

July 2021 // Work and Wages/COVID-19

Essential in Ohio

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

Written by: Michael Shields, Researcher, Policy Matters Ohio
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.

Table of Contents

Executive Summary.....	2
Introduction.....	3
Who Are Ohio's Essential Workers?.....	3
Where They Work.....	4
Marginalized Workers Hit Hardest.....	6
Livable Wages.....	9
Safe Workplaces and Paid Sick Time.....	12
Empowering Workers.....	15
Cities Should Step Up.....	17
Recommendations & Conclusions.....	18
Acknowledgements.....	19



Executive Summary

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 have done. Ohio lawmakers made no provisions to provide paid sick time to the first responders and Ohioans employed by large employers that were excluded from federal mandates or to implement permanent paid sick time once federal funding for it expires.¹ The workplace safety measures that Governor DeWine issued as executive orders are being stripped away by the state legislature, along with gubernatorial power

to respond to a public health emergency. Ohio essential workers deserve better.

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 that place them at higher risk of contracting COVID-19 in the workplace.
- Being represented by a union is associated with 23% higher pay for Ohio essential workers and 20% higher pay for workers in non-essential jobs across all industries.

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.² Yet, we do not emerge unscathed: more than 1.1 million Ohioans have been diagnosed with COVID-19, and 20,000 have died, leaving hundreds of thousands to mourn.³ 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 2021.⁴ 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.

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

The COVID-19 pandemic underscored two things about essential workers: how much we all rely on them and just how badly policymakers and employers have failed them. The rules have always been rigged against essential workers in favor of corporations, and even where laws exist to protect essential workers, state and federal lawmakers did too little to enforce them. The federal Occupational Safety and Health Administration ("OSHA") failed to implement workplace safety mandates and even reduced inspections just as thousands of safety complaints over lack of personal protective equipment and safe distancing flooded in last spring.⁵ Legislators added language to the state budget which would vacate citations and kickback fines levied on employers by county health departments that did their job when employers flouted public health orders; it was vetoed by Governor DeWine.⁶ Many employers refused their employees paid sick time – forcing them to choose between coming to work sick and foregoing wages they needed⁷ – while Congress carved out large employers from its paid sick leave mandate and Ohio legislators passed no mandate of their own.⁸ Many employers paid so little that the critical staff who worked for them struggled to meet basic needs before and through the crisis.⁹

Ohio's workers were essential before COVID-19 and will be after. During the pandemic, they kept others safe, kept the food supply chain from breaking and cared for the ill and for children. It is past time that essential workers receive wages that cover the cost of living, safe workplaces and decision-making power in their jobs.

did not define essential workers by job title and did little to demonstrate that the people doing the essential work were valued.¹⁰

In March 2020, the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency issued a list of

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 people 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 essen-

“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

tial 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),

TABLE 1 // WHERE THEY WORK: ESSENTIAL OHIO WORKERS

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

Source: Policy Matters Ohio from Economic Policy Institute model. Data from Current Population Survey, 2020.

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.

Frontline workers face high risk

Worksites 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



with a March 2020 stay-at-home order. The Ohio Department of Health’s (ODH) “Responsible Restart” plan later established mandatory rules and recommended guidance for business reopening starting in May 2020 (when businesses closed by Governor DeWine’s stay-at-home order were allowed to begin reopening).

The key shortfalls to these policies were in workplace safety enforcement and the failure to follow temporary mandates with permanent policies, such as paid sick leave. While workplaces should be made as safe as possible, those who take on risk should receive premium pay. Lack of action to lift the low wages paid to many critical workers who faced new risks at work is a problem exacerbated by additional costs families were burdened with: personal protective equipment (PPE) purchases; child care for children out of school; and foregone wages for those who fell ill or cared for ill loved ones. For some workers, no specific mandates were established at all, including the agricultural workers employed in Ohio’s largest industry.

