

POLICY PRESCRIPTION:
Reinvigorating the Opportunity to Work



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With tens of millions of Americans newly out of work, it is more important than ever that we embrace policy reforms that make it easier for employers to create, and workers to find, jobs. Reforms should provide:

- **OPPORTUNITY: Protect From COVID-Related Lawsuits:** Without legal immunity, businesses of all types, as well as many **schools** and **childcare providers**, will hesitate to reopen out of fear that they will be sued by those who get sick. Lawmakers must limit the COVID-related liability of those that choose to reopen and must prevent those who seek to profit from COVID-19 from misusing the legal system.
- **OPPORTUNITY: Reform Occupational Licensing:** Several states have relaxed occupational licensing laws in order to allow more workers to take on jobs that are critical during the pandemic. These reforms should be expanded and made permanent. **States** ought to recognize licenses issued by other states and review their own existing licensing laws to remove unnecessary red tape that prevents qualified people from working.
- **FLEXIBILITY: Protect Independent Contracting:** Today, flexibility is more important than ever. People who have lost traditional employment relationships should have the ability to seek new opportunities to earn income as **independent contractors**. Legislators should pass laws to protect the status of gig workers and rescind destructive laws such as **California's AB 5**, which destroyed thousands of freelance and flexible work arrangements, just when we need those opportunities most.
- **FLEXIBILITY: Encourage Flexible Paid Sick Leave:** Workers want sick leave benefits; they also want jobs. Over 90 percent of employers offer some form of paid leave without any government mandate or program. **Paid sick leave benefits** were expanding in the booming economy before the pandemic struck. Sweeping government paid-leave programs, while well-intended, often fail communities: Because they are slow to send benefits, they often don't keep sick workers at home. Furthermore, they end up taking money **from lower-income workers** to give benefits to those better off. **Paid leave mandates** on employers make it harder for businesses to retain or re-employ workers, or to find innovative solutions (such as working from home). The emergency sick leave provisions in the Coronavirus Aid, Relief, and Economic Security (CARES) Act should be sunsetted. Moving forward, policymakers should encourage employers to develop their own customized sick-leave policies related to pandemics

and other public health emergencies. Federal government support should be aimed at alleviating financial hardship due to shut down measures, not creating a specific new paid leave benefit that intrudes on the employer-employee relationship.

- **SECURITY: Reform Unemployment Insurance:** Legislators have a duty to provide unemployment benefits to those who lost jobs in the wake of COVID-19. Legislators must ensure, however, that **unemployment insurance does not encourage long-term unemployment**, which can permanently cripple a worker's prospects (as well as invite other threats to workers' wellbeing). We must help people in need, not harm them by creating a disincentive to work.