



PAY UP!

HOW DOES WAGE THEFT
IMPACT NEW YORKERS?



The U.S. Department of Labor estimates that workers in New York City are cheated out of almost \$1 billion every year. Across New York State, workers lose almost \$3 billion every year to wage theft!

What's wage theft?

How does wage theft impact New Yorkers?

How can we protect against wage theft?

In the fall of 2019, CUP collaborated with Teaching Artist Stephanie Echeveste and the International Community High School's 11th grade to explore wage theft and how it impacts local communities. To investigate, students got out of the classroom to speak with their peers and community members, created art, and interviewed stakeholders working on the issue.

The group gathered what they learned and created this booklet to teach others about wage theft and what they can do to make sure employers pay up!

\$3 billion a year in wage theft in New York State!



Car Wash

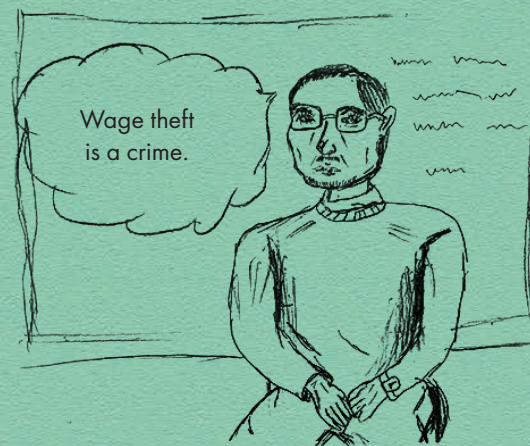


WHAT'S WAGE THEFT?

When business owners and employers don't pay their workers what they're supposed to, they are stealing workers' money. That's wage theft, and it's illegal.



"Wage theft is really common. Most of us, sometime in our lives, will be a victim of wage theft... If we don't speak out, nothing will change."
- Sarah Ahn, Director, Flushing Workers Center



"Wage theft is a crime. [But,] no matter how much an employer steals from their workers, it's just a misdemeanor, which means it's a lower level crime... If you steal a car radio you may be in no less trouble than if you steal a million dollars from your workers."
- Richard Blum, Staff Attorney, Employment Law Unit, the Legal Aid Society



WHAT DOES WAGE THEFT LOOK LIKE?

There are many different ways business owners and employers steal wages from their workers. Some of the most common ways include:

MINIMUM WAGE VIOLATIONS

NYC's minimum wage is \$15.00 per hour.

"Alberto worked delivering food for a restaurant. When he started, they paid him \$3 per hour, because they told him that they gave tips..."

STEALING TIPS FROM WORKERS

... But the bosses didn't give him his tips."
- Carlos Herrera, Organizer, Flushing Workers Center

NOT PAYING WORKERS FOR OVER-TIME

"The laws says that if we work more than 40 hours a week, for all the additional hours we should get paid time and a half."
- Sarah Ahn

UNPAID "OFF THE CLOCK" WORK

"The boss may want you to stay in the shop and do all the cleaning for an extra hour or 30 minutes, but they don't pay you for that."
- Sarah Ahn

NOT PAYING A WORKER AT ALL

Sometimes employers don't pay workers for all the hours they work. Sometimes they just don't pay at all.

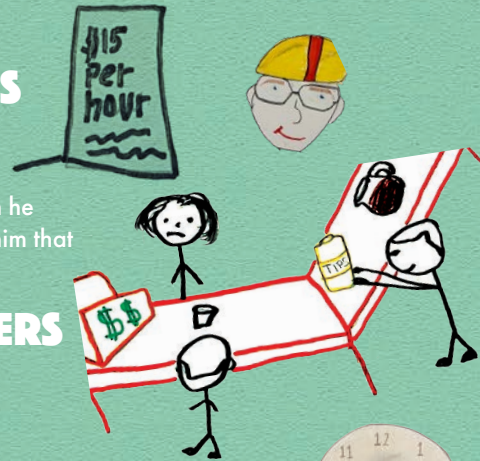
ARE CERTAIN JOBS MORE AT RISK?

Low-wage workers are especially vulnerable to wage theft.

Agriculture, poultry processing, janitorial services, restaurant work, garment making, home health care, and retail are the industries with the most reported cases of wage theft.



"This is not only happening to [manual] laborers and restaurant workers... [Wage theft happens to] nail salon workers, beauty shop workers, and home attendants."
- Carlos Herrera



"If money is being stolen from us, you can't spend it. You can't pay your rent. You can't pay for food. You can't go out and buy things."
- Sarah Ahn



"We have an entire economy in New York, and in many ways the country, that's built on a foundation of wage theft."
- Richard Blum



WHO'S MOST IMPACTED BY WAGE THEFT?

