BEST AND WORST STATES TO WORK IN AMERICA 2023

INCLUDING BEST STATES FOR WORKING WOMEN INDEX

BY KAITLYN HENDERSON
ABOUT THE BEST STATES TO WORK INDEX (BSWI)

In 2018, Oxfam wanted to survey the states across the country as the federal government lagged on labor policies, and to catalog the many policies that have a dramatic effect on workers’ lives. The result was the annual Best States to Work Index (BSWI), which scores and ranks the states.

This edition is the BSWI for 2023.

- The interactive map for all workers is here: http://www.oxfamamerica.org/statemap2023
- The interactive map for working women is here: http://www.oxfamamerica.org/statewomenmap2023

WHY 52?

This index covers all 50 states, plus the District of Columbia (a federal district) and Puerto Rico (a territory). There are many reasons to include these two regions, starting with the large populations of U.S. citizens. The population of DC is over 700,000 people—larger than the total population of both Wyoming and Vermont. Puerto Rico has a population larger than nearly 20 other states, with roughly 3.2 million inhabitants. Each also has a significant history of laws around working conditions and compensation.

For simplicity, we use the word “states” in this report to cover all 52 entities.

WHAT’S THE TIMEFRAME?

All data is based on policies and laws in effect by July 1, 2023.
INTRODUCTION

The Best States to Work Index, now in its fifth year, was originally created to capture how states stepped into gaps left by federal inaction to support low-wage workers and working families. Because the federal government fails to provide U.S. workers with universal access to paid leave, rights to organize and bargain collectively, and higher wages, many workers are stuck in cyclical patterns of poverty. The impact of these policies, or lack thereof, does not fall equally on all communities; in fact, federal inaction is exacerbating inequality in the United States, especially on lines of gender, race, and class.

Stagnating wages in the U.S. disproportionately harm women, specifically women of color, who are often caught in low-wage positions and are overwhelmingly breadwinners for their families. Occupational segregation means women, and especially women of color, are stuck in low-wage positions lacking paid family leave or paid sick leave. For those women who are primary breadwinners or single parents, illness or family concerns often mean losing pay to care for oneself or others, putting these families’ ability to afford basic costs of living at risk, continuing the cycle of poverty even for full-time workers. What’s more, in the private sector, among the top 10% of earners, 96% have paid sick leave from their employer, while of the bottom 10% of earners, only 38% have paid sick leave. And those 38% with paid sick leave enjoy it largely due to policies at the state level. And finally, the racist and sexist exclusions of certain workers from federal labor protections, dating back to the 1930s, continue to contribute to a hierarchy wherein the labor of some is valued above the labor of others.

The growing inequality among workers in the U.S., a reality rooted in federal inaction, is a political choice. But the good news is that choices and policies can change, especially at the state and local level.

While the federal government continues to stagnate in many arenas, 2023 has been a very exciting time to be monitoring labor legislation and workers’ rights at the state level. For example, this year Minnesota’s state legislature had one of the most productive sessions since President Franklin Roosevelt’s New Deal in terms of passing social safety net measures. Multiple states, including Minnesota, passed paid leave laws. Others, like Michigan, repealed so-called “right-to-work” laws.

The summer of 2023 has also been referred to as “hot labor summer” based on the confluence of record-breaking temperatures and a real explosion of labor organizing and workers striking for their rights. For the first time in 60 years, both the Screen Actors Guild and the Writers Guild of America are striking at the same time, bringing Hollywood production to a standstill. Parcel delivery workers, members of the Teamsters, were preparing for a strike over their low wages and lack of protections before their union successfully reached a tentative new collective bargaining agreement, providing a better contract for all their workers—even for those working part time.

And as of January 2023, the federal government implemented the Pregnant Worker Fairness Act (PWFA) and the Providing Urgent Maternal Protections for Nursing Mothers Act (the PUMP Act), ensuring all workers in the U.S. (with the exception of airline workers) are provided accommodations and rest while pregnant, and private places to express breastmilk.
The original purpose behind the Best States to Work Index was to track where states are stepping into the gap left by federal inaction. But with the PWFA and PUMP Act now laws of the land, our index no longer needs to track pregnancy and breastfeeding accommodations at the state level. Our hope is that there will be so much progress at the federal level to eventually render indexes like ours irrelevant. But until then, Oxfam continues to celebrate the progress happening at the state level, and hopes to inspire other states to follow suit.

And while it is always important to celebrate the wins, there is also a need to keep a clear understanding of what is happening in those states that are choosing to not proactively invest in workers and working families. The reality is that those states at the bottom of our index—states that largely subscribe to the federal bottom line or even seek to go lower—are the same states proactively attacking residents’ rights in spaces outside the workplace. While 2022 was a notable year for states’ attack on reproductive health and rights following the Supreme Court’s decision to strike down Roe v. Wade, 2023 has been a year in which many states have been attacking LGBTQIA+ communities’—and especially transgender and nonbinary communities’—access to health care. And, unsurprisingly, those states that are less invested in the well-being of workers are the same states actively attacking trans and nonbinary peoples’ access to health care.

We wanted to better understand the correlation between investments in strong labor policy landscapes and measures of well-being. As a result, building on the correlations data of the 2022 BSWI, this year our research looked at how BSWI rankings and scores correlated with additional measures of well-being, including poverty, food insecurity, infant mortality, gross domestic product (GDP) per capita, median household income, and unionization rates.

The hypothesis of this work is that when states—and the federal government—invest in workers’ pay, protections, and collective action, there are larger impacts of improved well-being for workers and their families. Our correlations work has proven this hypothesis correct: Where states improve their scores, the well-being of residents improves, as does their economic outlook. Workers’ rights and labor policy are just one part of a larger social safety net that can benefit everyone. While the fight continues nationally to raise the bar for everyone, the clear impact of these policies at the state level is evident.
ABOUT THE INDEX

For the past five years, Oxfam has produced the Best States to Work Index (BSWI), which tracks how states protect, support, and pay workers. Formulated in 2017 and published for the first time in 2018, this index was born out of a vacuum left by inadequate federal agencies and static federal policies in support of workers. The BSWI focuses on how states are compelled to address the failure of our national institutions to support workers and working families.

The 2023 BSWI tracks 26 policies across all 50 states plus the District of Columbia and Puerto Rico, ranking the states from best (1) to worst (52).*

Our ranking system is meant to inspire a race to the top for all states; it is an advocacy tool to help policymakers identify the spaces where there is room for improvement at the state level. There is no state with a perfect score; even those states at the very top of our ranking have room for improvement. The top state this year is California, coming in first with a score of 86.01. On the other end of the spectrum, the bottom state, North Carolina, ranks 52nd with a total score of 7.57.

Table 1 provides this year’s BSWI rankings and overall scores across all three policy dimensions tracked in the index: wages, worker protections, and rights to organize.

* We note that although the BSWI report and our interactive map refer to all 52 localities as “states,” we acknowledge that the District of Columbia is a federal district and that Puerto Rico is an unincorporated territory. Our use of “states” is not a political statement of statehood and should not be taken as such, but rather as a standardization of language for simplicity.
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Many of the policies tracked in our index are currently missing at the federal level, so while this index is meant as a tool for state policymakers and residents to advocate at the local level, it is also a tool for the federal government to identify the many policies that if implemented at the national level would benefit millions of workers and working families. Later sections provide an overview of each of the three policy dimensions in depth.

For a full database with scores on each data point for each state, please refer to the interactive map on the Oxfam website: [http://www.oxfamamerica.org/statemap2023](http://www.oxfamamerica.org/statemap2023).
WHAT DOES THE INDEX TELL US?

Although the index is a complex capture of 26 policies across three policy dimensions—wages, worker protections, and rights to organize—the basic question this index aims to answer is: Which states are proactively seeking to protect and support workers and working families? The three dimensions of the index create the foundation for improving the lives of all workers and working families. Essentially all workers fare better with stronger wages, rights to organize and collectively bargain, and robust protections in the workplace, regardless of location.

