

Working Without Laws:

A Survey of Employment and Labor
Law Violations in New York City

BY ANNETTE BERNHARDT, DIANA POLSON
AND JAMES DEFILIPPIS

WITH RUTH MILKMAN, NIK THEODORE, DOUGLAS HECKATHORN, MIRABAI AUER,
ANA LUZ GONZÁLEZ, VICTOR NARRO, JASON PERELSHTEYN AND MICHAEL SPILLER

National Employment
Law Project

Presented at the Murphy Institute for Worker Education
and Labor Studies, CUNY

NYC community & labor advisory board

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MinKwon Center for Community Action
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Management Corporation
New York City Central Labor Council
New York Committee for Occupational Safety and
Health (NYCOSH)

New York Hotel and Motel Trades Council
New York Jobs with Justice
New York Taxi Workers Alliance
Northwest Bronx Community and Clergy Coalition
Queens Community House
Restaurant Opportunities Center of New York
Retail, Wholesale and Department Store Union,
UFCW
Seedco
SEIU Local 32BJ
SEIU Local 1199
The Bronx Defenders
The Legal Aid Society
The New York Immigration Coalition
UFCW Local 1500
Urban Justice Center — Community Development
Project
Workers United

New York City survey

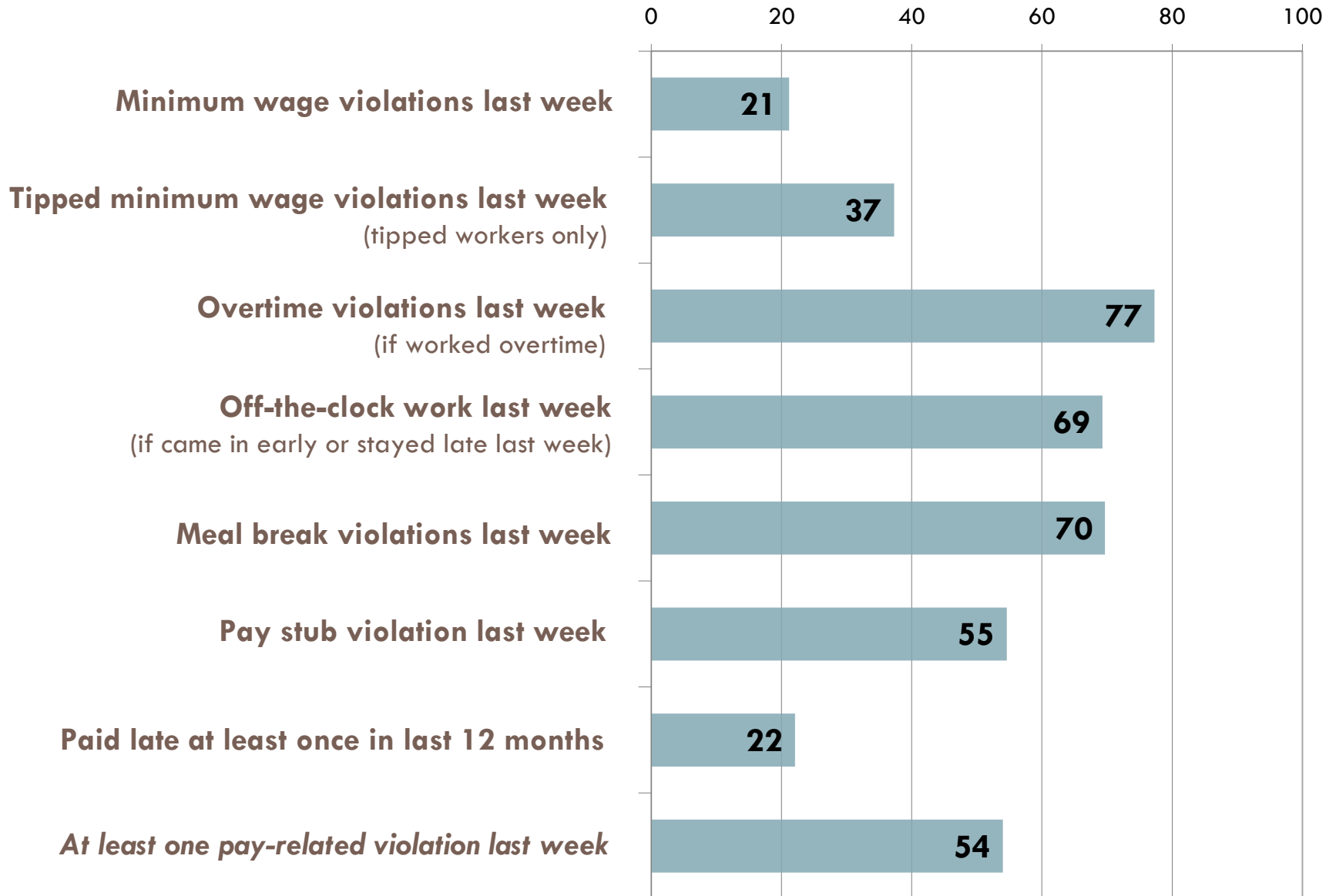
- Surveyed 1,432 front-line workers
 - 14 low-wage industries
 - 18 front-line occupations
 - March-August 2008

