At the Northwest Workers’ Justice Project, we believe that all workers share the fundamental human right to live and labor with dignity, safety, and hope. Whether constructing and landscaping the buildings in our communities, harvesting and preparing the food on our tables, or cleaning our offices and hotel rooms, every worker deserves fair and lawful wages and working conditions.

I STAND FOR WORKER JUSTICE.

Count me in! I will help strengthen protections for low-wage workers with the enclosed contribution of:

- $50  □ $100  □ $250  □ $500  □ other_______

Name of giver(s):__________________________________
Address:_________________________________________
Email:______________________  Phone:______________

I would like my donation to remain anonymous.

For a tax deductible contribution, please make your check payable to our partner nonprofit, “NEED Fund.”

You can also make a tax deductible contribution by credit card one-time or monthly by visiting www.nwjp.org/support.html.

Thank you for your support.

Mail to: 917 SW Oak St., Suite 412, Portland, OR 97205

Bills advance to stop wage theft in Oregon

Employer opposition imperils passage

This spring, the Oregon Coalition to Stop Wage Theft held town halls on wage theft in Woodburn, Portland, and Redmond, as part of our campaign to ensure all workers receive the wages they have legally earned for their work. Read more on pages 4 and 5.

Despite an evenly divided legislature and strong business opposition, some of the anti-wage theft legislation sponsored by NWJP and our partners in the Oregon Coalition to Stop Wage Theft has made progress through the Oregon Legislature.

Two bills that could still be enacted this legislative session are focused on the upsurge of unpaid wages in the construction industry. A recent analysis of wage claims made to the Oregon Bureau of Labor and Industries during a recent four-year period found that construction workers were owed $3.2 million in illegally withheld wages. (Read more about the Oregon Center for Public Policy’s analysis of wage theft on page 5.)

In an important victory for workers, Senate Bill 612-A passed narrowly in the Oregon Senate in early May and was sent to the House. Construction contractors increasingly rely on fly-by-night labor brokers—whom they characterize as “subcontractors”—to supply workers. These labor brokers frequently violate wage laws, and state regulation of these practices is minimal. Consequently, workers who have been ripped off by labor brokers face challenges in collecting their lawful wages. SB 612-A intervenes in this exploitive subcontracting chain by requiring construction labor brokers to obtain state licenses and post a bond to cover unpaid wages.

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**Immigrant rights = Workers’ rights**

Dedicated labor lawyer brings her expertise to Oregon

NWJP welcomes its newest staff member, Genice Rabe, who can often be found working in the Capitol Building as Legislative Counsel to NWJP and the Oregon Coalition to Stop Wage Theft. Before joining NWJP, Genice worked as a labor and employment discrimination attorney representing unions in Dallas, Texas for thirty years. A native of Salem, she returned to her Oregon roots in 2009. She is a member of both the Texas and Oregon State Bars. Genice has been working with NWJP since 2010 to advocate for new laws to fight wage theft. We are fortunate to have her on our team!

A special thanks for our newest foundation support

We would like to extend our appreciation to the Sisters of St. Francis of Philadelphia for their generous support of our work to engage the public in productive conversations about the myths and realities of immigration. We would also like to acknowledge the General Service Foundation for their crucial support for our efforts through the Low Wage Worker Legal Network (LWWLN) to bring together low-wage worker advocates from legal organizations across the country to push for policies that protect low-wage immigrant and contingent workers in the U.S.

**NWJP seeks law student to sponsor for legal fellowship**

NWJP is seeking to sponsor a third year law student for application to a legal fellowship program, to begin in fall 2012. NWJP will work with the selected candidate to develop a public interest project. We intend for the fellow’s work to focus on enforcing worker protections in refuges, particularly under the H-2B temporary worker program. We seek applicants who are dedicated to using legal tools to defend the employment rights of low-wage temporary and immigrant workers. The fellow will be based out of our office in Portland, Oregon, and may be required to travel to southern Oregon. We are a diverse workplace and strongly support workplace diversity. Spanish fluency will be very useful but not strictly required.

Interested applicants should send a cover letter describing your interest in employment rights of low-wage temporary and immigrant workers, along with a current resume, to gen@nwjp.org as soon as possible, but no later than July 15, 2011.

**Stronger worker protections within H-2B program in sight**

Continued from page 1

The Department estimates that workers will be reimbursed $117.1 million per year for visa fees, $37.8 million for transportation, and $1.5 million for subsistence, for a total of $50.5 million a year as a result of this change alone.