WHAT’S NEW IN THE INDEX THIS YEAR?

In December 2022, before Congress adjourned for the year, two important bills in support of workers were passed into law: the Providing Urgent Maternal Protections for Nursing Mothers Act [hereafter referred to as the PUMP Act] and the Pregnant Workers Fairness Act (PWFA). Both acts were in effect in 2023, the PUMP Act even taking effect almost immediately after its passage, and PWFA taking effect in June 2023. These two bills represented huge wins for workers, and their passage speaks to the decades of advocacy on behalf of pregnant and breastfeeding workers by Oxfam partners including A Better Balance and Moms Rising. The PUMP Act mandates that workers—including those previously excluded from earlier protections such as teachers, nurses, and farmworkers—are allowed pumping breaks in a private space (which is not a bathroom).

The PUMP Act requires that all workers, regardless of employer size, be provided this reasonable accommodation to express milk for up to a year following the birth of a child. The only exceptions to this new law are flight crewmembers (flight attendants and pilots). The PWFA guarantees workers the right to reasonable accommodations from any condition stemming from pregnancy, childbirth, and related conditions, and protects workers from discrimination or retaliation in the workplace as a result of their condition. One of the biggest changes with PWFA is that pregnant or postpartum workers do not need a pregnancy-related “disability” to have the right of accommodations. This law applies to all employees working for an employer with at least 15 employees, regardless of whether they are full time, part time, temporary, or seasonal workers.

As a result of these two very exciting federal bills, the BSWI will no longer track state-level pregnancy accommodations and state-level breastfeeding accommodations because both are now federal requirements. However, because the BSWI is an index constantly seeking to raise the bar for workers and working families, while continuing to encourage a race to the top for all states seeking to set higher precedents, the index will now provide credit to states who mandate that breastfeeding breaks must be paid breaks and not count as unpaid breaktime in the workday. There are three states that mandate this break be a paid break for all workers: Georgia, Illinois, and Minnesota.

Along with these successes, there have also been important losses in the past year, particularly regarding child labor laws at the state level, which have seen weakened protections, most notably in new legislation in Arkansas making it easier for companies to employ children at younger ages.
and removing the need for parental consent. The effort to roll back protections for children is deeply worrisome. Our index will give credit to those states that have not weakened child labor protections, thereby negatively impacting the scores of states working to enable more use of child labor.10

INDEX SCORES

The states are ranked on a scale of 0–100 points, and the difference between those at the bottom of the index and at the top are stark. These policies can determine whether workers are safe at work, whether they can afford food for their family, or whether they have a voice in the workplace.

At the top of the index, as has been the case each year, the leading five states are coastal, reflecting both the West Coast and the Northeast. At the top of the index this year is California with a cumulative score of 86.01, a score boosted not only by the state’s strong unemployment benefits and minimum wages, but by its status as one of the few states with a heat standard for outdoor workers. Oregon comes in second, with a cumulative score of 85.52; in third place is the District of Columbia with 81.63; fourth is New York with 78.24; and in fifth place is Washington with 77.83.

The top five states in our index feature some of the strongest minimum wages in the country, provide paid leave, and ensure child labor protections; the top four states received perfect scores in the rights to organize dimension; and three of the five (California, Oregon, and Washington) have heat standards for outdoor workers.

At the bottom of the index, the five lowest-ranking states fall once again in the South, and none scores above 15 points: North Carolina (52) has a score of 7.57, Mississippi (51) scores 11.16, Georgia (50) scores 11.57, South Carolina (49) scores 12.65, and Alabama (48) scores 13.10. Of these bottom states, all have a minimum wage stuck at the federal level of $7.25, none mandates paid leave, and all have so-called “right-to-work” laws on the books.

A noticeable shift since last year is that all states have lower composite scores. One central reason for this change is that because the federal government passed the PUMP Act and PWFA, our index no longer needs to track pregnancy and breastfeeding accommodations, two policy areas that had strongly differentiated states and contributed to stronger scores in both the BSWI and the Best States for Working Women (BSWW) index. This year, because of those federal bills, the index now focuses on states with paid breaks for pumping workers; only three states have this mandate. As a result, even states at the very top of our index score below 90, demonstrating how all states have room for improvement. And, importantly, as the country continues to improve its labor landscape in support of low-wage workers and working families, we must continue to push the goal line further, because the job of supporting workers is never finished.

CHANGES IN INDEX RANKINGS SINCE 2022

For the most part, state rankings have stayed within a few positions of rankings from last year. This year has, however, been a huge one for policies in the Midwest, with states like Minnesota making progress in one legislative session, and Michigan demonstrating the possibility of new legislatures. Some of the local wins to celebrate include:
• Michigan overturned its “right-to-work” law, the first state to overturn such a law in decades.\(^\text{11}\)
• Illinois and Minnesota passed paid leave policies covering both family leave and sick leave—in Minnesota’s case offering up to 20 weeks of paid leave for family leave. (Maine also passed paid leave in 2023, though the bill was passed after our cut-off date of July 1, 2023, so is not reflected in our rankings. But progress in paid leave should always be celebrated!)
• Colorado passed new legislation protecting collective bargaining for workers.

Although much remains to be done to protect and support all workers and working families, victories must be celebrated. These new policies are the direct result of decades of advocacy by workers, organizers, and community members who successfully pushed policies across the finish line with the help of locally elected officials.

**TRENDS ACROSS THE COUNTRY**

The BSWI reveals several illuminating, and altogether consistent, trends and patterns among the states:

• State labor policies vary dramatically.
  o BSWI overall scores range from 7.57 (North Carolina) to 86.01 (California), showing the widening gulf of inequality in this country based entirely on geography. These starkly different scores demonstrate that while the federal government does not act, where someone lives has an immense impact on workers and working families’ economic security, safety at work, and ability to organize. As our correlations data demonstrates, these labor landscapes scores also reflect measures of wellbeing. This geographic differentiation within the same country, therefore, is startling.
• Regions show distinct patterns—to a point.
  o While states within the four regions outlined by the U.S. Census Bureau tend to score close to each other (for example, states in the Northeast score much higher than states in the South), several bordering states stand in marked contrast to each other. For example, in the Midwest, Illinois [10] is between Wisconsin [34] and Indiana [37]. On the West Coast, Oregon [2] and Washington [5] are next to Idaho [41], while Colorado [8] borders Utah [46].
• Even the highest state minimum wage is not enough to support a family.
  o According to a simple ratio of the minimum wage compared to the basic cost of living for a family of four, no state minimum wage reaches even half the cost of living for a family of four with one wage earner. The closest is the District of Columbia, which boasts the highest minimum wage in the country, where the minimum wage still only covers 38.7% of the cost of living for a family. All states have declined in this measure when compared with last year’s index, thanks in large part to the continued impacts of inflation (which, though cooling, has still not been able to draw down the basic costs of living in any part of the country). As a result, no minimum wage has kept up with inflation, least of all the federal minimum (which, at $7.25 an hour, is a poverty wage that continues to depress the wage floor for workers).
Workers need more robust protections at the state and federal levels.
  - While we must celebrate the policy wins at the state level that have passed since 2022, there are still huge gaps in protections and coverage for workers. The majority of states still lack any kind of paid leave, fair scheduling practices, or protections for excluded workers. While this country waits for the federal government to close these gaps, states and localities must continue to be proactive in the fight for workers’ rights.

**HOW CAN POLICYMAKERS USE THE BSWI?**

Oxfam’s goal with the BSWI is always to inspire a race to the top among policymakers at the state and federal levels. This index is a celebration of what can happen when policies are created with the well-being of people in mind. Workers and working families can thrive when they are valued. This index seeks to shine a light on where policymakers are responding to and enacting policies put forward by workers and workers’ advocates, and where policymakers can do more.

