

The COVID Jungle:

Chicagoland's Essential Food Workers and the Need for Vaccination Priority

January 2021

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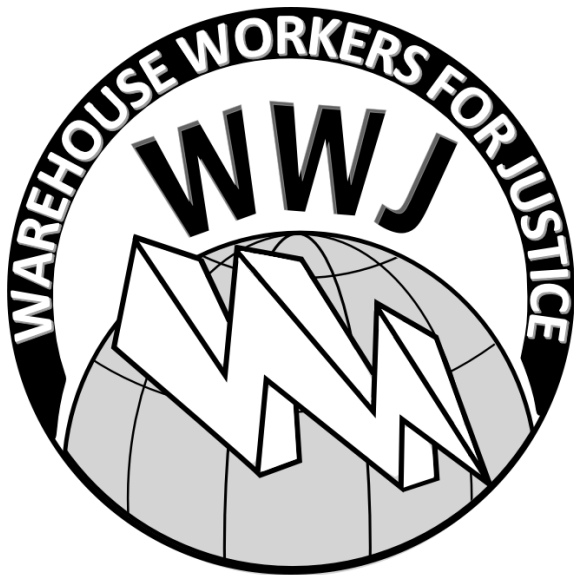
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Introduction

“They were willing to work all the time; and when people did their best, ought they not to be able to keep alive?”

—Upton Sinclair, *The Jungle*

The many low-wage workers in Illinois’ production, distribution, and logistics industries are essential workers, yet too many are consistently treated as if they are disposable. During the COVID-19 pandemic, these workers helped save lives by enabling others to quarantine, work from home, and social distance. Their labor has allowed many large corporations to not only stay afloat during the pandemic, but increase profits to record levels.¹ Yet, their employers have frequently ignored their safety on the job, and, at times, retaliated against those who spoke out to demand compliance with safety protocols and compensation for the added risks of on-site work during the pandemic.² Indifference towards these workers’ wellbeing and workplace abuse is nothing new, but COVID-19 has shed new light on the lawlessness and subcontracted employment arrangements in which these conditions occur not only in Illinois, but across the country and the world.³ In recognition of the crucial role they play as “frontline essential workers,” the Illinois Department of Public Health (IDPH) has included food and agriculture workers in Phase 1b of the state’s Priority Vaccine Allocation and Administration plan.⁴ However, this current plan does not include the many workers employed in the production, distribution, and logistics industries through temp staffing agencies and third-party logistics companies.⁵

In December 2020, Warehouse Workers for Justice (WWJ) and the Chicago Workers’ Collaborative (CWC), in conjunction with Temp Worker Justice, conducted interviews with 90 workers in food production, distribution, and logistics who have worked or who were currently working in the Chicago area during the COVID-19 pandemic. Interviews were con-

ducted using a standard series of multiple choice and free-form questions, adapted from prior field research on temp work during the COVID-19 pandemic from CWC and Temp Worker Justice. Most of the workers were interviewed over the phone by WWJ staff, CWC staff, or volunteers trained in interview methods. Some workers completed the interview questions electronically using a link provided by WWJ or CWC staff. \$10 gift cards were offered to each worker upon completion of the interview. Follow-up calls to workers to coordinate gift card delivery often yielded additional qualitative data featured in this report.

Workers with previous involvement with WWJ or CWC, through legal services, “Know Your Rights” workshops, and other outreach and advocacy efforts, as well as new contacts made through ongoing outreach efforts, were asked to be interviewed. 72% of workers interviewed were employed through temp staffing or third-party logistics companies.⁶ By using trusted community organizations’ existing processes to reach workers, this study was able to reach those often missed by traditional research practices due to precarious work arrangements, immigration status, and fear of retaliation that keep workers and their workplaces relatively hidden from the public.

While these interviews focus on industrial food work, the policy recommendations contained in this report apply to workers throughout the massive production, distribution, and logistics empire that makes Chicago, and Illinois, an integral part of so many companies’ supply chains. Quotes contained in this report from industrial food workers are presented with confidentiality to protect the workers from retaliation. Their accounts reflect the loss, abuse, fear, and dis-

trust that workers throughout the broader production, distribution, and logistics industries have been reporting to the staff of WWJ and CWC since the beginning of the pandemic.⁷

