Essential in Ohio

Critical infrastructure workers remain key to Ohio’s health and economic recovery

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Commissioned by: Essential Ohio Coalition

Essential Ohio is a state-wide campaign to create long-lasting change for essential workers: raising labor standards, improving safety and honoring workers’ power. Visit www.essentialohio.org and follow @EssentialOH on Twitter.
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Ohio’s essential workers have always been indispensable. COVID-19 showed us just how much so when — as others sheltered at home — the Ohioans working in health care, child care, the food supply chain and other critical industries kept showing up to work. They cared for the sick and the children of other essential workers; kept the utilities on and the groceries stocked; and performed the countless tasks on which we all depend. In doing so, essential workers assumed great risk to themselves and their families.

Policymakers and employers failed essential workers with inadequate protections and too little pay. At the median, essential jobs in Ohio pay less than non-essential jobs. Ohio never mandated statewide premium pay, as six other states did. Policymakers and employers failed essential workers with inadequate protections and too little pay. At the median, essential jobs in Ohio pay.

Executive Summary
Ohioans working in health care, child care, the food supply chain and other critical industries kept showing up to work. They cared for the sick and the children of other essential workers; kept the stores stocked with food. They kept the office clean. Ohio’s essential workers kept our state and economy running and helped countless Ohioans throughout the pandemic.

Key findings

• Three in ten employed Ohioans work in an essential job. These are jobs that meet critical needs, including health and child care, transportation, utilities and food.
• Essential workers in Ohio are paid 12.9% less at the median than people in non-essential jobs, even while many face higher risk of COVID-19 exposure to themselves and their families.
• While men and women are equally likely to work essential jobs, women work more of the lowest paid and highest exposure jobs.
• Ohioans of color are more likely to work in essential jobs than white Ohioans.
• Essential workers in Ohio are paid 12.9% less at the median than people in non-essential jobs, even while many face higher risk of COVID-19 exposure to themselves and their families. Essential workers are an integral part of our communities. However, the DeWine administration did not define essential workers by job title and did little to demonstrate that the people doing the essential work were valued.

Who Are Ohio’s Essential Workers?

When Governor DeWine recognized certain industries as essential in his stay-at-home order, he implicitly acknowledged that the products and services some working people provide are essential to the basic functioning of our communities. However, the DeWine administration did not define essential workers by job title and did little to demonstrate that the people doing the essential work were valued.

Introduction

Essential workers are those who work in critical infrastructure jobs vital to meeting basic needs. Many essential workers were required to work in person through Ohio’s stay-at-home order last spring. They include healthcare, child care, food supply, utility and transportation workers, among others.

During the COVID-19 pandemic, Ohio’s essential workers stepped up to care for all of us. They nursed our sick loved ones in the hospital. They cared for our children while we went to work. They kept the stores stocked with food. They kept our offices clean. Ohio’s essential workers kept our state and economy running and helped countless Ohioans throughout the pandemic.

With 5.6 million Ohioans now fully or partially vaccinated against COVID-19, there is hope that the threat of COVID-19 to our health and safety will begin to diminish. Yet, we do not emerge unseathed: more than 1.1 million Ohioans have been diagnosed with COVID-19, and 20,000 have died, leaving hundreds of thousands to mourn. While Ohioans are contending with both new economic hardships and ones that lingered from before, COVID-19 displaced 321,000 Ohioans from work between February 2020 and May 2021. Many of Ohio’s essential workers do jobs that rank among the state’s lowest paid.

We cannot go back to business as usual. The pandemic shone a light on a fact that had been true all along: essential workers are critical to maintaining our economy and our quality of life. Essential workers are an integral part of our community. Yet, they are frequently denied the recognition — and pay — that they need.
critical infrastructure jobs.11 This report uses a somewhat narrower definition developed by the New York City Comptroller’s office and limited to jobs which were still being performed during Ohio and other states’ stay-at-home orders.

Essential workers are individuals performing jobs critical to infrastructure and include:

- Food and agricultural workers
- Emergency service workers
- Transportation, warehouse and delivery workers
- Commercial service workers
- Health care workers
- Government and community service workers
- Communications and IT workers
- Financial sector workers
- Energy sector workers

Frontline workers are considered a subcategory of essential workers that are at high risk of exposure to COVID-19 due to the nature of their job and/or direct contact with the general public.12 Many Ohioans are both. While some critical jobs – such as those in government and finance – did not put workers at higher exposure risk, many of the Ohioans providing the most vital services took on extra risk to themselves and their families, including those working in health care, child care and critical retail, such as grocery stores. While certain working conditions have always posed the risk of danger, the risk was further heightened by potential exposure to COVID-19. For example, Ohio’s farmworkers often live in crowded, shared housing on their worksites and lack access to handwashing stations during work hours, which create health and safety risks for workers that were exacerbated during the pandemic.