Oxfam hopes the BSWI can inspire this race to the top in three key ways:

- First, this index allows a state to evaluate its labor policies, and it provides guidance as to the types of legislation the state government may enact to improve its treatment of workers. States may gain inspiration from neighboring states or states ranking just above them. Small policy changes can mean worlds of difference for their residents.
- Second, our research can guide policymakers and advocates toward the states where the most improvement is required. Overall, states found at the bottom of the BSWI need greater efforts to advance labor legislation.
- Third, and finally, this index underlines the stark differences in conditions faced by workers and working families based only on geography. Our federal government has the power to raise the bar at the national level to make certain that all workers are paid a robust wage, are protected at work, and are ensured rights to organize.
BEST STATES FOR WORKING WOMEN

Although the BSWI has always placed an emphasis on the experience of women in the workplace and has included many policies that directly or disproportionately impact women (e.g., equal pay or paid breaks for pumping), we pulled out specific policies to provide a separate index to cover women at work. These data points appear in the overall BSWI, but by extracting these specific policies we aim to emphasize which states proactively seek to support women workers.

The differences between states in our Best States for Working Women (BSWW) index are significant. Essentially, where a woman lives and works defines whether she will be treated with dignity and respect in the workplace and whether she can provide for a family. Both the BSWI and the BSWW index place a strong emphasis on paid leave, a policy that especially benefits women. Women, and especially mothers, hold disproportionate care responsibilities. As a result of this reality, the ability to take paid sick leave to care for oneself or a sick family member (a responsibility typically held by women in their families) helps women by not forcing them to choose between a paycheck and illness. Similarly, paid family leave is a crucial policy that helps pregnant workers safely give birth and have the opportunity to rest and recover without losing income. Notably, Black mothers are disproportionately heads of households or family breadwinners, meaning the positive impact of paid leave has an uneven benefit across genders and races.12

While paid leave is a policy that disproportionately benefits women, providing paid leave to everyone also helps address care discrepancies across genders. As demonstrated in the recent Oxfam report Where Hard Work Doesn’t Pay Off, other economic peer countries to the United States have passed federal legislation mandating equal time for family leave whether for a birthing or non-birthing parent. The point in equating what is often known as maternity and paternity leave is to encourage non-birthing parents, often but not always fathers, to more equally contribute to the care responsibilities that come with parenthood.13 Thus, paid leave, like many of the policies captured in the BSWI and the BSWW index, while gender- and race-neutral on its face, has outsized impact on women (especially women of color), and would go a long way in establishing a labor landscape that values all workers.
THE U.S. CARE POLICY SCORECARD

In July 2023 Oxfam released a new research product, the U.S. Care Policy Scorecard, which provides an overview of federal policies pertaining to unpaid and underpaid care work (UUCW). Created in partnership with the National Women’s Law Center (NWLC), the National Partnership for Women and Families (NPWF), and the iLab at the University of Notre Dame, this work analyzed 30 indicators connected with paid and unpaid care at the federal level. The U.S. Care Policy Scorecard demonstrates how the U.S. has a failing grade when it comes to federal policies supporting caregivers and care workers, overwhelmingly women and disproportionately women of color and immigrants. The lack of these crucial policies reflects the long sexist and racist history of policymaking in the U.S., where specific communities were targeted through their exclusion.

While many of the policies in the U.S. Care Policy Scorecard overlap with policies tracked in the BSWI and the BSWW index, there are some that focus on physical infrastructural investments (such as piped water, roads, and public transit) and others that focus on investments in direct care services (such as elder care, child care, and care for people with disabilities) that are not captured in the BSWI. The realm of UUCW federal policies is vast, and although it does contain labor policies, it also goes beyond a framework of remunerated work to emphasize the inherent value of all kinds of care. As demonstrated in both the BSWI and the BSWW index, there is a patchwork of policies based on geography that helps decide whether workers, and especially working women, are valued and protected at work. The onus remains on the federal government to invest in people and create a more caring economy, one that values people as people and provides for those who provide care.

The components we chose to pull out of the main BSWI and highlight for our capture of the Best States for Working Women Index are as follows:

- **Wages.** We focus specifically on the ratio of tipped wages to cost of living for one wage earner and two dependents (69% of tipped minimum wage workers are women, 36% are mothers, and over half of those are single mothers).
- **Worker protections.** We looked at the following for worker protections:
  - Paid pumping breaks
  - Equal pay
  - Paid leave (sick leave and family leave)
  - Fixed and fair scheduling
  - Protection against sexual harassment in the workplace
  - Domestic worker protections
- **Rights to organize.** We looked at rights to organize for public school teachers. This workforce is the largest sector of public workers in the United States, and as of 2017, 76% of public school teachers were women.

Because the number of data points for the Best States for Working Women index differs from the number of data points in our BSWI, we also developed a separate weighting system for the overall score of this index based on the above three dimensions. The weight breakdown of each dimension, just as in last year’s women’s index, is as follows: 20% wages, 60% worker protections, and 20% rights to organize. The discrepancy in the weights is largely due to the volume of data points in the worker protections dimension, and the wish to give each policy at least 10% of the overall score.
When focusing on these policies, though there is significant overlap between the scores and ranks in our BSWW index as in the BSWI, there are some important differences. Though in the top 10 of the BSWI, Illinois roars into fourth spot in the BSWW index, largely thanks to its paid leave policies (which passed in 2023) and its status as one of the only three states to mandate that pumping breaks for all workers be paid. The top of the BSWW index more closely reflects states with a domestic workers bill of rights,† some form of scheduling protections, and protections for public school teacher collective bargaining.

States with the designation of “one fair wage”—that is, states where the tipped wage is the equivalent of the minimum wage—also edge higher in our BSWW index. As with last year, the most significant difference between the data we collect for the regular BSWI and the data for the BSWW index is how we measure the tipped wage. Whereas in the regular BSWI we use a ratio of the state tipped wage to the state minimum wage, in the BSWW index we instead focus on the ratio of the tipped wage to the cost of living at the state level for a single working parent. The point of this distinction is that most tipped workers are women, and particularly women of color, and often they are working parents.17

The policy decision to have a subminimum tipped wage traps many women, especially single moms, in cyclical poverty. According to our colleagues at the National Women’s Law Center, poverty rates

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† See Appendix 1 for an explanation of domestic workers bills of rights.
are nearly 30% higher in states that maintain a subminimum tipped wage compared with those which have ended the policy altogether. While the tipped wage is based on the assumption that customers will compensate workers directly for their service and that employers are legally obligated to ensure tipped workers earn at least the state minimum wage, the enforcement of this policy is lax at best, leading to rampant wage theft. Making matters worse, the reliance on customers to make up the difference in wages through tips leads to disproportionately high levels of sexual harassment for workers, especially women, in tipped wage jobs.

There are now seven states that have proactively ended the policy of a subminimum tipped wage, extending the equivalent of their minimum wage to all workers, a decision that goes a long way to tackling gendered poverty. These states are Alaska, California, Minnesota, Montana, Nevada, Oregon, and Washington. The trend of the West Coast outperforming the rest of the country in our index continues when focused only on the tipped wage question, though in the BSWW index, the West Coast maintains its overall strong performance.

On the other end of the spectrum, the same states that feature at the bottom of the regular index are also at the bottom of the women’s index. The South dominates the bottom rankings of both indexes, reflecting the lack of policies in support of working women and families in that region.

Ranking last in the BSWW index are Southern states that do not include any protections against sexual harassment in the workplace: Georgia (49), Mississippi (50), Alabama (51), and North Carolina (52). The relative consistency in rankings across the BSWI and the BSWW index underscores the fact that states that value women in the workplace value workers. The consistency also illustrates the fact that more than anything else, federal action is needed to lift the standard for all workers, including those living in states where local inaction persists.

