

Protecting Workers Through Publicity...

Promoting Workplace Law Compliance Through Strategic Communication

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CLASP
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EXECUTIVE SUMMARY

The most important part of a labor law enforcement agency's mission is to drive compliance with workplace laws. Strategic communication is central to that mission because it is one of the most effective ways to deter violations. Communicating about agency enforcement to all stakeholders—workers, employers, advocates, legislators—is also critical for informing the public about their rights and responsibilities and the agency's work. These goals are more important than ever as labor enforcement agencies strive to protect workers during the coronavirus pandemic. Our workplace laws are directly relevant to the current crisis: workers urgently need safety on the job and payment of legally-mandated wages, as well as access to rights including paid sick leave, workers' compensation, and unemployment insurance.

Despite the importance of strategic communications, many agencies that enforce workplace laws do not routinely promote their enforcement successes through media. This omission is a significant missed opportunity to incentivize lawful employer conduct and educate workers about their most basic rights. In a moment of reduced state budgets and limited resources, media coverage and strategic communications are also a cost-effective way to multiply an agency's impact and inform workers of new rights.

This toolkit is a resource for agencies that enforce workplace laws, including state and local labor departments, as well as agencies addressing occupational safety and health, discrimination, workers' compensation, unemployment insurance, paid sick days, fair scheduling, and other labor and employment laws.

The toolkit aims to help such agencies understand **why** they should use media and other means of strategic communications and **how** to do it:

- Research has shown that press releases and other information dissemination have a significant deterrent effect and impact on legal compliance;
- Numerous and varied tools are available for communications;
- Communications should be part of an enforcement strategy. Enforcement agencies should identify potentially interested reporters and build relationships with them; and
- There are ways to address internal concerns about the wisdom of and potential fallout from publicizing enforcement efforts.

The toolkit also includes appendices with tools for communications, tips and information on the nuts and bolts of writing press releases, as well as examples of successful press releases. This toolkit may additionally be useful for government agencies enforcing other laws, unrelated to the workplace, and for non-governmental workers' rights advocates.

“Media coverage sends a strong message to the regulated community that the agency is actively enforcing the law and builds trust with workers who might not be aware of their rights or might not know where to turn to when facing workplace violations.”

LORELEI SALAS, COMMISSIONER OF
THE NEW YORK CITY DEPARTMENT
OF CONSUMER AND WORKER
PROTECTION



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ACKNOWLEDGEMENTS

Many thanks to Maritere Arce, James Barragán, Sharon Block, Mike Firestone, Marty Garfinkel, Matthew Johnson, Katie Johnston, Damien LaVera, Yungsohn Park, Olivera Perkins, Lorelei Salas, David Weil, Jenny Yang and others for their wisdom and helpful insights. Designed by Ashley Tebbe.



II. Introduction and authors' note

As lawyers who have collectively spent several decades enforcing workplace laws, the authors of this toolkit have long been concerned about high rates of violations and interested in identifying ways to drive legal compliance and respect for workers' rights. We have worked in agencies that routinely publicized enforcement actions and been interested to learn more recently that many workplace law enforcement agencies, especially at the state and local level, do not do so. Agencies cite various reasons for not publicizing enforcement: high work volume and multiple demands on leadership's time; operational continuity (doing things the way they've always been done); lack of knowledge about how to get media coverage or use other means of communication; and/or concerns about the appropriateness of publicizing agency enforcement actions.

Given the powerful role of media coverage and other communications in deterring violations and promoting compliance—as recently confirmed through academic research—we wanted to help agencies learn more about communications, especially why and how.

The genesis of this toolkit was a panel on strategic communications at a CLASP [convening](#)¹ on enforcing paid sick leave laws, followed by additional presentations to advocates and agencies. The considerable interest in the topic led us to believe that a written toolkit would be of help to workplace law enforcement agencies.

In preparing this toolkit, we conducted in-depth interviews with a number of experts and sources, including journalists from national and local publications; communications professionals working inside and outside of government; and high-level agency staff at state and local labor departments and attorney general offices, generally in offices with a successful history of using media and communications.

This toolkit was needed prior to the outbreak of Covid-19. But in the current pandemic, many essential workers experience workplaces without adequate protections, and face heightened potential exposure to the virus. Record unemployment rates may leave workers increasingly vulnerable to employer violations; reporting violations, always difficult, is even more so when a new job is harder to find. In some cases, working people are not aware of new rights their government has created, such as expanded paid sick days. In light of the pandemic's devastating impact on workers,



Photo by sturti



government worker protection agencies must use every possible tool at their disposal to inform workers of new rights, deter violations and protect working people, including communications and media coverage.

III. Why communications?

“[P]ublicizing a facility’s violations led other facilities to substantially improve their compliance and experience fewer occupational injuries. OSHA would need to conduct 210 additional inspections to achieve the same improvement in compliance as achieved with a single press release.”

MATTHEW S. JOHNSON, ASSISTANT PROFESSOR,
DUKE UNIVERSITY, IN REGULATION BY SHAMING (2020).

“If no one knows what we’re doing, then the impact of our work is extremely limited.”

– MIKE FIRESTONE, FORMER CHIEF OF STAFF,
MASSACHUSETTS ATTORNEY GENERAL’S OFFICE

Enforcement agencies often have a broad mission, including deterring violations and driving compliance with the law; enforcing workers’ rights laws and ensuring employers operate on a level playing field; conducting outreach and education; and implementing laws through drafting regulations and other materials. Communications are critical to all aspects of this work.²

A. Deterring violations by employers

The core job of a law enforcement agency is deterring violations and promoting compliance with the law. Media coverage of enforcement actions has a powerful impact in this regard. Agencies will never have enough resources to investigate every workplace or address every violation. Communicating the agency’s work ensures that employers are aware of their legal obligations, the agency’s presence, that they may get caught if they violate the law, and if they do, there will be real consequences—financial, reputational, and otherwise. Employers generally understand the need to protect their brand and avoid negative publicity.³

Academic studies on regulation and enforcement demonstrate the deterrent impact of media coverage. The most relevant research was a recent [study](#) examining the effect of press releases issued by the Occupational Safety and Health Administration (OSHA).⁴ During the Obama administration, OSHA began a new practice of routinely issuing press releases for all cases with penalties above a certain dollar threshold. Professor Matthew Johnson of Duke’s Sanford School of Public Policy examined the impact of these press releases on employers within the same industry and geographic area. Overall, he found that publicizing OSHA violations leads to significant improvements in workers’ safety and health. Specifically, he found:

- 88 percent fewer violations at later inspections of facilities in the same sector within a 5 kilometer radius;
- These effects persisted for facilities 50 kilometers away;

- One press release can deter as many violations as if OSHA had conducted over 200 additional inspections; and
- Significantly fewer worker injuries as a result of press release issuance.

Johnson concludes that this approach is a highly effective policy tool in this setting. Professor Johnson also noted that these topics seemed to be something newspapers wanted to cover: “My take was that there was a big demand for this information that wasn’t able to be met without the regulator actively creating this communication.”

Studies in other regulatory contexts have also found a deterrent effect from transparently communicating and publicizing enforcement information. One study found that requiring restaurants to post report cards with a grade from their food safety inspections led to fewer food safety violations and food-borne illnesses.⁵ Another found that plants emit less pollution when they are located in areas with a robust newspaper presence.⁶ A recent law review article on “Regulatory Shaming” recommends that governmental authorities engage in reasonable and proportional regulatory “shaming” as a critical enforcement tool partly because it is efficient (it’s a cheap and effective deterrent) and democratic, allowing for public participation in government.⁷

“If an agency hopes to have deterrence effects on thousands of employers that it will never have adequate resources to directly investigate, communications is one of the most important mechanisms for amplifying enforcement impact.”

DR. DAVID WEIL, FORMER
ADMINISTRATOR, UNITED STATES
DEPARTMENT OF LABOR, WAGE AND
HOUR DIVISION.

The academic research confirms the commonsense notion that publicity drives deterrence; it seems intuitive that if people learn about enforcement against peers and understand the serious consequences, they will be motivated to change their conduct. Indeed, many enforcement offices have anecdotal evidence to this effect: a trade association, for example, may reach out about compliance training for its members after a publicized case in its industry.

Smart enforcement agencies realize this is a tool that can drive compliance. As Mike Firestone, former chief of staff to the Massachusetts Attorney General observed,

“Very powerful people really do not want to read things that make them seem like bad people in the newspaper. It’s a really motivating force for doing the right thing. We’re not trying to tarnish businesses that act responsibly and make reasonable mistakes...[or] trying to point a finger at companies that when

confronted with reasonable mistakes cooperate and try to do the right thing. But as an AG’s office, we have to be mindful that when we add up the tools in the toolbox, one of them is the very powerful incentive not to read about yourself in the newspaper.”

He observed that failure to use this tool would undercut the office’s ability to work effectively.

Lorelei Salas, New York City Department of Consumer and Worker Protection Commissioner, shared a similar perspective: “We need to send a message to the industry that we regulate, that we are out there, and we’re going to be watching.”

Indeed, a 2014 city auditor’s report⁸ on implementation and early outcomes of Seattle’s paid sick and safe time ordinance found that the news media was employers’ most common source of information for learning about the law.

How Do Employers Learn about the Ordinance?

We asked employers how they heard about the Ordinance. Employers could designate multiple choices among the options displayed in Figure 2.4. Sixty percent of Employers stated that the news media was their most common source of information. Over half of employers [reported](#) learning about it from the City of Seattle, and about a third cited professional service providers such as payroll services or legal counsel.

