

PORTABLE BENEFITS IN ACTION

A ROADMAP FOR A RENEWED WORK-RELATED SAFETY NET

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DECEMBER 2021




THE ASPEN INSTITUTE
FUTURE OF
WORK
INITIATIVE



Acknowledgments

The Future of Work Initiative would like to thank the experts who provided helpful comments and insights for this publication, including: Sarika Abbi of the Financial Security Program of the Aspen Institute; Rocío Alejandra Ávila of the National Domestic Workers Alliance; Indivar Dutta-Gupta of the Georgetown Center on Poverty and Inequality; Betsy Edasery and Adrian Haro of The Workers Lab; Althea Erickson; Katherine Keegan of the Colorado Department of Labor and Employment; and Gregory Wright of the Workforce of the Future Initiative at the Brookings Institution.

Thanks also to Natalie Foster, Libby Reder, and Maureen Conway for their years of collaboration with the Future of Work Initiative on portable and universal benefits, and to the many local, state, and federal policymakers and their staffs who have shared their questions and ideas with us and whose engagement shaped this report.

The statements, views, and conclusions expressed in this publication are solely the responsibility of the authors and the Future of Work Initiative.

About the Future of Work Initiative

The Future of Work Initiative, a part of the Aspen Institute Economic Opportunities Program, aims to identify, develop, and amplify solutions that address the challenges of today while building toward a future in which workers are safe, empowered, and equipped to thrive in our changing world. Across our work, the Future of Work Initiative seeks to build and disseminate knowledge rooted in workers' experiences. We aim to advance policy ideas at the local, state, and federal level, backed by evidence. And we strive to build community and activate leaders to carry these conversations forward across sectors and around the globe.

To learn more, visit as.pn/futureofwork, follow [@AspenFutureWork](https://twitter.com/AspenFutureWork) on Twitter, and sign up for our newsletter at as.pn/eopmail.

About Benefits21

Benefits21 is an Initiative developed under the Global Inclusive Growth Partnership (GIGP), a collaboration between the Aspen Institute and the Mastercard Center for Inclusive Growth, and in partnership with the Financial Security Program and the Future of Work Initiative. It is a multi-faceted, multi-stakeholder initiative to create an inclusive, portable, people-centric, and interoperable system of benefits that is grounded in what workers need to be financially secure and the critical role that benefits play in ensuring and protecting that security.



Contents

Executive Summary	4
Section 1: We Need a New Safety Net for Work	6
The Origins of Work-Related Benefits	
A Broad Shift in Risk	
The Case for Portable, Universal Benefits	
The Portable Benefits Conversation Today	
Section 2: A Roadmap for Portable Benefits	19
Starting Point: Worker Voice	
Phase A: Where Do We Start?	
Phase B: How Do We Execute?	
Section 3: Learning from Current Efforts	31
Unemployment Insurance	
Paid Leave	
Retirement	
Training and Education	
About the Authors	40

Executive Summary

The Promise of Portable, Universal Benefits

Millions of people in the U.S. work without access to basic benefits like health insurance, retirement savings, and paid time off. Most benefits today are attached to a single job—and too often only to full-time, long-term employment. Portable, universal benefits that are attached to workers rather than to specific jobs offer a promising solution to this benefits access crisis. *Portable* benefits are not connected to one specific job; a worker remains covered without interruption while working multiple jobs or when moving from one job to another. *Universal* benefits are accessible by everyone who works, regardless of work arrangement or sector. This report makes the case that a universal, portable safety net could better deliver benefits to individual workers, encourage a dynamic labor market, and promote economic security across communities. In it, we:

- Consider the history of our current system of work-related benefits, the workers who have been left out, and how portable, universal benefits are suited to today's challenges;
- Present a roadmap for policymakers and others interested in developing new portable models; and
- Examine recent developments and future opportunities to expand access to paid leave, Unemployment Insurance, retirement savings, and training.

From their beginning in the New Deal, social insurance programs were not universal, excluding primarily Black domestic and agricultural workers. Employers began offering private benefits shortly afterward, which similarly were and remain disproportionately available to White men. In the 1970s, a growing emphasis on individual responsibility resulted in an influx of plans that emphasized individual choice in benefits and a focus on account-based rather than risk-pooled programs. This gradual but steady shift of risk onto individuals has given us the system of benefits we have today, in which individual employers are responsible for putting together benefits packages, and too many workers are left behind.

This risk shift also manifested in the rise of non-standard work, including temporary work, subcontracted work, independent contracting, self-employment, irregular and casual employment, informal economy work, and project-based work. These jobs saddle workers with higher levels of uncertainty, while also being less likely to provide basic benefits. As non-standard work has proliferated, workers have seen an overall decline in job quality; stagnant wages and unpredictable schedules in traditional work have presented challenges similar to those faced by non-standard workers. Beginning in early 2020, the COVID-19 pandemic exposed the cracks (or craters) in the safety net, and highlighted the urgency of a new work-related safety net.



Portable, universal benefits hold potential to boost the financial security of workers and their households, to promote a more dynamic labor market, to strengthen the role of worker advocacy organizations, and to provide a better understanding of current work arrangements.

To date, most conversations about portable benefits have focused on workers who arrange jobs via online platforms. A series of legislative proposals put forward by gig companies seek to exempt these companies from existing worker classification laws, in exchange for what the companies refer to as “portable benefits.” Unfortunately, these policies provide inadequate benefits that are neither portable nor universal and worsen current inequalities. Universal, portable benefits accessible to all workers in combination with clear, worker-centered classification laws can support not only gig workers but also the millions of employees and truly independent contractors who struggle with unstable work, low wages, and inadequate benefits.

A Roadmap for Designing Portable Benefits

Those invested in building a new work-related safety net face two fundamental questions: where do we start, and how do we execute. No matter how these questions are addressed, decisions must be grounded in workers’ needs and experiences. Decision-makers can engage with workers and worker organizations to hear about challenges, identify needs, gather input, and pilot programs.

The first question—where do we start—pushes decision-makers, policymakers and leaders to envision the future they want to see, and the types of programs and protections they want workers to access. Answering this question means deciding:

- Which benefits should be offered,
- Whether benefits should be public or private, and
- Whether benefits should be account-based or risk-pooled.

The second question—how do we execute—dives into the logistic and administrative questions. Answering this question means:

- Deciding who is eligible for a program,
- Determining how to fund benefits, and
- Developing a system to administer benefits.

Given the complexities involved in establishing portable, universal benefits, emerging technologies may be particularly useful in creating an effective, worker-centered approach.

Recent developments in expanding access to Unemployment Insurance, paid leave, retirement savings, and worker training illustrate the potential of portability and provide a starting point for future policy and innovation.



SECTION 1

We Need a New Safety Net for Work

Across the U.S., millions of people make a living as temps, domestic workers, freelancers, and gig economy workers. These types of work arrangements, considered “non-standard,”¹ fall outside of traditional, permanent, full-time relationships between employer and employee. Those classified as independent contractors are not covered by basic work-related protections, and are also ineligible for many benefits typically offered by employers, including paid sick and safe time, workers’ compensation, retirement plans, and health insurance. These workers are also unable to draw on public safety net programs that are funded by employers, like Unemployment Insurance. Those with indirect employment arrangements, like temp and subcontracted workers, often face challenges reporting problems, and access benefits at lower rates than directly hired workers. One in ten workers rely on non-standard work as their primary job, and as many as one in four engage in it in some capacity.² This significant and growing portion of workers in the U.S. is left without access to the security that a comprehensive set of

1 See box on page 9 for a discussion of terminology.

2 For more information on measuring gig and non-standard work in the U.S., see the Gig Economy Data Hub, developed by the Aspen Institute Future of Work Initiative and Cornell University’s ILR School. <http://www.gigeconomydata.org>.



labor protections, company-sponsored benefits, and social insurance programs can provide.³

The prototypical model of benefits – i.e. those offered by a company for their employees during their tenure – no longer suffice when workers are increasingly unmoored from the company structure. Yet the problem itself suggests a solution: if workers no longer need to be housed in companies, neither do benefits. There is potential to create “portable benefits,” i.e. benefits that are tied to an individual worker rather than to a specific job, so that benefit coverage can follow workers wherever their work brings them.

Redesigning benefits to be both *portable* and *universal* is an effective solution for non-standard workers’ limited access to benefits and the safety net. *Portable* benefits are not connected to one specific job; a worker remains covered without interruption while working multiple jobs or when moving from one job to another. *Universal* benefits are accessible by everyone who works, regardless of work arrangement or sector. Portability and universality hold promise to bring benefits to those least likely to have access to them today, including independent contractors, temporary workers, part-time workers, and low-wage workers.

For workers in non-standard arrangements, who often deal with frequent fluctuations in income and unexpected expenses, stabilizing benefits are particularly important to establish basic levels of financial security. A universal, portable safety net could better deliver benefits to individual workers, encourage a dynamic labor market, and promote economic security across communities.

The goal of this report is to examine portable benefits in action. Chapter 1 considers the history of our current system of work-related benefits, the workers who have been left out, and how portable, universal benefits are suited to today’s challenges. It also summarizes the current conversation around portable benefits, including the need to address worker classification. Chapter 2 presents a roadmap for policymakers and others interested in developing new portable models. Chapter 3 examines recent developments and future opportunities to expand access to paid leave, Unemployment Insurance, retirement savings, and worker training. The report has been informed by conversations with state-level policymakers, a series of cross-sector workshops hosted on specific benefits, and analysis of enacted, introduced, and proposed policies. It builds on the Future of Work Initiative’s 2019 report, *Designing Portable Benefits*, recognizing how the conversation about the work-related safety net and related policies has evolved since then.