Reflecting many of the policies tracked in the BSWW index, our colleagues at Legal Momentum, the country’s first and oldest women’s legal defense fund, have created a useful guideline specific to women in the workplace, the Working Woman’s Bill of Rights, which outlines the different legal protections most needed to support women at work. These resources are key to policymakers hoping to proactively support and protect working women at the state and federal level.
ANALYSIS OF THE THREE POLICY AREAS

DIMENSION 1: WAGES—40% OF OVERALL SCORE

The goal of the wage dimension is to emphasize the importance of the minimum wage and to understand how policymakers can proactively work to ensure minimum wages more closely reflect the cost of living. This dimension also emphasizes the importance of unemployment supports. Programs meant to help workers who are between jobs are a form of income protection, enabling workers to keep their families fed and housed. In the U.S., workers themselves pay into unemployment systems and should therefore benefit from them when between jobs.

The federal minimum wage in the United States has not changed in 14 years, the longest period the minimum wage has remained unchanged since the policy was created under President Roosevelt during the New Deal. Minimum wages are a decidedly bipartisan issue; most people agree that work should be paid fairly. As a reflection of this reality, 30 states, the District of Columbia, and Puerto Rico have a minimum wage higher than the federal minimum, and several of those states—including states like Florida—have a higher minimum wage as a result of a ballot initiative. Voters overwhelmingly agree that higher minimum wages are a good idea.

Raising the minimum wage, and ending subminimum wages such as tipped wages, would have a disproportionately positive impact on workers of color, especially women of color. In March 2022, Oxfam released *The Crisis of Low Wages*, a report that demonstrated how workers earning less than $15 an hour in 2022 were overwhelmingly and disproportionately people of color. While 26% of white workers earn less than $15 per hour, the number jumps to 46% of Latinx workers and to 47% of Black workers. Even worse, when adding gender, a full 50% of working women of color earn less than $15 an hour. These workers are overwhelmingly adults, and the majority are parents. The continued decision by Congress to maintain the minimum wage at $7.25 traps working families in cyclical poverty, but also contributes to gender- and race-based earning gaps.

In June 2023, Oxfam released a report comparing the U.S. to 37 economic peer nations using a methodology inspired by the BSWI. While it is clear that a minimum wage trapped at a poverty level for 14 years is unacceptable, when compared with economic peers, it becomes even more clear that wage policies in the U.S. are woefully inadequate. Trapping workers in the U.S. in cyclical poverty, despite their critical contributions to our economy and our society, is a political choice and not a reflection of the market needs of our economy.

The wage dimension of the BSWI focuses on several key indicators that create a picture of how states approach the issues of wages for their workers. These indicators include the following:

- Ratio of minimum wage to cost of living for a family of four
- Ratio of tipped wage to minimum wage
- Local control over minimum wages (lack of local control is often referred to as *preemption*, as the state overrides local rules)
- Extension of the minimum wage to farmworkers
- Ratio of unemployment insurance (UI) benefits to cost of living for a family of four
As in each dimension, each state earns a score on a scale of 0 to 100; scores closer to 100 indicate states are more invested in properly compensating workers. However, though minimum wages vary across the United States—from the federal minimum of $7.25 to the national high of $17 in the District of Columbia—no state pays its minimum wage workers enough to cover the basic cost of living for a family. As in past years, the wage dimension tracks the ratio of the minimum wage to the basic cost of living for a working family (two adults, two children) with one wage earner.‡

No state’s minimum wage covers even half the cost of living for a family. The states that come closest are the District of Columbia, where the nation’s highest minimum wage of $17 covers 38.7% of a family’s expenses; Washington, where the minimum wage ($15.74) covers 37.6%; and Connecticut, where the minimum wage of $15.74 covers 37.4%.

Still, the purpose of our use of ratios to measure minimum wages is not only to celebrate those states that continue to proactively raise their minimum wages (in some cases annually and indexed to inflation), but to demonstrate that even those states that far outperform others in terms of wages are still not keeping up with costs for a family. While the United States continues to rely on individuals to pay for every basic necessity, and provides little to no safety net for families needing help paying for things as expensive as child care or basic health care, all wages remain insufficient, especially as costs continue to skyrocket. Despite having the strongest wage in the U.S., the cost of living in the District of Columbia remains so high that people earning the highest minimum wage in the country cannot afford housing for a family.

The BSWI also includes a measure of the tipped minimum wage, specifically the ratio of what proportion of the state minimum wage is covered by the tipped wage. There are an estimated 5.5 million tipped wage workers in the United States, and while subminimum wages continue to exist, these workers are stuck at higher levels of poverty than their minimum-wage working peers.23 The federal tipped minimum wage is $2.13 and has been stuck there since 1991 (in contrast to the federal minimum wage, which was most recently increased in 2009). The tipped minimum wage is less than 30% of the full minimum wage, which itself has lost more than 20% of its value since it was raised in 2009.24

While state-level minimum wages are still insufficient to cover the basic costs of living for a working family, states that provide what is often termed “one fair wage”—one wage for workers regardless of whether they are tipped workers or not—are in a better position to impact levels of

‡ Oxfam believes a living wage should provide for a family and should not require two wage earners. The BSWI therefore uses a family of four with one wage earner as our standard for measuring wages. While the average family has multiple wage earners, considering only one wage earner in the family speaks to child care needs that are currently outside the realm of affordability for most. Using a family of four with one wage earner in our analysis is an aspirational standard for how significantly the U.S. minimum wage needs to be increased to provide for a family in this country. It also reflects the reality that even with two wage earners, the cost of child care currently is so high it is nearly the equivalent of a full salary for one parent if they make the minimum wage, rendering that second salary near moot to cover all other family costs. For example, a full-time minimum wage worker earns $15,080 per year before taxes. The current average cost of childcare is $14,117 a year. For more, see Jane Thier, “The Cost of Child Care Has Risen by 41% During the Pandemic with Families Spending up to 20% of Their Salaries,” Fortune, January 28, 2022, https://fortune.com/2022/01/28/the-cost-of-child-care-in-the-us-is-rising/. Oxfam uses the MIT Living Wage Calculator to calculate the cost of living for a family of four. See https://livingwage.mit.edu/.
poverty and improve gendered wage gaps, especially for women of color. Currently, only seven states are considered “one fair wage” states. There is much room for improvement.

The BSWI continues to also track the ratio of average weekly unemployment insurance (UI) payments for a full-time minimum-wage worker to the cost of living. Because UI is a system created to provide support for workers who have lost their jobs through no fault of their own to help cover costs while they find a new position, minimum basic payments should provide a safety net for workers to survive. However, most states’ UI payments cover less than 20% of the most basic costs of living, undermining the intent of UI and leaving workers and working families without support.

At the top of the wage dimension rankings is the District of Columbia, with a score of 86.37, followed by Washington (82.08), California (77.52), Maine (75.74), and Connecticut (75.09). Of those states in the top five, all raised their minimum wages in 2023, two are “one fair wage” states (Washington and California), and all have higher-than-average UI payments, though with much room still for improvement.

On the opposite side of the rankings, the states at the bottom of the wage dimension are North Carolina, with a score of 5.39, followed by Indiana (6.52), Alabama (7.76), Utah (8.02), and South Carolina (8.71). Like in the overall index ranking, the states at the bottom of the wage dimension ranking are predominantly in the South, where wages remain stuck at the federal minimum, UI benefits are notably low, and states have legislation that allows the state to overturn higher wages.

<table>
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<tr>
<th>State</th>
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<th>Wage Dimension Score</th>
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at the local level. Indiana stands out as a state at the bottom of the wage dimension but not in the bottom 10 of the overall index. While Indiana significantly lags on wage policies, the state does provide several of the policies tracked in the worker protection and rights to organize dimensions, helping buoy the state to 37 overall. This is unique considering most states in the bottom five position of any dimension also choose to maintain the federal floor across all three dimensions.

