



Seizing the Moment on Worker Rights: A Toolkit for Organizers and Practitioners — Transcript

Hosted by the Aspen Institute Economic Opportunities Program and Workshop

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Description

Today's politicized environment poses unique challenges for worker rights advocates. With Congress often divided, and many state and local governments as well, the path to improving worker rights through legislation is narrow. Nonetheless, we have seen some remarkable progress on worker rights over the last few years through executive action. Leveraging executive action, however, is not a straightforward and easily discernible path for grassroots activists and organizations interested in advancing worker rights and job quality.



In the "[Toolkit: An Organizer's Guide to Executive Action](#)," Mary Beth Maxwell, executive director of Workshop, demystifies and democratizes the policy-making process by sharing lessons learned during her time in the federal government. Toolkit offers a blueprint for advocates inside and outside on how they can collaborate to build an economy that works for all and, in the process, rebuild a healthy democracy.

In this webinar co-hosted by the Aspen Institute [Economic Opportunities Program](#) and [Workshop](#) — we heard from a panel of experienced public servants and organizers. Speakers shared lessons and stories from Toolkit and provided guidance to advocates and organizers striving to advance worker rights. For more from this event, including video, audio, and additional resources, visit: aspen.org/workerrights

Speakers

Maureen Conway

Vice President, The Aspen Institute; Executive Director, Economic Opportunities Program

Maureen Conway serves as executive director of the Institute's [Economic Opportunities Program](#) (EOP). EOP works to expand individuals' opportunities to connect to quality work, start businesses, and build economic stability that provides the freedom to pursue opportunity. Maureen founded EOP's [Workforce Strategies Initiative](#) and has headed up workforce research at the Aspen Institute since 1999.

Read Maureen's complete [bio](#) here.

Gail Haywood

Domestic worker leader

Gail Haywood is a longtime domestic worker leader, originally from Trinidad and Tobago and living now in New York City. Gail has worked for over 20 years as a professional nanny and housecleaner. She is a leader in the New York – We Dream in Black Chapter of the National Domestic Workers Alliance, and in 2022 was elected by NDWA's membership to serve on NDWA's National House Cleaners Council. Gail is an experienced leader, facilitator and speaker with a deep commitment to winning rights and recognition for all domestic and care workers. She is skilled at building bridges for a truly multiracial, multilingual movement where domestic workers are inspired and supported to lead.

Mary Beth (MB) Maxwell

Executive Director, Workshop;

Former Senior Advisor, Acting Administrator of Wage and Hour Division, and Acting Assistant Secretary for Policy at the US Department of Labor

Mary Beth (MB) Maxwell is the Executive Director of Workshop. During the Obama Administration, MB served in numerous roles at the Labor Department; Senior Advisor to the Secretary, Acting Administrator of the Wage and Hour Division and Acting Assistant Secretary for Policy. She worked in the White House as a detailee to Vice-President Biden's Middle Class Task Force. MB played leadership roles in the Homecare rule, Overtime rule, LGBT Executive Order, Minimum Wage and Paid Leave. During the Biden transition she served on the Personnel team recruiting and vetting new DOL staff. MB was National Field Director for Jobs with Justice and the founding director of the labor think-tank American Rights at Work. She most recently worked at the Open Society Foundations as Senior Advisor on Worker Power.

Cecilia Muñoz

Senior Advisor, New America;
Former Director, Domestic Policy Council

Cecilia Muñoz is a national leader in public policy and public interest technology with nearly three decades of experience in the non-profit sector and 8 years of service on President Obama's senior team, first as Director of Intergovernmental Affairs followed by five years as Director of the Domestic Policy Council. She currently advises a series of nonprofits, including Welcome.US and the New Practice Lab.

Before working in government, she spent 20 years at the National Council of La Raza (now UNIDOS US), the nation's largest Hispanic policy and advocacy organization. She received a MacArthur Fellowship in 2000 for her work on immigration and civil rights, and, in 2020, she published the award-winning *More Than Ready: Be Strong and Be You...and Other Lessons for Women of Color on the Rise*, which shares insights from her career as well as the careers of other notable women of color.

Jonathan Njus

Director of Family Economic Security and Program Lead for Expanding Equity, W.K. Kellogg Foundation; Former Senior Policy Advisor, Domestic Policy Council and Senior Policy Advisor, U.S. Department of Labor

Jonathan Njus has devoted his career to making the labor market and workplace fairer and safer for low-wage workers, women, and people of color. Njus has served at the W.K. Kellogg Foundation for over a decade and is currently the director of family economic security and program lead for expanding equity. As a funder and advocate, he leads major projects resulting in policy changes that directly benefit frontline workers. Before joining the W.K. Kellogg Foundation, Njus held senior roles in the Obama Administration, including as a senior policy advisor at the White House Domestic Policy Council and the U.S. Department of Labor.

David Weil

Professor, Heller School for Social Policy and Management, Brandeis University; Former Administrator, Wage and Hour Division, US Department of Labor

David Weil is Professor of Social Policy and Economics at the Heller School for Social Policy and Management at Brandeis University. He served as the Dean of the Heller School from 2017-2022. He is also a Senior Visiting Fellow at the Ash Center for Democratic Governance at the Harvard Kennedy School. Weil was appointed by President Barack Obama to be the Administrator of the Wage and Hour Division of the U.S. Department of Labor and was the first Senate confirmed head of that agency in a decade. He led the Wage and Hour Division from 2014 to January 2017. Prior to that, he was the Peter and Deborah Wexler Professor of Management at Boston University's Questrom School of Business.

Haeyoung Yoon

Vice President, Policy and Advocacy, National Domestic Workers Alliance; Former Member, COVID-19 Equity Task Force

Haeyoung Yoon is the vice president of policy and advocacy at the National Domestic Workers Alliance (NDWA). In this position, Yoon works on a range of issues at the intersection of the economy, labor, gender, and race. Prior to joining NDWA and Care in Action, Yoon was a Distinguished Taconic Fellow at Community Change, where she led a project to develop a forward-looking 21st century immigration vision and agenda. At the National Employment Law Project, Yoon was the director of strategic partnerships and a deputy program director, where she led a first-of-its kind of initiative in California that brought together worker organizations and the Labor Commissioner's office to develop community-driven strategies to enforce workplace standards. At the Urban Justice Center, she represented low-wage and immigrant workers working in service industries. Yoon also taught at the New York University School of Law and Brooklyn Law School.

Moderator

Eleanor Mueller

Economics Reporter, Politico

Eleanor Mueller is a reporter covering Congress for POLITICO's economic policy teams. A graduate of the University of Maryland's Philip Merrill School of Journalism and Department of Government & Politics, Eleanor first joined POLITICO as a digital producer and copy editor. Before that, she reported out of newsrooms across Washington, including those of WJLA, CNN, McClatchy and USA TODAY. As an undergrad, she covered local and university politics for independent student newspaper The Diamondback, as well as state politics for nonprofit student news organization Capital News Service. Eleanor is originally from the Seattle area, where she got her start as a high school student reporting for The Kirkland Reporter.