The model used in this report was developed by the Economic Policy Institute (“EPI”).13 It covers all essential workers. EPI drew on a Center for Economic Policy Research model and added wage information. Ohio data have been run by Policy Matters Ohio for this report based on 2020 data.

### Where They Work

Nearly three in ten Ohio workers hold a job classified as essential based on their industry or occupation. Among these, many work in frontline roles that put them at heightened risk of exposure to COVID-19 throughout the pandemic. The largest groups are in health care (390,885) and food and agriculture (286,717). Across all essential jobs, the median worker is paid about 12.9% less than the median non-essential worker – $18.05 per hour compared with $20.72 per hour. For workers who are undocumented, working in the gig economy or otherwise paid “under-the-table,” wages are often even lower and do not appear in survey data. Many essential workers are paid too little to cover their basic necessities. These include food and agricultural workers ($12.32 per hour) and wastewater treatment workers ($12.26 per hour). The federal poverty guideline for a family of four in 2020 was $26,300, which equates to about $12.64 per hour. These are median wages; they appear in Table 1.

Essential jobs appear in many industries in which the lowest-paid quarter of workers are paid too little to cover basic living costs. In four essential industries, the bottom quarter of workers are paid so little they would qualify for Supplemental Nutrition Assistance Program (SNAP) aid if they were working full time and supporting a family of three.14 These industries are food and agriculture (the 25th-percentile worker is paid $9.89 per hour), commercial services ($13.32), health care ($12.58) and communications and IT ($11.74). These workers comprise more than 244,000 of the Ohio essential workers that are paid a near-poverty wage. The 25th-percentile non-essential worker is paid $14.64 per hour.

**“I was very worried about my family and losing my job. It took a toll on my mental well-being, [it was] too much stress.”**

– Essential Worker in Food Production

Frontline workers face high risk

Work sites have been key transmission hubs for COVID-19. A study of early COVID-19 outbreaks in six Asian countries found that possible work-related transmission accounted for 47% of examined outbreaks.15 The same study found that frontline workers were the most at-risk: people who work in health care comprised 22% of work-related cases; drivers and transport 18%; services and sales workers another 18%; janitorial and domestic workers 9% and public safety workers 7%. Kaiser Health News profiled 3,605 U.S. health care workers killed by COVID-19. The most at-risk were the industry’s lowest paid, including direct care workers, and especially those working in nursing homes, while those at well-funded research hospitals were more likely to be spared.16 The United Food and Commercial Workers International Union tracked more than 80,000 infections and 400 deaths among its members, including 137 grocery workers and 132 meat packing workers.17 A Birmingham, Alabama, survey of low-paid workers found that 8% – nearly one in 12 – had suffered from COVID-19 and believed they had contracted it at work.18

The workers at greatest risk of contracting and dying from COVID-19 are the very people we rely on to keep Ohioans safe through the pandemic and steer the economy to recovery. Yet, policymakers have largely failed to keep all essential workers safe.

### Table 1 // Where They Work: Essential Ohio Workers

<table>
<thead>
<tr>
<th>Industry or Occupation</th>
<th>Estimated Workers</th>
<th>Share of All Workers</th>
<th>Median Wage Per Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Essential Industries and Occupations</td>
<td>1,563,794</td>
<td>29.5%</td>
<td>$18.05</td>
</tr>
<tr>
<td>Food and Agriculture</td>
<td>286,717</td>
<td>5.4%</td>
<td>$12.32</td>
</tr>
<tr>
<td>Emergency Services</td>
<td>25,341</td>
<td>0.5%</td>
<td>$28.58</td>
</tr>
<tr>
<td>Transportation, Warehouse, and Delivery</td>
<td>181,743</td>
<td>3.4%</td>
<td>$19.98</td>
</tr>
<tr>
<td>Commercial Services</td>
<td>191,325</td>
<td>3.6%</td>
<td>$19.40</td>
</tr>
<tr>
<td>Health Care</td>
<td>390,885</td>
<td>7.4%</td>
<td>$17.96</td>
</tr>
<tr>
<td>Government and Community Based Services</td>
<td>159,105</td>
<td>3.0%</td>
<td>$22.65</td>
</tr>
<tr>
<td>Communications and IT</td>
<td>100,847</td>
<td>1.9%</td>
<td>$15.86</td>
</tr>
<tr>
<td>Financial Sector</td>
<td>108,365</td>
<td>2.0%</td>
<td>$27.58</td>
</tr>
<tr>
<td>Energy Sector</td>
<td>34,466</td>
<td>0.6%</td>
<td>$24.78</td>
</tr>
<tr>
<td>Water and Wastewater Management</td>
<td>2,318</td>
<td>0.0%</td>
<td>$12.26</td>
</tr>
<tr>
<td>Critical Manufacturing</td>
<td>82,677</td>
<td>1.6%</td>
<td>$19.94</td>
</tr>
<tr>
<td>Non-Essential Industries and Occupations</td>
<td>3,742,139</td>
<td>70.5%</td>
<td>$20.72</td>
</tr>
</tbody>
</table>