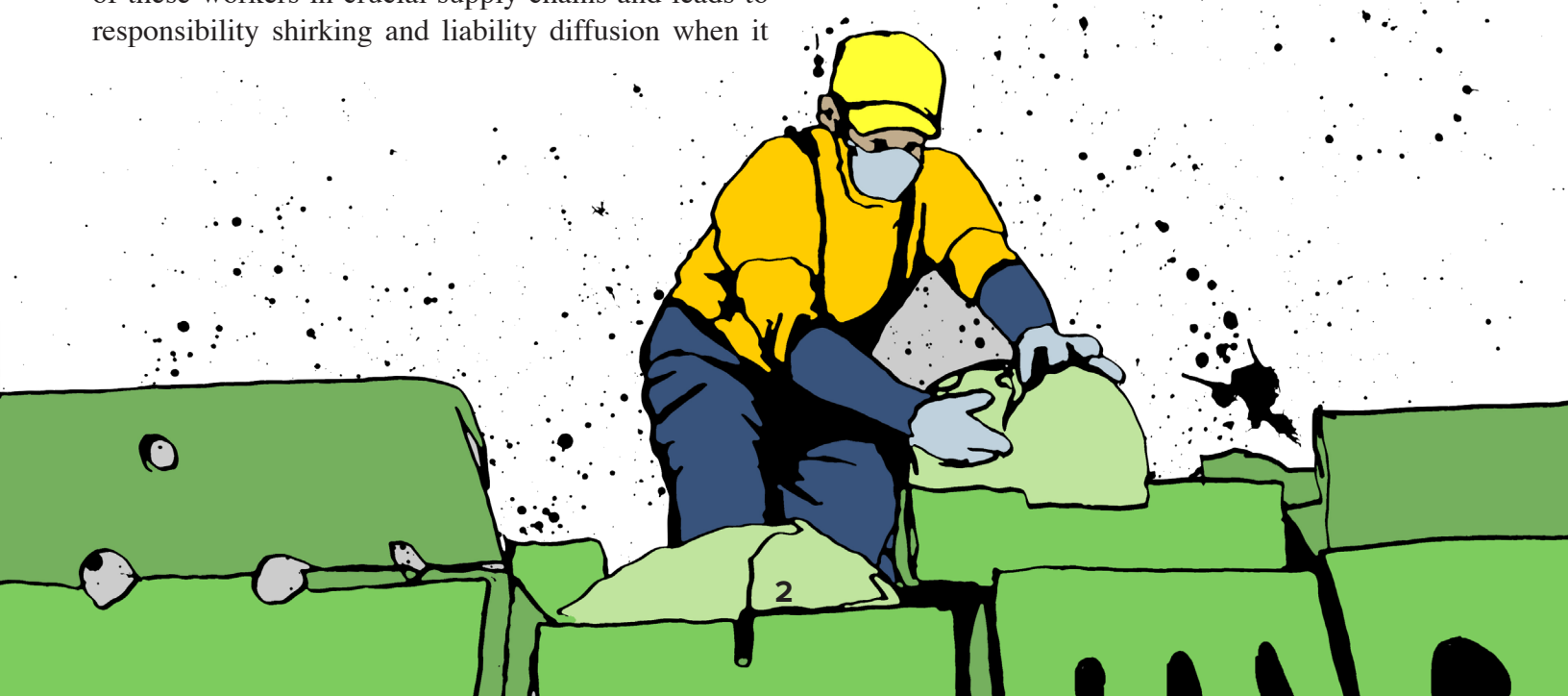
Worker interviews were supplemented with quantitative industry research, using employment data from both government and non-profit resources, prior in-depth research on the temp industry nationwide and in Illinois from organizations such as Temp Worker Justice, and national and local media coverage of the heavy toll that the COVID-19 pandemic has had on food workers and their families across Illinois and the United States.

Food production, distribution, and logistics workers are contracting and even dying from COVID-19 at alarming rates. Black and Latinx workers, who are overrepresented in these industries, have been disproportionately affected and put in harm's way, working on site throughout this pandemic. A public health response grounded in racial justice and equity demands that these workers are recognized for their contributions as essential workers and receive priority access to the COVID-19 vaccine. For many of these workers, timely vaccine access could be a matter of life and death.

To date, the relative invisibility of these essential workers has left them out of vaccine deployment discussions, from the Centers for Disease Control and Prevention (CDC) to IDPH. Workers in today's factories, processing plants, and warehouses across the country are largely employed, not by the company whose products they produce, package and move, but by temporary staffing agencies and third-party logistics companies. This system of subcontracting obscures the presence of these workers in crucial supply chains and leads to responsibility shirking and liability diffusion when it

comes to the legal obligations owed to workers -- all obstacles to effective vaccine deployment. Achieving priority vaccine access for the most vulnerable, sub-contracted industrial workers in Illinois will therefore require thoughtful planning and coordination to reach them. Worker centers like WWJ and CWC can be partners to IDPH in worker outreach and education. Additional measures, such as universal just cause protection, hazard pay and paid sick leave, and a formal role for workers in monitoring their workplaces for health and safety compliance, would all help stem the tide of COVID-19 cases that continue to devastate the broader community.

Everything in our refrigerators, pantries, and take-out orders passes through the hands of workers who make, package and ship the food we all need to survive. The food supply chain starts with farmworkers, then transportation and warehouse workers, then on to food and meat processors before heading back to distribution warehouses which supply online and offline retailers. For example, Kirkland Signature Pizzas, sold at Costco, are manufactured in Romeoville, Illinois. This manufacturer is supplied by dairy, wheat, meat, vegetable, spice, chemical, and other industries. Its packaging is part of another large supply chain in Chicagoland's plastic container, cardboard box, and printing industries. Temporary ("temp") workers know these factories and warehouses well, but most of us probably do not. This report offers a snapshot of the impact of COVID on the often-invisible yet essential production, distribution, and logistics workers who feed us and argues that they should be duly recognized and prioritized for vaccine distribution.