Transcript

Maureen Conway (00:00:06)

Good afternoon and welcome, everyone. I'm Maureen Conway, a Vice President at The Aspen Institute, and Executive Director of the Economic Opportunities Program. It's my pleasure to welcome you to today's conversation, "[Seizing the Moment on Workers' Rights: A Toolkit for Organizers and Practitioners](#)," an event we are co-hosting with our wonderful colleagues at

[Workshop](#) whose partnership we very much appreciate and are grateful for. This conversation is part of our [Job Quality in Practice series](#) and this series, as the name suggests, is about what we can all do, all kinds of organizations, and what we can all do to address the job quality crisis. Because simply put, work isn't working for millions of working people all across the United States. It's not working for the food workers who can't afford food. It's not working for the 27 million households roughly who rely on the earned income tax credit because earned work doesn't pay enough.

It's not working for the millions of workers who are injured or made ill on the job every year. It's not working for healthcare workers who can't afford healthcare themselves. So hard work just isn't fulfilling the promise of a decent life and it's going to take the efforts of many of us to address this and turn that around. So this series is about practical things that different organizations can do to address what is really our biggest economic-opportunity challenge with fixing work. So before we start for today's conversation, let's do a very quick check of our technology for those joining via Zoom. All attendees are muted, but we love to get your questions, so please do use the "Q&A" button at the bottom of your screen to submit and upvote questions. We have lots of people in the audience who have expertise themselves, so please do share your perspective, ideas, examples, resources, experiences in the chat.

Take a moment to respond to our feedback survey at the end. It'll open in your web browser and we really very much value your feedback. Always trying to get better. We encourage you also to post about this conversation on whatever your preferred social media platform is. Our hashtag is #JobQuality. If you have any technical issues, please contact us. You can get us at EOP.program@aspeninstitute.org, or you can message in the chat. This event is being reported and we will email the event after today's session. It'll also be posted on our website. Closed captions are available. Please click the "CC" button at the bottom of your screen to activate them. And today's conversation is right after Labor Day and this year for Labor Day, this conversation is just perfect because this year for Labor Day, I was also reflecting on the issue of regulations and workplace regulations and the many ways that workplace regulations have made work safer, more equitable, more fairly compensated, and more amenable to just a stable life.

Workplace regulations have really made a big difference for working people, but government regulations are often kind of much-maligned in our discourse. They're often characterized as bad for business or bad for the economy or there's something bad about them, but the truth is that they've really done a lot of good. Obviously these laws were imperfect, they were uncontested, some people were excluded and these sort of debates and contestations go on today with a rolling back of child labor laws in some states, the inability to raise the federal minimum wage for the past 15 years or just two obvious examples of the contentiousness around workplace regulations. But in this contentious environment, one way progress has been made has been through executive action and we've learned a lot about that from our colleagues at Workshop. So we're excited today to talk about that. I think for a lot of us thinking through what does the executive branch do - how does that work?

It's a little confusing. We have an amazing panel to unpack that and say what folks inside and outside the government can do as we pursue an economy built on good jobs for all. And so what we're going to do, I'm going to introduce two amazing opening speakers to kind of set the

stage for our conversation and then we'll move into the panel for there. But first, let me introduce our first two speakers. Gail Haywood is a longtime domestic worker. Gail has worked for over 20 years as a professional nanny and house cleaner. She is a leader in the New York We Dream in Black Chapter of the National Domestic Workers Alliance and in 2022 was elected by NDWA's membership to serve on NDWA's National House Cleaners Council. So welcome Gail and following Gail, we'll have Jonathan Njus, Director of Family Economic Security and Program Lead for Expanding Equity at the W.K. Kellogg Foundation. He's a former senior policy advisor on domestic policy council and senior policy advisor at the US Department of Labor. So Jonathan, wonderful to welcome you today too. And with that Gail, let me turn it over to you.

Gail Haywood (00:05:37)

Thank you so much, Maureen. Thank you so much everyone for giving me this opportunity to speak to you today. Just to talk a little bit about my experiences. Before I had arrived in the US from my home, which is from Trinidad and Tobago, I would've never imagined myself as a domestic worker. Like so many of our immigrant domestic workers, I had another career. But when you come to the US, we find that domestic work is the only work available for us to do. My very first domestic job was being a nanny for a family with a baby and a toddler. I was expected to clean the house with the baby, strapped to my chest while the toddler was begging for attention. I cried at that job many days and was so humiliated. It lasted three weeks and then I told the family, "I quit." My next job was a living job in the county of Westchester for a family of three boys from the ages of five and a half to 10 years old.

I was doing house cleaning, cooking, and doing the laundry for the entire family. My room was in the basement, but I had really no time off. Even in the evenings I was on call. After five years of doing that job, I was still making \$375 a week. Now I realize that I was making less than minimum wage, even less than even \$5 per hour. I wasn't paid for overtime or any additional benefits. I worked with no contract, no paid sick time, no paid vacation, and certainly no pledge of description. When I joined the National Domestic Workers Alliance, NDWA, I began to reclaim my self-worth and I learned to push my employers to respect my work, which is the work that I'm doing. But it's hard because you know the norm in our sector is so low, wage theft, harassment, and unfair job description is so rampant.

The high rate of abuse in domestic work isn't an accident. You see, this industry was built on the legacy of slavery. When other workers were won basic rights in the 1930s, domestic workers were simply excluded. Like countless domestic workers before us, we are organizing to change that. So far, we have one domestic bill of rights in 12 states and three cities. They include things like inclusion, anti-discrimination, protection, inclusion in state minimum wage, paid time off and more. I want to share just a few things that I have learned as a leader in this movement. The first lesson is that workers like me, we actually need a seat at the table shaping policy solutions. It is so exciting that workers around this country are winning paid sick time and paid family leave, but house cleaners like me are left behind because you see, we have many jobs and do not work like a 40-hour week for just one employer.

I believe that when workers are involved, we can design and we can create policies that will work for us, not just some, but to work for all domestic workers. The second lesson is that when we win new rights, we need to make sure that workers know about those rights. Domestic workers in

New York won the first domestic bill of rights in 2010, but to this day, we still have so many workers who don't even know their rights. We need government to fund community organizations to do campaigns like Know Your Rights Outreach and we need enforcement programs that can work in the context of a workplace that is also someone's home. The final thing I want to share is that we need a massive shift in public opinion to go alongside new rights and protection. I was so encouraged when President Biden issued this executive order on care in 2023, and I continue to be encouraged by things like the Department of Labor creating for us a sample contract for domestic workers.

You see, the message is clear. We are professionals just like workers in any other field, but still, there still is more work to be done. Domestic work continues to be terribly undervalued. Our employers depend on us for essential labor we provide. In exchange, I want all domestic workers to be able to depend on our employers for basic things like respect and fair working conditions. Domestic workers make all other work possible. We are the backbone of this economy and it's time for the whole country to value us in this way. Thank you so very much and I would love to turn it over to Jonathan.