Figure 2.4. Employers' information sources

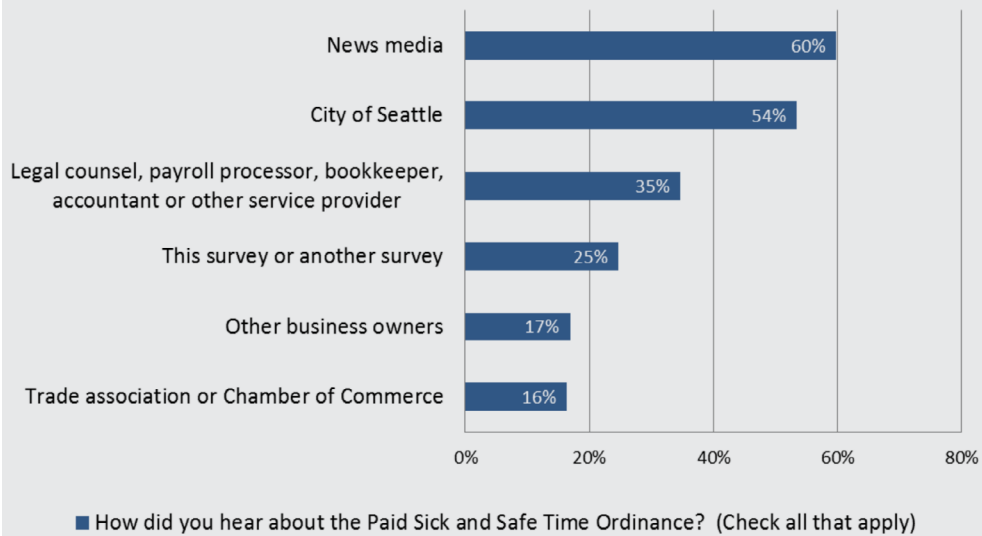


Chart from City of Seattle, Office of the City Auditor, *Implementation and Early Outcomes of the City of Seattle Paid Sick and Safe Time Ordinance, Final Report (April 2014)*, page 16.

B. Educating workers about their rights

Another important function of media coverage is educating workers about their rights. Workers who don’t know their rights or are too afraid to assert them may not benefit from even the best legislation. Research also supports the intuitive sense that many workers don’t know about the laws that protect them. A [study](#) by



New York’s Community Service Society revealed large knowledge gaps about rights at work among low-income employees, including new rights, such as paid sick days, included by the city in outreach campaigns.⁹ The study comments on the tendency to conduct public education primarily when a new law is passed and notes a pressing need for ongoing public media campaigns, observing:

... to be effective, public media campaigns including advertising need to be on-going over years. Imagine if Coca Cola said, “We did advertising. We ran ads three years ago when we introduced the product.”

Indeed, publicity is needed to inform workers even of new rights passed after highly-public Congressional enactments. A recent [survey](#) revealed that nearly half of Americans had heard very little or nothing about recently-passed federal paid leave benefits.¹⁰ Only 28 percent of businesses covered by the law reported that they were taking advantage of available tax credits to reimburse employee paid leave.

When public funds are limited, media coverage of enforcement efforts is an economical and effective way to educate workers about their rights. Media coverage also often encourages the reporting of additional violations, creating a positive feedback loop for deterrence.

C. Educating other stakeholders, policymakers, and the public

Policymakers, including legislators and others, may not be aware of the extent of violations or of the agency’s actions to address them. Media coverage can help engage policymakers in workers’ rights issues and help them make better informed policy decisions. The public, too, has an interest in knowing about societal problems the government is addressing and how their tax dollars are being spent. Because government agencies are ultimately acting in the name of the people and in the interest of good government and transparency, it is valuable for the people to know what is being done in their name.

In talking about information other stakeholders might appreciate, Professor Johnson noted that a “consumer might say, ‘I don’t want to buy from a plant that’s exposing its workers to those kinds of things.’” Investors, too, may want to have an accurate record of companies where they are investing or potentially investing their money. And job applicants or prospective employees also have an interest in knowing about a firm’s compliance record.

IV. Tools

Enforcement agencies can use a variety of communications methods, such as:

- Disseminating information through traditional media, including
 - Press releases;
 - Press conferences or press “availabilities”; and
 - Appearances on television or radio shows;
- Using social media, including Twitter, Facebook, Instagram, and LinkedIn;
- Using electronic media, including
 - The agency’s website;



- Videos on the agency’s website, or on YouTube; or
- Allowing the public to sign up to receive press releases and updates on certain topics. The [Washington State Attorney General’s Office](#) and the [U.S. Equal Employment Opportunity Commission](#) both have this practice.¹¹
- Conducting public education and outreach, including
 - Brochures or other written outreach materials;
 - Reports; and
 - Direct, in-person outreach to affected communities (through attending events or holding know-your-rights or know-your-obligations sessions).

While all of these methods are important, this toolkit focuses on strategic communications through traditional and social media.

Strategic communications should be integrated into the agency’s strategic/annual plan and will require some initial research to understand the agency’s audiences and how best to share information with them—and in which languages. Next steps will include tracking communications coverage and engagement to refine the approach. This ongoing process helps the agency ensure it’s telling the story about its work through the media sources that will best disseminate the desired message.

V. Getting started and taking off

A. **Who’s going to implement a communications strategy? And when’s the right time for thinking about it?**

Ideally, an agency would have dedicated communications staff who would take the lead on implementation, under the guidance of agency leadership and with extensive input from program staff. For agencies that do not have designated staff, current staff need some time and flexibility on their job to add this new approach. Although this may seem difficult given ongoing workloads, a communications strategy has the potential to make every other part of the agency’s work considerably more effective. In our view, given the deterrent impact of publicity, investing in a communications strategy is critical to responsibly maximizing the impact of taxpayer dollars.

As with any strategic work, ideally you would think about communications both on a regular, scheduled basis (such as making a yearly plan) and an ongoing basis interwoven into the work.

Several agencies set specific numerical goals. One agency head said that their agency makes plans for the entire year, and noted this advance planning was critical, because the agency receives a high volume of materials to respond to, such as press inquiries or freedom of information requests. Planning in advance “[h]elps us make sure we continue to put things out there we want, and that we’re not just stuck in responsive, reactive mode.” This fairly large agency has a general goal of aiming to hold two major events per month (press conference, public hearings, etc.) as appropriate, as well as creating two media-worthy pieces per week (press release, blog, op-ed, etc.). Another, much smaller agency reported a pace/goal of issuing a press release about every four to six weeks.

The agency officials we interviewed noted the value of having both a general communications strategy and a strategy for particular cases. One observed:

“Any case that has been developed as a high-impact case under a strategic enforcement approach should have a media strategy as part of it. Sometimes a case wasn’t developed like that, but has such a great result that we’ll do some after-the-fact media work. But typically, any case that is identified as deserving additional resources and prioritization should also have a media strategy and public release.”

Another described a particular case in which the office knew it would be filing a lawsuit, as well as making recommendations for legislative change. They went through the calendar and considered what they could do throughout the year to keep discussion about the issue going.

In addition to longer-term communications planning, agencies must also consider the timing of particular announcements. Although some offices may announce investigations when they occur or when subpoenas are issued (that is, before obtaining results or making any findings), the more typical approach is to make an announcement either when citations or an order is issued, a lawsuit is filed, or a settlement is reached; in other words, when documents enter the public record. As one official said, at that point “Already we’ve talked to dozens of people, we have documents and all kinds of things that reassure city hall that we have enough evidence in this case and we need to announce it . . . and yes it’ll shame the business but it’s the right thing to do.”

Some agencies may have concerns about announcing citations, orders, or lawsuits before money has been collected; will the agency have egg on its face if they don’t end up being able to recover money? One official noted that these concerns do not stop it from making announcements. The office would publicly say that it’s applying all of its resources to collect. And, more importantly, the announcement would send a message to that industry that the agency is targeting wage theft or other violations there.

B. Working with reporters: finding the right ones and cultivating relationships

Working with reporters is mutually beneficial—the agency has opportunities for press coverage and the reporter has access to stories. If you have internal approval, don’t be afraid to reach out and connect with reporters, even informally before there’s a story you’d like to get covered. You will likely find that reporters



are also eager to establish a relationship. They are always looking for stories to write and for new sources. First, identify media outlets and reporters who might be interested; then, reach out and meet or have a conversation.

The first step is to identify media outlets and the reporters who already cover, or who might be interested in covering, the issues you work on. If you can't easily find a listing of reporters on the media outlet's website, try doing a Google search using <name of media outlet> and <staff list> (for example, <Boston Globe> and <staff list>). That Google search should turn up a listing of names and contact information if the media outlet publishes it. You'll want to look for reporters covering topics like labor, workplace, civil rights, and income inequality.

Smaller news markets might not have reporters that specialize that narrowly, so you could look for metro reporters, business reporters, and in some cases, reporters who cover immigration issues. One reporter told us he started as an immigration reporter: "A lot of the workers doing work like construction are immigrant workers, and that's actually how I got interested in this. I was an immigration reporter and started following [a worker center's] work and realized there were all these systemic issues nobody was covering, so got turned onto this."

You can also reach out to business columnists; they may be interested in writing commentary about your issues or may know who would be interested in reporting them. Also, areas with Spanish-speaking immigrant populations may have a Spanish-language section in the local daily newspaper (for example, in [Dallas](#) and [Miami](#))¹². You can take the following steps:

- Email or call the business and metro desks to see who covers these issues. Even if you can't locate a staff listing, you can often find a more general email box for "business" or "metro" on the Contact page of the outlet's website.
- Explain the type of issues your organization/agency covers— there may be more than one reporter who might be interested in different issues (like wage theft, immigrant workers, safety and health, etc).
- Once you determine the right contact(s), you can start out with a quick phone call in which you can talk off the record to get to know

“ Strategic communication around employment discrimination and enforcement in an industry or geographic region drives compliance in the employer community and educates workers about their rights.”

