



OXFAM REPORT

BEST AND WORST STATES TO WORK IN AMERICA 2021

INCLUDING BEST STATES FOR WORKING WOMEN INDEX



OXFAM

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ABOUT THE BEST STATES TO WORK INDEX

In 2018, Oxfam decided it was time to survey the states across the country, 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 2021.

- The interactive map for all workers is here:
www.oxfamamerica.org/statelabormap2021
- The interactive map for working women is here:
<http://www.oxfamamerica.org/statewomenmap2021>

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, starting with the large populations of US citizens.

The workforce in DC measures roughly 800,000—larger than the total population of four states (Wyoming, Vermont, Alaska, and North Dakota). Puerto Rico has a population larger than nearly 20 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, 2021.

INTRODUCTION

Labor laws are meant to protect workers by mandating minimum wages; ensuring workers' safety and freedom from exploitative conditions; and keeping power balanced between workers and employers through the right to collectively bargain. However, although the federal government has historically demonstrated support for workers—notably through President Franklin Roosevelt's New Deal and the establishment of agencies like the Occupational Safety and Health Administration (OSHA) and entities like the National Labor Relations Board (NLRB)—in recent years, that support has waned. The federal minimum wage has not increased in over a decade; the federal tipped minimum wage has not increased in 30 years; federal worker protections have eroded; and federal labor agencies and departments have, in too many cases, shifted to favor employers over workers.

In response, some states have been compelled to step up for workers, improving on federal standards.

President Biden won the 2020 election on a platform championing workers and unions, and on the need to improve federal support for both. On a wide range of fronts the Biden administration has delivered needed updates, reversals, and changes to problematic policies enacted by his predecessor. However, several critical decisions made by the Biden administration have caused some worker advocates to note the limitations of these commitments. For example, the decision to issue an Emergency Temporary Standard (ETS)* on COVID-19 for worker safety was a vital step, but it only applies to health care workers, leaving millions of essential workers unprotected. Similarly, the relaxing of masking guidelines that the Centers for Disease Control and Prevention (CDC) advised for vaccinated people, without regard to essential workers dealing with vaccine hesitancy among customers, left these same workers less protected than before. Congress remains as polarized as ever, and while the wait for a new federal package continues (as of September 2021), many states have continued to take action to fill the gaps. For instance, over the past several years, 31 states have raised their minimum wages (from \$8.65 in Florida to \$15.20 in Washington, DC), and states have protected rights to organize, ensured paid leave, and expanded protections to workers excluded by federal provisions.

For the past four years, Oxfam America has produced a Best States to Work Index (BSWI), which tracks how states treat, protect, 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, static federal policies on wages, and the continued movement toward privatization. The BSWI focuses on how states are forced to address the failure of our national institutions to protect workers.

The 2021 BSWI includes all 50 states plus the District of Columbia and Puerto Rico, ranking the states on a scale of best (No. 1) to worst (No. 52). It's important to note that while this report

* An Emergency Temporary Standard, or ETS, is a standard of workplace safety protocols created by federal- or state-level OSHAs that all workplaces must follow in light of specific situations such as pandemics or heatwaves.

uses the term “state” to refer to all localities, it is also used to refer to the District of Columbia (a federal district) and Puerto Rico (an unincorporated territory).

Table 1 provides this year’s BSWI rankings and scores across the three policy dimensions of wages, worker protections, and rights to organize. The sections that follow explore each dimension in depth. For the full database with scores on each data point, please refer to the interactive map on the Oxfam website: www.oxfamamerica.org/statelabormap2021.