Jonathan Njus (00:12:20)

Thanks so much, Gail, for sharing your story, and you're absolutely right. I mean home care workers are the backbone of the economy. You're caring for us and we need to care for you too as a government, a society. So thanks for sharing. It's wonderful to be with you on this panel. I had the privilege of working in the policy office at the US Department of Labor during President Obama's first term. And one of our main responsibilities was drafting and shepherding regulations that would better protect the pay and benefits, health and safety rights and opportunities for US workers in all industries and occupations throughout the economy. And one of the regulations I was most proud to work on was the home care rule, which raised the minimum wage and required overtime for millions of home care workers across the country, the workers who take care of our parents and grandparents and will probably be taking care of us someday. I have a couple of lasting memories from that time.

First of all, the commitment of the career staff at DOL who read and considered each and every comment on the proposed rule during the comment period. So your comments do matter. They are read and they are considered and they spend hours discussing and deciding what to include in the final rule to ensure that every voice was heard and every perspective was incorporated. Government bureaucrats receive a lot of criticism in some circles, but it's unfair and inaccurate because they're doing extraordinary and unheralded work on behalf of American workers. I just want to note that. And also one of my lasting memories is the advocacy of home care workers like Gail that were a part of this process who pushed for this change and submitted their comments and shared their recommendations on how the rule could benefit the most workers.

Ai-jen Poo and the National Domestic Workers Alliance, which Gail mentioned, NDWA, were vital in organizing home care workers across the country to advocate for this rule and their voice and presence was instrumental in making it happen. This is who the rule was for, home care workers, many of whom are workers of color and women and immigrants who deserve the same rights and protections as every other worker in this country. These were the workers, and you should

look it up, you should Google it, who were standing behind President Obama when he announced the new regulation on December 15th, 2011. And I had the privilege and honor to meet many of them during this process. Now I work in philanthropy at the W.K. Kellogg Foundation where I continue to support NDWA and home care workers as a grant maker, funding the implementation of the home care rule by supporting states and revising their Medicaid programs to account for the new federal overtime and travel time requirements and all the funders out there.

We all should be supporting this type of advocacy, administrative advocacy, regulatory advocacy because the rules that government agencies adopt have a significant impact on the lives of working families. Worker rights starts with worker voice, and philanthropy can help amplify the voices of workers throughout the rulemaking process. For example, offering education and training on the regulatory process and what is and isn't lobbying, helping them organize and share their experiences, perspectives and opinions which a lot of the home care workers did in person at DOL paying for their travel to attend meetings and join discussions with key administrative leaders, building their capacity to more effectively engage in the process writing and speaking on behalf of workers that are part of their organizations. As Gail said a hundred percent, it is vital that workers have a seat at the table and a voice in these policy debates and philanthropy can help make that happen.

And the last point I want to make is this is about workers and not politics. I was at the labor department when they proposed a rule that would've limited the work that children can perform on family farms. The farming community was unified in strong opposition to that rule and the Obama administration listened and ultimately withdrew it. So it is important that all workers, I want to emphasize that, all workers have a say into the rules and regulations that affect their daily lives. That's what democracy is all about and what needs to be protected, especially in this moment.

Maureen Conway (00:17:20)

Thank you so much. Thank you, Jonathan. Thank you, Gail. I think those remarks set this stage perfectly for today's conversation. And so with that, let me quickly introduce our panel. We have an amazing panel, so joining us today, we have Cecilia Munoz, Senior Advisor, New America, former Director, Domestic Policy Council, David Weil, Professor Heller School for Social Policy and Management, Brandeis University and former Administrator Wage and Hour Division at the US Department of Labor. Haeyoung Yoon, I'm sorry, Haeyoung, Vice President Policy and Advocacy, National Domestic Workers Alliance, former member of COVID-19 Equity Task Force and Mary Beth Maxwell, Executive Director Workshop, former Senior Advisor Acting Administrator of Wage and Hour Division and Acting Assistant Secretary for Policy at the US Department of Labor.

And it is my pleasure to welcome back to the institute, Eleanor Mueller. Eleanor Mueller is a reporter covering Congress for Politico's economic policy teams, a graduate of the University of Maryland's Philip Merrill School of Journalism and Department of Government and Politics. Eleanor first joined Politico as a digital producer and copy editor. Before that, she reported out newsrooms across Washington including CNN and USA Today. Eleanor is originally from the Seattle area, Matt made me put that in, where she got her start as a high school student

reporting for the Kirkland Reporter. Eleanor, thank you so much for joining us today and let me turn it over to you.

Eleanor Mueller (00:19:03)

Thank you so much for asking me to moderate what I think is an incredibly relevant panel. I've been covering labor since the beginning of the pandemic, and so from the get-go I was immersed in what advocates brought to the table in these conversations around organized labor and minimum wage and workplace protections, paid leave, child care throughout the Build Back Better fight. And it's something that I think we're seeing become even more relevant now as we start having this conversation around what a Harris White House could look like, who could be appointed to either campaign's administration. And so it's a very important time to continue this conversation around what folks can bring to the policy process. In our first round, I'd love it if everyone could just introduce themselves and tell us a little bit about the experience that you're bringing to this conversation. MB, we can start with you if you want to tell us a little bit about yourself, the Toolkit playbook, and what inspired that.

Mary Beth(MB) Maxwell (00:20:02)

Great. Thank you, Eleanor, and thanks very much to Maureen and Matt at Aspen and to everyone on this panel. Eleanor, I also have to say I loved the piece you did on paid leave two weeks ago. This is an issue near and dear to my heart that I've been working on for decades, and you nailed it in that piece. And to all the other speakers, Cecilia and David, who I served with in the Obama administration and learned so much from and continue to learn from every good thing I got to be part of was either with Cecilia and David or both of them. And Haeyoung was the first ... she was in the first cohort of Workshop, when we started that in 2020 before Biden even had the nomination. And we were scheming about how to work for care, how to work for immigrant worker rights and Jonathan who I got to work with as well at DOL on the home care role.

And I'll talk about that a bit, but especially Gail. Gail, your story is so powerful and your leadership, your expertise, your organization and what you and your fellow members do. Bringing that to the policy process is how we make good policy when people like you have a seat at the table. And you've shown that beautifully today in showing that exactly. That's one of the major points of Toolkit - that workers' voices have to be front and center for us to get policy right. So I started, Eleanor, as an organizer actually, not a policy person at all. I was a grassroots organizer. I was the field director for an organization called Jobs with Justice, a scrappy grassroots operation that's like helping workers form unions and engaging community and faith and students to stand with workers. And campaign after campaign after campaign realized the rules were rigged against workers that were trying to form unions.

And so got recruited to help begin a policy operation to reform labor law. And that was really my introduction to policy. In addition to the really good campaign work, we actually needed to change the rules of the game to change the policy. And that's still true. We're still fighting for labor law reform and that fight is manifest now in the Pro Act. Then I served in the Obama administration and was working on labor issues and workers' rights, on LGBTQ issues and on paid leave issues actually. And it was a whole new world to me of how to get things done and how to

get things done on a large scale. So as Jonathan referenced, we raised wages for millions of home care workers who previously had not been covered by minimum wage or overtime. We banned discrimination for millions of LGBTQ workers who had faced discrimination in the workplace.