3 “Benefits” typically refers to employer-based benefits, while “safety net” refers to government-sponsored support programs and protections – taken together, they are seen as “the social contract.” See: New Democrat Coalition. 2018. “A Future that Works: Creating a 21st Century Social Contract.” <https://newdemocratcoalition.house.gov/download/social-contract> (pg. 2). However, colloquially, these benefits and protections are often called “the safety net.” Furthermore, the distinction between private employer-based benefits and public safety net benefits is largely artificial, as several employer-based benefits are subsidized directly or indirectly.

A Note on Terminology

Permanent, full-time work has been the normative, though not necessarily dominant, work arrangement in the US since the post-World War II period.⁴ Non-standard work is an umbrella term that refers to a wide range of work arrangements outside of permanent, full-time employment. Non-standard work includes temporary work, contract work, independent contracting, self-employment, irregular and casual employment, informal economy work, short-term work, and project-based work.⁵

Standard employment relationships were the framework within which labor law, collective bargaining, social security systems, and other features of our safety net developed.⁶ In many non-standard work arrangements, the reciprocal expectations and obligations that link workers and hiring entities become more tenuous.⁷

In the post-World War II period, standard employment was most accessible to White men. In the decades since, it has become less common for all. For the past 30 years, about 10 percent of the workforce has relied on non-standard work for their main job. Although no formal measure of supplemental work exists, we estimate another 10 to 20 percent of the workforce is engaged in non-standard work to supplement another income source, and that reliance on non-standard supplemental work has grown as wages have stagnated and job quality deteriorated.⁸ Non-standard work is incredibly heterogeneous, found in almost every industry and across income levels. Some forms, like freelance business and professional services work, pay well and are disproportionately held by White workers. Other forms, including temp agency work and platform-based transportation work, are low-paying and disproportionately held by Black and Latinx workers.

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- 4 Stone, Katherine Van Wezel. 2012 "The Decline in the Standard Employment Contract: Evidence from Ten Advanced Industrial Countries." *After the Standard Contract of Employment: Innovations for Regulatory Design*. Ed. by Katherine V.W. Stone and Harry Arthurs. UCLA School of Law, Law-Econ Research Paper No. 12-19. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2181082.
 - 5 These types of work arrangements are defined as "non-standard" in relation to a modal 'standard employment relationship' (SER), which is characterized by "the exchange of work for monetary compensation; performance of work on a pre-set schedule at the employer's place of business and under the employer's control and direction; and jobs having well-defined boundaries and descriptions." Kalleberg, Arne L. 2018. *Precarious Lives: Job Insecurity and Well-Being in Rich Democracies*. Hoboken, NJ: John Wiley and Sons (Pg 75).
 - 6 Kalleberg, Arne L. 2018. *Precarious Lives: Job Insecurity and Well-Being in Rich Democracies*. Hoboken, NJ: John Wiley and Sons.
 - 7 Kalleberg, Arne L. and Peter V. Marsden. 2015 "Transformation of the employment relationship.", 1-15 *Emerging Trends in the Social and Behavioral Sciences: An Interdisciplinary, Searchable, and Linkable Resource*. Ed. by Robert Scott and Marlis Buchmann. <https://onlinelibrary.wiley.com/doi/book/10.1002/9781118900772>.
 - 8 See the Gig Economy Data Hub for more information. www.gigeconomydata.org.

The Origins of Work-Related Benefits

The Social Security Act of 1935 ushered in a new era of social insurance in the U.S. A pillar of Roosevelt's landmark New Deal, the legislation – fashioned out of the depths of the Great Depression – created public social provision in the United States for the first time, establishing a set of work-related and public benefits that still exist today, including Social Security, Unemployment Insurance, and disability coverage.⁹

While the concept of insurance had long been in existence and prior to 1935, certain companies had offered some forms of it to their employees, the Social Security Act signaled the government's first entrance into the provision of insurance. Inspired by the Great Depression, government provision maximized the efficiency of the insurance model: only the government could harness the power of the collective as universally and pool large groups of workers together, thus minimizing the risk of any one individual. In fact, the law's name was changed from the Economic Security Act to the Social Security Act, signaling the critical nature of the government's role in leveraging the truly "social."

From the beginning, though, social insurance programs were not universal. Domestic workers and agricultural workers were both excluded from the Social Security Act. The majority of these workers were Black workers,¹⁰ and the exclusion of these occupations from foundational U.S. safety net policies is widely considered a concession made to a powerful bloc of White southern lawmakers at the time.¹¹ Although some provisions were extended to agricultural workers in 1966 and to domestic workers in 1974, these workers, who remain disproportionately Black and Latinx, are yet to be on equal ground as other workers and continue to receive low wages and few benefits.

While these social insurance programs signalled the government's willingness to take responsibility for the protection of workers (with the exception of those excluded from the law), private companies would soon follow suit. Spurred on by the Social Security Act, a strong labor movement, and a flourishing economy, employers started to offer guaranteed pension plans on top of Social Security. While public health insurance was left out of the New Deal (after substantial lobbying by the American Medical Association), employers began offering private insurance in 1942 during a federally imposed pay freeze intended to prevent inflation during World War II.¹² In order to attract and retain workers, companies offered health care plans—which had only been in existence for a decade—in lieu of raises. This practice was buoyed by the IRS, who, in 1943, allowed for employer-provided health insurance to be exempt from taxation.

9 Hacker, Jacob S. 2006. *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream*. Oxford: Oxford University Press.

10 DeWitt, Larry. 2010. "The Decision to Exclude Agricultural and Domestic Workers from the 1935 Social Security Act." *Social Security Bulletin*. 70:49. <https://www.ssa.gov/policy/docs/ssb/v70n4/v70n4p49.html>.

11 Gordon, Linda. 1994. *Pitied but Not Entitled: Single Mothers and the History of Welfare*, New York, NY: Free Press; Brown, Michael. 1999. *Race, Money, and the American Welfare State*. Ithaca, NY: Cornell University Press; Lieberman, Robert. 1995. "Race, Institutions, and the Administration of Social Policy." 19(4): 514-515. *Social Science History*.

12 Carroll, Aaron. 2017. "The Real Reason the U.S. Has Employer-Sponsored Health Insurance." *New York Times*. Sept. 5. <https://www.nytimes.com/2017/09/05/upshot/the-real-reason-the-us-has-employer-sponsored-health-insurance.html>.



Private benefits thus began to thrive on top of public benefits, creating the origins of what political scientist Jacob Hacker calls “a unique public-private system of insurance that, for a few brief decades, united government and corporations in pursuit of a common goal – economic security.”¹³

This system of security, though, was never widespread enough to bring universal or equitable access. Workers of color, left out of New Deal-era public benefits, were disproportionately excluded from this new system of private benefits as well. Stable, benefits-providing jobs were given overwhelmingly to White men, as Black and Latinx men were forced into less stable roles and many women were expected to stay home or work in low-paid service and care roles.

Not only was this system of joint-government and employer responsibility for worker protection limited in its reach; it was also relatively short-lived. Beginning in the 1960s, economists raised critiques of public insurance, arguing that it encouraged individuals to engage in riskier behaviors, making it inherently inefficient (the opposite of what the government intended it to be). These criticisms were accompanied by a growing emphasis on individual responsibility gaining prominence in the 1970s, resulting in a shift in benefit provision towards individual responsibility and, correspondingly, risk. Political and employer interest in risk-pooled programs waned as account-based models spread. These plans emphasized individual choice and responsibility when it came to benefits and protections. Encouraged by generous tax breaks, less secure and self-chosen 401(k) plans replaced employee-sponsored pension plans and individual health care accounts proliferated as an alternative to health insurance plans.¹⁴ This expansion of individual accounts propelled the growth of an industry of private benefit providers, while marking the end of a more widespread acceptance of collective, government-administered protection.

This gradual but steady shift of risk onto individuals has given us the system of benefits we have today, in which individual employers are responsible for putting together benefits packages, with some mandates and incentives. These packages tend to promote account-based benefits, with drastic differences across employers and between employees, with some enjoying a generous suite of benefits ranging from unlimited paid vacation to in-house childcare to student loan repayment, while others struggle with few benefits, low wages, and high levels of insecurity. The increasingly privatized and individualized nature of benefits provision has again contributed to racial inequality. Today, Black and Latinx workers are less likely to have employer-provided health

13 Hacker, Jacob S. 2006. *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream*. Oxford: Oxford University Press.

14 Hacker, Jacob S. 2006. *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream*. Oxford: Oxford University Press.

insurance,¹⁵ sponsored retirement savings,¹⁶ or paid leave¹⁷ than White workers—a gap that has widened in recent decades. Some of this racial benefits gap¹⁸ can be attributed to the overrepresentation of workers of color in low-wage non-standard work arrangements,¹⁹ including misclassified roles.

