

# FASHIONING A RESPONSE

Results from the  
Model Alliance COVID-19 Survey  
and a Call to Action

# Table of Contents

- Introduction 2
- Methodology 3
- Survey Results 5
  - Key Concerns for Models in this Moment 6
  - Racial Disparities in the Impact of COVID-19 8
  - Modeling Good Practices in a Time of Crisis 10
- Voices of Models 11
- Recommendations 15
- Appendix 17
- Organizational Bios 19

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## Partners

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## Background

**The coronavirus pandemic has attacked the health of hundreds of thousands of people in the US and generated acute economic stress for millions more. Among the workers experiencing serious hardship are fashion models.**

Despite the glamorous image of their profession, models have long been highly vulnerable to exploitation and mistreatment. Models are largely young and female, typically working far away from home. The structure of modeling work and the legal limbo to which they are consigned compound their vulnerability, adding to a highly imbalanced set of power relations within the industry.<sup>1</sup>

Legal ambiguity around whether models are classified as “employees” or “independent contractors” has important implications for their workplace rights. Employee status confers labor and employment rights and protections that independent contractor status does not. Most agencies argue that models are independent contractors, while the degree of agency control over their jobs may effectively limit their eligibility for what few protections there are to safeguard independent contractors (e.g., New York City’s Freelance Isn’t Free Act).<sup>2</sup> Others suggest that models are employees under prevailing employment standards within labor laws, and their misclassification by agencies poses a barrier to exercising employee rights and accessing associated protections (e.g., assurance of timely payment, paid sick leave, and unemployment insurance).<sup>3</sup> New York law specifically

1. Safronova, Valeriya, Joanna Nikas, and Natalia V. Osipova. “What it’s truly like to be a fashion model.” *New York Times* (2017) <https://www.nytimes.com/2017/09/05/fashion/models-racism-sexual-harassment-body-issues-new-york-fashion-week.html>

2. For more background on the Freelance Isn’t Free Act, see the following: Fahner, Michael. “Promising protection: An assessment of New York City’s Freelance Isn’t Free Act.” *New York University Journal of Law & Business* (2018); Baranowski, Caitlin M. “Freelance Isn’t Free: The high cost of New York City’s Freelance Isn’t Free Act on hiring parties.” *Brooklyn Journal of Corporate, Financial & Commercial Law*. (2018); Pepper Hamilton LLP. “New York City’s first-in-the-nation independent contractor law takes effect next week.” JD Supra (2017) <https://www.jdsupra.com/legalnews/new-york-city-s-first-in-the-nation-52317/>

3. Simmerson, Alexandra R. “Not so glamorous: Unveiling the misrepresentation of fashion models’ rights as workers in New York City.” *Cardozo Journal of International and Comparative Law* (2013)

provides that “professional models” fall under the definition of an employee for the purposes of unemployment insurance.<sup>4</sup>

Caught in this limbo,<sup>5</sup> models frequently confront problems including wage theft and sexual harassment;<sup>6</sup> unhealthy working conditions;<sup>7</sup> use of child labor with limited rights;<sup>8</sup> and a lack of protections allowing them to seek recourse for unfair treatment.<sup>9</sup> Beholden to their agencies, which often withhold payments for long periods of time, and excluded from important protections despite the unstable nature of their work, many models find themselves in highly precarious circumstances.<sup>10</sup>

## RECENT DEVELOPMENTS IN ACCESS TO UNEMPLOYMENT INSURANCE

Although there is much confusion around models’ employment status and potential misclassification by agencies, many models are likely eligible for traditional unemployment insurance (UI) in certain states. As part of emergency legislation passed in March 2020, models deemed ineligible for traditional UI are able to apply for Pandemic Unemployment Assistance (PUA). For further information and details about the application process, see the Model Alliance’s [guide to unemployment insurance](#).

As the current coronavirus crisis deepens, then, models are “double-exposed,” to borrow the words of one model interviewed for this report (see the Voices of Models section on page 11). Many face financial distress with little or no safety net and no roadmap for navigating these difficult times. Presumed to be independent contractors, models are suffering the fallout already being documented among freelancers in other creative fields and across different sectors of the economy.<sup>11</sup> This briefing paper seeks to illuminate specific dimensions of this impact with an eye towards informing both immediate crisis response strategies and efforts to better protect models and others like them in the future.