Background

“The great corporation which employed you lied to you, and lied to the whole country -- from top to bottom it was nothing but one gigantic lie.”

– Upton Sinclair, *The Jungle*

Since Upton Sinclair first commented with *The Jungle*, food manufacturing, distribution, and logistics facilities have moved from the Back of the Yards neighborhood in Chicago to the surrounding suburbs, bringing with them a similar lawlessness and lack of accountability. This lawlessness and lack of accountability have contributed to COVID’s spread in Illinois through its factories and warehouses, and have made getting workers in these settings vaccinated against the virus particularly urgent. Largely working through temp staffing agencies and third-party logistics companies in the supply chains of large corporations, many of these industrial workers are often largely invisible in traditional data collection and, without careful planning, are likely to slip through the cracks in efforts to vaccinate Illinois’ essential workers.

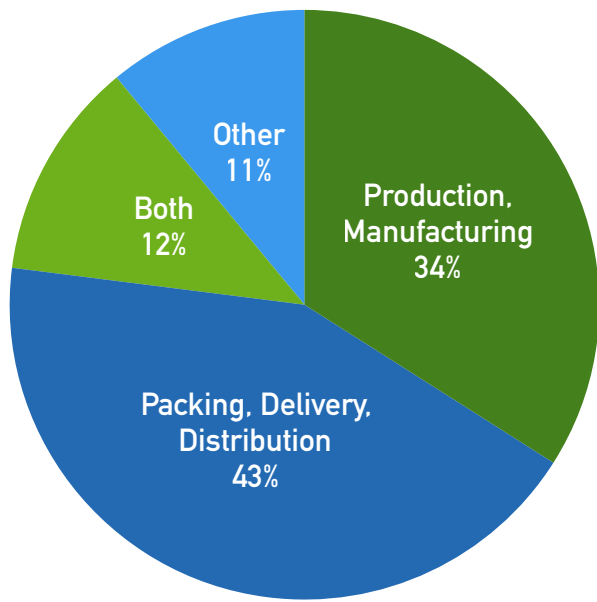
Hidden Essential Workers: Illinois’ temped-out industrial food workers

Today, Illinois is one of the most crucial production, logistics, and distribution hubs for food products in the United States. Big brand names, such as Mars Wrigley, Trader Joe’s, Vienna Beef, El Milagro, Fisher Nuts and Goya Foods, have made Illinois a centerpiece of their U.S. distribution networks. Hundreds of largely unknown companies, such as Gold Standard Baking, Ruprecht Meats, and Aryzta, churn out private label products, such as Kirkland Signature

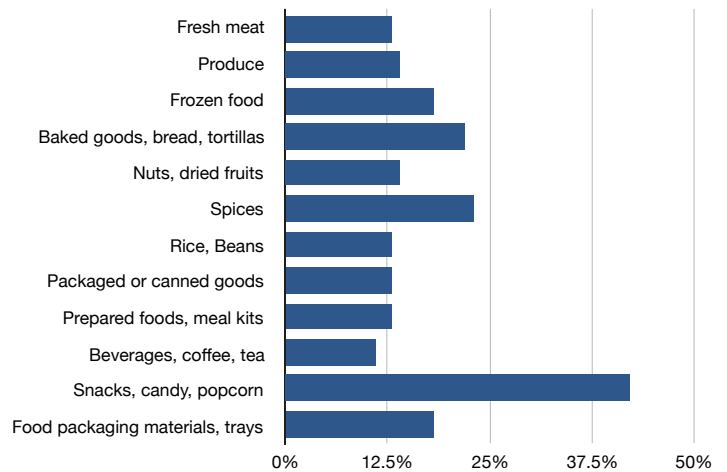
(Costco), Nice! (Walgreens), Marketside (Walmart), and name brand goods for Starbucks, Burger King, McDonald’s, and Entenmann’s. According to the Chicagoland Food and Beverage Network, Illinois is home to over 4,500 food and beverage companies, over 2,600 of which are food manufacturers.⁸ The second largest such hub in the country, these companies rake in over \$32 billion in sales annually.⁹

The production, distribution, and logistics industries have proven resilient during the COVID-19 pandemic. In the food chain, large meat producers like Tyson Foods and Cargill have hit record profits,¹⁰ and, over the past five years, the number of private warehouses have increased, even during the pandemic, as storefronts shuttered across the country.¹¹ While hiring stopped almost everywhere else, demand for warehouse workers surged nationwide.¹² In Chicagoland, and particularly in the food warehousing industry, there has been an increase in over six million square feet of leasing activity involving food manufacturing and distribution over the past three years.¹³ By some estimates, the online grocery market is expected to increase three-fold by 2024, fueling anticipation that food production, distribution, and logistics work will continue to grow unabated across Illinois and the rest of the country.¹⁴