**DOL delays implementation of increase in prevailing wage rates for H-2B program**

Unfortunately, the struggle to secure immediate adoption of a new calculation method for H-2B program prevailing wage rates drags on. As announced in our last newsletter, DOL responded to last August’s federal court decision by proposing a rule that would increase the prevailing wage that must be offered to U.S. workers and paid to all workers affected by the program by an average of $4.38 per hour, resulting in an additional $769.4 million dollars a year for U.S. and foreign workers of H-2B employers. Such an increase in wages should also make many of the jobs that are currently filled by H-2B workers more attractive to U.S. workers and prevent employers from relying on vulnerable temporary workers.

NWJP and our allies led efforts to submit comments in support of the proposed wage calculation methodology, and DOL has adopted the new rule.

However, after intervention by the U.S. Chamber of Commerce, the Office of Management and Budget required in the final regulation that the implementation of the new wage rate be delayed for at least a year. Worse, DOL also invited comment on whether the Department should phase in the new policy over an even longer period. Although adoption of the rule was an important step, the delay in implementation allows abuse in H-2B workplaces to continue and rob workers of the wages they deserve.

**Struggle for stronger worker protections in H-2B program continues**

NWJP and our allies have submitted comments to DOL in support of the proposed H-2B program regulations, and pushing for even fuller worker protections, especially with regard to the enforcement of employer obligations. We are hopeful that stronger protections for U.S. and H-2B workers under the current administration are in sight. We expect DOL to issue final regulations in a few months, although there could be several rounds of proposed regulations.

As to implementation of the new prevailing wage rate, we do not believe that the delay by DOL complies with either the judge’s order or the court’s decision. In an about-face from the Bush administration, the current DOL has essentially written the Arrigucci decision into the program. We hope that the new regulations go further by requiring employers of H-2B workers to pay or reimburse transpor- tation and subsistence to and from the workplace, visa, border crossings, and U.S. and foreign workers in identical jobs up to the prevailing wage (rather than the minimum wage).
Data indicates millions of unpaid wages in construction

Legal network spurs national collaboration

The recent success of national advocacy efforts to roll back the Bush administration’s H-2B regulations has highlighted the effectiveness of another NWJP project: the Low Wage Worker Legal Network (LWWLN).

The Network brings together low-wage worker advocates from legal organizations across the country to push for policies that better protect low-wage immigrant and temporary workers in the U.S. Since it was formed in 2004, the Network has grown to include 186 legal advocates from 74 organizations in 24 states, the District of Columbia and Mexico.

Two primary goals of the LWWLN are to facilitate joint training and spark coordinated policy advocacy. About once a month, Network members are invited to participate in a national conference call to discuss a particular issue that arises in the representation of low-wage workers in the changing economy.

Recognized experts in the field are enlisted to lead each training call. Examples of topics the Network has addressed include Advanced Immigration Considerations in Employment Litigation; Joint-Employment and Independent Contractor Issues; and Issues for Wage Creditors in Bankruptcy Cases.

The training calls also connect Network members who are interested in taking action to discuss the issues that are discussed. Through independent working groups, the energy and expertise contained within the Network can be channeled into concrete policy advocacy around pressing problems for low-wage workers.

For example, the Network formed a working group on the H-2B temporary foreign worker program back in 2008 to organize national written comments in opposition to the Bush administration’s H-2B regulations. Since then, the Network group has played a key role in coordinating national advocacy efforts to roll back the Bush regulations.

Network newsletters and other resources to connect and empower low-wage workers have contributed to a significant success in strengthening wages and working conditions for U.S. and foreign workers.

Another Network working group formed in 2010 to look at how best to collect unpaid wages, especially from employers who are insolvent or who use intermediaries to shield themselves.

Workers are making a national compendium of prejudice-wage judgments from around the country that can be used for policy advocacy. The group is also drafting a model statute incorporating the most effective provisions from states around the country. In fact, one of the bills that formed part of NWJP’s 2011 legislative package was drawn from a Wisconsin statute discovered and strengthened by the Network working group.

Currently, the LWWLN unites legal advocates from a wide variety of organizations across the country, including DC Equal Justice Center, Friends of Farmworkers (PA), Global Workers Justice Alliance, Interfaith Worker Justice, Make the Road by Walking (New York), Legal Aid Foundation of Los Angeles, the National Employment Law Project, New Orleans Worker Center for Racial Justice, Texas Equal Justice Center, and Working Hands Legal Clinic (Chicago).

One member organization, Centro de los Derechos del Migrante, is based in Mexico and supports workers in Mexico who have legal problems in the U.S.

