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*Immigrants' Day of Action in Albany, February 10, 2009*  
**Issue Background**

## SUPPORT JUSTICE FOR IMMIGRANT WORKERS

Immigrant workers—the backbone of many industries in our state's economy—face some of the harshest working conditions, toil the longest hours, and are concentrated in jobs that do not pay a living wage. Unscrupulous employers, particularly in low-wage industries, routinely cheat workers out of wages they have earned and, at the same time, cheat the state out of nearly \$1 billion in revenue annually by not paying worker's compensation and unemployment insurance premiums.

Failure to protect the rights of immigrant workers threatens the rights of all workers, driving down wages and working conditions for the labor force as a whole. To systematically address the crisis of worker abuse, greater protections must be afforded to workers in those low-wage industries that are rife with labor law violations. By doing so, New York State would also be *generating* tax revenue while raising industry standards across sectors.

### **Support Legislation Bolstering Enforcement of Basic Labor Laws**

The prevalence of minimum wage and overtime violations across the state indicates that there is a need for more effective enforcement of basic state labor laws. New York State's Department of Labor (DOL) has implemented key administrative reforms under the leadership of Labor Commissioner Patricia Smith, including hiring new bilingual investigators, launching a multilingual public education campaign, conducting random checks of employers in low-compliant industries, and recovering the full range of legal remedies. Looking ahead, New York State must pass legislation to strengthen state labor law including stiffening non-compliant employer penalties, expanding anti-retaliation protection, and enhancing the ability of the state DOL to collect damages for immigrants and other workers.

The DOL must also continue to make progress on the administrative front by (1) ensuring that immigrants who are limited-English proficient (LEP) are able to access department services and benefits, (2) forming industry-specific task forces to conduct targeted enforcement in high-violation industries, (3) partnering with community-based organizations to identify trends of non-compliance, (4) coordinating closely with other state and city agencies that enforce workplace standards, and (5) fully implementing its triage system for prioritizing cases, while at the same time reducing backlogs in all regional offices.

### **Support Legislation That Strengthens Protections for Immigrant Workers**

Immigrants who work in certain high-violation industries, such as domestic workers, farm workers, and day laborers, face even greater threats from employers because they lack general labor law protections. An estimated 200,000 women, many of them immigrants, support their families by working as nannies, housekeepers, caregivers to the elderly, and cleaners in private homes across New York State. Most farm workers in New York are immigrants. Like domestic workers, they are denied basic protections that other workers are afforded, and therefore, are at

greater risk. Finally, there are also nearly 100,000 day laborers in New York who line up every morning looking to make an honest day's living, only to experience widespread exploitation by contractors. Workers in these industries face unjust firings, low wages, lack of health care, verbal and emotional harassment, and little or no control of their time or working conditions.

## **Recommendations**

We urge the State Legislature and Governor Paterson to adopt the following priorities:

1. Enact legislation to **strengthen state labor law**, including stiffening non-compliant employer penalties, expanding anti-retaliation protection, and enhancing the ability of the state Department of Labor to collect damages for immigrant and other workers.
2. **Bolster enforcement of wage-and-hour laws** by hiring at least 20 additional bilingual NYS DOL investigators, funding the Bureau of Immigrant Worker Rights to enable it to expand its outreach efforts and provide new services such as intakes, strengthening anti-retaliation protections, and ensuring that the Labor Standards Division is accessible to limited-English-proficient claimants.
3. Pass the **Domestic Workers Bill of Rights**, which would institute paid time off and a weekly day of rest, medical leave, health insurance, and an annual cost of living adjustment for domestic workers (A1470, Sponsor: Assem. Wright).
4. Enact the **Farm Worker Fair Labor Practices Act** to eliminate exclusions in labor law that allow farm workers a weekly day of rest, overtime, and the right to collectively bargain (A1867, Sponsor: Assem. Nolan and Assem. Breslin).
5. Increase the maximum **Unemployment Insurance (UI)** benefit rate from \$405 to \$500, change the current eligibility formula for part-time workers, which shuts out low-wage workers, increase funding for extended UI benefits for workers in approved trainings by \$20 million so that all workers can obtain the training they need, and improve access for persons with limited English by providing adequate translation and interpretation services at all stages of the UI system.
6. Enact legislation to provide protections for **day laborers** and funding for day laborer centers. (Sponsor: Assem. Heastie)
7. Develop a **Business-Labor-Community Collaboration on workforce development** that provides job training opportunities to immigrants and other workers as a central part of a broader economic growth strategy.

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