process.

Endnotes

- ¹ *Paid Sick Days and Paid Leave Provisions in FFCRA and CARES Act*, May 2020, Center for Law and Social Policy, <https://www.clasp.org/publications/fact-sheet/paid-sick-days-and-paid-leave-provisions-ffcra-and-cares-act>.
- ² Sarah Jane Glynn, *Coronavirus Paid Leave Exemptions Exclude Millions of Workers from Coverage*, April 2020, Center for American Progress, <https://www.americanprogress.org/issues/economy/news/2020/04/17/483287/coronavirus-paid-leave-exemptions-exclude-millions-workers-coverage/>.
- ³ Ibid.
- ⁴ Lawrence Peikes and Caroline B. Park, *New York Federal Judge Vacates Parts of DOL Families First Coronavirus Response Act ("FFCRA") Final Regulations*, August 2020, *The National Law Review*, <https://www.natlawreview.com/article/new-york-federal-judge-vacates-parts-dol-families-first-coronavirus-response-act>.
- ⁵ *U.S. DOL Regulation and Guidance on FFCRA's Paid Sick Days and Paid Leave Provisions*, September 2020, Center for Law and Social Policy, <https://www.clasp.org/publications/fact-sheet/us-dol-regulation-and-guidance-ffcras-paid-sick-days-and-paid-leave>.
- ⁶ Adewale Maye, Asha Banerjee, and Cameron Johnson, *Disastrous Jobs Report Underscores Need for Protection and Relief*, May 2020, Center for Law and Social Policy, <https://www.clasp.org/publications/fact-sheet/disastrous-jobs-report-underscores-need-protection-and-relief>.
- ⁷ "Table 31: Leave Benefits: Access, private industry workers, March 2020," U.S. Bureau of Labor Statistics, National Compensation Survey: Employee Benefits in the United States – March 2020, <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>.
- ⁸ FFCRA covers employers with 500 or fewer employees thus excluding workers that are employed by large corporations. FFCRA also has a provision allowing some small employers to be exempted from providing emergency paid leave to their employees. DOL has interpreted this to allow employers with less than 50 employees to deny an employee leave to care for a child whose school is closed or child care provider is unavailable if providing the leave would threaten the financial viability of the business.
- ⁹ *Paid Sick Days are Good for Business*, February 2020, National Partnership for Women and Families, <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-good-for-business-and-workers.pdf>.
- ¹⁰ Irene Tung and Laura Padin, *Silenced About COVID-19 in the Workplace*, June 2020, National Employment Law Project, <https://www.nelp.org/publication/silenced-covid-19-workplace/>.
- ¹¹ Ibid.
- ¹² Tanya Goldman, *Addressing and Preventing Retaliation and Immigration-Based Threats to Workers*, April 2019, Center for Law and Social Policy, <https://www.clasp.org/publications/report/brief/labor-standards-enforcement-toolbox-addressing-and-preventing-retaliation>.
- ¹³ Jack Kelly, *1.2 Million Americans File For Unemployment—Roughly 55 Million Since March*, August 2020, *Forbes*, <https://www.forbes.com/sites/jackkelly/2020/08/06/12-million-americans-file-for-unemployment-roughly-55-million-filed-since-march/#c4d7b444531c>.
- ¹⁴ Lonnie Golden and Jaeseung Kim, *The Involuntary Part-Time Work and Underemployment Problem in the U.S.*, August 2020, Center for Law and Social Policy, <https://www.clasp.org/publications/report/brief/involuntary-part-time-work-and-underemployment-problem-us>.
- ¹⁵ Ibid.
- ¹⁶ Board of Governors of the Federal Reserve System, *Report on the Economic Well-Being of U.S. Households in 2019*, May 2020, U.S. Federal Reserve, <https://www.federalreserve.gov/publications/files/2019-report-economic-well-being-us-households-202005.pdf>.
- ¹⁷ Tanya Goldman and Pronita Gupta, *FAMILY Act Supports Low-Wage Workers and Their Families*, January 2020, Center for Law and Social Policy, <https://www.clasp.org/publications/fact-sheet/family-act-supports-low-wage-workers-and-their-families>.
- ¹⁸ Tanya Goldman and Pronita Gupta, *Why Low-Wage Workers Need the Healthy Families Act*, March 2020, Center for Law and Social Policy, <https://www.clasp.org/publications/fact-sheet/why-low-wage-workers-need-healthy-families-act>.
- ¹⁹ Kiese Hansen, *Why Workers and Their Families Need Predictable Scheduling*, September 2019, Center for Law and Social Policy, <https://www.clasp.org/publications/report/brief/why-workers-and-their-families-need-predictable->

scheduling.

²⁰ Liz Ben-Ishai, *Schedules That Work Act Would Establish Critical Worker Protections*, June 2017, Center for Law and Social Policy, <https://www.clasp.org/blog/schedules-work-act-would-establish-critical-worker-protections>.

²¹ David Cooper, *Raising the Federal Minimum Wage to \$15 by 2025 Would Lift Wages for Over 33 Million Workers*, July 2019, Economic Policy Institute, <https://www.epi.org/publication/minimum-wage-15-by-2025/>.

²² Ibid.

²³ Part-Time Workers Bill of Rights Act, H.R. 5991, 116th Congress. 2020. <https://www.congress.gov/bill/116th-congress/house-bill/5991/text?r=7&s=1>.

²⁴ Pronita Gupta and Tanya Goldman, *Low Job Quality Leaves Workers and Our Economy More Vulnerable to the Next Recession*, September 2019, Center for Law and Social Policy, <https://www.clasp.org/publications/report/brief/low-job-quality-leaves-workers-and-our-economy-more-vulnerable-next>.

²⁵ *Building Worker Power*, AFL-CIO and the Economic Policy Institute, <https://www.epi.org/resources/building-worker-power/>.

²⁶ Celine McNicholas and Lynn Rhinehart, *The PRO Act: Giving workers more bargaining power on the job*, May 2019, the Economic Policy Institute, <https://www.epi.org/blog/the-pro-act-giving-workers-more-bargaining-power-on-the-job/>.

²⁷ Janice Fine, Daniel Galvin, Jenn Round, and Hana Shepherd, *Maintaining Effective U.S. Labor Standards Enforcement Through the Coronavirus Recession*, September 2020, Washington Center for Equitable Growth, <https://equitablegrowth.org/research-paper/maintaining-effective-u-s-labor-standards-enforcement-through-the-coronavirus-recession/>.