

Leaving Our Frontline Monitors at Risk

The issue is that people are not being protected. Worker participation is essential to an employer compliance system. - Jennifer Gordon, Professor of Law at Fordham Law School

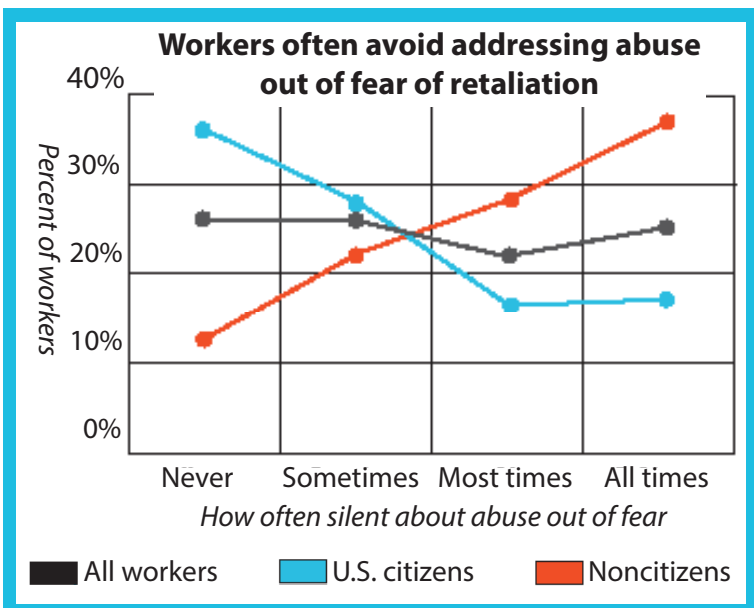
Chicago worker centers surveyed 275 low-wage workers about what happens when they try to fix problems on the job or improve their jobs. Participating workers were employed in Illinois' manufacturing, warehousing and transportation, restaurant, retail, construction and other low-wage service industries. The resulting data provides an in-depth account of these workers' experiences.

SURVEY FINDINGS

Workers perceived wage theft (48%), safety hazards (70%), work injuries (51%) and discrimination (70%), but often stayed silent.

Most people don't bother to fight. They see people speak up and suffer reprisals and think, "It's not worth it."

- Victoria, 38-year-old Latina temp factory worker

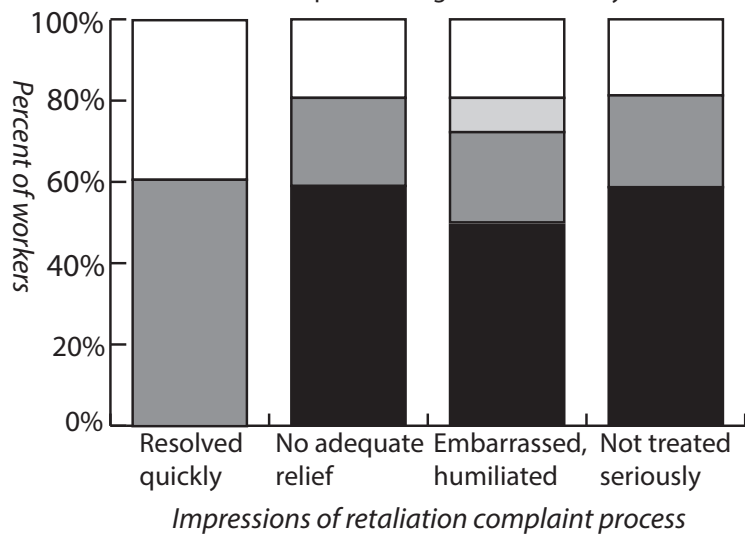


Out of 118 workers who experienced retaliation:

- 0 The majority didn't make a complaint (65%), though only 7% felt the issue wasn't worth complaining.
- 0 Of those who did complain, less than half turned to the government for help (44%).