- What's new?
 - Statistically representative sampling – used innovative methods so that we could reach vulnerable and hard-to-reach workers
 - Rigorous measures of employment and labor law violations – we did not rely on workers' knowledge of the law

Finding 1

Workplace Violations are Severe and Widespread in New York City's Low-Wage Labor Market

Percent of workers with violations



Illegal retaliation

- When workers made a complaint to their employer or government agency, or attempted to form a union: 42 percent experienced illegal employer retaliation
 - Employers cut workers' hours or pay, fired or suspended workers, or threatened to call immigration authorities
- But many workers didn't complain or try to organize
 - 41 percent were afraid of losing their jobs
 - 40 percent thought it would not make a difference

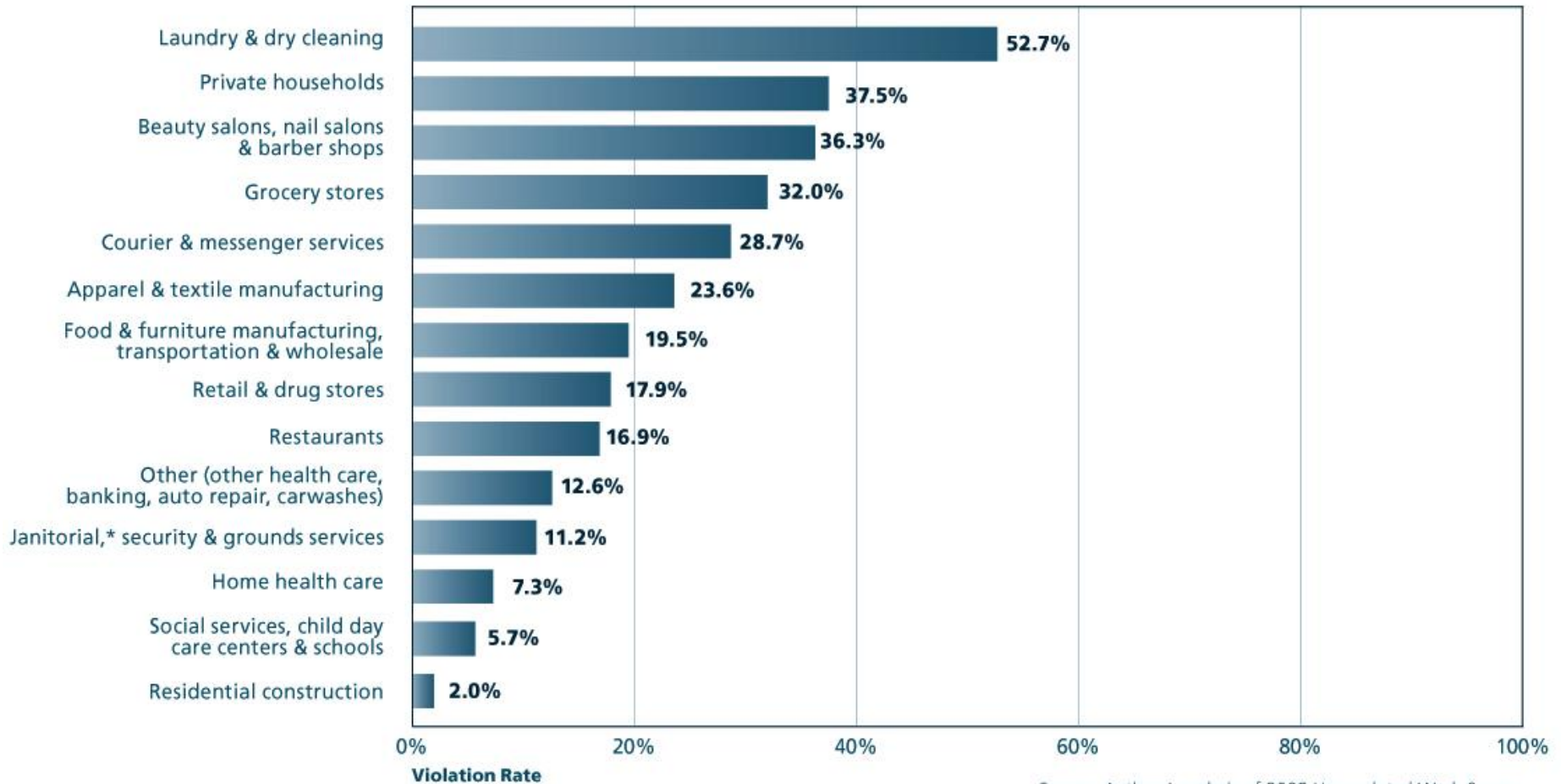
Workers' compensation

- Of injured workers: only 11 percent filed a workers' comp claim
- When they sought medical attention: 75 percent had to pay out of pocket or use insurance
- When workers told their employer about the injury: 16 percent experienced illegal employer action
 - Employer fired the worker for filing a claim or instructed the worker not to file