And President Obama changed that with an executive order. But I knew having come from organizing an advocacy that the inside of government could be a really mysterious black box and really hard for people to understand. There were so many times when I would have organizers or advocates in the room and they would say something and I'd be like, "Oh my God, that is the wrong thing to say," and it's exactly what I would've said. How are you supposed to know? How are you supposed to know this? And so that's how it led to the creation and the writing of Toolkit was doing scores and scores of one-on-ones with other folks like me who had been appointed to say what worked and what made a difference. And interviews as well with advocates on what did it feel like to you on your end and how did you make that happen?

And then we organized a series of learning sessions where we brought appointees and advocates together to debrief, okay, we all worked on the home care rule, what did we learn? What worked? What could we have done differently? And so in Toolkit, what we tried to do was distill basic lessons of engaging in executive action to unpack that black box and to make it easier to engage in those inside outside strategies. And that's basically how Workshop got born. And all Workshop is really is a team of former appointees, Obama folks and Biden folks that are really committed to helping advocates navigate executive action. So we really hope folks find it useful and we're really eager to continue learning with all of you because our focus is having the greatest impact we can for workers.

Eleanor Mueller (00:24:31)

Thanks, MB. I think you're exactly right that the government for so many people is a complete black box, and that's one of the reasons that I love what I do as a policy reporter, is the chance to connect the dots and show people who you put in these jobs are making decisions that do directly affect you. Haeyoung, we'll go to you next. Can you please introduce yourself and your work with the National Domestic Workers Alliance?

Haeyoung Yoon (00:24:53)

Thank you, Eleanor. I want to first begin and echo the deep appreciation for Maureen, Matt, the Aspen Institute, MB and my co-panelists and Eleanor for this conversation. I'm really grateful for this conversation because it's something that we worked on for the last two years and love to dig in with the folks who I actually call and saying, "Please, give me some advice. What do you think about this?" Or really, MB is inviting NDWA and they're thinking about domestic workers into the workshop space to strategize and really workshop the ideas, which I'm thrilled to share later. But I'm the Vice President of Policy and Advocacy at the National Domestic Workers.

We represent the interests of 2.2 million domestic workers like Gail, nannies, house cleaners and home care workers in private homes. And we work on all levels of government at the local level, state level, and at the national level to really transform all care jobs into good jobs, to bring dignity, respect, and strong voice and power. And it's really an honor to really claim Gail as one

of our members. So thrilled for her to open us up and really set the mood and excited to dig in I think what Gail alluded to about how we were able to win the Historic Care executive order and some of the parts of that where we really brought the workers' voice to the Department of Labor and how that came together. So excited to share that and learn from others as well.

Eleanor Mueller (00:26:33)

Awesome. Cecilia, we'll go to you next. You are not only a longtime advocate at La Raza, which is now UnidosUS, but you are a MacArthur genius. What did you learn as an advocate who joined the White House and what was it like working within the National Domestic Policy Council?

Cecilia Muñoz (00:26:53)

Thank you so much, Eleanor, and I'll just echo everybody's thanks to our fellow panelists and to The Aspen Institute and to Workshop, to Jonathan and Gail. The two pieces of experience that I had that are most relevant to the conversation we're having today, one was at what was then called the National Council of La Raza where I led the policy operation and the other was leading the Domestic Policy Council in the Obama White House. It turns out in both of those places I worked with Jonathan Njus, who we heard from earlier today. So that's the through line to doing great work is clearly you have to work with Jonathan. I went from being an advocate on a range of domestic policy issues that were focused particularly on my community, the US Latina community to working in government. And I ended up leading the White House Domestic Policy Council, which is really a position that is designed to support the president in making decisions in working with all of the federal agencies.

And some of my proudest moments were working on labor policy and making sure that we were as well-informed as possible both by what the data shows, but also by what workers themselves have to say. And then making sure that the president had the information that he needed in order to make good decisions and resolving any snags and disputes and struggles over the substance along the way. And as you might imagine, disputes and struggles about the substance are things that happen every day working in government.

And I had never worked in government before I ended up in the Obama White House. I'd been at was 20 years at NCLR, now Unidos, as you point out, but what I learned is that the skill set, I wasn't sure it was going to transfer, but it does. And I think that's actually important for this audience that what you know as an advocate, what you know as a person who is part of a community who maybe works on behalf of a community in the way that Gail works on her own behalf and on behalf of workers like her, what you know turns out to be really, really valuable essential in the policymaking process.

Because ultimately, policymaking is about the people who are ultimately affected by policy. And it's important that it be informed by data. It's important that there be analysis in order to understand what the implications of the policy might be, but the most important inputs are from the people who will ultimately live with those policies. And if you're doing your job well as a policymaker, you are listening at least as much as you are analyzing and talking. And so what I learned is that the skill set that I use trying to get government to do stuff that I understood would

benefit my community is the same skills that you use inside government to make sure that you're making good decisions. And that other decision-makers are as informed as possible by what matters the most.

Eleanor Mueller (00:29:56)

David, you also have some experience working from within government. You are not only a business professor and the author of the *Fissured Workplace*, but the head of the Labor Department's Wage and Hour Division. So can you tell us a little bit about how you got to that role and what exactly your agency is responsible for?

David Weil (00:30:15)

Sure. Thanks, Eleanor. And one more shout out to Maureen and Aspen for this forum and all the great work that Aspen does in this space and to MB in a role leading workshop for putting this in Toolkit together. So I'm now in the social policy, public policy space at the Heller School at Brandeis, also at the Kennedy school. But you're right, I spent almost 20 years as a business school professor, which might seem an odd place for someone who does labor policy to start, but in fact it was a great fit because the whole way I've always thought about what determines work or how do we affect workers' lives is we have to understand the context that shapes work, which is often the decision businesses make. And unfortunately, some of the decisions that end up hurting workers, whether those who are covered by our law or those workers who have been historically left out like Gail so eloquently described with domestic workers.

So I had studied both the conditions that lead to often non-compliance or problems, low wages of workers in much of my academic life, and look very closely at how government can improve those conditions and affect the behavior of businesses to move them to greater compliance. And I guess it was at work and advisory work I had done with the government over the years that gave me the honor to be nominated by President Obama and ultimately confirmed by the Senate to be the first Wage and Hour Division administrator in 10 years that had been confirmed by Congress.

And I took that opportunity very seriously knowing how difficult it was given the controversy around the position and the agency. The agency does what we all in some ways take for granted that workers are paid when they work, that workers are paid a minimum wage, that they're paid over time, that we enforce our child labor laws, that we enforce all of the different federal contracting laws that also help protect workers and require companies who get the benefits of government funding to make sure the workers who do that work are paid according to standards. So wage and hour is at the front end of actually making sure that the laws and regulations on the books actually translate to reality in practice. I thought I knew a lot about how the Wage and Hour Division worked before I became the head of it, and I could tell you it was an enormous education and honor to lead that agency and learn, going back to something Jonathan said, from the incredible career staff that do the day-to-day work at the local, regional, and national level.

