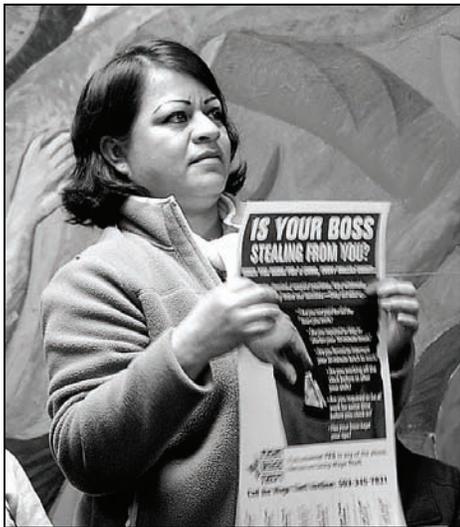


The mission of the NORTHWEST WORKERS' JUSTICE PROJECT is to defend and strengthen the workplace and organizing rights of low-wage contingent and immigrant workers in the Pacific Northwest.

Coalition unites Oregonians to confront wage theft crisis



(Above) Community members learn about wage theft and how to take action at a workshop co-sponsored by NWJJP, Voz, and We Are Oregon - one of many such events held around the state in 2012.

(Below) Among panelists at a 2012 Wage Theft Policy Briefing were Labor Commissioner Brad Avakian, center, Exec. Secretary of Ore. State Building and Construction Trades Council John Mohlis, left, and Exec. Director of Ecumenical Ministries of Oregon David Leslie, right.

"I'm just one more worker who has suffered from wage theft." Martin is a janitorial worker and father of three who lost over \$1,500 in wages when his boss refused to pay him overtime. In fact, his employer went to such lengths as paying Martin for his overtime hours (at straight time) through a part-time co-worker's check, to avoid the overtime premium.

"Not getting paid on time made it difficult for us to pay our bills. I hope that you all keep working so this won't happen anymore," Martin testified before an audience of nearly 100 at a Wage Theft Policy Briefing at the Oregon state capitol early this year.

The event kicked off a year-long, state-wide Worker Justice Tour to raise awareness about wage theft – the widespread and illegal practice of not paying workers for some or all of their work.

Dozens of labor, immigrant, faith, and community groups have now joined the Oregon Coalition to Stop Wage Theft. Together, we are working to combat wage theft in our state by passing stronger laws, improving enforcement of wage and hour laws, and educating and organizing our communities.

See **CAMPAIGN**, pg. 3



JUSTICE IN THE COURTS

Contractor liable for wages of worker hired through subcontractor

Co-counsel David Henretty of Oregon Law Center, working with NWJJP Executive Director Michael Dale, obtained a strategic decision in the area of joint employer liability in *Lemus v. Timberland Apartments, LLC*. The court found that the general contractor at an apartment project had sufficient economic power over the plaintiff's work to be liable for his unpaid wages, even though the subcontractor hired, paid, and managed the plaintiff directly.

Joint employment liability is an important way to ensure workers are paid for their work when, as in this case, the subcontractor lacks the financial wherewithal to pay its workers.

Court ruling upholds rights of farm workers

To help defend the rights of farm workers under the Washington Farm Labor Contractor's Act, NWJJP and the Oregon Law Center filed as *amici curiae* in the Washington Supreme Court in *Perez-Farias v. Global Horizons*.

The Washington Supreme Court was reviewing how damages under the Act should be awarded. It unanimously held that the Act requires minimum statutory damages for each violation of the Act. (The trial court had earlier ruled that it had discretion to award a lesser amount.)

Since Washington's farm labor contractor law is modeled after Oregon's law, this decision is likely to affect how the rights of farm workers in both states are enforced.

Congratulations to Columbia Legal Services on an important advance for all Northwest farm workers.

Two new attorneys join NWJP team



NWJP welcomes our new attorneys, Erin Pettigrew (left) and Corinna Spencer-Scheurich (right).

NWJP is pleased to welcome our two new attorneys, Corinna Spencer-Scheurich and Erin Pettigrew.

Corinna joins NWJP as Directing Attorney of our Portland office. Before coming to NWJP, Corinna was the South Texas Regional Director of the Texas Civil Rights Project. While in Texas, she practiced employment, disability, and civil rights law on behalf of low-income families living on the Texas-Mexico border. She also oversaw a Violence Against Women Act immigration petition project. Prior to becoming Regional Director, Corinna served as an Equal Justice Works Fellow, focused on consumer rights in rural Texas. Corinna graduated cum laude from Lewis & Clark Law School, in Portland, Oregon. She was selected as a member of the Cornelius Honor Society and was the Managing Editor of Environmental Law.

Erin is a Legal Fellow funded by the Initiative for Public Interest Law at Yale. Her project focuses on wage judgment collections and creative legal strategies to prevent nonpayment of wages. Prior to joining NWJP, Erin assisted low-income, immigrant, and non-English speaking individuals in vindicating their labor rights through her work at the Oregon Law Center, Columbia Legal Services, and the Unemployment Law Project. Erin graduated from the University of Washington School of Law in 2012, focusing on workers' rights and economic justice. In law school, Erin clerked with the Washington Court of Appeals, was active with the Immigrant Families Advocacy Project, was a Laurel Rubin Farm Worker Justice Fellow, and served as a *promotora* with Casa Latina's Comité de Defensa del Trabajador.

