

Employers Committed to Gender and Racial Equity Must Put Workers First in COVID-19 Response

[Women and communities of color have been disproportionately harmed by COVID-19](#). Women are [overrepresented in the front-line workforce](#), making up the majority of workers risking their lives to provide health care, child care, and other essential services—yet women are also [more likely than men to be losing their jobs](#). Black, Latinx, and Native American people are also disproportionately facing unemployment, and are [contracting and dying from COVID-19 at higher rates](#) than white people due to [structural inequities in access to health care](#) and economic security. [Asian communities are facing a new wave of discrimination](#), and in some places are experiencing disproportionately high rates of infection as well. And for Black women, Latinas, Native American women, Asian American/Pacific Islander women, and other women of color, intersecting marginalized identities heighten their risk of facing economic distress, unemployment, and poor health outcomes. While the virus doesn't discriminate, its impacts reflect and amplify centuries of discrimination.

The private sector is a key player in our nation's recovery effort. Its leaders have the power to implement practices that account for the particular harms women and people of color are experiencing, and to address systemic problems in a way that serves both workers and businesses. While Congress has taken important steps to stabilize the economy and protect public health, the [patchwork of relief measures enacted to date are not enough](#) to ensure

that working people have the supports they need to keep themselves, their families, and their communities healthy and safe. As businesses consider how to best remain viable while supporting their workers and protecting the public, [economic data show that companies who implement fair and just policies are recovering more quickly from the crisis](#) and remain most resilient.

Below are a few examples of how businesses of all sizes can lead the private sector in ensuring a fair, equitable, and just recovery for our communities. A robust COVID-19 response that puts workers first is part of a commitment to advancing gender equity and racial equity in the workplace.

Keep Your Workforce—and Your Community—Safe and Healthy

- **SUPPORT THE WORKFORCE THAT SUPPORTS YOU:** Whether they are employees or independent contractors, full-time or part-time, temporary or long-term, the people you depend on to keep your business running have families and communities who depend on them. The ones being paid the [lowest wages are likely disproportionately women and people of color](#). You can do your part to help meet critical needs and support an equitable recovery by ensuring that the jobs your company is sustaining and creating are good jobs. This includes preventing misclassification of employees as independent

contractors and [providing certain baseline benefits](#) to everyone working for your company—including temporary, part-time, and contract workers. For example:

- Provide all workers with access to at least two weeks of paid sick time and 12 weeks of paid family and medical leave that may be used for a range of critical needs during this time—including caregiving due to the closure of care providers—so that they can care for themselves and their families and minimize the spread of COVID-19. (If your business has fewer than 500 employees, you can likely [claim a tax credit](#) to cover the costs of certain emergency leave granted for coronavirus-related reasons.)
- Recognize the significant demands outside of work that many of your workers are facing right now—[especially women](#), who are more likely than men to be taking on additional caregiving responsibilities while schools, camps, and child care providers are closed. Offer the flexibility and stability people need to honor their commitments at home and on the job by, for example:
 - Making it clear that requests for scheduling accommodations (such as remote work, modifications to days and hours of work, or shift swaps) are welcome, granting such requests whenever it is feasible to do so, and ensuring that workers who request and/or receive accommodations are not retaliated against or otherwise penalized;
 - Providing at least two weeks’ notice of work schedules;
 - Ensuring that workers are not scheduled for [“on-call” shifts](#) that leave them scrambling to arrange child care and transportation, or [“clopening” shifts](#) that don’t allow adequate time to commute and rest before returning to work; and
 - Making clear to managers that scheduling accommodations and flexibility for caregiving do not count against workers in evaluations and other workplace decision-making.
- Pay a living wage. What a [living wage](#) is can vary based on the cost of living in your community—but \$15 per hour is a minimum starting point to consider, no matter where you are based. And [tipped workers should receive at least the same minimum wage](#) as anyone

else, before tips.

- If your workforce includes health care workers, delivery drivers, warehouse workers, grocery workers, restaurant workers, child care providers, or others who face heightened exposure to COVID-19 on the job, grant them [premium pay](#) for the duration of the crisis (in addition to taking all necessary measures to minimize their risk, as described below).
- **MINIMIZE RISK IN YOUR WORKPLACE:** If your business is non-essential, carefully consider when and how to reopen, and ensure that you are prepared to do so in a manner that is as safe as possible for your workforce. Every employer should, at minimum, adopt the guidance published by the [Occupational Safety and Health Administration \(OSHA\)](#) and the [Centers for Disease Control \(CDC\)](#) to mitigate the spread of COVID-19, conduct comprehensive trainings for workers on how to minimize risk, provide necessary personal protective equipment (PPE) and supplies at no cost to personnel, and make clear that all personnel can and should make use of PPE. If your workplace is a health care facility or other setting involving elevated risk of COVID-19 exposure, follow the more stringent California standard to protect workers from [Aerosol Transmissible Disease](#). And if some or all of your workforce can effectively work from home, allow them to continue to do so.
- **WHEN YOU CAN’T PROVIDE A JOB, PROVIDE WHAT YOU CAN:** If you have to reduce your staff and/or their hours, consider participating in a formal work-sharing program, choose furloughs over layoffs whenever possible, and maintain benefits for furloughed workers. If you do have to lay off workers, help them navigate the application process for unemployment insurance and other benefits, and provide severance pay and continued health benefits for as long as possible, as well as first right of refusal for reestablished positions.