Finding 2

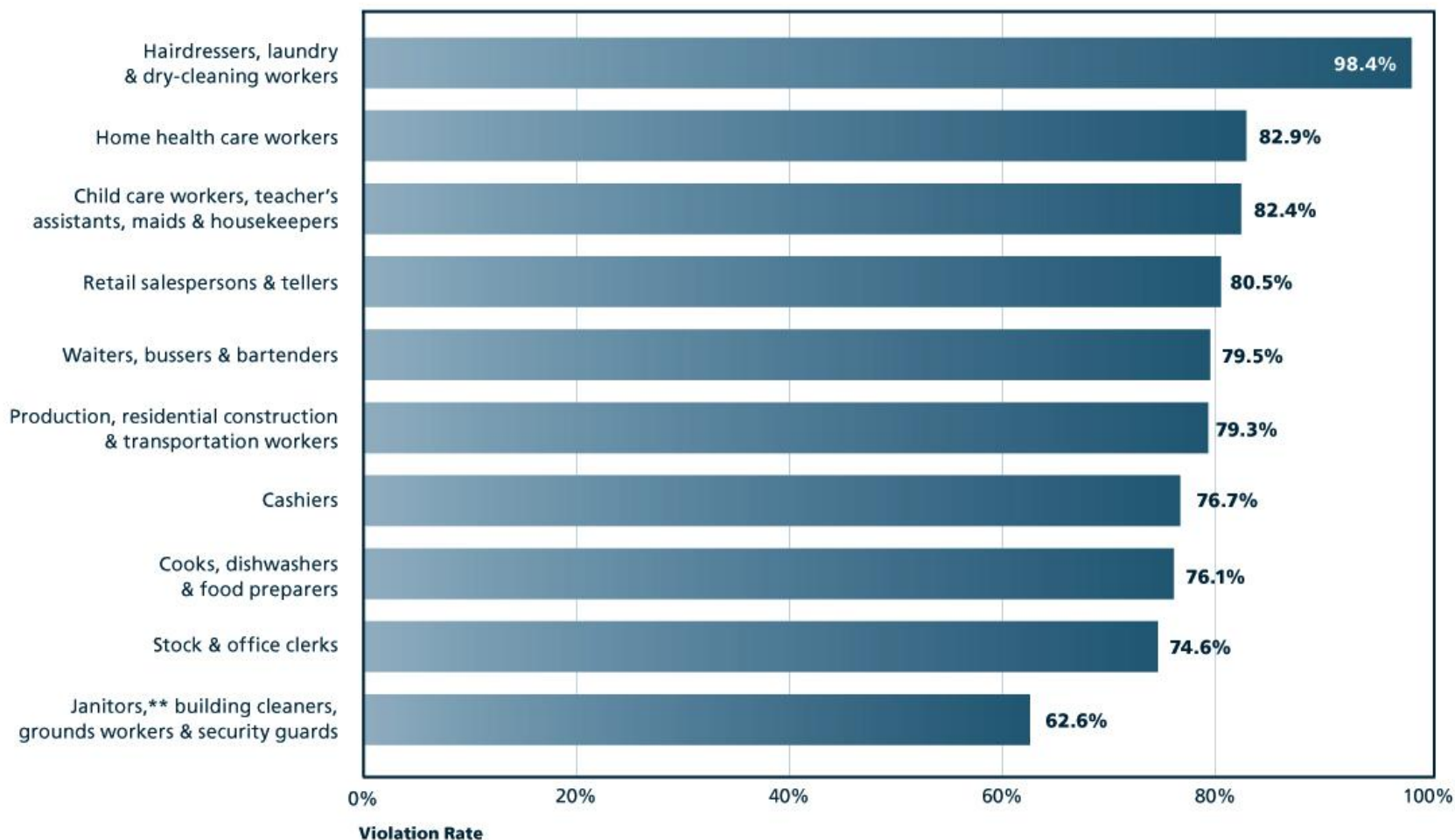
Job and Employer Characteristics are Key to Understanding Workplace Violations

Minimum wage violations by industry



Source: Authors' analysis of 2008 Unregulated Work Survey.

Overtime violations by occupation



Source: Authors' analysis of 2008 Unregulated Work Survey.