To learn from colleagues in the labor department like my good friend MB and at the White House like Cecilia, both of whom served with me, my boss at the time, all of our boss was Tom

Perez and of course, Barack Obama. But Tom Perez was the master of the metaphor. One of the things he often said is who do you want to be in a foxhole with? And I think one of the reasons we got a lot done in the Obama administration, I think one of the reasons the Biden administration has moved the ball so much is there are great people who are working in the foxholes, both in political positions and working with our career staffs to make these things happen. And a lot of my learning came from being educated by those groups as well as the advocacy world who were really our connectors to the workers we were trying to protect. And I'm sure we're going to talk more about those very vital and essential connections.

Eleanor Mueller (00:34:31)

Thanks, David. We're going to dive a little bit deeper into some of the practical applications of all of the things that we're talking about including building relationships and leading with worker stories. And so Haeyoung, if we could start with you. There's obviously been a number of victories for the Broader Care agenda since the beginning of the pandemic, but there's also been a few losses. And so I'm wondering if you could talk to us about one of the wins, which was the April, 2023 executive order on care that we've already touched on earlier today. I'm wondering if you could tell us more about the NDWA's role in not only developing it but getting it signed.

Haeyoung Yoon (00:35:11)

Thank you. So just what the Care executive order that Eleanor talked about was signed by President Biden in the Rose Garden in front of workers, people, families, caregivers, family caregivers, people with disabilities. And the Broader Care group, and I'll come back to that moment, but the Care Executive Order directs nearly every cabinet level agency to expand access to affordable high quality care and provide increased support to care workers and family caregivers. So I think we made this pivot into engaging and working with the White House to do something meaningful on care when we didn't win the legislative change that we were pushing for. I think Eleanor talked about the Build Back Better Days, and I think we all know that the legislative change, it's more long-term. It has all the teeth that we need. And I think for the care movement, really the legislative vehicle is the best way because it is about infusing much needed federal funding into critical programs like for home care for childcare workers and paid leave.

So when we didn't win, when we didn't get care into the finish line, into the Build Back Better package, we quickly pivoted to administrative action and engaging in what the White House can do, how can we work with them? How do we leverage their bully pulpit to deliver something meaningful but also create conditions for them to act positively and demonstrate their support for care and care workers? So the executive order as a historic comprehensive order has a range of actions. Some have real teeth like a rule change to raise the wages for direct care workers, and improve the working conditions of nursing home workers through establishing standards in nursing homes, which were finalized. And the final rules were published in April of this year. So we're now pivoting into implementation. So these are rule changes as Jonathan talked about and MB talked about the home care companionship rule has real teeth

that creates opportunities to raise and improve the wages and working conditions of care workers. And as it also has policies that has less teeth like guidance but it's also important.

And I'm going to talk later about both the process and what's in the sample employer agreement that Gail alluded to. But this historic executive was signed in front of workers and we, the care movement, specifically engaged the White House to do something to demonstrate the support, their support for care. And what we coupled with our engagement and advocacy for executive order was to ask the White House to declare April as a care worker recognition month. And we are really laser focused and really pushing for executive order, but also proclamation because we wanted to create an opportunity for both the White House, as I said, to demonstrate their support. But it was also an important moment for us to really demonstrate the power of workers and the care of movement. And so what was really amazing was that it all happened together in now two years ago in April of 2023, we had an inaugural Care Workers Can Wait Summit, where we brought care workers to DC across the care spectrum from childcare to aging and disability care.

So we had a summit and engaged both the agency leadership as well as principals in the White House, but we also brought a group of care workers like Gail. Gail, I'm not sure if you were actually with us in the Rose Garden. And then we had incredible room and I think MB, you were there too where we witnessed President Biden signing this executive order in front of the people who actually will directly be impacted and then really declaring that month as a month to recognize care workers.

And so the executive order and the proclamation that was signed in 2023 really give us a lever to continue to build momentum and continue to elevate the importance of more we need to do on the care front. So in 2024, we repeated, we celebrated, we went back into the White House. The White House convened a care convening for us. We had an incredible town hall with congressional members. So I think the executive order has important rules, but it also is such an important lever for us to really bring workers and their voices front and center and for us to really drive a narrative about how important these issues are.

Eleanor Mueller (00:40:38)

Yeah, I think this idea of the bully pulpit is a hugely relevant one because I think we all know that no matter how the election goes, we're going to be dealing with incredibly narrow margins in Congress that make it very difficult to get things done. And so I'm wondering, David, if you could talk a little bit more about what we've seen happen on the federal minimum wage. It's been stalled legislatively since 2009, but the government has made progress through executive orders, which of course that can do unilaterally. Can you tell us a little bit about your work in this area, including some of the struggles that you may have faced internally?

David Weil (00:41:15)

Sure. And in some ways it picks up with Haeyoung talking about the importance of executive order where you do have congressional gridlock and an inability to move something one would think as basic as minimum wages forward. President Obama decided that because of the inability to get Congress to act on his proposals, we needed to do it by requiring federal

contractors to up their game to pay a higher level of standards, which at the time was fighting for something called 1010 raising the federal contractor minimum wage to \$10 and 10 cents an hour. President Biden took up the same idea because of the continuing logjam in Congress to move that same federal contractor minimum wage up to \$15 an hour. And a lot of the setting for that is very similar to what Haeyoung talked about in terms of getting the advocacy world together, the workers who would be affected together, the employers, the contractors who were going to be affected to push and ultimately to get signed that contractor increase in the minimum wage.

What we often don't think enough about and what advocates need to think about, and I think this is really highlighted in Toolkit, is there is a next process about issuing those regulations that is anything but simple and is something where advocacy is the push from the outside needs to continue, that the work isn't done when the president signs the executive order in the Rose Garden. That's just really the beginning. One of the other complexities, something you learn when you work in an administration, whether it's the Obama administration, the Biden administration or the Harris administration, administration implies like it's one body and it ain't. There are many pieces to an administration and making a regulation move through the multiple pieces of that is not easy. With the 1010 minimum wage, there was a lot of discussion between different federal agencies who would be affected by raising it to the 1010 level.

There were different views within the White House about where to raise it to and how far one could go without having other economic effects that were also part of the agenda. And so navigating that was a very complicated thing and took a lot of time and a lot of energy of different parties within this administration. One of the thing, and we had a lot of partnering and assistance and pushing from both inside and outside to make that happen. But I always remember a moment where we had been working for, it seemed like not sleeping for weeks, and I looked out the window of my office which overlooked the Capitol, and I saw a huge rally outside. And when I asked someone who worked with me, what's this rally about? They said, "Well, it's the fight for 15. They want to raise the minimum wage to \$15."

This is in 2014. And I have to admit, my first reaction is, "Are you kidding me? I mean, we're trying to get 1010 and these people want \$15 an hour." Well, I've come to realize that is exactly the process it has to happen, that it is the role of advocates to keep pushing the boundaries to protect working people, but they need to understand the work of government to keep up with that is also very complicated. And I think it's that push and pull that ultimately, though sometimes difficult, is what moves the ball and something as vital as the minimum wage for working people.

Eleanor Mueller (00:45:16)

In both what David and Haeyoung talked about, there were a lot of intrinsic relationships that went into both of those storylines. And I'm wondering, Cecilia, could you tell us a little bit more about the importance of relationships in this work as well as what you've learned about how you frame these issues?

