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Broader Inquiries Are Urged on Underpayment of Wages

By STEVEN GREENHOUSE

Troubled by what they call a proliferation of wage violations in New York, two dozen immigrant and worker advocacy groups want Governor-elect Eliot Spitzer to make the state's Labor Department move more aggressively against industries with widespread violations.

In a report to be issued today, the groups say that instead of responding mainly to individual worker complaints, the department should initiate broad investigations of industries with a history of violations.

"The Department of Labor needs to shift to a more forceful strategy that uses investigations of a whole industry to stop unscrupulous companies so that they don't drag down the rest of an industry," said Annette Bernhardt, one of the report's authors and the deputy director of poverty programs at the Brennan Center for Justice at New York University's School of Law.

The advocacy groups, including the New York Immigration Coalition and the Latin American Workers Project, complain that minimum wage and overtime violations are widespread in many industries, including restaurants, landscaping, laundries, agriculture and apparel.

"Workplace violations are becoming standard practice in many of the state's low-wage industries," the report said. "Law-abiding employers are forced into a race to the bottom when unscrupulous competitors pay below the minimum wage."

The groups call for legislation that would increase penalties for wage violations. They also want the state to pursue criminal action against companies that fire employees for filing wage complaints.

The report urges the Labor Department to speed up investigations and to insist that violators give workers six years of back pay, as the law allows.

"Investigations often drag on for more than a year," said Omar Henriquez, chairman of the Workplace Project, an immigrants' rights group based in Hempstead on Long Island. "When low-wage workers depend on their salaries to survive, it's obvious they need their money as soon as possible. And if the employer owes \$10,000, we don't like it when the Labor Department negotiates so they only have to pay \$5,000."

Many of the groups behind the report, which also include the Asian American Legal Defense and Education Fund, MFY Legal Services and the Tompkins County Workers Center, have

complained that Gov. George E. Pataki's Labor Department has been understaffed and unassertive.

Robert M. Lillpopp, a Labor Department spokesman, said his agency had long pursued violations in the apparel industry and had recently created a Fair Wages Task Force, focusing on other low-wage industries.

"We continue to be as aggressive as possible when we pursue violations," Mr. Lillpopp said. "When we get tips, we investigate."

In 2005, the Labor Department collected \$10.4 million in back wages, a 36 percent increase from 2004 and the highest amount in state history.

Denis Hughes, president of the New York State A.F.L.-C.I.O., said organized labor would support the coalition's recommendations.

"We want a Labor Department that is an advocate for those workers who are most apt to be exploited," he said. "We want an activist Labor Department that is reminiscent of Frances Perkins," who was Franklin D. Roosevelt's crusading labor secretary and before that was New York State's industrial commissioner.

The coalition urged the department to work closely with community and immigrant groups to educate low-wage workers about their rights. The coalition said the department could use those groups as their eyes and ears because low-wage workers often approach them first about workplace violations.

The report said the department needed more bilingual investigators and recommended legislation to make it harder for employers to bypass minimum wage and overtime laws by classifying workers as independent contractors.

Mr. Lillpopp said the Labor Department had increased its outreach efforts, conducting 304 labor law seminars last year for 3,484 people at 309 businesses.

The coalition also urged the Labor Department not to discourage workers who are illegal immigrants from filing complaints. Mr. Lillpopp said his department did not take immigration status into account when deciding whether to pursue a worker's complaint.