



# HEALTH IMPACT ASSESSMENT OF THE PROPOSED LOS ANGELES WAGE THEFT ORDINANCE

Conducted by Human Impact Partners  
In conjunction with UCLA Labor Center and Restaurant Opportunities  
Center-Los Angeles (ROC-LA)



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## AUTHORS

Fabiola Santiago, MPH, Human Impact Partners  
Brooke Staton, BA, Human Impact Partners  
Natalia Garcia, BA, UCLA Labor Center  
Jill Marucut, BA, UCLA Labor Center  
Tia Koonse, JD/MUP, UCLA Labor Center

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For more information, contact:

Fabiola Santiago  
Human Impact Partners  
fsantiago@humanimpact.org  
510-452-9442 x111

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Reviewers and Commenters

Holly Avey, PhD, Human Impact Partners  
Helen Chen, JD/MS Labor Occupational Health Program at UC Berkeley  
Pronita Gupta, MPA, Human Impact Partners Board Member  
Victor Narro, JD, UCLA Labor Center  
Lynn Todman, PhD, Massachusetts Institute of Technology

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## ABOUT HUMAN IMPACT PARTNERS

Human Impact Partners (HIP) is a national nonprofit organization based in Oakland, CA working to transform the policies and places people need to live health lives by increasing the consideration of health and equity in decision making. HIP is considered a leader in the field of Health Impact Assessments in the U.S.; their work is directed to bringing the power of public health science to campaigns and movements for a just society. HIP has conducted HIAs at the local, state, and federal levels with communities across the country from Hawaii to Maine. The findings from HIP's HIAs have been integrated into numerous policy-making and planning processes.

## HIP'S HEALTH AND EQUITY FELLOWSHIP PROGRAM

HIP's Health and Equity Fellowship was established in 2012 with the goal of increasing the racial and ethnic diversity of emerging professionals committed to promoting the consideration of health and equity in decision making through HIA and Healthy Public Policies (HPP) approaches. This full-time fellowship, offered to one candidate each year, includes ongoing education and training in the practice of HIA, and in the application of approaches to integrate health into policy planning decisions. In addition to working on projects along with HIP's staff, each Health and Equity Fellow is responsible for initiating and leading a new and innovative HIA or HPP project that aims to advance the consideration of health and equity in decision making.

## LOS ANGELES COALITION AGAINST WAGE THEFT

The L.A. Coalition Against Wage Theft launched in 2008, and continues to steadily grow in size and support. The following organizations are part of the coalition's steering committee: National Day Laborer Organizing Network (NDLON); Institute for Popular Education of Southern California (IDEPSCA); Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA); Central American Resource Network (CARECEN); Community Labor Environmental Action Network (CLEAN) Carwash Campaign; Koreatown Immigrant Workers Alliance (KIWA); Pilipino Worker Center (PWC); Garment Worker Center (GWC); L.A. affiliate Restaurant Opportunities Center (ROC-LA); 9-5 Coalition of Working Women; the UCLA Downtown Labor Center; United Food and Commercial Workers (UFCW) Local 770; and Service Employees International Union-United Service Workers West (SEIU-USWW) Local 1877.

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# EXECUTIVE SUMMARY

**Wage theft is the non-payment or underpayment of wages and other benefits to which workers are legally entitled to.** Workers in low-wage industries, immigrant workers, women, and people of color are disproportionately affected by wage theft. On average, victims of wage theft lose \$2,070 annually from total annual earnings of \$16,536.

In a given week, an estimated 655,000 low-wage workers in Los Angeles County experience at least one pay-based violation. The majority of these violations take place within the City of Los Angeles. Low-wage workers in Los Angeles lose more than \$26.2 million *per week* as a result of wage theft violations, making L.A. the wage theft capital of the United States. The most common forms of wage theft experienced by L.A. low-wage workers include violations of the laws that require minimum wage, overtime pay, and breaks for meals and rest, as well as “off-the-clock” work without payment of any kind.

## Employees at high risk of being a victim of wage theft:

- Garment workers
- Security, janitor, ground maintenance workers
- Restaurant workers
- Domestic workers (home health care workers, child care workers, maids and housekeepers)
- Retail workers
- Construction or day laborers
- Car wash workers

In 2009, the Los Angeles Coalition against Wage Theft, composed of workers, leaders, worker centers, unions, worker advocates, and community organizations lobbied the Los Angeles City Council for an ordinance to combat wage theft. A motion was introduced

in 2009, but the council could not act on it because the former city attorney failed to draft the ordinance.

