

U.S. workers' and managers' experiences with Fair Workweek laws can inform enforcement and education

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Overview

Fair Workweek laws are intended to set new standards for scheduling workers in jobs and industries characterized by fluctuating and unpredictable work hours, such as jobs in retail and food service. The laws include a set of provisions that govern when and how employers must inform workers of their schedules, provide extra compensation for schedule changes, and offer workers input into the timing of their work. The goal of the laws is to increase employees' schedule predictability, stability, adequacy, and control.

A number of cities and states have implemented Fair Workweek laws in the absence of a federal policy that sets new work-hour standards. Recent research indicates that these laws are improving work schedules in targeted jobs, but not for all of the provisions and not for all covered workers.

This factsheet offers information that may help close this gap between Fair Workweek laws' intentions and their real-world impacts. We draw on findings from two studies that offer lessons for targeting enforcement of Fair Workweek regulations and educating workers on their rights and managers on their responsibilities. The first is a survey of 1,781 retail and food service workers in Chicago, Seattle, and New York City conducted in 2024, and the second is four waves of interviews (between 2017 and 2022) with front-line managers responsible for implementing Seattle's Secure Scheduling Ordinance in 139 retail or food service worksites.¹

¹ For details on methodology and findings, including how the two different Fair Workweek laws for New York City fast-food and retail worksites were taken into account, please see the full research reports. Susan Lambert and others, "How Are Municipal-Level Fair Workweek Laws Playing Out on the Ground? Experiences of Food Service and Retail Workers in Three Cities" (Washington: WorkRise, 2025), available at <https://www.workrisenetwork.org/publications/fair-scheduling-food-service-and-retail-workers>; Susan Lambert and others, "Seattle's Secure Scheduling Ordinance 2022 Employer Implementation Report" (Seattle: City of Seattle, Office of the Auditor, 2022), available at <https://www.documentcloud.org/documents/23572278-011323-final-secure-scheduling-employer-report>; Susan Lambert and Anna Haley, "The Evaluation of Seattle's Secure Scheduling Ordinance: Year 1" (Seattle: West Coast Poverty Center, 2019), available at https://www.seattle.gov/Documents/Departments/CityAuditor/auditreports/SSO_EvaluationYear1Report_122019.pdf.

Workers covered by Fair Workweek laws are largely compensated for schedule changes

Fair Workweek laws are spurring retail and food-service employers to provide extra pay for additional or changed hours.

About 60 percent of workers at covered worksites reported that they received extra compensation the most recent time a manager requested or required them to work a closely spaced shift, to extend their shift beyond their scheduled end time, or to work an additional or different shift than on the original schedule. These rates of compensation are significantly higher than among workers facing the same circumstances in uncovered worksites.

I think by and large it's a law that is intended to protect and benefit the employee. And so, we as managers just have to remember that and try to recognize the spirit of the law, and do what's right by our employees.

— Manager at retail store covered by Seattle's Secure Scheduling Ordinance, 2022

Fair Workweek laws are not meeting their full potential—yet

■ **A large proportion of workers in jobs covered by Fair Workweek laws are losing out on these protections.** Although Fair Workweek laws are increasing the likelihood of compensation for manager-driven schedule changes, a substantial share of covered workers report not receiving required premium pay for practices such as shift extensions (41 percent), hour additions/changes (40 percent), and closely spaced shifts (37 percent), or partial pay for shift reductions (68 percent) and cancellations (28 percent). Moreover, more than a third of covered workers report that they were not asked before a manager added or changed their scheduled hours, had not received a good faith estimate in writing, or had not received 2 weeks' advance notice.

■ **Workers seldom receive partial compensation for last-minute reductions in hours.** Less than one-third of workers covered by Fair Workweek laws who were sent home early from a shift report receiving partial compensation for reduced hours, a similar rate to those at worksites not covered by these laws. Although the majority of workers sent home report that firms document that the reduction in hours was manager-initiated, this did not trigger partial compensation for the hours remaining on most workers' schedules, as required by law.