4. N.Y. Lab. Law § 511

5. Sodomsky, Ariel. “Models of confusion: Strutting the line between agent and manager, employee and independent contractor in the New York modeling industry.” *Fordham Intellectual Property, Media & Entertainment Law Journal* (2014)

6. Model Alliance. “Industry survey.” (2012) <https://modelalliance.org/industry-analysis>.

7. Record, Katherine L. and S. Bryn Austin. “‘Paris thin’: A call to regulate life-threatening starvation of runway models in the US fashion industry.” *American Journal of Public Health* (2016); Rodgers, Rachel F., Sara Ziff, Alice S. Lowry, Kimberly Yu, and S. Bryn Austin. “Results of a strategic science study to inform policies targeting extreme thinness standards in the fashion industry.” *International Journal of Eating Disorders* (2017)

8. Friedman, Vanessa. “Protecting underage models becomes a federal issue.” *New York Times* (2015) <https://www.nytimes.com/2015/11/03/fashion/protecting-underage-models-becomes-a-federal-issue.html>; For details of Model Alliance’s advocacy for child models, see <https://modelalliance.org/child-models>.

9. Safronova, V., Nikas, J. and Osipova, N.V. (2017); Mears, Ashley. *Pricing Beauty: The Making of a Fashion Model*. Berkeley, CA: University of California Press. (2011)

10. Ellis, Blake and Hicken, Melanie. “Runway injustice.” *CNN Money* (2016) <https://money.cnn.com/2016/05/04/news/runway-injustice-modeling/index.html>; Greenhouse, Steven. “A new alliance steps up to protect a new generation of models.” *New York Times* (2013) <https://www.nytimes.com/2013/12/24/business/a-new-alliance-steps-up-to-protect-the-next-generation-of-models.html>; Standing, Guy. *A Precariat Charter: From Denizens to Citizens*. A&C Black. (2014)

11. For the results of a recent survey by the Freelancers Union on the impact of COVID-19, see <https://blog.freelancersunion.org/2020/04/02/new-freelancers-union-study-reveals-the-scope-of-coronavirus-losses/>

## Methodology

**Between March 20 and April 1, 2020, the Model Alliance conducted a brief program evaluation survey to better understand the needs and concerns of fashion models during the COVID-19 crisis.**

A total of 212 working models responded to the survey, which was distributed over email and social media channels. They were represented by agencies including DNA Model Management, Elite Model Management, IMG Models, LA Model Management, Muse Model Management, NEXT Management, The Lions Model Management, The Society Management, and Wilhelmina Models, among others (see the [Data Appendix on page 17](#) for a geographic and demographic breakdown of respondents). Researchers at the Worker Institute at Cornell analyzed the survey results and collaborated with leaders from the Model Alliance to draw out a set of recommendations for policymakers, modeling agents, and advocates.

# Survey Results

The survey results reported below are from the Model Alliance’s March-April 2020 COVID-19 Survey. Details regarding individual question wording and responses are provided in the [Data Appendix on page 17](#). Quotes are drawn from open-ended questions that were part of the survey.

## Acute concern about covering basic needs

One in five respondents (20%) said they do not currently have enough money to cover basic needs. More than two-thirds (68%) said they were concerned about their ability to pay for housing. Just over half (51%) anticipated that they could not cover essential needs in the event that they were unable to work during the next three months.