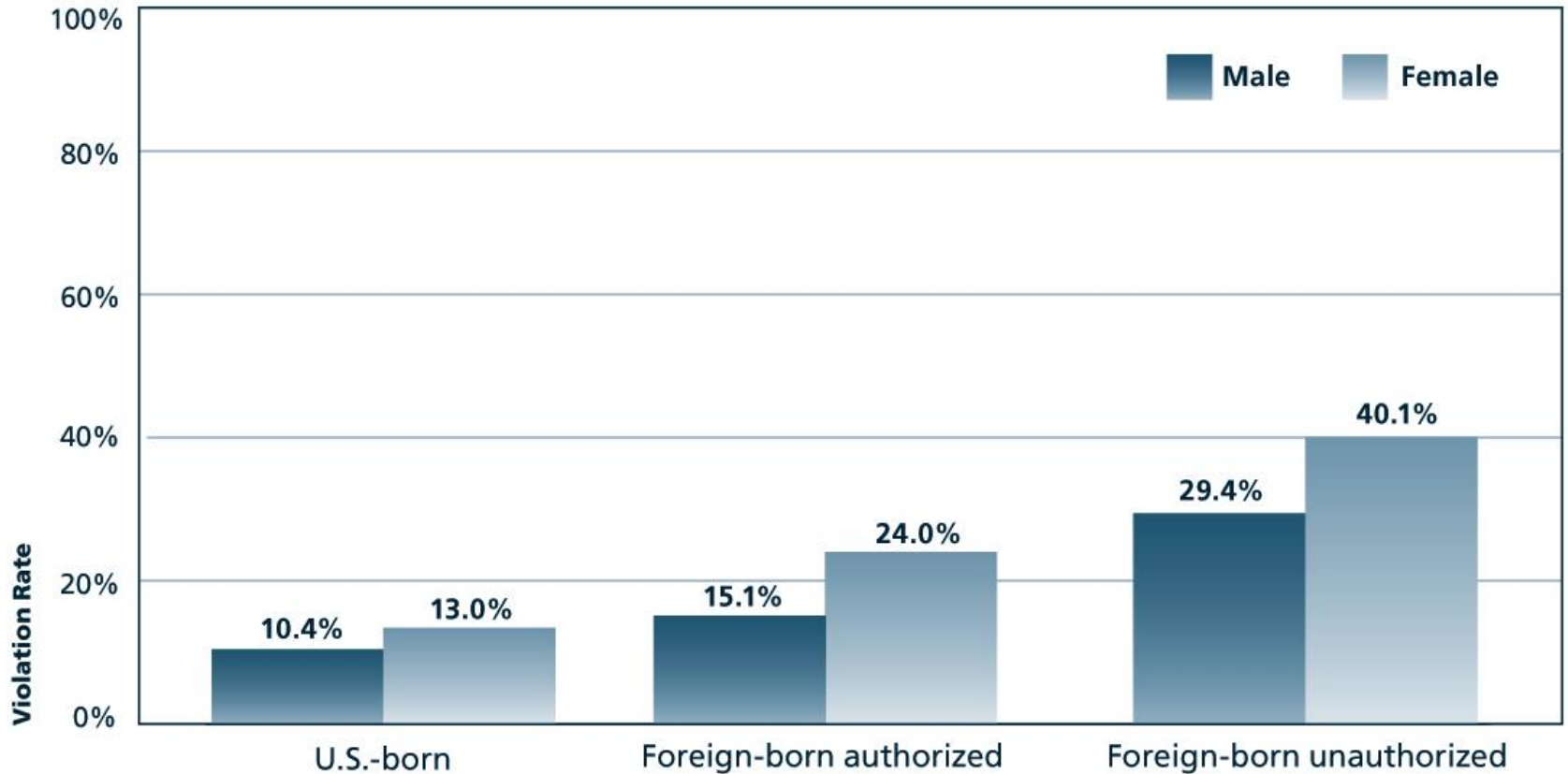
* Calculated as a percent of workers who worked more than 40 hours for a single employer during the previous work week.