Types of Work Performed by Interviewed Workers



Food Products Manufactured, Packed, or Moved by Interviewed Workers



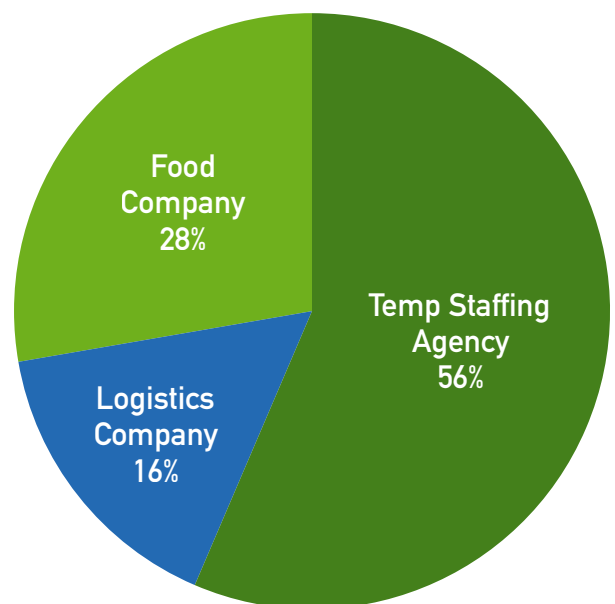
Some workers selected multiple.

Tens of thousands of workers form the backbone of these industries. According to the Bureau of Labor Statistics (BLS), there are around 551,693 manufacturing workers in Illinois, 81,838 employed in food processing.¹⁵ After the food products leave these workers’ hands, the products are loaded onto trucks and transported to warehouse and storage facilities where warehouse workers sort, pack, and load the products onto trucks for distribution across the country and the world. BLS reports that there are 64,751 warehouse and storage workers in Illinois (these data do not distinguish food-related warehouse and storage workers).¹⁶ While these numbers are significant, they fail to count the tens or even hundreds of thousands

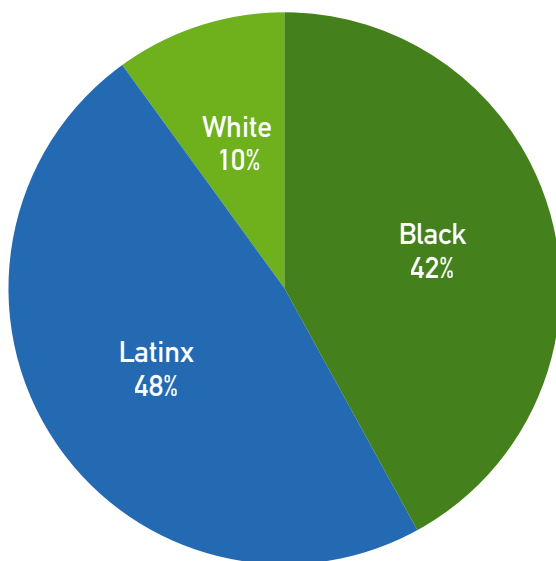
of workers in these factories and warehouses who are employed through temp staffing agencies -- often on a long-term basis.¹⁷ These essential, subcontracted workers are hidden from BLS industry-specific counts under at least twenty less descriptive categories like “temporary help services” and “payroll services” that say nothing about the actual work being performed.¹⁸ Nevertheless, all of these workers, subcontracted and not, have put themselves at risk working indoors with large numbers of others throughout the pandemic, producing and performing services that have kept our food chain moving -- something none of us can live without.

Major Companies with Interviewed Workers in their Supply Chains		
Mars Wrigley	Kellogg’s	KFC
Trader Joe’s	Albani	Meyer
Home Run Inn Pizza	Kronos Foods	Amazon
Tyson Foods	Turano Baking Company	Costco
Burger King	Dot Foods	Wilton Industries
Starbucks	General Mills	Sysco
Nabisco	McDonald’s	Jewel Osco
Walmart	Pampered Chef	Eagle Foods
Visual Pak	Nestlé	Archer Farms (Target)
Nice! (Walgreens)	Sun Belle	Aldi
Jewel-Osco	DiGiorno	Aryzta

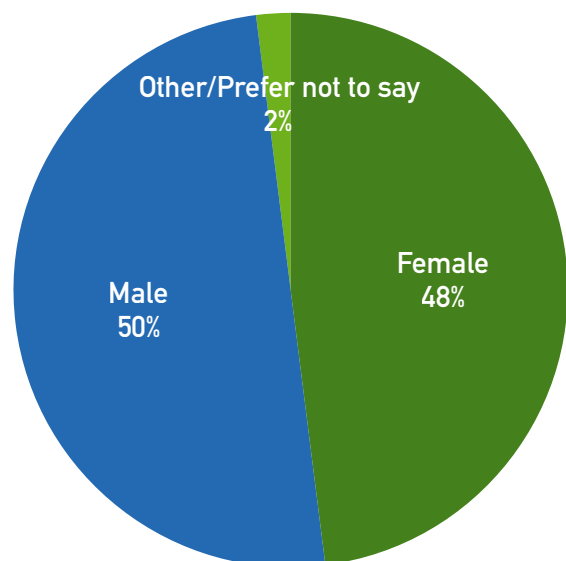
Employers of Interviewed Workers



Race/Ethnicity of Interviewed Workers



Gender of Interviewed Workers



While “food and agriculture,” “manufacturing,” and “transportation and logistics” are recognized as “critical infrastructure sectors,” the prominent role of subcontracted workers -- disproportionately Black and Latinx workers -- has seemingly gone without recognition. Black and Latinx workers account for 85% of temp staffing workers in Illinois factories and warehouses, while the state’s overall workforce is only 35% non-white.¹⁹ In order to ensure racial equity in public health, Illinois’ vaccine distribution must account for these workers and meet the challenge of including them in essential worker vaccine campaigns.