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*“[I’m concerned about] paying my bills and maintaining my sanity...”*  
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*“I’m terrified on how to get back on my feet after going back to work once all of this is done and then having to wait another 3 months to get paid.”*  
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*“[I’m concerned about] homelessness and bankruptcy.”*  
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## Challenges accessing a safety net

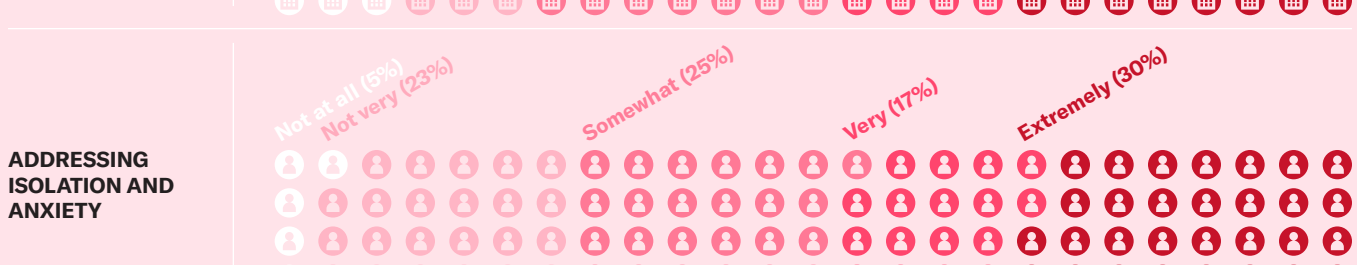
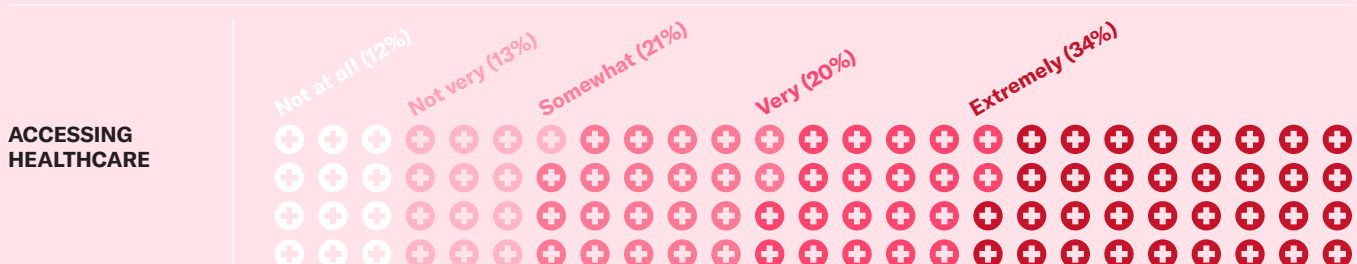
Fewer than one in fourteen respondents said they had access to any form of paid sick leave or paid time off (6%) or were currently receiving unemployment benefits (7%). One-fifth (21%) said they were not covered by health insurance.

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*“[I’m concerned about] dying without health insurance.”*  
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*“The self employed seem to be struggling the most, which would also include models. I don’t think there is enough being done to support those whose only income is creative work.”*  
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# Key Concerns for Models in this Moment

Participants of the Model Alliance's COVID-19 Survey were asked to rate issues that concern them on a scale from "extremely concerned" to "not concerned."



## Limited information and support from agencies

Fewer than one-third of respondents (30%) said they had received guidance, assistance, or resources from their agency in response to the coronavirus pandemic. Under a quarter (23%) said their agency was looking into alternatives to in-person shoots—e.g., remote, online work. Some (15%) said they were still being asked to travel for work or physically attend castings.

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*“[The agencies] have... provided no comprehensive understanding/forecast at all for us. When I called to ask I was told ‘oh babe you’ll be fine, clients are just waiting two weeks until this blows over and if you base yourself in New York you’ll have so many opportunities.’”*

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*“My agency shut without telling anyone, my mother was the one who told me. Would be helpful if they sent out an email on how they will support their models during this time.”*

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*“My agency didn’t even send out an email to say they were closing the agency I had to find out when I tried to go in to talk and I got rushed out. I thought that was irresponsible.”*

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## Money owed by clients and agencies

More than half of respondents (55%) said they were owed money by clients. Around half (49%) were owed money by their agencies. A little over a third (36%) were owed money by both. Nearly one-third (30%) said they had outstanding payments for which they had waited more than ninety days. Meanwhile, only one in five (20%) said they knew for sure that they were not being charged agency fees (e.g. website fees, comp card fees, money wire fees, advance payment fees) during the pandemic.