A Broad Shift in Risk and the Rise in Non-Standard Work

The shift to individual responsibility and risk is not simply a matter of benefits – it is entwined with a broader trend in the United States and globally towards a shifting of risk from organizations and institutions, including employers, onto individuals. During the post-World War II period, many workers and employers engaged in an implicit contract: workers remain loyal to companies and relatively restrained in their demands for pay increases and benefits in exchange for job security, a certain level of benefit provision, and an investment in their skills, while employers retain committed workers increasingly skilled in the jobs they were devoted to.²⁰ Such an arrangement meant jointly buffering against the risks of economic volatility. (Though, as discussed above, was limited primarily to White men.)

Over the past four decades, the implicit contract of stability and commitment has become even more tenuous and out-of-reach for workers. The risk shift has manifested most clearly in the rise of non-standard work, including temporary work, subcontracted work, independent contracting, self-employment, irregular and casual employment, informal economy work, and project-based work. Often this means that rather than hiring employees directly and investing in them over a career, companies use subcontracted firms, short-term contracts, and staffing agencies to meet labor needs in a flexible way. In some cases, companies retain employees who reflect their “core competencies,” while outsourcing or subcontracting other work, such as cleaning, logistics, or security. For example, a generation ago, janitors were typically direct

15 Artiga, Samantha, Latoya Hill, Kandel Orgera, and Anthony Damico. 2021. “Health Coverage by Race and Ethnicity, 2010-2019.” Kaiser Family Foundation.

16 Harvey, Catherine. 2016. “Access to Workplace Retirement Plans by Race and Ethnicity.” AARP Public Policy Institute. <https://www.aarp.org/ppi/info-2017/Access-to-Workplace-Retirement-Plans-by-Race-and-Ethnicity.html>.

17 Bartel, Ann, Soohyun Kim, Jaehyun Nam, Maya Rossin-Slater, Christopher Ruhm, and Jane Waldfogel. 2019. “Racial and Ethnic Disparities in Access to and Use of Paid Family and Medical Leave: Evidence from Four Nationally Representative Datasets.” *BLS Monthly Data Review*. <https://www.bls.gov/opub/mlr/2019/article/racial-and-ethnic-disparities-in-access-to-and-use-of-paid-family-and-medical-leave.htm>.

18 Kristal, Tali, Yinon Cohen, and Edo Navot. 2018. “Benefit Inequality among American Workers by Gender, Race and Ethnicity, 1982-2015.” *Sociological Science* 5:461-488. https://www.sociologicalscience.com/download/vol-5/july/SocSci_v5_461to488.pdf.

19 See the Gig Economy Data Hub. <https://www.gigeconomydata.org>.

20 Hacker, Jacob S. 2006. *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream*. Oxford: Oxford University Press.



employees of the companies whose facilities they cleaned. Today, they often work for a janitorial service company that holds contracts with any number of businesses. In other cases, companies hire contracted or short-term workers for specific projects, an approach used in construction, business management, software design, and many other sectors. In addition to subcontracting and project-based hiring, entire business models have developed that rely on individual workers being hired and paid for discrete tasks, rather than an integrated team of permanent employees, such as platform-based rideshare or food delivery companies.

In these new forms of fissured work,²¹ workers are saddled with greater uncertainty. These work arrangements tend to fluctuate based on demand. If a company is struggling—or predicts rough times ahead—a worker can easily and quickly be laid off. Workers bear all the risk of unpredictable cycles of profits and losses, in contrast to permanent, direct-hire arrangements, in which employees and employers tend to share losses. The lack of benefits attached to non-standard work exacerbates this instability. There is often no workers' compensation or a complex reporting system if a worker gets injured on the job, no health insurance which leads to delayed care and unexpected health expenses, and often no Unemployment Insurance in the case of a lay off or lack of work. In addition, without a long-term and direct relationship to an employer, these workers have few pathways for career advancement and skill development. The same period during which more companies adopted fissured work arrangements has seen a broad decline in job quality. Across work arrangements, more and more workers have found themselves in low-paying jobs²² with unpredictable and last-minute scheduling, exacerbating uncertainty.²³ The history of our current system and the ongoing trends toward individual risk and the fissuring of work suggest three considerations when thinking about the future of benefits:

- Benefits are a crucial part of ensuring financial security for workers and lessening the amount of risk workers face in an uncertain economic climate;
- Keeping benefits attached to specific jobs is increasingly inadequate in today's economy – allowing for benefits to be portable would suit the variety of work arrangements workers now labor within.
- Insurance-based benefits, like Social Security, health insurance, and Unemployment Insurance, rely on large risk-sharing pools to make benefits affordable, which means government involvement may be necessary to reach the scale needed for effective, equitable programs.

21 Weil, David. 2014. *The Fissured Workplace: Why Work Became So Bad for So Many and What to Do About It*. Cambridge, MA: Harvard University Press.

22 Howell, David and Arne Kalleberg. 2019. "Declining Job Quality in the United States: Explanations and Evidence." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 5(4):1-53. <https://www.rsfjournal.org/content/5/4/1>.

23 Schneider, Daniel and Kristen Harknett. 2019. "It's About Time: How Work Schedule Instability Matters for Workers, Families, and Racial Inequality." SHIFT Project Research Brief. October. <https://shift.hks.harvard.edu/its-about-time-how-work-schedule-instability-matters-for-workers-families-and-racial-inequality/>.

What the Covid-19 Pandemic Revealed

Beginning in early 2020, the COVID-19 pandemic exposed the cracks (or craters) in the safety net, particularly around the lack of paid sick leave, adequate health insurance coverage, and Unemployment Insurance access for many workers. These vulnerabilities were particularly acute for non-standard workers, many of whom not only lacked paid sick leave and health insurance through their employers, but were also initially ineligible for Unemployment Insurance. Though many were eventually granted UI and some sick leave provisions in pandemic-response legislation, the coverage was temporary, designed to expire within a year without a more permanent solution in place.

Millions of these workers in non-standard arrangements were undertaking essential work during the pandemic. While many office-based workers isolated in their homes and worked remotely, app-based restaurant and grocery delivery workers brought food and critical supplies to people's doorsteps. As schools and daycare facilities closed, domestic workers filled the gap, taking care of children or hosting pod schools so parents could hold other jobs. Subcontracted janitors followed heightened cleaning protocols to protect public spaces. Yet, these workers, in non-standard arrangements and disproportionately Black and Latinx,²⁴ were least likely to receive basic benefits needed to remain healthy and safe during the pandemic.

As the pandemic brought increased attention to the inadequacy of our safety net and non-standard workers' particular vulnerability to it, it also spurred important policy movement around work-related benefits – and raised important questions about how to make benefits more universal. For example, the Families First Coronavirus Response Act, passed in March 2020, provided paid sick leave for all workers, reimbursing both employers and self-employed individuals via a tax credit. This first-ever provision of short-term paid leave to self-employed workers was promising, but also required them to rely on savings until tax filing, making it an unrealistic offering for those with low or volatile earnings. The Pandemic Unemployment Assistance program (PUA), part of the CARES Act, extended an unemployment benefit to self-employed workers, including independent contractors, for the first time. Implementation, however, presented a significant challenge: Unemployment Insurance (UI) applications, developed and administered by states, have been designed for traditional employees. Many depend on consistent and documented earnings to establish eligibility and benefit amounts, often asking for several years of quarterly earnings information, which proved difficult if not impossible for many.

24 McNicholas, Celine and Margaret Poydock. 2020. "Who Are Essential Workers? A Comprehensive Look at Their Wages, Demographics, and Unionization Rates." Working Economics Blog, Economic Policy Institute. <https://www.epi.org/blog/who-are-essential-workers-a-comprehensive-look-at-their-wages-demographics-and-unionization-rates/>.

The pandemic also provoked significant policy innovation at the local level. Seattle, for example, passed a Gig Workers Paid Sick and Safe Time Ordinance in July 2020, which required transportation and food delivery network companies, including Uber, Lyft, and DoorDash, to provide paid time off for their workers during the pandemic. The ordinance required these companies to pay Seattle workers one day of paid sick and safe time for every thirty calendar days worked in whole or in part from October 2019 until six months after the pandemic-related civil emergency is officially declared over. Overcoming challenges of income documentation for those with inconsistent work histories, Seattle gave concrete guidance calculating earnings: workers' rate for time off was based on their "average daily compensation" of each day worked for a company during the highest earning calendar month of the previous year.²⁵ Importantly, this ordinance provides a benefit to app-based workers without directly impacting ongoing classification debates.²⁶

While these solutions were short-term, they can inform future attempts at establishing more universal and portable benefits. With additional research on impact, utilization, and barriers, the lifespan of these policy innovations can extend far beyond their initial expiration dates to permanent programs that renew work-related benefits and build resilience for future disruptions.

The Case for Portable, Universal Benefits

Work-related benefits are essential to provide financial stability and worker safety. Our current system of benefits was never universally accessible and is becoming increasingly out of reach. We need a new system of benefits with delivery mechanisms that provide coverage to all workers. By developing universal and portable benefits models that fit the nature of work in the 21st century and meet the needs of today's workers, policymakers can boost the financial security of workers and their households and pave the way for sustainable and equitable economic growth. With a portable system, any individual worker could access benefits, regardless of their specific job or employment relationship, and those benefits could be funded by multiple sources. Such a system can renew the promise of work and extend essential benefits to more workers in today's economy.

25 The ordinance specifies this as the highest earning month since October 1, 2019 or since the commencement of work for the company, whichever date is latest. This rate includes tips and is recalculated every month to reflect changes in a worker's earnings.