Marginalized Workers Hit Hardest

In terms of both health and economic impacts, COVID-19 has not affected Ohioans equally. The essential workers who were marginalized even before the pandemic have been hit the hardest. Women are more likely to: hold high-risk essential jobs; have been laid off due to COVID-19; or have faced new risks at work is a problem exacerbated by the COVID-19 pandemic. Ohioans of color are more likely to work in settings that exposed them to COVID-19 and to have fewer protections to mitigate risk or survive illness. As vaccines roll out, Black and Latinx Ohioans are less likely to have access, even as they work in these higher-risk jobs.

TABLE 2 // ESSENTIAL JOBS HELD BY OHIO MEN AND WOMEN

<table>
<thead>
<tr>
<th>Occupational Group</th>
<th>Workers</th>
<th>Share Female</th>
<th>Median Wage Women</th>
<th>Median Wage Men</th>
<th>Median Woman’s Wage as Share of Median Man’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Care</td>
<td>390,885</td>
<td>77.5%</td>
<td>$16.66</td>
<td>$24.84</td>
<td>67.1%</td>
</tr>
<tr>
<td>Government and Community Based Services</td>
<td>159,106</td>
<td>75.9%</td>
<td>$21.37</td>
<td>$33.94</td>
<td>63.0%</td>
</tr>
<tr>
<td>Communications and IT</td>
<td>100,848</td>
<td>61.8%</td>
<td>$14.36</td>
<td>$19.07</td>
<td>75.3%</td>
</tr>
<tr>
<td>Financial Sector</td>
<td>108,366</td>
<td>59.5%</td>
<td>$21.38</td>
<td>$37.45</td>
<td>57.1%</td>
</tr>
<tr>
<td>Food and Agriculture</td>
<td>286,718</td>
<td>38.5%</td>
<td>$13.44</td>
<td>$12.07</td>
<td>31.3%</td>
</tr>
<tr>
<td>Transportation, Warehouse, and Delivery</td>
<td>181,743</td>
<td>22.4%</td>
<td>$19.35</td>
<td>$20.00</td>
<td>96.7%</td>
</tr>
<tr>
<td>Commercial Services</td>
<td>191,326</td>
<td>16.7%</td>
<td>$11.99</td>
<td>$19.64</td>
<td>61.1%</td>
</tr>
<tr>
<td>Critical Manufacturing</td>
<td>82,677</td>
<td>12.1%</td>
<td>$13.16</td>
<td>$20.08</td>
<td>65.5%</td>
</tr>
</tbody>
</table>

Women face health and financial risk

Ohio men and women are about equally likely to work in essential jobs, accounting for 29.6% of employed men and 29.3% of employed women. However, the jobs they hold differ, and women are paid substantially less both within and across critical industries. Health care is Ohio’s most female-dominated, essential industry with women accounting for 77.5% of the workforce; yet, women in health care are paid 67.1% of what men are paid at the median. The difference reflects both steering men and women into different occupations within industries and pay discrepancies within occupations. Women are paid less in each of Ohio’s most female-dominated jobs.24 In essential industries, women also lead in government and community-based services and communications and IT, while men make up most of the workforce employed in critical manufacturing; commercial services; transportation and warehousing; and food and agriculture. The financial sector, where women have a substantial employment edge, is the highest-paying, essential industry, yet it is the industry with the widest pay gap. Women there are paid only 57 cents on the dollar compared with men.25 Only in food and agricultural jobs were women paid more than men in our data. This is an unusual finding given that women are underrepresented nationally in agriculture, particularly in harvesting jobs. This finding may represent under-sampling of
some of the poorest workers in that industry, which relies heavily on undocumented workers, and the need to disaggregate the data by job category.

Women have been hit hard by COVID-19. While many lost their jobs when their employers cut staff in the recession, others have had to reduce their hours or leave work to take on new caregiving responsibilities for sick loved ones or children out of school. For those who remain on the job in essential industries, many face a high risk of contracting COVID-19 at work in some of the most public-facing jobs. In addition to working as nurses and health aides in Ohio’s health care industry, women also dominate child care jobs where the median wage is $10.65 per hour.26

Both men and women in essential jobs are paid less at the median than their counterparts in non-essential jobs.