JENNY YANG, FORMER CHAIRPERSON
OF UNITED STATES EQUAL
EMPLOYMENT OPPORTUNITY
COMMISSION.



the reporter. If you have more than one contact—for example, an editor and a reporter—this may increase the likelihood of future coverage. If an editor tells a reporter to follow up, it may move your topic higher up on their priority list.

- If you e-mail a reporter individually, be sure to ask for a suggestion of the right reporter to contact if they are not the right person.
- Following reporters on Twitter will also help you identify who cares about these topics. And reporters often include an email address on their Twitter profiles.

One resource to consider is the [Economic Hardship Reporting Project](#), which may have contacts with reporters and writers who want to cover labor stories.

C. Building a relationship

Reporters depend on sources to conduct their work, so they're often open to getting to know people with expertise. Building a relationship will help you learn the issues reporters are covering and increase the chances they will actually read a press release from your office. If your communications office allows it, you could reach out to invite a reporter to coffee (once social distancing is no longer required) or have a chat to build relationships; someone from the communications team could also join the conversation.

A communications expert noted about reporters, “typically if they can see why it’s in their interest . . . they will be open to meeting . . . they’re giant vacuum cleaners for potential sources. They’re naturally going to be inclined to want to have those conversations, assuming a baseline level of interest for them.”

One reporter noted that if you establish a rapport and have a conversation, “things will come up that don’t come up if you send a press release.” You will learn what types of cases they’re interested in, which she said are stories that people can relate to. As an example, she mentioned receiving a tip about people being paid so little at Walmart that the store took up a collection for people for their Thanksgiving dinner. “It was just a Walmart in Canton, Ohio, but it got national play because it was so relatable,” she said.

What reporters are looking for will differ by locale, paper, and competitors. Developing a rapport will be more effective than cold calls or submitting anonymous press releases and will improve the likelihood of coverage.

D. Pitching a story

“A good story is something the average reader can relate to. Is it a ‘Hey, Martha’ type of story. Would you turn to your friend or family member and say, ‘hey, did you know this?’”

– REPORTER FOR LOCAL NEWSPAPER.

You should think of what would make your story interesting to the average reader who is not an expert on workplace law or workers’ rights enforcement issues. One journalist noted that a case of an employer being abusive to the little guy, for example, is something most people can relate to; also, immigration-related issues may pique curiosity.



While many discrimination cases will create media attention, here are some ideas about framing labor enforcement stories:

- Be sure to mention if there are broader policy implications or novel legal questions involved, or if the case is an example of an ongoing but rarely covered trend.
- You can frame the violations you’re addressing as part of a regional or national trend. Offer relevant data that the reporter can use or turn into infographics. Often national organizations, like CLASP, the Economic Policy Institute, or the National Employment Law Project can provide background information about the broader trends.
- Reporters are often interested in stories about well-known or high-profile employers, either locally or nationally.
- Cases involving a high dollar amount owed to workers are often a natural draw. However, even a smaller dollar amount can be strategically deployed to show what it means to the impacted workers: for example, by noting how many months of rent the amount would cover in your area.
- You can pitch a human-interest story, noting how many people have been affected, or cheated of their wages, and how it affected them. This kind of story can attract interest without having a lot of zeros in the subject line. It’s about storytelling. How did the employer’s violations affect a family, a neighborhood, a worker’s life, and how did your agency make it better? In most wage and hour cases, people are living close to poverty or paycheck to paycheck and are getting ripped off. What were the consequences of losing wages? Does it mean a family is about to be evicted or that parents are struggling to feed their kids?

Reporters will often ask if there are workers available to speak with them. This can make a big difference in their interest in covering a story, because quotes from affected workers and communities help make the story real. If you identify workers willing to talk with reporters, it may be wise to help them prepare as they may not have experience being interviewed by the media. Community-based organizations involved in the case may be able to help workers prepare. Two tips that are often useful are: (a) workers do not have to answer questions they don’t want to (such as about their immigration status); and (b) they should think about a message they’d like to share with other workers in the same situation. In the absence of workers who can speak to the press, reporters may be interested in speaking with community-based groups that can share their perspective.

E. Mechanics of a pitch

Press releases:

Do your legwork before issuing a press release. As one communications expert told us, “Just blasting a release to the top 25 reporters in your town will fall on deaf ears. You have to do individualized work to align it with someone.”



When writing a press release, be strategic with the subject line because it's what will hook reporters and entice them to open it. Echo that hook in the headline of the release and the first sentence. When crafting the headline, consider the five or so key words that you can form into a sentence or phrase, such as "local McDonald's didn't pay workers."

Many reporters and editors get hundreds of emails and pitches each day. "You have the subject line and a sentence to hook them or you'll lose them. Get as much as you can in the first paragraph . . . if you don't get them reading beyond the first two sentences, they won't read the rest," one former government communications official advised.

Reporters will also appreciate if the release has a quote, data, or infographic with fact-checking that the media outlet can lift and embed directly in the story.

Community-based groups may be able to issue their own press release or agencies can include the name of a community-based organization they worked with in the press release.

Additional key recommendations related to news releases include:

- Address the basics: Who, what, where, when, why, and how;
- Use simple, accessible language that an 8th grader would understand. Avoid jargon;
- Explain why the issue matters to ordinary people;
- Include links to settlements, lawsuits, etc.; and
- Include the name of a contact person.

When circulating press releases:

- Maintain a group email list of recipients.
- If there are reporters or stakeholders you particularly want to read the release, send it to them personally in a separate email with a note, rather than only in a group blast. Follow up by phone.
- Even press releases that are more straightforward and less "sparkly" (that is, less dramatic or compelling) should be sent to trade associations and to the relevant bar associations. Law firms that represent employers often write blogs about recent enforcement actions, so this is another way to amplify the message.

Timing:

The earlier in the day, the better! For newspapers, from 9:00 a.m. to 12:00 p.m. is the best time to get out your press release. Otherwise, you should seriously consider holding it until the next day. Also, the conventional wisdom is to avoid putting out news on Friday, unless it's news you don't want anyone to see.



If you find an interested reporter, consider giving them the story first as an exclusive—meaning that you won’t provide it to another reporter until the initial reporter’s story has been written or aired. Reporters can be competitive, and if they think they will be able to break an original story, an exclusive may be appealing. If you think multiple outlets might be interested, consider providing multiple reporters with an “embargoed” version of the release, with a specified embargo end time. This means that they get a head start on the competition, and can start reporting early, but they can’t actually put the information out publicly until the embargo ends. Embargoes can be particularly important if the news involves something that’s time sensitive, like filing a consent decree or rolling out new regulations or guidance.

F. Understanding key terminology¹³

Before speaking with reporters, it is important to understand key terms. Reporters will generally assume you are speaking on the record unless you clarify at the outset that this is not the case!

- *On the record*: the reporter can use whatever you say, and identify you by name.
- *Off the record*: **If something is off the record, make that clear up front.** You can’t say something and then after the fact ask for it to be off the record. (However, you can toggle back and forth between being on the record and off in the same conversation—you just have to be extremely clear about when you want to change the rules.) Off the record means that the reporter cannot use the information you gave them in anything published; it just provides them with more understanding. If the reporter can get someone else to provide the same information on the record, they can publish it.
- *On background*: the reporter can use the information without using your name as a source.
- *Not for attribution*: the reporter can use the information and will not identify you by name as the source, but may reference your position or job.
- *Embargo*: Information cannot be made public until a specified date/time.
- *Anonymity for workers?* Whether a news organization will allow a worker to remain anonymous varies. Some will not use anonymous sources under any circumstances, but may use information for background. Others may be willing to use quotes from a community group or local elected official instead. If the worker would be willing to use only a first name, or initials, that too creates barriers. You would have to explain to the reporter and editors the circumstances and why the person wishes to speak anonymously; for example, because of fear of employer retaliation or immigration status issues. Most newsrooms will have criteria about anonymous sources and will use them if the criteria are satisfied.



- *Opportunity to review and veto quotes?* Reporters will almost never let you do this.

G. Timing: finding a news hook

Depending on the facts and your media market, an announcement might stand on its own and not need a particular angle or news hook. (A news hook is a connection in the story that makes your release especially timely.) For example, because of the national prominence of the companies, no creative news hook was needed when New York City sued Chipotle for fair scheduling violations, or when New Jersey demanded \$649 million from Uber based on unemployment insurance violations resulting from misclassification of drivers.

In many cases, though, linking the release of your announcement to a news hook can maximize the likelihood of it being picked up. The best way to explain this may be through particular examples.

Here is an example unrelated to workers' rights: the Massachusetts Attorney General's Office handled a case involving Amazon packages that were stolen off of people's front porches. The announcement of this case, about holiday gifts being stolen, occurred shortly before Christmas, and the [news coverage](#) focused on this holiday timing in the extensive coverage the story received. In another Christmas-related press release, the New Jersey Labor Department headlined its [release](#) by noting, "*NJ Labor Department Plays Santa to Unpaid Workers: Back-Wage Checks Hand-Delivered on Christmas Eve.*"

There has been a significant spike in reporter interest and news coverage of the coronavirus pandemic's impact on workers in general, and especially in industries deemed essential, such as health care, food chain (meatpacking, agriculture, grocery stores, restaurants), warehouses, and delivery workers. Any story about your office's actions to protect workers in response or relation to the pandemic are likely to receive at least local news interest.

