

PETITION TO CRIMINALIZE WAGE THEFT

Hannah Choe asked that the Board of Aldermen consider criminalizing wage theft. She stated that residents of Carrboro, who have been exploited for their hard work, are regularly affected by wage theft by not being appropriated proper monetary compensation for their work.

Alderman Gist asked for information on the number of people being affected by wage theft.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO REFER THIS PETITION TO THE TOWN STAFF FOR FEEDBACK. VOTE: AFFIRMATIVE ALL

1/15/2010

PROPOSAL FOR A CARRBORO ORDINANCE CRIMINALIZING WAGE THEFT

**Proposal brought to the Town of Carrboro by the
Human Rights Center,
And submitted by Hannah Choe**

PURPOSE:

- o **This is a petition to criminalize wage theft, an abhorrent practice that has increased with the economic recession.**

PROBLEM:

- o Workers of various low-waged industries had lost a significant amount of their pay due to wage violations by employers

THIS INCLUDES, BUT NOT LIMITED TO:

- Pay less than minimum wage
- No appropriate compensation for over time
- Failure to pay at all

In addition, employers, who do not appropriately compensation their workers, are also unlikely to pay into state worker's compensation or unemployment insurance funds.

Many of these employers are do not appropriate treatment to workers who are hurt on the job.

Therefore, they are also hurting hiking up the price of taxes for honest taxpayers

Wage theft puts ethical employers at a competitive disadvantage

STATISTICAL FIGURES:

In the year 2008, 4,400 low-wage workers were interviewed. Of this number, 68% reported wage theft (regardless of their citizen status)

- CBS News "States Address Immigrant Wage Theft"

In another recent study, based on interviews of 4,300 workers, found that 26% of workers weren't paid minimum wage the week before and that 76% of those who worked overtime the previous week weren't paid the proper overtime rate.

- LA Times "Labor Advocates Push for Law Making Wage Theft a Criminal Offense"

THE SOUTH HAS THE WEAKEST LABOR LAWS

- o Southern States make it hard for workers to unionize and collectively improve wages and conditions.
- o They also do not have strong law enforcement to protect workers rights. Instead the South's law enforcement is highly focused on illegal immigration, which has caused a great deal of racial profiling, discrimination, and abuse towards the Hispanic community of the South.
- o Southern states have a weaker Department of Labor, and therefore their rights are not well protected.

"Under Siege" by: Southern Poverty Law Center

JOIN THE MOVEMENT!

The cities, Austin and Denver have already passed "Criminalizing Wage Theft Laws"

Los Angeles, New York City, and Chicago are currently strong advocates and pushing for these same legislation changes.

Year 2010
Proposal for a Carrboro Ordinance

Criminalizing Wage Theft

Proposal brought to the Town of Carrboro by the Human Rights Center,
And submitted by Hannah Choe

This is a petition to criminalize wage theft, an abhorrent practice that has increased with the economic recession. Many residents of Carrboro, who have been exploited for their hard work, are regularly affected by wage theft by not being appropriated proper monetary compensation for the hard labor.

Current Law and Problem: Researchers found that workers of various low-wage industries had lost a significant amount of their pay due to wage violations by their employers. Many employers are failing to meet North Carolina's minimum wage and hour laws. Furthermore, when workers make an attempt to complain or form a workers union, many of them have experienced an illegal retaliation from their employers in the form of firing or suspension.

Proposal: Wage theft is currently filed as a civil suit, in which workers can only file civil suits against their employers through a small claims court. However due to the severity of the situation, wage theft should be a criminal offense, allowing the police to arrest violators.

Rationale: Wage theft must be considered a criminal offense; otherwise we are reinforcing modern day slavery as something none other than a violation against human rights.

- Wage theft tends to target our migrant community, who makes up a large part of our city's working class.
- Wage theft puts ethical employers at a competitive disadvantage
- The Fair Labor Standards Act are not being met, including the following: violations of minimum wage laws; not paying time and a half overtime pay; forcing workers to work off the clock; workers not receiving their final paychecks; misclassifying employees as independent contractors to avoid paying minimum wage and overtime (as well as employers' share of FICA tax); and not paying workers at all.
- When the working class is not economically thriving, local businesses also struggle from losing a considerable amount of consumers.

Impact: This proposal would affect the well-being of the entire community. Our economic viability is dependent on the working class, and therefore this change in legislation would empower them from being subjected to exploitation. The classification of wage theft as a criminal offense would further deter unethical employers from violating our current labor laws. The proposal complies with the Federalism principles in Executive Order 13132.

Cost: Not Applicable

Effective Date: 2010 Fiscal year

Remarks for Carrboro Board of Aldermen December 8, 2

The significance of recognizing Bill of Rights Day annually is to remind everyone these rights are given to all persons, not just citizens. At times these rights have been often taken away. Thomas Jefferson warned, *All tyranny needs to gain a foothold is for people of good conscience to remain silent.*

Understanding this, the Carrboro Board of Aldermen defended these rights in the face of the USA Patriot Act of 2001, by passing a resolution reaffirming the rights of its residents regarding the protection of civil rights and civil liberties in June 2002.

The Orange County Bill of Rights Defense Committee applauds the Aldermen who, in May 2006, reaffirmed the protection of immigrant rights by passing "A Resolution Establishing a Policy that the Carrboro Police Department Will Not Seek to Arrest Persons when the Sole Basis for Arresting Such Persons Is that Such Persons Have or May Have Committed a Civil Immigration Violation..

In April 2009 Carrboro became a "Human Rights City," when is passed "A Resolution Adopting the Universal Declaration of Human Rights as Guiding Principles."

In light of this, I want Carrboro residents to know about the resolution Amherst, Massachusetts, approved last month: a resolution to welcome one or two *cleared* Guantánamo Bay detainees to its community, once Congress lifts its current ban. Amherst became the first municipality in the United States to do so.

The writ of *habeas corpus*, written into Article I of the US Constitution and Article 11 of Universal Declaration of Human Rights, has historically been an important tool for the safeguarding of individual freedom against arbitrary state action.

Locally, I expect the Aldermen to pay attention to the closing of El Centro Latino, 110 West Main Street, Carrboro, that served many immigrants from all of Orange County. Is there consideration to find resources among the jurisdictions within the County to reopen this center?

The Chapel Hill and Carrboro Human Rights Center, in Abbey Court, 501 Jones Ferry Road, Carrboro, is another community resource serving the needs of Latino residents. It asks for community support of its Celebration of the Posadas, a Community Festival, 4:30 PM, December 16, Abbey Court Green Commons.

I invite all the Aldermen and public to participate in the annual reading of the Bill of Rights, Tuesday, December 15, Noon, on East Franklin Street Courthouse steps, Peace and Justice Plaza.

Thank you.