Figure 1: Overall BSWI Scores, 2021

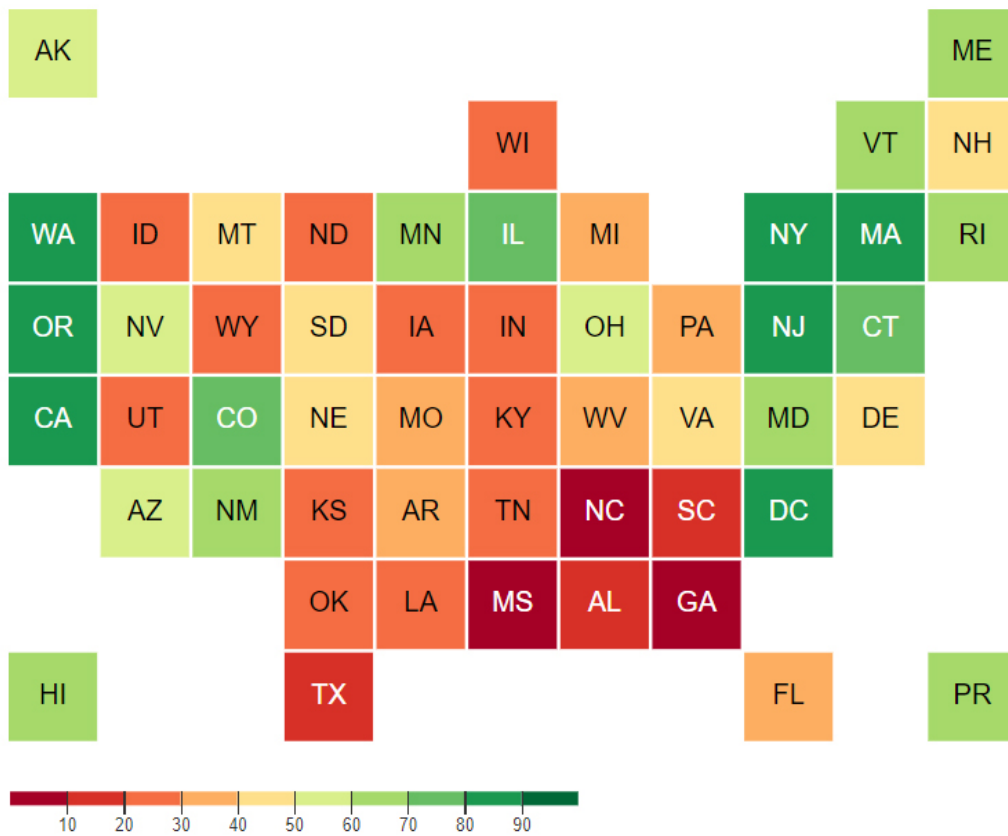


Table 1: The Best States to Work Index, 2021

State	Ranking	Overall Score	Wage Score	Worker Protection Score	Right to Organize Score
Oregon	1	85.68	67.34	96.43	100.00
New York	2	85.46	69.89	92.86	100.00
Massachusetts	3	85.22	78.66	89.29	90.00
California	4	84.20	66.74	92.86	100.00
District of Columbia	5	83.45	78.41	77.38	100.00
New Jersey	6	80.81	67.65	89.29	90.00
Washington	7	80.05	87.63	71.43	80.00
Connecticut	8	76.79	66.97	85.71	80.00
Colorado	9	71.88	73.46	71.43	70.00
Illinois	10	70.95	61.76	64.29	95.00
Maine	11	68.97	72.42	57.14	80.00
Vermont	12	68.91	62.90	60.71	90.00
New Mexico	13	67.89	62.44	61.90	85.00
Hawaii	14	64.29	45.11	75.00	80.00
Rhode Island	15	62.36	54.85	58.33	80.00
Maryland	16	62.03	58.21	50.00	85.00
Minnesota	17	61.06	56.82	45.24	90.00
Puerto Rico	18	60.29	28.85	82.14	80.00
Nevada	19	55.81	62.43	52.38	50.00
Alaska	20	52.72	62.02	26.19	75.00
Ohio	21	51.61	40.49	33.33	95.00
Arizona	22	50.69	72.56	40.48	30.00
Virginia	23	49.97	32.22	59.52	65.00
Delaware	24	47.92	32.30	42.86	80.00
Nebraska	25	46.35	32.54	45.24	70.00
New Hampshire	26	45.44	24.03	45.24	80.00
Montana	27	43.99	49.56	26.19	60.00
South Dakota	28	43.27	60.25	26.19	40.00
Michigan	29	38.48	44.13	30.95	40.00
Pennsylvania	30	38.46	20.10	26.19	85.00
Missouri	31	38.26	43.58	23.81	50.00
Florida	32	36.22	30.13	26.19	60.00
West Virginia	33	33.11	37.99	33.33	25.00
Arkansas	34	30.43	46.91	26.19	10.00
Iowa	35	27.78	21.53	26.19	40.00
Wisconsin	36	26.98	19.53	26.19	40.00
Kentucky	37	26.82	12.88	33.33	40.00
Indiana	38	26.63	6.17	26.19	60.00
Wyoming	39	25.67	22.50	19.05	40.00
North Dakota	40	25.19	21.30	26.19	30.00
Idaho	41	24.75	13.95	33.33	30.00
Louisiana	42	24.35	8.80	38.10	30.00
Oklahoma	43	24.25	9.59	33.33	35.00
Tennessee	44	23.34	10.42	33.33	30.00
Utah	45	22.72	8.87	40.48	20.00
Kansas	46	21.44	8.82	19.05	45.00
Texas	47	17.01	13.36	19.05	20.00
South Carolina	48	12.12	1.13	33.33	0.00
Alabama	49	10.63	7.82	14.29	10.00
Mississippi	50	8.08	7.70	0.00	20.00
Georgia	51	7.47	8.26	11.90	0.00
North Carolina	52	6.19	5.06	11.90	0.00

WHAT DOES THE INDEX TELL US?

Although the index is a complex capture of many policies at the state level, the basic question it seeks to answer is: Which states are proactively seeking to protect and support workers and working families? The three dimensions of this index create the foundation for improving the lives of workers and working families: **wages, worker protections, and rights to organize**. Nearly all workers fare better with more robust wages, rights to organize, and protections in the workplace—whether that be in a field, a plant, an office, or a private home.

Oxfam believes that the state scores reflect a daily reality for millions of people.¹ Higher scores equate to safer workplaces and increased economic stability, and lower scores equate to less safe environments and difficulty making ends meet.

Taken together, these policies demonstrate what states could provide their populations when the states are invested in the safety and well-being of workers and working families. Ultimately, all these policies add up to more fair workplace practices.

NEW ADDITIONS TO THE INDEX

When updating the BSWI for 2021, Oxfam made important changes: we included unemployment insurance payments and we changed the weights of the policy areas evaluated.

Unemployment insurance payments

In 2020 Oxfam released two versions of the BSWI: an annual edition of the regular index and a special version tracking how states responded to COVID-19 for workers. When updating the BSWI for 2021, though, we chose not to update the COVID-19 version of the index; we wanted to maintain our measure of state unemployment payments from that index and thus incorporated it into the regular update. This data point, now included in our wages dimension, presents the ratio of average state unemployment payments for a full-time worker earning the minimum wage to the cost of living in that state. As with our minimum wage data point, the cost of living is calculated using the Living Wage Calculator developed by the Massachusetts Institute of Technology (MIT).

Because unemployment payments vary significantly among states—predicated not only on the minimum wages in that state but also on the calculation method each state devises to create unemployment payment ranges—this data point is an important measure of how states support workers.[†] The system of unemployment insurance (UI), created by the Social Security Act that Roosevelt signed into law in 1935, was part of the larger New Deal program of creating a social safety net for people in the United States; the intent behind UI was to provide a means for

[†] Unemployment is provided to workers who have lost their jobs through no fault of their own.

individuals to remain housed and fed when they are between jobs. The autonomy states have over their interpretation of UI means payments vary widely. The lowest average weekly UI payment for a full-time minimum wage worker is \$140 (in Utah), and the highest is \$320 (in Massachusetts). And while those discrepancies are notable, the comparison of average weekly payments and cost of living is even more stark. In Utah and South Carolina, average weekly UI payments cover only 10 percent of the most basic cost of living. On the other end of the spectrum, in Massachusetts, where average weekly payments are highest, even those payments cover only 23 percent of the most basic cost of living. So although the UI system created in the 1930s was meant to help workers bridge employment gaps without losing their housing or going hungry, no state system today comes close to covering even a basic cost of living.

Weights of the policy areas

Because Oxfam decided to incorporate unemployment payments in the wages dimension of the 2021 BSWI, our weighting system for the overall ranking of states changed slightly. In our 2020 BSWI, the weighting system was 35 percent wages, 40 percent worker protections, and 25 percent rights to organize. This year, with the expansion of the wage dimension to include unemployment payments, the overall weighting system is 40 percent wages, 35 percent worker protections, and 25 percent rights to organize. For a full breakdown of the percentage weight of each policy we considered within the three dimensions, see Appendix 2.

