



# MAKING OUR LAWS REAL

Protecting workers through strategic enforcement of DC's labor laws

**JUST  
PAY**

D.C. JUST PAY COALITION



In the summer of 2014, a coalition of labor unions, community groups, and worker organizations joined forces to form the DC Just Pay Coalition. The coalition's focus is to ensure successful implementation of the following local labor laws: The Minimum Wage Act of 2013; The Paid Sick and Safe Leave Amendment Act of 2013; and The Wage Theft Prevention Amendment Act of 2014. Minimum wage and paid sick day violations are wage theft violations. So when we advocate for enforcement and implementation of wage theft laws, that is inclusive of paid sick leave and minimum wage laws as well.

Together, the DC Just Pay Coalition has developed joint community 'know your rights' education materials, created a worker-friendly 'know your rights' information and resource website ([knowyourrightsdcc.org](http://knowyourrightsdcc.org)), informed our communities, employers, service providers and government agencies about DC's new labor laws, educated over 8,000 residents about their new rights via group outreach at metro stations, worker-heavy business corridors, back to school nights, city-wide festivals, weekend farmers' markets, church presentations, and community and union presentations. Throughout that time, the DC Just Pay Coalition has sought to work with the legislative and executive branches of the DC government to promote collaboration and effectiveness in the enforcement of DC's crucial worker protections. It is in that spirit that we developed this report.

A special thanks to Family Values at Work, particularly Marianne Bellesorte, for all their dedicated support in the creation of this report.

# INTRODUCTION AND OVERVIEW

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Noncompliance with wage and worker protection laws persists at a high level around the country. A 2008 survey found that 68% of people working low-wage jobs in large cities experience wage theft every week, losing about 15% of their earnings.<sup>1</sup> One study from 2014 estimated that workers in California and New York alone lose about \$1.7 billion dollars in stolen wages per year.<sup>2</sup> Minimum wage violations alone are predicted to cost workers across the country over \$15 billion dollars each year – more than the annual value of property crimes committed in the United States. When employers violate our minimum wage, overtime, wage theft, and paid sick leave laws, workers and their families face real and dire consequences. They suffer increased poverty rates and are more likely to rely on public assistance, straining safety net programs and hindering workers' ability to improve their economic futures. But the harms of wage theft also extend beyond its immediate victims, reducing taxable income and exerting downward pressure on the wages of all workers in affected industries. Law-abiding business owners are also harmed as their competitors unlawfully trim labor costs.

The unanimous passage of the 2014 Wage Theft Prevention Amendment Act demonstrated the D.C. Council's commitment to ending the practice of wage theft in the District. Subsequent efforts to clarify the law and to ensure its robust implementation via increased funding for the Department of Employment Services (DOES) Office of Wage-Hour reinforced this. Nevertheless, we are dismayed to report that wage theft remains pervasive in the District of Columbia. Far too many companies still fail to pay workers the minimum wage, fail to pay due overtime pay, fail to pay workers on time at their promised wage, fail to properly classify employees as employees instead of independent contractors, and refuse earned sick and safe days.

In recent years, DOES has made strides toward improved labor law enforcement. The agency has increased staff to meet the needs of the new laws, participated in workshops regarding best practices for sick days enforcement held by the Center for Law and Social Policy and with Professor Janice Fine, launched the Public Education Program in partnership with local nonprofits, strengthened its partnership with the Office of the Attorney General to take on larger investigations, and met with the Just Pay Coalition to discuss ways to improve compliance. DOES leaders have also expressed agreement with the Just Pay Coalition's recommendations to mix complaints-based enforcement with strategic investigations and to use the full force of the Wage Theft Prevention Amendment Acts' remedies.

We still have a long way to go. Ultimately, the efficacy of the District's labor law enforcement can only be measured by the prevalence or lack thereof of noncompliance and wage theft. By this measure, our enforcement efforts fall far short. In November of 2016, DC Jobs with Justice conducted a paid sick day compliance project in Adams Morgan and H Street. Out of the 265 workers given information about Paid Sick Days, only 26 of those workers had ever heard about and used a paid sick day successfully. Also, out of 53 businesses visited, 40 businesses were violating the Paid Sick Days law by failing to inform workers about their right to Paid Sick Days, denying workers paid sick days, and failing to post labor law information up in the staff break rooms. In construction, companies like Power Design, Inc., with multiple lawsuits for wage theft in the DC area continue to expand their business practices on job sites in our communities. Working off the clock is still regularly expected in hotels and clothing stores across the District.

We welcome a collaborative and productive partnership with the Department of Employment Services Office of Wage-Hour and the Mayor's administration on this issue because we know that ending wage theft will be impossible without a highly effective agency enforcement program. To that end, we offer the following platform of recommendations for a successful, strategic labor law enforcement program in Washington, D.C.