Cecilia Muñoz (00:45:35)

Yeah, thank you. In some ways, I think this is a great illustration of what David was just talking about. I mean, you need the folks working inside the government, the amazing people that David was just talking about, do a lot of analysis and explore the research base. But it's also really essential for folks to have relationships again in the communities that are affected by the policymaking work that they're doing in order to really make good decisions and to make sure that those decisions are really well-informed. So I'll give you an affirmative example and a negative example. The affirmative example was when we were working on, we thought of it as the poultry rule. This was something that was being put forward by the US Department of Agriculture that kind of addressed the needs of the industry, the poultry industry, but it also would have an impact on poultry workers.

And the folks from the workers' community didn't necessarily have the same relationships in the Department of Agriculture that they might have, say, with the Department of Labor or other parts of government. So it was really, really important to bring them into the conversation so that we didn't end up with a lopsided rule. And so the fact that there were people in the conversation who had relationships with the labor movement and with the community of workers that could bring them into the conversation turned out to be an enormously important tool for someone like me to make sure that we could get to balance or that we could understand the kind of various pressures that we needed to understand in order to come up with a good final product. So those kinds of relationships are really, really essential. And then to give you a negative example, at one point, and this is a conversation which is still ongoing, a rule which has been since updated by the Biden administration on overtime, on setting the level at which workers are required to be paid for overtime.

We were diligently working on that rule. There was a lot of debate about what the evidence really showed the impact was going to be. And I see David nodding. It's a very complex question. And at one point we sat down with folks from the business community, the US Chamber of Commerce and others who were part of that meeting. Those relationships were important because again, the idea is you should really make sure you are informed by all of the sectors who are going to be affected by something in order to make a good decision and in order to give the president ultimately the information he needs to make a good decision. And the Chamber of Commerce spoke first at that meeting and what they said was, "Thank you very much for inviting us. We're going to sue you when you come out with this rule. So we have nothing more to say."

And that was literally, that was the whole meeting because after he said that nobody else in the business community was going to say anything and he was making some level of a political point. But the impact of that ultimately was to deprive the folks who were working on this rule of the perspectives of the entire business community because they refused to discuss them because they objected to the fact that we were actually even in a conversation about the rule in the first place. So that's maybe a powerful political tool, but use it at your peril because it means that you're cutting yourself off from actually providing information to policymakers who maybe are going to go ahead and do it anyway as we did just without their input. So hopefully that shows you from both directions why relationships are important and how you can use them in destructive ways.

But then it's also important that this is something that Toolkit also gets into to make sure that you are framing the issues that you're working on as winning issues, create the tools for them to develop the kind of momentum that you've seen around domestic workers that has, as you've heard, has taken a lot of work and a lot of framing and a lot of eloquence from workers themselves. I'll give you an example from, again, another rulemaking that is still in dispute, still under discussion. This is a rule that has to do with financial advisors actually being required to give you financial advice that benefits you rather than blinds their pockets. Its first iteration, we refer to it as something called the fiduciary rule, which is something the policymakers understood and the industry understood, but which nobody else in America understood. And the industry was really aware of this.

And so they worked really hard to kill this rule and it succeeded. And then when it came back up, we learned some of the lesson from that and it became the conflict of interest rule, which hopefully explained a little better. We were trying to prevent financial advisors who had their own interests in mind and should have been focusing on your interests from giving you bad advice. It is now the retirement security rule. So the new name does an even better job of explaining what this is, but we went from something that was kind of the ultimate nerdy technical policy issue that has huge implications. It affects billions of dollars in the pockets of regular folks, but it was something only understood by industry.

And it has since then become an issue where there's a constituency. There are regular people who are focused on it because they understand it's a pocketbook issue for them. It has champions now like Senator Elizabeth Warren. So it's not enough, much as I'm a policy nerd and I love to dig into the substance, the substance is not enough. Understanding how impactful something is not enough. You have to lay the groundwork to make sure that the thing that you understand is impactful, is understood broadly and has a constituency, somebody fighting for it, and the words you can say to help people understand what the impact of that is.

Eleanor Mueller (00:52:07)

And I think a big part of those words is giving people something they can grab onto when it comes to personal experiences, the anecdote that's going to make a lawmaker or an agency official be like, "Okay, this really is a problem and we should do something about it." And so I'm wondering, MB, talk to us a little bit about the first lesson in Toolkit that discusses justice, how to lead with worker stories.

Mary Beth(MB) Maxwell (00:52:32)

Great. It's one of my favorite stories to tell about advocates who did it just perfectly, just really did it right. And it was the first meeting that I organized for Ai-jen Poo and the National Domestic Workers Alliance at the Department of Labor. They first led the meeting with workers like Gail telling their stories. And so a lot of policy people, as Cecilia said, who love their policy work and we want them to be really good at their policy work. So we're not dissing policy nerds here. We love policy nerds. But the fact that these workers began the meeting with talking about what it's like to be a domestic worker, what it's like to try to stand up for your rights as Gail was speaking about when it's in someone else's home and there's no one else who's helping you navigate

that, where you might not even feel like have the right to take a meal break even if the law says that you could.

And so it just set the tone for the entire meeting of like this is what this is really about. This matters. Everyone perked up and really paid attention. Secondly, they brought experts on the Fair Labor Standards Act. They had an amazing team of a professor Munir Ahmed and students from the Yale Law Clinic who had very carefully researched what the FLSA said, what the regulations said, what the sub-regulatory language said. And so the career folks in the room, their eyes lit up. They were like, "Oh my God, they speak FLSA." They felt respected and they could really engage with them in a serious way. It was a brilliant move. The third was that they made really informed, specific asks. They had this PowerPoint where they said, "You could change this sub-regulatory language and this is what we would like you to do to protect us."

And they even were so sophisticated as to say, "But if you can't do that, you could do this." So they were also very concretely giving options and conveying with respect, and we want you to solve the problem. We're not saying there's only one way to do it. And then finally, number four, they ended with thank yous and relationship building and thank yous and relationship building that existed beyond that meeting. So it was truly several years later when we're working on the home care rule, which was one of the biggest workers' rights victories in the administration, I mean impacting millions of workers. And we detailed that story more in Toolkit. We could not have done it without the partnership with NDWA and SCIU and NELP and the folks who worked on it. And the piece that I would note as well is those very specific asks they made, all of them ended up in the rule that was the difference between a good idea or a problem, but a specific solution and a way to get it done. Those are the things that are most likely to get done.

Eleanor Mueller (00:55:41)

We're going to go straight to our lightning round as we're running a little bit long. And so in this round, I'd love if all of our panelists could share something that we have not discussed yet, which obviously is a massive category. We're just scratching the surface of this very important topic. But this can be anything from a final takeaway or a lesson learned or some thoughts on where the conversation around the changing workplace should go from here. And David, we'll go ahead and we'll start with you if that's okay.

David Weil (00:56:13)

Sure. Well, there's so much we could put in those buckets, but let me talk about one we haven't talked about, and that's enforcement. Laws and regulations are only as good as whether or not they are enforced on the ground and whether that enforcement is ultimately effective, whether it, in my view, changes behavior. It's about recovering from workers what they are entitled to under the law, but it's also making sure that the behaviors change so that you're not on a hamster wheel. And once again, as again, Toolkit lays this out beautifully, but I think what we learned a lot in the Obama administration, and I think the Biden administration is doing this to great effect right now in the child labor space, is the application of enforcement tools using the tools the government is given under the laws and have been used for a long time is absolutely essential.

