



EXPLAINER

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The Justice is in the Details: Maximizing Equity and Justice in Public Policy

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Too often, policy design and policy structures exclude the people who have the most at stake. Both intentionally and unintentionally, public policy can reinforce and compound social and economic inequities, including systemic oppression, such as racism, sexism, homophobia and transphobia, and ableism. Often unacknowledged, sometimes hidden, but very real barriers can prevent the most marginalized people from being supported by a policy, or even from providing input as the policy is being developed. The consequences of inequitable policy design can have huge effects, rippling down across families and communities for generations and intensifying existing inequities.

This explainer is intended to support organizers, advocates, and policymakers at the local, state, and federal levels as they weigh the impacts of policy. This document is not exhaustive and is meant as a starting point for consideration. Policymakers and advocates using this document should seek meaningful engagement with the communities at the center of the policies they are considering and ensure they engage with people of different races, classes, geographic backgrounds, and lived experiences to build effective, just and community-driven policy.

Policy is never neutral. Every policy that seeks to make a change can contribute to inequality if policymakers do not proactively build equity and justice into each step of its design. For example, the U.S. tax system's joint return—in theory, a way to equalize the tax burden between households where two earners make \$50,000 and households where one earner makes \$100,000—has [contributed to racial inequality](#). This is because jobs that make \$100,000 are fundamentally different from those that make \$50,000: they often provide different benefits, have different hours, and offer different flexibility for childcare responsibilities. People of color are far more likely to have these lower-paying, inflexible jobs. In a system shaped by white supremacy, anti-racist policy design requires intentional and systematic efforts to dismantle white supremacy, repair past harms and build in equity at every stage. In short: a policy may be framed as neutral on its surface, but people will experience it differently in regular and predictable ways because of systemic oppression. Instead, policy design must center the people who are most harmed under the current system, such as the ["Black Women](#)

[Best” frame proposed by Janelle Jones](#) in order to deliver the best results for all people.

Meaningful Community Engagement

As indicated above, community participation is the lifeblood of equity. When those affected by a policy also have input in its creation, the policy can become far more effective. As an additional benefit, community participation allows residents to feel a sense of ownership about the policy. They are then more likely to contribute to its success and ensure that it stays true to its original intent.

During Policy Development: *These considerations should be taken into account during each stage of the policy development process, including when legislation is written, when government agencies craft guidance for laws’ implementation, when local governments provide services, and so on.*

- Include community consultation in program design and—for contracts/hard infrastructure—selection.
- Shrink the burden for participants and prioritize meaningful community engagement.
 - Hold outreach sessions in accessible areas/buildings (see *Accessibility*, below) and in multiple neighborhoods at multiple times and include translation, childcare and other supports.
 - Include proactive outreach and engagement to the populations who are at the center of the policy issue.
- If programs impact Indigenous people, Tribal lands, or Tribal governments, follow the principles of [Free Prior and Informed Consent](#).

During Policy implementation: *These considerations should be taken into account once a policy is being implemented (e.g., once services are being provided) and should be revisited over the course of that implementation period—not just when a program is launched.*

- Shrink the burden for participants by reducing administrative burdens and investing in proactive outreach (see “What Do We Mean By Inclusive and Accessible Policy”).
- Include community participation in assessing the program at regular intervals and actually integrate community feedback as it is gathered.
- Work with culturally competent community partners to do outreach and connect people to services.
- Fund these community groups for the work they do.
- Regularly adjust and update programs based on community feedback and demonstrated results.

Suggestions for Further Reading

- [How Individuals can get Involved in the Environmental Impact Review Process \(Spanish version\)](#), Council on Environmental Quality
- [Jemez Principles for Democratic Organizing](#), Climate Justice
- [Solving Standing's Corporate Bias: How Agencies Can Empower Advocates to Challenge Deregulation](#), Roosevelt Institute
- [Black Women Best: The Framework We Need for an Equitable Economy](#), Roosevelt Institute
- Case Study: [Accountable Communities for Health \(ACH\) Model](#)

Accessibility

A policy program that the public cannot easily access, qualify for, or participate in will not create the intended change, no matter how good the policy is on paper. Similarly, listening sessions about a policy program and its aims will have a biased audience if some community members are excluded by invisible (and sometimes visible) barriers. To guarantee that everyone's voices are heard and that those who need a service can access it, policymakers must deeply prioritize and facilitate accessibility. Suggestions below are examples of the types of factors that should be included in policy creation to ensure that a program is accessible. These examples provide a starting point.

