



A STRONG VOICE FOR OREGON'S WORKERS

TO: Chair Power
Vice-Chair Wallan
Members of the House Civil Law Subcommittee

FR: Jacob Finkelman, OR AFL-CIO

RE: HB 2205 Support

February 24, 2021

The Oregon AFL-CIO represents 300,000 workers across Oregon and is a voice for all workers in the legislative process. The Oregon AFL strongly supports HB 2205 to give workers the power they need to enforce their rights at work. 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. This lack of capacity and enforcement disproportionately hurts vulnerable workers who are already less likely to stand-up for their legal labor protections.

Furthermore, a lack of 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.

HB 2205 addresses this by allowing the worker themselves, advocacy organizations, or unions to enforce critical protections and their workplace rights. It allows an individual, group of workers, or a private organization to file suit when an employer breaks the law. If the state decides not to enforce, then the workers step in on the state's behalf to hold employers accountable and seek penalties. This bill addresses two pressing issues for Oregon workers: wage and hour violations, and safety and health concerns

Wage theft (the illegal withholding of wages or the denial of benefits that are rightfully owed to an employee) is a nationwide problem that affects every industry.¹ Wage theft can look like, but is not limited to, missed meals/breaks, underpayment, failing to pay overtime, or unlawfully deducting wages. In Oregon alone, wage theft claims submitted by workers between '06 and '19 amounted to more than \$50 million in lost wages. This has a direct impact on a sustainable and just economy, and makes it all the more difficult for families to thrive when their wages are being stolen. This is

¹<https://www.wageclaim.org/oregonwagetheft/#:~:text=Wage%20theft%20is%20defined%20as,rightfully%20owed%20to%20an%20employee.>

especially true when the workers most acutely affected by wage theft are more likely to be womxn, immigrants, and BIPOC workers who work in low-wage, labor intensive industries like agriculture, processing plants and meat packing plants. And these same industries are among those leading all worksites for COVID-19 outbreaks.²

When workers do find the courage to speak up about wage and hour violations or safety concerns 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. As workers continue to face safety and health concerns, it's critical that they are empowered to speak up and that safety violations are investigated and solved quickly and comprehensively. HB 2205 gives workers and worker advocates another route to do this, while also adding capacity to Oregon OSHA long-term.

While many complaints go uninvestigated, companies that are doing right by workers are at an economic disadvantage for choosing to follow the law. HB 2205 would create a culture of compliance to level the playing field for small, medium, and large businesses who follow the law. For the sake of workers, their families, and our economies, all businesses need to consistently be held accountable for their treatment of employees. There cannot be an enforcement system that incentivizes a lack of enforcement. This bill would place the power back in the hands of workers to require just enforcement and standards.

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. OR AFL-CIO urges you to support HB 2205.

²https://docs.google.com/spreadsheets/d/e/2PACX-1vR3qMF3GAHbLEgdFJwz3i7pCR3WKPakCZulOmhjozWTWXwTNaI9vmCn_5xEXHKEf36SJeBSr_KfaPov/pubhtml