26 Not all companies initially complied with the ordinance. In August 2021, Seattle's Office of Labor Standards (OLS) settled a lawsuit with Postmates over violations of the ordinance. The settlement includes nearly \$1 million in back wages, interest, damages, and penalties for more than 1,600 workers. OLS has multiple active investigations with other companies over the ordinance. See Guarente, Gabe. 2021. "Postmates Settles Lawsuit for Nearly \$1 Million Over Alleged Violations of Paid Sick Leave Rule." *Eater Seattle*. Aug. 5. <https://seattle.eater.com/2021/8/5/22611463/postmates-lawsuit-settlement-seattle-labor-sick-leave-violations-backpay>.



When paired with consistent and sufficient pay, benefits serve as a critical economic stabilizer. Yet the current system, in which benefits are housed primarily with individual employers, privileges long-term, full-time employment, which is inaccessible or undesirable for many. At a time when increasing numbers of workers in America rely on supplemental income sources, work multiple jobs, or engage in other forms of non-standard work, this model means more people are being left behind. Expanding benefits coverage through universal, portable benefits models drives greater individual and household financial security, allows all work to provide greater economic stability, and can discourage employers from relying heavily on non-employee status.

More accessible benefit models are also beneficial for employers. Workers who receive benefits like health insurance and paid time off are less likely to unexpectedly miss work. Similarly, workers who are not dealing with the stresses of income volatility and economic insecurity are also likely less distracted and more effective at work.

Benefits programs also hold potential to strengthen worker organizations, unions, or advocacy groups; by being involved in the design, administration, or outreach for benefits, these groups can derive revenue and expand membership, while also ensuring workers' voices are represented and benefits are suited to workers' needs.

At the same time, portable benefits can fuel a more dynamic labor market. Under the current system, many workers experience job lock—the inability or unwillingness to switch jobs for fear of losing essential benefits. With benefits that are portable across work arrangements, individuals have the protection and stability they need to make a job change or take on an entrepreneurial endeavor. This promotes labor market dynamism—which, when matched with household financial security—benefits workers, employers, and the economy more broadly.

An additional advantage of new portable benefits systems may be the data they provide. As the pandemic showed, many benefit models require tracking workers' hours and income. Developing systems to record these data can make otherwise difficult to measure work more visible and quantifiable. Currently, standard measures of labor force statistics are unable to accurately account for much non-standard work. Some companies retain data, but do not release it publicly, as in the case of gig platform companies. Other work arrangements go largely unrecorded, as with in-home domestic work. In addition, no employer source of data can give information on the ways workers piece together different arrangements. Creating a benefit structure that documents hours and earnings for these workers thus renders the full gamut of their work knowable and visible. With adequate data privacy protections in place, these data have the potential to lead to other beneficial interventions in these workers' lives, including enforcing minimum wage standards, identifying wage theft, creating pathways for overtime pay, or providing a record of who a worker works for in the event of discrimination or harassment claims. Though many non-standard workers are not currently covered by these labor protections, creating portable benefits - and the associated accounting and aggregating of non-standard work - holds potential to facilitate these essential protections.

The Portable Benefits Conversation Today

Established nearly a century ago, Social Security is the first large-scale portable benefit in the U.S., but the term itself has a much more recent history. The phrase “portable benefits” seems to have originated in a digital manifesto published on Medium in November of 2015, entitled “Common ground for independent workers: Principles for delivering a stable and flexible safety net for all types of work.”²⁷ With 40 signatories from a group that spanned sectors, including policy, research, labor, and business, this post was covered by national news outlets and launched the portable benefits conversation. This letter called for portable benefits to be universal, arguing that all workers should have access to a basic set of benefits, regardless of employment status.

Although there was some initial criticism for focusing on benefits instead of worker classification,²⁸ there was still broad-based support for the concept of a more portable safety net among think tanks, labor leaders, and policymakers, with President Obama even referencing it in his 2016 State of the Union Address. In 2016, the Aspen Institute Future of Work Initiative published a resource guide that explored the idea further and offered a series of questions for policymakers interested in developing portable benefits.²⁹ Legislation introduced in Washington state in 2017 proposed a portable benefits model for independent contractors in the state, with the stipulation that it should have no impact on current classification laws.³⁰

Despite this distinction, portable benefits soon became tied to questions of classification in the public discourse. At the same time as Aspen published the resource guide and policymakers in Washington state introduced their legislation, misclassification suits against major gig companies began to grow in prominence, with hundreds of thousands of workers represented in class-action suits.³¹ In response to this, gig companies began to advocate for legislation that tied portable benefits proposals to exemptions from classification laws; gig companies wanted to be given a safe harbor to classify workers as independent contractors regardless of the level of control exerted, so long as they paid into a benefits fund. An early example is a proposed state-level bill in New York in 2017; since then, similar proposals have proliferated in states across the country.

27 From the WTF? Economy to the Next Economy (Medium). 2015. “Common Ground for Independent Workers: Principles for Delivering a Stable and Flexible Safety Net for All Types of Work.” Nov. 10. <https://wtfecconomy.com/common-ground-for-independent-workers-83f3fbcf548f>.

28 Youngdahl, Jay and Darwin Bondgraham. 2015. “When Labor Groups and Silicon Valley Capitalists Join Forces to ‘Disrupt’ Protections for Employees.” *In These Times*. Dec. 4. <https://inthesetimes.com/article/when-labor-groups-and-silicon-valley-capitalists-join-forces-to-disrupt-pro>.

29 Foster, Natalie, Greg Nelson, and Libby Reder. 2016. *Portable Benefits Resource Guide*. July. Aspen Institute Future of Work Initiative. <https://www.aspeninstitute.org/publications/portable-benefits-resource-guide>.

30 Washington State. 2017. HB 2109. *Creating Portable, Prorated, Universal Benefits for Workers of the Gig Economy*. <https://app.leg.wa.gov/billssummary?BillNumber=2109&Year=2017>.

31 Said, Carolyn. 2015. “Homejoy, Postmates Workers Sue to Be Reclassified as Employees.” *San Francisco Chronicle*. March 24. <https://www.sfchronicle.com/business/article/Homejoy-Postmates-workers-sue-to-be-reclassified-6156533.php>; Said, Carolyn. 2015. “Uber Drivers Get Big Boost in Lawsuit against Company.” *San Francisco Chronicle*. Dec. 9. <https://www.sfchronicle.com/business/article/Drivers-get-big-boost-in-lawsuit-vs-Uber-6687261.php>.

Unfortunately, these policies, which include California's Proposition 22 passed in November 2020, provide inadequate benefits that are neither portable nor universal, while also setting a dangerous precedent of exempting some companies from basic labor laws that provide a foundation for work-related benefits and protections.

Gig platforms typically classify workers as independent contractors, despite controlling many aspects of work, like setting wages and incentivizing work at certain hours.³² As independent contractors, workers do not have access to essential benefits that employers are required by law to provide to employees, including workers' compensation insurance, Social Security contributions, Unemployment Insurance, and health insurance (for full-time employees), nor are they covered by basic protections like minimum wage and anti-discrimination protections.

After nearly a decade of misclassification allegations, in 2019, California passed Assembly Bill 5 (AB5), which established a simplified definition of employment, under which most gig workers would be considered employees.³³ Unwilling to comply with the law, gig companies spent an unprecedented amount to promote Proposition 22 in Fall 2020.³⁴ Prop 22 exempts platform-based transportation and delivery companies from classification laws, while mandating they provide a scant set of benefits to workers.³⁵ The discourse of benefits surrounding Proposition 22 served to distract from the issues of control at the core of classification and deceive voters into thinking that the measure would offer financial stability to gig workers. The benefits included in Proposition 22, and subsequent versions of the law being developed in other states,³⁶ are neither portable nor universal. Programs that pool risks widely lower costs, making them more affordable to more workers. But rather than establishing or expanding publicly administered social insurance programs, Proposition 22's benefits are individualized, like modest stipends to contribute to the cost of health insurance, and privatized, like occupational hazard insurance instead of state-licensed workers' compensation. In addition, these benefits are not portable across jobs, as they are

32 Significant heterogeneity exists within platform-mediated work. Scholars have found that when this kind of work is being done for a full-time income, workers feel less autonomy over their work, experience greater precarity, and lower wages overall. For these workers, platforms exert significantly more control over their daily lives and work products. This is contrast to workers who earn supplemental income through these platforms, which gives them more choice over when they work, such as holding out for higher rates during busier times (i.e. driving only in rush hour) or for more specialized tasks (i.e. on Handy or TaskRabbit) - all of which results in workers who experience greater work satisfaction, an increased sense of independence, and higher wages overall. See Schor, Juliet B., William Attwood-Charles, Mehmet Cansoy, Isak Ladegaard, and Robert Wengronowitz. 2020. "Dependence and Precarity in the Platform Economy." *Theory and Society* 49(5): 833-861.

33 Steward, Shelly and Libby Reder. 2019. "Expanding Benefits and Protections for Today's Workers: California's AB5 Brings Attention to Classification." Aspen Institute Blog. <https://www.aspeninstitute.org/blog-posts/expanding-benefits-and-protections-for-todays-workers/>.