**DIMENSION 2: WORKER PROTECTIONS—35% OF OVERALL SCORE**

This dimension focuses specifically on policies that support workers’ and working families’ real-life needs inside and outside the workplace. Our index focuses on policies with a care economy in mind, or an economy that respects and values people outside their economic output and understands the intrinsic importance of unpaid care to society. Our index emphasizes policies that directly or disproportionately benefit women, because women—and especially women of color—are disproportionately low-wage workers in sectors that do not typically provide paid leave or flexible schedules. These policies, therefore, are especially important to caregivers (disproportionately women whether providing care for children, the elderly, people with disabilities, or their communities writ large) and parents as they seek to balance the demands of work and family. The policies tracked in this dimension help answer questions on whether workers will be able to care for themselves or a loved one without losing their jobs.

This year, for the first time, our index includes a measure of which states have sought to weaken child labor protections. There are four states that have passed measures to lower the age of working, to extend the hours youth can work, or to remove the requirement for parental consent: Arkansas, Iowa, New Hampshire, and New Jersey. This policy reality is complicated further by the immigration status of many of the children recently injured in instances of labor violations. As our partners at the Economic Policy Institute (EPI) have indicated, many of the youth who are working in violation of federal child labor standards are unaccompanied migrant youth, implicating not only major corporations—ranging from meatpacking firms to car factories to food sanitation companies—but also broken systems across several branches of the federal government.26 State-level bills meant to weaken protections for child labor are pushed forward by powerful lobbies, including restaurant associations and private equity firms who oversee major meatpacking plants.27

With the need for greater protections and support in mind, the policies we track for the BSWI include:

- Paid pumping breaks
- Equal pay mandate
- Paid family and medical leave
- Fair scheduling
- Protection against sexual harassment
- Extension of workers’ compensation to farmworkers
- Protections for domestic workers
- Heat standards for outdoor workers
- Child labor protections
Just like last year, Oregon ranks first with an overall score of 92.86, followed by California (85.71). New York and Washington tied at third place (71.43), while Connecticut, Massachusetts, and Puerto Rico tie in fifth place with a score of 67.86. Oregon, Washington, and California are the only states with a heat standard to protect all outdoor workers, pushing them toward the top of the index, and all states in the top five positions have passed some form of paid leave legislation.

On the bottom of this dimension’s rankings, as in the previous five years, Mississippi is dead last with a score of 7.14. Although unlike previous years where Mississippi held the distinction of being the only state to score zero points in our worker protections dimension, this year Mississippi earns some points by virtue of being a state that has not passed legislation aimed at weakening child labor protections. North Carolina comes second to last, with a score of 15.48, followed by Georgia and Arkansas tied for 49 with a score of 19.05, and Alabama in 48th place with a score of 21.43.

Although this is the first year Mississippi gains any points in our worker protections dimension, the state still holds the unique position as being the only state in the country without a basic equal pay law. As mentioned in last year’s index, in April 2022 Mississippi passed what its legislature framed as an “equal pay” law [the first in the state]. However, our index does not give the state credit for a piece of legislation that is less protective than the federal standard, and that in fact subverts the rights of people under the federal equal pay standard. More specifically, as a 2022 analysis of the
law observes, “The Mississippi Act also contains an unusual provision requiring that employees must waive their right to a federal claim in order to be eligible to bring a claim under the state law.”28 This equal pay law, nominal at best, does not provide any true protections or mandates, and indeed creates legal loopholes for continued pay discrimination—including on the basis of sex—based on perceived or asserted length of service or work experience. Thus, not only does Mississippi still lack a true equal pay mandate, but its legislation actively undermines federal equal pay protections.

**DIMENSION 3: RIGHTS TO ORGANIZE—25% OF OVERALL SCORE**

Last year saw a surge in popular support for unions, evident by increased approval of unions in opinion polls and a rush of organizing by workers ranging from coffee shop employees to graduate students to grocery clerks. In 2022, petitions to the National Labor Relations Board (NLRB) to form a union went up more than 50% compared with the year before, and public approval of unions is the highest it has been since the mid-1960s.29

But according to data released from the Bureau of Labor Statistics released at the beginning of 2023, union rates have officially dropped to represent just 10% of workers, the lowest rate it has ever been in the U.S.30 Unfortunately, these low numbers reflect the reality that if workers want to join a union, they bear the responsibility of organizing and convincing at least 50% of their colleagues to join, and even then the average time it takes to move from a union filing to a signed contract is almost a year and a half.31 This reality stands in stark contrast to other economic peer nations, where unionization rates are consistently high due to, among other factors, the existence of sectoral bargaining, where workers are not in a contract with their individual employer but rather an entire branch of work is covered by collective bargaining.32

The union difference is clear. When workers act collectively, they have more power. Historically, unions have played a crucial role in supporting workers in the United States; they protect rights to speak out about problems, bargain for higher wages, and push for stronger protections. What’s more, unions make a notable and disproportionate impact on working women, helping to close the pay gap and increase wages for often underpaid professions like care workers.33

As such, Oxfam continues to emphasize rights to organize in the BSWI, and we continue to advocate for more and stronger support of building worker power. This dimension therefore tracks laws that help or discourage workers from acting together. When a state has a so-called “right-to-work” law, it is much more difficult for unions to organize and to thrive, because states with these laws prohibit unions from collecting dues from people who benefit from their activities. There is important momentum happening in this dimension at the local level; as already mentioned, Michigan overturned its “right-to-work” law, the first time a state has repealed this law in decades. Although union rates remain low, the shift in public opinion matters and is making an impact.

Beyond recognizing states that protect the power of unions, the rights to organize dimension also measures how states approach the organization of public workers or of individuals employed or funded by the state itself.
The policies tracked in this dimension include:

- “Right-to-work” laws
- Right to organize for public school teachers
- Project labor agreements (PLAs) (i.e., agreements that contracts for public construction projects go exclusively to unionized firms)
- Protection against retaliation
- Protection for collective bargaining

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<th>State</th>
<th>Rights to Organize Dimension Rank</th>
<th>Rights to Organize Dimension Score</th>
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Four states tie for first place in the rights to organize dimension with a perfect score of 100: California, the District of Columbia, New York, and Oregon. At the bottom, with scores of zero, Georgia, North Carolina, South Carolina, and Texas have no support for worker organizing, whether these workers are public or private employees. As in previous editions of our Best States to Work Index, the South stands out as the region of the country with the fewest protections for workers’ rights to organize.
CHANGE OVER TIME SINCE ORIGINAL INDEX:
A FIVE-YEAR REFLECTION

In honor of the fifth anniversary of the BSWI, Oxfam chose to focus on how states’ rankings have changed over time. There are a few caveats to reviewing how the BSWI scores and rankings changed over time. The index score weighting system changed from 2019 to 2020 to adopt a new weighting scale for the three dimensions. Specifically, it changed from each policy dimension representing one-third of the overall score to each dimension holding a designated proportion of the overall score. Today, the wages dimension receives 40% of the total, worker protections receives 35%, and rights to organize receives 25%.

The other notable change, starting in 2020, was the inclusion of Puerto Rico in our index, and the annual adjustment of the index to include (and exclude) specific policy areas. In 2020, the new policies were protections for excluded workers (domestic workers’ bill of rights and farmworkers’ access to workers’ compensation and minimum wage mandates); ratio of tipped wages to minimum wages; protections against wage theft; and collective bargaining for public workers.

In 2021, the index began to measure unemployment payments relative to the cost of living for a family of four. In 2022, the index added heat protections for outdoor workers. And, as mentioned earlier, the 2023 index removed pregnancy and breastfeeding accommodations, and added paid breaks for pumping and child labor protections. The five-year overview, therefore, captures both what the rankings reflected at the time of publication and what the rankings would include if every version of our index captured the same policy areas and reflected the same weighting behind the score calculations.