The calendar can often help identify some potential news hooks. For example:

- Mothers' Day or Fathers' Day can be a news hook for an announcement about paid sick or family leave enforcement;
- Before the coronavirus pandemic, the beginning of the school summer break could be a news hook for an announcement about child labor violations, especially if they include industries that are common workplaces for summer jobs;
- Also in pre-Covid times, vacation times (summer, winter) could provide a news hook for stories about enforcement in hospitality or tourism industries;
- Labor Day is an obvious moment for a news story, op-ed, report, or any kind of publicity regarding worker protection laws and your enforcement activities. Media outlets of all kinds are always looking for labor-related stories around Labor Day. Several state attorney general offices, including New York, Massachusetts, and Washington,



have issued Annual Labor Day Reports, summarizing their offices' work in this area. If you have a compilation of your work, or a new initiative, this is a good time to release it.

- News stories about the retail industry could be timed to Black Friday and Christmas/holiday shopping;
- Anniversaries of important historical events (such as the Triangle Shirtwaist Fire, or the passage of the federal or your state's minimum wage laws) can be used as a news hook.
- Be creative. A report about repeat violators could be released on Groundhog Day.
- Certain announcements may be evergreen, pegged to events like domestic violence awareness month (an announcement about paid safe time), or women's history month (to announce equal pay law, statistics, or enforcement).
- When there are events people are already thinking about, that's a good opportunity to pitch a story; for example, the week before the Superbowl, news outlets reported extensively about human trafficking related to the event.
- Finally, be mindful of what is going on in the news in general. There are times when national news is going to get most of the media's attention; the day of a presidential debate will likely not be the best day to release an announcement. To the extent that you can control the timing, you may need to be flexible. When one of the authors worked for the New York State Department of Labor, we had a press announcement prepared for a particular day; it happened to be the day that an airplane crashed into the Hudson River. (We rescheduled our announcement.)

H. Responding to reporter-initiated inquiries

If a reporter reaches out with a friendly inquiry about a case or an issue, there is no need to respond that exact moment.¹⁴ You don't have to respond off the cuff. You should loop your communications or press office into the conversation, and it may make sense to handle the call together. Before responding, you can ask what they're calling about. You can also ask them to send you questions in writing so that you can consider them and provide a more informed and thoughtful response. You may even be able to provide a response in writing. Feel free to send additional background information, such as reports by national advocacy groups or news stories, before you speak. Even within a conversation, you can make part of the discussion off the record: it doesn't have to be all on or all off.



VI. Enlisting the support of your chain of command and addressing potential concerns

A. Up the chain

In order to implement a strategic communications approach, you may need to do some work helping the people above and below you in the chain of command understand the value of this approach in fulfilling the agency's core mission. If your agency has not historically issued press releases or promoted information about enforcement actions, there may be institutional inertia or reluctance to change longstanding practices. If you work in a city or state department of labor, your agency ultimately reports to a mayor or governor, who may have concerns about publicly naming businesses. Each agency will have its own issues in this regard, but we suggest some common ways to address this challenge and confront concerns they may have.

Begin as soon as you can. Don't wait until there's a story that should be told publicly. You can meet with the mayor's/governor's communications team to help them understand the value and reason for using the press to drive compliance. Specifically, you can:

- Help them understand that media coverage is an impactful and cost-effective way to deter violations. Sharing the research contained in Section III can be helpful in this effort.
- Show them that other government agencies, including labor enforcement agencies, have used communications and media effectively, and offer to put them in touch with officials at these agencies.
- Provide examples of agencies in other states receiving positive responses from stakeholders, which may encourage greater comfort with the concept.
- Consider together the importance of public transparency, given that state and local agencies are funded by taxpayer dollars. Disseminating information about agency enforcement and other activities helps the public understand how tax money is spent.
- Show the human impact by sharing stories of workers and what they have experienced, and of egregious violations your agency has addressed.

Some agency officials we interviewed shared strategies and conversations that helped in their own efforts:

- One agency head framed it to the mayor's/governor's team in the following way: the media are going to cover our work; do we want to control the narrative, or do we want them to? Either the press frames it or we do. The agency in question had received significant negative



coverage in recent years because of a backlog; affirmatively sharing information about enforcement was a way to help counterbalance that.

- Similarly, another agency faced reluctance to include penalty or fine dollar amounts in press releases. The agency head persuaded superiors to include these amounts by pointing out that “reporters will ask anyhow, so it’s better for us to put it out there.”
- One agency head invited members of the mayor’s/governor’s communications team to go out with the enforcement investigators so they could understand the work and how people were affected. This person reported that the resulting first-hand experience was effective.
- Another agency official reported having an initial meeting with the communications team to make the pitch for why they wanted to use a media strategy. The official reported, “we got good advice about how they want to see press releases: they wanted a community validator...try to get a quote from an affected worker, and when possible...a photograph.” This official also noted, “we told them it’s critical to strategic enforcement...how will we try to get...[thousands] of employers to comply unless they hear about it?”
- One official suggested presenting the question of media coverage as in line with the executive’s values and vision. “[F]igure out a way to align your mission with their self-image. Ask yourself, why would they want this? Does it make them look tough on abusive wage practices? Are they standing with unions?”
- One official noted that positive quotes from stakeholders in the release helped the city’s executive realize that these were people who on another day might be complaining to their office about business-friendly policy, so the positive press was therefore balancing and helpful.
- One communications expert noted that finding a very sympathetic example of a person served by the agency can help: “a single mom or dad with three kids who really needs the money from a service industry job to buy food and pay for gas to get the kids to school.” He also suggested laying out the pattern: “here’s how many wage theft cases we had this month in this area; then it’s easy to say, the amount of wage theft cases have stayed steady throughout the year, despite attempts at enforcement, and stories like John Smith’s are emblematic of the problem.”

For agencies whose chain of command is unusually hesitant about proactively seeking media coverage, it may help to consider a narrower approach, at least initially. Instead of seeking a general commitment to strategic communications and routine issuance of press releases for many agency activities, you may want to start with one or two very carefully chosen cases, like:

- Positive stories, focusing on workers who have gotten back pay,



describing the impact of the original wage theft and also of the government's action.

- Stories about outreach efforts to educate workers and/or employers.
- Stories about extremely egregious violations that anyone would find deeply wrong.
- Press releases that focus on the positive impact of future compliance. One official commented, "Our initial press releases had a lot of smiley faces, complimenting the employer for cooperating. We're getting less cautious...the mayor's office is getting used to it, can see that life goes on and all hell doesn't break loose."
- One state agency with a highly sophisticated communications operation suggested to agencies just starting out that: "a good place to start may be with their annual numbers and longitudinal data over the past 5 years or the term of the person in office...If you have a hesitant executive, you have to pitch them the same way you would pitch a reporter. How's this going to appeal to your constituents? Reach this segment of your population and they'll be happy about it."
- You can also consider finding an outlet or reporter that you anticipate will provide positive coverage and start with them.

If your chain of command is open to the concept of seeking more coverage, it's important to establish clear policies about how the process will work. Will the governor's/mayor's communications team want to review all press releases, or only those that fall within a certain category (such as particularly sensitive cases)? If they would like to review the press releases, how far in advance would they need a draft? The time period may range from a couple of days to even as long as a week, which may make it difficult to move quickly, but can usually be managed if you plan in advance. In some cases, the mayor or governor may wish to issue the release directly (instead of it coming from your agency); this can cause delay or reduce your control over some of the substance, but it can also help to provide much greater visibility to the issues you are addressing.

One agency head noted, "I've learned that these (executives') offices have so many balls in the air. There are so many departments and press releases, and it helps them to have a department that's very clear in what they want. They're not the subject matter expert." He said that his office had become clear in expressing: "This is what we want, this is how we'll say it, this is why. You should make it easy for them to say yes."

B. Down the chain

It's important to communicate effectively not only up the chain of command, but also with line investigators and program staff, so that they will be invested in, or at least understand the parameters of, a new approach.

Sharing the logic of why media outreach is important, as outlined above, is a good way to start. In addition, you will need to determine to what extent line investigators will be involved: can they help spot potential press-worthy cases?



Are there investigators who would be willing, with training and guidance, to speak with the press themselves? Would they be able to identify workers who would be effective and willing to speak with reporters? One office that has an extensive press operation provided training to investigators and helped them become accustomed to speaking with the media. This also has the benefit of being a form of professional development for staff, helping them gain public speaking and media skills.

C. Common concerns and hesitations

Agencies or executive teams that are hesitant to publicize enforcement activities often express certain concerns. Below, we share those concerns, as well as the responses of some of the agency officials we interviewed.

Is it unfair to tar or shame an employer? Will we get negative pushback from the employer? From the broader business community?

- “We are very conscientious about not trying to shame people who are doing things responsibly...We’re not ever taking being public about what we do off the table, but we try to be thoughtful and strategic about how we’re working to achieve the best results.”
- “We’re only going after the bad businesses, and if anything, the good businesses should be happy we’re doing it, because the bad businesses are putting you at a disadvantage, not following the rules everyone else has to follow.”
- “More than being concerned about shaming employers, I’m concerned about having workers believe that there’s no one out there they can go to.”
- “We’ve become less apologetic that our mission is to improve workers’ lives. Before, there was a real concern about being right down the middle, not seeming too aggressive toward businesses. But this is not about being mean to business; it’s about getting compliance because it’s about improving workers’ lives...we’re a law enforcement agency designed to help workers.”
- “I don’t think you can unfairly shame someone who is abusing their workers or breaking the law. It’s on the business community to follow the law and treat workers as they’re supposed to, and if they’re not, someone needs to hold them accountable. That’s not shaming; that’s accountability...if you’re picking out somebody unfairly or arbitrarily or taking one small case and disingenuously trying to extrapolate it, that can be unfairly shaming, but it’s not shaming if it’s accountability.”
- In terms of pushback, the former communications director for a government office observed, “If your target isn’t pushing back, you’re probably not doing it right. If they do, it creates more interest and awareness of the issue you’re trying to raise, as long as your boss has the spine to back you up. If your boss has the fight and wants to push for it, the pushback is great.”