Despite nearly five years of inaction from the city attorney’s office, the coalition drew from workers’ direct experience, recommendations and best practices from similar local legislation around the country to produce its own set of recommended provisions. A new city attorney unseated the incumbent during elections in 2013, prompting the coalition to renew its push for an L.A. wage theft ordinance. City council unanimously revived its motion in July 2014. The coalition’s proposed ordinance provisions are under current consideration by the new Los Angeles City Attorney.

## Proposed Ordinance Provisions

- Create a local wage theft fund and bureau
- Improve collections by revoking city permits and providing liens for unpaid wages
- Increase administrative penalties and fines for employers that commit wage theft
- Provide workers the right to pursue civil damages and remedies
- Improve anti-retaliation protection for workers who report wage theft

## HEALTH IMPACT ASSESSMENT

To date, efforts to advocate for a wage theft ordinance focus exclusively on its economic benefits, but the topic has not been viewed through a public health lens. In fall 2013, Human Impact Partners and the coalition initiated a Health Impact Assessment (HIA) exploring the extent to which the proposed ordinance provisions would impact the health of workers and their families. An HIA is a systematic tool that draws on a range of data sources, research, and stakeholder input to increase understanding of how a program

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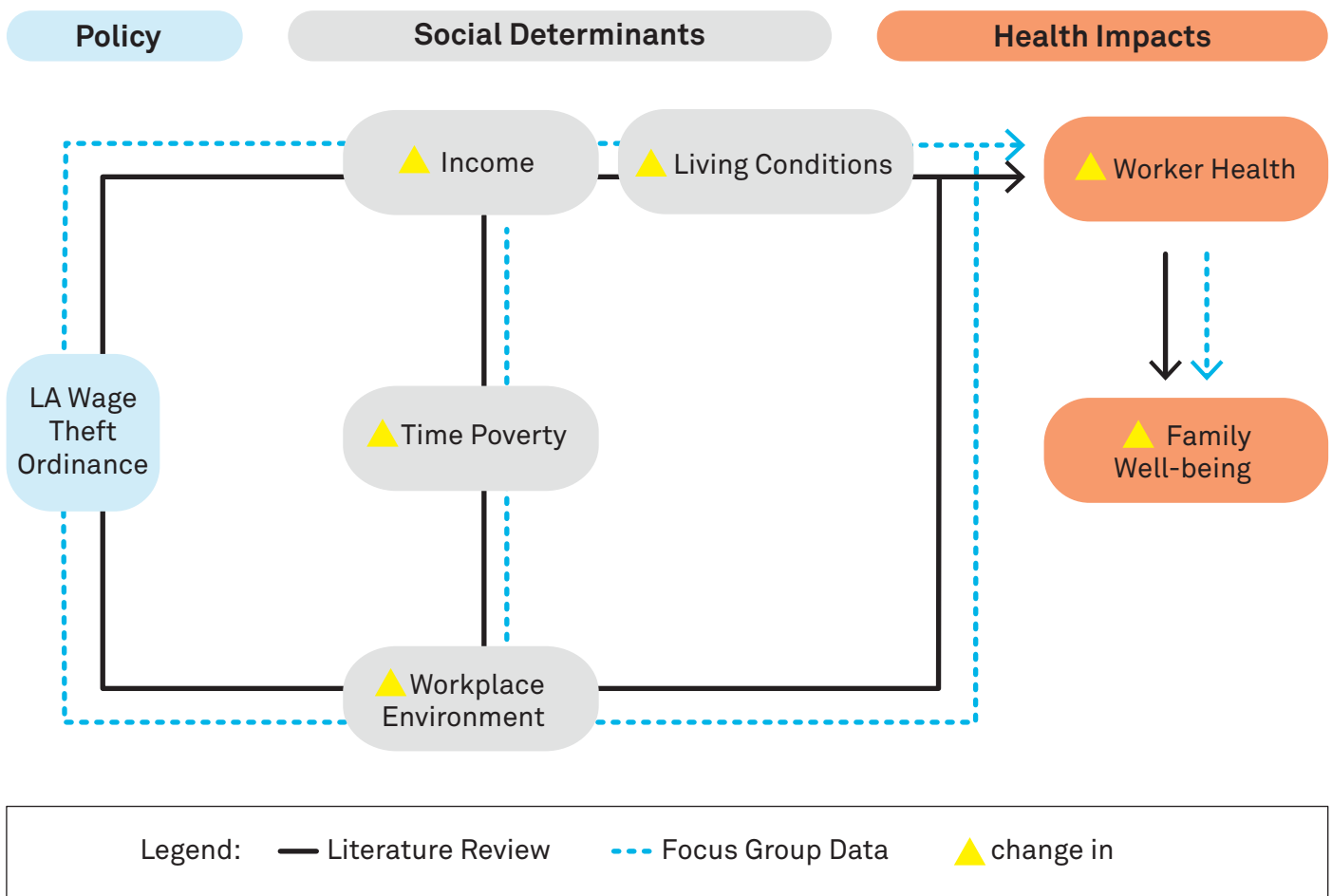
or policy will impact the health of the community, and increase consideration of health and equity in decision-making. The six steps are: screening, scoping, assessment, recommendations, reporting, and monitoring.