Outbreaks Second Only to Nursing Homes: COVID in Illinois’ factories and warehouses

In April 2020, when COVID-19 outbreaks forced a number of meatpacking facilities across the state to close, executives at Tyson Foods took out full-page ads in the *Washington Post* and *New York Times* protesting the closures’ effects on their bottom line, telling readers that “the food supply chain is breaking.”²⁰ With little regard for worker safety, President Trump heeded Tyson’s calls and issued an executive order that immediately re-opened beef, pork, and poultry processing facilities without addressing the underlying safety concerns.²¹

Manufacturing and warehousing workers across the

country, who work indoors often shoulder-to-shoulder with coworkers, have been hit particularly hard during the pandemic.²² Nationally, in meatpacking and food processing plants alone, at least 1,347 facilities have had confirmed cases, 67,009 workers have tested positive for COVID-19, and at least 312 workers have died. The worker interviews featured in this report show that Illinois’ industrial food workers are no exception. In fact, several of the facilities in which temp workers interviewed for this report reported working have had confirmed outbreaks, including Hearthside Food with over 160 cases across three facilities, Ruprecht Meats with at least 59 cases, Visual Pak with at least 66 cases and Miracapo Pizza with at least 22 cases.²³ For workers throughout these industries, priority access to the COVID-19 vaccine could mean the difference between life and death.

Factories and warehouses are the leading source of COVID infections after nursing homes in Illinois.²⁴ The state has seen at least 165 COVID-19 outbreaks at factories, warehouses, distribution centers, and food production facilities since July 1, 2020.²⁵ Recognizing the danger these infections pose to their profits, the meatpacking industry is lobbying for workers in their supply chains to receive priority vaccine access.²⁶ Indeed, all the workers who produce and move the goods needed to keep the food chain and other essential parts of the economy functioning during this pandemic should be prioritized, with special attention paid to reaching the low-wage, subcontracted workers in these industries.

Findings

“To toil long hours for another’s advantage; . . . to work in dangerous and unhealthful places; . . . to take your chances of accident, disease, and death. And each day the struggle becomes fiercer, the pace more cruel; each day you have to toil a little harder, and feel the iron hand of circumstance close upon you a little tighter.”

– Upton Sinclair, *The Jungle*

A Matter of Life and Death: The risks of COVID-19 to essential food workers and their families

Without the luxury of working from home, essential food production, distribution, and logistics workers have paid an enormous price to keep food supply chains running during the COVID-19 pandemic. 65% of essential food workers interviewed for this report had either themselves gotten sick from COVID or knew of someone in their workplace who contracted the virus, and, in some cases, died. In fact, 11% of workers interviewed knew of a coworker who had died from the virus. These trends cut across different types of food work and some big brand names, including companies such as Mars Wrigley, Kellogg’s, Trader Joe’s, Home Run Inn, Albani, and McDonald’s. At the same time workers are getting sick, companies like Home Run Inn, which produces pizzas, have seen dramatic spikes in sales during the pandemic.²⁷

One worker interviewed described an outbreak in her facility that supplies large companies like Walmart and Burger King with food products. The outbreak killed several of her coworkers and friends:

“Five of my friends died from COVID. They would tell me that they had body aches. One of my friends vomited; she went home and the next day she was pronounced dead by her family.”



Lack of communication and endemic silence by employers has contributed to a culture of fear in many facilities, where news of coworker infections start as a rumor on the floor and culminate with the update of a death. One worker described the sudden and unexpected death of a coworker from COVID-19 in these terms:

“One of my coworkers got sick with COVID and passed away. . . . He was working [while sick], and we didn’t know that he had it. They would tell him that it was his option if he wanted to go to work or not. [Later, t]hey only closed two days to disinfect the warehouse. . . .But after that, straight back to work. Many showed up to work; many didn’t. . . . because of fear. . . .[N]ecessity sometimes is a larger force than fear. . . . The company never addressed the death or told us a coworker had died.”

COVID-19 in the workplace is not only a concern of employees themselves, but it extends to their families. 83% of interviewed workers reported caregiving responsibilities: 44% care for children; 9% care for disabled family members; and 24% care for elderly family members. For essential food workers, the day begins by reporting to workplaces where they work indoors in close proximity with large numbers of coworkers -- more than half of the workers interviewed for this report work in facilities that employ more than 100 workers. Too often, as this report details, employers have done too little to protect workers from transmitting the virus in the workplace. When their shifts end, workers return home to family members, many in constant fear of what they are bringing home with them. One worker described the risk to his own family:

“I have a wife [who] has asthma and my mother can’t catch a cold right now. If I get sick and have to quarantine, I’m going to have to leave my house. . . . I can’t afford to get it. I got two grandchildren, one in the house with me.”