INDEX RANKINGS

The states are ranked on a scale of 0–100 points, and the differences between those at the bottom of the index and the top are stark.

At the top of the index, the top five states are on the East Coast or West Coast, and all scored close to 85. **Oregon** ranked first overall with a cumulative score of 85.68; its score was bolstered this year by the inclusion of unemployment benefits in the index. **New York** came in second with a score of 85.46, **Massachusetts** was third with 85.22, **California** was fourth with 84.20, and the **District of Columbia** was fifth with 83.45.

At the bottom of the index, the five lowest-ranking states fall in the South, and none scored above 15: **North Carolina** (52) had a score of 6.19, **Georgia** (51) scored 7.47, **Mississippi** (50) scored 8.08, **Alabama** (49) scored 10.63, and **South Carolina** (48) came in at 12.12. The bottom five states in our 2021 index are the same bottom states as in our 2020 Best States to Work Index, having done nothing to improve policies for workers since 2020. All states in the bottom five have their minimum wages set at the federal minimum of \$7.25, none mandates paid leave, and none except South Carolina provides pregnancy accommodations or protection against sexual harassment.

CHANGES IN THE INDEX SINCE 2020

While the emergence of the COVID-19 pandemic took the world by force in 2020 and dealt a shattering blow to the US economy,² some states proactively sought to support workers by implementing new policies in service of workers and working families, while others did not. The following are a few notable observations from this year's Best States to Work Index:

- **Virginia**, which was at the bottom of the index in 2018 and 2019, made a huge leap in 2021 to the top half of the index. This enormous improvement, from 52 in 2019 to 23 in 2021 is a direct result of communities and workers organizing for policy change, leading to important actions taken by the Virginia legislature and Governor Ralph Northam. Virginia became the 10th state to provide protections for domestic workers, and it expanded accommodations for pregnant workers, bolstered protections against sexual harassment, and raised its minimum wage, all policies that especially benefit working women. This previously lagging state has proactively demonstrated a new and serious investment in the well-being and dignity of all workers. Virginia also was the first state to pass an Emergency Temporary Standard (ETS) for workplace safety during COVID-19, a policy the state legislature passed in late July 2020.
- **North Carolina** repeated its 2020 ranking of last place. North Carolina provides no support for workers' rights to organize, does not exceed the federal minimum wage, and has very few worker protection policies. (Even Mississippi, ranked last in the 2019 BSWI, offers some mandates around rights to organize.) Not only did North Carolina once again rank 52 in our index, due to this year's inclusion of the ratio of unemployment payments compared to cost of living, North Carolina's composite score dropped below last year's (from 6.55 to 6.19).
- As in previous indexes, coastal states dominated the top five slots. While the same five states seem to fight for the top slot, this year **Oregon** jumped to the top from last year's rank of fifth. Although Oregon has continued to increase the minimum wage incrementally, moving from \$12 per hour in 2020 to \$12.75 per hour in 2021, the big jump this year is due to the inclusion of unemployment payments in the index. In Oregon, average UI payments for someone working a full-time minimum wage job cover 21 percent of the costs of living (\$312 a week). While that percentage is insufficient, Oregon's payments go further than most states. (For more on the methods of calculation in the index, please refer to Appendix 1.)

TRENDS ACROSS THE COUNTRY

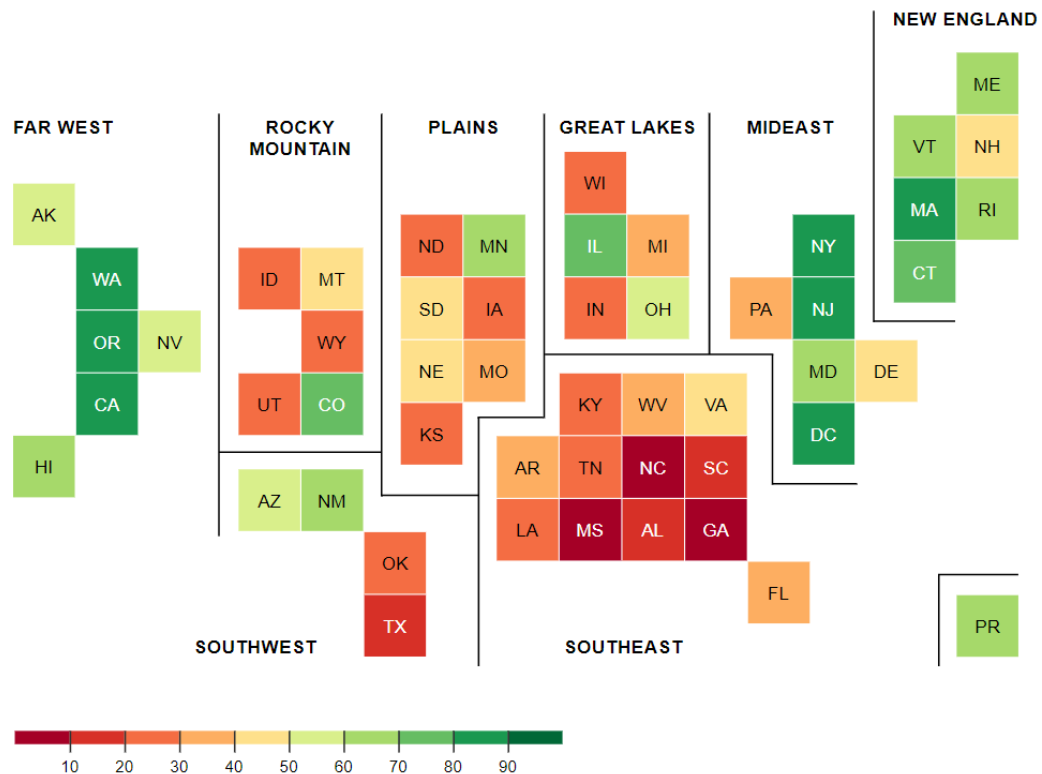
The BSWI reveals several illuminating trends and patterns among the states:

- State labor policies vary dramatically across the US.
 - BSWI overall scores range from 6.19 (North Carolina) to 85.68 (Oregon), with scores spread out along the spectrum.
- Regions show distinct patterns — to a point.
 - While states within the four Census regions 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, while the West Coast does very well, adjacent states do less well. Oregon (ranked 1) and Washington (ranked 7) are next to Idaho (ranked 41). Similarly, in the Midwest, Illinois (10) is next to Indiana (38).
- Even the highest state minimum wage is not enough to support a family.