## METHODOLOGY

This HIA was informed by data from a literature review, a community scoping meeting, conversations with leaders and experts in the field, and focus groups with victims of wage theft.

Focus group participants were gathered using a nomination recruitment strategy. Coalition groups recruited their members who had experienced wage theft and met other eligibility criteria. Those chosen were then placed in one of three focus groups: a Spanish speaking women's group, a second group of Spanish speakers regardless of gender, or an English speaking group regardless of gender. As illustrated by the pathway diagram below, this HIA focuses on four main social determinants of health: income; time poverty, or working long hours out of necessity; living poverty, or working long hours out of necessity; living

## LA WAGE THEFT ORDINANCE HEALTH IMPACT ASSESSMENT



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conditions, as affected by income and time poverty; and the workplace environment.

## KEY FINDINGS

### Income

Wage theft decreases income and keeps workers in poverty.

- Workers lose an average of \$2,070 annually.
- Low income leads to poor living conditions, impeding workers from affording safe and quality housing, maintaining food security, and other living necessities.
- Inadequate living conditions produce high levels of stress.
- Wage theft reduces income necessary to provide for the family, resulting in children less likely to succeed in school and more likely to experience developmental delays.
  - Increased levels of stress leave workers feeling anxious, worried, and often times depressed.
  - High levels of stress result in poor sleeping patterns—sleep deprivation also leads to poor mental and socio-emotional health.
  - Stress harms family connections. The combination of a poor sense of self-sufficiency, poor living conditions, and high levels of stress taxes relationships with spouses or partners and children; this leads to poor family well-being.

### Time Poverty

Wage theft increases time poverty. People are time poor when they work long hours and would quickly fall into financial poverty if they reduced the number of hours worked. Time poverty results from not having time apart from work, or being financially unable to work fewer hours without increasing the level of poverty or leading the household to fall into financial poverty.

- When workers experience wage theft, they struggle to secure extra working hours to make

up for lost wages. These additional hours spent working keeps them in low-wage and contingent work; the extra time spent working leaves them with less time for professional development activities such as English language classes or vocational and skills training, thereby reducing the opportunities to obtain better paying jobs.

- Time poverty increases stress and sleep deprivation, which can lead to insomnia.
- Time poverty also means less time for other responsibilities such as medical appointments or practicing self-care and other healthy habits.
- Like stress, time poverty impacts family bonds. When wage theft occurs, workers must spend more hours working and less time with family. In focus groups, time-poor workers overwhelmingly reported having poor relationships with their children and spouse, at times leading to separation or divorce. Workers feel chronic stress from trying to meet their responsibilities and felt guilt, helplessness, anxiety, and depression when family obligations were not met.

### Living Conditions

Wage theft perpetuates poor living conditions such as poor housing, food insecurity, and scarce access to other necessities.

- When workers have lower incomes from wage theft, they are left with poor housing conditions such as unsafe neighborhoods, overcrowding, and often find it difficult to pay rent.
- Workers suffer from high rates of food insecurity, leading them to choose cheaper but highly processed foods with little nutritional value. These foods can lead to higher rates of obesity and being overweight. Overweight and obesity are precursors to diabetes, a common health problem shared by low-wage workers.
- Low income and time poverty leave workers with limited resources and access to medical care. Low-wage workers are less likely to have medical coverage. Even if they have coverage, they have trouble paying out-of-pocket costs and are more likely to miss appointments.

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- Limited income and time increase difficulty paying for clothing, educational resources and medical expenses for children, as well as personal modes of transportation to access other resources.
- Inability to provide basic needs for their children harms workers' mental and socio-emotional health.