34 Ballotpedia. 2020. "California Proposition 22, App-Based Drivers as Contractors and Labor Policies Initiative." [https://ballotpedia.org/California_Proposition_22,_App-Based_Drivers_as_Contractors_and_Labor_Policies_Initiative_\(2020\)](https://ballotpedia.org/California_Proposition_22,_App-Based_Drivers_as_Contractors_and_Labor_Policies_Initiative_(2020)).

35 Khosrowshahi, Dara. 2020. "I Am the C.E.O. of Uber. Gig WOrrkers Deserve Better." *New York Times*. Aug. 10. <https://www.nytimes.com/2020/08/10/opinion/uber-ceo-dara-khosrowshahi-gig-workers-deserve-better.html>.

36 Including Massachusetts, Illinois, New Jersey, and Colorado.



limited to app-based transportation-sector work. These benefits force gig workers into a second-tier class of work, widening gaps between work arrangements rather than facilitating transitions between them. The Superior Court of California declared Proposition 22 unconstitutional in August 2021; companies are appealing the decision.³⁷

³⁷ Conger, Kate. 2021. "California's Gig Worker Law Is Unconstitutional, Judge Rules." Aug. 20. *New York Times*. <https://www.nytimes.com/2021/08/20/technology/prop-22-california-ruling.html>.



SECTION 2

A Roadmap for Portable Benefits

While the problems and inequities of our current system of work-related benefits are clear, the road to a better future is not. This section lays out key steps, questions, considerations, and innovative practices for decision-makers, policymakers and leaders interested in developing more universal and portable benefits.

These considerations are organized around two fundamental questions: where do we start, and how do we execute. The first question—where do we start—pushes decision-makers, policymakers and leaders to envision the future they want to see, and the types of programs and protections they want workers to access. The second question—how do we execute—dives into the logistic and administrative questions, and recent innovations that can guide implementing new programs or expand existing ones. Together, these framing questions prompt people to take action to create new or expanded programs to better serve workers and communities.

Addressing these questions, implementing answers, and building new programs takes a coalition of actors. This chapter is meant as a guide to envision what is possible; the questions may be answered by individual leaders to clarify thinking and conceive new

Rooted in Workers' Experiences

Phase A: Where Do We Start?

- Which benefits?
- Public or private?
- Accounts or risk-pooled?

Phase B: How to Execute

- Who's eligible?
- Who funds?
- How to administer?



approaches, or addressed by a group working together to plan a program. Elected leaders and their staff are well positioned to introduce new programs legislatively. Those working in agencies and departments may also be able to develop programs. Community, advocacy, and business leaders can develop and implement pilot programs.

Starting Point: Worker Voice

Since portable benefits are relatively unprecedented, they embody a kind of open slate with which lawmakers can write a new social contract. But it is this same newness that also engenders risk—if steps are not taken to ensure that policy is grounded in workers’ needs, it has the potential to create unintended negative consequences, like threatening workers’ job security or creating a second-tier safety net (e.g. an individual, account-based model). Whether creating a new program, expanding existing programs, or providing resources for non-governmental innovation, policy can and must center the needs and experiences of workers.

Decision-makers can take several steps to engage with workers and worker organizations to hear about challenges, identify needs, gather input, and pilot programs. Participatory research, listening sessions, and worker advisory boards are some strategies to start with. Through each step of the policy design process, workers need to be engaged to ensure programs are solving the right problems, addressing workers’ specific needs, and anticipating and solving for potential consequences of passed legislation. Several recent approaches provide examples.

When exploring a portable benefits mandate for domestic workers, the Seattle Domestic Workers Standards Board (DWSB) partnered with a coalition of domestic worker groups. The coalition of organizations—many of which are operated by domestic workers themselves—committed themselves to ensuring worker-centric values guided the policy design process. The DWSB’s recommendations to the Seattle City Council illustrate these priorities, from ensuring accessibility, to dealing with legal challenges to the mandate, to designing an equitable accrual system. The Board writes that: “We urge the city to continue to work closely with the DWSB and the Coalition to ensure accessibility and address policy and technical issues related to the design and implementation of the portable benefits policy and platform, including the creation of an accrual system for paid leave. That way, worker leadership will be central in the development of the portable benefits policy.”

At the federal level, Senators Mark Warner and Steve Daines introduced legislation to create an emergency portable benefits fund for states, which called for states to partner with local governments, labor organizations, or worker advocate nonprofit organizations to design and implement programs.³⁸

38 Introduced to the Senate Finance Committee July 22, 2020. The Emergency Portable Benefits for Independent Workers Act. 2020. See “Warner and Daines Introduce Legislation to Establish an Emergency Portable Benefits Fund.” <https://www.warner.senate.gov/public/index.cfm/2020/7/warner-daines-introduce-legislation-to-establish-an-emergency-portable-benefits-fund>.

Phase A: Where Do We Start?

Through a series of steps and relevant questions, this section serves as a starting point, encouraging decision-makers to think about the future they want to see, and the types of benefits, programs, and protections they may want for workers.

Step 1: Decide What Benefits Should Be Offered

A wide range of insurances, accounts, stipends, and resources can be considered work-related benefits—healthcare, retirement, workers’ compensation, life insurance, paid leave, child care assistance, training opportunities, student loan reimbursement, transportation subsidies, gym memberships, and more. All these benefits are not created equal, though, or of equal value to workers. Currently, which benefits workers have access to is highly inconsistent, varying by state, by employer, and often by worker.

Nearly any benefit can be made portable. The most critical question is what benefits hold value to workers. Some benefits may also be more feasible to make portable across jobs. In addition to the wide range of benefits currently offered, either by mandate or voluntarily, there is also the opportunity to consider benefits that innovate on our current safety net and that are particularly tailored to a non-standard worker population, like income smoothing or emergency cash savings accounts.

In deciding which portable benefits to offer, decision-makers may want to look at where there is the greatest need, either by looking at current coverage gaps or by engaging with workers to identify the greatest challenges and selecting benefits that address those. They may also engage workers directly on what benefits are most desirable. Typically, workers across work arrangements and income levels value affordable health insurance above all other benefits. Beyond that, workers’ preferences for specific benefits vary based on occupation, age, income level, and other factors. Younger workers, for example, may value student loan reimbursement or child care assistance, while older workers may value retirement benefits more.

Beyond need and desirability, feasibility can be an important factor in successfully introducing a new program. It may be more feasible to expand an existing benefit, such as an auto-enrollment IRA program or a state paid leave program to more workers, or to expand an existing portable benefit, like Social Security. It may also be more feasible to introduce a discrete portable benefit, with hopes of adding additional benefits at a later time. These expansions, though, may continue to leave behind workers left out of the current benefits infrastructure. Benefits administered through payroll, for example, are typically inaccessible to independent contractors.

Important questions to consider when deciding what benefits should be offered:

- Where is the greatest need for benefits?
- Are there public resources and support available to help implement this program?
- Are there private sector resources available to help implement this program?
- Do the workers you hope to cover have a preference for specific benefits?

Step 2: Decide Whether Benefits Should be Public, Private, or Somewhere in Between

The current landscape of benefits is a combination of public programs and privately offered benefits, with many specific benefits falling somewhere in between. Any portable benefit introduced, whether as a new program or an expansion of an existing program, will fall somewhere on this spectrum.

Public programs hold potential to operate at great scale and promote transparency and accountability. Truly universal programs require public infrastructure to reach all workers, build sufficiently large risk pools, and facilitate subsidization through the tax system. But, creating new government programs can be difficult politically, and programs of this size are likely to involve a time and resource-consuming implementation process. Some decision-makers may want to consider public-private partnerships in order to draw on advantages of both approaches, while being mindful that programs are in workers' best interests and created in ways that promote equity of access. For example, policy can require a privately administered benefit to have a legal fiduciary responsibility to the beneficiaries, or that the governance of the administering organization incorporates workers themselves, or that demographic data be gathered to assess potential inequalities of coverage.

In addition, private and social sector leaders have the opportunity to develop new programs and approaches. Though not a replacement for policy when scalability is the goal, private sector innovations can inform, complement, or inspire public approaches.

Important questions to ask when determining whether benefits should be public, private, or somewhere in between:

- What is the scale of the program I hope to implement?
- Are there public resources and leverage at my disposal to help implement this program?
- Are there private resources at my disposal to help implement this program?
- Are there public-private partnerships that can facilitate implementation?

Step 3: Decide Whether Benefits Should be Account-Based or Risk-Pooled

Many benefits can take one of two forms: those that are risk-pooled and those that are held as individual accounts. In risk-pooled benefits, financial risk is shared among contributors. Typically, contributions are made into a shared pool on behalf of individuals, and those funds are used to cover expenses should the insured event against—such as an injury at work in the case of workers’ compensation—occur. In risk-pooled models, there must be enough beneficiaries to adequately spread risk. Although insured events—like injuries—can happen to anyone, risk factors are not evenly distributed. The larger the pool, the more equitable and affordable benefits can be, providing adequate coverage even for those facing more risks at an affordable cost to everyone.

When benefits are offered as individual accounts, risks are not shared among contributors. Contributions remain attached to the individual, and in cases where an account cannot cover expenses, the individual remains liable for them. Accounts typically offer less security, especially for those facing higher risks, such as workers in more dangerous occupations. Though an individual account model will offer more security than no program at all, shifting benefits away from risk-pooling and toward individual accounts threatens to exacerbate the broader shift of risk onto individuals. For benefits with little standardized offering in place, such as training or student loan reimbursement, an account-based model may be a significant step forward. For other benefits that have historically been or have clear potential to be risk-pooled, account-based models could be a step backward.