- According to a simple ratio of the minimum wage to the basic cost of living, no state minimum wage reaches even half the cost of living for a family of four with one wage earner (the closest is Washington, where the minimum wage covers 41.1 percent of the basic cost of living).³
- Workers need more robust protections at the state and federal level.
 - While most states have passed basic laws on equal pay and sexual harassment, few have passed paid sick leave, paid family leave, or fair scheduling laws.

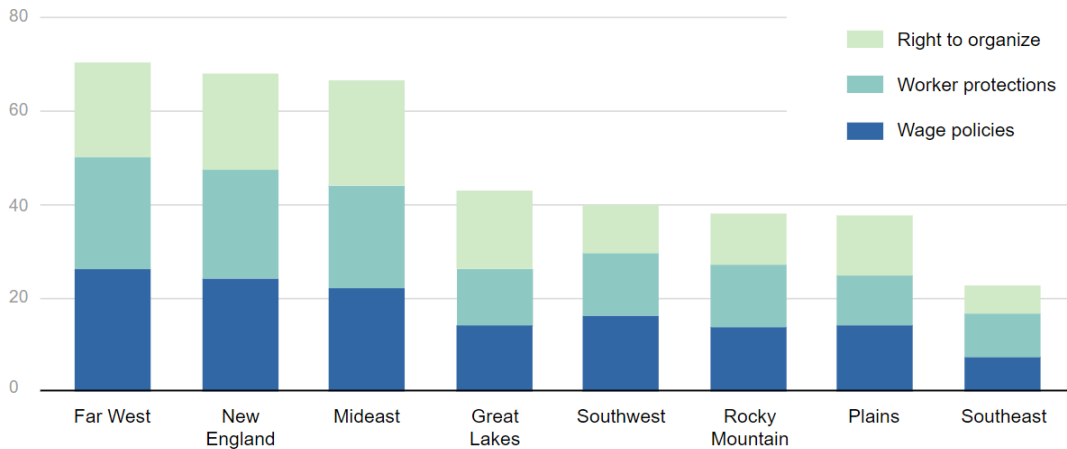
REGIONAL ANALYSIS

Figure 2: BSWI Scores, US Bureau of Economic Analysis regions, 2021



The eight regions identified by the US Bureau of Economic Analysis (which excludes the Caribbean) are illustrated, and the differences are striking.

Figure 3: BSWI Scores, US Bureau of Economic Analysis regions, 2021



This chart shows the average cumulative score of each region, with color-coded representation of each dimension. The helpful visualization demonstrates how the Far West scores best on wages, especially given these states' comparably strong unemployment benefits, but the Mideast is stronger in terms of rights to organize. The Southeast fares worst on all three dimensions.

HOW CAN POLICYMAKERS USE THE BSWI?

Oxfam hopes the Best States to Work Index inspires a race to the top for policymakers at the state and the federal level 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, the 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 even the playing field at the national level and to make certain that all workers are paid a robust wage, are protected at work, and are ensured the right to organize.

BEST STATES FOR WORKING WOMEN

Although the BSWI has always placed an emphasis on the experiences of women in the workplace, and it has included many policies that either disproportionately benefit women or are specifically gendered (equal pay, pregnancy accommodations), this year we decided to pull out those policies and provide a separate state ranking to address women workers. All of this data appears in our overall BSWI, but by extracting these specific policies we were able to discover which states provide additional support and protections for women in the workplace. A closer examination of the conditions faced by women workers felt particularly important this year as the impacts of COVID-19 on the US economy continue to be felt and the “shecession”⁴ of women leaving the workplace due to disproportionate care burdens continues.

The differences between states in our Best States for Working Women 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 or not she can provide for a family. The need for paid leave at the state and federal level is especially important; the burdens of caring for sick family members overwhelmingly falls to women.⁵

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

- **Wages.** We adjusted our analysis to look at the ratio of tipped minimum wage to cost of living for one earner and two dependents (69 percent of tipped minimum wage workers are women,⁶ 36 percent are mothers, and over half of those are single mothers⁷).
- **Worker protections.** We looked at the following worker protections:
 - Pregnancy accommodations and right to pump in the workplace
 - Equal pay
 - Paid leave (medical and family)
 - 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 (public school teachers are the largest sector of public workers in the United States, and as of 2017, 76 percent of public school teachers are women⁸).

Because the number of data points for this Best States for Working Women index differ from the number of data points in our annual Best States to Work Index, we also developed a separate weighting system to create the state rankings based on the three dimension areas for the working women index. The weight breakdown of each dimension is as follows: 20 percent wages, 60 percent worker protections, and 20 percent rights to organize. The discrepancies in the weights is largely due to the volume of data points in the worker protections dimension, and the wish to give each separate data point at least 10 percent of the overall score.

The most significant distinction between the regular BSWI measurement of tipped minimum wages in the wages dimension and the Best States for Working Women measurement of tipped minimum wages is that instead of comparing tipped minimum wage to the state minimum wage, in the Best States for Working Women index we compare tipped minimum wage to the cost of living for a single working parent. Women, and particularly women of color, overwhelmingly make up the tipped wage workforce and often they are working parents.⁹ Consequently, not only did we seek to capture the tipped wage rate at the state level, but we also wanted to highlight how tipped wages keep workers—especially working parents—unable to afford even the most basic costs of living regardless of where they live. It should also be noted that the tipped wage is based on the assumption that customers will compensate servers directly *and* that employers are legally obligated to ensure that servers earn at least the state minimum wage if tips are insufficient. However, enforcement of the mandate that employers ensure workers make at least the minimum wage is paltry at best, leading to rampant wage theft,¹⁰ and the reliance on customers to make up the difference in wages leads to disproportionately high levels of sexual harassment for workers, especially women, in tipped wage jobs.¹¹

On this data point, the Pacific Northwest performs best. Washington’s tipped wage, equal to its minimum wage, covers 34 percent of the cost of living; Oregon’s tipped wage, also equal to its minimum wage, covers 31 percent of the cost of living. On the other end of the spectrum, states that follow the federal minimum tipped wage of \$2.13 cover as little as 5 percent of the most basic cost of living for a family of three. Regardless of where you live in the United States, the tipped minimum wage continues to trap working people and working families in a perpetual state of debt and poverty.