Workers of color on the frontlines

Black, Brown and Indigenous people have been hit harder by COVID-19 in terms of both health and economic stability. Nationally, Black Americans are 1.1 times as likely as white counterparts to contract COVID-19 and 1.9 times as likely to die from it than their white counterparts: roughly 10% are more likely to contract COVID-19, and 90% are more likely to die from it. Latinx Americans are 2 times as likely to get COVID-19 and 2.3 times as likely to die, and Indigenous people are 1.6 times as likely to contract the virus and 2.4 times more likely to die from it. Asian Americans are 0.7 times as likely to contract COVID-19 as their white counterparts, and face the same likelihood of death.27 In Ohio, Black residents are 12% of the population but 20% of COVID-19 sufferers who reported their race.28 Economic inequality and racism have contributed to elevated COVID-19 cases and deaths among people of color29 as well as the greater likelihood that people of color serve in high-risk essential jobs. Years of policies and practices that have oppressed, exploited and excluded Black, Brown and Indigenous people have forced them into higher risk jobs and taken a toll on their health. Black Ohioans were laid off at higher rates resulting in economic harm, while those who were working were more likely to be exposed to COVID-19 on the job. Many Black and other Ohioans of color did not have the resources to withstand a new setback to either their health or their finances. Black Ohioans are more likely to experience health problems associated with economic hardship, including heart disease, cancer and diabetes, and are now more likely to suffer from COVID-19.29

Ohioans of color hold more than their share of essential jobs. Black men are 20.0% more likely to be in essential jobs than white men, and Black women are 54.8% more likely than white women to be in essential jobs. Latino workers are 8.4% more likely to be in essential jobs than white men, and Latinas are 24.6% more likely than white women to be in essential jobs. These discrepancies may in fact be larger, due to under-sampling of immigrant and, especially, undocumented workers, who are disproportionately Latinx. In our dataset, Latinx Ohioans are coded as “Hispanic,” a distinct but largely overlapping category.30 Figures for Asian Ohioans, Indigenous Ohioans and people of other races are not reported out due to limited sample sizes in our dataset.

Regardless of race, Ohioans working essential jobs are paid less than those in non-essential roles. Ohioans of color are paid less than their white counterparts in essential and non-essential industries.

**TABLE 3 // OHIO WORKERS IN ESSENTIAL AND NON-ESSENTIAL JOBS**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Race</th>
<th>Workers</th>
<th>Share in Essential Jobs</th>
<th>Median Wage</th>
<th>Workers</th>
<th>Share in Non-Essential Jobs</th>
<th>Median Wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>White</td>
<td>657,508</td>
<td>20.0%</td>
<td>$20.22</td>
<td>1,608,239</td>
<td>71.0%</td>
<td>$23.94</td>
</tr>
<tr>
<td>Male</td>
<td>Black</td>
<td>102,067</td>
<td>34.8%</td>
<td>$16.11</td>
<td>190,976</td>
<td>65.2%</td>
<td>$16.56</td>
</tr>
<tr>
<td>Male</td>
<td>Hispanic</td>
<td>36,200</td>
<td>31.5%</td>
<td>$12.56</td>
<td>78,838</td>
<td>68.5%</td>
<td>$16.95</td>
</tr>
<tr>
<td>Female</td>
<td>White</td>
<td>531,930</td>
<td>26.8%</td>
<td>$17.41</td>
<td>1,453,956</td>
<td>73.2%</td>
<td>$19.35</td>
</tr>
<tr>
<td>Female</td>
<td>Black</td>
<td>145,351</td>
<td>41.5%</td>
<td>$14.53</td>
<td>265,294</td>
<td>58.5%</td>
<td>$17.14</td>
</tr>
</tbody>
</table>


**Livable Wages**

Those who have worked on the front lines through the pandemic to keep the state running should be paid wages that meet the cost of living and honor the value of the work they are doing. Ohioans who have risked their own and their families’ lives should not also struggle to meet basic needs. Ohio’s essential workers should be paid premium pay right now and a livable minimum wage permanently.

**Premium pay**

Early in the pandemic, many employers issued temporary premium pay (which has also been referred to as hazard pay) for essential workers, but many later eliminated it even as new cases surged last summer. The fact that companies paid hazard pay – however briefly – underscores the reality that these workers typically produce more value for their employers than their rate of pay would demonstrate. Policymakers must rapidly pass premium pay legislation to supplement wages for low-paid workers and then move to create a minimum wage that meets the cost of living. Ohio and local governments can use American Rescue Plan dollars to help offset the costs of providing premium pay.