In our historical overview, reflecting the methodology of its publication year, we can see progress for some states and stagnation in others. States at the bottom of our index have largely remained the same, reflecting a reliance on federal labor standards that have not changed in well over a decade. At the other end of the rankings, those states at the top of the index have stayed strong, consistently passing new legislation to protect and support low-wage workers and working families.
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<th>Table 6: Historical BSWI with Original Ranking</th>
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A few states have made some important policy changes in the last few years, and these states have risen in the rankings accordingly. One of those states—and one of the most important stories of 2021—was the immense jump in Virginia’s rankings. Originally ranked last in the BSWI in 2018 and 2019, Virginia moved up slightly in 2020 and then found itself in the top half of the index in 2021, with a rank of 23, rising to 22 in 2022. This improvement reflects hugely productive legislative sessions in the state, where the minimum wage increased, a domestic workers bill of rights passed, protections against sexual harassment increased, and (before the PWFA) the state expanded accommodations for pregnant workers. Notably, due to the PWFA and PUMP Act, Virginia now dropped to 28 this year since the state’s pregnancy and breastfeeding accommodations were helping bolster it into the top half of the index.

Colorado, originally ranked 15, moved consistently up the rankings every year, landing at 8 this year; Colorado’s rise in the rankings reflects regular increases in the minimum wage (indexed to inflation each year), paid leave policies that became permanent following the pandemic in 2020, expanded collective bargaining for public workers in 2023, and a heat standard (for agricultural workers) in 2022.

Some states moved up in the rankings because of singular policy changes. For example, Florida voters approved a ballot initiative in 2020 to raise the minimum wage. The initiative, which took effect in January 2021, mandates the minimum wage to reach $15 by 2026 (as of July 1, 2023, the minimum wage in Florida is $11).

Other shifts in rankings can be attributed to the addition of new policies in the index each year, as we challenged ourselves to think more broadly about what it would mean for states to proactively support workers and working families. In particular, following the COVID-19 pandemic, our index focused more on those workers who were intentionally excluded from federal labor law, and on how to combat the sexist and racist legacies of laws in the U.S. The index continues to be a living dynamic research product, and although the methodology has remained consistent, the breadth and depth of policies continue to evolve.
CORRELATIONS BETWEEN BSWI STATE SCORES AND INDICATORS OF WELL-BEING

In past editions of the BSWI, we tracked how index rankings correlated with measures of well-being at the state level to better understand the true impact of policies in support of workers and working families. In our 2022 edition, we analyzed how state scores in the BSWI correlated with measures of poverty, food insecurity, and infant mortality. This year we once again compared state rankings to measures of well-being, bringing the three correlations from last year back, while expanding to include median household income, GDP (gross domestic product) per capita, and rates of unionization. The inclusion of these measures seeks to paint a more holistic picture of how people fare at the local level. While measures of poverty, food insecurity, and infant mortality are straightforward indicators of health and well-being, median household income and GDP per capita reflect the economic well-being of workers; and unionization rates are but one measure of building worker power. As mentioned earlier, the union difference is a significant one; unions help provide workers with safer workplaces, narrower gender and race-based wage gaps, and more benefits like paid leave.

Across our measures of well-being, we found a very strong correlation to BSWI scores. For every 10 points a state’s score increased, there was a correlation with:

- $3,132 increase in median household income
- 0.5% decrease in households in poverty (robust to multiple specifications)
- $5,150 increase in GDP per capita
- 0.5% decrease in food scarcity (robust to multiple specifications)
- 1.6% increase in unionization rates (robust to multiple specifications)
- 0.336 reduction of infant deaths per 1,000 births (robust to multiple specifications)

These measures are significant. What these correlations indicate is in those states with more robust labor landscapes – another way of saying states that score highly on BSWI – are states that also invest more strongly in people across many measures and pass policies to reflect that fact. This explains the strong correlation between states that score well on our BSWI and states where people hold higher incomes, have less poverty, have less food insecurity, and have fewer infant deaths. Also, there is a clear correlation between states with robust labor laws and higher rates of unionization, an investment in worker power and reflection of policies meant to enable collective bargaining.

To assess the strength of the relationship between the well-being indicators and BSWI 2023 state scores, we ran a total of three models: (1) a base model containing only the dependent and independent variable (BSWI score), (2) a controlled model, which included state demographics and federal spending as a proportion of GDP to attempt to isolate the worker policy environment from state latent characteristics, and (3) a robustness check model, which further incorporated fixed effects based on Bureau of Economic Activity (BEA) region to isolate any regional component of variation.
A clearer visualization of how BSWI scores correlate with the above measures are as follows:

In the case of median household incomes, a 10-point increase in BSWI score is correlated with a $3,132 increase in median household income.

**FIGURE 2: BSWI CORRELATION TO MEDIAN HOUSEHOLD INCOME**

Sources: U.S. government sources, including the Census ACS, the Bureau of Labor Statistics, and the Centers for Disease Control and Prevention.

In the case of federal poverty levels (FPL) at the state level, the correlation reveals that for every 10-point increase in BSWI scores, a state’s federal poverty rate drops by 0.5 percentage points.

**FIGURE 3: BSWI CORRELATION TO PERCENTAGE OF POPULATION LIVING IN POVERTY**

Sources: U.S. government sources, including the Census ACS, the Bureau of Labor Statistics, and the Centers for Disease Control and Prevention.
In the case of GDP per capita, every 10-point score increase in the BSWI correlates with an increase of $5,150 per capita (to indicate how much revenue each individual generates).

In the case of food insecurity, every 10-point increase in the BSWI score correlates with a 0.5 percentage point drop in the percentage of the state population experiencing food insecurity.
In the case of unionization rates, every 10-point score increase in the BSWI correlates with a 1.6% increase in unionization rates (a staggering number considering the average rate of unionization in the country as a whole hovers just over 10% of all workers).

Finally, for infant mortality, every 10-point increase in BSWI score correlates with a 0.336 percentage point drop in the rate of infant mortality.
Although the differentiation of 0.3 or 0.5 percentage points may seem low, the impact is large. The difference in scores across our index (a range of more than 80 points between the best and worst state) can correlate to up to a 4-percentage point reduction between the worst and the best state on measure of food instability and poverty levels. Put more simply, that’s a correlation with a near 40 percent reduction in the number of people experiencing food insecurity or poverty in our highest-ranking state when compared to our lowest-ranking state.

All three of the correlations are predicated on score increases by factors of 10, meaning states like California and Oregon, which score in the upper 80s, are making multiple strides to improving their residents’ well-being. On the other hand, states like North Carolina, Mississippi, South Carolina, and Georgia have overall BSWI scores below 10 points. In no measure of well-being are those states making any strides toward greater health and stability based on the many policies tracked in the BSWI.

The importance of these correlations is how they demonstrate that a strong performance in the BSWI indicates more than supporting workers within the workplace. The correlations between wellbeing and BSWI scores help create a holistic picture of the impact of strong policies on the well-being of residents. Put another way, the more policies states have toward creating a social safety net—which include labor policies captured in our index, and are reflected in the states’ score—the fewer people in the state are experiencing hunger or poverty or the loss of children.

The goal of comparing BSWI rankings to measures of well-being is not only to demonstrate to policymakers the tangible impact of these policies in labor spaces, but also to show the impact of the many policies captured in the BSWI in terms of a population’s well-being. These correlations are simply greater proof that health and wealth disparities are the result of policy choices for which there are many solutions.
POLICY RECOMMENDATIONS

Stronger policies on wages, worker protections, and rights to organize are essential to helping workers support themselves and their families. Because women, and particularly women of color, are overrepresented in low-wage jobs without essential workplace protections like paid leave, stronger mandates can also reduce racial, gender, and economic inequality. Better labor policies correlate not only to higher median household income and GDP per capita, but also to lower rates of poverty, infant mortality, and food insecurity.

No policy tracked in the Best States to Work index has an adequate federal mandate, so all offer opportunities for federal and state governments to strengthen policies on wages, worker protections, and rights to organize. No state earned a perfect score, and even among those states ranking well, there is room for improvement. Oxfam celebrates where progress has been made and hopes this resource can help push for continued progress at the state and federal levels.