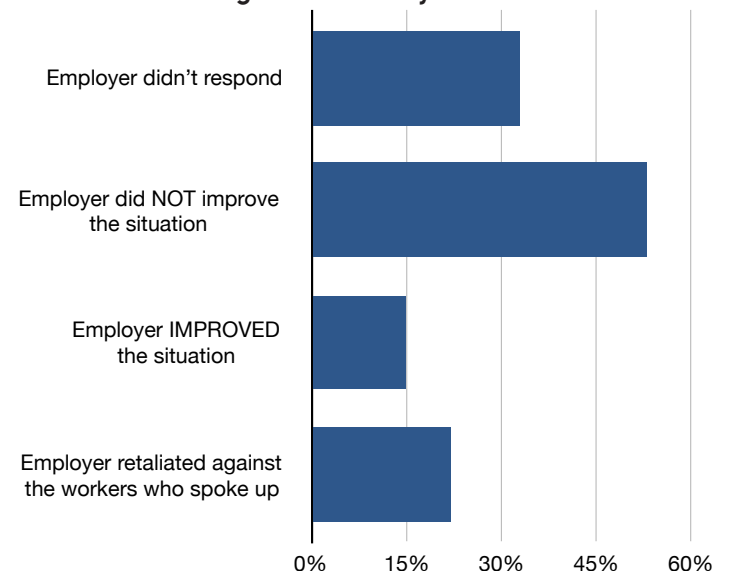
Another worker described the added weight of responsibility involved in taking the extra steps to ensure that her children remain safe:

“One must protect oneself as much as possible, because if we don’t take that initiative, I don’t believe that the owner will worry about us. I have children -- I don’t want to infect them.”

Without timely access to the COVID-19 vaccine, the risks that these workers and their families face each day will be unjustly prolonged.

Essential But Treated as Disposable: Employers’ disregard for essential food workers’ safety

Employer Response to Workers Voicing COVID Safety Concerns



Retaliation question asked separately.

Worker interviews found that many food employers failed to follow basic workplace guidelines to protect workers and their communities from COVID-19 exposure. 49% of workers interviewed reported they have not received new training or information from their employer on how to work safely during the pandemic. In Illinois, factories and warehouses are required to ensure all workers “complete health and safety training related to COVID-19. . . .”²⁸

Workers also reported many employers failing to take measures to detect COVID in the workplace and, when workers have become ill, to protect against an outbreak. 40% of workers interviewed reported that they are not screened every day at work for symptoms. A combined 49% of workers interviewed said that their workplace was not properly sanitized or they did not know if it was. Only about half of the workers who reported knowing a coworker had gotten sick with COVID reported that their employers had asked other workers in the facility to quarantine. One worker reported that his employer refused to take workers' temperatures, but rather asked each worker to sign a paper each day saying that they took their own temperature before coming into work:

“How can I trust that the people next to me aren't sick if the employer won't take their temperatures? If people have been exposed, you're making people choose between losing pay for two weeks or come in and hope they don't have it. How do you know people even have a thermometer? You're putting people between a rock and a hard place.”

When workers have spoken up about their employers handling of COVID, employers have largely failed to improve the situation and, in some cases, retaliated against those who spoke up. As one worker put it, “When one wants to tell it like it is, one loses their job.” 85% of workers interviewed said that their employer either: didn't respond to workers' complaints, retaliated against those who spoke up with concerns about their employers' handling of COVID-19, or took action that didn't improve the situation. One worker said:

“We did strikes for all of the workers who were dying, since the employer didn't tell us anything. That's why I was fired, for not wanting to go into work. I didn't go because of my little boy.”

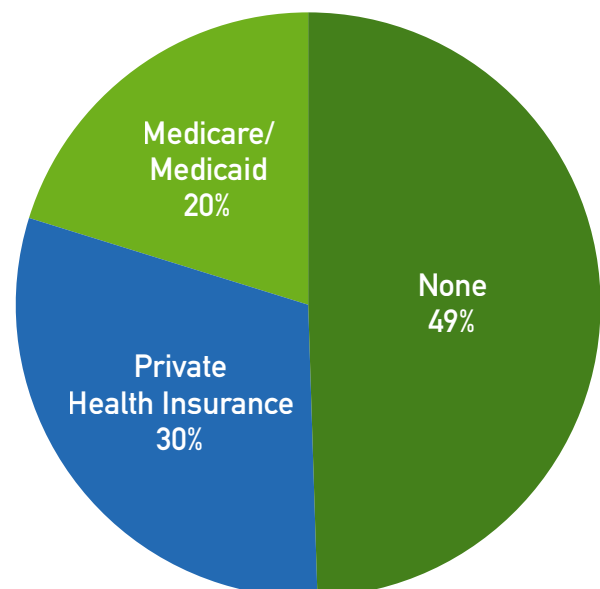
Choosing Between Safety and Survival: The high cost for essential food workers of getting sick with COVID-19

Many essential food workers are at the bottom of subcontracting chains and receive low pay in general. Lack of paid sick days and quarantine pay is particularly difficult for these workers who live paycheck to paycheck. Almost all interviewed workers reported making less than \$20 per hour, and 56% reported making less than \$15 per hour.