"Employers who commit wage theft are looking and saying, 'Who can I get away with stealing from?' They are looking at people who have some vulnerability... Anybody for whom getting another job is a real problem, they are going to be more likely to be subject to being victimized by wage theft."

- Richard Blum



PEOPLE WITH DISABILITIES

"Another kind of discrimination we see very strongly is people with disabilities that have a hard time getting a job."

- Richard Blum

UNDOCUMENTED IMMIGRANTS

"Undocumented people experience a disproportionate amount of wage theft. There are employers who want to hire undocumented people because they think they can get away with stealing from them."

- Richard Blum

PEOPLE WITH PAST CRIMINAL CONVICTIONS

"If you have a conviction for some sort of crime in your past, it would be hard to get a job. [Job discrimination because of past convictions] is often illegal!"

- Richard Blum

QUEER AND TRANSGENDER PEOPLE

"For gay and bi people, but particularly for transgender people, it's extremely hard to get a job!"

- Richard Blum

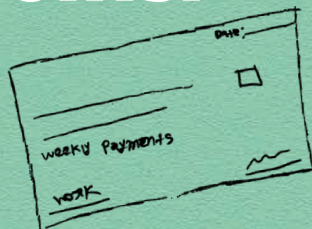
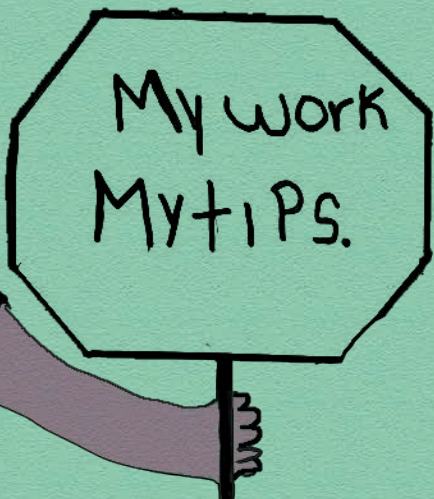
INCARCERATED PEOPLE

"We are working on legislation to actually change the rules so people who are in prison, get paid as much as anybody else. Right now, people get paid a tiny amount if they work in prison. Most people who are working in prison, are working because they're told if you don't work, then not only will you not get a little bit of money, but we're also going to punish you in some way."

- Richard Blum



WHAT ARE YOUR RIGHTS?



IT'S YOUR MONEY!

"If you do work, you should be paid for it."

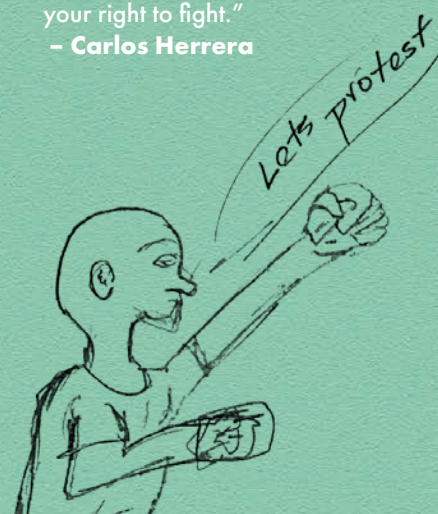
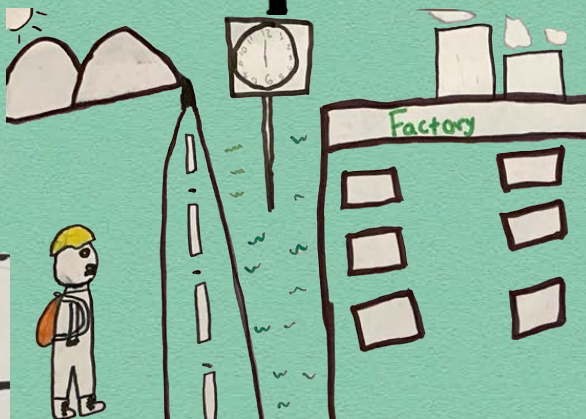
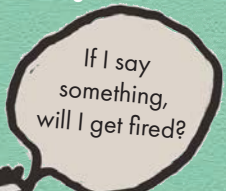
- Sarah Ahn



IT'S ILLEGAL FOR EMPLOYERS TO RETALIATE

"If the owner actually retaliates against the employee for reporting wage theft, that's illegal. There's a state law and a federal law that says retaliation is illegal."