- A final consideration from the authors: the focus on whether press is fair to the employer shifts the attention away from the harm suffered and what happened to the worker. How were they impacted by being forced to work in an unsafe environment, or not getting the wages they were owed, or being discriminated against?

Will publicity make employers less likely to settle? Or less likely to pay an amount they've agreed to pay but haven't paid yet?

- In our own experience and in that of the officials we interviewed, this did not occur.
- Agencies always have the option to refrain from issuing a release if the employer was particularly cooperative and the violation was minimal and occurred in good faith: "If a business truly made a mistake, and is not trying to rip off their employees, we might consider not doing a release." Many agencies refuse to negotiate press coverage, however.
- You can frame an enforcement release in a range of different ways. It can focus on the backpay's impact on workers and the employer's steps to come into compliance. "When we settle, there's often a massaging of language to say we arrived at a settlement. It depends how hard we have to fight and how bad the practices were....the number one thing is that we want to send the message to consumers and workers that they can come to us and complain to us."
- "We've normalized media work in a way—every two weeks or month we're announcing a big citation – and it's not clear it's affecting the appeals or settlement process."

Will bad publicity cause a business to close?

- "I have yet to see a business complain that they lost business because we advertised it." This official, who also enforces consumer laws, described a case in which their office sought and obtained significant television and other media coverage about a company's fraudulent practices. "They're still alive and kicking and doing just fine. They've changed their practices and the way they advertise, and that's what we wanted. We haven't seen that people have come and said 'I have to shut down because you publicized this case out there.'"
- "Our approach is you either bring them into compliance or you take bad actors out of the market and level the playing field. We have a pretty strong stance that if there's an opportunity to revoke licenses, or other ways to put pressure on employers even if they can't pay, there's a public benefit to that; this employer has no business being in business."



Will publicity result in a greater demand for our office's assistance?

- The answer to this question is, most likely, yes. This is not a reason to avoid seeking media coverage, but rather a reason to plan ahead when you do so. You may experience an increase in call volume or walk-ins on the day or two after a press release is issued or after press coverage, and it's wise to alert staff who answer phone lines or deal with public intake that this may occur, or even arrange for additional staff to pitch in if needed.
- If the publicity results in a greater demand, this could create additional workload, but it ultimately demonstrates that you are expanding your agency's reach to people who need it, reaching constituents who are experiencing ongoing violations. It would be wise to track any uptick in inquiries or calls to assess the impact of the media coverage.
- Some state and local governments have been more flexible with their workforce given the current crisis; for example, New York [allowed](#) state employees to volunteer to help with the flood of unemployment claims in order to meet pressing needs.

VII. Working with community partners

Working with community partners is valuable at every stage of an agency's enforcement work, including in a media strategy. In this context, community partners can:

- help establish worker trust, particularly in immigrant communities;
- sometimes operate in a more agile and flexible way;
- prepare workers to be interviewed by media;
- elevate worker stories and agency content;
- provide knowledge about and access to Spanish and additional language media;
- share photos;
- provide background information or statistics about broad labor trends;
- provide quotes for the media, illuminating the problem or supporting the agency's enforcement.

During the pandemic, community and worker organizations may have time-sensitive information about what is happening in workplaces, that might endanger workers and the public alike.

When working with community partners on media, as on any collaborative efforts, it is important to discuss the terms of the relationship ahead of time. For example, if your office is planning covert investigations and would prefer that its involvement remain



out of the media for the time being, you can let community partners know this is your preference. Or, if you expect to offer them an opportunity to comment in a press release, this is good to share. In addition, community partners vary widely, in terms of type (national nonprofits, public interest law offices, worker centers, unions, and others) and in terms of their own experience, sophistication, and connections with reporters and media outlets. Some groups may be able to provide your office with guidance about which reporters are likely to be interested in covering labor enforcement stories.

The California Labor Commissioner’s office reported working closely in partnership with worker organizations both during strategic investigations and also on media strategy. For example, the Maintenance Cooperation Trust Fund helped prepare workers to be interviewed in the media.

VIII. Working with foreign-language media

Given the composition of the United States workforce, and the importance of accessibility and reaching all populations harmed by workplace violations, working with media in Spanish and additional languages other than English is essential for reaching the communities your office serves.

A full discussion of language access and cultural competency is beyond the scope of this toolkit. However, every agency should take a few simple steps, including development of a language access plan (with a telephone interpretation line that investigators are trained to use, and tailored [ispeak](#) cards at office locations with walk-in traffic)¹⁵ as well as a “translate” tab on your office’s website. The [New York City Department of Consumer and Worker Protection](#) home page provides an example of this, with a “translate” tab at the top right, and multiple languages flashing next to it.¹⁶

The easiest way to reach this subset of the media is to have someone on your team who understands the general and ethnic media landscapes in your jurisdiction. If that’s not feasible, internet research and working with community-based organizations can help you figure out the best ways to target specific communities.

Community-based organizations can be valuable collaborators when working with foreign language media; they can help connect your office with ethnic media and help you overcome any initial skepticism. Having relationships with community and faith-based organizations, as well as elected officials who know the community, can

“Part of the work in our Fair Labor Division is to ensure compliance with wage and hour laws, educate workers about their rights, and send a message to employers that violations will not be tolerated. Communicating our cases publicly helps incentivize companies to do the right thing, and lets workers in Massachusetts know that our office is here to help

MASSACHUSETTS ATTORNEY
GENERAL MAURA HEALEY



be particularly important in reaching these communities. Foreign consulates—if your community has any—are another way to work with diverse communities. The effectiveness of this will also vary depending on the politics of the country in question. Overall, working with organizations trusted by the community will help overcome the considerable fear that exists in many immigrant communities, which may prevent many from approaching government agencies for any reason.

If you are able, put information out in the relevant language; this will enable you to talk directly with the community and maximize the chance the information will be used. Because many smaller media outlets have serious resource and staffing limitations, they may use your materials directly. At the same time, it's a very bad idea to send out materials with poor translations (one interviewee strongly cautioned against it).

One communications professional with decades of experience noted that reporters for foreign language or ethnic media often are “not as apologetic about having an advocacy role as opposed to the objective journalism canon...media plays a different role in these communities. More of an advocacy role, and almost a how-to guide on how to operate in this new world for them.” Accordingly, she advised that “stories that help people with information that is very concrete in terms of steps to take, empowering people with action items on the stories, those get picked up pretty quickly and easily.” She also noted that if you provide a press release (essentially a ready-to-print story) in another language, that can often get you “an immediate hit in community media.”

A few additional pointers:

- Radio is a very effective medium in many immigrant communities.
- The Spanish language television networks Telemundo and Univision are both highly visible outlets. Univision also has a radio station. Telemundo is owned by NBC, so they are sometimes able to use the local NBC affiliate bureau. If you do get a story in Univision or Telemundo, this may be followed by inquiries from other, more local community outlets.
- Social media is very popular in immigrant communities; people use it to communicate with people in their home countries. Be mindful, however, that the most commonly used platforms may vary from one community to another. WhatsApp is popular in some instances because it permits audio and video phone calls.
- If your agency does not have any team members who speak a given language (for example, Spanish), it's still worth cultivating relationships with Spanish media reporters who are often bilingual.
- Remember that immigrant communities are not a monolith, even within a particular national origin. Immigrant workers may include those earning low wages, office workers, knowledge workers, or others who also need to know their rights and understand enforcement actions. Immigrant communities also contain business owners: entrepreneurs and employers who may particularly benefit from language-accessible compliance information.



IX. Tracking results

Remember to track your results. Understanding how media coverage can be used as a tool to drive compliance is useful, especially if your office is new to this work. By tracking your results you can understand what media are most effective and how best to deliver your message.

At the very least, you should track the amount of coverage you get: how many outlets pick up a given press release or announcement? You might want to set target goals, for example, issuing one press release per month. In setting goals, it's important to remember to include ethnic media and to cover all areas of your jurisdiction (i.e., rural areas of a state, not just the metropolitan centers). Also, note that Twitter provides considerable readily available analytics.¹⁷

At the same time, it's important to keep big picture goals in mind. One communications professional suggested working backward from your goal. "What are you trying to do: generate people to report wage abuse? Then your metric is how many people report wage theft. Is it to generate the most number of people in the general public seeing something? Your metrics should be driven by what you're trying to accomplish...it's easy to fall for vanity metrics, like a video was viewed 5,000 times. It doesn't mean anything if it's unrelated to something you want to accomplish."

The broad goal of labor standards enforcement is to deter violations and increase compliance. It's worth considering how you might measure the number of employers who change conduct based on media coverage.

It's valuable to document and keep track of what happens after you implement a media outreach strategy, even if some of these results do not fit neatly into metrics categories.

- Do you get requests for presentations from employer associations, worker groups, or elected officials?
- Do your intakes and phone inquiries increase the following day or week?
- Do you get follow-up requests from radio shows or other media? Or legislators?



- Do nonprofits or private lawyers call you about related cases?
- Do other employers your office is investigating (or their attorneys) seem to know about the recent action?
- Many management-side law firms have blogs that cover developments relevant to their clients; your action could be mentioned there.

All of the above are signals of impact potentially resulting in increased compliance.

X. Conclusion

Strategic communications and use of the media are a proven efficient and cost-effective tool for labor enforcement agencies to raise awareness, drive compliance and deter violations. We hope this toolkit provides helpful guidance as agencies implement and adapt their communications strategies.



