



February 23, 2021

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

APANO strongly supports HB 2205 to give workers the power they need to enforce their rights at work. [IF Fair Shot Coalition Partner] As members of the Fair Shot For All Coalition we support this policy as part of the 2021 legislative agenda and our ongoing work to ensure racial, gender, and economic justice for residents in Oregon.

The Asian Pacific American Network of Oregon (APANO) uplifts the Asian Pacific Islander community throughout Oregon to build power, develop leaders, and advance equity through organizing, advocacy, cultural work, and community development.

Every worker deserves to be paid for a fair day's work and have their rights protected no matter where they work or how much they make.

Over the past few decades, our state agencies charged with enforcing important labor protections have experienced a steady decline in funding and resources, while the size of Oregon's workforce has grown. Compounded by the COVID-19 pandemic, wildfires, and an economic crisis those agencies have been overwhelmed by complaints to which they do not have the capacity to respond.

Furthermore, a lack of outreach, accessible information and a fear of retaliation for speaking out has left Oregon's most vulnerable workers - those in agriculture, manufacturing, retail, and other low-wage industries - with little trust in the system that exists to protect them.

Why is JEA important from your organizational perspective? How does this impact your constituency? (Here's a list of talking points, please choose a few that work best for your testimony)

- Even when the state does enforce workplace laws, companies rarely face penalties. In claims brought to the state between 2006 and 2019, only 1% of Oregon businesses found guilty of wage theft ended up paying penalties imposed by the state.
- Wage theft is a nationwide problem that affects every industry. In Oregon alone, wage theft claims submitted by workers between '06 and '19 amounted to more than \$50 million.
- Workers most acutely affected by wage theft are more likely to be womxn, immigrants, and BIPOC workers who work in low-wage, and labor intensive industries - as well as rural communities with high need for immigrant work-force, including farm-labor, processing plants, meat packing plants, and frozen foods.



- While many complaints go uninvestigated, companies that are doing right by workers are at an economic disadvantage for choosing to follow the law. JEA would create a culture of compliance to level the playing field for small, medium, and large businesses who follow the law.
- When workers do find the courage to speak up at work, they often face retaliation from employers. During COVID-19 a national survey found that Black workers were twice as likely to have experienced or witnessed retaliation for raising COVID-19 safety related concerns in their workplace, and twice as likely to have those issues remain unresolved.
- Workers who face sexual harassment or discrimination at work overcome fear and risk retaliation to come forward. When state agencies do not have capacity to take on their cases, they are often left with no other avenues to address the harm done to them.

BIPOC and immigrant communities across our state make up a greater portion of essential and frontline workers- and are also most impacted by the crises of COVID, wildfires and the economic downturn. These crises have laid bare the problems that already existed in our workplaces.

- While Latinx people make up 13% of the state's population, they have experienced more than 30% of COVID-19 infections.
- Throughout the pandemic, our state agencies received record numbers of reports of workplace abuse and health and safety violations. During 2020, OR OSHA received complaints from 23 of the 35 largest workplace COVID outbreaks but were only able to investigate two. OR OSHA received ten times as many complaints as they do in a normal year.
- Immigrant workers disproportionately make up the workforce in industries that have seen the most widespread workplace outbreaks of COVID-19.

The Just Enforcement Act would provide workers with a voice in their workplace and create a revenue stream for state agencies to increase enforcement capacity. Providing an avenue for workers to partner with trusted community organizations to file suits on the state's behalf would allow workers who fear speaking out alone and risking their jobs to have the community at their backs while they do so. APANO urges you to support HB 2205.

Signed,

Coua Xiong, Civic Engagement Manager, APANO.