Important questions to consider when determining whether benefits should be account-based or risk-pooled:

- How many beneficiaries do I intend to cover? Will my envisioned program have enough beneficiaries to realistically and adequately distribute risk in a risk-pooled model?
- What are the risks associated with the occupations of the workers I hope to cover?
- Is this benefit currently available to workers? If so, is it risk-pooled or account-based?

Phase B: How Do We Execute?

Once decision-makers have answered some foundational questions about where they want to start their portable benefits journey, they face a series of important technical questions about how that model will be implemented. Through a series of steps, this section prompts the logistic and administrative considerations essential to implement new programs or expand existing ones. This section also reflects on recent innovations in portable benefit implementation.

Step 1: Determine Who is Eligible for the Program

The first step is determining considerations of access, or who is eligible for a program. Currently, our system of benefits is heavily contingent on classification status. Workers who are classified as employees are typically eligible for a suite of benefits, some mandated and some voluntarily offered by employers. In contrast, those workers classified as independent contractors are eligible for few if any benefits. Ideally, a system of universal, portable benefits is accessible by all workers,³⁹ regardless of classification, work arrangement, hours worked, or other factors.

That said, universality may be challenging to achieve in a single step. Given the gap in access between different types of workers, it may make sense to design specifically for those who are currently underserved. Defining a specific beneficiary population could also address the unique needs of certain workers. Eligible workers could be defined by their work arrangement, such as independent contractors or workers with short-term contracts, including temp-agency and project-based workers. These workers typically lack access to most work-related benefits, and so could benefit greatly from portable models. Another way to narrow the eligible population is to focus on developing a model for workers in specific industries or occupations, such as construction, entertainment, or domestic work. Tailoring programs to workers in specific industries may be a feasible first step, and could be undertaken by private and social sector actors in ways that could inform later policy decisions and universal programs.

If a policy too narrowly defines the eligible population, though, it could inadvertently make it less portable. For example, if benefits are available only to app-based drivers, but a driver also earns income from a housework app or a part-time restaurant job, then they might be eligible for benefits from only part of their work. Such a system presents the same problems we face with the current system, in which a fractured safety net leaves many with insufficient coverage.

³⁹ When thinking about universal benefits, decision-makers face the question of whether the universe of possible beneficiaries is all workers, or all individuals. Some benefits only make sense in the context of work, for example, paid leave or workers' compensation. For others, like healthcare, universality may extend beyond the population of working individuals.

Step 2: Determine How to Fund Benefits

Regardless of which benefits are offered and whom they are offered to, how to fund a new program is a critical and difficult question. For traditional employees, a complete package of worker benefits costs employers an average of over 30 percent on top of wages and salaries. Though expanding eligibility can be a step forward, many workers would still be unable to access benefits if they were required to self-fund. Effective portable benefits require realistic and sustainable sources of funding.

Most benefits are paid for by one or a combination of three potential payers: employers, government, and workers themselves. For example, most health coverage is paid for by a combination of employers and workers, with subsidies from the government in the form of tax credits or deductions. Auto-enrollment IRA programs are funded by workers with administrative costs being covered by the government and employers. In addition, some models source funds from customers or end users, either through policy or by employer choice. For example, New York's Black Car Fund places a surcharge on livery car passengers which goes toward workers' compensation insurance for drivers, and some restaurants add an additional fee to customers to cover benefits for workers. Any of these are possible sources of funding for new or expanded portable benefits programs.

In traditional benefit models, most employers contribute a significant amount towards the provision of employee benefits, and it makes sense that employers of non-standard workers do the same. Contributing on a prorated basis, as is the case for portable benefits, ensures that employers are contributing in proportion to the hours each worker works for them. Rather than an all-or-nothing system that leaves workers dependent on full-time status, workers accrue benefits as they work, no matter how much they work. It is crucial that decision-makers arrive at a percentage contribution per hour worked that facilitates meaningful benefits for workers. As a comprehensive and unified system, portable benefits may be able to relieve some of the administrative burden and complexity employers currently face, as they are left to identify, fund, and administer each benefit separately.

Government funding has the potential to be stable, removed from (and potentially countering) market volatility, and is unlikely to significantly reduce take-home pay, since the cost would be spread across a wide base of taxpayers. However, many state and local governments face fiscal challenges that could present a barrier to program development; in these cases, policymakers would need to build political support over time.

Traditionally, core work-related benefits of healthcare and retirement are partially funded by workers themselves, to various degrees. Non-standard workers often fund these benefits entirely on their own. Similarly, portable benefits models could rely on required or optional worker contributions. One advantage of worker contributions is that workers may feel more ownership over their benefits, and thus better take advantage of them. Worker contributions can also make programs more politically sustainable over the long term. For example, Social Security and Medicare have

persisted for so long largely because they are universal earned benefits that require contribution from all workers, including those classified as independent contractors and employees. However, especially in the context of decades of real wage stagnation and rising costs of living, expecting workers to cover the costs of their own benefits has considerable potential to worsen financial insecurity—counter to the goals of reimagined benefits.

Case Study: Sector-Specific Paid Sick Time

In October of 2019, Philadelphia passed the Domestic Workers Bill of Rights. Included in this legislation is a first of its kind portable benefits mandate to provide domestic workers in the city with paid sick and safe time. Specifically, employers of domestic workers (called “hiring entities”) are required to pay funds into a portable benefits system based on the hours worked for the employer. Domestic workers will earn one hour of paid leave time for every 40 hours worked, with a maximum of 40 hours earned in a calendar year. Here, paid leave time is “calculated and accrued in the same manner as the regular rate of pay for the workweek in which the hiring entity engages the domestic worker for domestic worker services.” While this provision of the legislation has yet to be fully implemented, the city is currently working on a request for proposals to select the entity who will administer the benefit. Advocates and worker coalitions in Seattle and San Francisco are working on advancing similar policies.⁴⁰

Step 3: Develop a System to Administer Benefits

In addition to eligibility and funding, benefits require administration. In standard work arrangements, benefit administration is handled primarily by workers’ employers (and in some cases, the government). When workers combine multiple jobs, as is common for those in non-standard arrangements, administration of a comprehensive benefits model becomes more cumbersome. A benefit administrator must be able to verify a workers’ hours, incomes, and various work streams in order to deliver benefits.

Administration involves receiving financial contributions; consulting with beneficiaries, policymakers, and the market to evaluate available benefits; governing the terms of eligibility and service provisions; and contracting with specific benefit providers. There are three main types of potential administrators: the government, non-profits, or for-profits. In considering these options, decision-makers need to consider what type of entity is best suited to administer portable benefits with a focus on how to ensure accountability to eligible workers.

⁴⁰ For more information, see City of Philadelphia. 2020. Chapter 9-4500 of the Philadelphia Code. <https://www.phila.gov/media/20200427102747/Domestic-Worker-Bill-of-Rights.pdf>.



Benefits could be administered by federal, state, or local government. This could be done directly by the government, as is the case with Social Security. It could also be done through partnership with a regulated private provider, as is the case with several state-facilitated auto-enrollment IRA programs. The government can also manage a regulated marketplace of options, which can be subsidized with public funds, like the Affordable Care Act. Government administration has great potential for universal and equal access.

Portable benefits could also be administered by a new or existing nonprofit organization, including worker advocacy organizations. Nonprofit administration has the potential to be directly aligned with the interests of eligible workers, removing a profit motivation. In addition, enrolling beneficiaries would allow worker advocacy organizations to aggregate workers to best understand concerns and advocate for benefits and other improvements to working conditions, as well as potentially become a source of revenue-generation for the organization.

A for-profit company could also administer portable benefits. For-profit governance could provide motivation to keep costs low, processes efficient, and roll-out relatively quick. A benefit to speed is that workers may gain access more immediately – particularly in a time of crisis, like the pandemic. One concern here is if profit comes before workers; one way to mediate that risk is for a public or non-profit entity to partner with or oversee a private company. The public or non-profit partner could keep the for-profit accountable to workers and their needs, while the for-profit would aim for the most efficient delivery of benefits to workers. Other structures to consider include mutual insurance companies, cooperatives, and other entities that build worker ownership and governance into their model.

In order to create an accessible and universal benefits program, decision-makers need to expand eligibility to enough workers, identify sustainable, realistic funding sources, and establish adequate administration—all three of these challenges must be addressed.