Appendix A: Tools

Some of the most important communications tools are as follows:

A. Websites

Most agencies have websites where they share “know-your-rights” and “know-the-law” resources for employers, employees, and others, in addition to information on how to ask questions, file a complaint, or download a poster. Other agencies use websites more expansively by:

- Providing searchable information about employers that have violated the law; for example, the Fair Labor Division of the Massachusetts Attorney General’s Office has a [landing page](#) where complaint and enforcement data are publicly available.¹⁸
- Telling their story in a compelling way, including through blogs, pictures, and infographics that explain their mission, activities, wages recovered for workers, and what that means for workers. For example, the U.S. Department of Labor’s Wage and Hour Division converts [the average back wage recovery into weeks of wages](#) for low-wage workers, which provides a more descriptive portrayal of the implications of wage theft by including data on how many weeks of food, months of rent, and weeks of child care those wages can cover.¹⁹
- Serving as the landing space for public education campaigns, such as California’s [Wage Theft is a Crime](#) campaign.²⁰

B. Press releases

Press releases, which are a simple and straightforward way to communicate about agency announcements and activities, can be sent to the media and to relevant worker organizations, advocacy groups, employer trade associations, trade publications, and other stakeholders.

Government agencies will almost certainly have a protocol on review of press releases; this protocol may create a tension between the need for thorough review and the need for timely release. Agency officials can sometimes streamline this review process by drafting a release well in advance of the anticipated likely release date (keeping in mind that this date may shift based on events). Another tension may arise from balancing the desire of program staff to provide a great level of detail with the need to be accessible and maintain interest of a general lay readership.

Section V and Appendix B provide more detailed guidance about press releases, including what they should contain, where to send them, and when to send them.

C. Traditional media

Ideally, you will share your press release with a carefully selected group of reporters who cover your enforcement action. You should target different types of media, including local, national, Spanish and other-language media, as well as TV/Radio.



D. Local media

Although it can be difficult in a dense media market like New York or Los Angeles, your most likely target for coverage will be local media, which can be highly influential in raising awareness and providing deterrence. In smaller media markets, residents may be more familiar with their elected officials and local businesses and care about violations taking place at local businesses and worksites.

A Texas reporter advised, “Here in Texas, if you’re in a small town, you know everything that’s going on. You’re likely to know your city council and mayors. If there’s a government contract for a stadium or convention center and there’s something wrong—unsafe conditions or no water breaks—people are going to be angry about that. That resounds more in small media markets.” He also recommended connecting larger or national issues to labor issues, citing the example of a post-hurricane rebuilding article he wrote about unpaid recovery workers. The article linked the bigger issue—a national story about a hurricane hitting the state—with a story about workers “helping out the state in a time of need” who had still not been paid a year later.

Former Massachusetts Attorney General Chief of Staff Firestone also noted the value in local coverage:

***“Many employers are very reputation conscious. They’re pillars of the local community; they don’t want to be in the local paper mistreating workers. Employers will call [the Fair Labor Division] and say ‘I’m concerned about what you’re going to write about me, how can we work this out?’ and our answer is, ‘pay your employees!’ The awareness that people will be held publicly responsible for their actions can’t be overstated.*”**

Agencies should familiarize themselves with media in their jurisdictions. Local reporters are also eager to break a news story, which provides an opportunity to engage.

E. National outlets

While it is more challenging to get coverage in national media outlets, it is not impossible. National media will generally require an issue or employer of national interest. Some examples from before the coronavirus pandemic:

- The New York City Department of Consumer and Worker Protection sued [American Airlines](#) and [Chipotle](#) for paid sick day and fair scheduling law violations (respectively);²¹
- The California Labor Department pursued the [Cheesecake Factory](#) and [Trader Joe’s](#) for underpayments by subcontractors they hired, under a new California “client employer” law assigning joint liability;²²
- The Massachusetts Attorney General’s office found widespread child labor violations at [Chipotle](#) and at locations owned by a large [Burger King franchisee](#);²³
- The Illinois and New York Attorney General’s Offices obtained a settlement with the [WeWork](#) office leasing company over its use of non-compete agreements; and ²⁴



- The Seattle Office of Labor Standards found wage and sick leave violations at what the Associated Press described as a “[venerable restaurant](#)” in Seattle’s Pike Place Market.²⁵

F. Foreign-language media

Given the diverse and changing nature of the workforce, agencies must be able to communicate in the relevant languages in their communities to protect all workers. While many aspects of this effort (such as adoption of a language access plan) fall outside the scope of this toolkit, reaching a broad range of populations is an essential part of strategic communications to drive compliance. Media in Spanish and other languages can help the agency reach different and critical audiences and are especially important because immigrant workers are often [particularly vulnerable](#) to workplace violations.²⁶ Agencies can learn about this media landscape in their jurisdictions by using the internet and working with community-based organizations that better understand the communities they serve. A communications expert advised that reporters for foreign language media are commonly bilingual and, therefore, are likely able to communicate directly with agency staff. If agency staff members speak another language, making them available to reporters will also help.

Section VIII provides additional detailed guidance about working with foreign-language media.

G. Television and radio

TV and radio will allow you to reach even more people. Radio can be particularly useful for reaching certain communities, including those in rural areas with limited high-speed internet access. The Washington Employment Security Department used radio to share information about the state’s new paid family and medical leave law with workers from those communities.²⁷

H. Social media

Social media is one of the best ways to share information about your agency’s activities. Use of Twitter, Facebook, LinkedIn, and Instagram can drive engagement with your website and resources while also helping spread information about the agency’s work. Many reporters, legislators, and advocates are avid Tweeters, so Twitter in particular can help you learn about general trends and breaking news (including potential cases to take on), as well as helping you connect to and share information with reporters.

Occasional social media output is helpful for pushing out a message, but building a more extensive social media presence requires more resources. To build a stronger social media program, you should engage more frequently with other users, which requires a plan for how to respond to questions and comments coming back to the agency from social media platforms. One helpful aspect of these platforms is that they generally provide a considerable amount of information about the extent of message reach; they allow users to track engagement and “clicks.”

Some of the main social media outlets have slightly different atmospheres and serve different purposes:

- Instagram is very visual/photograph-oriented, and contains more positive, “feel good” content.
- Twitter, in which you’re limited to “tweets” of 280 characters, can be more confrontational and opinionated. But as noted above, many advocacy groups and reporters are on the platform.
- Facebook is good for engaging in more of a dialogue with community. Posts can be longer—although it’s best to keep them brief and to the point.
- LinkedIn is useful for circulating agency accomplishments and job openings.
- WhatsApp is an app that is a means of communication and not technically a social media outlet. However, it’s worth noting that some immigrant communities often use the platform because it allows for cost-free international telephone calls in many instances.
- In addition to promoting and disseminating information from your own agency, you can use social media platforms to lift up other offices that are doing positive work in your community or issue area.

A number of enforcement agencies have made effective use of social media. For example, the Minneapolis Labor Standards Enforcement Division released a [video](#) on social media about increases to the minimum wage. It ultimately reached over 60,000 people, with 11,000+ video views.²⁸

One official suggested that every agency should at least have a Twitter account for sharing information about ongoing activities of the agency.

Some posts from the New York State Department of Labor provide good examples of uses of social media. One post built on the popular “ten-year challenge,” in which people post photographs of themselves ten years ago and at present; the New York State Labor Department put information about the state’s minimum wage into that same format, highlighting the large increase in the wage over the decade.



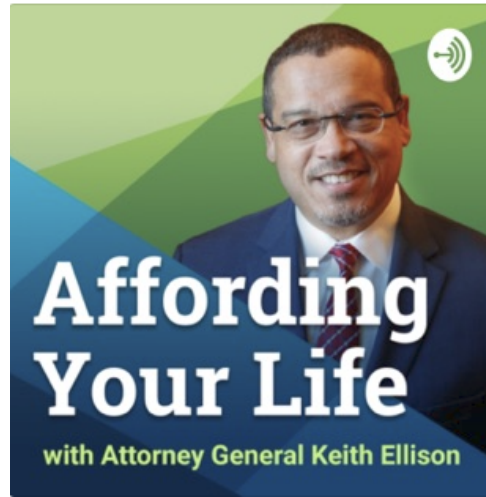
Tweet available at <https://twitter.com/NYSLabor/status/1087836685344346114?s=20>

Agencies can keep an eye on what is trending generally: what hashtags already exist that could be built upon to draw a wider audience?

An agency may also be able to reach a much wider audience if the mayor or governor shares an announcement or tweet.

I. Podcasts

Podcasts can be effective at reaching a different group of people and are starting to be used by government enforcers. For example, Minnesota Attorney General Keith Ellison has a podcast, *Affording Your Life*, in which he discusses the work of his office, including prescription drug pricing, wage theft, hate crimes, and other topics.²⁹ While podcasts can be a good tool for providing in-depth content, they may require a level of effort that isn't realistic for smaller agencies. Podcasts are generally most effective when part of an ongoing series. Agencies with fewer resources might not have the capacity to commit to a podcast series.



Minnesota Attorney General Keith Ellison hosts a regular podcast called "Affording Your Life," about a range of justice-related issues.

J. Paid media

If the agency has resources for paid media, or advertising, these resources can go a long way in extending the agency's reach, particularly through social media as noted above. However, it is important to be aware of the potential for unintentionally [discriminatory outreach](#) on social media resulting from platform algorithms.³⁰

K. Events; Targeted outreach; Employer validators

Finally, agencies plan and participate in numerous public events that provide opportunities for generating media coverage and sharing the story of the good work the agency's doing. These include community outreach events, know-your-rights trainings, and press conferences.

Some agencies have gone beyond traditional types of outreach. The New York City Department of Consumer and Worker Protection has held hearings ([The State of Workers' Rights](#)).³¹ Others have conducted specialized outreach to industry groups or trade associations.



Appendix B: Writing press releases

Press releases written in plain language with engaging quotes and news hooks will be the most successful at garnering attention from the media and other stakeholders.