Few workers who complain about retaliation to government find quick, adequate relief*

* Workers who complained to government only



From 203 workers' stories of trying to fix abuses:

- 0 **58% involved retaliation.** Employers that didn't retaliate mostly ignored workers (24% did nothing).
- 0 **80%** of workers who made complaints to government faced retaliation.

Too many workers who had made a complaint to government about abuse said:

Making complaints is...

- 0 **Confusing** (56%). With so many different statutes and agencies involved, it's no wonder.
- 0 **Scary or threatening** (26%), especially, but not exclusively, for noncitizens.
- 0 **A waste of time** (15%). Unreliable protection too often prevents justice and accountability.

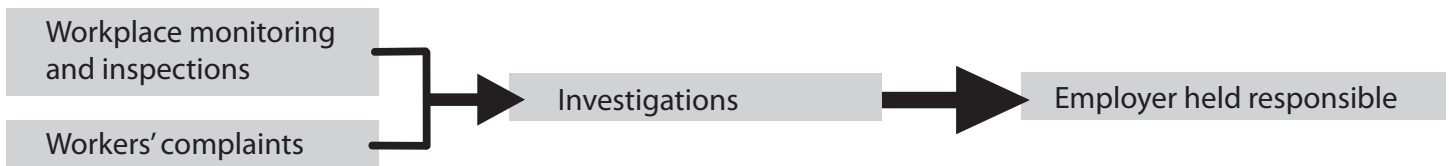
Agree
 Not sure
 Disagree
 No answer



NESRI

Protect Workers, Restore Rule of Law

Workplace enforcement process in theory... In reality, workplace monitoring and inspections are rare.



EFFECTIVE WORKER-CENTERED ENFORCEMENT

- Workers affected by rights violations are in the best position to monitor for abuse and fuel the solution.
- Current enforcement systems recognize this reality, but, by failing to protect workers from retaliation, undermine effective enforcement.
- Making protection **dependable**, complaints **quick and user-friendly**, and the system about **prevention** would give workers the support they need to hold employers accountable.
- We need only to look at worker-driven solutions - union contracts and legally binding supply chain agreements - for answers. Public policy that replicates the essential elements have already been tested in other states and cities.*

Agency collaborations with worker centers are part of solution

Worker centers already contribute to enforcement and have the trust of the most vulnerable workers' communities, which government agencies lack. But, worker centers lack the resources to support all workers that need help, as well as agencies' investigatory and prosecutorial tools.

Without [the worker center], we would not have gotten our jobs back. [They] did a lot for us. For instance, a lot of workers don't have drivers' licenses - they'd drive us into the [agency's] office to give testimony.

- Nick, 39-year-old White warehouse worker

Worker centers...

- Provide critical training for workers** on their rights. Through agency collaboration, they could reach more workers, including at work sites.
- Encourage and support workers' complaints**, potentially allowing workers greater anonymity if coupled with agencies' proactive enforcement powers.
- Help workers through long processes**, and can help investigators stay in touch with workers whose testimonies are critical to successful cases.
- Contain expertise in high risk industries** among leadership, which is necessary to develop preventative enforcement strategies.
- Are the boots on the ground monitoring for abuses**, which agencies need to expand proactive prevention in order to decrease retaliation as a go-to tactic for employers to avoid basic workplace laws.

Existing government community partnerships for enforcement at a glance	
Location of formal partnerships	San Francisco, Los Angeles, Seattle, and St. Petersburg, Fl. Minneapolis, San Diego and Oakland may be the next cities to adopt this model.
Level of funding for community partners	\$500,000-\$1,000,000
Collaborative roles	Training; gathering evidence of violations and filing complaints (in some cases, agencies have formalized partners to visit and inspect worksites, increasing capacity for audits); and designing proactive, industry-specific strategies of enforcement.
Challenges	Need to create culture shift to encourage transparency and coordination between agencies and community organizations.