## Workplace Environment

There is a strong relationship between wage theft and the workplace environment. The workplace is a key determinant of health because it is where people spend much of their time, and these circumstances are shaped by the distribution of money and power. For example, research shows that low-wage industries are more likely to attract vulnerable groups at higher risk of being exploited through wage theft. Workplace environment refers both to *working conditions* – the physical space where a worker works, the stress levels from noise, physical demands, and volume of work, etc. – and *work culture*, the relationship employers have with workers and interrelationships between co-workers.

- Low-wage workers who are victims of wage theft are likely to work in poor conditions. They work long hours that are physically demanding, either sitting or standing for extended periods, in extreme weather or temperatures, and usually doing repetitive work. These circumstances directly impact the physical and socio-emotional health of workers via repetitive motions that increase the likelihood of work-related injuries and high levels of stress.
- The work culture of these industries exposes workers to employer abuse and retaliation. Workers may experience verbal and even physical abuse if they do not follow through with employers' demands. If workers stand up for their rights when they experience wage theft, they put themselves at risk of retaliation such as reduced hours, increased workload, being fired, or threatened with deportation.

- Unscrupulous employers take advantage of these circumstances and perpetuate competition and control among low-wage workers. Employers may deploy differences in immigration status, race, gender, and other worker characteristics to drive down wages. For example, newly arrived immigrants will often work for lower pay. This makes other workers easily replaceable and increases their risk of wage theft.



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## HEALTH IMPACT ANALYSIS

This table represents the predicted impact of each provision of the proposed ordinance on the social determinants and health of workers and their families.

Drafting an ordinance with all of the recommended provisions would impact the social determinants of health that most affect low-wage workers.

The ordinance could incentivize employers' payment of wages owed, which would reduce time poverty and reduce lost wages; penalize wage theft, which would also reduce the income lost by low-wage workers; and protect workers from retaliation, which would also improve the work environment. All of these factors significantly impact low-wage worker's physical, mental and socio-emotional health.

<u>Ordinance provision</u>	<u>Income</u>	<u>Workplace Environment</u>	<u>Likelihood</u>	<u>Magnitude</u>	<u>Impacts on health</u>	<u>Distribution</u>
Create a local wage theft fund and bureau	↑	↑	+++	High	***	RE
Improve collections by revoking city permits & providing wage liens for unpaid wages	↑	↑	+++	Moderate to High	**	RE/IE
Increased administrative penalties and fines for employers that commit wage theft	↑	↑	++/+++	Moderate to High	**/**	IE/RE
Provide workers the right to pursue civil damages and remedies	↑	↑	++/+++	High	**/**	RE
Improve anti-retaliation protection for workers who report wage theft	N/A	↑	++/+++	High	***	RE

**Direction:** decrease (↓) or increase/improvement (↑) in the social determinants of health that impact worker health and family well-being. N/A = not applicable.

**Likelihood:** certainty of the predictions based on findings of the HIA. + = Unlikely/improbable; ++ = likely; +++ = very likely/certain; 0 = insufficient evidence.

**Magnitude:** number of workers likely to be affected by the ordinance: low, moderate, high, or insufficient evidence (IE) for evaluation.

**impacts on health:** level of impact on health, well-being, or longevity. \* = low; \*\* = medium; \*\*\* = high.

**Distribution:** whether the decision will reverse or undo existing or historically inequitable health-related conditions or disparities. DH = disproportionate harms; DB = disproportionate benefits; RE = restorative equity effect which will reverse or undo inequitable conditions or disparities; IE = insufficient evidence

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## RECOMMENDATIONS

Creating an ordinance to curb wage theft has the potential to improve the health and well-being of low-wage workers and their families. However, based on the number and breadth of impacts workers are likely to experience, the initial step should be preventing wage theft from happening in the first place. These recommendations are geared towards the City of Los Angeles, the Los Angeles County Department of Public Health, and worker rights and advocacy groups.

### City of Los Angeles

Wage theft is rampant in Los Angeles. It negatively impacts workers' health and their families' well-being. State laws already exist that aim to protect workers, but these laws are not strictly enforced due to limited funding and staffing. A rigorous city ordinance is crucial to ensure minimization of loopholes so that wage theft is curbed to the greatest extent possible. Therefore:

- The Los Angeles City Council should immediately draft a wage theft ordinance with all provisions recommended by the coalition. Inclusion of all provisions would enhance worker protection and hold employers accountable. Some of the recommended provisions stem from other wage theft related policies with demonstrated success in other states and cities.
- The City Council should support and pass the proposed ordinance as soon as it comes to a vote.
- The City Council should work with the coalition to strategize ways to implement, enforce, and monitor the wage theft bureau and fund, including ensuring adequate staffing and funding. A fiscally sustainable bureau is critical to protect workers.

