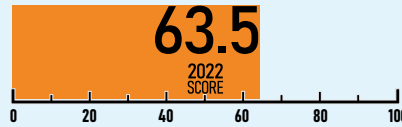




United States of America



59.5 2020 SCORE

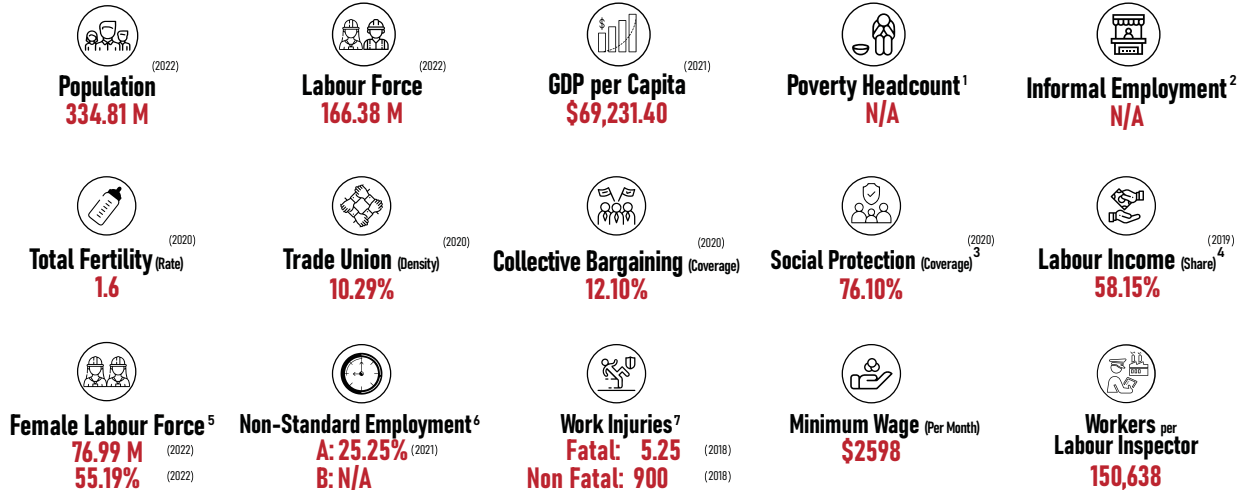
North America

High income

Limited Access to Decent Work

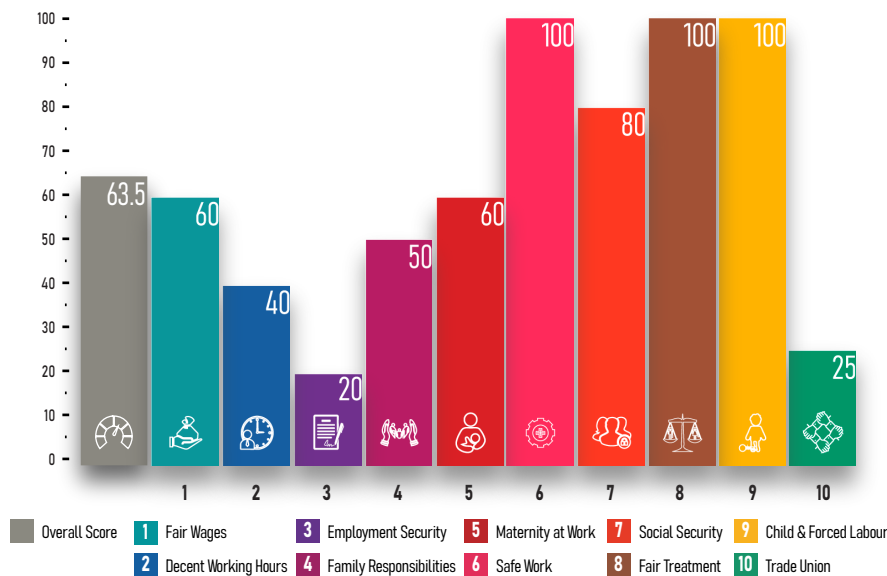


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

The legal data refers to the legislation applicable to the most populous state (California, United States). Different rules may apply in other jurisdictions, necessitating review of other sources. Following this approach, the overall score for the United States is 63.5 out of 100. The overall score for the United States of America is lower than the regional average observed across North America (70). Within the Latin America and The Caribbean region, the highest score is observed for Canada.