- **Make programs, listening sessions, and government buildings as inclusive and accessible as possible.** For specific suggestions, see our appendix, "What is Inclusive and Accessible Policy?"
- **Ensure that Tribal governments and enrolled citizens of Tribal governments have equal access** to the program or benefit, and that there is equity in funding between state/local governments and Tribal governments and follow the principles of [Free, Prior, and Informed Consent](#) in all projects impacting Tribal lands or citizens.
- **Check calendars** to confirm that deadlines and listening sessions do not fall on religious or cultural holidays.
- **Minimize the amount of paperwork/verification required to enroll/participate in the program or receive the benefit.** These requirements can create insurmountable barriers to people experiencing homelessness, people without a consistent income, people for whom English is not their first language, and many others. Burdensome paperwork, long and complex verification processes, wait-times for benefits and many other barriers frequently mean that the people who need a program most may not be able to access it. For examples of issues that may pose barriers and groups to consider when designing an application process, see our appendix, "What is Inclusive and Accessible Policy?"

- **Eliminate requirements that intensify inequality.** Such requirements can come in a variety of forms. For example, a policy in the form of a tax credit that requires participants to pay for a service upfront and wait a year for the benefit assumes that a beneficiary can afford to wait for repayment. This, in turn, benefits higher income individuals and could exclude lower income people. Documentation requirements that condition access to benefits including requirements to document work hours or asset caps that take away health and income assistance can have similar effects.
- **Default to allowing people to immediately access a program and making access as seamless as possible.** When people cannot meaningfully access supports that help ensure a basic foundation for them to live their lives, it harms us all. Programs should be designed to proactively encourage people to sign up, not shut people out. This might mean having caseworkers reach out repeatedly to applicants, rather than require repeated outreach on applicants' part. This could also mean linking benefits (e.g., if you already qualify for X, you automatically qualify for Y). In these cases, X should be the most widely accessible benefit. Otherwise, policies like this risk retrenching past access issues. Finally, programs and benefits should have navigators or similar institutions that walk individuals through—and, in turn, increase access to—the program.
- **Shift towards a human-centered approach instead of a scarcity model.** Rather than designing our policy systems to shut out any “unqualified” people, we should focus on proactively making sure that everyone who needs the program is able to access it.

Suggestions for Further Reading

- [Racist Roots of Work Requirements](#), Center for the Study of Social Policy
- [Style Guide for Talking/Writing about Disability](#), National Center on Disability and Journalism
- [Action and Advocacy on the Rights of Persons with Disabilities](#), Harvard Law School Project on Disability
- [Free, Prior and Informed Consent: A Manual](#), The United Nations

Repairing Past Harms, Funding Communities, and Defending Public Ownership

The last few decades have seen a rise in privatization and the extraction of money from our communities to line the pockets of the wealthy. Truly equitable policies reverse those trends and recognize the entrenched systemic oppression and past harms that our communities are grappling with every day. They provide funding to the community organizations that support our families and neighborhoods. They reverse centuries of disinvestment and growing inequality.

And they return public goods to the hands of those who will not abuse their curatorship for the sake of profit.

Prioritize Funding for Disinvested Communities When Policies Are Crafted

- Include explicit language that prioritizes funding for communities that have been harmed by systemic disinvestment or systemic oppression.
- Include an accounting of past harms. Such harms might include infrastructure projects that seized lands owned by people of color or deliberately broke up neighborhoods; seizure of Tribal lands, resources, and lives; use of financial system to extract wealth from BIPOC communities; or terrorism inflicted on Black, Indigenous, and other journalists, financiers, activists, and teachers of color.
- Prioritize projects that seek to repair harms or invest in communities that have been harmed in the past.
- Support climate-resilient projects that will sustain communities that have seen disinvestment and/or are threatened by a changing climate. Disinvestment has made communities of color less able to withstand climate shocks. Communities of color are less able to migrate to escape the consequences of climate change, and less likely to receive support in their new communities if they do. In addition, ensure that disaster relief is equitable for both property-owners and renters. For example, disparities in FEMA funding have historically favored white, affluent communities that own property.
- When community organizations support programs through outreach, translation, connecting people to services, or direct support, compensate them for their work.