### Los Angeles County Department of Public Health

Wage theft is a public health concern; Los Angeles County Department of Public Health should take an active role in protecting low-wage workers. These recommendations may be especially salient for the Department's 2013-2017 Health Equity Strategic Priorities. Priority 4, Objective 4.4.b states: Build alliances with other governmental and non-governmental agencies to develop policy solutions that address health equity and the socio determinants

of health. Taking into consideration this objective, this HIA recommends that the public health department:

- Provide data and analysis to support initiatives to implement and monitor health protective labor laws.
- Include information on occupation, industry, and employment conditions in data collection instruments used to assess population health.
- Monitor compliance with labor laws in routine agency activities, referring potential violations to labor enforcement agencies.
- Use permit and licensing authority to sanction businesses that do not comply with labor laws. The Department can collaborate with the City's authority to deny or revoke city permits, registration, certificates, or licenses ordinance provision.

### Worker Rights and Advocacy Organizations

Wage theft disproportionately affects low-wage workers. To ensure that these workers know about the ordinance and to help them file claims, worker rights and community organizations should:

- Continually increase awareness of wage theft via regular community teach-ins and forums. Numerous focus group participants shared that their co-workers did not know their rights and were afraid to file claims.
- Hold wage theft claims clinics to help workers navigate the filing process. Worker rights and advocacy organizations are the most appropriate to set up clinics because they have existing relationships with low-wage workers.
- Work with the Labor Commissioner's office and other enforcement agencies to raise awareness of the issue, and strategize ways to implement, enforce, and monitor the wage theft bureau and fund.
- Continue to push for expansion of U-visas, which provide victims of certain crimes temporary legal status and work eligibility in the United States for up to four years, for workers who experience abuse and retaliation in the workplace. Expanding the definition of crimes covered by U-visas to include workplace violations and abuses committed by employers will help protect undocumented workers from retaliation.

# CHAPTER 1: INTRODUCTION

## [What is wage theft?](#)

Wage theft is the failure of employers to pay workers the wages and benefits they have legally earned. Common forms of wage theft include: minimum wage violations, overtime violations, meal and rest break violations, off the clock violations, stealing tips, illegal deductions from paychecks, not providing a worker a final pay check after they leave a job, and misclassifying a worker as an independent contractor.<sup>1 2</sup> Other forms of wage theft include: forcing workers to pay premiums or deposits for work supplies and material, paying workers with a check with insufficient funds, asking workers to go into work early or leave within two hours of arriving without proper pay, keeping workers in the work place for extended periods of time without pay<sup>1</sup>, and offering non-monetary forms of payment such as groceries, bills, and alcohol.

## [Who does it affect? : the National Employment Law Project](#)

A 2010 study, *Wage Theft and Workplace Violations in Los Angeles: The Failure of Employment and Labor Law for Low-Wage Workers*, by the UCLA Center for Labor Research and Education (UCLA Labor Center), The National Employment Law Project, and the University of Illinois—Chicago, found that immigrant workers, women, and people of color are more susceptible to wage theft.<sup>3</sup> Likewise, workers in low wage industries are also more likely to suffer wage theft, particularly those in the service sector, which includes restaurant, domestic work, retail, home health care, maintenance work, and the garment industry.<sup>3</sup> These findings are aligned with national wage theft trends that show how certain subpopulations are more affected by wage theft than others.

## [How much do workers lose?](#)

The rampant wage theft plaguing low wage industries is compounded by an inefficient wage claim process and by the inability of most workers to recover any of their unpaid wages after winning judgments in their favor. Individual workers lose an average of \$2,070 annually out of total annual earnings of \$16,536. This amounts to more than \$26.2 million per week or \$1.4 billion per year that low-wage workers in Los Angeles collectively lose as a result of wage theft, making Los Angeles the wage theft capital of the country.<sup>3</sup>

## [What is the current filing process?](#)

Though state laws exist to protect workers from wage theft and other work violations, the system is frail. To file a wage claim workers must undergo a lengthy process with the Division of Labor Standards Enforcement (DLSE), also known as the Labor Commissioner's office. This state agency is understaffed and underfunded, and too often workers do not have the necessary resources, such as time, money, and legal skills to navigate this system.<sup>1</sup> A report examining the legal remedies in California for the recovery of unpaid wages found that only 17% of workers who received final judgments for unpaid wages ever collected any payment of those judgments.<sup>1</sup>

