Protect workers by enacting the Just Enforcement Act

All of us deserve to be paid for our work and avoid injury on the job. We all have a right to expect that the state will enforce laws meant to protect workers.

Because it’s clear that the state lacks the capacity to enforce existing labor law, the legislature should enact the Just Enforcement Act (House Bill 2205). This legislation allows workers and organizations to enforce labor laws when the state cannot do so.

Workers, especially lower-paid workers, lack protection from unscrupulous bosses

Poor enforcement of existing labor laws leaves many Oregon workers at the mercy of unscrupulous bosses who steal wages. Every year, Oregon workers file hundreds of claims of unpaid wages with state officials. This is just the tip of the iceberg when it comes to the problem of wage theft, since workers are often reluctant to complain for fear of losing their job. When employers are caught, few are penalized. In just 1 percent of wage claims determined to be valid by state officials do employers actually pay a penalty for stealing wages from their workers. As a result, lawbreaking employers have little incentive to do the right thing.

While workers everywhere in Oregon experience wage theft, those in lower-wage industries are more likely to be exploited. Claims of wage theft arise more frequently in the construction, food service, and transportation industries. Workers vulnerable to retaliation — immigrants harvesting the food we eat — are among the lower-paid Oregonians cheated out of their pay.

Wage theft harms everyone

Wage theft harms workers, families, the public, and honest businesses. Most directly, wage theft harms the workers who experience it. It deprives families of significant earnings, sometimes driving them into poverty. It leads to Oregonians having to rely on public assistance, despite having a job. And it puts honest businesses at a disadvantage, forcing them to compete with employers who flout labor laws.
The Just Enforcement Act (House Bill 2205) enables workers to sue their boss for penalties on behalf of the state when the state cannot enforce the law. When a state agency says it does not have the capacity to investigate a claim of workplace law violation, the worker can bring a lawsuit on behalf of themselves and their co-workers. A community group can help with the case. If the judge finds a violation occurred, the judge may impose a fine on the employer. Workers keep 30 to 40 percent of the penalties collected. The state agency keeps 60 to 70 percent, mostly to expand its investigative staff, but also to support community outreach and education.

The Just Enforcement Act benefits workers and the state by:

- **Strengthening Oregon's enforcement capacity.** The Act generates new resources for enforcement agencies, expanding their capacity to ensure workers have protections the law requires.
- **Improving working conditions.** Penalties encourage labor law compliance by employers.
- **Using a tested model.** A similar, long-standing law in California generated $88 million in 2019 to expand its enforcement activities.
- **Modernizing enforcement practices.** Cases taken through public enforcement action can overcome litigation prohibitions now often included in mandatory arbitration employment agreements.

Support HB 2205 to protect workers!

Contact for more information or to get involved:

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Note: Citations and sources are available upon request. Much of the information is from prior OCPP publications on wage theft, available at www.ocpp.org.