**Strategic enforcement is a deliberate approach to change the practices of wage violation that have become commonplace in certain industries. It takes account of industry-specific business models, dynamics, and regulations with the goal of creating ripple effects that will influence the compliance behavior of a number of employers at once.**



# STRATEGIC ENFORCEMENT

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## Background

While wage theft is pervasive and highly damaging to workers and their families, there is some good news: the problem is not unassailable. Recent research by Professor Daniel Galvin of Northwestern University shows that states can significantly reduce worker exploitation by enacting and robustly applying tough policies, especially “treble damages” laws that award victims of wage theft up to three times the value of their stolen wages. Crucially, simply passing strict laws is not enough. To be most effective, employers and businesses must be aware of their rights and obligations, anti-wage theft laws must be meaningfully and effectively enforced, and must be accompanied by other legal provisions that protect and empower victims to speak up against their abuse, such as strong anti-retaliation laws. As the Economic Policy Institute recently concluded, both “the strength of a state’s labor laws and its enforcement capacity do have a significant impact on the likelihood that employers will commit wage theft.”<sup>3</sup>



Enforcing a law is no small task. Short staffs, multiple complaints, and few resources add up to requests for help that go unanswered. Even for agencies with sufficient staffing, a complaint-based system lets too many violations fall through the cracks.<sup>4</sup> Employees may fail to file a complaint for a variety of reasons, such as a fear of losing their jobs, a lack of knowledge of their rights, a fear of deportation, or that they will not be able to make their case in their preferred language.<sup>5</sup> And when complaints are filed, agencies tend to focus only on the complainant rather than any systematic problems in the workplace.<sup>6</sup> As a result, the agency may miss additional wage/hour problems, and the employer involved may get away with paying only one violation while other employees continue to go without paid sick days or their correct wage.

Strategic enforcement is a deliberate approach to change the practices of wage violation that have become commonplace in certain industries. It takes account of industry-specific business models, dynamics, and regulations with the goal of creating “ripple effects” that will influence the compliance behavior of a number of employers at once. The strategy looks at entire industry sectors rather than individual workplaces alone and identifies multiple levers to hold entities, including companies at the top of supply chains, accountable for compliance.<sup>7</sup> The core elements of strategic enforcement include:

**Focusing at the top of industry structures** by mapping business relationships and reaching out to the top and coordinating investigation procedures.

**Enhancing deterrence effects at the industry and geographic level** by focusing on deterrence by industry, using penalties as a central element of deterrence and enhancing deterrence through transparency

**Transforming complaint investigations from reactive to strategic resources** by responding strategically to complaints, creating special complaint handling procedure for targeted industries, reaching out to the worker advocate community, and increasing protections for employees who complain

**Enhancing the sustainability of initiatives through monitoring and related** procedures by creating new monitoring arrangements, expanding settlement agreements, and making compliance an integral part of employer monitoring activity.<sup>8</sup>

# STRATEGIC ENFORCEMENT: INVESTIGATIONS

## Best Practice

In recent years, some labor law enforcement agencies have chosen to move away from complaint-based processes. By directing their investigations to industries most likely to offend, and by triaging complaints that do come in, these agencies see better compliance with their laws. In Seattle, directed investigations led to a 56% probability of compliance in the next year, while complaint-driven investigations only produced a 13% likelihood of compliance.<sup>9</sup>

In addition to directing their own investigations, some agencies expand the scope of their complaints-based investigations. When one complaint comes in, these agencies look at the entire workplace, not just the single complaint. This action prevents employers from identifying (and retaliating against) the complainant while simultaneously uncovering system-wide violations and, ultimately, bringing about stronger penalties.<sup>10</sup>

In cases where agencies receive so many complaints that they need to triage which complaints to pursue, they should focus on investigations focusing on serious violations, retaliation, high profile occurrences, and the chance to partner with worker organizations.<sup>11</sup> Agencies may also want to focus investigations in sectors where wage theft has a higher rate of occurrence including those that rely on third party management, franchising, or independent contracting.<sup>12</sup>

**“ I have not seen DOES on any sites. Payroll fraud and wage theft could be fixed very easy if the agency would go to the sites, get payroll records from contractors and talk to workers. Adopting more project labor agreements on District work could completely eliminate this issue, our agreements hold contractors to a much higher standard than what the law requires. The District is losing millions of dollars in workers’ compensation, unemployment insurance, social security, etc. That means less money for schools, roads and highways. Their lack of action is putting responsible contractors out of business and is undermining wages for workers in the area.”**

— Raul KML Carpenters

## In the Field

- In California, the Labor Commissioner developed strategic investigation teams focused on high violator industries.<sup>13</sup> Teams include deputies from statewide offices, which provides an opportunity to build leadership throughout the organization. Each team works on a different high-risk industry so they can approach the problem systematically rather than case by case. Cases taken up by teams get priority access to investigate retaliation and to enforce judgments.<sup>14</sup>
- In Seattle, the Office of Labor Standards takes retaliation seriously. In one instance, an investigation found that a security company wrote up an employer for using sick time, which violated the anti-retaliation portion of the law. Following the investigation, the employer removed the write-up, changed their policies based on the agency’s recommendation, and went to training. Additionally, the agency assessed penalties on behalf of the city and the employee.<sup>15</sup>
- In New York City, investigators found that they received few complaints from industries with multiple violations. Professor Janice Fine did a training for staff to explain the need for strategic investigations. Fifty proactive investigations were launched in July 2017 that looked at compliance around paid sick days, wage and hour, and more. For instance, on July 31, 2017, NYC launched an investigation into 40 home healthcare agencies across the city to ensure employers knew their obligations and that employees knew their rights.<sup>16</sup>