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§204(d)(1) & 206 of the Fair Labour Standards Act 1938	●
	Does the law require regular payment of wages?	Yes	§204 of the California Labour Code	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§510 (a) of the California Labour Code	●
	Does the law require additional compensation for working on a weekly rest day?	No	§510 (a) of the California Labour Code	●
	Does the law require additional compensation for night work?	No	No applicable legal provisions could be located	●
2. Decent Working hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§510 (a) of the California Labour Code	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	No	No applicable legal provisions could be located	●
	Does the law require a weekly rest of at least 24 hours?	Yes	Mendoza v. Nordstrom, Inc., 2 Cal. 5th 1074 (2017)	●
	Does the law require paid public holidays?	No	No applicable legal provisions could be located	●
	Does the law require at least three working weeks of paid annual leave?	No	No applicable legal provisions could be located	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§2751 (a) of the California Labour Code	●
	Does the law restrict the hiring of fixed-term contract workers?	No	No applicable legal provisions could be located	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	No	No applicable legal provision could be located	●
	Does the law require a 30-day notice before contract termination?	No	No applicable legal provision could be located	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	No	No applicable provision could be located	●
4. Family Responsibilities	Does the law require parental leave for parents?	Yes	California Gov. Code, § 12945.2 (a) & (b)(4)	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	California Gov. Code, § 12945.2 (a) & (b)(4); s3301 (a) (1) (2) California Unemployment Insurance Code	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	No applicable provision could be located	●
	Does the law require paid nursing breaks?	No	§1030 of the California Labour Code	●
5. Maternity at Work	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§701 (k) of the Civil Rights Act 1964	●
	Does the law require paid maternity leave of at least 14 weeks?	No	§12945.2 (a) & (b)(4) of Gov. Code; §2612 (a)(1), Family and Medical Leave Act; §3301(a)(1)(2) of California Unemployment Insurance Code	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	No	§3301(b) of the California Unemployment Insurance Code	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§3301 (a) (1) (2) & (b) of the California Unemployment Insurance Code	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§701 (k) of the Civil Rights Act 1964; §12940 (a) of the California Gov Code	●
6. Safe Work	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§6403 of the California Labour Code	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§6401.7 of the California Labour Code	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§12945 of the California Gov Code	●
	Does the law provide for employment injury benefit?	Yes	§3600 & 3700 of the California Labour Code; Title 8 of the California Code of Regulations	●
	Does the law provide for an old age pension?	Yes	Title II of the Social Security Act 1935; ISSA Country Profile for US	●
7. Social Security	Does the law provide for a dependants/survivors' pension?	Yes	Title II of the Social Security Act 1935; ISSA Country Profile for US	●
	Does the law provide for unemployment benefit?	Yes	Federal Unemployment Tax Act; Federal Grants to States for Unemployment Compensation Administration; Social Security Act 1935	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	§246 & 246.5 of the California Labour Code	●
	Does the law provide for invalidity benefit?	Yes	Title II of the Social Security Act 1935; ISSA Country Profile for US	●
	Does the law require equal remuneration for work of equal value?	Yes	§206 (d) (1) of the United States Code	●
8. Fair Treatment	Does the law prohibit sexual harassment in employment?	Yes	§1604.11 of U.S. Code of Federal Regulations; 29 C.F.R.; §2005e-5(e)(3)(B) of Title VII of the Civil Rights Act of 1964	●
	Does the law prohibit discrimination in employment matters? ¹⁰	Yes	§12940 (a) California Gov Code; §2e-2 of 42 United States Code	●
	Does the law allow women to do the same jobs as men?	Yes	No restrictive legal provisions could be located	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Title II (sec. 211) of the Social Security Act 1935	●
	Does the law prohibit employment of children?	Yes	§1286 (c) of the California Labour Code	●
9. Child and Forced Labour	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§48200 of the California Education Code	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§1294.1 (b) of the California Labour Code	●
	Does the law prohibit forced labour?	Yes	§1589 (a) (1) & (d) 18 of the US Code	●
	Does the law allow workers to form and join unions of their own choice?	Yes	§7 of the National Labour Relations Act, 1935	●
10. Trade Union	Does the law allow workers to bargain collectively with employers through their representative unions?	No	§9 of the National Labour Relations Act, 1935	●
	Does the law provide for the right to strike?	No	§19(b)(4) of the Federal Service Labour-Management Relations Statute (Title VII of the Civil Service Reform Act of 1978)	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	No	§9(3) of the National Labour Relations Act, 1935	●

Covid 19 and Labour Market in United States of America*

Total Covid Cases	89.83 Million
Total Covid Deaths	1,024,858
Partial Vaccinated	78.0%
Fully Vaccinated	67.0%

Wage Subsidies	✘
Social Security Contributions (deferrals/waivers)	✔
Paid Sick Leave	✔
Add. Unemployment Benefits	✔

Protection from Dismissals	✘
Telework/flexible work	✔
Improved Health Access	✔
Training (activation measures)	✘

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). No score is available for the United States of America on SDG 8.8.2

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change