We learned in the Obama administration about the importance of using a right or a part of the statute that goes back to 1938, something called the Hot Goods statute that allows the wage in our division to stop goods that have been made in violation of either the minimum wage over time or child labor. And that, again, is a very difficult thing to do that requires information, often the kinds of information one can get from advocates, unions, and business to use that law to affect.

Right now, the Biden administration has put in place a combination of the use of temporary restraining orders because of the brilliant leadership of Seema Nanda at the Solicitor's office and Jessica Lumen at the Wage and Hour Division, have used temporary restraining orders, the use of hot goods, very responsible use of hot goods and things like consent agreements to move the ball on enforcement and really change the game in terms of what has now trying to curb what has led to really the proliferation of child labor in industries we haven't seen for a long time. Really understanding those tools, working in tandem with the government is a key thing that can bring together the advocacy world, the union world and enforcement, and still within what is required within our statutes. So I would leave with that very important message.

Eleanor Mueller (00:58:48)

Thanks, David. Haeyoung, what would you be remiss to wrap up this webinar without mentioning?

Haeyoung Yoon (00:58:57)

So I want to take another example to demonstrate kind of bringing it all together. So another provision that is part of the care executive order is directing the Department of Labor to publish sample employment agreements between domestic workers and their employers. And Gail alluded to this. She said that she often worked without a contract in the past. And so during COVID, we heard a lot from our workers, domestic workers about what was happening to them. Because they didn't have a contract, they were asked to do work that was not part of their original agreement about their responsibilities. They weren't paid for the additional work they did. So we really took that in. And then what we did, and I think this was also bringing that problem that our workers were struggling with into the workshop space and thinking, what can we do?

Absent legislation, what can we do leveraging the bully pulpit of the departmental labor? And so we brought skeleton ideas of what we could do. We pulled things from what was in our legislative change and brought that space. And that workshop space allows us to workshop and strategize and kind of think through pros and cons of what did and what did not work. And so I took that and brought it back to our workers and got their feedback about what are your top three things you would want to see in a contract?

And so there was a very much of an iterative process within our members. And then I took that to the Department of Labor and said, "Here is what I think you can do under the law. You cannot mandate an employer agreement, but you can leverage a bully pulpit." So I did some engagement with them back and forth, and then we also brought a group of workers and employers and sat down with a Wage and Hour administrator and the director of Women's

Bureau and created a space for them to hear directly from both workers and employers about what is needed, what is missing, what could happen if they had this kind of an agreement.

So that process was so important and every step of the way, I think it's engaging like everyone, what people talked about, really digging into what the workers need, but really tapping the expertise of others, policy expertise, and also working on the relationships within the agencies. And so I will end this with, so we won this huge employment agreement. It is translated, it's in English and five other languages. That is so, so important for our workers. And we are now taking those agreements and moving into implementation and working with Gail and other worker leaders to make sure experiments about how we take that and really deliver for workers that it is a tool to empower workers, it is a tool for workers to engage their employers to create fair worker agreements.

Eleanor Mueller (01:02:08)

Thank you. Cecilia, what is your closing note for us?

Cecilia Muñoz (01:02:14)

Three quick things. One, if you are an advocate for workers, don't forget about immigrant workers. As you often hear, folks who are invisible, who are working in isolation, who you sort of know that they're there but you don't think about it. Please, please, please remember to put immigrant workers at the center of the work that you're doing is number one. Two, in organizing your relationships with government as an advocate, think about organizing them the same way that you're doing organizing outside of government. Remember what you know about building relationships. Learn what the self-interest is of the folks that you were engaging with. Assume that they support you unless you find out otherwise. Find ways to collaborate. Think of yourself as being on the same team, but playing different positions and treat them with respect even when you disagree.

Ultimately, you need them to be moving your thing forward, and so you should be thinking of them as part of your team. And then the third thing is to think about whether you would consider serving in government yourself at the local level, at the state level, at the federal level. I never thought in a million years I would work in government and then I did it for eight years. And the experience is really extraordinary and it's also really educational. And so the fact now that I have government experience as well as experience as a policy expert and advocate together just has broadened my skill set to try to make a difference for the world.

Eleanor Mueller (01:03:48)

Thank you. MB, last but not least.

Mary Beth(MB) Maxwell (01:03:52)

Okay, three quick things as well. Number one, one of the most amazing things about the Biden-Harris administration has been their really full-throated support for workers who want to form unions. And on all of the issues that we work on, wages, safety, AI, care, immigrant workers,

all of that, workers are going to be in better shape to fight for those things if they do have a union. So we have to be fighting for workers' rights to form unions. And some of that is through executive action, and some of that will be through legislation like the Pro Act, so inviting folks to join us in that. The second is that there is a really, I was going to say, a really hot issue, a really exciting issue you could be engaged in right now. And that's the heat federal standard that's been put out by OSHA. We are right now in the public comment period.

The notice of proposed rulemaking is in effect until December 30th. And we need you to be submitting your comments, economic analysis, data, worker stories. And I think what [inaudible 01:04:57] is going to be putting in the chat is a really easy portal for you to be able to be participating in that and submitting comments to the Federal Register and great resources from a range of coalition groups that are doing really good work on this heat rule that will affect 36 million workers. So if you want to be engaged with that, email us and we will plug you in with the amazing organizations that are leading that campaign right now.

And the last thing that I would ask, is please join us in engaging in executive action. There is so much good to be done by engaging with the executive branch of the federal government so much we can do and we need the work that you're doing on the outside and that inside outside thing. And if you need help, I promise you, you're one to two degrees of separation from someone who can help you. So if you've got an idea that needs attention, an issue that you want to be engaged on and just even want to know how to get started or how to push the ball forward, if you feel like it's been stalled, please do reach out to us at Workshop. Let us know. We're really excited about the work that you all are doing and excited to work together. Thanks.

Eleanor Mueller (01:06:09)

Thanks, MB. All right. We got about 10 minutes for audience questions. We've already gotten some excellent prompts for our panel. The first is, how does this panel think about the sustainability of executive action and how we secure endearing protections and MB, you touched on this a little bit when you mentioned the Pro Act. Of course, executive action is great because it's unilateral, but it also can be for the same reason, less permanent. And I'll open that up to whoever wants to tackle it first.

Cecilia Muñoz (01:06:42)

I mean, I'll say one thing is that as important as executive actions are, they sometimes become the focus as a shortcut to dealing with things legislatively. Certainly in the immigration context, we've seen a lot of the limitations of executive action. And so as important as it is, if you're an advocate, don't give up on a legislative strategy. As annoying as Congress is and as unproductive very, very frequently, that's the way to get to permanent change. So see it as a part of the continuum of strategies, but don't knock legislation off of your list because Congress is frustrating.

Eleanor Mueller (01:07:27)

Anyone else?