## Here in DC

- **Target Industries:** DOES has identified key industries for outreach and education: hospitality, health care (specifically home health aides), construction, the restaurant industry, and moving companies. It remains unclear to community partners if investigative resources are being spent to ensure compliance. We are aware of the resources being spent on public education, but there are concerns that information is not being shared in various languages- as mandated by the DC Language Access Act of 2004. It is also unclear to what extent particular companies that have been identified by workers or community-based groups within these industries for a practice of noncompliance have been the focus of DOES investigations.
- **Repeat Offenders:** Members of the DC Just Pay Coalition, particularly the Washington Lawyers Committee, have documented repeat offenders and reported them to DOES through meetings with the Office of Labor Law Enforcement. Coalition members but have not received updates from DOES regarding the outcomes of investigations or other attempts to bring these employers into full compliance.

## Action Steps

- **Develop metrics for evaluating compliance rates by target industries (or rates of noncompliance if that is easier to measure).**
- **Institute a plan to improve noncompliance in target industries.**
- **Create a rubric for determining which complaints automatically trigger a full investigation (multiple complaints against one company, one complaint in a target industry, etc.).**
- **Publicize agency metrics for evaluating compliance rates and improving noncompliance, and be transparent about the types of complaints the agency will prioritize for investigation. Enhanced transparency can provide additional deterrent effects, including through providing more information to employer and worker networks.**

Workers at the Watergate Hotel, one of Washington's notorious landmarks, regularly had wages stolen for carpentry work in 2015-2016. The Keystone Mountain Lakes Regional Council of Carpenters found that there were over 30 workers who were not being properly compensated for their time - from not receiving overtime to not getting paid at all. Unfortunately, less than a third of the workers actually came forward. Two went to DOES, who took their case, and were only paid for what the workers believed they were owed (the hours for which they were not paid) which

did not include unpaid overtime or treble damages. They received about \$1,000. Other workers used the private right of action. The settlement process took a couple months longer, however the payoff to the workers was much higher, and reflected all the wages stolen and increased penalties to the offending company - one of the workers received over \$30,000. This demonstrates the missed opportunity to truly make whole the wage theft victim, apply behavior-changing penalties to the company, and serve all workers including those afraid to come forward.

# STRATEGIC ENFORCEMENT: PROCESSES

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## Best Practice

An agency's complaint system should be both efficient and effective. Speed is particularly important to prevent retaliation. The fear of retaliation or actual retaliatory acts (such as cutting a worker's hours, moving a worker from a desired shift, or suspending or firing a worker) has real impact on workers' lives, incomes, and wellbeing and will diminish the number of verifiable complaints made to an agency.<sup>17</sup> Retaliation should be cause for immediate action by an agency.

An efficient complaint process also ensures the worker stays engaged throughout the process and receives the compensation they deserve. Compensation of treble damages, which is part of DC's law, is often cited as a way to prevent recurring violations and make it worthwhile for a worker to raise a complaint.<sup>18</sup> Most workers cannot afford to wait for their lost pay or sick time. The goal of enforcement should be to efficiently make the worker whole and prevent future violations.<sup>19</sup> Ideally, an agency should be able to collect back wages, liquidated damages, interest, and other monetary penalties.<sup>20</sup> When needed, agencies can ask for injunctive relief and monitoring for high profile cases.<sup>21</sup>

## In the Field

- In San Francisco, the paid sick and safe days investigators include audit letters as one of their investigative tools. These audit letters are used to request records for the entire company. In cases where sick days have not been given appropriately, SF investigators will order 3.7 sick days/year of noncompliance to be paid to employees. Nearly all cases in San Francisco are solved in negotiations without going to a hearing.
- New York City makes it clear throughout their investigation that retaliation is prohibited. Any retaliation claim is acted on within 24-48 hours of talking to the worker in question. When immediate resolutions can not be made, the case goes directly to a tribunal. This quick action around retaliation helps protect workers who come forward with a violation. In cases where an employee is fired through retaliation, immediate action is more likely to restore the worker to their job.
- In San Francisco, labor law is enforced by the Office of Labor Standards Enforcement, an agency created in 2006. The agency is solely focused on education and enforcement of state and local labor laws including minimum wage and prevailing wage, healthcare and parental leave ordinances, and paid sick leave. Responsibilities of the agency have expanded as San Francisco has increased local worker protections. The agency also maintains an up-to-date website with all labor laws applicable to employers, employees, and contractors.

## Here in DC

- **Timeliness of Response:** The law requires that the process move quickly for workers with a commitment to an initial determination within 60 days of the date the complaint is delivery. Unfortunately, the Washington Lawyers Committee has worked with multiple workers who have waited over 150, 180 and 365 days.
- **Retaliation:** There is not an efficient process to address retaliation. If DOES determines that reinstatement is an appropriate form of relief, it is included in the initial determination. If the employer disagrees with reinstatement or refuses to reinstate, the claim is sent to Office of Administrative Hearings or Office of Attorney General for resolution and enforcement. This process does not reflect the urgency presented to the worker of an unjust retaliation by management for attempting to access his or her rights, or the chilling effect retaliation may have on other workers affected by labor violations.