- Richard Blum



WHAT CAN YOU DO IF YOU'RE THE VICTIM OF WAGE THEFT?



GET A LAWYER

"If you are a victim of wage theft, you can get a lawyer and you can sue [your employer]."

- Richard Blum

To find free legal help, check out the resources listed below.

CONTACT THE DEPARTMENT OF LABOR

"You can go to the Department of Labor [which] is responsible for investigating the case... They will investigate the whole workplace. And the owner won't know who filed the complaint."

- Richard Blum



ORGANIZE WITH OTHERS

"I went to the Department of Labor, but nothing happened. After that, I organized with my co-workers and we opened a legal case... I know that some laws are weak, but the law protects your right to fight."

- Carlos Herrera

"The boss needs us. If we are not there to do the work, he can't make money... At the worker center we encourage and support each other. We take a stand and fight for better conditions."

- Sarah Ahn

To find help, visit:

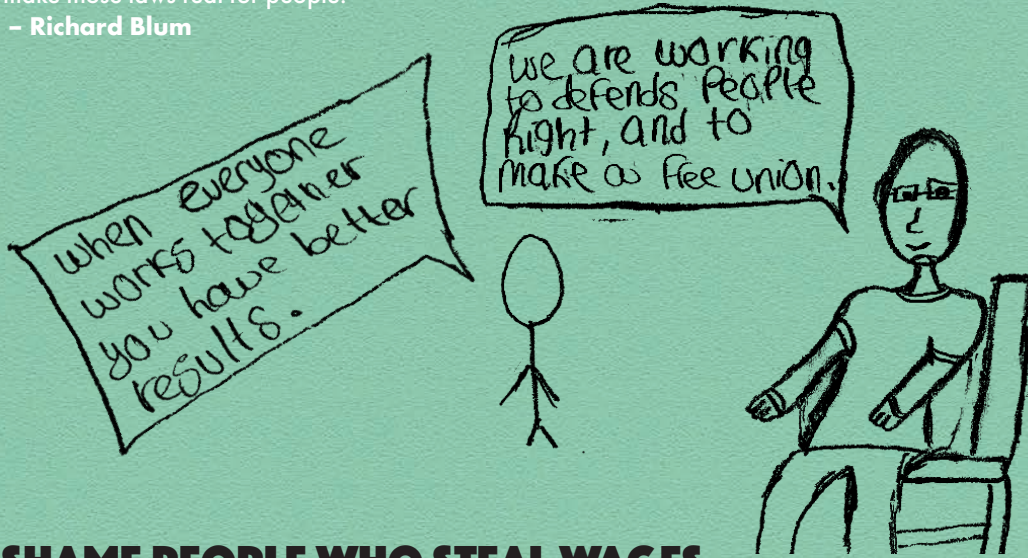
- labor.ny.gov/workerprotection/laborstandards/labor_standards.shtm
- legallaidnyc.org/get-help/employment/
- Nyc.gov/site/dca/workers/worker-rights.page
- Call 311 (212-NEW-YORK outside NYC)

HOW COULD THINGS BE DIFFERENT?

ENSURE LAWS PROTECT WORKERS

"We don't have enough enforcement mechanisms. We have some good laws... But we really [need] a good way to make those laws real for people."

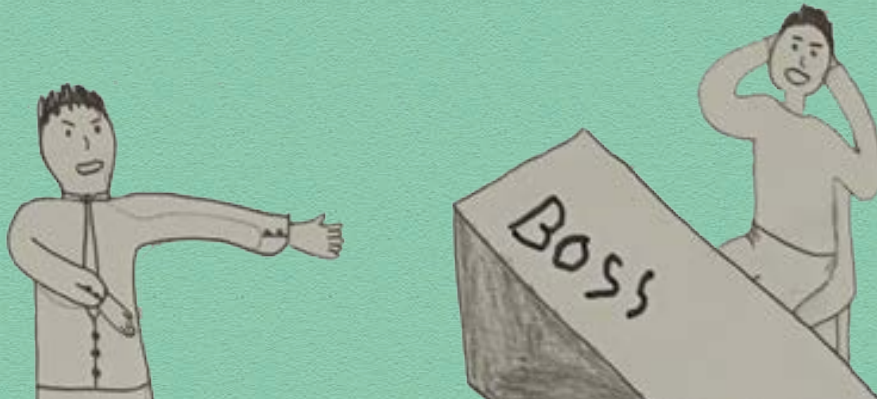
- Richard Blum



SHAME PEOPLE WHO STEAL WAGES

"Public shaming is important. We even have a President who has a history of stealing from his workers... No one should be respected in our society if they've gotten money for stealing from workers."