The state legislature is now dismantling gubernatorial authority to take the measures Governor DeWine took, including issuing the stay-at-home order and subsequent workplace safety rules. Legislators in March 2021 overrode Governor DeWine’s veto of Senate Bill 22.²¹ The measure allows the legislature to cancel any gubernatorial health orders that last longer than 30 days, requires the governor’s office to renew such orders every 60 days, creates a legislative oversight panel, and limits local health departments’ authorities to enforce quarantines.²² Senate President Matt Huffman signaled that the legislature would begin overturning existing health orders if Governor DeWine did not scale them back by the time SB22 took effect in June 2021.

or to mandate that they are paid wages that dignify the vital work they do. These policy failures have caused some Ohio essential workers to feel expendable.¹⁹ Ohio lawmakers never issued permanent workplace safety mandates when the federal OSHA under the Trump administration failed to act. Federal paid sick leave mandates passed in March 2020 gave Ohio lawmakers nine months to craft a permanent paid sick leave policy before the Families First Coronavirus Response Act expired in December; but lawmakers failed to do so.²⁰

Governor DeWine deserves credit for recognizing the danger of COVID-19 and taking early action to issue public safety mandates beginning

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 taken on new caregiving responsibilities during

the 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.²³

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

Occupational Group	Workers	Share Female	Median Wage Women	Median Wage Men	Median Woman’s Wage as Share of Median Man’s
Health Care	390,885	77.5%	\$16.66	\$24.84	67.1%
Government and Community Based Services	159,106	75.9%	\$21.37	\$33.94	63.0%
Communications and IT	100,848	61.8%	\$14.36	\$19.07	75.3%
Financial Sector	108,366	59.5%	\$21.38	\$37.45	57.1%
Food and Agriculture	286,718	38.5%	\$13.44	\$12.07	11.3%
Transportation, Warehouse, and Delivery	181,743	22.4%	\$19.35	\$20.00	96.7%
Commercial Services	191,326	16.7%	\$11.99	\$19.64	61.1%
Critical Manufacturing	82,677	12.1%	\$13.16	\$20.08	65.5%

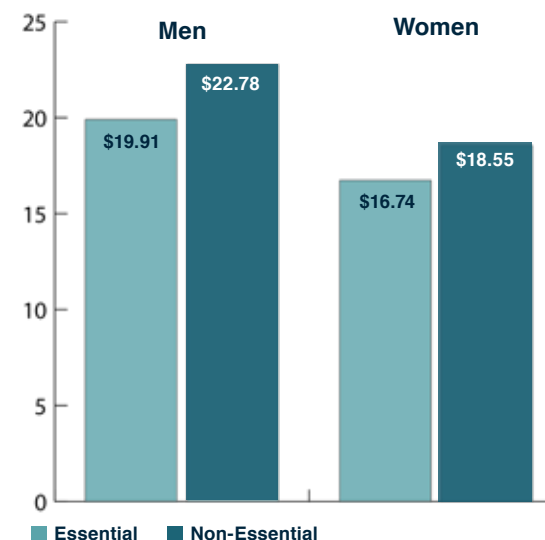
Source: Economic Policy Institute Minimum Wage Simulation Model using data from the Census Bureau of Labor Statistics, and Congressional Budget

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

CHART 1
Men and Women Are Paid Less in Essential Jobs



some of the poorest workers in that industry, which relies heavily on undocumented workers, and the need to disaggregate the data by job category.

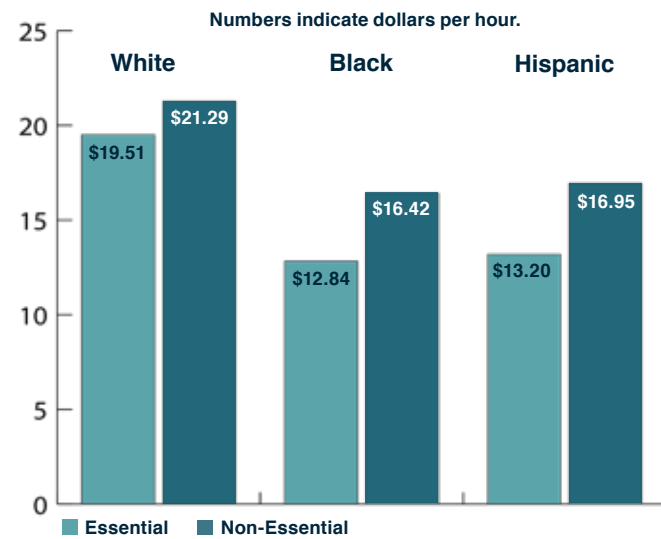
Women have been hit hard by COVID-19. While many lost their jobs when their employers cut staff in the recession, others have had to reduce their hours or leave work to take on new caregiving responsibilities for sick loved ones or children out of school. For those who remain on the job in essential 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 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

CHART 2
Workers Across Race Are Paid Less in Essential Jobs



Source: Policy Matters Ohio from Economic Policy Institute Model. Data from Current Population Survey, 2020.

