



## **Thou shalt not steal: The Crisis of Wage Theft and the Imperative of Ending It**

By Kim Bobo

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The 2010 Labor Day Statement of the United States Conference of Catholic Bishops (USCCB) couldn't be more welcome. Titled "A New 'Social Contract' for Today's 'New Things'" (online at [www.usccb.org/sdwp/national/labor\\_day\\_2010.pdf](http://www.usccb.org/sdwp/national/labor_day_2010.pdf)), it is authored by Bishop William Murphy of Rockville Centre, New York, Chairman of the USCCB's Committee on Domestic Justice and Human Development. In this timely directive, Bishop Murphy exhorts us to "seek to protect the life and dignity of each worker." "Workers," he urges, "need to have a real voice and effective protections in economic life." Indeed they do.

Bishop Murphy notes that these have been particularly difficult times for workers:

The nation still mourns the twenty-nine West Virginia miners who died when the earth around them collapsed. We still grieve for the eleven riggers who died in the Gulf of Mexico when their oil derrick exploded. We are still saddened as the work life of the entire Gulf Coast is damaged or destroyed by the Deepwater Horizon oil spill. These are just the most visible examples of workers whose lives have been lost. But others suffer as well. Many millions are jobless or have a family member or friend who is among the fifteen million unemployed or the additional eleven million workers who only can find part time work. Far too many have been unemployed for months, some even years.

Bishop Murphy then discusses another way in which the dignity of workers is routinely violated and effective protections against this abuse are painfully absent. "In too many places across America," he writes, "workers are not being fully paid for their labor." Detailing this phenomenon, he reviews reports of

factory workers whose time begins with the start of the conveyor belt not their arrival; of retail workers who are "clocked out" and then required to restock or take inventory; and wait staff whose employers do not give them their tips. Some unscrupulous employers ignore weak and inadequate laws that forbid such unfair practices in order to increase the bottom line. Families struggling to make ends meet cannot have wage earners shortchanged on overtime or not get paid for all the hours they work. The dignity of the person is diminished when poor or middle-class people are denied their full wage or just compensation for their hard work. A good job at good wages for everyone who is willing and able to work should be our national goal and a moral priority.

*Amen.*

In our work at Interfaith Worker Justice, the organization I direct, we call the problem Bishop Murphy describes *wage theft*, and we regard it as a national crisis and a moral scandal. I issued a jeremiad, in the literal sense of that term, against this “crime wave no one talks about,” as it has been described, in my 2009 book *Wage Theft in America: Why Millions of Working Americans Are Not Getting Paid—And What We Can Do About It*. After all, it was Jeremiah who admonished: “Woe to him who builds his house by unrighteousness, and his upper rooms by injustice; who makes his neighbors work for nothing, and does not give them their wages.” (Jeremiah 22:13) Billions of dollars in wages are being illegally stolen from millions of workers each and every year. The offending employers range from small neighborhood businesses to some of the nation’s largest employers—Wal-Mart, McDonald’s, Target, Tyson Foods, Pulte Homes, and myriad others. Various surveys had found that:

- 60 percent of nursing homes stole workers’ wages.
- 89 percent of non-monitored garment factories in Los Angeles and 67 percent of non-monitored garment factories in New York City stole workers’ wages.
- 25 percent of tomato producers, 35 percent of lettuce producers, 51 percent of cucumber producers, 58 percent of onion producers, and 62 percent of garlic producers hiring farm workers stole workers’ wages.
- 78 percent of restaurants in New Orleans stole workers’ wages.
- Almost half of day laborers, who tend to do construction work, have had their wages stolen.
- 100 percent of poultry plants steal workers’ wages.

A few months after my book’s publication, a landmark study conducted by UCLA’s Institute for Research on Labor and Employment, the University of Illinois at Chicago’s Center for Urban Economic Development, and the National Employment Law Project (NELP) found that 15 percent of the wages of low-wage workers in Los Angeles, Chicago, and New York City are stolen on average each week. “Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America’s Cities” ([www.unprotectedworkers.org](http://www.unprotectedworkers.org)) is the most comprehensive investigation into the problem ever undertaken. Using an innovative methodology designed to reach people often missed in conventional surveys (including undocumented immigrants and people working for cash), the report’s bracing findings included the following:

- More than one-fourth of the workers in their sample (26 percent) were paid less than the minimum wage.
- Of those who worked more than 40 hours in a week, 76 percent were not paid the legally required overtime (time-and-a-half).
- Of workers asked to report early or stay late, 70 percent had an “off the clock” violation -- they received no pay for work they performed outside their regular shift.
- Of those entitled to a meal break, 69 percent received no break at all or were interrupted by their employer -- clear violations of meal-break laws.
- 68 percent experienced a pay-related violation in the week prior to the survey.