- **Penalties and restitution:** In answers provided to the Committee on Labor and Workforce Development in December 2017 DOES found that many employers were not meeting tipped minimum wage requirements. They report that “100% of all non-compliant employers were sent a ‘Notice to Cure’ with instructions to provide restitution to employees raising their wages to the legal minimum and pay a non-compliance penalty to the DC Wage Theft Fund.” In this case it appears that workers were not given treble damages (in fact, no back pay is recorded in this answer), nor were the full penalties to the District sought. It is also unclear whether this ‘Notice to Cure’ was made available in the preferred language of the employer to increase likelihood of compliance. This seems to indicate that DOES is not using the full extent of the law to ensure workers are fully paid, compensated for the violation they have experienced, and the company and others are deterred from being out of compliance with this or other labor laws. The Washington Lawyers Committee further reports that penalties are not being paid when determination is won.
- **DC Department of Buildings proposed legislation:** In January, 2018, the DC Council proposed creating a Department of Buildings to focus attention on the need for better oversight of construction compliance, rental housing safety, and residential property maintenance activities currently under the purview of the Department of Consumer and Regulatory Affairs. The new agency will also include the Strategic Enforcement Administrator whose responsibilities mirror the strategic enforcement activities recommended in this document including: “developing and implementing strategic, and data-driven deployment of the Department’s enforcement efforts...developing and implementing consistent enforcement procedures... tracking and enforcing collection of the fines and making referrals to OAG, when necessary...managing and tracking the enforcement history of individual projects, professionals, and properties to identify repeat violators or trends in construction, housing code, or maintenance violations and developing plans to detect and deter future violations.”

## Action Items:

- **Develop and share annual goals regarding: number of investigations opened and closed; number of violations investigated by area including failure to pay tip minimum, failure to provide sick or safe leave, misclassification, and failure to pay overtime; and total penalties assessed. Reports should then reflect DOES’ success in reaching those goals**
- **Pledge to pursue full penalties for violations, including punitive damages and/or payments to the full workplace when needed.**
- **Implement a policy for how to respond to retaliation attempts by employers to occur within 48 hours.**
- **Set up a formal agreement to collaborate with worker advocacy groups to share information about wage theft, sick days violations, and other bad labor practices beyond the Public Education Program partners. Offer a written policy for information sharing with organizations that refer cases to DOES or support clients in the process.**
- **Shorten the timeline from complaint to resolution to 60 days to ensure workers are made whole in a timely manner. Consider amending the Wage Theft Prevention Act so that in the event the employer does not pay the worker as determined by DOES, the burden does not fall to the worker to participate in a long administrative process.**
- **The executive and legislative branch of DC government should determine whether a dedicated agency (similar to the proposed Department of Buildings) is needed to improve outcomes for workers through a focus on Strategic Enforcement.**



# COMMUNITY PARTNERSHIPS

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## Background

When enforcing workplace laws, building trust and community support is key to getting results. Workers scared of losing their jobs or of other forms of retaliation need to know that they will be protected when they make a complaint. While government agencies can work with the community to gain trust, they can and should turn to organizations with cultural competency, industry expertise and on the ground relationships of trust to do outreach, conduct investigations, and monitor compliance.<sup>22</sup>

## Best Practice

In the best case scenario, agencies fund worker and business organizations to assist with education, monitoring, and compliance around workplace laws. Even agencies that can not afford to fund this work should look into formal or informal contracts with community groups to share resources and information.<sup>23</sup>

When providing funding, agencies need to provide enough money to do meaningful work within an organization, but also need to spread the funding among organizations to ensure it reaches multiple populations.<sup>24</sup> Businesses can also provide support: good employers are more likely to want enforcement of the law so that violators do not get a business edge.<sup>25</sup>

Community partnerships should start with clear and formalized agreements and openly negotiated expectations. For instance, in California, the Division of Labor Standards enforcement worked with the CLEAN Campaign to enforce and improve labor standards at area car washes. As part of their agreement, Labor Commissioner Su ensured CLEAN could present information to agency staff and have access to field investigators. Before going to investigate a carwash, agency staff were briefed by the organization to get an idea of what to expect at the workplace and to learn which workers could help them on-site.<sup>26</sup>

Even when collaborations do not involve funding, binding agreements should be created to increase trust and accountability on both sides. Collaborations also need to be sustained to ensure that information is shared regularly and to ensure that collaborations survive through leadership changes.<sup>27</sup>

## In the Field

- In San Francisco, agencies spend \$500,000 year in contracts with community groups. These groups provide education, outreach, consultations, and referrals around a range of wage and hour issues.<sup>28</sup> In one of the highest profile cases, the San Francisco Office of Labor Standards Enforcement (OLSE) worked with the Chinese Progressive Association and other community groups to win a record settlement from Yank Sing Restaurant. A \$4 million settlement<sup>29</sup> was reached, covering a variety of labor violations including wage theft.
- At the national level, OSHA partners with community groups when doing worksite inspections. Under the law, employees have the right to be represented during an OSHA inspection so that they can help investigators. Community representatives join OSHA during some inspections to support workers and point out places where employers may be hiding violations.
- In Seattle, the labor enforcement agency puts out separate request for proposals each year to community and business organizations, providing money for these groups to do outreach and education around labor laws to their community. Through the RFPs, Seattle gets information to hard-to-reach workers, businesses, and industries.<sup>30</sup>