With low wages to begin with, when workers do get sick, the financial effects to them and their families can be severe. 61% of workers said they would not receive pay from their employer if they were sick or forced to quarantine. Another 13% were not sure if they would. 83% of workers who reported that they have gotten sick from COVID said that they did not receive paid sick leave from their employer or government assistance. Additionally, nearly half of workers interviewed reported that they do not have health insurance. One worker said:

“I had the virus in April and had to quarantine for a month. Without insurance or quarantine pay, I had no choice but to stay home and suffer through it.”

Health Insurance of Interviewed Workers



Hazard pay is also rare in the food production, distribution, and logistics industries. 96% of those interviewed reported that they are currently not receiving hazard pay. This is significantly higher than the findings from other research, likely in part due to the high number of temp workers interviewed for this report.²⁹ One worker said:

“This is not of interest to the owner. All people belonging to the company do not care if you get sick, if something happens to you. What they want is to get labor out of you. Nothing more. That’s it.”

Another food worker interviewed works at a food warehouse. Because his pay is so low, he also drives for Uber and Lyft. Without hazard pay or paid sick leave, getting sick would mean financial ruin for him:

“If I get sick I’m completely [ruined]. I live on my own. I owe \$2,000 a month. I wouldn’t be able to pay [the bills], work, or drive Lyft or Uber.”

Key Findings

65%

"Of essential food workers interviewed for this report had either themselves gotten sick from COVID or knew of someone in their workplace who contracted the virus, and, in some cases, died." (pg. 6)

85%

"Of workers interviewed said that their employer either: didn't respond to workers' complaints, retaliated against those who spoke up with concerns about their employers' handling of COVID-19, or took action that didn't improve the situation." (pg. 8)

61%

"Of workers said they would not receive pay from their employer if they were sick or forced to quarantine." (pg. 8)

83%

"Of workers who reported that they have gotten sick from COVID said that they did not receive paid sick leave from their employer or government assistance." (pg. 8)

96%

"Of workers interviewed reported that they are currently not receiving hazard pay." (pg. 9)

49%

"Of workers interviewed reported they have not received new training or information from their employer on how to work safely during the pandemic." (pg. 7)

Recommendations

Production, distribution, and logistics workers should be treated as essential workers during the vaccine roll-out process and prioritized for vaccination access.

While food workers were the focus of the interviews captured in this report, all production, distribution, and logistics workers are essential and should be treated as such in essential worker vaccine campaigns. Since the start of the COVID-19 pandemic, factory and warehouse workers have placed themselves and their families at risk, ensuring that grocery stores remained stocked and packages delivered on time. These workers are a critical component of our national food chain and other supply chains and have been uniquely relied on throughout the pandemic, enabling others to stay home.

Despite the necessity of going to work on site, it was not necessary that these workers do so without adequate protection from exposure to the virus or fair treatment. Both inaction and harmful decisions by employers, staffing agencies, and industry leaders have increased the level of risk that production, distribution, and logistics workers have taken on and will continue to take on until they receive the vaccine. The economic and social conditions that lead workers to low-wage employment, especially temp work, means that, for most, the decision to keep working was never really a choice -- it's a necessity in order to continue providing for themselves and their families. As one interviewed worker put it: "necessity sometimes is a larger force than fear." Society has relied on production, distribution, and logistics workers in order to ride out the pandemic, while leaving them underprotected and highly exposed to the virus. Equity demands that these largely Black and Latinx essential workers receive priority access to the COVID-19 vaccine.

An inclusive, equitable vaccination campaign of essential factory and warehouse workers demands attention to the logistical challenges of the most precarious, temporary and subcontracted workers in these workplaces. Temp workers and other subcontracted workers may not always report to the same workplace during a standard workweek. Additionally, workers' sense of being mistreated by their employers in the workplace and concerns about safety violations on the job will likely discourage many from receiving vaccines if they are administered through their employers. Workers must be able to get vaccines through their local health departments (and not for-profit urgent care clinics, which frequently work with companies to manage workers injured on the job and have an



unfortunate reputation among many workers as being complicit in helping minimize unsafe working conditions³⁰). For vaccine distribution to be as successful as possible, healthcare partners need to be trusted among workers and free from potential conflicts of interest.

Illinois state and local health departments should collaborate with worker centers like Warehouse Workers for Justice and the Chicago Workers' Collaborative to coordinate the vaccine distribution process to production, distribution, and logistics workers across the state.

Temporary staffing agencies and third-party logistics companies have flouted state COVID-19 regulations throughout the pandemic and proved themselves unreliable and insufficiently prepared to coordinate a massive vaccination effort, especially given the precarious and often antagonistic relationships they have with workers. Vaccine deployment among workers in Illinois' production, distribution, and logistics industries will require thoughtful planning in an employment landscape where staffing agencies, third-party logistics companies, and major production and manufacturing companies systematically pawn responsibility for their workers' health and safety off on one another.