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*“[I’m concerned that] agencies won’t advance money and clients could go bankrupt and not pay for past jobs.”*

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*“The longer [this] lasts the more our economy will struggle. I’m concerned some of my clients won’t be able to get back up after this and thus, won’t be able to pay me for past work.”*

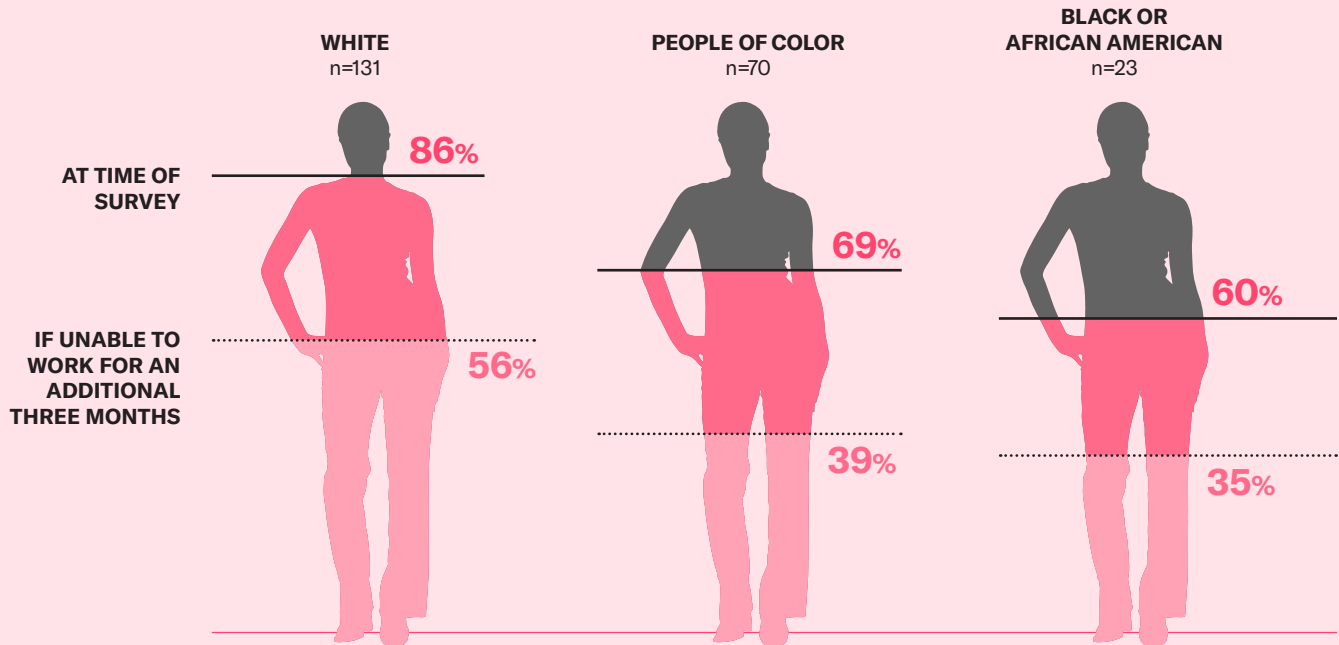
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# Racial Disparities in the Impact of COVID-19