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* The Northwest Employment Education and Defense Fund (NEED Fund), our partner organization, was founded alongside NWJP to support our 501(c)(3)-eligible program work.

A SPECIAL THANK YOU

We would like to extend a special thanks to two members of our team who have recently moved on to other projects. **Former Staff Attorney, Meg Heaton (left), made an invaluable contribution to NWJP during her six years of service, providing legal support to hundreds of low-wage workers.** Meg is now working as the Staff Attorney at Causa, supporting the campaign to help young immigrants to win work authorization and protection from deportation. **Coalition Coordinator, Sarah Loose (right), has helped us to make tremendous strides over the last year through her organizing in support of the Oregon Coalition to Stop Wage Theft.** Sarah is leaving the NWJP staff to dedicate more time to her social justice work as an oral historian. Luckily for us, she will continue to serve NWJP in her role as a board member for our partner organization.



We wish Meg and Sarah both much success and happiness in their future endeavors!

Campaign to stop wage theft in Oregon gains momentum

(Continued from page 1) This year alone, hundreds of community leaders, workers and allies in places such as Redmond, Gresham, Lakeview, Dayton, Corvallis, Baker City, and Portland (and more!) have learned what wage theft is and how they can be part

of the solution to stop it.

We are particularly excited about the growing momentum among Oregon's diverse communities of faith to take action to stop wage theft. More than 70 clergy and lay leaders from Christian, Jewish and Muslim congregations attended a Thou Shalt Not Steal / Stop Wage Theft breakfast this summer. This fall, many congregations are hosting Wage Theft Sabbaths to educate their members about the problem and mobilize them to action.

With the support of Coalition member organizations, workers who have experienced wage theft are also organizing to reclaim their stolen wages. Earlier this year, restaurant worker Carmen Lopez and house painter Mark Hubbell successfully recovered their wages, with the support of We Are Oregon and persistent community pressure. In Woodburn, PCUN (Oregon's farm worker union) is now helping unpaid workers recover their wages through direct action. A number of workers have already gotten paid, including a group of eight painters who held a prayer vigil outside the home of their former employer.

It shouldn't be so hard for workers to recover unpaid wages. And it shouldn't be so easy (and profitable) for employers to steal wages in the first place.

That's why the Coalition is also working with state legislators to develop a package of bills for the 2013 session. Stronger laws will deter employers from stealing workers' wages and make it easier for workers like Martin and the group in Woodburn to seek remedies when wage theft does occur. We invite you to learn more about wage theft and the need for solutions as we gear up for the 2013 legislative session! Stay informed at www.nwjp.org and www.facebook.com/ProtectOregonWorkers.



Faith leaders gather at the "Thou Shalt Not Steal" Summer 2012 breakfast organized by NWJP and other Coalition partners.

Workers advance in fight for stronger regulations to protect H-2B and U.S. workers

Readers may know that NWJP is involved in a long battle to improve protections for H-2B foreign temporary workers and U.S. workers affected by the program.

Although changes have not yet been made, workers have had some important successes in this complicated struggle. The Department of Labor has adopted a new prevailing wage rule and other comprehensive regulations that would significantly strengthen working conditions for all workers affected by the H-2B program.

Unfortunately, implementation of the improved regulations still remains stalled for the present.

On the political front, worker advocates recently succeeded in preventing Congress from blocking the funding that the DOL will need to implement the comprehensive rules governing recruitment of U.S. workers and general working conditions. (Federal funding to implement the higher wage rule continues to be blocked until March 2013.)

Now, to implement the improved rule on general working conditions, we must prevail in the 11th Circuit in *Bayou Lawn and Landscaping*, the government's appeal of the ruling of a trial court in Pensacola, Florida, holding that DOL lacks authority to make rules for the H-2B program.

However, in another case, *Louisiana Forestry*, the District Court in Philadelphia recently upheld DOL's rule-making authority. We have gone back before this judge seeking to stop DOL from continuing to use the old wage methodology that the court held more than two years ago to be illegally depressing U.S. wages.



NWJP's Executive Director Michael Dale leads a training for attorneys, law students, and community organizers on interviewing workers who want support in recovering unpaid wages.

NWJP APPRECIATES OUR 2012 MAJOR CONTRIBUTORS

Many thanks to the Public Welfare Foundation, General Service Foundation, Oregon Law Foundation, McKenzie River Gathering Foundation, Oregon School Employees Association, Secretaría de Relaciones Exteriores de México, Initiative for Public Interest Law at Yale, and Gradison Foundation for their financial support of NWJP and NEED Fund.

NWJJP

NORTHWEST WORKERS' JUSTICE PROJECT

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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**.



**Take the Pledge to
Stop Wage Theft
in Oregon!**

Online at www.nwjp.org

*Read more inside about NWJP's work
with the Oregon Coalition to Stop
Wage Theft to help all workers get paid
what they have earned.*

I STAND FOR WORKER JUSTICE.

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

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For a tax-deductible contribution, please make your check payable to our partner non-profit, "NEED Fund."

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Thank you for your support.

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