Figure 4: Overall Best States for Working Women Index Scores, 2021

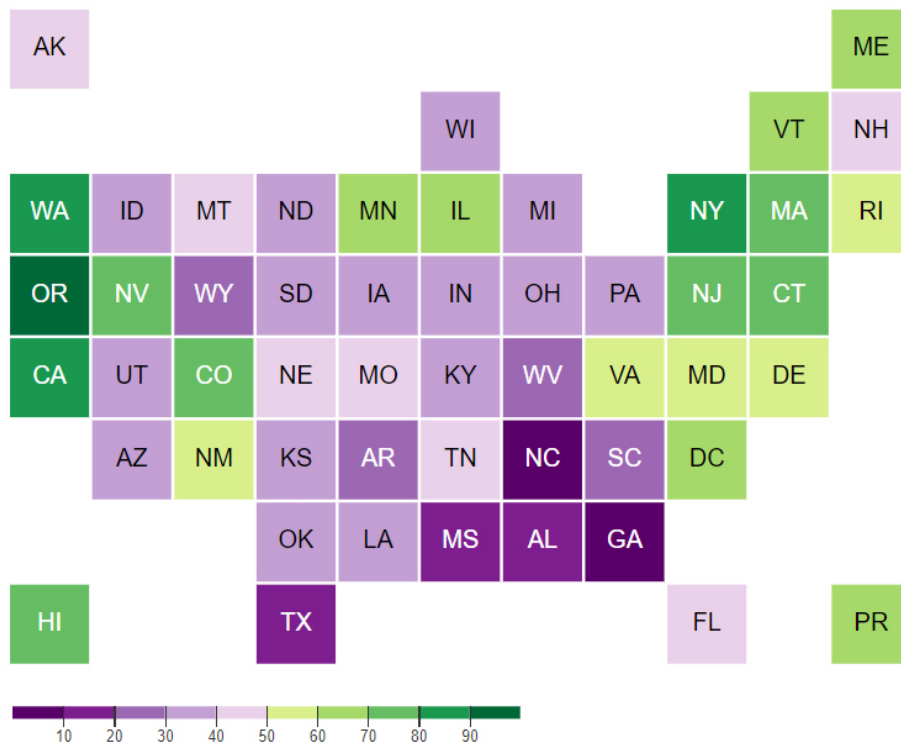


Table 2: Best States for Working Women Index, 2021

State	Ranking	Overall Score	State	Ranking	Overall Score
Oregon	1	95.36	Missouri	27	43.15
California	2	89.17	Florida	28	42.29
New York	3	83.97	South Dakota	29	39.40
Washington	4	80.00	Indiana	30	39.15
Connecticut	5	76.98	Michigan	31	39.12
Massachusetts	6	76.89	Oklahoma	32	38.94
New Jersey	7	75.02	Ohio	33	37.99
Hawaii	8	72.58	Iowa	34	37.81
Nevada	9	71.27	Idaho	35	36.41
Colorado	10	71.12	Pennsylvania	36	35.35
Puerto Rico	11	69.10	North Dakota	37	34.33
Illinois	12	68.02	Kansas	38	33.91
District of Columbia	13	67.80	Wisconsin	39	33.90
Vermont	14	63.98	Kentucky	40	33.90
Maine	15	62.26	Utah	41	33.74
Minnesota	16	60.55	Arizona	42	32.55
Rhode Island	17	59.15	Louisiana	43	32.13
Virginia	18	56.67	Arkansas	44	29.93
New Mexico	19	54.71	West Virginia	45	29.75
Maryland	20	52.20	Wyoming	46	23.98
Delaware	21	50.28	South Carolina	47	23.85
Alaska	22	48.78	Texas	48	13.92
Nebraska	23	47.10	Mississippi	49	10.93
Montana	24	45.67	Alabama	50	10.84
Tennessee	25	44.31	Georgia	51	8.80
New Hampshire	26	44.00	North Carolina	52	3.60

As in the broader BSWI for 2021, Oregon scores at the top of our index focused on working women, with a score of 95.36. As one of the few states to capture nearly every worker protection policy we measure, especially those with a gendered component, as well as being a state with one of the highest tipped minimum wages in the country, Oregon easily slides into the top position.

Although in general the top 10 states in our Best States to Work Index reflect the top states in our Best States for Working Women measure, there are a few states that jump higher based on their gendered worker policies (worker policies that target women, such as equal pay and pregnancy accommodations, or that disproportionately benefit working women, such as paid leave and fair scheduling). Chief among them are Hawaii (ranked 8 in the Best States for Working Women index and 14 in the overall BSWI) and Puerto Rico (ranked 11 in the Best States for Working Women index and 18 in the BSWI). Puerto Rico, for example, has one of the oldest paid family leave provisions in the United States and has long protected rights to organize, including such rights for public school teachers.

The state of Hawaii not only scores well in our Best States for Working Women index, and has a more robust tipped wage than much of the country, but also in 2020, Hawaii made an important name for itself by being the first, and only, state in the United States to put forth a “Feminist Economic Recovery Plan” in response to the COVID-19 pandemic.¹²

On the bottom end of the Best States for Working Women index, much like the overall index, are the southern states, where worker protection policies geared toward women in the workplace hardly exist, tipped wages are at the federal minimum of \$2.13, and rights to organize are denied to workers, including public school teachers.

Importantly, the only state in the United States without an equal pay mandate is Mississippi, and all states that do not include any protections against sexual harassment in the workplace are in the South: Alabama, Georgia, Mississippi, and North Carolina. The relative consistency in rankings across our BSWI and the Best States for Working Women index underlines the fact that states that value women in the workplace value workers.

ANALYSIS OF THE THREE POLICY AREAS

DIMENSION 1: WAGES — 40 PERCENT OF OVERALL SCORE

The federal minimum wage has not changed in 12 years, and it continues to decrease in real value as inflation impacts the power of the dollar. Adjusted for inflation, the minimum wage in the United States was at its strongest in 1968 and has become steadily weaker since then.¹³ In response to this reality, many states (and cities) have acted to support workers by increasing their minimum wages. According to the Organization for Economic Cooperation and Development (OECD), an intergovernmental group that tracks the economic health of nations, the US leads the developed world in economic inequality and proportion of the workforce earning insufficient wages.¹⁴ Put more simply, too many working families live in poverty.