How your press release is drafted should depend on the media market you are targeting, as discussed throughout this toolkit. Understanding the reporters in your area and what their professional requirements are can help agencies tailor their press releases with the right timing and information.

Because of cuts in many newsrooms, some outlets sometimes use chunks of actual text from press releases. Increasingly, it may be helpful to draft the press release almost as a story you would like to see published, making it as easy as possible for a reporter to pull language—but again, this will depend on the market and reporter. Any quotes included in press releases should be short (one to two sentences ideally) and focus on the main point of the enforcement action. Professor Matthew Johnson said that in reviewing news coverage based on OSHA press releases, “some were straight up copy and paste from press releases. OSHA wrote them in ways that could easily be reprinted by media sources.” Most did not seem to do independent reporting.

Other key elements of press releases can help you achieve your communications goals of deterrence and education.

- To enhance deterrence, press releases should:
 - name the liable parties;
 - provide information about the amount of money recovered;
 - describe the nature of the violation, including the number of workers helped; and
 - detail any industry or agency efforts to address these types of violations in this industry, including related cases.
- To inform and educate workers and employers – particularly smaller businesses – press releases should include:
 - the locations of the violations;
 - a description of the relevant laws and rights;
 - resources for workers; and
 - information on how to file a complaint.
- Name any community partners who referred or assisted with the case, which gives them credit, signals to workers another source of information, and suggests to reporters a contact for additional information and personal stories related to the case.
- Include a link to the settlement, citation, complaint or other

document which provides access to additional information that reporters may want and that can assist worker advocates in monitoring compliance.

Use plain language for all of your media work. It should be accessible to a reader at an eighth-grade level. This may present challenges, because program staff may be accustomed to technical language or be highly invested in the nuances of what they're trying to convey—but your message will be lost if ordinary people can't understand it. At the same time, the communications team should be respectful of the expertise and work of investigators and other program staff who are the subject matter experts.

One communications expert said he always asks himself, “how can I explain this to my kid brother?” As an example, consider the difference between the following two opening sentences:

- *XXDOL settled a case against Harmond Restaurant NKD Lounge LLC dba Café Rio Tacos&Bar for violations of the PST Ordinance and XX Wage Order Section 552. Café Rio failed to implement a PST policy and failed to pay required overtime compensation to workers when their hours exceeded forty in a given workweek.*
- *Café Rio, a trendy nightspot in the popular Hipland neighborhood, didn't pay its workers overtime or let them take paid sick days as required by law.*

One reporter suggested that graphics (such as charts that the Economic Policy Institute often includes) are useful to include since newsrooms may have few graphic artists. If you hold press conferences, you can use props or visuals; for example, if your case involves an employer with multiple locations, you can create a map showing all of the locations where violations occurred.

Input by the employer who's been investigated?

One question some agencies have faced is whether to provide an opportunity for input on a news release by the employer who has been investigated. This was not the practice in the agencies where the authors worked. We did not negotiate whether there would be press coverage or what it would



This is an example of a visual that can be helpful in presenting your story. The map, used by the New York State Attorney General's Office, helps demonstrate the locations of Domino's pizza stores where violations had been found. The visual helps communicate the widespread, pervasive nature of the problem, and can be readily re-printed by news media.



look like. This was a bright-line policy that made sense for various reasons: first, our offices carefully chose the cases to be highlighted in the media; second, employers have the opportunity to respond when the media contacts them; and finally, as a practical matter, if you begin negotiating over press, it can seriously hinder and delay reaching a settlement, which is a process that can already be more lengthy and protracted than ideal. We did, however, as a professional courtesy, often alert employers' attorneys shortly before issuance of a press release.

The offices we spoke with shared a generally similar perspective. All of them concurred that they would never agree to keep a resolution confidential, given the nature of a public enforcement office. However, they did note that they would, for example, consider a more moderate tone when dealing with an employer that cooperated with an investigation. However, even this approach led to some uneasiness: "we didn't have consensus because they did commit wage theft to begin with and weren't paying what they should have paid." One agency did say that it sometimes permits the employer to have a quote in a press release, but this was not the usual practice.

In one of our offices, when faced with companies hoping to avoid press coverage, the chief of staff routinely told them some version of: *there's no way to avoid it. You're just going to have a bad day.*

We recommend as a best practice not negotiating with employers over any aspect of press releases. Also, to ensure even-handed handling of matters and avoid potential concerns about fairness, it may make sense to have a policy of either always issuing press releases, or always issuing releases in cases above a dollar threshold, as some agencies have done.



Appendix C: Sample annotated press releases.

Domino's Franchisees example

The New York State Attorney General's office settled a wage and hour case with 23 Domino's franchisees and issued the following press release, which is annotated below to highlight helpful components of the release. The impact of this press release is evident from the breadth of sources that reported on it, resulting in a wide audience. For example, the Huffington Post and the Guardian were two national outlets to report the story, in addition to local media. In addition to media, several management-side labor law blogs reported on the story, which spread its impact to attorneys advising employers on their policies and practices, and worker's rights blogs also shared the news with workers and worker advocates. It was cited in industry-specific forums, including a website called "WaiterPay" that seeks to spread information about wage and hour laws in New York and Franchise-Chat, which consolidates franchise-specific news. The press release was also cited in a separate court complaint against Domino's.



Press release issued in multiple languages to reach a broader audience.

Press release uses the Brand name to create a better media hook and combines multiple settlements into one story.

High dollar amounts can lead to more media coverage. Each individual settlement is not that big, but grouping them together results in a larger number.

Listing the number of stores involved shows a widespread pattern.

Including specific examples of violations helps other employers and workers (and reporters) understand legal rights on topics like the tipped minimum wage, overtime, and reimbursements. At the same time, all of it is in plain, non-technical language.

POST DATE: MARCH 27 2014

ESPAÑOL

A.G. Schneiderman Announces Labor Settlements With 23 Domino's Restaurants In Eight New York Counties

Six Pizza Franchisees, Who Own The Locations, To Pay \$450K In Restitution For Labor Violations, Including Subminimum Wages, Nonpayment Of Overtime And Failure To Reimburse Delivery Workers For All Job-Related Vehicle Expenses

Schneiderman: My Office Will Pursue Fast-Food Employers Who Flout the Law

NEW YORK – Attorney General Eric T. Schneiderman today announced settlements totaling \$448,000 with six Domino's Pizza franchisees, who together own 23 stores. The stores are located in New York City and Dutchess, Erie, Nassau, Rockland, Schenectady, Suffolk and Westchester counties. The settlement money will be distributed among approximately 750 minimum-wage employees who were underpaid by the franchisees.

"The violations in these cases demonstrate a statewide pattern of Domino's franchisees flouting the law and illegally chiseling at the pay of minimum-wage workers, who struggle to survive as it is," said Attorney General Schneiderman. "My office will be relentless in pursuing fast-food employers that underpay the hardworking people who are the backbone of their operations."

A chart listing the six franchisees and the restaurant locations can be found here.

Attorney General Schneiderman's investigation found that from 2007 to 2013, the Domino's franchisees violated numerous safety net labor laws designed to protect the lowest wage workers. The franchisees admitted to the violations of law outlined in the settlement agreements. The violations varied by location and time period, and included the following:

- Some franchisees paid delivery workers as little as \$5 per hour, which is below the \$5.65 tipped minimum wage that has applied to delivery workers since 2011 under New York law.
- Two franchisees failed completely to pay adequate overtime, as required by law.
- Other franchisees underpaid overtime because they did not combine all hours worked at multiple stores owned by the same franchisee or because they used the wrong formula to calculate overtime for tipped workers, unlawfully reducing workers' pay.

Provides locations which can help generate local media interest.

Details number of impacted workers.

Provides a catchy "pull-quote" which many media outlets used verbatim.

Uses very simple framing in accessible language explaining the big picture of what this is about.

This dispels any doubts about the validity of the government action.



- Delivery workers who used their own cars to make deliveries were not fully reimbursed for their job-related vehicle expenses.
- Delivery workers who used their own bicycles to make deliveries were typically not reimbursed for any expenses related to maintaining their bicycles, nor were they provided with protective gear as required by New York City law.
- Some stores violated a state requirement that employers must pay an additional hour at minimum wage when employees' daily shifts are longer than 10 hours.
- Some stores also violated a state requirement that employers must pay restaurant workers for at least three hours of work when those employees report to work for a longer shift but are ultimately sent home early because of slow business or other reasons.
- Employers may take a "tip credit" and pay a lower minimum wage to tipped restaurant employees only if those employees spend most of their time – at least 80 percent – performing tipped work. Some stores took a "tip credit" but failed to ensure that delivery employees spent no more than 20 percent of their time doing kitchen or other untipped work.

Demonstrates that the agency is doing more than collecting money for workers; is focused on ongoing compliance. Makes it look like more of a pain if you're an employer that gets caught and also demonstrates good government practices to the public.

In addition to payment of restitution funds, the franchisees must also institute complaint procedures, provide bilingual written handbooks to employees, train supervisors on the labor law, post a statement of employees' rights, and designate an officer to submit quarterly reports to the Attorney General's Office regarding ongoing compliance for two to three years. Two of the franchisees with the most egregious violations were also required to hire an independent monitor who will conduct unannounced inspections. Investigations of additional Domino's franchises are ongoing.

Sends a message to other employers that the Department is actively investigating this industry and these types of violations.

Incentive for other underpaid workers to come forward!

Most of the workers will get back between \$200 and \$2,000, depending on the facts related to their employment, including their hours, wages, and length of employment.

Naming the people involved is often positive in a few ways: (1) allows you to give credit to the people who did the work, especially line investigators who often don't get much appreciation; (2) allows workers, advocates, etc to know who to reach out to if they have similar problems.