Worker centers like WWJ and CWC, made up of current and former worker leaders in these industries, already work to educate workers about work-

Workers should also receive paid time off for vaccination appointments, including two appointments if the vaccine requires two doses and any follow-up appointments necessitated by the vaccination process.

place safety and how to respond to issues that arise in workplaces. They can provide valuable knowledge to health officials on how to best distribute the vaccine within their communities and educate workers about the vaccine. They have the necessary trust and existing relationships with workers and their communities to assist health departments in reaching these workers, educating them about the vaccine, and assisting them in navigating the process successfully. Trust is especially important in the context of long-term medical racism in the healthcare field and the unsurprising skepticism and fear of government-led medical programs that many workers of color share.³¹ Worker centers should be given seats at the table to ensure that vaccine distribution is practical, efficient, and equitable in this fragmented labor system.

The State of Illinois should require that employers provide manufacturing and warehouse workers with hazard pay and paid time off should they have to quarantine after a positive test result or exposure.

COVID-19 has been especially devastating because so many low-wage workers have had to choose between maintaining a stable income and their health and safety.³² COVID-19 symptoms vary, and if workers have hazard pay and paid sick time, they will be able to keep themselves, their families, other workers and the broader community safer, should they experience an exposure or experience symptoms, until they test negative for the virus and no longer have symptoms. Current surges in hospitalizations are one reason why healthcare workers have faced delays in receiving vac-

inations.³³ When workers are able to fully recuperate and recover from COVID, there will be less stress on hospitals, which will enable more efficient and effective vaccine distribution. Hazard pay and paid sick time will also ensure the most robust economic recovery possible.

Strengthen the health and safety and organizing rights of low-wage and temporary workers by passing universal just cause policies.

The current paradigm of at-will employment -- in which workers can be fired for any or no reason at all with narrow, hard-to-prove legal exceptions for retaliation and discrimination -- profoundly undermines workers' ability to address workplace health and safety conditions and, thus, public agencies' ability to enforce workplace standards.³⁴ Public agencies, like IDPH and the Illinois Department of Labor, rely on workers' complaints to enforce workplace standards but are unable to protect the most vulnerable workers -- low-wage, temp and undocumented workers -- from the devastating effects of retaliation.³⁵ Anti-retaliation laws require workers to prove when their employers retaliate against them, but employers can and do claim a range of justifications for retaliatory and discriminatory treatment, such as poor performance, downsizing, speaking too loudly or not getting along with coworkers.³⁶ For many workers, the burden to prove these justifications are false is too-often impossible to meet, especially the most vulnerable.³⁷ Temp and low-wage work is a last

resort for most workers and our tattered public safety net makes it nearly impossible for many workers to walk away from even an abusive and unsafe job.³⁸ As such, workers acquiesce to working conditions that they know are bad, because speaking up comes with too great of a cost -- the inability to support themselves and their families. In turn, public agencies systematically lose the most critical component in bringing industries into compliance with public health guidelines and other basic workplace laws.³⁹

Under universal just cause, however, employers would be required to demonstrate good cause to justify a discharge. It would create a broad assumption of protection and place the burden on employers to prove their reason for firing a worker is lawful. The assumption of protection can shift the power dynamic in the employment relationship, empowering workers to improve unsafe working conditions.

Formalize workers' role in health and safety compliance by mandating recognition of employee workplace monitors and health councils.

Illinois public leaders face an extraordinary task in their attempts to reduce record COVID-19 infection rates. While state contact tracing data demonstrates that the industries and workplaces covered in this report are major drivers of transmission, public health departments lack sufficient investigative capacity to ensure industry compliance for the hundreds of thousands of food workers in manufacturing and warehousing.⁴⁰ Furthermore, employer intimidation and retaliation undermine the state's ability to gather the necessary evidence required to facilitate complaint-driven enforcement actions.⁴¹

Workplace monitors and health councils could provide critical functions to maximize limited public resources such as workplace mitigation education, an avenue for workers to identify health and safety risks and raise them with management, and implementation of compliance strategies, with retaliation protections. Worker health and safety councils would be established when requested by two or more workers. Nominated and elected by the workers, workplace monitors would

be empowered to ensure compliance with local, state, and federal employment laws and public health guidelines; entitled to inspect all areas of the workplace and all relevant company records, with authority to interview all relevant parties when necessary; and entitled to participate in government agency compliance checks, including to consult with and accompany any government agency inspector. Members of the council should be entitled to paid time off and training necessary to conduct council duties. The council would meet with management to discuss a number of topics including but not limited to health safety, compliance with labor and employment standards, and business decisions that impact the workforce. This is similar to the public health councils that workers can form under a new program created in L.A. County in November 2020.⁴² Workers who can act as eyes and ears of health and labor agencies dramatically increase the capacity of public agencies to conduct strategic enforcement and ensure compliance with workplace standards.

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