## [What's being done?](#)

The issue of wage theft in Los Angeles is prominent, one that over the last several years brought together workers, worker centers, unions, and other advocacy and community organizations to form the Los Angeles Coalition Against Wage Theft (hereinafter "Coalition"). Advocacy efforts generally focused on the local economic benefits of passing an ordinance against wage theft, but the health issues surrounding wage theft have not been analyzed using a public health lens. In an effort to address this gap, in the fall of 2013 Human Impact Partners (HIP) and the Coalition began a Health Impact Assessment (HIA) of the proposed Los Angeles wage theft ordinance. The issue of wage theft is one that disproportionately affects certain subpopulations more than others, and the Coalition's efforts in the last several years suggest the need for a different perspective of the issue.

# CHAPTER 2: BACKGROUND

## 2.1 HISTORY OF COALITION AND CAMPAIGN

In 2008, over 250 day laborers and their supporters gathered in Los Angeles for the sixth National Day Laborer Convention coordinated by the National Day Laborers Organizing Network (NDLON). Previous NDLON conventions set forth an agenda that advanced the labor and civil rights of day laborers, promoted immigration reform, expanded day labor worker centers, and enhanced education and organization of day laborers. In 2008, participants identified the eradication of wage theft as central to strengthening the labor and civil rights of day laborers. Participants voted to pursue local ordinances and state laws nationwide to combat wage theft.<sup>4</sup>

During the same time period, the UCLA Labor Center worked with the National Employment Law Project (NELP) and the University of Illinois – Chicago (UIC) to produce a groundbreaking study on wage theft. The study found that low-wage workers experience high rates of wage theft. According to the study, wage theft in Los Angeles surpassed Chicago and New York City.<sup>3</sup>

NDLON coordinated with the UCLA Labor Center to launch a wage theft campaign upon the public release of the study. In September 2009, Los Angeles Council members Richard Alarcón and Paul Koretz introduced a motion to city council instructing the city attorney to draft an ordinance to address the wage theft crisis (motion # 09-2642). The former city attorney failed to draft an ordinance within the allotted 90 days. Soon thereafter, the campaign expanded to include worker centers that organize other industries. In addition to NDLON's L.A.-based member organizations, which include the Institute for Popular Education of Southern California (IDEPSCA), and the Central American Resource Network (CARECEN), the Coalition's steering committee is now composed of the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), the Community Labor Environmental Action Network (CLEAN) Carwash Campaign, the Koreatown Immigrant Workers Alliance (KIWA), the Pilipino Workers Center (PWC), the Garment Worker Center (GWC), the L.A. affiliate of the Restaurant Opportunities Center (ROCLA), 9 to 5 Coalition of Working Women, the UCLA Labor Center, United Food and Commercial Workers (UFCW)

Local 770, and Service Employees International Union-United Service Workers West (SEIU-USWW) Local 1877.

## 2.2 POLICY CONTEXT AND PROPOSED LOS ANGELES WAGE THEFT ORDINANCE

The Labor Commissioner's Office, also known as the Division of Labor Standards Enforcement (DLSE), was specifically established to adjudicate wage claims, investigate discrimination and public works complaints, and enforce Labor Code statutes and Industrial Welfare Commission orders.<sup>5</sup> Between 1999 and 2003, the California Legislature passed and Governor Gray Davis signed into law hundreds of labor bills related to wages, hours, working conditions, benefits, and special labor relations for both private and public sector workers and California employers.<sup>5</sup> Los Angeles does not have a local agency to enforce these laws; therefore, if a worker experiences wage theft they must file a claim with the Labor Commissioner's office. The Labor Commissioner's Office does not require claimants to have an attorney to represent them, but this lengthy process can take up to two years and requires time and legal knowledge. Many low-wage workers who would benefit from an attorney cannot afford one.

Additionally, understaffing and underfunding of state and federal agencies lead to poor regulation and enforcement of labor laws. Between 2008 and 2011, only 17% of California workers who received final judgments for unpaid wages from the Labor Commissioner's Office recovered any payment at all.<sup>1</sup> Moreover, the amount that workers actually collected from these claims is dramatically less than what was owed to them.<sup>1</sup> These limitations often discourage workers from filing a claim. Finally, employers find loopholes to liability, including simply firing claimants, fraudulently transferring assets to another shell corporation, filing for bankruptcy, or simply ignoring a final judgment entirely, which allow them to get away with wage theft.

