

02/23/2021

TO: Chair Power, Vice-Chair Wallan, and Members of the House Subcommittee on Civil Law
RE: Testimony in support of House Bill 2205, The Just Enforcement Act

The power divide between employer and low-wage worker is becoming increasingly damaging and our leaders must act in order to close the gap. Our current protective agencies, while necessary and useful, simply are not equipped to fully address the rampant theft and imbalances in our current systems. Our state needs better legislation in order to bridge this gap. As a low-wage worker, I have first-hand experience with the issue underscored by HB2205.

At the beginning of the pandemic, I decided to brush up on my rights as a worker and discovered that, under the Portland Protected Sick Time Ordinance, employers with more than six employees are required to provide sick pay for their employees. Upon learning this, I realized that my employer of the last three years had been wrongfully withholding our paid sick time. We were never paid when we called out sick. We were also pressured to come to work when we were sick, which many of us did- we couldn't afford to lose a day's pay. Beyond what this meant in terms of my personal lost wages, I was also quickly aware of the fact that all employees of this business for the last four years had been negatively impacted by this illegal practice.

As soon as I learned about the sick pay ordinance, I approached my employer with this new information and was met with vapid apologies and pleas to keep the information secret. She begged me not to inform BOLI of my discovery and her illegal behavior. At the same time, this employer refused to back pay us for the wages she had stolen. At the time, I was in a leadership position and felt that it was my responsibility to take quick action to protect myself and my coworkers. We organized, walked out, and each filed separate complaints with BOLI.

From there, a half justice was achieved. The BOLI representative assigned to our case was incredibly understanding and helpful. She listened and applauded our action. However, this representative informed us that most complaints never reach court and that most employers are offered the chance to repay whatever they owe before any penalties can be assessed against the thieving party. My employer was quick to mail the wages owed to me and two other employees -- however, the repercussions stopped there. The handful of other employees negatively affected by my employer's refusal to pay for our sick time were not retroactively paid and no fines were assessed against the employer.

With the old crew refusing to work for her and a new set of workers ignorant of the employer's propensity for dubious behavior, I am incredibly concerned that this practice will be repeated and more low-wage workers will be stolen from. Moreover, it is unfair that only certain employees received their wages while others were left completely in the dark with not so much as an apology, let alone the wages they are owed.

This is precisely why HB2205 is necessary. The Just Enforcement Act would allow people like myself and my peers to reach out to local organizations when wage theft occurs and thus have the power to provide consequences for exploitative employers. It would put more power in the hands of the low wage workers and give more reason for employers to abide by the laws already in place. Ultimately, this bill

would help level the playing field. The power imbalances embedded in low wage work are quite frankly disgustingly palpable, and we the workers need those in power to not only acknowledge this imbalance, but to also make steps to close the gap. This bill would take some of the pressure off overloaded government agencies such as BOLI and place the power in the hands of the worker. If corrupt employers know that there is a genuine risk of severe repercussions, I believe that the constant injustices will dwindle.

On behalf of myself and my working-class peers, I urge you to support HB 2205.

Respectfully,
Gabrielle Wolcott
Portland, Oregon