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-19.³⁰

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.³¹ 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 essen-



tial 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.

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.

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

Gender	Race	Essential			Non-Essential		
		Workers	Share in Essential Jobs	Median Wage	Workers	Share in Non-Essential Jobs	Median Wage
Male	White	657,508	29.0%	\$20.22	1,608,239	71.0%	\$23.94
Male	Black	102,067	34.8%	\$16.11	190,976	65.2%	\$16.56
Male	Hispanic	36,200	31.5%	\$12.56	78,838	68.5%	\$16.99
Female	White	531,930	26.8%	\$17.41	1,453,956	73.2%	\$19.35
Female	Black	145,351	41.5%	\$14.53	205,294	58.5%	\$17.14

Source: Policy Matters Ohio from Economic Policy Institute model. Data from Current Population Survey, 2020.

Ohio will receive \$5.4 billion at the state level, and local governments will receive an additional \$5.3 billion. Some of these dollars should be used to provide premium pay to low-paid, essential workers. The American Rescue Plan allows for premium pay of up to \$13 per hour, to a maximum of \$25,000.

At least six states used CARES Act money to provide grants to essential workers. Michigan approved \$100 million in hazard 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.³⁷

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.³⁸ 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.”³⁹ “Top jobs” formerly comprised only jobs with significant job openings that paid at least 80% of the median wage, but



cost an annualized \$360 million.³² Virginia spent \$73 million to award \$1,500 bonuses to 43,500 home health workers.³³ New Hampshire paid out \$68 million in \$300-per-week bonuses to health care workers from April through June and then extended the program.³⁴ 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.³⁵ Vermont awarded \$50.5 million in two rounds; the first round supported 15,650 workers.³⁶ Louisiana’s hazard pay reached over 100,000 workers (with 114,000 pending) by enabling workers to

this year Ohio has added a separate designation for “critical jobs.”⁴⁰ 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 and Michigan to use funds from the American Rescue Plan to establish a \$300 million fund for essential workers.⁴¹ Eligible workers who have worked in public-facing roles subject to heightened risk of exposure to COVID-19 should be

allowed to apply directly and receive payments of at least \$1,200 per person. In case applications exceed available funds, Ohio policymakers should create a scoring system that factors in workers’ regular pay and the risk and the nature of the industry, especially emphasizing health care, food supply work and child care. If applications exceed available funds, policymakers should prioritize premium pay for Ohioans paid less than 200% of the poverty level.

At a minimum, Ohio should pay \$1,200 to all low- and middle-income essential workers. A better benchmark would be the \$600-per-week supplemental payment made to unemployed workers from March through July of 2020.⁴² Out-of-work Americans received those payments based on the understanding that having most workers isolate at home was the most effective way to keep them and their families safe and control the pandemic’s spread. Workers who assumed the risk to provide vital services during the pandemic should be paid a living wage. Communities should step in now to retroactively provide premium pay to Ohioans who worked essential jobs through the pandemic.

COVID-19 has underscored just how much we all rely on the work of fellow Ohioans. Paying workers less than the cost of living is unacceptable. Denying workers premium pay in the face of a crisis is unconscionable. Political leaders must provide workers both premium pay and a minimum wage that meets the cost of living and dignifies the value of work.

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.⁴³ 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.⁴⁴

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 2018.⁴⁵ 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.⁴⁷

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.⁴⁸

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 have resisted union drives and pushed down membership over recent decades, wages have flattened for low and

middle-income Ohioans.⁴⁹ Further, it should be noted that certain groups of workers, like those employed in agriculture and domestic work, do not have a legally-protected right to unionize under federal law or in Ohio.

Policy Matters Ohio estimates that passing a \$15 minimum wage effective by 2026 would benefit nearly 1.6 million working Ohioans and

their families.⁵⁰ It would benefit those essential workers on the front lines who face some of the greatest exposure to COVID-19.

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-19.⁵¹ 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, 2020.⁵² As the pandemic ravaged U.S. workplaces, OSHA reduced total inspections by two thirds between March and August of 2020.⁵³ Then-President Donald Trump appointed Eugene Scalia — who had spent much of his career fighting OSHA on behalf of corporations — to head OSHA. The Trump administration then starved OSHA of resources, cutting staff from 952 in 2016 to 862 by January 2020 and to 761 by August 2020.⁵⁴

OSHA's failure to issue workplace safety

mandates specifically aimed at protecting workers against COVID-19 meant that Ohio could legally issue its own.⁵⁵ 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 Ohioans 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.⁵⁶ Businesses' willingness to defy such a clear-cut executive order should have been a red flag for Ohio policymakers that public health mandates need to be followed up with enforcement measures.