As a means to address these enforcement challenges, the Coalition conducted its own research and developed a set of proposed provisions for a local wage theft ordinance. The Coalition drew from local measures that have demonstrated success in

other states and cities. This HIA uses the following proposed provisions, which were updated in Winter 2013, to analyze the health impacts that the local ordinance could have on low-wage workers. The provisions include:

- **Create a Local Wage Theft Fund and Bureau responsible for oversight of the ordinance which shall:**
  - Develop and oversee outreach programs; create confidential complaint and referral process; screen complaints for further investigation and enforcement monitoring; establish and oversee an administrative process to adjudicate claims; develop and oversee monitoring protocol for violators; work with the City Attorney's office and other enforcement agencies to provide recommendations regarding prosecution of wage theft cases; and control the Wage Theft Fund to enforce compliance with this ordinance.
- **Improve collections by revoking city permits and providing a lien for unpaid wages**
  - City of Los Angeles has authority to deny or revoke city permits, registration, certificates, or licenses held by violators until violation is remedied.
  - Workers may file a lien for the amount of their unpaid wages on the property of their employer or property on which they bestowed labor.
- **Increase administrative penalties and fines for employers that commit wage theft**
  - Make wage theft a misdemeanor punishable by fine.
  - Fine wage theft violators an additional 10% fine for a Wage Theft Fund for enforcement.
  - Fine employers \$5,000 if they retaliate against workers (payable to worker).
  - Increase fines for repeat offenders.
  - Fine employers \$5,000 if they fail to post notices or allow inspection of records payable to the Wage Theft Fund.
- **Provide workers the right to pursue civil damages and remedies**
  - Wage theft victims have a private right of action for relief, which includes liquidated

damages, compensatory damages, reinstatement, back pay, damages for emotional distress, and attorney's fees and costs.

- Remedies for retaliation include civil fine, job reinstatement, back pay, damages for pain and suffering, and other actions necessary.
  - City of Los Angeles may file civil prosecution for wage theft and/or retaliation.
- **Improve anti-retaliation protection for workers who report wage theft**
    - Prohibit retaliation against current and former employees and job applicants for complaining to employer, government agency, in a public hearing or meeting, or to a community organization, or being involved in a wage theft investigation or proceeding under the Ordinance.

From 2010 to 2012, the Coalition organized worker assemblies for members of each organization to collectively develop a campaign strategy and policy tools to strengthen enforcement of wage and hour law. Coalition members also supported each other's individual wage theft campaigns. Despite diligent measures to get the prior city attorney to draft a wage theft ordinance, there was no response, and the city council motion died.

Meanwhile, recognizing the crisis in enforcement of basic labor protections for immigrant workers, the California Legislature passed two bills that aim to protect against retaliation and place special protection for immigrant workers. SB 666 prohibits employers from retaliating against employees for making complaints or claims; it makes retaliation a misdemeanor and authorizes penalties of up to \$10,000.<sup>6</sup> AB 263 specifically protects immigrant workers from employer retaliation—it authorizes civil action by the offended employee and allows for suspension of certain business licenses for violations.<sup>6</sup> The Coalition's proposed provisions expand these protections even further.

The Coalition is currently working with Council Members Gil Cedillo and Paul Koretz, who reintroduced a motion on July 1, 2014 with the hopes that the new city attorney will draft its proposed provisions to present to the council.



# CHAPTER 3: HIA SCREENING AND SCOPING

## 3.1 HEALTH IMPACT ASSESSMENT OVERVIEW

Health Impact Assessment (HIA) is a tool that uses a range of data sources, research, and stakeholder input and seeks to increase understanding of how a program, plan, or policy will impact the health of a population. HIAs aim to increase the consideration of health and equity in decision making. HIAs specifically focus on policies and programs that do not traditionally look at health and explore the social determinants of health (hereinafter “SDOH” or “social determinants”)—or, the root causes of health outcomes. The six steps that bring all these features together are screening, scoping, assessment, recommendations, reporting, and monitoring.

Screening	Determines the need and value of an HIA.
Scoping	Determines which health impacts to evaluate, methods for analysis, and a work plan.
Assessment	Provides a profile of existing health conditions and an evaluation of potential health impacts.
Recommendations	Provides strategies to manage identified adverse health impacts.
Reporting	Develops the HIA report and communicates findings and recommendations.
Monitoring	Tracks impacts on decision-making processes and the decision itself, and impacts of the decision on health determinants.

The **screening** step gauged the gravity of the problem, how wage theft affects the health of certain sub-populations, the local policy context, and stakeholder interest and capacity to conduct an HIA. After considering key screening questions, the Coalition and the HIA team decided to embark on the wage theft HIA project in the fall of 2013.

