

Expert discusses the coronavirus and weaknesses in the labor safety net

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Concern about the spreading coronavirus have led to the shutdown of several American cities, with employees working remotely—or not at all. Here, labor law expert Professor William Gould discusses the challenges facing workers during this time of national crisis—and the gaps in America's safety net leaving many vulnerable.

The [House passed sweeping measures in the early hours of the morning last Saturday](#) to help American workers forced to stop working during the corona virus outbreak, including two weeks of paid [sick leave](#) and up to three months of paid family and [medical leave](#), enhanced [unemployment benefits](#), free virus testing including for those who lack insurance, additional food aid and federal funds for Medicaid. Does this proposal go far enough for most salaried American workers?

Speaker Pelosi's landmark [legislation](#) represents an important first step forward in addressing the perilous circumstances in which millions of workers now find themselves. This is a down payment, a Band-Aid, the enactment of which dramatizes the enormous gaps in America's inadequate social safety net.

Has this crisis exposed holes in the safety net?

Well, 27 years after President Clinton signed into law family leave legislation, which provided for the federal guarantee of unpaid leave, America stands alone amongst all industrialized nations in its refusal to enact a comprehensive statute providing for paid leave for illness and family matters. While this long delayed legislation—a scandalous vacuum of enormous proportions— isn't likely to be part of the next round of legislation, filling in the exclusions for big (more than 500 [work force](#)) employers and some of the smaller ones must be part of that. There is no reason why it can't get done in 2020. And extended and more generous unemployment compensation is vital. The enhancement of Obamacare, alongside a public option, as advocated by some presidential candidates, is the sine qua non for a new safety net, which has languished under attack for too long.

The bill offers a tax credit to "gig" workers. Is that sufficient for lost wages?

The tax credit for "gig" workers is inadequate. For too long such workers, sometimes working at 2 or 3 jobs, have been unprotected by all labor laws: anti-discrimination law, workers and unemployment legislation, minimum wage and collective bargaining law. Some of this is now being changed by the California Supreme Court Dynamex ruling and Assembly Bill 5, which follows in its wake. But similar laws must be put in place nationally so that such workers receive the same protection due all workers. Much more than a tax credit is necessary.

Can you talk about gig workers nationally—the percent of the workforce without guaranteed benefits and how a crisis like this will hit them?

Precise US Department of Labor statistics do not yet reveal the number of all contract and independent workers—but the looming omnipresence of influential and well financed companies like Uber, Lyft, and others and the sub minimum wage standards enjoyed by so many of their drivers along with their decimation of the taxi industry, dramatize vividly their place in our ever-expanding inequality. This crisis places greater economic burdens upon many of them.

What additional measures would you suggest Congress take—for both the short and long term?

Some of the most important are: (a) federal legislation that creates the kind of presumption we have in California that many gig and contract workers are entitled to all employee benefits; (b) the above mentioned enhancement of Obamacare with a public Medicare option; (c) sweeping reforms of the National Labor Relations Act, along the lines long promised in the '70's and '90's, which would promote true freedom of association among workers and

greater participation in the collective bargaining process, a vital ingredient to monitor the enforcement of the above described employment law and diminish inequality between the haves and have nots.

Provided by Stanford University

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