## Here in DC

- **Community engagement in the Language Access Program:** The Language Access Program in DC consists of a combination of government and community partners. While the Office of Human Rights (OHR) performs the enforcement role, the education and compliance roles are shared with the Mayor's constituent offices and the non-governmental organizations that comprise the DC Language Access Coalition. Best practices for a successful partnership include:
  - Bimonthly meetings between DCLAC community partners, OHR and Mayor's offices staff - this ensures community oversight helpful to ensure that community organizations can follow-up by sharing data and information of complaints and violations with government that leads to better implementation of the Act.
  - Advocates of the DCLAC are able to provide annual revisions and suggestions to Biennial Language Access Plans produced by 34 different government agencies.
  - Regular testimonies by impacted community members to ensure agency transparency.
- **Public education partnerships:** DOES launched the Public Education Program grant in 2017. The community education grant awarded \$120,000 to two non-profits that were selected and trained on performing outreach by DOES. The requirements include outreach to District employees, employers and residents about wage laws, employee commuter benefits, and First Source hiring requirements. The grantees must also work across all 8 wards, be responsible for four wards as assigned by DOES, and provide information in multiple languages.
- **Office of the Student Advocate Partnership Model** DC uses the "advocate" model to help residents navigate agencies and ensure their rights are protected. This has successfully supported tenants (Office of the Tenant Advocate) and parents and students (Office of the Student Advocate) fully access the rights afforded to them by DC law. Student advocates support and empower DC residents to achieve equal access to public education through advocacy, outreach, and information services. They provide step-by-step assistance for students, parents, families, and community members to stay informed and connected.
- **Community Allies** In the fall of 2016, a group of day laborers experienced wage theft on a DC construction site. Through word of mouth, the workers heard there was a day laborers organization Trabajadores Unidos DC (TUWDC) that educates worker on labor laws and help workers file complaints to recover lost wages. The group of workers went to TUWDC to seek help with recovering lost wages so an organizer accompanied the workers to the construction site where the labor laws were violated, which launched

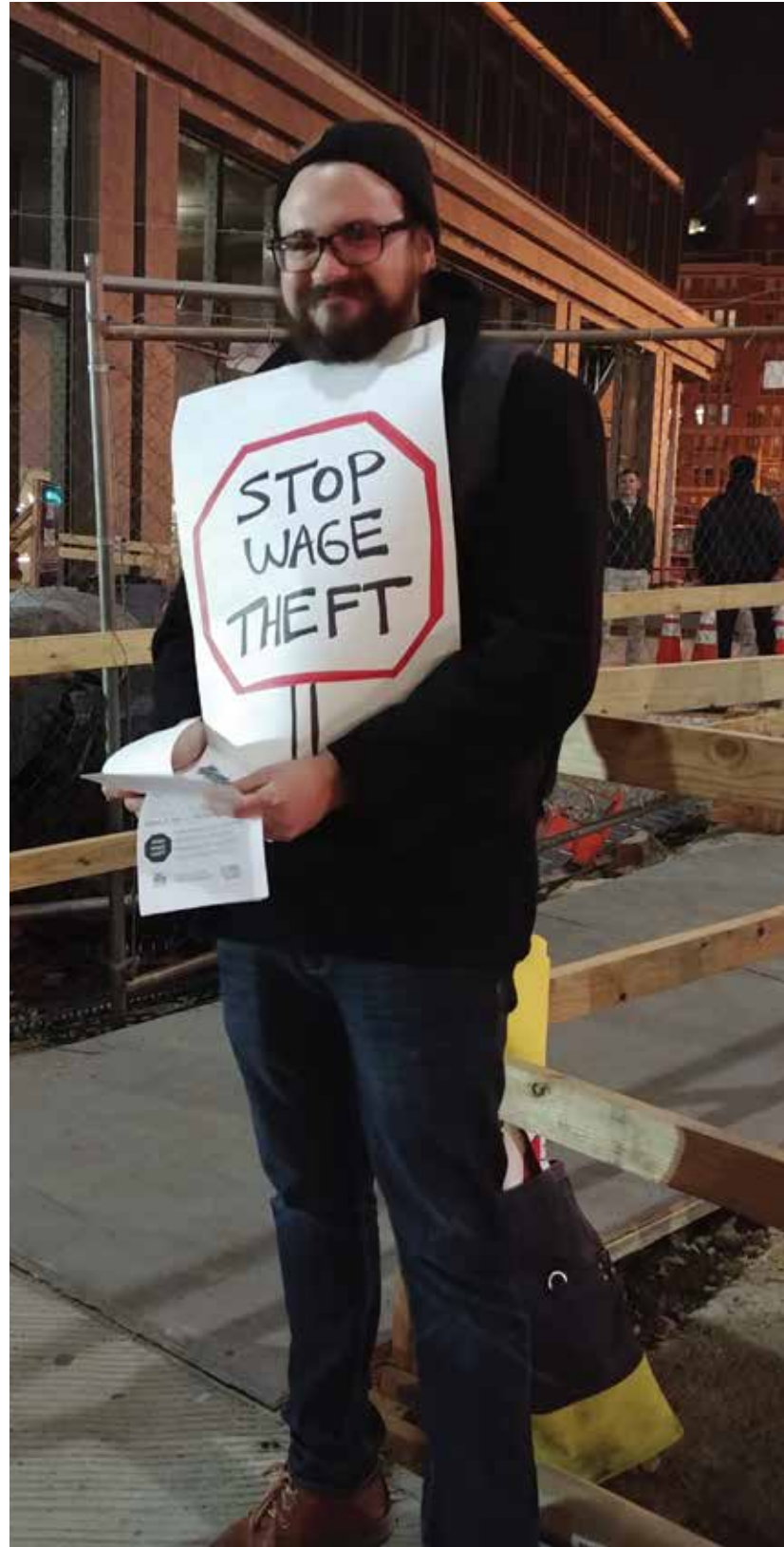
Four years ago Neatasha's son was diagnosed with Attention Deficit Disorder. The DC Public School her son attended at the time did not have the proper resources to foster his success so, she did some research and reached out to the Office of Student Advocates. The student advocate informed her of her rights as a parent, the student rights and made sure the family had a plan for his education and additional resources to seek. She reported that the Student Advocates