Case Study: National Domestic Workers Alliance

In June 2021, the National Domestic Workers Alliance (NDWA) announced a partnership with Handy, a home cleaning and repair platform, to pilot a portable benefit program for cleaners working on the app in three states (Florida, Kentucky, and Indiana). In the pilot, cleaners working through Handy will receive (1) paid time off (accrued at a rate of \$1.25 per hour worked up to 20 paid sick days a year); and (2) occupational accident insurance, with workers receiving portions of their health expenses and incomes covered if injured on a job. These benefits are paid for by Handy and administered through NDWA's portable benefit platform, Alia, first launched in 2018. In addition to these benefits, the partnership also holds Handy accountable to ensuring



a \$15 per hour minimum payment for any job booked through the platform and establishes a mechanism for worker voice. This mechanism allows NDWA Gig Worker Advocates (NDWA GWA), a satellite organization of NDWA, to negotiate with Handy on issues impacting workers on the platform. Importantly, this partnership does not impact any policy efforts, including those regarding worker classification.⁴¹

How Technology Can Enable Portable Benefits

Technology is a critical component of an effective portable benefits model. When benefits are housed within a single employer, the employee is connected to the benefit via that employer; the employer is a mediator between workers and their benefits. When benefits are administered across multiple jobs, some of which have no employer, who is responsible for this mediation becomes more complex. In addition to mediating between different parties, portable benefits necessitate the aggregating of information about workers across multiple jobs—another task made more feasible through technological infrastructure. With the responsibility for benefits spread out across multiple employers or entities, portable benefits require a central clearing house that can track workers' hours and incomes across different jobs. For example, a freelancer works across a number of clients, housekeepers work in multiple homes, and drivers in the ride-sharing business typically work for multiple apps. Emerging technologies hold the potential to facilitate mediation, connecting the worker, the entities that fund the benefits (e.g. employers, governments, etc.), and the benefit provider (e.g. insurance company), while aggregating the data necessary to deliver benefits. This shared technological infrastructure must work across different systems, enabling funding entities to contribute prorated amounts and allowing workers to experience their benefits in a seamless and straightforward way.

The technology needed to administer portable benefits could be developed and managed by a number of actors. Thus far, some private platform-based administrators of benefits have shown promise developing the type of user-friendly technology needed for portable benefits to thrive. For example, the private platform Catch is a financial tool and benefits provider that allows workers to find and enroll in health insurance, create a retirement account, pay quarterly estimated taxes, and set aside portions of their income to cover benefits like paid time off and family leave. To help users navigate the complex ecosystem of benefits, the platform asks them a series of questions about their current financial situation and future financial goals in order to make recommendations about types of benefit and benefit contributions.

Currently, the platform relies on workers covering the full cost of their benefits. This type of platform could be paired with employer contributions to offer workers an

41 For more information on the partnership, see <https://membership.domesticworkers.org/handy/>.

integrated, prorated benefits experience. A funding mandate, for example, could require employers to contribute through an existing platform like Catch, or a platform could be developed publicly.

Case Study: Steady and the Workers Lab

Prior to the pandemic, the worker-centered organization The Workers Lab launched an emergency cash delivery pilot called the Workers Strength Fund. Through the program, gig workers received cash payments through Steady, an app that helps workers manage income streams and connect with job opportunities, including gig work. After the COVID-19 pandemic hit and workers faced significant challenges with Unemployment Insurance administration, The Workers Lab and Steady built on the partnership to develop a tech solution to verify workers' income for UI applications automatically and seamlessly. Steady integrated a new tool with state UI websites, which allowed non-standard workers to consent to link the Steady app to their gig-work platforms and financial accounts for the purpose of receiving unemployment benefits. The new tool then extracts data on workers' sources of income from non-standard work and delivers an income report to the worker, who can then submit it directly to their state's UI office. This process eases burdens on both workers and state offices; workers do not need to figure out how to calculate and organize their income, and the state UI office has an easier way to verify income and more quickly deliver the benefit. Though Pandemic Unemployment Assistance for self-employed workers is a temporary program, tools like this could make a permanent program more feasible and accessible. By streamlining the administration of a benefit, tech tools can pave the way for decision-makers to introduce and expand portable programs, if they are willing to mandate the contributions needed for these programs to be sustainable.⁴²

42 For more information, see Haro, Adrian. 2021 "Springing to Get Gig Workers Unemployment Benefits." The Workers Lab Blog. March 31. <https://theworkerslab.com/blog/government-unemployment-gig-workers>.



SECTION 3

Learning from Current Efforts

By considering specific work-related benefits—including their history, delivery structure, and current levels of access and utilization—leaders across sectors can better understand the potential to make benefits more portable and universal, and key considerations when doing so. In 2020, the Future of Work Initiative held a series of four private, interactive workshops that brought together small groups of policymakers, employers, worker advocates, benefit providers, and researchers to explore how portability can strengthen the benefits system in the U.S. Building on these workshops, this section provides an overview of four work-related benefits: (1) Unemployment Insurance, (2) paid leave, (3) retirement, and (4) training. This section is intended to inspire decision-makers to take concrete action to expand the portability and universality of essential work-related benefits.

Unemployment Insurance

Unemployment Insurance (UI) provides income replacement when workers lose their jobs due to no fault of their own, so long as they are available and looking for work. Initially created by the Social Security Act of 1935, UI intends to provide a minimal level of financial security in the face of disruptions. In addition to providing individual financial security, UI can provide economic stimulus during times of disruption or recession.

Current Access and Delivery Structure

In the U.S., Unemployment Insurance is a public program administered by states and funded by employers. Employers pay taxes on behalf of their employees, which go into state trust funds. If workers lose their job, they apply for UI with the state in which they worked, which then reviews applications and disburses payments to accepted applicants. Eligibility and benefit amounts vary by state; most offer up to 26 weeks of support, with maximum benefit amounts ranging from less than \$250 per week in Louisiana and Mississippi to just over \$800 in Washington and Massachusetts.

Prior to the pandemic, most unemployed workers did not receive UI benefits. The reciprocity rate—the percentage of unemployed workers who received benefits—was 28 percent nationally, with some states under 10 percent. These low reciprocity rates have been fueled by several factors, including stringent eligibility criteria that require consistent employment with minimum earnings requirements and administrative complexity in applying for benefits. Unemployed low-income and Black workers have lower reciprocity rates than unemployed higher-income and White workers.⁴³

The COVID-19 pandemic and resulting economic downturn inspired a temporary expansion of UI, including bolstered benefit amounts, additional weeks of eligibility, and a Pandemic Unemployment Assistance program which provided benefits for workers otherwise ineligible for traditional UI, including self-employed individuals and those with inconsistent work histories. The last extension of these programs expired in September 2021, with several states ending support earlier. These expansions improved access considerably, with the reciprocity rate for 2020 above 75 percent.⁴⁴

43 During the Great Recession, unemployed workers who earned less than the 30th percentile wage for their state were half as likely to receive UI benefits than those earning above that wage. See Zipperer, Ben and Elise Gould. "Without Fast Action from Congress, Low-wage Workers Will be Ineligible for Unemployment Benefits During the Coronavirus Crisis." Working Economics Blog, Economic Policy Institute. <https://www.epi.org/blog/without-fast-action-from-congress-low-wage-workers-will-be-ineligible-for-unemployment-benefits-during-the-coronavirus-crisis/>; As of 2010, 23.8 percent of unemployed Black workers received UI benefits, compared to 33.2 percent of unemployed White workers. See Nichols, Austin and Margaret Simms. 2012. "Racial and Ethnic Differences in Receipt of Unemployment Insurance During the Great Recession." Urban Institute. <https://www.urban.org/sites/default/files/publication/25541/412596-Racial-and-Ethnic-Differences-in-Receipt-of-Unemployment-Insurance-Benefits-During-the-Great-Recession.PDF>.

44 U.S. Department of Labor. 2021. "Reciprocity Rates, By State." <https://oui.doleta.gov/unemploy/Chart-book/a13.asp>.

However, racial disparities persisted,⁴⁵ and as expansions expire, reciprocity rates are likely to again fall without concerted and substantial efforts to improve access.⁴⁶

Toward Portable and Universal UI

Rather than needing a different program, improving portability and universality for unemployment insurance requires revising eligibility criteria and simplifying documentation processes to better serve workers in non-standard arrangements and those who piece together multiple forms of work.⁴⁷ These steps promise to not only improve access for non-standard workers, but could address the inequities by income, race, and geography that characterize current UI reciprocity rates. Given variation across states in benefit amounts, reciprocity, and equity, nationalizing UI or introducing nationwide guidelines could improve the universality of the program while also facilitating portability as workers move across states.

In addition, decision-makers at the state and federal level could learn from PUA to establish a form of UI for self-employed workers, which would need to be paired with robust classification enforcement to ensure companies pay into UI systems for the workers they hire.

Action Steps

- Expand UI eligibility to better cover workers with inconsistent schedules or low wages.
- Introduce a jobseekers' allowance, which would cover those ineligible for UI who are seeking work.
- Establish more uniform federal standards.
- Consider allowing self-employed people to pay into and participate in the UI system (with additional eligibility requirements).
- Simplify UI application and approval processes, especially income documentation, possibly through partnerships that engage workers' organizations and unions.

45 U.S. Government Accountability Office. 2021. "Management Report: Preliminary Information on Potential Racial and Ethnic Disparities in the Receipt of Unemployment Insurance Benefits during the COVID-19 Pandemic. June 17. <https://www.gao.gov/products/gao-21-599r>.

46 Reciprocity for the first quarter of 2021 had already fallen to under 50 percent. US Department of Labor. 2020. Unemployment Insurance Data: Labor Force Data Reports. https://oui.doleta.gov/unemploy/data_summary/DataSummTable.asp.

47 See Simon-Mishel, Julia, Maurice Emsellem, Michele Evermore, Ellen Leclere, Andrew Stettner, and Martha Coven. 2020. "Centering Workers: How to Modernize Unemployment Insurance Technology." Oct. 5. The Century Foundation. <https://tcf.org/content/report/centering-workers-how-to-modernize-unemployment-insurance-technology/>.

