



A PATH FORWARD

CREATE GOOD JOBS AND PROTECT WORKERS

Education, Labor, and Worker Justice Team

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What's at Stake?

Access to good jobs is fundamental to economic opportunity and racial equity in the United States. Fair wages, benefits, and workplace protections allow workers to achieve economic security for themselves and their families. However, systemic inequities have long prevented many Americans, particularly Black people and people of color, from accessing these opportunities. Factors that contribute to high job quality include low unemployment rates, labor standards that prevent abuses, and worker power, especially as shown through unionization.

Nearly one out of every 10 federal student loan borrowers has been approved for some form of debt relief, with \$167 billion in loan forgiveness **provided** by this administration. This relief happened after the U.S. Supreme Court **struck down** the Biden-Harris Administration's prior effort to broadly forgive student debt for millions of Americans under the HEROES Act. Below is an outline of how the administration has continued to fulfill its promise in the aftermath of the Court's decision.



Recent Progress

Creating Good Jobs Through Investments

In January 2021, the COVID-19 pandemic and subsequent recession led to an unemployment rate of **6.4 percent**, well above pre-pandemic levels. The Biden-Harris Administration responded with legislation including the American Rescue Plan Act (ARPA), which led to the **strongest jobs recovery on record**. Unemployment fell from 6.1 percent when ARPA was passed in March 2021 to 3.6 percent in 2022, and over 12 million jobs were created in the first two years of the Biden-Harris Administration. Unemployment for **Black Americans** hit its lowest level since 1984 and the **Hispanic unemployment rate** fell to its lowest rate in history, at 3.8 percent.

The Biden-Harris Administration passed the bipartisan infrastructure law, the Inflation Reduction Act, and the CHIPS & Science Act – all of which have the potential to create hundreds of thousands of good jobs, many with prevailing wage standards and other protections. These bills include **billions of dollars for workforce development investments** to help train workers for these high-quality jobs. Ensuring that women and workers of color, who have historically been excluded from well-paying union jobs, have access to these opportunities is essential to lifting communities throughout our country.

Improving Labor Standards

Strong labor standards are essential for economic opportunity and security by establishing a baseline for fair treatment and pay for all workers. Improving labor standards for all workers, especially immigrants, has been a priority for the Biden-Harris Administration. For instance, the administration has expanded worker protections to undocumented workers, who are typically not covered by labor law. It has also mostly stopped devastating workplace raids, where immigrant workers are rounded up for deportation while at work. The Department of Homeland Security also issued guidance on prosecutorial discretion of labor disputes, meaning that immigrant workers can obtain temporary protection from deportation and work authorization if they are involved in a labor dispute.

Although raising the federal minimum wage for all workers requires legislation that is currently stalled, the Biden-Harris Administration raised the minimum wage for federal contracts via **executive order**. This was an important step in raising wages to \$15 an hour for millions of workers.

The administration also finalized **a new overtime rule** that would make 3.6 million more U.S. workers eligible for overtime pay by increasing the current threshold of \$35,568 to less than \$58,656 a year.

The National Relations Board (NLRB) has established many policies to ensure the protection of workers. The NLRB recently expanded who can be considered an employee rather than a contractor to prevent misclassification (employees are covered by labor law, and contractors are generally not). The board also proposed a **new joint employer rule** that would hold jointly accountable companies that share control over working conditions of employees, such as contracting agencies, staffing agencies, and franchises.

Supporting Union Jobs and Worker Power

Unions advance economic justice by giving workers collective power to negotiate for better wages and working conditions. Unions are popular, with public support for unions at an all-time high of **67 percent**, but employers continue to use their power to prevent workers from organizing.

One of the main functions of the NLRB is to protect workers' rights to organize. The board has issued complaints against **Starbucks** and **Amazon** for their attempts to interfere with unionization campaigns at company stores. The NLRB also issued a **memorandum** that captive audience and other mandatory meetings that attempt to discourage workers from joining unions are a violation of the National Labor Relations Act. Through the Taskforce on Worker Organizing and Empowerment, President Biden has directed the administration to remove barriers to worker organizing.

The Federal Trade Commission (FTC) has also been pivotal in holding corporations accountable and supporting worker power. For instance, the FTC **has banned employers' use of non-compete agreements**, which employers abuse to discourage workers from moving to their competitors. Non-compete agreements reduce worker power by preventing workers from seeking better opportunities in the job market. This move will generate over 8,500 new businesses each year, raise worker wages, and lower health care costs.

In addition, the Biden-Harris Administration created good-paying union jobs as a part of the Inflation Reduction Act's Clean Energy Investments by encouraging the use of **Project Labor Agreements and Community Benefits Plans**. These agreements can improve job quality, help construction contractors finish complex projects on time and on budget, and establish equitable pathways into construction careers.

Potential Threats

Although the Biden-Harris Administration has passed federal rules and regulations to protect workers, many of those mentioned above are under threat due to the Congressional Review Act, which established procedures for Congress to overturn final rules issued by federal agencies.

The Heritage Foundation has published **Project 2025**, a set of thorough policy plans in the event that the Republican Party wins the White House in November 2024. One of the many things it calls for is **gutting the NLRB's enforcement capacity**, which would harm workers' rights by not allowing them to bargain for better wages or working conditions through unions.

Project 2025 also recommends reversing much of the progress made by the Biden-Harris Administration by undoing a number of the new labor laws, cutting many of the Department of Labor's functions, and stripping federal agencies of funding and responsibilities that protect workers in the United States. It would also go further, **removing long-standing regulations** under the Fair Labor and Standards Act that prevent children from working in hazardous occupations.

What's Next

To ensure lasting protections, Congress must act to codify workers' rights in federal legislation. For instance, the Protecting the **Right to Organize (PRO) Act** would restore workers' rights to organize their workplace. If enacted, the PRO Act would create the foundation for a new era of worker power in the United States.