The American Rescue Plan, signed into law in March 2021 by President Biden, allocates $330 billion to state and local governments, naming premium pay as one of four possible uses of funds.
Vermont awarded $50.5 million in two rounds; 41,587 workers with $1,200 payments. Had the American Rescue Plan allowed for premium pay for first responders, additional funds for one-time $500 teacher bonuses, plus a $2-per-hour raise for 85,000 direct care workers which, if made permanent as the governor recommended, will apply on their own behalf, instead of granting the funds through employers. Following a request from Ohio Attorney General Dave Yost, state legislators proposed $1,000 in bonus pay for all Ohio police and other first responders who worked during the pandemic. In his letter, Yost cites the risk officers have taken on in reporting to work during the pandemic. Separately, Ohio has classified child care workers, healthcare providers, lead abatement workers and others as “top jobs.” “Top jobs” formerly comprised only jobs with significant job openings that paid at least 80% of the median wage, but this year Ohio has added a separate designation for “critical jobs.” Child care teachers and home health aides made the list but are among the state’s lowest paid workers. Ohio should follow this designation with premium pay for every Ohioan working in one of these critical roles.

In fact, many more Ohioans work in critical jobs and should receive premium pay. The state of Ohio should take similar measures as Pennsylvania to extend the program. Pennsylvania issued $50 million in grants to 639 employers to support 41,587 workers with $1,200 payments. Had the state been able to make grants to all eligible applicants, it would have spent $300 million. Virginia spent $73 million to award $1,500 bonuses to 43,500 home health workers. New Hampshire paid out $68 million in $300-per-week bonuses to health care workers from April through June and then extended the program. Pennsylvania issued $50 million in grants to 639 employers to support 41,587 workers with $1,200 payments. Had the state been able to make grants to all eligible applicants, it would have spent $300 million.

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Firms chose financial schemes over workers

Some employers drew criticism for ending hazard pay even as corporate profits soared. In Ohio, CEO pay among the state’s largest hundred employers in 2019 exceeded that of median workers by 306 to 1 for the typical, publicly-traded company. Kroger ended voluntary hazard pay in May 2020 and retaliated against communities that passed hazard pay mandates by announcing the closure of seven stores. This follows a year in which Kroger posted a record $2.5 billion profit, paid its CEO $21.1 million and added nearly $1 billion in stock buybacks to the $6 billion it made over several preceding years. Kroger is just one example of a larger trend. From 2009 to 2018, CEOs used buybacks to drain 52% of net income from the 465 companies in the S&P 500 Index that were publicly traded in each of those years; following the Tax Cuts and Jobs Act, buybacks soared to a record $806 billion in 2018. Stock buybacks are a financial scheme in which corporations spend money that could be reinvested into the business to instead reduce the number of outstanding shares in their company: doing so boosts the stock price – and thus shareholder and executive pay – without creating any value in the economy. For this reason, stock buybacks were illegal under Securities and Exchange Commission rules as a form of price fixing until the Reagan administration. Researchers in 2018 estimated that by ending stock buybacks and spending $10 billion on raising wages instead, Walmart could pay $1 million low-paid employees an additional $5.66 an hour.46 Stock buybacks illustrate that these corporations are making the choice to enrich their executives and shareholders instead of investing in the working people who make them profitable. In the 40 years ending in 2019, when workers became more productive than ever, Ohio firms increased pay to the median worker by just 3.9%. Pay for the lowest paid tenth-percentile worker rose only 1.6%. The profitable corporations that dominate our economy have the resources to pay working people fairly. They have simply chosen not to.

A $15 minimum wage

Everyone who works should be paid a wage that covers basic living expenses, especially workers doing critical jobs during a pandemic. Yet, over four decades while Ohio workers became more productive and made the state wealthier than ever leading up to the pandemic, corporations and the policymakers who serve them pushed median wages flat and, over the five decades since its 1968 peak, they pushed the buying power of the minimum wage down by more than a quarter. The pandemic has shown us that wages do not reflect the value of work. Instead, they are heavily influenced by the bargaining power of those working. As employers faced union drives and pushed down membership over recent decades, wages have flattened for low and...
SAFE WORKPLACES AND PAID SICK TIME

Everyone working during the COVID-19 pandemic deserves a safe workplace, including the ability to stay home from work when sick. Protecting workers is also a vital element of ensuring public health.