The wages dimension of the BSWI focuses on several key policies that create a picture of how states approach the issue of wages for their workforce. These include the following:

- Ratio of minimum wage to cost of living¹⁵ for a family of four
- Ratio of tipped wage to minimum wage
- Local control of minimum wage
- Minimum wage extension to farmworkers
- Ratio of UI benefits to cost of living for a family of four

As in each of the dimensions, each state is given a score on a scale of 0 to 100; scores closer to 100 indicate states are more invested in paying workers a reasonable wage. However, although minimum wages across the United States vary—from the federal minimum of \$7.25 to the national high of \$15.20 in Washington, DC—no state pays its minimum wage workers enough to cover the basic cost of living.

As in past years, the wages 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 of its cost of living; the closest two states are Washington (which covers 41.1 percent of costs with its minimum wage of \$13.69) and the District of Columbia (which covers 39.5 percent of costs with its minimum wage of \$15.20). The purpose of the ratio is not only to celebrate states with higher wages, but also to take into

[‡] 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 childcare needs that are currently outside the realm of affordability for most. This is an aspirational standard for how significantly the US minimum wage needs to be increased to provide for a family in this country.

consideration how far the dollar will stretch to cover the cost of living for working families. Though the District of Columbia pays the highest minimum wage in the country, the cost of living there is high; thus, the dollar covers less in the District of Columbia than in Washington state, where costs are lower.

Like last year's index, this year's BSWI also includes the tipped minimum wage, which impacts an estimated 4.3 million workers in the United States, most in the restaurant industry.¹⁶ The federal tipped minimum wage has remained stagnant since 1991 (in contrast to the federal minimum wage, which increased most recently in 2009) at \$2.13 an hour. This figure is less than 30 percent of the full minimum wage. While the assumptions for tipped wages are that cash or credit card tips will fund the difference between the tipped minimum wage and regular minimum wage, this system relies on the generosity of patrons to achieve base wages.

While state-level minimum wages are still insufficient to cover the basic cost of living of a working family, states that mandate their tipped minimum wage match the regular minimum wage are in a better position to collectively increase wages for all workers. If tipped minimum wages, for example, match minimum wages, compensation of all workers is lifted as states pass legislation to increase minimum wages. Currently, only seven states match the tipped minimum wage to the regular minimum wage. There is much room for improvement.

And, as discussed above, the 2021 index includes a measure of how well the average weekly unemployment payments for a full-time minimum wage worker cover the basic cost of living. Most states' UI payments cover less than 20 percent of the most basic cost of living, undermining the intent of UI, which was to provide a fiscal safety net for workers who lost their jobs through no fault of their own.

Table 3: Ranking and scores for wages dimension, 2021

State	Wage Ranking	Wage Score	State	Wage Ranking	Wage Score
Washington	1	87.63	West Virginia	27	37.99
Massachusetts	2	78.66	Nebraska	28	32.54
District of Columbia	3	78.41	Delaware	29	32.30
Colorado	4	73.46	Virginia	30	32.22
Arizona	5	72.56	Florida	31	30.13
Maine	6	72.42	Puerto Rico	32	28.85
New York	7	69.89	New Hampshire	33	24.03
New Jersey	8	67.65	Wyoming	34	22.50
Oregon	9	67.34	Iowa	35	21.53
Connecticut	10	66.97	North Dakota	36	21.30
California	11	66.74	Pennsylvania	37	20.10
Vermont	12	62.90	Wisconsin	38	19.53
New Mexico	13	62.44	Idaho	39	13.95
Nevada	14	62.43	Texas	40	13.36
Alaska	15	62.02	Kentucky	41	12.88
Illinois	16	61.76	Tennessee	42	10.42
South Dakota	17	60.25	Oklahoma	43	9.59
Maryland	18	58.21	Utah	44	8.87
Minnesota	19	56.82	Kansas	45	8.82
Rhode Island	20	54.85	Louisiana	46	8.80
Montana	21	49.56	Georgia	47	8.26
Arkansas	22	46.91	Alabama	48	7.82
Hawaii	23	45.11	Mississippi	49	7.70
Michigan	24	44.13	Indiana	50	6.17
Missouri	25	43.58	North Carolina	51	5.06
Ohio	26	40.49	South Carolina	52	1.13

At the top of the wages dimension ranking is Washington, with a score of 87.63, followed by Massachusetts (78.66), the District of Columbia (78.41), Colorado (73.46), and Arizona (72.56). These rankings and scores differ compared with the 2020 index, where the highest score was 92.86 in Washington (largely due to the inclusion of unemployment payments). Because no state covers even one-third of the basic cost of living for a working family with its UI benefits, all states' scores fell in the index. However, while the top five stayed more or less the same in the wages dimension, one state performed better in our wages rankings as a result of a comparatively stronger UI benefit: Massachusetts. It ranks second this year, compared with its 10th-place ranking last year.

At the bottom of the index, South Carolina comes in last with a shockingly low score (1.13), followed by North Carolina (5.06), Indiana (6.17), Mississippi (7.70), and Alabama (7.82). Like the overall index, the states at the bottom of the wages dimension rankings are predominantly in the South, where wages remain stuck at the federal minimum, UI benefits are notably low, and states have the prerogative to overturn higher wages at a local level.

DIMENSION 2: WORKER PROTECTIONS — 35 PERCENT OF OVERALL SCORE

Worker protections refers to laws that support various real-life needs of workers and their families. These laws are especially important to women, parents, and caretakers, as they seek to balance the demands of work and family. If a worker falls ill, will they need to report to work and risk infecting others, or risk missing vital hours and pay? Will a worker be called into work on an hour's notice? If a worker is sexually harassed, can they seek protection? If a worker is pregnant, will they be able to continue to safely work?

The policies include:

- Pregnancy accommodations and protections for breastfeeding workers
- Equal pay
- Paid family and medical leave
- Fair scheduling
- Sexual harassment protections
- Extension of workers' compensation to farmworkers
- Protections for domestic workers

Heat hazards at work

2021 witnessed a series of severe heat events across the country that claimed lives and broke records. Among those most harmed were low-wage workers whose jobs put them at risk of heat illness. From remote agricultural fields to hot kitchens, heat can be a serious, even deadly hazard. Workers need training about the risks, and effective systems to cool down, acclimatize, and get help when needed.

As federal OSHA has failed to implement workplace standards around heat, some states have taken action. Oregon and Washington recently issued emergency standards around heat. Congress, other states, and the administration must follow quickly to save lives in response to this worsening challenge.