Recognize, too, that until there is a vaccine or effective treatment for COVID-19, it will not be possible to completely eliminate risk in your workplace—and those risks are higher for some individuals. Communicate to employees that if they need to separate because, for example, there is not an accommodation that would sufficiently minimize the danger they face from infection, or because of domestic or sexual violence (which poses particular risks during the pandemic), you will not contest their application for unemployment insurance.

Promote Accountability and Transparency

- **BE ACCOUNTABLE AND TRANSPARENT TO TAXPAYERS AND STAKEHOLDERS:** If your business received relief funds from the government, make sure you're in compliance with program requirements and are using the funds to cover payroll, operational costs, enhanced safety measures, benefits, and other measures that help your workers—not stock buybacks, bonuses, dividends, or other payouts to your executives and shareholders. Record and make publicly available data that can verify equitable use of the funds, including demographic data on the leadership of your organization as well as the mean, median, minimum and maximum wages of all non-executive employees by quartile; the number of workers before and after the receipt of assistance; and executive compensation data.
- **BE ACCOUNTABLE AND TRANSPARENT TO YOUR WORKFORCE:** Ensure senior leadership communicates regularly to all workers on the ways your company is working to support workers and provide a safe, healthy, equitable working environment. Make it easy for your workers to find and understand your company's COVID-19 resources and policies by, for example, posting on your intranet and/or website on one page all relevant information, including updates, policies, benefits, relevant external resources, contact information for questions, and avenues for reporting concerns or complaints. And encourage employees to make use of those avenues, affirming that there will be no retaliation against anyone who reports workplace violations and abuses—including unsafe work conditions, misuse of federal financial relief dollars, discrimination and harassment, or other misconduct in connection with COVID-19 response.
- **USE YOUR POWER AND INFLUENCE FOR GOOD:** Follow the lead of advocacy organizations in engaging elected officials, peer organizations, and professional associations on issues discussed in this fact sheet, and others that improve the lives of working people. Ensure your advocacy centers those most affected and amplifies the voices and lived experience of front-line communities. Refrain from acting without consulting with groups deeply steeped in the issues about what kind of support is most needed, and most impactful.

Build a Collaborative Workplace Free of Discrimination and Harassment

- **GIVE YOUR WORKERS THE SUPPORT THEY NEED TO DO THEIR JOBS:** Provide [reasonable accommodations](#) to workers (both employees and contractors)—for example, to workers whose age, medical condition, or pregnancy exposes them to heightened danger from exposure to COVID-19—and clearly communicate company policy so that people are comfortable asking for what they need.
- **MAKE SURE WORKERS HAVE A VOICE IN YOUR COMPANY—AND ACT ON THE CHANGES THEY SUGGEST:** Engage existing unions or other worker organizations, task forces or affinity groups in solutions; start a labor management committee to problem solve; make room for employees on your Board. Provide regular opportunities and multiple avenues for workers—both employees and contractors—to tell you what they need to feel safe on the job, and implement their recommendations. If your employees have notified you of their intent to unionize, communicate your intent to voluntarily recognize their union.
- **MAINTAIN A WORKPLACE THAT PREVENTS DISCRIMINATION AND HARASSMENT—AND FOSTERS EQUITY, TRANSPARENCY, AND RESPECT:**
 - The current crisis exposes workers to heightened risks of discrimination and harassment. Reinforce—and communicate—your commitment to strong labor and workplace antidiscrimination protections and policies, including those barring retaliation and discrimination on the basis of race, national origin, disability, age, caregiver status, pregnancy or reproductive health decisions, and sex (including sexual orientation; gender identity; and pregnancy, childbirth, and related conditions). If many of your workers are working remotely, review and update your current policies to ensure they address discrimination and harassment online and through the use of technology.
 - Do not require workers, as a condition of employment, to sign nondisclosure and/or non-disparagement agreements that prevent employees from discussing their own experiences or reporting discrimination, harassment or assault to enforcement authorities or others outside the workplace. Do not require workers, as a condition of employment, to agree to arbitration of discrimination and harassment claims or other

labor and employment claims that prevent them from bringing these claims in court.

- Do not pause or eliminate regular anti-harassment trainings, implicit bias trainings, or diversity and equity and racial justice initiatives that help prevent discrimination and harassment and foster equity. In fact, this is the moment to institute or strengthen diversity, inclusion and equity programs, as they are critical to fostering a workplace where all your employees are respected and treated equally and help to ensure that hiring, promotion, compensation, layoff or other decisions are made equitably. Conduct an audit of these practices at least once a year to evaluate progress on equity, ideally carried out by a reputable third-party auditor focused on equity.

More Resources for Employers

- National Women’s Law Center, [10 Ways Your Company Can Help Prevent Harassment in the Workplace](#)
- National Women’s Law Center, [That’s Harassment](#) Resource Collection
- National Women’s Law Center, [Advancing Equal Pay: Innovative Employer Approaches](#)
- Harvard Business Review, [The Ten Commitments Companies Must Make to Advance Racial Justice](#)
- JUST Capital, [What Companies Can Do to Combat Systemic Racism Against Black Colleagues in the Workplace](#)
- National Council for Occupational Safety & Health, [Model Workplace Safety and Health Demands for Essential Workers](#)
- National Employment Law Project and National Partnership for Women & Families, [Employer Best Practices: Policies to Support Workers During the Coronavirus Pandemic](#)
- Pacific Community Ventures, [Good Jobs, Good Business Toolkit](#)
- Restaurant Opportunities Centers United, [Race Forward, and the Center for Social Inclusion, Adding Racial Equity to the Menu: An Equity Toolkit for Restaurant Employers](#)