Measure Costs and Benefits of a Policy

- When evaluating a policy's impact, ensure that measures like cost-benefit analyses include public goods, distributional analysis, and long-term costs and benefits, like reduced deaths when more people have access to health care or the long-term costs of the climate crisis or exposure to pollution.
- Ensure that measures of poverty don't just center consumption measures and include a more realistic assessment of the cost of food, clothing, shelter, and utilities like the Supplemental Poverty Measure.

Create Policies that Prioritize Public Ownership

- Prioritize public ownership of the services we pay for. Public ownership of goods and services like utilities is important because it allows for direct public control and the provision of services in areas that would not be profitable in a commercial market. It also recognizes that some goods and services are essential for everyone, not a luxury.
- Provide services like healthcare, housing, utilities, and other basic

necessities based on public good, not profit motive.

- Prohibit programs from being developed using proprietary services, or from using services that exclusively benefit a private corporation like using public money to fund charging stations that only work with one company's technology.
- Ensure financial benefits from publicly funded projects accrue to public institutions or directly to the public instead of becoming profits for private contractors or corporations.
- Develop a consistent and active regulatory regime, with teeth, when a market-based policy is implemented. Generally, market-based interventions limit services for those with limited resources.

Suggestions for Further Reading

- [The Racial Rules of Corporate Power: How Extractive Corporate Power Harms Black and Brown Communities and How Race-Conscious Solutions Can Create an Inclusive Economy](#), Roosevelt Institute
- [A New Paradigm for Justice and Democracy: Moving beyond the Twin Failures of Neoliberalism and Racial Liberalism](#), Roosevelt Institute
- [How to Value Government's Contribution to Society](#), Demos
- [White Supremacy is a Pre-Existing Condition: Eight Solutions to Ensure Economic Recovery Reduces the Racial Wealth Divide](#), Institute for Policy Studies
- [Who's Poor in the United States: The War on the Poor](#), Institute for Policy Studies
- [Resilience Before Disaster: The Need to Build Equitable, Community-Driven Social Infrastructure](#), The Medical Society Consortium

Workers' Rights, Family Supports, and Good, Union Jobs

Programs that promote workers' rights, and/or that support family-sustaining union jobs, can help rebuild a crumbling middle class. Policies that create jobs should provide employment equitably and safeguard workers' dignity, rights, and appropriate compensation. Paying workers well also redistributes money that has historically been captured by wealthy special interests with close ties to government. When workers are compensated fairly, that money provides financial investment and support to the whole community. To protect workers' rights and good, union jobs, policymakers should incorporate the recommendations below.

- Incentivize contractors to hire locally
- Require union contractors and/or require prevailing wages and benefits
- For any non-union contractors, require neutrality in any union organizing campaign
- Penalize (severely) contractors who do not follow wage-hour laws or do not pay prevailing wages

- Track data on who receives jobs and include enforceable targets for equity in job access
- Support registered apprenticeship and on-the-job training programs
- Require contractors to negotiate and sign a [community workforce agreement](#) or a [community benefit agreement](#)
- Require contractors to provide family supports like sick and safe time, health benefits, and paid family medical leave
- Use [subsidized employment](#) to incentivize employers to hire returning citizens or individuals with other barriers to employment
- Where possible, encourage contractors to purchase local materials

Suggestions for Further Reading

- [A Roadmap to Sustainable and Equitable Implementation of the IJJA](#), Progressive Caucus Action Fund
- [Using IJJA Funding to Support Greener Infrastructure and Jobs](#), Blue-Green Alliance
- [Prevailing Wages](#), LiUNA
- [Community Benefits Agreements Toolkit](#), All in Cities from PolicyLink

Tracking and Transparency

Transparency is critical to secure public buy-in and safeguard long-term program success. When program data is collected regularly and made publicly available, the community can confirm that the program continues to meet its needs. In addition, transparency prevents bad actors from taking advantage of funding opportunities to line their own pockets at the public's expense.

- Prioritize meaningful community engagement in assessing programs and in evaluating policy success. Including and responding to community input after a program is implemented is crucial to ensure that communities can hold their government accountable.
- Collect and disaggregate data by race, geography, gender identity, sexual orientation, and other metrics.
- Release all data publicly, including:
 - Who gets government contracts
 - Who gets jobs created by the program
 - Who accesses the benefits the program creates
- Release data in a usable form (downloadable spreadsheets/databases rather than screenshots).
- Establish processes to address inequities uncovered by data disaggregation.