make sure all families have language access, effectively and regularly communicate with families and schools about student needs and rights, listen to what the student and family wants, work with student and family develop student plan, attend meetings and court appearances when the parents can not, prepare families to advocate on their own and facilitate successful navigation of the system by listening to what the student and family desire.

a series of actions by TUWDC and the workers, including filing complaints with DOES. Ultimately, 23 workers won \$46,000 in back pay thanks to the direct involvement of TUWDC.

## Action Steps

- **Expand the Public Education Partnership to include at least four community and labor organizations to support outreach, conduct investigations, and monitor compliance. This should include at least two worker organizations. Announce partnership once awards are made.**
- **Implement standing quarterly meetings with the DC Just Pay Coalition and other community stakeholders and follow up in a timely manner on the issues/ concerns that are raised.**
- **Conduct outreach to employer or business associations to encourage information-sharing, complaints, or cooperative partnerships with the collective aim of raising compliance in problematic industries, which levels the playing field for those businesses playing by the rules.**
- **Investigate the “advocate” model to create an Office of the Worker Advocate to support workers in accessing all their rights on the job and navigating government agencies to find a remedy. Support could include partnerships with law schools to include supervised law students.**
- **Host workshops developed in partnership with community organizations and share outreach efforts with community organizations. Offer greater transparency and access to the workshops, sessions, and trainings that are already provided by the agency for community- based orgs and individuals.**



# PUBLIC AWARENESS

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## Background

In order to make sure labor laws have meaning, administering agencies and organizations must partner together to ensure workers and businesses know the benefits of the law - and the consequences for violating it. For many workers (and some businesses), passage of a new law has never crossed their radar. Even if they've heard of it, workers might think it does not apply to them, especially if they work in small businesses, speak limited or no English, or work in an industry that historically operated without sick and safe days. Low-income and undocumented workers are also most likely to have their rights violated.<sup>31</sup>

**“ Language access interpreter services at DOES are, at best, a challenged service; from the inability to use the interpreter service room (because there is only one) to absolutely no assistance in the Unemployment Office.”**

— Perry Redd,  
Washington Lawyers' Committee.

## Best Practice

Family Values @ Work, a national organization made up of 27 statewide coalitions supporting paid leave, has worked with a number of their members to determine best practices around paid leave implementation and enforcement. Their topline assessment: people are most likely to remember and use the law if they learn about it when they need it most. Training social workers, medical professionals, and domestic violence associations, among others, are some of the best ways to ensure people know about local sick and safe days law and how to use it. These groups may also be well placed to help employees report violations when needed. For those workers most likely to experience violations, small group and one-on-one education is critical, as is hearing the message from trusted community members.

In addition to reaching people where they need it most, general multi-lingual outreach methods, such as bus advertisements and social media, should not be overlooked. Trusted messengers can play a dual role by doing one on one outreach and recording videos, radio ads, or creating other mass market means of communication. Ads can also be chosen to target certain neighborhoods where workers who are likely to face violations live or work. Means to contact the agency when violations occur should be just as widespread.

Not all outreach needs to come directly from the enforcement agency. The agency can and should look to partner with other agencies within the DC government. Notices about labor laws can be included in energy bills, school notifications, and business licensing forms. In San Francisco, for instance, the Department of Public Health asked all permitted businesses to sign declarations showing their understanding of and willingness to operate under existing labor laws.<sup>32</sup>

When it comes to reaching businesses, similar tactics should be employed. Working directly with business groups to present information and answer questions about the law - in the preferred language(s) of the employers and employees - will help get more buy-in from the community. Merchant walks are another way to reach out to business.<sup>33</sup>

Language access can be the first and most basic step in ensuring workers know and can access their protections. In order to address the wide variety of language needs and ensure equitable protection by all DC workers, workers must be able to access information about their rights in their language both in writing and in person when engaging with local government and community partners. Further, protection for those that are limited or non-English proficient is required by several local and federal laws.