Policymakers failed frontline workers—and the public—on workplace safety

Despite calls from worker advocates and a lawsuit by the AFL-CIO to force action, OSHA never issued emergency or permanent workplace safety standards specific to COVID-19. In the early months of the pandemic, OSHA received 8,909 COVID-safety complaints from workers, but, by September 18, 2020, they had opened inspections for only 191 (2.1%) and issued just four citations as of August 13, 2020. As the pandemic ravaged U.S. workplaces, OSHA reduced total inspections by a third between March and August of 2020. Then-President Donald Trump appointed Eugene Scalia—who had spent much of his career fighting workers on behalf of corporations—to head OSHA. Governor DeWine issued the nation’s first “stay-at-home order,” followed by specific workplace mandates and eventually a statewide mask mandate. The Ohio Department of Job and Family Services (“ODJFS”) eventually recognized quitting or not returning to a workplace when a person was at high risk and unsafe as “just cause,” enabling OSHA to continue receiving unemployment benefits. But specific efforts to protect essential workers who stayed on the job fell short. A key shortfall was in enforcement. Ohio relied on businesses to act in good faith and follow public health orders, without stepped-up enforcement, despite hundreds of complaints to county health departments that non-essential businesses had stayed open in defiance of Governor DeWine’s stay-at-home order. Businesses’ willingness to defy such a clear-cut executive order should have been a red flag for OSHA, which had stayed open in defiance of Governor Scalia’s stay-at-home order. Businesses’ willingness to defy such a clear-cut executive order should have been a red flag for OSHA, which had stayed open in defiance of Governor DeWine’s stay-at-home order.

OSHA’s failure to issue workplace safety mandates specifically aimed at protecting workers against COVID-19 meant that Ohio could legally issue its own. State policymakers chose not to act. Governor DeWine issued the nation’s first “stay-at-home order,” followed by specific workplace mandates and eventually a statewide mask mandate. The Ohio Department of Job and Family Services (“ODJFS”) eventually recognized quitting or not returning to a workplace when a person was at high risk and unsafe as “just cause,” enabling OSHA to continue receiving unemployment benefits. But specific efforts to protect essential workers who stayed on the job fell short. A key shortfall was in enforcement. Ohio relied on businesses to act in good faith and follow public health orders, without stepped-up enforcement, despite hundreds of complaints to county health departments that non-essential businesses had stayed open in defiance of Governor DeWine’s stay-at-home order. Businesses’ willingness to defy such a clear-cut executive order should have been a red flag for OSHA, which had stayed open in defiance of Governor DeWine’s stay-at-home order.

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serve clear workplace protections backed with robust enforcement.

**Protect whistleblowers**

Workplace safety mandates should include protection against retaliation by employers for workers who report safety violations. Federal law prohibits whistleblowers in its emergency workplace standard, which took effect July 15, 2020.68 Ohio should follow Colorado and Virginia in issuing protections specifically related to COVID-19 and any subsequent pandemic.

**Paid sick time**

Being forced to choose between going to work sick or losing pay they need for basic needs has been a basic fact of life for many working Ohioans for years. For some workers, COVID-19 has now made it a death sentence. Fourteen states have adopted comprehensive COVID-19 worker safety protocols, with some including mandates to quarantine from work.69 Virginia mandates that workers known or suspected of having COVID-19 stay home from worksites, but doing so is a death sentence.70 Meanwhile, systemic racism which stained slavery; today it excludes many Black, Latinx and immigrant workers.71 Ohioans in both essential and non-essential jobs.

**Empowering Workers**

Protecting workers’ right to organize

The Economic Policy Institute has found that a successful barrage of corporate attacks on working people’s power held down wages and widened inequality over decades, even as the pre-COVID economy boomed.72 When the pandemic broke out, being represented by a union gave workers at some companies the decisive leverage to demand needed safety protocols and secure premium pay. Being represented by a union increases pay for Ohioans in both essential and non-essential jobs. For non-essential workers, union representation boosts pay 20.2% from a median of $20.07 per hour to $24.13 per hour. Essential workers get a 23.5% pay boost from $17.48 per hour to $21.59 per hour. While these figures do not control for industry, higher levels of union representation have been a key way that workers in some industries have secured higher pay. Chart 3 shows the median pay for Ohioans working essential and non-essential jobs based on whether or not they are represented by a union.

Today just 13.1% of Ohioans are in a union, down from 23.0% in 1989.73 That is not for lack of interest on the part of workers. Some 58 million Americans not in unions say they would join one if they could: that figure would quadruple union density to 54%.74 Two thirds of Americans see unions favorably.75 Yet corporations over recent decades have responded to workers’ union drives by aggressively and sometimes illegally resisting.76 Meanwhile, systemic racism which stained the National Labor Relations Act that protects workers’ right to form a union has excluded farmworkers and domestic workers from the outset.77 At its 1935 passage, this exclusion served as a means to deny rights to Black descendants of slaves; today it excludes many Black, Latinx and immigrant workers.