Table 4: Ranking and scores for worker protections dimension, 2021

State	Protection Ranking	Protection Score	State	Protection Ranking	Protection Score
Oregon	1	96.43	Idaho	27	33.33
California	2	92.86	Kentucky	27	33.33
New York	2	92.86	Ohio	27	33.33
Massachusetts	4	89.29	Oklahoma	27	33.33
New Jersey	4	89.29	South Carolina	27	33.33
Connecticut	6	85.71	Tennessee	27	33.33
Puerto Rico	7	82.14	West Virginia	27	33.33
District of Columbia	8	77.38	Michigan	34	30.95
Hawaii	9	75.00	Alaska	35	26.19
Colorado	10	71.43	Arkansas	35	26.19
Washington	10	71.43	Florida	35	26.19
Illinois	12	64.29	Indiana	35	26.19
New Mexico	13	61.90	Iowa	35	26.19
Vermont	14	60.71	Montana	35	26.19
Virginia	15	59.52	North Dakota	35	26.19
Rhode Island	16	58.33	Pennsylvania	35	26.19
Maine	17	57.14	South Dakota	35	26.19
Nevada	18	52.38	Wisconsin	35	26.19
Maryland	19	50.00	Missouri	45	23.81
Minnesota	20	45.24	Kansas	46	19.05
Nebraska	20	45.24	Texas	46	19.05
New Hampshire	20	45.24	Wyoming	46	19.05
Delaware	23	42.86	Alabama	49	14.29
Arizona	24	40.48	Georgia	50	11.90
Utah	24	40.48	North Carolina	50	11.90
Louisiana	26	38.10	Mississippi	52	0.00

This year, Oregon edged out California for top spot in the worker protections dimension—with a near-perfect score of 96.43—by improving scheduling practices and banning the ability of employers to schedule “split shifts” (a work schedule interrupted by nonpaid time). Oregon just missed a perfect score due to its paid family leave policy, one that has already been voted into place but does not take effect until January 1, 2023, giving the state only partial credit in our ranking. In a tie for second place are California and New York, both with a score of 92.86 as both are still missing flexible scheduling and advance notice of shift scheduling. Tied for fourth place, Massachusetts and New Jersey both scored 89.29.

On the bottom in this dimension’s rankings, as in the previous three years, Mississippi is dead last with a score of 0. Mississippi is the only state to have none of the policies tracked in the BSWI. Georgia and North Carolina are tied for 50th place, both scoring 11.90, and Alabama comes in at 49 with a score of 14.29.

DIMENSION 3: RIGHTS TO ORGANIZE — 25 PERCENT OF OVERALL SCORE

When workers act collectively, they have more strength. Historically, unions have played a crucial role in supporting workers in the US: they protect rights to speak out about problems, bargain for higher wages, and push for stronger protections. Unions are also able provide various legal protections.

The rights to organize dimension includes laws that help or discourage workers from acting together. When a state has a “right-to-work” law, it’s much more difficult for unions to organize, and to thrive, since states with these laws prohibit unions from collecting dues from people who benefit from their activities. Beyond recognizing states that protect the power of unions, this dimension also measures how states approach the organization of public workers or of individuals employed by or funded by the state itself.

The policies tracked in this dimension include:

- “Right-to-work” laws
- Right to organize for teachers
- Project labor agreements (contracts for public construction projects go exclusively to unionized firms)
- Protection against retaliation
- Collective bargaining

Table 5: Ranking and scores for rights to organize dimension, 2021

State	Organize Ranking	Organize Score	State	Organize Ranking	Organize Score
California	1	100.00	Indiana	26	60.00
District of Columbia	1	100.00	Montana	26	60.00
New York	1	100.00	Missouri	29	50.00
Oregon	1	100.00	Nevada	29	50.00
Illinois	5	95.00	Kansas	31	45.00
Ohio	5	95.00	Iowa	32	40.00
Massachusetts	7	90.00	Kentucky	32	40.00
Minnesota	7	90.00	Michigan	32	40.00
New Jersey	7	90.00	South Dakota	32	40.00
Vermont	7	90.00	Wisconsin	32	40.00
Maryland	11	85.00	Wyoming	32	40.00
New Mexico	11	85.00	Oklahoma	38	35.00
Pennsylvania	11	85.00	Arizona	39	30.00
Connecticut	14	80.00	Idaho	39	30.00
Delaware	14	80.00	Louisiana	39	30.00
Hawaii	14	80.00	North Dakota	39	30.00
Maine	14	80.00	Tennessee	39	30.00
New Hampshire	14	80.00	West Virginia	44	25.00
Puerto Rico	14	80.00	Mississippi	45	20.00
Rhode Island	14	80.00	Texas	45	20.00
Washington	14	80.00	Utah	45	20.00
Alaska	22	75.00	Alabama	48	10.00
Colorado	23	70.00	Arkansas	48	10.00
Nebraska	23	70.00	Georgia	50	0.00
Virginia	25	65.00	North Carolina	50	0.00
Florida	26	60.00	South Carolina	50	0.00

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. On the bottom end of our index, with scores of 0, Georgia, North Carolina, and South Carolina have no support for worker organizing, whether by public or private employees. As in previous editions of our Best States to Work Index, the South still stands out as the region of the country with the fewest protections for workers' rights to organize.

RECOMMENDATIONS

Ranking as a best state to work means it's more likely that working families and the economy are thriving in that state. Oxfam maintains that states should do more to create a positive and supportive landscape for workers. In addition, it's long past time for Congress and the federal government to take vital steps to improve compensation and conditions for workers.

Oxfam recommends the following policies be enacted with urgency at the state level:

- 1. Increase the minimum wage at the state level to wages consistent with basic costs of living and empower local governments to raise minimum wages.**
- 2. Improve protections for workers.** Specifically, states should:
 - Pass both paid sick leave and paid family leave.
 - Strengthen equal pay laws.
 - Provide workplace protections for pregnant and breastfeeding workers.
 - Ensure fair scheduling for workers.
 - Protect against sexual harassment.
 - Issue emergency standards to protect workers from COVID-19 and heat-related illness, and work on long-term standards on both these issues to protect essential workers.
- 3. Extend protections to domestic workers and farmworkers.** As excluded workers, these two vital groups are left out of minimum wage mandates, workers' compensation, meal breaks, sexual harassment protections, and the right to organize. While workers' groups have banded together to fight for the rights of farmworkers and domestic workers, and these groups have won crucial victories, these workers are still excluded from labor laws in many states.
- 4. Repeal laws that undermine workers' freedom to bargain collectively.** States must restore workers' ability to organize and bargain collectively by overturning "right-to-work" laws. Moreover, states should repeal bans on project labor agreements for government contracts.
- 5. Preserve collective bargaining for public workers.** State and local governments employ millions of people in the US. The Supreme Court decision *Janus v. AFSCME Council 31* weakens the bargaining power of unions across the country, even in states that support collective bargaining for government employees. States must strive to find innovative ways to preserve the financial solvency of public sector unions in this new policy landscape.