The study’s authors estimated that every week, roughly 1.1 million workers in Chicago, Los Angeles, and New York City experience a minimum-wage, overtime, or other pay violation, resulting in more than \$56.4 million in wage theft.

Simply put, this is a disgrace.

From a religious perspective, it couldn't be more straightforward: *Thou shalt not steal*. This was the title I originally had in mind for my book. The publisher put the kibosh on that idea, but the posters for our campaign to end wage theft are adorned with the biblical injunction (you can find at [www.iwj.org/images/photo/wagetheftposter.png](http://www.iwj.org/images/photo/wagetheftposter.png)).

All of the major faith traditions are clear on this issue. In his essay "Judaism and the Imperative of Ending Wage Theft," Rabbi Michael Feinberg notes that in addition to the Eighth Commandment, two verses from the Hebrew Bible speak directly to the matter:

- "Do not oppress your neighbor and do not rob him. Do not keep the wages of the worker with you until the morning." -Leviticus 19:13
- "Do not oppress the hired laborer, who is poor and needy, whether he is one of your people or one of the sojourners in your land within your gates. Give him his wages in the daytime, and do not let the sun set on them, for he is poor, and his life depends on them, lest he cry out to God about you, for this will be counted as a sin for you." - Deuteronomy 24:14-15

Islamic teaching is equally strong on the topic. *Surah* (Chapter) 11, *Ayah* (Verse) 85 of the Qur'an reads: "And O my people! Give just measure and weight, Nor withhold from my people the things that are their due: Commit not evil in the land with intent to do mischief." The Prophet Mohammad admonished his followers to "Pay the worker while the sweat is still wet upon his brow." As Imam Mahdi Bray writes in his essay "Islam and the Struggle to End Wage Theft," for Muslims, "the theft of any wages is not only a violation of civil law, but equally, it is a violation of the commandment of the Lord of Creation to treat workers with fairness."

Though perhaps less directly, Buddhism offers its own wisdom on the subject. In his essay "Right Livelihood and Paying People What's Right," Ven. Sevan Ross contends that "as long as we regard each other not as humans but as the 'other,' we will suffer profound abuses in the workplace":

Employers will steal their workers' wages, either overtly or covertly. And all the while they will deny both to themselves and others that this is the case. After all, they are only employees. I -- or we -- happen to be management, and as such am responsible for the survival and the thriving of the organization. Except that the workers are the organization and a theft against them is one against the group -- and me too. ... So from a Buddhist perspective it is not quite enough to say that we each are our brother's keeper. We need to feel instead that we actually *are* our brother. And from this, fair treatment flows naturally. There is then what we Buddhists call Right Livelihood - mutually productive work, with everyone being treated fairly, everyone being treated Right.

Catholic Social Teaching couldn't be clearer on this issue. In the USCCB Labor Day Statement, Bishop Murphy evokes Papal Social Encyclicals spanning more than a century, from Leo XIII's *Rerum Novarum* (1893) to Benedict XVI's *Caritas in Veritate* (2009). As Catholic Scholars for Worker Justice notes in its founding text, "Catholic Social Doctrine and Worker Justice: A Call to the Common Good" ([www.catholicscholarsforworkerjustice.org](http://www.catholicscholarsforworkerjustice.org)):

In addition to the right of free association, the Church has always called for a just wage for workers (sometimes called a "fair" or "living" or "family" wage). The tradition that demands just wages for workers is rooted in the Book of Deuteronomy (24:14-15) and is expressed in the New Testament in the Book of James: "Listen! The wages of the laborers who mowed your fields, which you kept back by fraud, cry out, and the cries of the harvesters have

reached the ears of the Lord of hosts.” (5:4) In the Patristic and Medieval periods of Christian history the payment of an unjust wage was often linked to the avarice of the rich who assaulted the dignity of workers by stealing their just wages for themselves. A just wage is defined in the Catholic Catechism: A just wage is the legitimate fruit of work. To refuse or withhold it can be a grave injustice.

The teachings are crystal clear. But what are we to do about it?

Bishop Gabino Zavala of the Archdiocese of Los Angeles serves as the President of Interfaith Worker Justice’s Board of Directors. In his *National Catholic Reporter* article “The Department of Labor and the Common Good” ([ncronline.org/news/departments/labor-and-common-good](http://ncronline.org/news/departments/labor-and-common-good)), he connects Pope Benedict’s encyclical *Caritas in Veritate* to the Department of Labor:

In his most recent encyclical, Pope Benedict XVI reminds us that a nation’s political and civic institutions are -- or should be -- instruments for serving the common good. ... The paramount role of those institutions is to promote and secure justice -- particularly for those who are the most vulnerable to abuse, as so many working people in our society are today. ... The U.S. Department of Labor is such an instrument...