These settlements are the third to come out of ongoing investigations of numerous fast-food employers by the Attorney General's Labor Bureau for labor law violations. Last week, the Attorney General announced a \$500,000 settlement with a New York City McDonald's franchisee. In December, the Attorney General secured reinstatement for 25 workers at a Domino's Pizza franchise store located in Manhattan's Washington Heights neighborhood.

Shows a trend of enforcement in this industry and that this is not just an isolated case.

The cases were handled by Assistant Attorney General Haeya Yim and Section Chief Andrew Elmore in the Attorney General's Labor Bureau, which is led by Bureau Chief Terri Gerstein. The Executive Deputy Attorney General for Social Justice is Alvin Bragg.



Pandemic-related example

The Michigan Attorney General issued a press release during the COVID-19 pandemic about denying JoAnn Fabrics’ request to keep its storefronts open during the Governor’s Stay Home, Stay Safe executive order. This allowed the AG’s office to provide information about how it might respond to other big retailers’ requests, frame the denial in a positive light about protecting the public health and welfare of Michigan residents, help enforce the Executive Order, and share information and COVID-19 resources with the public. The story was reported by various local media outlets, including newspapers and radio, in addition to some national outlets and legal resources, including JDSupra and Lexology.

Does not include the store name in the title even though including the name of a national retailer would generally generate more coverage. In any government work, there may be a number of considerations affecting these decisions.

AG Office Denies Craft Store’s Position That In-Store Operations Are Essential

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AGENCY: ATTORNEY GENERAL

MARCH 31, 2020

LANSING – The Michigan Department of Attorney General has denied a request from a well-known craft and hobby retailer that asked the office to agree that its storefronts should remain open during the Stay Home, Stay Safe executive order.

Attorney General Dana Nessel’s office on Monday sent a letter to JoAnn Fabrics indicating the business’s storefront operations should be temporarily suspended while Gov. Gretchen Whitmer’s order remains in place. The order was issued to protect the public health and welfare of Michigan residents and reduce person-to-person contact whenever possible due to the coronavirus disease 2019 (COVID-19).

“I can appreciate the desire of businesses that want to remain open and provide their customers with the same products and services they have come to expect from these retailers, but there must be common sense protections in place during this global health emergency,” Nessel said. “Employees should be permitted to work from home whenever possible and businesses that are not necessary to sustaining or protecting life should comply with the order by temporarily suspending in-person operations. Reducing person-to-person contact can help slow the spread of COVID-19, and we all need to do our part.”

The company asked the Attorney General’s office to confirm that its on-site operations are necessary to sustain and protect lives because many hospitals and volunteers are turning to JoAnn Fabrics for raw materials to make face masks, face shields and hospital scrubs and gowns.

However, due to the company’s ability to provide these same goods through online sales and by shipping from its stores or distribution centers, keeping the storefronts open to the public is both unnecessary and violative of the executive order.

After receiving the Department’s letter, JoAnn Fabrics stores in the state appear to have modified their business operations to comply.

Press release is written in clear, plain language. Many outlets re-printed much of the text verbatim in their stories.

Names a well-known retailer which may be more likely to attract media attention. Many of the news stories included a photo of a JoAnn Fabrics storefront.

Includes a strong quote that media picked up and used.

Sets the framing and messaging for the Attorney General’s office of the benefits to the public of their decision. The discussion of COVID-19 is timely; some of the news stories also included coverage on the current number of COVID-related cases and deaths in Michigan.



Uses a different tone because of the cooperation of the business entity in response to their action.

"I'd like to thank JoAnn Fabrics for its quick response to our letter and for putting the health and safety of Michigan's residents first in making this decision," Attorney General Nessel said.

The Attorney General's office recently added a new section to its website, [Know Your Employment Rights](#), to provide Michigan residents with more information on the legal rights of employees and employers under the executive order.

Additional information for employers can be found on the Guidance for Business page on the [state's website devoted to COVID-19](#).

A summary of the activities people can and cannot do under the Stay Home, Stay Safe executive order can be found online here.

The state's COVID-19 website also has information on the [Governor's other executive orders, directives](#) and FAQs which allows for review of each order and its own questions and answers.

Anyone seeking interpretation of an executive order should first review those orders and the FAQs posted online. If an answer is not found, requests for an interpretation of an executive order [can be emailed](#) to the Michigan Department of Attorney General. Frequently monitoring the FAQs is recommended as they are updated often.

Information around this outbreak is changing rapidly. The latest information is available at [Michigan.gov/Coronavirus](#) and [CDC.gov/Coronavirus](#).

Provides useful guidelines for the public and for media interested in covering the Executive Order.

Provides resources for other businesses and workers going forward to ensure ongoing compliance.

Provides steps for other businesses seeking guidance.



Endnotes

- ¹ See <https://enforcingsickdays.org/convenings/> (last visited June 9, 2020).
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- ³ “Research shows that corporations are threatened and motivated not only by the risk of classic legal penalties but also by informal social and economic sanctions, stemming from negative publicity.” Sharon Yadin, *Regulatory Shaming*, 49 ENVTL. L. 407, 441 (2019) (citations omitted).
- ⁴ Matthew Johnson, “Regulation by Shaming: Deterrence Effects of Publicizing Violations of Workplace Safety and Health Laws,” March 2020, *Forthcoming*, *American Economic Review* 2020, 10(6): 1866-1904, available at <https://pubs.aeaweb.org/doi/pdfplus/10.1257/aer.20180501>.
- ⁵ Paul Simon, Phillip Leslie, Grace Run, et al., “Impact of restaurant hygiene grade cards on foodborne-disease hospitalizations in Los Angeles County,” *Journal of Environmental Health* 67:7 (March 2005).
- ⁶ Pamela Campa, “[Press and Leaks: Do Newspapers Reduce Toxic Emissions?](#)” *Journal of Environmental Economics and Management* (September 2018).
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- ⁸ City of Seattle, Office of the City Auditor, *Implementation and Early Outcomes of the City of Seattle Paid Sick and Safe Time Ordinance, Final Report* (April 2014), Figure 2.4, page 16, available at <https://www.seattle.gov/Documents/Departments/CityAuditor/auditreports/PSSTOUWReportwAppendices.pdf> (last visited June 9, 2020).
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- ¹¹ See <https://us10.list-manage.com/subscribe?u=28a64d02479d9d79402df2b20&id=ae281aef5b> and <https://www.eeoc.gov/connect-us> (both last visited June 9, 2020).
- ¹² See <https://www.dallasnews.com/espanol/al-dia/> and <https://www.elnuevoherald.com/>.
- ¹³ Various outlets and websites provide explanations of these terms; for example, [here](#) is an explanation from the *New York Times* of several key terms (see Matt Flegenheimer, What Does ‘Off the Record’ Really Mean?, *New York Times* (Aug. 2, 2018), and [here](#) (in “Human Sources section”) is a more detailed explanation from an NYU Journalism Handbook for Students (available at <https://journalism.nyu.edu/about-us/resources/ethics-handbook-for-students/nyu-journalism-handbook-for-students/>) (last visited June 18, 2020).
- ¹⁴ This toolkit is focused on strategic communications about an agency’s positive work, and garnering coverage. It does not provide guidance on media situations requiring damage control or hostile inquiries.
- ¹⁵ See https://www.houstontx.gov/ispeakhouston/Language_Identification_Guide.pdf (last visited June 10, 2020).
- ¹⁶ See <https://www1.nyc.gov/site/dca/index.page> (last visited June 10, 2020).
- ¹⁷ See <https://analytics.twitter.com/about>.
- ¹⁸ Massachusetts Attorney General Fair Labor Division data, <https://www.mass.gov/service-details/fair-labor-division-data>. (last visited June 10, 2020).
- ¹⁹ U.S. Department of Labor Wage and Hour Division data, <https://www.dol.gov/whd/data/>. (last visited June 10, 2020).
- ²⁰ See <https://wagetheftisacrime.com/> (last visited June 10, 2020).
- ²¹ *Associated Press*, *NYC Sues American Airlines over employee sick leave* (July 25, 2019), available at <https://apnews.com/f22148f70fe84c29933bcf709ee7433c>; Amelia Lucas, *Chipotle stock tumbles after New York City sues the restaurant chain, alleging labor law violations*, *CNBC.com* (Sept. 10, 2019), available at <https://www.cnbc.com/2019/09/10/chipotle-stock-tumbles-after-new-york-city-sues-for-violating-labor-law.html>.



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- ²⁶ Tanya Goldman, *Addressing and Preventing Retaliation and Immigration-Based Threats to Workers*, CLASP and Rutgers, April 2019, page 2, available at <https://www.clasp.org/publications/report/brief/labor-standards-enforcement-toolbox-addressing-and-preventing-retaliation>. (last visited June 10, 2020).
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- ²⁸ See <https://www.facebook.com/cityofminneapolis/videos/391246708402146/> (last visited June 10, 2020).
- ²⁹ Press release, *Office of Minnesota Attorney General Keith Ellison, Attorney General Ellison launches new biweekly podcast ‘Affording Your Life with Keith Ellison’* (Sep. 9, 2019), available at https://www.ag.state.mn.us/Office/Communications/2019/09/09_Podcast.asp (last visited June 10, 2020).
- ³⁰ Ava Kofman and Ariana Tobin, “Facebook Ads Can Still Discriminate Against Women and Older Workers, Despite a Civil Rights Settlement,” *ProPublica*, Dec. 13, 2019, <https://www.propublica.org/article/facebook-ads-can-still-discriminate-against-women-and-older-workers-despite-a-civil-rights-settlement>.
- ³¹ New York City Department of Consumer and Worker Protection, “The State of Workers’ Rights,” <https://www1.nyc.gov/site/dca/workers/the-state-of-workers-rights.page>.