** Janitors in small commercial & residential buildings only.

Finding 3

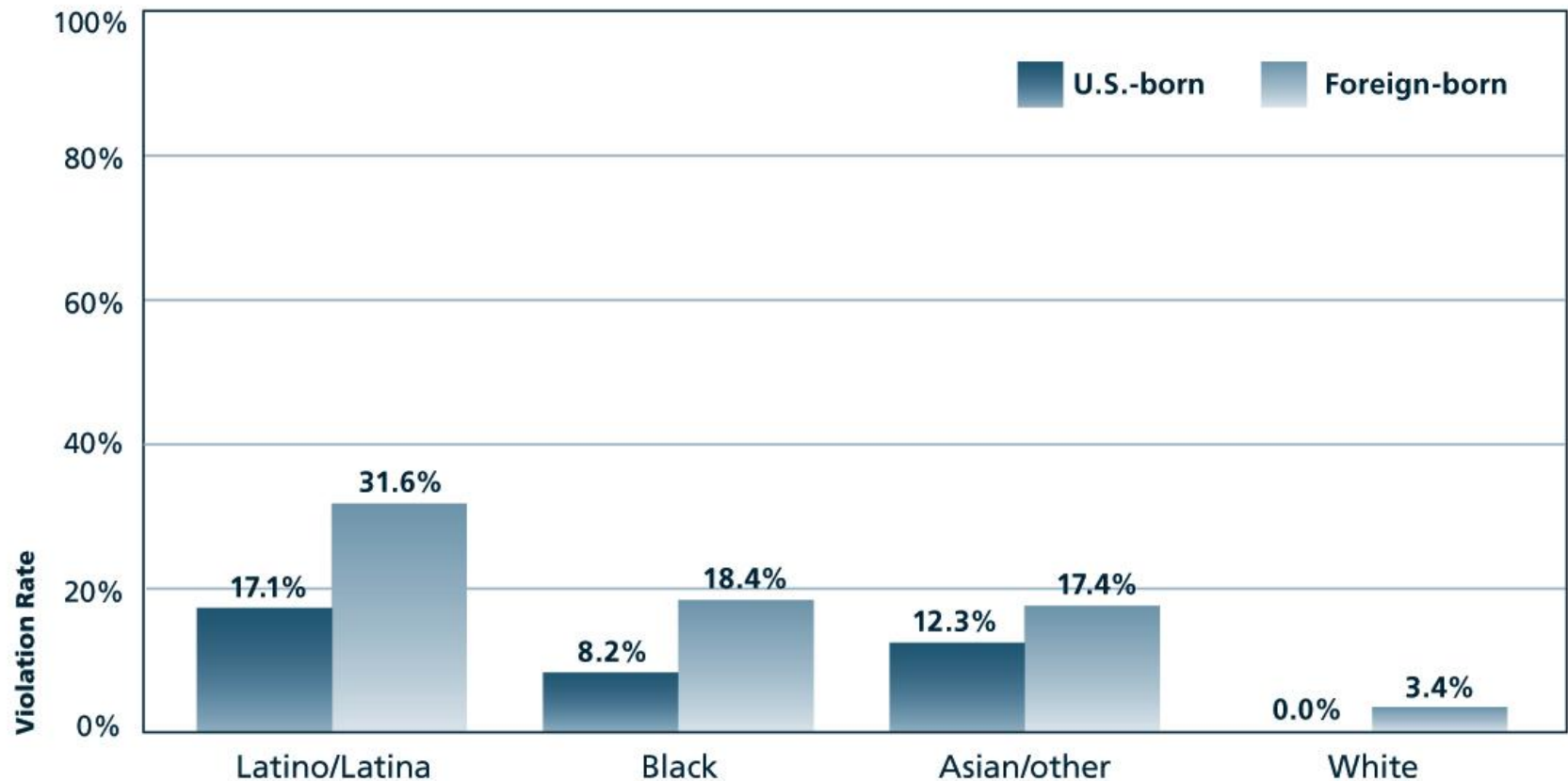
All Workers are at Risk of Workplace Violations – But Some More Than Others

Minimum wage violations by gender, nativity & legal status



Source: Authors' analysis of 2008 Unregulated Work Survey.

Minimum wage violations by race/ethnicity & nativity



Source: Authors' analysis of 2008 Unregulated Work Survey.

The Stakes

Wage theft, and the future of
opportunity in New York City

Wage theft in NYC

\$3,016	What the average worker loses to wage theft every year, out of annual earnings of \$20,644
317,263	The number of workers in NYC who experience wage theft in a given week
\$18.4 million	The total amount of lost wages due to wage theft every week in NYC

Top ten growth jobs in NYC by 2016

7 are high-violation jobs (in red)

1	Retail salespersons
2	Home health aides
3	Cashiers
4	Waiters and waitresses
5	Customer service representatives
6	Personal and home care aides
7	Office clerks
8	Janitors and cleaners
9	Executive secretaries and administrative assistants
10	Child care workers

The Solution

How New York Can Strengthen Worker Protections

Strengthen enforcement

□ State

- Commit more resources for investigators
- Institutionalize recent successes (e.g. proactive industry investigations, outreach to community groups)
- Enact new legislation to strengthen enforcement tools (e.g. stronger damages)

□ City

- Enforce labor standards under its authority (living wage, prevailing wage)
- Dedicate resources to public education, and support enforcement by community groups

Strengthen the laws

- Strong laws and strong enforcement are intertwined
 - Weak employment and labor laws send the wrong signal, opening the door to low-road business strategies to cut labor costs

- Some examples of stronger standards that would improve the competitive position of employers who play by the rules:
 - Raising New York's minimum wage
 - Closing loopholes that exclude workers from key protections
 - Ensuring that state and city resources like subsidies are used to create living wage jobs



For the full report, go to:
www.nelp.org/WorkingWithoutLawsNYC