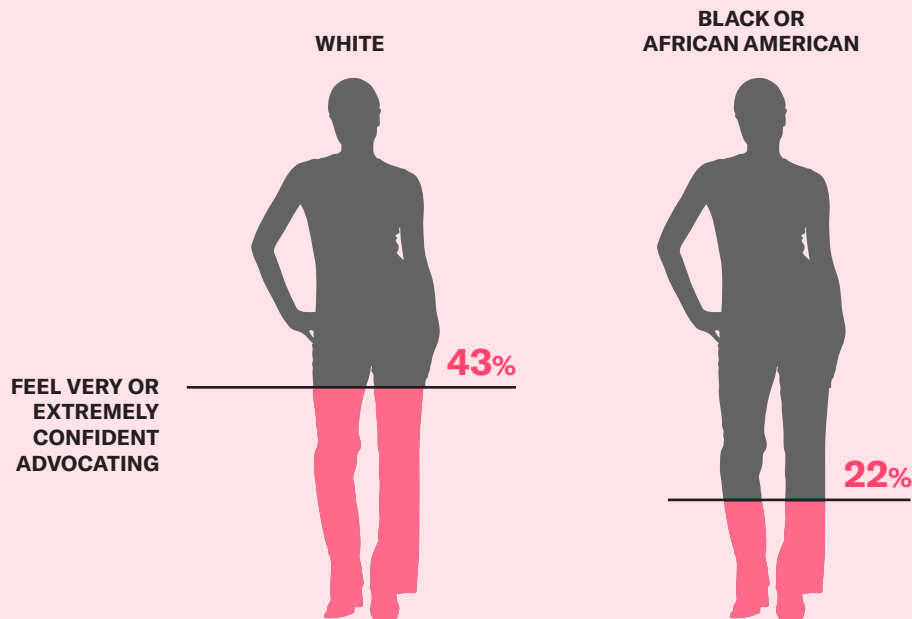
## ABILITY TO AFFORD BASIC NECESSITIES

The survey findings indicate that people of color may be experiencing particularly acute challenges during the coronavirus pandemic. A higher proportion of respondents of color—and black respondents in particular—said they would have trouble paying for basic needs at the time of the survey and after three additional months without income.



## CONFIDENCE ADVOCATING FOR PRECAUTIONS RELATED TO COVID-19

Black or African American models also reported feeling less empowered to push for protections from COVID-19. This could be reflective of power differentials rooted in the industry's well-documented racialized hierarchy.<sup>1</sup>



1. Padula, Vanessa. "Whitewashed runways: Employment discrimination in the fashion modeling industry." *Berkeley Journal of African-American Law & Policy* (2016)

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*“First and foremost my agency hadn’t even released a statement until I inquired about how this will affect castings, bookings, etc. Since then they haven’t disclosed any information about past job payments due. Transparency is always advantageous during a time of crisis.”*

### **Concerns about retaliation**

Nearly half of respondents (45%) said they were extremely or very concerned that they would be proposed for fewer jobs if they refused work or requested extra protections due to the coronavirus. More than one-fifth said they were extremely or very concerned about being pressured into work (23%), or being blacklisted for refusing work or requesting extra precautions (22%); more than one in ten (12%) were extremely or very concerned about being dropped by their agency.

# Modeling Good Practices in a Time of Crisis

Most survey respondents indicated that the information and support they were receiving from their agencies was inadequate. But several respondents pointed to ways in which their agencies were helping them navigate the challenges and uncertainty of the current crisis:



Setting up electronic invoices and payment



Sending tips and guidance on how to stay safe



Arranging Skype fittings that accommodate working from home



Sending regular email updates and phone check-ins



Providing support in finding remote digital work



Offering advice and support in building social media presence



Sharing resources for managing stress and anxiety

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Survey respondents also offered a number of other ideas on how agencies could be supportive, particularly with respect to addressing the economic stress created by the crisis:



Following up with clients about delayed payments



Offering a monthly stipend



Providing information concerning government supports and resources



Providing advances for outstanding payments



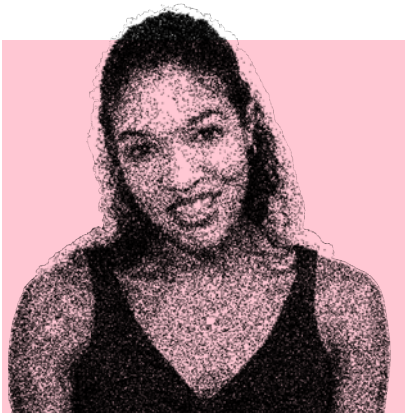
Erasure of debt obligations and agency fees



Support in advancing stronger health and safety protections

## Voices of Models

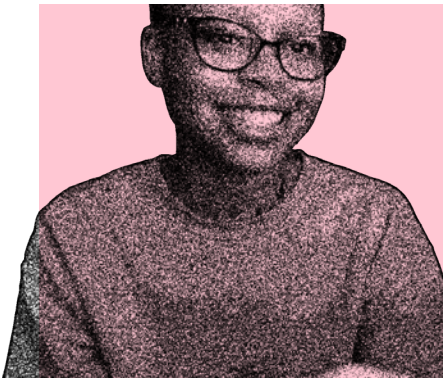
The quotes in this section are drawn from interviews with four models who had participated in the Model Alliance's March-April 2020 COVID-19 survey. Their perspectives illuminate the connections between the general insecurity models experience due to the structure of the industry and the acute insecurity models are now facing during the coronavirus crisis.