Mary Beth(MB) Maxwell (01:07:28)

If I could add just one thing to that, I mean, lots of folks are aware of some really hard decisions from the Supreme Court this summer. Chevron Loper Bright and others that are limiting the role of executive action. We are going to have to be strategic. We are going to have to have our I's dotted and our T's crossed in terms of the data, and we're going to have to make strategic choices about what things we pursue in executive action. But there's been some fear that this means that the work of executive action is over. And I want to say that is not true, right? We are not raising a white flag at all on the important role that executive action needs to play in protecting workers, in ensuring clean water and in protecting consumers.

Eleanor Mueller (01:08:23)

I'm glad you brought that up because we actually got another question specifically about the Chevron decision and what the implications of that could be for executive action. Does anyone else want to speak to the Chevron case and what it might mean for this conversation we're having today?

David Weil (01:08:39)

Well, I would just build on what Cecilia and MB said, which means the calculus about when one takes it through Congress versus try to do it through executive action has definitely changed because of the Supreme Court decision. And I think advocates need to think hard about that and think about where any avenue is going to be harder now. But it doesn't mean I share MB's optimism. That doesn't mean executive action is over, but I also share Cecilia's view. We should not forget the importance and the power of getting it right in legislation. And those are twilight battles. We all know that it can take years to push that through. That doesn't mean they're not important. The last point I'd make, there's a third piece we haven't talked a lot about, and that's litigation. When we were in the Obama administration, we thought everything was being litigated. We had no idea how worse it could get. And of course, litigation strategy and responding to litigation against these actions is another whole domain where there's got to be really hard strategic, coordinated thought about the role of advocates in doing that work.

Eleanor Mueller (01:09:50)

Yeah. All right, third question. Not all of these conversations obviously are happening at a national level, and so I think that someone asked how do you think the lessons of executive action apply to those working on local or state policy change? And Haeyoung and Gail, I feel like with the NDWA's work, you both would be well positioned to speak to this.

Haeyoung Yoon (01:10:13)

Gail, do you want to go or should I go?

Gail Haywood (01:10:15)

You can go.

Haeyoung Yoon (01:10:16)

Okay. You should add anything I missed. So I think the sample employer agreement is a really good example. It is an action we want at the national level, but as I was saying before that the House Cleaner Council that Gail is part of and other across the organization, the experimentation is happening at the local and state level. So I think depending on the outcome of those experiments, which is really happening at the individual home level about providing the training that workers need for them to go to their employer saying, "Look, let's get into an agreement and here's a sample agreement we could use." So if we can aggregate and really figure out what the best practice is, we want to make those pushes through legislative change at the local and state level. So I think there's a relationship between what we win at the federal level to win something more with teeth at the local and state level. And then obviously, the goal is to feed that to the national level knowing that that process could be long played out.

Eleanor Mueller (01:11:42)

Gail, anything to add about lessons learned at the local level?

Gail Haywood (01:11:47)

Just to echo a little bit what Haeyoung said, and also just to add a little bit, I think that one of the things that we also want to do, because we know that domestic work, as I said before, is the work that makes all other work possible. We want to make sure that when we go out, we want to have executive orders that will actually echo what we are saying so that the message will be clear to our employers that our work is real work and it needs to be treated as real work. We need to bring some kind of humanization to the work so that they know that we are not like robots. We do get tired and to just work with us and help us to have the fair conditions that we so desire. And thank you so much.

Eleanor Mueller (01:12:42)

Thank you, Gail. This next question I think is a good tie into everything that we've talked about so far today, which is where do you feel like there is particular momentum for the next administration when it comes to workers' rights? And maybe we could start with Jonathan, David, Cecilia, those who have actually worked within an administration to help bring about some of these things.

Jonathan Njus (01:13:05)

Well, I would say Cecilia and David should probably go first. They're more engaged with the administration right now than I am, so I'll turn it over to them.

Cecilia Muñoz (01:13:16)

Thank you. I actually think care and caregiving is ... we've been working for a long time over many years to create a moment, and I think that moment is coming and is arriving in the sense that as a senator, these were the issues that Senator, then Senator Harris worked on and sort of

staked a claim on. We know that it's a matter of focus for her. And so depending on the outcome of the election, I think that we may see a moment where a lot more is possible than it has been in this particular space. And I'm very excited about that.

David Weil (01:13:57)

I agree that care is a huge issue. I would add worker voice. We have an unprecedented level of positive public attitudes towards unions and their vital role. We have had incredible success in organizing industries we haven't been able to organize in decades. Young workers are just much more both interested in unions and doing creative things, breaking the mold. And Jennifer Abruzzo, the general counsel of the NLRB and the NLRB itself has shown that even with this, what is a very broken law, there's still a lot that can be done. And I think those would be very active areas for a Harris administration.

Haeyoung Yoon (01:14:42)

Can I just add? So appreciate the reinforcement of care being a key issue. And I think just to kind of come back to what Cecilia you were saying is don't forget the legislative process is that I think that we are gearing up as a care movement to really kind of move in both vehicles. We're all in, depending on the outcome of the election, to make the changes through the legislative process, but always be ready to pivot if we're not able to get to the finish line for whatever reasons, or we don't have the most optimal political conditions to win it that we pivot to and engage in executive action. So I think that's the way we've been thinking about it starting next year.

Eleanor Mueller (01:15:32)

I think that it's an excellent note to end on. Thank you so much to all of our speakers. It's been a wonderful conversation and it's been a privilege to get to moderate, and I'll pass it back now to Maureen to close us out.

Maureen Conway (01:15:49)

Great. Well, thank you all so much. This has been a fantastic conversation. I've been taking notes. I'm like, "Oh, no, I'm up." Right? So really, thank you so much to MB, to Gail, to Jonathan, Cecilia, Haeyoung and David, this has just been really, really amazing. We really appreciate you spending time with us today. Thank you to the audience for great questions and comments. A reminder to please do check out the Toolkit discussed today, as well as other resources on our newly renewed and updated and relaunched Job Quality Center of Excellence. You can find it at jobqualitycenter.org, so check it out. Also, please stay tuned for our next event on October 10th at 2:00 Eastern. That event is "[A Hidden Workforce: Prison Labor, Human Rights, and the Legacy of Slavery](#)" and that event will be the first in a two part series in which we're going to be talking about prison labor.

We're calling that "Work Behind and Beyond the Bars: Improving Job Quality During and After Incarceration," in which we're going to really be examining the working conditions of people who are currently incarcerated and the challenges and opportunities that they encounter in the

labor market once they are released. So please join us for that discussion. I do want to note it's election season. People have referenced that. I do want to note that The Aspen Institute is a non-partisan organization. We are not offering a platform to any particular candidates of either side, so I just want to be clear about that. We are not endorsing anybody for any upcoming election. Okay. And I also do want to thank our team at the Economic Opportunities Program, my amazing colleagues, Matt Helmer, Tony Mastria, Nora Heffernan, and Frances Almodovar. Couldn't do it without them. They're amazing. And I also want to thank our colleagues at Architex for all their help in making the webinar look nice and run smoothly. Really appreciate their work, and I look forward to seeing all of you at our next webinar. Thanks so much again for joining us today.