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Report Urges Better Enforcement of Minimum Wage and Overtime Laws

Cheated Out of Wages, Workers Turn to State for Help

New York, NY. Low-wage workers joined with advocates today to release a new report and propose concrete reforms to crack down on employers who fail to pay their workers the minimum wage and overtime.

“Every day in New York, tens of thousands of low-wage workers are cheated out of the minimum wage, denied overtime, and misclassified as independent contractors by unscrupulous employers,” said Annette Bernhardt, Ph. D., deputy director of the Poverty Program at NYU Law School’s Brennan Center for Justice and a co-author of the report.

“The Pataki administration failed to aggressively enforce wage-and-hour laws and protect workers’ rights. We are hopeful that Governor-Elect Eliot Spitzer will be far more aggressive in protecting the rights of low-wage workers, given his strong track record as state attorney general of winning back wages for workers in bodegas, laundries, restaurants, and at construction sites across the state,” said Chung-Wha Hong, executive director of The New York Immigration Coalition, which convened the coalition that drafted the report. “We look forward to working with Governor-Elect Spitzer to reform the Department of Labor and enable the Department’s investigators to effectively do their jobs,” said Hong.

The report, *Protecting New York’s Workers: How the State Department of Labor Can Improve Wage-and-Hour Enforcement*, calls on the state to fulfill the promise of workplace protections by doing the following:

- Aggressively investigate complaints and pursue *all* remedies provided by law;
- Systematically and proactively investigate industries with known violators of wage-and-hour laws;
- Partner with community and labor groups for on-the-ground tips about employers and industries breaking the law;
- Reach out to immigrant workers by improving services in foreign languages and assuring immigrants that they will not face deportation for reporting violations;
- Improve coordination between state and local enforcement agencies to protect workers, and strategically refer high-profile cases to the state attorney general for criminal enforcement; and
- Make the New York State Department of Labor more accessible, accountable, and transparent by providing information about workers’ rights in a variety of languages, and by publicly disclosing enforcement statistics by industry so that the agency can be held accountable by legislators and the public.

“In the year-and-a-half since we opened our doors, our small office has handled close to a thousand complaints from low-wage workers who have been cheated out of the minimum wage or denied overtime. Because the failure to enforce basic labor rights is so widespread in New York, we believe that the six proposals outlined in this report are crucial to making the New York State Department of Labor an effective ally for low-wage workers,” said Kate Griffith, an attorney with the Workers’ Rights Law Center in Kingston, New York, which represents low-wage workers in nine counties in the Hudson Valley and Catskill Region.

“Right now it’s open season on low-wage workers, because employers know they can violate the law with impunity. That must change with the new administration. Our proposals provide a concrete and realistic starting point for reform,” said Amy Carroll, an attorney with the Workplace Justice Project at MFY Legal Services.

“Every day, I meet day laborers on Long Island who have been cheated out of their wages by employers who vanish as soon as the job is done. We need the new administration to proactively investigate the non-union construction industry in Long Island and let employees know their rights,” said Omar Henriquez, an advocate and board member of the Workplace Project, an immigrant workers center based in Hempstead, Long Island.

The executive summary and full report are available at <http://www.brennancenter.org/nysdolreform.html>. The report was produced by the Campaign to End Wage Theft. Supporting organizations include: the New York Immigration Coalition (coordinator), Asociación Tepeyac, the Brennan Center for Justice at NYU School of Law, Centro Hispano Cuzcatlan, the Cortland Workers’ Rights Board, Domestic Workers United, Farmworker Legal Services of New York, the Latin American Integration Center, the Latin American Workers Project, Make the Road by Walking, MFY Legal Services, Inc., the National Employment Law Project, the Neighborhood Economic Development Advocacy Project, the New York Unemployment Project, the Northern Manhattan Coalition for Immigrants’ Rights, Project Hospitality, the Puerto Rican Legal Defense and Education Fund, the Restaurant Opportunities Center of New York, the Taxi Workers Alliance, the Tompkins County Workers Center, the Workers Rights Law Center of New York, Inc., the Workplace Project, and YKASEC- Empowering the Korean American Community.

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