WAGES

Oxfam calls on state and federal policymakers to raise the wage. At both the state and federal levels, subminimum tipped wages should be abolished, minimum wage exclusions of certain workers must end, and the minimum wage needs to be lifted.

- At the federal level, there is a piece of legislation ready to implement all these policies: the Raise the Wage Act. It would raise the federal minimum wage from $7.25 to $17 by 2028; gradually eliminate subminimum wages for tipped workers, disabled workers, and youth; and begin automatic, indexed wage increases in 2029.

While the federal government lags in raising the minimum wage, states have the power to raise their own. And what’s more, some states have passed legislation to index automatic minimum wage increases to inflation. More states should adopt the same policy. The District of Columbia’s minimum wage, while still inadequate to support a family, is a good model for states to consider, as it (1) has the highest ratio of wages to cost of living, and (2) ties automatic annual wage increases to the level of inflation. States should also allow localities to set a higher wage than the state standard.

- Given the extreme cost of care for children, the elderly, and people with disabilities in the United States, and the burden these costs place on already insufficient wages, there is a serious need for federal investment in the care economy. Congress should pass:
  - The Child Care for Working Families Act and the Child Care for Every Community Act, which would help make child care more accessible and affordable, while increasing pay for child care workers and early learning educators.
  - The Better Care Better Jobs Act and the Home and Community Based Services Access Act, which would expand care services for the elderly and people with disabilities.
WORKER PROTECTIONS

There is a great need for stronger worker protections at the state and federal levels, including paid leave, stronger equal pay laws, paid pumping breaks, and protections for domestic workers.§ Happily, there are already bills available for the federal government to adopt and improve the worker protection landscape for all workers in the U.S. And some states are moving to strengthen worker protections on their own.

**Paid Leave:** Congress should provide paid sick leave and paid family and medical leave for all workers. There are several bills Congress should pass to establish federal paid leave standards, including:

- The **FAMILY Act**, which provides up to 12 weeks of paid family and medical leave for reasons ranging from medical issues to childbirth, or to support care responsibilities.
- The **Healthy Families Act**, which guarantees up to seven paid sick days a year for short-term illness, preventive care, caring for a sick family member, or seeking assistance related to domestic violence, sexual assault, or stalking.

Meanwhile, states have made major progress in filling the gap by creating their own paid sick leave and paid family and medical leave programs. Minnesota’s recently passed paid leave policy, for example, is comprehensive, providing up to 20 weeks of paid leave for private, public, and part-time employees, and extending “safe leave” coverage for survivors of sexual or domestic violence. Further, the policy’s definition of family is expansive, recognizing that workers may routinely care for people to whom they aren’t legally or biologically related. More states should fill the gaps left by federal inaction.

**Equal Pay:** Congress should pass the **Paycheck Fairness Act**, which aims to close the gender wage gap by strengthening the Equal Pay Act, including limiting employers’ reliance on an applicant’s salary history, protecting workers from retaliation for discussing their wages, and requiring employers to prove that pay disparities are not solely related to gender.

States should strengthen equal pay laws, too, by mandating equal pay across both the private and the public sectors, and by restricting pay secrecy practices and salary history requirements in the private sector. In New York and New Jersey, equal pay laws include a comprehensive list of protected classes (including gender identity or expression, sexual orientation, age, disability, and, in New York’s case, even domestic violence victim status).

**Protections for Domestic Workers:** Congress should pass the **Domestic Workers Bill of Rights Act**, which extends pay and leave rights to domestic workers while mandating health and safety precautions, including language around fair and fixed scheduling. Ten states, two major cities, and the District of Columbia have already passed their own domestic workers bill of rights.

§ There are many additional, urgently needed worker protections, including strengthened protections against discrimination and harassment, protections against wage theft, and protections against unfair scheduling practices. Congress should pass—and states can follow the model of—the **BE HEARD in the Workplace Act**, the **Schedules That Work Act**, and the **Part-Time Worker Bill of Rights Act**, to start.
**Heat Protection Standards:** As temperatures and heat-related worker deaths continue to climb, a set of federal protections for all workers is essential. The Occupational Safety and Health Administration intends to issue a new regulation protecting indoor and outdoor workers from heat, but the rulemaking process takes time, and future administrations can change these rules.

While we wait for a federal standard, states can implement their own heat-related worker protections. In fact, Oregon, Washington, California, Colorado, and Minnesota have issued their own heat standards. Other states should follow suit, and all should include protections for both outdoor and indoor workers.

**RIGHTS TO ORGANIZE**

The federal government must enshrine the rights of workers to build power collectively. At the state level, the prevalence of “right-to-work” laws demonstrates the systematic approach to undermining worker power and the clear need for the federal government to protect workers’ rights to organize. To that end, the federal government has one crucial piece of legislation to pass:

- The **Richard L. Trumka Protecting the Right to Organize Act (PRO) Act**, a bill that expands the protections around workers’ rights to bargain and organize as a collective.

States, meanwhile, should support rights to organize, including by:

- Repealing “right-to-work” laws. This year [Michigan](#) repealed its “right-to-work” law, the first state to do so in decades.
- Protecting the rights of state and local employees, including public school teachers, to collectively bargain. [Colorado](#) and [Nevada](#) are good examples.
- Extending organizing rights to workers excluded by federal protections, including agricultural workers (like [California](#) has done) and domestic workers, as well as contractors and gig workers.
SOURCES AND METHODOLOGY

APPENDIX 1: METRIC DESCRIPTIONS AND POINT ALLOTMENT FOR THE BEST STATES TO WORK INDEX

We allocated points across the three dimensions in the following manner:

WAGE DIMENSION (40% OF TOTAL)

- **Wage ratio (15%)**: A state’s wage ratio is created by determining the ratio of the state minimum wage to the MIT Living Wage, calculated for a household of two adults (one working) and two children. In cases where minimum wage varies by number of employees, the lower value is taken, whereas in cases where there is a secondary minimum wage that applies when employers provide health insurance, the higher value is taken. The final ratios are normalized between 0 and 100 for use in the index.

- **Tipped wage ratio (5%)**: A state’s tipped wage ratio is created by determining the ratio of the state minimum tipped wage to the state minimum wage. In cases where the tipped wage varies, the wage representing more workers is used (e.g., higher cash wages for bartenders versus all other workers are ignored). The final ratios are normalized between 0 and 100 for the indicator score.

- **Local control of minimum wage (5%)**: States receive a 1 if they have not proactively restricted the capacity for localities to impose higher minimum wages through preemption law. This point allocation contrasts with our 2019 definition, which looked at passive restriction due to the implicit preemption of state constitutions.

- **Minimum wage for farmworkers (5%)**: States receive a 1 if agricultural workers are entitled to the same minimum wage as all other workers, and a 0.5 if they generally receive the same wage with some exceptions in the law. States with mandated lower minimum wages or no minimum wage receive a 0.

- **Unemployment payments (10%)**: A state’s unemployment payments metric is created by determining the ratio of the average state unemployment insurance (UI) payments for full-time minimum wage workers to the MIT Living Wage, calculated for a household of four with two adults (one working) and two children. The final ratios are normalized between 0 and 100 for the indicator score.

WORKER PROTECTIONS (35% OF TOTAL)

- **Paid pumping breaks (2.5%)**: For paid pumping breaks, states receive a 1 if they mandate that pumping breaks taken by breastfeeding workers be considered “paid breaks.” States receive a 0.5 if this policy applies to at least some workers (e.g., public employees). States receive a 0 if no workers are entitled to paid breaks for pumping or expressing breastmilk.

- **Equal pay (5%)**: For basic equal pay, the state receives a 1 if it has mandated equal pay across private and public sectors. For pay secrecy, the state receives a 1 if it has specific legislation restricting pay secrecy practices in the private sector. For salary history, the state receives a 1 if it has restricted private sector salary history requirements.
• **Paid leave (5%)**: Our “paid leave” data point covers both paid sick leave and paid family leave. For paid family leave, a state receives a 1 if it has passed and implemented paid family leave across the state, and a 0.5 if legislation has passed but not yet gone into effect. This legislation must apply for employers with 15 or more employees. For paid sick leave, a state receives a 1 if it has passed and implemented paid sick leave across the state, and a 0.5 if legislation has passed but not yet gone into effect. This metric differs from the 2019 index in that laws passed but not yet implemented are given partial credit.