The federal Protecting the Right to Organize (PRO) Act approved by the House and now under the Senate would impose consequences on employers that illegally fire workers for union drives. The bill would also stop employer attempts to interfere with union elections under delay tactics and intimidation; ban captive audience meetings in which employers force their workers to listen to anti-union messages; and require prompt disclosure of union-busting activities through hired law firms.78 More than half of all workers who vote to form a union still are without a collective bargaining agreement a year later: the PRO Act establishes mediation and, if necessary, arbitration to make sure workers get a contract. Congress should pass the PRO Act and take further steps to amend the Fair Labor Standards Act so that farm and domestic workers are protected.79 Ohio and local policymakers can help protect workers’ right to organize. They should start by requiring employer neutrality in workers’ organizing drives as a condition for all government contracts and economic development incentives.80 Employer-union neutrality means that employers agree not to interfere if workers attempt to form a union and that they will voluntarily recognize the union if a majority of workers who would form a bargaining unit sign union cards. The ARP provides Ohio communities with new resources that can be used for certain infrastructure projects, and pending infrastructure plans may provide much more.

**Paid Better in Unions**

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COVID-19 has ravaged densely-packed meat processing facilities. As cases soared among workers in crowded conditions, local health officials last spring began to order plant closures and grocery stores prepared to ration meat. Then-President Donald Trump responded by invoking the Defense Production Act to order plants to remain open in an executive order citing the same rationale as a model executive order sent to the White House by the industry’s trade association.86 In Ohio, at least 323 cases of COVID-19 were linked to outbreaks in seven meat packing plants in Columbiana, Holmes, Stark and Wayne counties, leading to 31 hospitalizations and three deaths.87

The meat packing industry is a case study in how employers have resisted unions and exploited immigrant workers to push wages down. Those same actions have made them less safe. Following successful efforts to unionize the industry after World War II, meat packing jobs paid more than most manufacturing jobs and were considered middle class.88 By the late 1970’s, the United Packhousing Workers of America sustained wages around $30-an-hour, but was already fighting a defensive battle with agribusiness. After the interstate system and refrigerated trucking made it possible to move slaughterhouses out of union-dense urban areas in the late 1950’s employers moved to rural outposts and began replacing their workforce with more vulnerable immigrant workers. They heavily recruited Russian and Ukrainian immigrants in the 1980’s then Mexican and Guatemalan immigrants in the early 2000’s. By 2002, meat packing jobs paid a quarter less than manufacturing jobs, and meat packing companies became synonymous with extreme exploitation, high worker turnover and callous disregard for the law. They also became some of the most dangerous jobs in the U.S. That danger was further compounded by COVID-19.

All infrastructure projects should require Community Benefit Agreements between the developer of the project and the community that make it easier for workers to form a union.84

Undocumented workers are essential to Ohio’s recovery.
The Center for American Progress has estimated that one in every 100 Ohio essential workers is undocumented.85 An estimated 15,000 undocumented Ohioans work in our state’s food supply chain.86 Pro-immigration group Fwd.us, founded by Mark Zuckerberg, estimates that 12% of Columbiana’s essential workers are undocumented.87

We depend on undocumented workers, yet U.S. immigration policy puts undocumented workers in a state of precarity that allows their employers to deport and exploit them. Employers commonly threaten undocumented workers with deportation in labor disputes.88 Research found that after Immigration and Customs Enforcement (“ICE”) arrested 260 people in two large 2018 raids in Ohio, a quarter of the families – including U.S. citizens – had to leave their homes.89 ICE kept children separated from their parents for months, causing them to stop playing outside and experiencing PTSD.90 Even those who have spent years in the U.S. and have families here are made vulnerable by undocumented status. Among U.S. undocumented immigrants who are essential workers, 71% have lived in the U.S. for at least ten years, and 67% live with at least one U.S. citizen.91 The Biden administration and Congress must provide a path to legal status for undocumented workers.92

The Citizenship for Essential Workers Act is a mechanism for doing so and is critical to protecting many undocumented workers. Meanwhile, Ohio should implement administrative policies against sharing information with ICE in labor or workplace safety disputes. This practice chills safety reporting, putting everyone on the job at risk. Undocumented workers have been excluded from most federal stimulus benefits, including stimulus checks and unemployment compensation.93 The Migration Policy Institute estimated that the March 2020 CARES Act also excluded 5.1 million U.S. citizens and legal immigrants from up to $1,200 each in stimulus payments because they were the children or spouses of unauthorized immigrants. The December stimulus bill extended eligibility to 3 million of them for the $600 stimulus and retroactively for CARES Act payments. Following hunger strikes by advocates, the state of New York has established a $2.1 billion Excluded Workers Fund that will provide unemployment benefits to some 300,000 undocumented and other marginalized workers excluded from federal policies.94

Undocumented Ohioans comprise a vital portion of Ohio’s essential workforce. Ohio should provide premium pay and unemployment benefits to workers irrespective of immigration status.