## In the Field

- In San Francisco, the Department of Public Health took on a health equity project to incorporate labor law compliance into their health and safety work.<sup>34</sup> For example, food safety trainings were changed to include a worker's rights section following the passage of the paid sick days law.<sup>35</sup> This training helped workers in a high violation industry learn about the law and how it applied to them.
- In New York City, the paid sick days launch included over 1000 events. More than 25% of those events were held in a language other than English. Additionally, even though the paid sick days law mandated materials be translated into seven languages, the office provided translations for 26 languages.<sup>36</sup> They also provided trainings for social service provider, legal service providers, and district trainings in City Council offices as part of the paid sick days rollout.
- In Seattle, the city created videos and materials for small businesses. The University of Washington did a series of evaluations on the law and its outreach.
- Portland worked on hiring a small business attorney to write and conduct trainings, toolkits, and sample HR policies instead of relying on agency staff to create these materials.
- In New Jersey, Main Street Alliance and New Jersey Citizen Action partnered to do merchant walks to share materials and answer questions about paid family leave in NJ. They found that, despite more than 60% of businesses reporting they were aware of the law or had the poster displayed, 44% of businesses surveyed were unsure if the state law applied to them.<sup>37</sup>

## Here in DC

- **Zip code project** The 2015 Zip Code project was conducted as an outreach and educational effort to provide information to DC employers regarding labor laws. While conducting site visits, DOES staff discussed DC labor laws with company representatives and provided a packet of Wage Theft information that included the new Notice of Hire Template, the Wage Theft Prevention Amendment Act Notice, copies of Wage Laws and free Minimum Wage, and ASSLA posters that were required to be posted by law. DOES visited over 1,000 businesses and was able to engage 948 company representatives.
- **Bus ads:** In 2017, DOES launched highly visible bus campaign developed with community partners to educate workers about DC's Accrued Sick and Safe Leave. There were many delays in the launch of the ads and only English ads were placed on DC metro buses.
- **Employer and employee education:** DOES Office of Wage Hour holds events for employers and employees. A successful bilingual (Spanish/English) community forum was held in September 2017.
- **Publicity:** The Executive Office of the Mayor and Department of Employment Services have partnered with community organizations or held their own public press events to highlight the annual July 1 minimum wage increase.
- **Trusted Messengers:** In 2017, MLOV began the process of establishing a Trusted Messenger network by recruiting direct service organizations as sites to educate workers about labor law protections.
- **Online resources:** The Washington Lawyers' Committee maintains the easy to understand website <http://www.knowyourrightsdcc.org/> to provide current worker information regarding minimum wage, paid sick days, criminal records, and wage theft protections. The site provides all information in both Spanish and English. The Office of the Attorney General also maintains wage theft information in Spanish and English at <https://oag.dc.gov/page/wage-and-hour-laws>



## Action Steps:

- Expand public awareness activities for Paid Sick and Safe Days, minimum wage, and wage theft. Activities should include placing ads on transit and in the media, direct mail/direct outreach, including labor rights in other DC government mailings and announcements, posting in DMV and other government agencies.
- Ensure that language access services are offered to all workers from the moment they walk into DOES, that all materials and translation services are provided at DOES in accordance with the DC Language Access Act, and that public awareness activities occur in multiple languages, particularly Spanish.
- Ensure accurate, clearly available information for workers and employers online including the ability to file a complaint and receive confirmation and next steps.
- Develop strategies to train trusted messengers who can share information with the public - these messengers can come from within other DC government agencies as well as nonprofit service providers, business associations, and others.
- Require posting of pay requirements for tipped employees. Specifically, employer obligations to make up the difference in compensation when hourly wage and tips do not meet minimum wage; adequate compensation for non-tipped duties; and overtime calculation and pay.
- As a means of deterrence, publicize major payments made to workers.