Learning from the experiences of states that have passed needed protections for workers, we also recommend the following key policies at the federal level:

1. Increase the federal minimum wage to a level consistent with basic costs of living, indexed to inflation and increases in cost of living over time.
2. Pass the PRO Act or similar legislation that would overrule state “right-to-work” laws, enhance protections for worker voice and collective bargaining, enhance fines for companies that violate the law, and allow undocumented workers to collect back pay in cases of wage theft.
3. Pass a comprehensive paid family leave and paid medical leave program to bring the United States in line with peer nations in protecting the needs of working families.
4. Pass an Essential Workers Bill of Rights that would enhance protections for frontline workers, offer a pathway to citizenship for undocumented essential workers, and reflect the value essential workers have delivered to our society during the pandemic.
5. OSHA must issue an Emergency Temporary Standard (ETS) around COVID-19 protections for all workers at risk of exposure (expanding beyond the health care standard that has been issued) and around the increasing risk of heat illness driven by climate change. Both should then be followed by permanent enforceable standards, including a long-term infectious disease standard to prepare our workplaces and essential workers for the next pandemic before it happens.

SOURCES & METHODOLOGY

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

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

Wage dimension (40 percent of total)

- **Wage ratio (15 percent):** We created a wage ratio measure 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 corporate size, the lower value is taken, whereas in cases where there is a secondary minimum wage for 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 percent):** We created this measure by determining the ratio of the state tipped minimum 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 1.
- **Local control of minimum wage (5 percent):** States receive a 1 if they have not proactively restricted the capacity for localities to impose higher minimum wages through preemption law. This interpretation of local control of minimum wage contrasts with our 2019 definition, which looked at passive restriction due to the implicit preemption of state constitutions.
- **Minimum wage for farmworkers (5 percent):** 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 for farmworkers receive a 0.
- **Unemployment payments (10 percent):** Our Unemployment payments measure was 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 use in the index.

Worker protections (35 percent of total)

- **Pregnancy accommodations and right to pump (5 percent):** For pregnancy accommodations, a state receives a 1 if it has mandated private employers provide some accommodation, either by request or by default, to pregnant workers (recommendations or opt-in programs are given a 0). For right to pump, similarly the state must mandate accommodations for private workers to express breastmilk, or other language implying a

right to pump, within their workplace (schools and public spaces not being sufficient for credit).

- **Equal pay (5 percent):** 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 percent):** 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 has 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 point allotment differs from the 2019 index in that laws passed but not yet implemented are given partial credit.
- **Scheduling (5 percent):** 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 percent):** 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.
- **Workers' compensation for farmworkers (5 percent):** A state receives full credit (1) if agricultural workers are fully covered by workers' compensation in the state, and partial credit (0.5) if these workers are either partially covered or are covered with exemptions.
- **Domestic worker rights and protections (5 percent):** The state receive full credit (1) for implementing a policy that proactively includes domestic workers. Policies tracked by the National Domestic Workers Alliance include overtime pay, paid sick days, workplace harassment and discrimination, safety and health, meals 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.

Rights to organize (25 percent of total)

- **“Right-to-work” law (5 percent):** 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 percent):** 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 percent):** 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 percent):** States receive credit for legislation that protects workers against employer retaliation, specifically relating to wages. States can score 0, .25, .5, .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 .75 points to states whose legislation includes all the above with the exception of government-imposed fines. States awarded .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 awarded .25 points have only legislated criminal penalties for employers who retaliate against employees who bring complaints of wage theft. States receive no points if they have no legal protections against wage theft retaliation.

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

APPENDIX 2: EXPLANATION OF COMPOSITE SCORE CALCULATION

We calculated the percentage allotments of the three dimensions in the following manner:

Wages dimension (40 percent total)

- 15 percent: Ratio of minimum wage to cost of living
- 5 percent: Ratio of tipped minimum wage to minimum wage
- 5 percent: Local control of minimum wage
- 5 percent: Minimum wage extension to farmworkers
- 10 percent: Ratio of unemployment to cost of living

Worker protections dimension (35 percent total)

- 5 percent: Pregnancy accommodation
 - Private sector accommodation
 - Private sector right to pump
- 5 percent: Equal pay
 - Basic equal pay
 - No pay secrecy
 - No private sector salary history
- 5 percent: Paid leave
 - Paid family leave
 - Paid sick Leave
- 5 percent: Scheduling
 - Flexible scheduling
 - Reporting pay
 - Split shift pay
 - Advance shift notice
- 5 percent: Sexual harassment protections
- 5 percent: Extension of workers' compensation to farmworkers
- 5 percent: Domestic worker rights and protections

Rights to organize dimension (25 percent total)

- 5 percent: “Right-to-work” law
- 5 percent: Right to organize for teachers
- 5 percent: Project labor agreements
- 5 percent: Protection against retaliation
- 5 percent: Collective bargaining

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NOTES

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¹⁵ Calculated using the MIT Living Wage Calculator, <https://livingwage.mit.edu/>. Although there are several other “living wage” calculators in existence, Oxfam used the MIT Living Wage Calculator this year for continuity of purpose with our previous iterations of the BSWI. Other strong methodologies exist, including living wage calculators provided by the Economic Policy Institute and the Living Wage Initiative. (Note: The Living Wage Initiative’s calculator was incubated by Oxfam America.)

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COVER: While all workers in the US face extraordinary challenges, working women bear disproportionate burdens, especially during the COVID-19 pandemic. Public school teachers, three-quarters of whom are women, are still struggling to keep educating and safeguarding students, while managing any care burdens, often for inadequate wages. The 2021 version of the Best States to Work Index now includes a separate index for policies that specifically impact working women in the US. *Photo: FG Trade*



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