### Meisha

**“It’s an industry where you’re constantly faced with instability.** ...The client has 90 days to pay their bill—so then they’ll pay the agency, and then you’re hoping that immediately the agency would pay you, but that’s not always the case either. **So there’s a complete lack of transparency in the financial structure of the industry.** And it’s kind of insane because when you think about it, a lot of these businesses, they’re corporate. And so they dole out paychecks to their employees on a calendar basis—so that’s biweekly, weekly, whatever it may be. And so it’s a bit insane that models—and I have to assume photographers, makeup artists, hair stylists, whoever’s working in that kind of contract position—you’re not guaranteed your check for a long time.”

**“People who work as artists or performers, we’re all unemployed—every single one of us. And yes, you could argue that there are some attempts at making some digital work, but that is really not a replacement, and that is far and few between, and definitely productions are shut down. So that’s very scary. All of this is revealing how much we are left on our own. ... However, I then was reminded by my fellow creatives that we’re all in this same situation. So there is no FOMO (fear of missing out), there is no actually missing out on opportunities at this point because there aren’t any opportunities. ... In a nice way we’re all in this together, and we’re unified in what we’re going through.”**



## Fitz

“For me, having started from scratch, I didn’t know anybody directly in industry before I jumped into it, so I didn’t realize how uncertain and how inconsistent and insecure it truly is... So, that was kind of a shock for me. Because you see on social media or on other media platforms, TV, magazines—it seems like models are constantly working and they’re constantly getting paid... So I was kind of thrown off when I jumped into it, from how I was perceiving it as someone outside of the industry, not realizing **it’s really inconsistent and not a secure form of employment—unless you are a lucky one, a celebrity model, or always in demand.**”

“So with coronavirus, it’s hard because **we’re in an industry that already doesn’t have a safety net so I feel double-exposed, almost.** Where I was already having to fight for my own rights and protections and whatnot... but I was somehow still getting paid for modeling work, so there was a tradeoff. But now that’s stripped away... I was already struggling and now the industry is non-existent at the moment. There were no policies or regulations in place for us. ... I’ve filed for unemployment, because I’m at that point where I need to just protect myself.”



## Elliott

“I had actually become sick on February 13th, so I was really looking forward to being able to work in March because I hadn’t been able to work in February. ...Again, there’s no salary. There’s no workers’ compensation of any kind. There’s no sick pay. ...You’re not working if you’re sick, and so you have no money. So I had done one job on January 26th and that’s all I have done this entire year. I haven’t had any other work whatsoever. And I don’t know when I’m going to be able to work again. ...I’m 37 years old, so I’ve been able to save some things along the way and to learn a lot about how to manage finances along the way because I went out of my way to learn those things because it is an uncertain line of work. But at the same time, being 37, I’m not getting as much work as I did other times, being younger where there does tend to be more work. So it’s scary, you know.”

“...It’s not unlike it is a lot of the time for models specifically—people in the fashion industry specifically and many freelancers. **But I know a lot of people feel really trapped right now and have no idea where to turn to next.** Cause even if things were going really well, we have no idea when things are going to come back. We want to think that there’s a backlog of work, right—there’s just this huge backlog of work and everybody’s waiting until this is done and all of a sudden all this work is going to come through. But everybody’s been losing money this whole time. And when we see these top brands that are coming out with their spring collection right now, and they are releasing their collection with a 20% off or more from the beginning—you know, it’s because everybody’s really desperate.”



