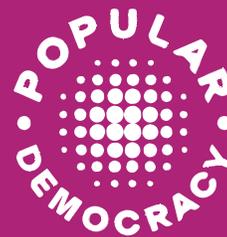


# MAKING RIGHTS REAL

## How the Whistleblower Enforcement Model Can Address the Crisis in Labor Rights Enforcement, 2026 Update



### SUMMARY & KEY POINTS

Too many employers pad their profits by violating worker's hardfought rights to fair pay and healthy and safe workplaces. To stem the tide against this lawbreaking, Whistleblower Enforcement policies would expand public enforcement of labor law, foster a culture of employer compliance, and generate essential revenue for state enforcement agency staff.

Workplace rights violations are rampant. Wage theft dwarfs most types of theft in the U.S. Minimum wage violations alone, estimated to be **\$15 billion annually**, are larger than the burglaries, and motor vehicle thefts **combined**. That's because the penalties for wage theft and other workplace violations are too low, and the likelihood of getting caught is so small that unscrupulous employers bet on violating workers rights to line their profits. Underfunding, understaffing, and insufficient pay for public investigators at state labor law enforcement agencies drives this problem. For instance, NY saw the average ratio of investigators to workers decrease from 1 to 65,237 in 2018 to 1 to 71,721 in 2025.<sup>1</sup>

### POLICY RECOMMENDATIONS

- ▶ **Adopt Robust State Whistleblower Enforcement Policies:** States should adopt policies that strengthen state enforcement agencies by allowing workers, whistleblowers, and labor organizations to initiate civil legal proceedings on behalf of the state over violations of labor laws.
- ▶ **Allocate Whistleblower Enforcement Revenues to Enforcement Agencies:** Labor enforcement [agencies have been systematically underfunded for decades](#). Those agencies can use revenues from employer penalties to expand staffing and improve pay and working conditions for public investigators. As a result direct public enforcement of labor laws will be stronger.
- ▶ **Kickstart Enforcement with nearterm Annual Budget Appropriations:** States should dedicate more funds from annual budget processes to expand staffing, increase pay, improve retention, and extend overall capacity for public labor law enforcement. Investments now will pay off in worker well-being.

Whistleblower Enforcement policies would expand the reach of public enforcement agencies and allow affected workers, whistleblowers, and labor organizations to begin legal action on behalf of the state against employers who violate the law. **Resulting penalties discourage potential lawbreakers and serve as an untapped funding source for enhancing the capacity of public sector enforcement agencies, including through additional staffing, better pay, and enforcement resources.** Proposed policies would generate hundreds of millions of dollars across the country:

STATE	BILL	YEAR INTRODUCED	AVERAGE EXPECTED ANNUAL REVENUE OVER FIRST 10 YEARS	EXPECTED ANNUAL REVENUE BY YEAR 7*
New York	EmPIRE Worker Protection Act	2025	\$211,199,650	\$286,412,143
Massachusetts	Wage Theft Act	2025	\$83,376,957	\$114,652,870
Connecticut	An Act Concerning Forced Arbitration Agreements	2022	\$41,740,843	\$57,263,851
Washington	Worker Protection Act	2021	\$72,308,051	\$99,431,855
Oregon	Just Enforcement Act	2021	\$23,217,751	\$31,927,068