■ **Two weeks' advance notice remains uncommon.** Fair Workweek laws in Chicago and Seattle, as well as provisions for fast-food workers in New York City, require employers to provide employees with a schedule of the days and times they will be required to work at least 14 days in advance. But only in Seattle do covered workers have a significantly greater chance than uncovered workers of receiving their schedules with at least 2 weeks' notice. The difference between covered and uncovered workers who report 2 weeks' notice is more than 20 percent in Seattle but less than 5 percent in the other municipalities. In addition, only in Seattle do more than half (57 percent) of covered workers report that they receive their work schedules at least two weeks in advance of the workweek (32 percent in Chicago; 31 percent among New York City fast food workers).

■ **Fair Workweek laws are improving workers' control over schedule changes, but workers still feel pressured to accept managers' scheduling requests.** At covered worksites, a significantly larger proportion of workers than at uncovered worksites reported that a manager had informed them of their right to decline a request to change their schedules. Workers at covered worksites also were more likely to have actually declined a change request. Nevertheless, the majority of workers at covered worksites report that there are benefits to accepting a manager's scheduling request—particularly, getting better hours. They also report that there are costs to declining requests, such as losing hours and being assigned harder tasks. Their assessments seem reasonable, as 8 in 10 workers who had recently declined a manager's scheduling request reported at least one negative repercussion for doing

so. Thus, despite providing a legal right to decline a manager's request for a schedule change, the overall incentive structure that employees face seems to have remained intact, calling into question how much control workers actually have over changes to their schedules.

Improving enforcement and education around Fair Workweek laws

- **Education and enforcement should be targeted on the provisions of Fair Workweek laws with low rates of compliance.** The low rates of compliance with the policies on 2 weeks' advance notice and partial compensation for shortened shifts are noteworthy. Our study of front-line managers in Seattle suggests that a substantial part of the problem is managers' misunderstanding of these provisions. Although providing 2 weeks' advance notice may seem easy to understand, several managers in Seattle thought they were complying with the notice requirement by posting 2 weekly schedules at a time, even though the start date on the earliest schedule was only a few days before the beginning of the workweek. Managers also commonly believed that partial compensation for lost hours is not required when they ask for volunteers to leave work early, contrary to all municipal Fair Workweek laws. Moreover, many managers provided examples of how they entice workers to comply with their scheduling requests, while still viewing workers' acquiescence as completely voluntary. Targeted education around advance notice, partial compensation for shortened hours, and the right to decline are useful next steps.

“Nothing that I can think of is challenging. I’m used to it now.”

— Manager at fast-food restaurant covered by Seattle’s Secure Scheduling Ordinance, 2022

- **The ongoing education of workers and managers is needed.** In retail and food service, turnover is high at both the employee and manager levels, suggesting the need for ongoing training and education of local managers and workers' groups. Ensuring posters that clearly describe the law are posted in a frequently trafficked location for employees to view seems particularly helpful: Workers in our study who had observed a Fair Workweek poster in their workplace had the most accurate knowledge of their local laws.
- **Corporate involvement in the implementation of Fair Workweek laws can help set companywide compliance procedures.** In our longitudinal study of managers in Seattle, sustained compliance was most likely to occur when companies adjusted scheduling and payroll systems to automatically monitor compliance. Aligning administrative systems to the laws ensured that compliance was monitored even as local managers came and went.
- **Give it time.** Five years after enactment, our longitudinal study finds that several Seattle managers attest to how, with practice, Fair Workweek laws set new and improved standards for scheduling workers in retail and food service. With time and training, managers come to see fair scheduling practices as standard-operating-procedure.

“I think at this point we’ve been doing it long enough. It’s just sort of second nature to how we operate.”

— Manager at apparel retail store covered by Seattle’s Secure Scheduling Ordinance, 2022