- Richard Blum



RAISE THE MINIMUM WAGE

"Minimum wage laws are [supposed to] create a floor... that nobody can go under... But, if you have no floor, it becomes a race to the bottom [to pay low wages]... Let's make the floor right and force employers to follow the law."

- Sarah Ahn



STOP WAGE THEFT VIOLATORS FROM HIDING ASSETS

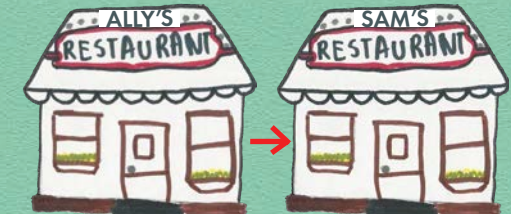
Under the current law, even if a court finds that an employer owes money to a worker, it's really hard to collect any money because employers can easily hide their assets, such as property and money.

"[For example,] the bosses declare bankruptcy, and shut down the restaurant. They change the name [of ownership] to avoid the responsibility... And if the workers go to court and the bosses are ordered to pay \$2 million to these workers, the boss may say, 'Oh, I don't have the money [and] it's not my property. It's my daughter's property, my son's property... That's the way they hide their assets to avoid the responsibility and to avoid paying the workers the wages they stole.'"

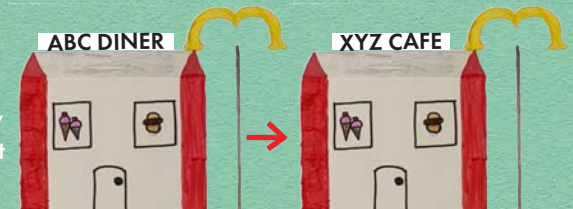
- Carlos Herrera

Advocates want courts to freeze an employer's assets until after a wage theft case is decided. This would ensure that workers who have been cheated out of their money can get it back.

For more information, visit Sweatnys.org.



Same Business



Different Name



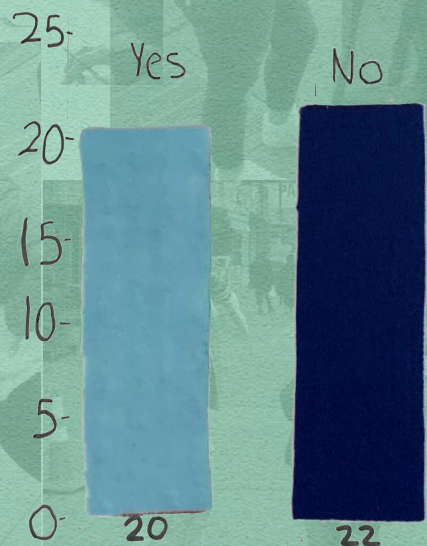
Same Real Owner



WHAT DOES THE COMMUNITY SAY?

In the winter of 2019, ICHS students surveyed community members about wage theft.

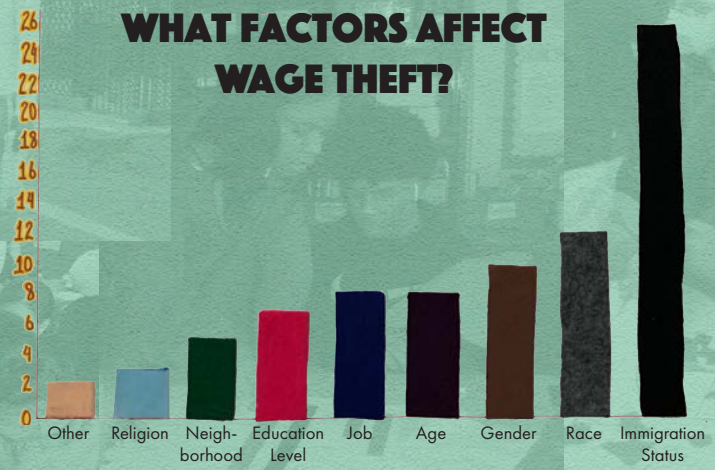
HAVE YOU HEARD OF WAGE THEFT?