Indeed, under the leadership of Secretary Hilda Solis, the U.S. Department of Labor has taken several critical steps in the right direction in the fight against wage theft. “Perhaps the landmark achievement of her first year as labor secretary,” the journalist Mark Engler argues in his felicitously titled article “Protecting Workers, Not Corporations,” was “her decisive move to crack down on ‘wage theft.’” But even with the welcome increases Secretary Solis has implemented, there remain only a thousand Wage and Hour investigators to protect 135 million workers across the country. This simply won’t get the job done. As vital as its role is, the Department of Labor can’t educate and protect 135 million workers all by itself. It needs partners.

Bishop Murphy notes that perhaps “the most undervalued and overlooked sector” in the debate about economic justice “is that of civil society.” He poignantly asks:

Could a reawakening and new development of the roles of intermediary institutions, including voluntary associations and unions, be a force to call the market to a greater understanding of the centrality of the worker? Could they be a means to restrain, mediate, or hold accountable both the state and the marketplace? Could their voices help create greater economic and social justice, a more mutually respectful and collaborative stance by all the actors toward the economy, work, and wealth creation around the world? Pope Benedict believes this.

So do we at Interfaith Worker Justice. Specifically, the institutional mechanisms that we see as the Department of Labor’s most effective partners in the struggle against wage theft are *worker centers* ([www.epi.org/publications/entry/bp159/](http://www.epi.org/publications/entry/bp159/)). The organizers in worker centers across the country function as first responders in the battle against wage theft, providing vital services to low-wage workers whose wages have been stolen. Typically those workers are unaware of their legal rights. Often, their command of English is minimal. They are vulnerable and afraid.

And now more than ever -- with the unemployment crisis as formidable as it is, with no end in sight (many workers are so afraid of losing their jobs and being without work that they’re more willing to put up with abuses in the workplace – and employers know it). Add to this the climate of anti-immigrant vitriol pervasive in our nation, as various states consider draconian measures like

Arizona's SB-1070. As my colleagues Ted Smukler and Danny Postel have reported ([www.inthesetimes.com/working/entry/6265/go\\_ahead\\_try\\_and\\_make\\_me\\_pay\\_you\\_wage\\_theft\\_and\\_s.b.1070/](http://www.inthesetimes.com/working/entry/6265/go_ahead_try_and_make_me_pay_you_wage_theft_and_s.b.1070/)), worker centers across the country have seen an increase in wage theft cases since Arizona's law passed (well before its scheduled implementation). "Employers are even more brazen in their mistreatment of workers," Rev. Trina Zelle of the Arizona Interfaith Alliance for Worker Justice, reports. "Increasingly, 'Go ahead, try and make me pay you' is the response workers hear when they confront their employers over unpaid wages."

This is why the introduction in September of the Wage Theft Prevention and Community Partnership Act is so important. This law would authorize the Department of Labor to establish a grant program to expand the efforts of enforcement agencies and community organizations to educate workers about their rights and the remedies available to them. In other words, it would direct direly needed funds to worker centers to do their vital work.

"There's a vibrant network of worker centers and legal clinics on the ground level helping to fill in the gaps, but they are woefully under-resourced," says my colleague Dianne Enriquez, who coordinates a national network of worker centers affiliated with Interfaith Worker Justice. And this is where you, dear reader, come in. Those woefully under-resourced worker centers need help. Here are three things you can do to help:

- Urge your Congressperson and your Senators to support the Wage Theft Prevention and Community Partnership Act, which will hopefully come to a vote soon. To organize a congressional delegation, contact Interfaith Worker Justice's Public Policy Director Ted Smukler at [tsmukler@iwj.org](mailto:tsmukler@iwj.org).
- Volunteer with a worker center or a local religion-labor group fighting wage theft in your community. To find out if there's a worker center or religion-labor group affiliated with Interfaith Worker Justice near you, consult our directory ([www.iwj.org/template/page.cfm?id=140](http://www.iwj.org/template/page.cfm?id=140)).
- Organize an event in your community on November 18 in coordination with the **Wage Theft National Day of Action** ([www.iwj.org/blog/comments.cfm?blog\\_id=122](http://www.iwj.org/blog/comments.cfm?blog_id=122)). For more information or help with your event, contact Ted Smukler at [tsmukler@iwj.org](mailto:tsmukler@iwj.org).

For more resources on wage theft -- including a responsive prayer, "Thou Shalt Not Steal - Loosening the Bonds of Injustice," and a Congregational Study Guide for my book *Wage Theft In America* -- go here ([www.iwj.org/template/page.cfm?id=150](http://www.iwj.org/template/page.cfm?id=150)).

Together, we can remove the stain of wage theft from our body politic and put a decisive end to this moral outrage.