# ENDNOTES

1. Bernhardt, A., Milkman, R., Theodore, N., Heckathorn, D., Auer, M., DeFilippis, J., . . . Spiller, M. (2009). *Broken Laws, Unprotected Workers*(Rep.). Washington, DC: National Employment Law Project.
2. Eastern Research Group, Inc. (2014). *The Social and Economic Effects of Wage Violations: Estimates for California and New York*(Rep.). Washington, DC: U.S. Department of Labor ASP/ CEO.
3. Cooper, D. & Kroeger, T. (2017). *Employers Steal Billions from Workers' Paychecks Each Year*. Economic Policy Institute
4. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 2, Rep.). Washington, DC: National Employment Law Project.
5. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*. Washington, DC: National Employment Law Project.
6. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 4, Rep.). Washington, DC: National Employment Law Project.
7. <https://www.clasp.org/publications/presentation/webinar/labor-standards-enforcement-webinar-strategic-enforcement>
8. Weil, D. (2010). *Improving Workplace Conditions Through Strategic Enforcement*. (p. 3) Boston University
9. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 2, Rep.). Washington, DC: National Employment Law Project.
10. Yoon, H., & Gebreselassie, T. (2015). *Building Robust Labor Standards Enforcement Regimes in Our Cities and Counties*(Issue brief). Washington, DC: National Employment Law Project.
11. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 7, Rep.). Washington, DC: National Employment Law Project.
12. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 8, Rep.). Washington, DC: National Employment Law Project.
13. United States, Department of Industrial Relations, Division of Labor Standards Enforcement. (2017, January 5). *Budget Change Proposal*. Retrieved from [http://web1a.esd.dof.ca.gov/Documents/bcp/1718/FY1718\\_ORG7350\\_BCP1197.pdf](http://web1a.esd.dof.ca.gov/Documents/bcp/1718/FY1718_ORG7350_BCP1197.pdf)
14. *Making Co-Enforcement Work: Lessons from California*. (2017, September 26). Lecture presented at *Making Paid Sick Days Work: Sharing Strategies 2017* in FHI 360 Conference Center, Washington DC.
15. *Case Stories: September - December 2016*. (n.d.). Retrieved February 27, 2018, from <http://www.seattle.gov/laborstandards/enforcement/case-stories/september---december-2016>
16. Department of Consumer of Affairs Puts Home Healthcare Industry on Alert with Paid Sick Leave Investigations. (2017, July 31). Retrieved January 22, 2018, from <https://www1.nyc.gov/site/dca/media/pr073117.page>
17. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*. Washington, DC: National Employment Law Project.
18. Yoon, H., & Gebreselassie, T. (2015). *Building Robust Labor Standards Enforcement Regimes in Our Cities and Counties*(Issue brief). Washington, DC: National Employment Law Project.
19. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 4, Rep.). Washington, DC: National Employment Law Project.
20. Yoon, H., & Gebreselassie, T. (2015). *Building Robust Labor Standards Enforcement Regimes in Our Cities and Counties*(Issue brief). Washington, DC: National Employment Law Project.
21. Yoon, H., & Gebreselassie, T. (2015). *Building Robust Labor Standards Enforcement Regimes in Our Cities and Counties*(Issue brief). Washington, DC: National Employment Law Project.
22. Yoon, H., & Gebreselassie, T. (2015). *Building Robust Labor Standards Enforcement Regimes in Our Cities and Counties*(Issue brief). Washington, DC: National Employment Law Project.
23. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 12, Rep.). Washington, DC: National Employment Law Project.
24. Yoon, H., & Gebreselassie, T. (2015). *Building Robust Labor Standards Enforcement Regimes in Our Cities and Counties*(Issue brief). Washington, DC: National Employment Law Project.
25. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 2, Rep.). Washington, DC: National Employment Law Project.
26. Fine, J. (2015). *Co-Production: Bringing Together the Unique Capabilities of Government and Society for Stronger Labor Standards Enforcement*(p. 18, Rep.). Northampton, MA: LIFT Fund.
27. Fine, J. (2015). *Co-Production: Bringing Together the Unique Capabilities of Government and Society for Stronger Labor Standards Enforcement*. Northampton, MA: LIFT Fund.
28. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 2, Rep.). Washington, DC: National Employment Law Project.
29. San Francisco Yank Sing Restaurant Workers Win Record Settlement. (2014, November 24). Retrieved from <https://www.nbcnews.com/news/asian-america/san-francisco-yank-sing-restaurant-workers-win-record-settlement-n254616>;
- Lucchesi, P. (2014, November 19). *Yank Sing workers get \$4 million settlement from ownership*. Retrieved from <http://insidescoops.sfgate.com/blog/2014/11/19/yank-sing-workers-get-4-million-settlement/>
30. Ichikawa, D. R., & Smith, R. (2014). *Delivering \$15: Community-Centered Wage and Hour Enforcement in Seattle*(p. 12, Rep.). Washington, DC: National Employment Law Project.
31. Gilliam, A. L., & Ben-Ishai, L. (2013, March 11). *First Out of the Gate: San Francisco's Sick Days Law*(Issue brief). Retrieved <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/SF-Implementation-Brief-FINAL.pdf>
32. *Top Tips from Connecticut San Francisco, Seattle, and New York City*(Issue brief). (2014, November 3). Retrieved <https://www.clasp.org/sites/default/files/public/resources-and-publications/files/Implementation-top-tips-earned-sick-days.pdf>
33. *Paid Sick Leave Law*. (n.d.). Retrieved February 23, 2018, from <https://www1.nyc.gov/site/dca/about/paid-sick-leave-law.page>
34. Yu, K. (n.d.). *San Francisco Leverages Health Permits to Combat Wage Theft*. Retrieved February 27, 2018, from <https://healthequityguide.org/case-studies/san-francisco-leverages-health-permits-to-combat-wage-theft/>
35. Gilliam, A. L., & Ben-Ishai, L. (2013, March 11). *First Out of the Gate: San Francisco's Sick Days Law*(Issue brief). Retrieved <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/SF-Implementation-Brief-FINAL.pdf>
36. *Paid Sick Leave Law*. (n.d.). Retrieved February 23, 2018, from <https://www1.nyc.gov/site/dca/about/paid-sick-leave-law.page>
37. *Family Values @ Work*/Center for Economic and Policy Research



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