## Ella (pseudonym)

**“I’m currently uninsured... that’s the bottom line of that.**

I’m obviously taking a risk and that kind of dawned on me at the beginning of the epidemic... I would say that working as a model for over 15 years has made me incredibly frugal with money because I’ve had periods where I haven’t worked for three months, so... I’ve always had a bit of a quarantine mentality. **I literally don’t know when I’ll next work most of the time as a model...** And luckily, I had a good round of work, but that money will run out.. And it’s the same for so many people. ...I don’t have a huge heap of savings and I’ve also just paid for another US visa, so that’s four and a half grand... that I managed to pay off through my jobs with my agency. So it’s a really precarious time...”

“The main question is, my visa is with an agency, so I have an employer and I’m legally obliged to only model, that’s my profession—which is gonna become increasingly redundant during this pandemic. So... I would love to find out if I would be able to work in other fields in order to support myself within this time... All these questions have recently popped up for so many people because I don’t think we need models at the end of the world. And in some ways, if life as we know it, is changing. So that’s just become so much less necessary and relevant. It’s an oversaturated market at the best of times. So, yeah, I definitely have been thinking like, what am I qualified to do and what am I legally allowed to do here?”

## Recommendations

The results of the Model Alliance COVID-19 survey tell a story of urgent challenges. They also indicate some areas for immediate action.

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**Policymakers and government agencies should extend and clarify eligibility for unemployment insurance, paid sick leave, and other supports and ensure that application systems are equipped to handle a high volume of questions and claims.**

As part of this, they should counter misconceptions that only US citizens are eligible for government support and that applying for such support will negatively impact noncitizens' current or future immigration status.

In New York, the law specifically provides that “professional models” fall under the definition of an employee for the purposes of unemployment insurance. However, public officials need to make sure that this provision is adequately enforced. In states where models may not qualify as employees for the purposes of access to unemployment insurance, they should qualify for unemployment benefits in the near term under recent emergency legislation passed at the federal level. Going forward, however, policymakers and government agencies across the country need to get to the root of the problem by ending widespread misclassification of workers as independent contractors, which has long excluded workers in many industries from key benefits and protections.



**Modeling agents/agencies should do their part to see to it that those whom they represent are supported and treated fairly.**

This includes suspending agency fees for the duration of the crisis and ensuring that models are paid what they are owed. Agencies should advance payments that are owed by clients, thereby shifting the burden from individual models, many of whom can ill afford it. In general, agents should be communicating regularly with models and providing information and resources on safety and health protections, accessing benefits, and options for remote digital work.

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**Advocates should help to mobilize immediate support and relief for models.** This includes assisting models in accessing government benefits as well as organizing other forms of support and mutual aid for those in the modeling community who are struggling the most right now. The current moment is also one for linking parallel struggles within and across different industries and ensuring that the public support being extended to models and other precarious workers is not just temporary. For too long, millions of workers in the US have been carved out of basic labor, employment, and social protections. The current crisis only underscores why these double standards need to be ended once and for all.

# Appendix



## Description of sample:

The Model Alliance circulated the COVID-19 Survey via social media channels, asking models to “please take this survey to understand our community’s needs during this pandemic and time of uncertainty;” a total of 212 working models responded. Respondents skewed heavily female (93%) and young (M=28.0, SD=7.0). The majority (66%) of respondents were US citizens, most (85%) were currently working in the US, and 78% were represented by a US modeling agency. Respondents also varied along racial lines; although the majority (61%) identified as white, black (13%), Latinx (7%), mixed-race (14%), Asian (3%), and Native-American (2%) models were represented.

## Survey questions:

Below, we list the individual questions and responses for each question analyzed. Since respondents were not required to answer every question in the survey, sample size varied by question; this is also reported below.