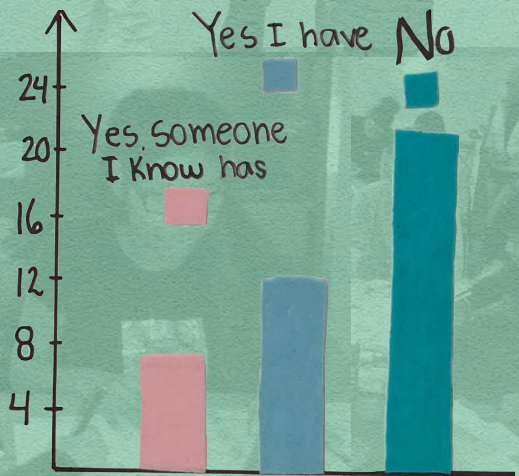
"Changes need to be done to help the workers."
- Community Member

"We work in high schools and it underpays."
- Community Member

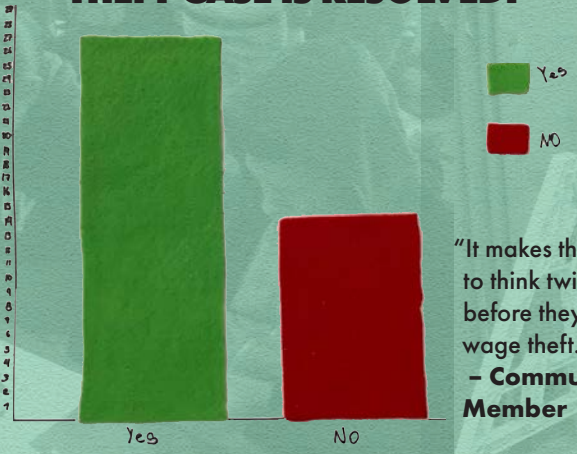
WHAT FACTORS AFFECT WAGE THEFT?



HAVE YOU, OR SOMEONE YOU KNOW, BEEN AFFECTED BY WAGE THEFT?



DO YOU THINK WORKERS SHOULD BE ABLE TO FREEZE THEIR EMPLOYER'S PROPERTY UNTIL THEIR WAGE THEFT CASE IS RESOLVED?



"It makes them to think twice before they do wage theft."
- Community Member



Some people know what wage theft is but they can't talk about it.

HOW CAN WE PROTECT AGAINST WAGE THEFT?

JOIN A WORKER CENTER

"Worker centers are organizations that bring working people together from all different backgrounds and jobs to stand up and fight for their rights."

- Sarah Ahn

To find a Worker Center near you, visit Wagetheft.org/for-workers

SUPPORT COLLECTIVE ACTION

"When more than one person is supporting each other, that's collective action... When the workers have the strength and the power to get together, that's when things actually change in the workplace."

- Richard Blum

SHARE STORIES

"People know when they are being exploited. Ask people about their working conditions and their wages. Ask if they're treated with respect... Ask people what their working life is like."

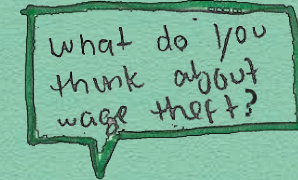
- Sarah Ahn



WHAT DO STUDENTS SAY?

"Wage theft means when your boss steals money or takes away from your paycheck ... I think they should call attention to the boss and say to respect their work and also them."

- Carla Martinez, ICHS Student



"To protect someone against wage theft, tell them to record information about their job. If there are more than 11 employees they should get paid at least \$15 dollars per hour."

- Darwin Augustin, ICHS Student



"Most people didn't know about wage theft...some of them can be victims without knowing."

- Elba Lainez, ICHS Student

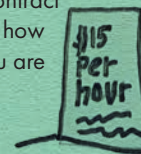
"[To protect from wage theft] Workers have to check their pay stubs."

- Ribaldy De La Rosa Matias, ICHS Student

"Workers could protect themselves against wage theft by knowing their rights."

- Chantal Ortega, ICHS Student

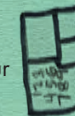
Sign a contract that says how much you are going to get paid.



Take a notebook and record the hours you worked.



Punch in when you go to work and check your pay stubs.



If you work overtime, you have to get paid more money than if you work normal hours.



The Center for Urban Pedagogy

(CUP) is a nonprofit organization that uses the power of design and art to increase meaningful civic engagement, particularly among historically underrepresented communities.

City Studies are CUP's project-based, in-class and afterschool programs that use design and art as tools to research the city. To learn more, visit welcometoCUP.org.

The International Community High School (ICHS) is a progressive public school for English Language learners in the South Bronx. To learn more, visit ichs.weebly.com.

CUP

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