Ohio never mandated paid sick leave or premium pay for essential workers beyond the ten

days required by the federal Families First Act, which left out first responders, hospital staff and anyone working for a large employer with at least 500 staff. That order expired in December 2020, though businesses can currently still opt in and receive tax credits.

The state legislature has now stripped gubernatorial authority to declare public health orders such as Governor DeWine's stay-at-home order and mask mandates. Senate Bill 22 limits a state of emergency to 90 days, gives the legislature authority to terminate a state of emergency after 30 days, and allows legislators to terminate specific orders coming out of that emergency

area bars that were issued fines ranging from \$200 to \$2,500.⁶¹ The Ohio Bureau of Workers Compensation cited 23 retail stores in 13 counties under stepped-up investigations in the first week of December 2020.⁶²

Stripping the governor's authority to respond to a public health emergency with executive orders puts Ohioans at risk. Had it not been for Governor DeWine's stay-at-home order, many more Ohioans would certainly have died of COVID-19. Granting immunity to businesses eliminates legal penalties for risky behavior by employers and prioritizes the financial protection of businesses over people's health and safety.

“My major concern was never to get sick. I was worried about the company closing. So many people were left without jobs! Where would I work if I lost my job? I don't have access to unemployment so thinking about that possibility terrified me. I have 3 children at home and my wife can not work because the two youngest are very young. We can't pay for child care. How [was I] going to pay my bills?”

– Essential Worker in Food Production

even sooner. Legislators overrode Governor DeWine's veto to pass the bill in March 2021.⁵⁷ State legislators blocked Ohioans' right to sue businesses for not preventing COVID-19 transmission.⁵⁸ One Ohio lawmaker has introduced further legislation that would exempt employers from accountability and reimburse fines already levied on businesses that violated public health orders.⁵⁹

Enforcement of these orders has been sporadic. While no comprehensive database tracks such fines, they have been levied by various Ohio agencies across the state. Cleveland City Council in July 2020 passed emergency legislation to fine businesses up to \$3,000 (after a warning) if a worker gets sick and mask orders have not been followed.⁶⁰ The Ohio Liquor Control Commission held hearings this March over Toledo

The businesses that would benefit from this measure are those that have already placed their workers and the public at risk by flouting public health orders.

Restoring vibrancy to the economy means protecting Ohioans' health, and this means protecting workers on the job. Governor DeWine's decision to rely on individual owners and corporations to just "do the right thing" leaves workers exposed if their employers do not.⁶³ The legislature's move to strip gubernatorial powers to respond to a pandemic will put Ohioans at even greater risk. Fair enforcement requires real capacity. Empowering workers on safety monitoring boards could enhance state and local enforcement capacity. Protections must include whistleblower protections.

Ohio workers and the public need and de-



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 retaliation against whistleblowers in general, but in practice, workers have little protection. The Occupational Safety and Health Act gives workers just 30 days to file a complaint. Colorado legislation passed in July 2020 prohibits employers and contractors from discriminating against workers for filing workplace safety complaints; wearing personal protective equipment of their own and at their discretion; opposing employer practices the worker believes to be unsafe or illegal; or testifying or participating in health department investigations.⁶⁴ The Virginia Safety and Health Codes Board included similar protections for whistleblowers in its emergency workplace standard, which took effect July 15, 2020.⁶⁵ 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.⁶⁶ Virginia mandates that workers known or suspected to have COVID-19 not report to worksites until cleared for return.⁶⁷ Illinois' reopening guidelines for restaurants and bars require workers who have had close contact with a person with COVID-19 to quarantine for 14 days.⁶⁸

Ohio should mandate that Ohioans with COVID-19 stay home from worksites, but doing so requires providing compensation for those unable to report to work.