Christine Hammond and Luis Martin del Campo from the Oregon Bureau of Labor and Industry’s Wage and Hour Division spoke at a town hall on wage theft about workers’ rights and resources for workers seeking to make a claim.
Coalition to Stop Wage Theft still growing

The Oregon Coalition to Stop Wage Theft is a broad-based group of worker advocates and allies that have united in a state campaign to prevent abusive employers from stealing wages from Oregon’s workers.

During the 2011 legislative session, the coalition has grown to include the following 18 organizations: Northwest Workers’ Justice Project (NWJP), PCUN, Rural Organizing Project (ROP), Oregon Center for Public Policy, VOZ Workers’ Rights Education Project, Oregon School Employees Association (OSEA), CAUSA, Portland Jobs with Justice, SEIU Local 503, SEIU Local 49, Oregon AFL-CIO, Ecumenical Ministries of Oregon, Oregon New Sanctuary Movement, American Friends Service Committee, Economic Fairness Oregon, Oregon Thrives, Human Dignity Advocates of Crook County, and Common Cause Oregon.

NWJP and our coalition partners are committed to the long-term struggle to build power to win new state laws, demand effective enforcement of wage and hour laws, and give unpaid workers the tools to take action on their own.

Legislation aims to fight wage theft in Oregon

Continued from page 1

unpaid wages. Under the bill, any construction contractor who knowingly hires an unlicensed labor broker would be accountable to the workers for their wages.

Senate Bill 727 has had several hearings in the Oregon Senate but is still pending in Ways and Means. The intent of the bill is to give construction workers more effective tools to recover unpaid wages. Currently, contractors licensed by Oregon’s Construction Contractors Board (CCB) must post a bond, a small part of which is available to pay wages to unpaid workers. Workers seeking unpaid wages from those bonds must use the CCB’s wage complaint process. However, this process has proved to be unwieldy and difficult for workers to use.

Another bill, submitted by the Oregon Commissioner of Labor and Industries, would protect workers from bounced checks by allowing the Oregon Bureau of Labor and Industries to assess civil penalties against an employer who has paid an employee with a bad check. The bill (House Bill 2039-1) has passed both the House and Senate but is still pending in Ways and Means. The intent of the bill is to give construction workers more access to unpaid wages. Construction contractors who knowingly hire an unlicensed labor broker would be accountable to the workers for their wages.

The Oregon Coalition to Stop Wage Theft supported the bill as an important contribution to efforts to hold employers accountable for workers’ wages.

As the legislative session continues through June, the Oregon Coalition to Stop Wage Theft will continue to push for the 2011 passage of SB 612-A and SB 727 to ensure fair and legal wages for Oregon’s construction workers.

Workers speak out about wage theft at community town halls

More than 150 workers and other community members participated in town halls hosted by the Oregon Coalition to Stop Wage Theft in Woodburn, Redmond, and Portland in March and April. Workers shared publicly their personal experiences of wage theft and intimidation in the workplace, and the economic and emotional impact that wage violations have on them and their families.

Housekeepers, construction workers, farm workers, restaurant workers, and others spoke out about not receiving the minimum wage, working 60 or 70 hours a week without overtime pay or breaks, not getting paid at all for weeks of work, and being threatened by their employers when they claimed their rights.

One woman whose employer robbed the pay she earned for cleaning apartments explained, “I find myself in front of you full of frustration. I feel like I’m a vulnerable worker, and I feel helpless, and no one deserves those feelings. I want to demand and shout for respect and to be valued for my personal qualities and for my work.”

Data shows wage theft in Oregon is extensive

A recent analysis by the Oregon Center for Public Policy of data on wage claims filed with state authorities during recent years gives us another window into how pervasive wage theft is in Oregon’s workplaces.

The Oregon Bureau of Labor and Industries (BOLI) received 1,664 wage complaints totaling nearly $5 million during the year spanning July 1, 2009 to June 30, 2010, according to OCPP’s analysis of bureau data.

Of the claims investigated over the course of the year, BOLI found that workers were owed a total of more than $2.5 million.

OCPP’s analysis showed that 20 percent of the wage claims filed with BOLI stemmed from the construction industry. Only the retail trade and services industries gave rise to more claims.

In dollars terms, construction had the second highest level of claims, behind services and ahead of retail trade. Of the $2.5 million in total claims BOLI found had been illegally withheld, over $700,000 — 28 percent — was from the construction industry.

Learn more about the coalition and follow our campaign to combat wage theft by “liking” us at www.facebook.com/protectoregonworkers.