• **Scheduling (5%)**: A state receives a 1 in each of the four scheduling categories [flexible scheduling, reporting pay, split shift pay, and advanced shift notice] if it has implemented a statewide policy [private and public sectors] on the subject in question. This point allocation differs from the 2019 index in that states where city-specific scheduling laws might have applied to the majority of the state’s population are no longer considered valid.

• **Sexual harassment protections (5%)**: The state receives a 1 if it has laws or legal precedent utilizing fair employment legislation explicitly regarding sexual harassment and its restriction in the workplace.

• **Protections for excluded workers (5%)**: States receive points based on how they protect farmworkers and domestic workers. For example, regarding workers’ compensation for farmworkers, a state receives full credit (1) if agricultural workers are fully covered by workers’ compensation in the state, and partial credit (0.5) if they either are partially covered or covered with exemptions. In the case of domestic workers’ rights and protections, the state receives full credit (1) for implementing a policy that expands protections to include domestic workers. Policies tracked by the National Domestic Workers Alliance include overtime pay, paid sick days, workplace harassment and discrimination, safety and health, meal and rest breaks, protections for live-in workers, and privacy. If states have no worker policies that explicitly include domestic workers they receive no credit.

• **Heat safety standard (5%)**: A state receives full credit (1) for implementing a heat safety standard to protect outdoor workers.

• **Child labor protections (2.5%)**: A state receives full credit (1) if it has not passed any legislation weakening or hollowing out child labor protections, including but not limited to expanding the ages of child workers to younger ages, waiving a requirement for parental consent, or extending hours child workers can work. States receive a 0 if they have passed any legislation that weakens child labor protections.

**RIGHTS TO ORGANIZE (25% OF TOTAL)**

• **“Right-to-work” law (5%)**: A state receives a 0 if it has passed a “right-to-work” law, and a 1 if it has not.

• **Right to organize for teachers (5%)**: For collective bargaining, states receive a 1 if they generally give the right [but not necessarily mandate] for teachers to collectively bargain. In wage negotiation, states must mandate that schools participate in collective negotiation procedures to receive a 1.

• **Project labor agreements (5%)**: A state receives a 0 if it has passed a project labor agreement preemption law, and a 1 if it has not.

• **Protection against retaliation (5%)**: States receive credit for legislation that protects workers against employer retaliation, specifically relating to wages. They can score 0, 0.5, 0.75, or 1.
Based on the framework created by the National Employment Law Project (NELP), we gave a full point to states whose legislation provides workers with back pay, monetary damages, recovered attorney fees, and the right to bring complaints to government agencies and to court, with the potential for government-imposed fines on violators. We gave 0.75 points to states whose legislation includes all the above with the exception of government-imposed fines. States awarded 0.5 points have not legislated government-imposed fines and do not provide easy means for workers to complain to government agencies in order to recover damages; these states do allow for back pay, court cases against employers, recovered attorney fees, and court-mandated damages against employers. States receive no points if they have only legislated criminal penalties (and not civil) for employers who retaliate against employees who bring complaints of wage theft.

- **Collective bargaining (5%)**: States receive a 1 if collective bargaining is required and 0.5 if collective bargaining is allowed within the state.

### APPENDIX 2: EXPLANATION OF COMPOSITE SCORE CALCULATION

- **Wage dimension (40% total)**
  - 15% ratio of minimum wage to cost of living
  - 5% ratio of tipped cash wage to minimum wage
  - 5% local control of minimum wage
  - 5% minimum wage extension to farmworkers
  - 10% ratio of unemployment to cost of living

- **Worker protections dimension (35% total)**
  - 2.5% paid pumping break
  - 5% equal pay
    - Basic equal pay
    - No pay secrecy
    - No private sector salary history
  - 5% paid leave
    - Paid family leave
    - Paid sick leave
  - 5% scheduling
    - Flexible scheduling
    - Reporting pay
    - Split shift pay
    - Advance shift notice
  - 5% sexual harassment protections
  - 5% protections for excluded workers
    - Extension of workers’ compensation to farmworkers
    - Domestic worker rights and protections
  - 5% heat standard
  - 2.5% child labor protections
• Rights to organize dimension (25% total)
  o 5% “right-to-work” law
  o 5% right to organize for teachers
  o 5% project labor agreements
  o 5% protection against retaliation
  o 5% collective bargaining

APPENDIX 3: CORRELATION CALCULATION METHODOLOGY

The authors recognize that the wage policies and worker protections passed in a given state are likely endogenous to many socioeconomic indicators that may be used in defining worker welfare. However, we believe a purely correlational exercise may still be of intrinsic value, particularly in generating suggestive evidence that may warrant further exploration by other researchers. With this limited scope in mind, we ran a simple OLS (ordinary least squares) regression across several socioeconomic metrics chosen to represent the experience of low-wage workers in several spheres of welfare. The socioeconomic metrics include median household income and poverty rate as defined by the federal poverty level (FPL), but also metrics on infant mortality, food insecurity, union participation, unemployment, and GDP per capita.

To assess the robustness of the relationship between the indicators and BSWI 2023 state scores, we ran a total of three models: (1) a **base model** containing only the dependent and independent variable (BSWI score), (2) a **controlled model**, which included state demographics and federal spending as a proportion of GDP to attempt to isolate the worker policy environment from state latent characteristics, and (3) a **robustness check model**, which further incorporated fixed effects based on Bureau of Economic Activity (BEA) region to isolate any regional component of variation. Apart from median household income and GDP per capita, which had a correlation of monetary impact, the other correlation data points reflected an impact of percentage points and remain significant and of similar magnitude in the robustness check mode. The strength of the correlations suggests there could be an opportunity for further research on the possible interconnected nature of well-being metrics and labor laws. Unemployment was found to have a nonsignificant relationship to index scoring across model specifications.
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BIBLIOGRAPHY AND DATA SOURCES

Please refer to the 2018 edition of the report for a full list of relevant works for the original index.

WAGES DIMENSION

- Ratio of minimum wage to cost of living

- Ratio of tipped minimum wage to minimum wage

- Local control of minimum wage

- Minimum wage extension to farmworkers

- Ratio of unemployment insurance benefit to cost of living

WORKER PROTECTIONS DIMENSION

- Paid pumping breaks

**Equal pay**

- **Basic equal pay**

- **No pay secrecy**

- **No private sector salary history**

**Family leave**

Paid sick leave


Scheduling

- Flexible scheduling

- Reporting pay

- Split shift pay
  - Advance shift notice

- Sexual harassment protections

- Excluded workers
  - Extension of workers’ compensation to farmworkers
  - Domestic worker rights and protections

- Heat standard

- Child labor protections

**RIGHTS TO ORGANIZE DIMENSION**

- “Right-to-work” law

- Right to organize for teachers
  - Collective bargaining
  - Wage negotiation


• Project labor agreements
• Protection against retaliation

• Collective bargaining


CORRELATION SOURCES

GDP per capita:

Infant mortality rate:

Food insecurity:

Federal poverty level & median household income:

Unionization rates:
NOTES


18 NWLC, “One Fair Wage.”


25 NWLC, “One Fair Wage.”


31 Rosalsky, “You May Have Heard of the ‘Union Boom.’”


COVER: After the hottest summer on record, it’s more urgent than ever that government mandates measures to protect workers from the dangers of extreme heat. While the federal government agency that protects workers (OSHA) drags its feet on creating a national heat standard, a few states have stepped up to require employers to provide the basic protections [e.g., rest, water, shade]. This edition includes a data point for the heat standard; and a separate index for working women. Photo: Diane Davis