The Families First Coronavirus Response Act approved in March 2020 provided a measure of paid sick leave to some workers. However, Congress allowed that coverage to expire without

renewal on December 31, 2020.⁶⁹ Even while in force, those mandates exempted many employers, including health care employers, corporations with over 500 workers and small businesses that claimed a hardship, despite the fact that the paid leave time was federally funded. Small employers may still opt in and receive a tax credit under the American Rescue Plan Act through September 30, 2021.⁷⁰ The exemption for large employers left out large swaths of workers, such as 98% of workers at general merchandise stores and 72% of pharmacy workers, who were most exposed and had the fewest resources to be able to forgo pay if they must miss work.⁷¹

Ohio's working people must have the means

“The past year should be leading to some change, and I don't think [it is]. [It] would be nice to see something permanent out of [the pandemic experience].”

– Essential Worker in Education

to stay home when sick, during the COVID-19 pandemic and beyond. The Ohio General Assembly should pass emergency and accrued sick time mandates to remain in place permanently in Ohio. The Emergency Paid Sick Days measure should require all Ohio employers to provide 14 days of paid sick leave, available immediately and at the beginning of any subsequent public health emergency.⁷² The legislature should also mandate that employees be allowed to accrue up to seven paid sick days annually for regular use.

A paid leave mandate could be funded through the establishment of a state insurance system using payroll tax dollars. The plan could particularly benefit small businesses by dispersing the cost across many employers. Ohio lawmakers in previous sessions introduced proposals for such mandates.⁷³ Several states have established insurance systems to provide paid time off for illness or parental leave.⁷⁴

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.⁷⁵ 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.

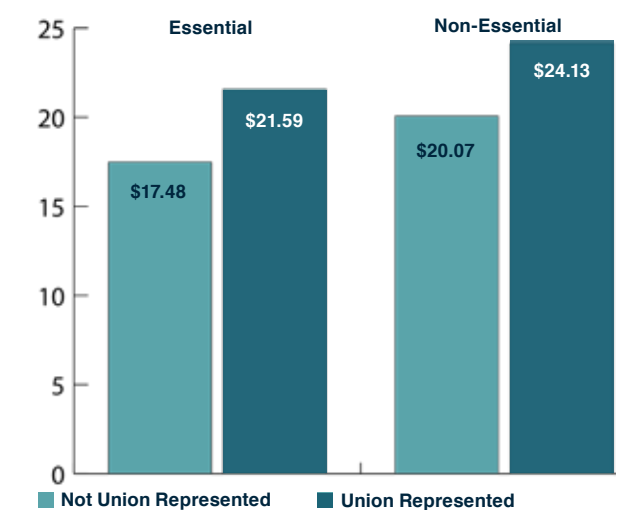
Today just 13.1% of Ohioans are in a union, down from 23.0% in 1989.⁷⁶ That is not for lack of interest on the part of workers. Some 58 million Americans not in unions say they would join one if they could: that figure would quadruple union density to 54%.⁷⁷ Two thirds of Americans see unions favorably.⁷⁸ Yet corporations over recent decades have responded to workers' union drives by aggressively and sometimes illegally resisting.⁷⁹ 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.⁸⁰ 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 before 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 through delay tactics and intimidation; ban captive au-

dience 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.⁸¹ 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.⁸²

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.⁸³ 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.

CHART 3
Ohioans in Essential and Non-Essential Jobs Paid Better in Unions



Source: Policy Matters Ohio from Economic Policy Institute Model. Data from Current Population Survey, 2020.

EMPLOYERS MADE MEAT PACKING INDUSTRY UNSAFE AND LOW-PAID WHEN THEY EXPLOITED IMMIGRANT WORKER STATUS TO BUST UNIONS⁹⁵

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.⁹⁶

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.⁹⁷

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.⁹⁸ By the late 1970's, the United Packinghouse 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 Columbus'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 abuse 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 experience 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 unemploy-

ment compensation payments, workers' compensation premiums and state income taxes.⁹⁹ 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.¹⁰⁰

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.¹⁰¹ 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.¹⁰² 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 the 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.

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.¹⁰³

Where state lawmakers have failed or refused to protect essential Ohio workers from the crisis, cities must take up the mantle.

Recommendations & Conclusion

After more than 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.

This report was made possible through the support of Essential Ohio coalition members including: Justice for Migrant Women, Advocates for Basic Legal Equality, Central Ohio Worker Center, Cincinnati Interfaith Workers Center, Cleveland Jobs with Justice, La Conexión, Ohio Immigrant Alliance and Policy Matters Ohio.

Essential Ohio expresses gratitude for the additional support from D&P Creative Strategies, Anacaona LLC, Elle Communications and Shannon Anderson Design.