End misclassification
One way employers reduce workers’ power and prevent them from organizing is to misclassify workers. The Ohio Attorney General estimated that more than 900,000 Ohio workers were misclassified annually, costing the state of Ohio about $790 million annually in lost unemployment compensation payments, workers’ compensation premiums and state income taxes.95

Misclassification is a form of wage theft and tax evasion. Ohio should commit many more wage and hour investigators to end the practice, and cities should use their taxation and other powers to crack down on offenders.96 A long-term federal solution would be to implement sectoral bargaining in place of the enterprise-level bargaining that is standard in the U.S.97 These structures describe the scope of bargaining power that unions have in setting the terms of employment in an industry. In sectoral bargaining, contracts and wage levels cover workers in an entire occupation, industry or region.98 Enterprise bargaining means the collective bargaining agreement covers only one firm and its employees. Sectoral bargaining would establish sweeping improvements in workplace rights by both covering misclassified workers and eliminating employer incentives to fight union drives in their businesses.

Cities Should Step Up

Cities can step up where the state has failed to take action or to augment state and federal policies.

While Governor DeWine deserves credit for issuing a quick stay-at-home order that certainly saved lives, his administration failed essential workers in other important ways, including limited enforcement and lack of financial support that would enable workers to follow guidelines. The Ohio General Assembly did worse by stripping employees of executive powers that enabled Governor DeWine to act quickly to contain the crisis and is now attempting to undo consequences that businesses faced for violating public health mandates. Ohio cities can do better. Four cities have now passed resolutions declaring the need to honor and protect essential workers. These resolutions must be followed by concrete steps. Cities have passed their own mask mandates. The state legislature has previously preempted cities – stripping away their power – to prevent them from enacting legislation on wages and other job-quality mandates.

Yet cities retain taxation and procurement policies that can be used to influence employer practices. Cities can choose how to spend their federal ARP dollars.99 Ohio communities will receive $5.3 billion in federal American Rescue Plan dollars. Every local government in Ohio should use some of its money to fund premium pay for essential workers. Any economic recovery dollars that cities give to businesses should come with a mandate that those employers certify compliance with existing labor laws. Cities should fund workplace rights enforcement and create a fund to provide working people with workplace rights education and legal services. And local governments should require Community Benefit Agreements for infrastructure projects requiring employers to pay good wages and respect workers’ right to join a union.100 Where state lawmakers have failed or refused to protect essential Ohio workers from the crisis, cities must take up the mantle.

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Recommendations & Conclusion

After more than a year of isolation, fear and loss, the end of the COVID-19 pandemic seems at last in sight. What comes next cannot be business as before. This crisis has demonstrated how crucially we all depend on the work of fellow Ohioans who are often paid the least and have been asked to take on the most risk in the midst of the pandemic of a century.

What must emerge from this crisis is a shared recognition of the value of those workers and the dignity of their work.

Federal, state and local policymakers must pass policies that:

**Pay essential workers a fair wage with:**
- **Premium pay.** We depend on essential workers on the front lines and in critical industries. It’s time to pay them fairly for their work and acknowledge the risk and sacrifice they assume.
- **A $15 minimum wage.** All working people deserve the dignity of a wage that covers the basic necessities to survive.

**Protect essential workers with:**
- **Paid sick leave.** Working people need the opportunity to take time off to recover from illness or care for loved ones, without facing the impossible choice of reporting to work sick or losing wages they depend on.
- **Safe workplaces, employer accountability and whistleblower protections.**

**Empower workers by:**
- Supporting all workers’ right to form unions, with state and local policy and the PRO Act, including domestic and agricultural workers.
- Protecting undocumented workers through inclusion in recovery policies, workplace rights and a path to citizenship.
- Ending misclassification.

**Mobilize local government where state lawmakers fail or refuse to protect working people.**

Ohio’s essential workers have been there for all of us, doing the work to meet our basic needs and keep our economy running so others could shelter safely at home. As we emerge from the COVID-19 pandemic, we must honor the essential work done by our fellow Ohioans too often overlooked, even as they perform some of our state and economy’s most vital functions.

Essential workers were celebrated in the early months of the pandemic with yard signs and designations as “heroes.” That new recognition must be followed with concrete policies to pay working people a livable wage, keep them safe and empower them at work.

COVID-19 taught us just how important essential workers are. As we seek to leave the pandemic behind us, we must never forget those who got us through it.

Acknowledgements

Essential Ohio acknowledges the sacrifice essential workers had to make during the COVID-19 crisis to not only keep their families afloat, but also to keep us safe. We continue to advocate alongside you to transform what’s possible for essential workers.

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Endnotes

1 The studies have already expired, but the results have been extended through September in a revised version.