Paid Leave

Paid leave programs offer workers income while taking time away from work, allowing them to attend to personal or family matters without having to lose income or their job. Paid leave may be provided for medical needs, family responsibilities, vacation, holidays, or other reasons. Some paid leave is provided by the hour or day, while other forms may cover weeks or months at a time or intermittently, such as family and medical leave programs.

Current Access and Delivery Structure

In the U.S., paid leave provision has largely been left to employers, resulting in low access rates and little consistency. As of March 2020, 78 percent of workers in the U.S. had paid sick leave, 76 percent had paid vacation leave, and 21 percent had paid family leave.⁴⁸ Rates of access are lower for part-time, low-wage, service sector, and nonunion workers.

Few policies govern paid leave, and those that do are at the state and local level. The U.S. is the only developed country without a federal paid family and medical leave program. Without a federal program, an increasing number of states have mandated sick leave and created public social insurance family and medical leave programs. As of 2021, 15 states mandate at least some employers provide paid sick leave, in addition to several cities and counties. Nine states and the District of Columbia have created paid family and medical leave programs, which typically are funded by employer and employee payroll deductions and provide income support to workers facing a serious health condition, caring for a family member, or bringing a new child into their family.⁴⁹

During the COVID-19 pandemic, the Families First Coronavirus Response Act guaranteed most workers up to ten days of paid leave to cover sickness or caretaking responsibilities between April 1, 2020 and December 31, 2020. Employers and self-employed workers were provided with a tax credit to cover the cost of this leave.

Toward Portable and Universal Paid Leave

Several states have introduced public, portable, universal paid family leave programs. These can serve as a model for other states and the federal government. Considerations for non-standard workers and multiple jobholders include allowing self-employed people to participate, keeping worker contributions affordable for all, and improving outreach and awareness.

48 Bureau of Labor Statistics. 2020. "National Compensation Survey: Employee Benefits in the United States: March 2020." September. <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf>.

49 Colorado, Connecticut, Massachusetts, New Jersey, New York, Oregon, Rhode Island, and Washington, in addition to the District of Columbia.



Mandating employer-provided paid sick leave can improve universality, but does not necessarily guarantee access for those holding multiple jobs or in non-standard arrangements. For those workers, state and local governments, worker organizations, non-profits, and companies can establish portable paid leave programs that facilitate paid sick and safe leave for workers holding multiple jobs, including gig platform workers, domestic workers, and part-time workers. One example is Alia, a product of NDWA Labs at the National Domestic Workers Alliance. Through this platform, those who hire domestic workers can contribute to benefits, including paid time off. These benefits accrue across jobs, attached to the worker and prorated in proportion to the services provided. Currently, the platform relies on voluntary contributions, though governments can mandate contributions through legislation such as Philadelphia’s Domestic Workers Bill of Rights.⁵⁰

Action Steps

- Introduce paid family and medical leave programs where they do not exist—including at the federal level.
- Where programs do exist, expand eligibility to include all workers, including the self-employed and workers with limited or uneven recent work history. Where expansive programs exist, evaluate them to better understand how to replicate successes and address failures, and improve awareness among underserved populations through communications efforts.
- Establish a permanent paid leave tax credit for self-employed workers.
- Develop portable paid leave programs for non-standard workers and those holding multiple jobs, including domestic workers.

Retirement

Retirement savings provide income for people as they age and exit the workforce. Public retirement, in the form of social Social Security, is the country’s largest social insurance program, while private retirement savings are one of the most common wealth-building tools for individual workers.

Current Access and Delivery Structure

Currently, the U.S. retirement system is a combination of public programs, employer-provided plans, and individual savings. Social Security is a federal social insurance program funded by employer and worker payroll taxes, created in 1935 as part of the New Deal. Workers contribute over their careers, and at age 67 are eligible for full benefits, which are calculated based on income, adjusted progressively so that low-

50 For more information, see <https://www.ndwalabs.org/alia>.



income retirees earn a higher percentage of their former wages than high-income retirees. Social Security is estimated to reduce elder poverty by more than 75 percent,⁵¹ but an aging population combined with income inequality that has led to a shrinking share of income subject to stable tax rates threaten the effectiveness of the program.

In addition to Social Security, many workers also have access to some form of employer-sponsored retirement in addition to Social Security. As of March 2020, 45 percent of workers have Defined Contribution (DC) plans, which allow workers to contribute pre-tax income to an individual retirement savings account, with contributions often matched by employers. Ten percent of workers have Defined Benefit (DB) plans, also called pensions, which offer guaranteed benefit payments upon retirement. An additional 15 percent of workers have both DC and DB plans.

In place of or in addition to employer-sponsored retirement accounts, some workers are able to contribute to individual retirement accounts (IRAs), which have strict tax and withdrawal restrictions designed to maximize the return on the investment.

Toward Portable and Universal Retirement

Mirroring the multifaceted nature of retirement savings, improving the universality and portability of retirement takes action on several fronts. As the original portable benefit, Social Security needs to be bolstered to ensure everyone has essential income as they age.

As one of the most portable and universal individual retirement savings options available, state-facilitated auto-enrollment IRA programs can also be expanded. Outreach and awareness efforts can boost participation, and sidecar savings options, which allow people to access some of their account in times of financial hardship prior to retirement, can make saving a realistic option for those with low incomes or little savings. In addition, decision-makers can explore establishing portable 401(k) programs that allow for employer contributions, which also would boost savings outcomes.

In addition, portability of other employer-sponsored and individual accounts could be improved by simplifying or automating rollover procedures, and individual savings may increase with additional outreach and incentivization.

51 Meyer, Bruce and Derek Wu. 2018. "The Poverty Reduction of Social Security and Means-Tested Transfers." *ILR Review*. <https://journals.sagepub.com/doi/abs/10.1177/0019793918790220>.

Action Steps

- Introduce state-facilitated auto-enrollment IRA plans where not available, and expand access where they do.
- Ensure self-employed workers can access state-facilitated IRA plans, with targeted outreach and education to increase participation.
- Introduce hybrid savings vehicles that combine emergency savings accounts with retirement savings to make saving more realistic for low-income workers.
- In the public and private sector, improve user experience for retirement savings, including 401(K) rollovers and SEP-IRAs.
- Bolster and expand Social Security by increasing payroll contributions; removing the income cap; enforcing classification laws; restoring the student benefit for children of deceased, disabled, or retired workers; and/or considering company contributions for some independent contractors.

Education and Training

As the US faces economic, occupational, and technological transformation, worker education and training can ease difficult transitions. Training is a benefit to workers, but it also has direct benefits to employers, setting it apart from the other benefits considered.

Current Access and Delivery Structure

Worker education and training programs vary widely in their administration and delivery, their financing, and their outcomes. Programs may be funded by employers, government, unions, other non-profits, or workers themselves. Training may be delivered by educational institutions, unions or worker organizations, and non-profit and for-profit training providers.

Data on access and coverage rates for education and training benefits, including tuition assistance programs, is limited. A January 2020 survey from MIT indicates that 56.5 percent of respondents received formal training from their employer in the prior year, while 49.0 percent received informal training. The study also showed that those who have higher levels of formal educational attainment are more likely to receive training, and White workers are more likely to receive training than Black, Latinx, or Asian American workers.

Toward Portable and Universal Training

Because of the potential benefit of worker training to employers, a portable approach raises some questions. When employers invest in workers, they typically train them for roles within the company, providing direct benefit to the company and clear career opportunities for the worker. A portable approach, in which training is separated from specific jobs, reduces this benefit to the employer, reduces the incentive to provide it, and makes the outcome for the worker less certain.

An individual account-based education and training model—sometimes called a lifelong learning account model—is one approach that incorporates characteristics of portability and universality, and may be introduced as a complement to direct employer-provided approaches. These accounts can be funded by employers, workers, and government, and can fund approved training offered by any number of providers. Several U.S. states have piloted, established, and proposed training account programs,⁵² and these types of accounts have been proposed at the federal level periodically for several decades.⁵³ Although training accounts can provide workers with choice in pursuing training, they tend to be most effective for higher-earning, more educated, and White workers. Any new training account proposal should work with existing workforce infrastructure to include adequate guidance for workers, including career coaching and placement assistance and closely monitor outcomes with an eye toward equity.

Additionally, moving toward an account-based model puts at least some expectations on workers to seek out and enroll in training, removing employers' responsibility as well as their voice in designing training relevant to their needs. Those interested in training accounts should consider the extent to which such a program would inherently shift responsibility for training to individuals, and therefore worsen the overall risk shift that has led to many of the challenges workers today face. If pursued, any account-based education and training models should consider ways to hold employers accountable, including through mandatory contributions and engagement in designing programs and identifying training providers.

Action Steps

- Invest in existing workforce development systems in order to equip them to serve more workers and update policy to allow for engage in proactive training.
- Introduce, expand, and support training programs connected with worker and community organizations, including unions.

⁵² Including Maine, Washington, Massachusetts, California, Indiana, Hawaii, and Oklahoma.

⁵³ Including the *National Individual Training Account Act* of 1984, the *Lifelong Learning Accounts Act* of 2007, the *Skills Investment Act* of 2013, and the *Lifelong Learning and Training Account Act* of 2018.

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- Consider training account programs that facilitate contributions from employers, workers, and potentially government, along with robust career guidance, supplemental support, and equity audits.

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