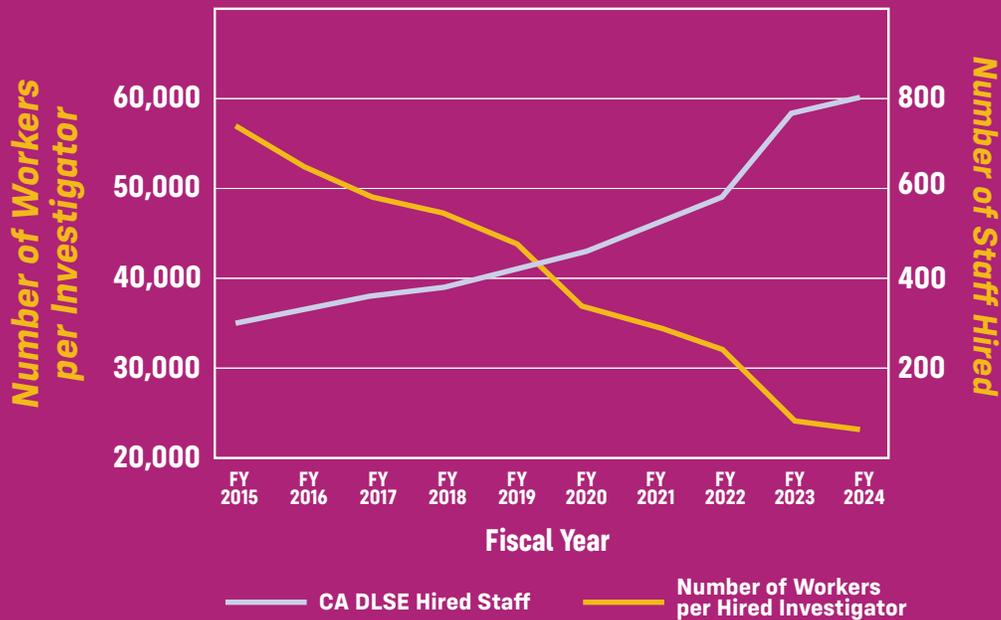
<sup>1</sup> Collated from the U.S. Bureau of Labor Statistics, Quarterly Census of Employment and Wages (QCEW), QCEW State and County Map, <https://data.bls.gov/maps/cew/us>, accessed 1/14/2026.

STATE	BILL	YEAR INTRODUCED	AVERAGE EXPECTED ANNUAL REVENUE OVER FIRST 10 YEARS	EXPECTED ANNUAL REVENUE BY YEAR 7*
Maine	Whistleblower Enforcement Act	2021	\$7,789,619	\$10,711,619
Colorado	Not introduced	NA	\$71,082,169	\$96,604,472
Illinois	Not introduced	NA	\$150,973,324	\$205,180,827
Minnesota	Not introduced	NA	\$71,527,174	\$97,209,257
Michigan	Not introduced	NA	\$112,694,753	\$153,158,200
New Jersey	Not introduced	NA	\$107,101,202	\$145,556,265
Pennsylvania	Not introduced	NA	\$150,305,576	\$204,273,322

\* Based on the average of projections for calendar years 6 and 7. Further details on the research are available in [Methodology - Making Rights Real, 2026 Update](#). Additional analysis is in the full report from 2023, [Making Rights Real: How the Whistleblower Enforcement Model Can Address the Crisis in Labor Rights Enforcement](#).

Numerous state governments as well as the federal government have used this tried-and-true approach in numerous areas of law, including the False Claims Act which allows whistleblowers to bring cases on behalf of the state against contractors who defraud the government. California’s similar Private Attorneys General Act (PAGA), enacted in 2004, has enabled the recovery of hundreds of millions of dollars from employers violating labor laws, reduced the prevalence of wage theft, and increased state enforcement capacity, all while fostering job growth higher than the national average. PAGA put money back into the hands of the state’s most vulnerable workers and generated an average of \$117.5 million annually for the state between CA FYs 2016 and 2024. Meanwhile, the [number of positions filled at the Division of Labor Standards Enforcement](#) grew from 480 in 2016 to 1,122 in 2024, a 133% increase. This increased much faster than the size of the state workforce, in part through PAGA revenues.

### More Investigators Per Worker, Driven by Staffing Increases



# California Annual Revenues from PAGA Penalties



By harnessing the resilience of workers advocating for better workplaces together with the expertise of public officials, Whistleblower Enforcement policies meaningfully expand the reach of public labor law enforcement. Whistleblower enforcement empowers workers to hold employers accountable for their transgressions, and ensures that workplace standards tangibly improve the well-being of working families.