Suggestions for Further Reading

- [Using Disaggregated Data to Inform Policies, Practices and Decision](#)

- [Making](#), Annie E. Casey Foundation
- [Opportunities and Challenges in Data Disaggregation](#), SEARAC

Conclusion

Advocates, organizers and policy makers can build equity and justice into every step of the policy process. Community voices and community priorities are a critical part of the policy design, implementation and evaluation processes. There is no neutral policy. Policies that fail to *proactively* build in equity and justice will reproduce systemic oppression. Policies that center community leadership and experience and build in equity and justice can reduce systemic oppression and provide better outcomes for all of our communities.

See the next page for our Appendix “What is Inclusive and Accessible Policy?”

WHAT IS INCLUSIVE AND ACCESSIBLE POLICY?

INCLUDES COMMUNITY INPUT AND CONSENT

- Include communities during policy design, implementation and assessment

INCLUDES UNDOCUMENTED PEOPLE AND MIXED-STATUS FAMILIES

- Allow people to use ITIN numbers instead of Social Security Numbers

INCLUDES NON-ENGLISH SPEAKERS

- Provide translation services for common languages in the community
- Provide forms, websites and program materials in multiple languages
- Include culturally competent community groups in the policy design

THIS IS NOT AN EXHAUSTIVE LIST. IT'S A STARTING PLACE!

INCLUDES PEOPLE WITH DISABILITIES (MOBILITY, HEARING, VISION, SPEECH, INTELLECTUAL, AND DEVELOPMENTAL) AND NEURODIVERGENT PEOPLE

- Fully ADA-compliant spaces including well-maintained ramps/elevators, wheelchair-accessible bathrooms, spaces to park a wheelchair, wide seats
- Presentations should have a visual component and ASL interpreters
- Include image descriptions and materials that work with screen readers
- Individuals should be able to submit written comments
- Provide materials ahead of a listening sessions or hearings
- Circulate materials on building inclusive spaces

INCLUDES TRIBAL GOVERNMENTS AND INDIGENOUS PEOPLE

- Include equitable funding for Tribal governments
- Use the principles of Free, Prior and Informed Consent (FPIC)

INCLUDES PEOPLE EXPERIENCING HOMELESSNESS

- Ensure that an address is not a pre-requisite for participation
- When possible, link programs to housing support

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INCLUDES TRANS, NONBINARY AND GENDER NON-CONFORMING PEOPLE

- Provide gender neutral bathroom options and other inclusive spaces at hearings, in listening sessions and in program space
- Provide options when identity documents do not match gender identity

INCLUDES RETURNING CITIZENS

- Eliminate or minimize background checks, or any barriers around involvement in the criminal legal system
- Do not condition programs on qualification for other programs which exclude individuals with a criminal record (e.g. SNAP) or provide other ways to qualify
- Remove conviction and arrest history questions
- Allow individuals with outstanding fines and fees
- Never force family members to choose between their loved ones or access to a needed public benefit like housing

INCLUDES UNBANKED AND UNDERBANKED PEOPLE

- Provide options for fee-free banking and other supports

INCLUDES PEOPLE WITH LITERACY CHALLENGES

- Provide phone or in-person support options and write program literature in accessible, non-technical English

INCLUDES PEOPLE WITHOUT COMPUTER ACCESS

- Provide phone or in-person options to access the program
- Link with computer literacy and internet access services

INCLUDES PEOPLE IN RURAL AREAS

- Provide transportation options, and ensure programs or listening sessions are held in rural areas
- Provide remote participation options

INCLUDES PREGNANT PEOPLE AND PARENTS

- Provide childcare or child-friendly spaces
- Provide seats, bathrooms and places to nurse or feed a child

INCLUDES PEOPLE WITHOUT TRANSPORTATION

- Locate events in places accessible by public transportation, in multiple neighborhoods, and/or provide transport

INCLUDES PEOPLE WHO ARE UNEMPLOYED, SELF-EMPLOYED OR WORK IRREGULAR HOURS

- Include options for proof of income for people whose income varies or who don't have a traditional pay stub