1. What is your gender? n=199
2. How old are you? n=189
3. Are you a US citizen? n=201
4. What is the zip or postal code of your current location?  
a. Please add country if outside the US. n=136
5. Please select all that apply. n=200
  - a. I am a working model represented by an agency based in the US.
  - b. I am a working model represented by an agency not based in the US.
  - c. I am a working model without agency representation.
6. What is your racial identity? n=181
7. Do you have enough money for basic necessities right now? n=201
  - a. Yes
  - b. No
8. Regarding your current housing, please check all that apply below. n=205
  - a. I am concerned about my ability to pay my bills.
  - b. I am concerned about my ability to stay longer term.
  - c. I feel unsafe.
9. If you are unable to work for the next 3 months, do you feel you have enough savings, other forms of income, or family/community financial support to cover your essential needs? n=201
  - a. Yes
  - b. No
10. Do you have access to any form of paid sick leave or paid time off? n=148
  - a. Yes
  - b. No
  - c. I don't know

11. Are you receiving unemployment benefits? n=200  
 a. Yes  
 b. No
12. Do you have any form of health insurance? n=201  
 a. Yes  
 b. No  
 c. I don't know
13. Has your agency provided you with any guidance, assistance, and/or resources in response to this pandemic? n=196  
 a. Yes  
 b. No
14. Is your agency actively looking for alternative work for you (e.g. pushing for you for digital work)? n=194  
 a. Yes  
 b. No  
 c. I don't know
15. Are you still being asked to travel for work and/or physically attend castings? n=198  
 a. Yes  
 b. No
16. Are you owed money by your agency or clients right now? (Check all that apply) n=200  
 a. Yes, by my agency  
 b. Yes, by my clients  
 c. No
17. How long have you been waiting to be paid for current outstanding jobs? n=165  
 a. More than 30 days  
 b. More than 60 days  
 c. More than 90 days  
 d. More than 6 months
18. Is your agency still charging you fees (e.g. website fee, comp card fees, money wire fees) during this time? n=194  
 a. Yes  
 b. No  
 c. I don't know
19. If you were to turn down jobs or advocate for precautions because of coronavirus, how concerned (on a scale from "extremely concerned" to "not at all concerned") are you that you might experience the following:  
 a. Being proposed for fewer jobs n=150  
 b. Being dropped from your agency n=149  
 c. Being coerced or pressured into unsafe work n=149  
 d. Being blacklisted n=150
20. How confident do you feel in your ability to advocate for precautions at work to limit exposure to coronavirus? n=149  
 a. Extremely confident  
 b. Very confident  
 c. Somewhat confident  
 d. Not very confident  
 e. Not at all confident
21. We'd like to understand more about the issues that concern you right now. Please rate the following on a scale from "extremely concerned" to "not concerned."  
 a. Receiving payments that are owed to me n=149  
 b. Being able to obtain unemployment benefits n=149  
 c. Access to other income supports n=150  
 d. Maintaining stable and secure housing n=150  
 e. Being able to access the healthcare I need n=149  
 f. Addressing feelings of isolation and anxiety n=149

## Organizational Bios



### The Model Alliance

The Model Alliance promotes fair treatment, equal opportunity, and sustainable practices in the fashion industry, from the runway to the factory floor.

By assisting models and other stakeholders in understanding the laws applicable to them, and by encouraging them to have a voice in their work, the Model Alliance identifies common areas of concern in the fashion industry, conducts strategic research with leading research institutions to inform policy initiatives, and educates the industry and the public about our core issues.

#### Guide to Accessing Unemployment Insurance

<https://modelalliance.org/unemployment>

#### RESPECT Program

<https://programforrespect.org/>

#### Anti-Trafficking Work

<https://modelalliance.org/2019/model-alliance-joins-french-minister-of-gender-equality-and-leading-fashion-brands-in-paris-on-european-anti-trafficking-day/>

## **ILR Worker Institute**

### Equity at Work Initiative, The Worker Institute at Cornell

Equity at Work centers the diverse voices and experiences of those most affected by injustice in the world of work. Collaborating with labor, community, and academic partners, the Equity at Work team investigates patterns of inequity in particular geographic and industry contexts while highlighting policy and organizing that centers worker voice and advances fair pay and dignity on the job. The Worker Institute at Cornell, an institute of the ILR School, engages in research and education on contemporary labor issues, to generate innovative thinking and solutions to problems related to work, economy and society.

[www.ilr.cornell.edu/worker-institute](http://www.ilr.cornell.edu/worker-institute)