In the **scoping** step, the HIA team outlined roles and responsibilities for the project team and the steering committee. The steering committee members included leaders from the Coalition organizations who were actively involved in campaign activities. Biweekly steering committee meetings were held with updates from other sub-committees. The HIA project was placed in the *public education subcommittee* because it was most fitting than other subcommittees, and because of its use as an education tool to communicate health impacts of the proposed wage theft ordinance.

The UCLA Labor Center and other worker organizations provided initial reports that documented existing conditions of low-wage workers in L.A. These reports, along with a community scoping meeting that took place in November 2013, helped identify the major SDOH to examine as affected by wage theft, and also solidified a pathway diagram that illustrates the model of the impact of wage theft on these SDOH. The SDOH of interest are: income, time poverty<sup>i</sup>, living conditions, and workplace environment. In addition to reports, a literature review was conducted to further gather data concerning existing conditions and evidence linking the SDOH to health outcomes addressed in this report.

A work plan and goals for the HIA were also developed during the scoping step. Research questions were introduced using the literature review, informal interviews with subject leaders and experts, and discussions from the community scoping meeting.

This HIA was guided by the following research question: *How would a wage theft ordinance impact*

<sup>i</sup>Time poverty refers to working long hours and having no choice to do otherwise. An individual is time poor when they work long hours and are also financially poor, or would fall into financial poverty if they reduce the number of hours worked. Time poverty results from two conditions: 1) not having time for rest or leisure after meeting work demands and 2) the person cannot reduce working hours without either increasing the level of poverty or leading the household to fall into financial poverty (Bardasi & Wodon, 2006)."

Peer reviewed articles are those in academic journals and written by individuals with knowledge and expertise equivalent to that of the individuals whose applications for support they are reviewing.<sup>15</sup> Grey literature consists of reports that are non-commercially published conference papers, government reports, translations, committee reports, working papers, technical specifications, and standards, and bibliographies—and are largely produced by government, academics, business, and industry in print and electronic formats.<sup>16</sup>

*the physical, mental, and socio-emotional health of low-wage workers and their families well-being?*

The **assessment** step further explored the problem, the sub-populations, and current conditions by conducting a more thorough literature review with peer-reviewed and grey literature and determining the gaps in the links between policy, SDOH, and health outcomes. Focus groups were conducted to specifically answer sub research question identified in the scoping phase for the social determinants, and to highlight the nuances between policy, social determinants, and health outcomes. Leaders and experts in the field suggested the utilization of focus groups over other methods because of its feasibility.

The **recommendations** were guided by the findings from the assessment phase, community members during the recommendations meeting, and by field leaders and experts. In addition to a broad recommendation addressing the issue of wage theft, more specific recommendations were crafted for the City of Los Angeles, the Los Angeles County Department of Public Health, and worker rights and advocacy organizations. Recommendations present ways to mitigate the health problems low-wage workers encounter when they experience wage theft.

For **reporting** and **monitoring** process see Appendix A.

### **3.2 SOCIAL DETERMINANTS OF HEALTH**

According to the World Health Organization, SDOH are “the conditions in which people are born, grow, live, work, and age. These circumstances are shaped by the distribution of money, power, and resources at global, national, and local levels.”<sup>17</sup> Keeping this

definition in mind during the literature review, community scoping meeting, and conversations with field leaders and experts, this HIA focuses on the following SDOH: income, time poverty, living

Social Determinant	Indicators (how social determinant is defined)
Income	<ul style="list-style-type: none"> <li>• Wage theft</li> <li>• Earnings</li> </ul>
Time Poverty	<ul style="list-style-type: none"> <li>• Working hours out of necessity</li> <li>• Leisure time</li> <li>• Time spent with family</li> </ul>
Living Conditions	<ul style="list-style-type: none"> <li>• Housing and rent</li> <li>• Food insecurity</li> <li>• Living necessities: clothing, transportation, education materials, child care, medical care</li> </ul>
Workplace Environment	<ul style="list-style-type: none"> <li>• Working conditions: work related stress, physical demands, work volume</li> <li>• Work culture:               <ul style="list-style-type: none"> <li>○ Employer retaliation and abuse</li> <li>○ Worker inter-relationships</li> </ul> </li> </ul>

conditions, and workplace environment. Additionally, each determinant encompasses indicators that help define and measure it. The table below explains how social determinants were defined and measured:

### **3.3 EXISTING CONDITIONS**

The existing conditions data provide a better picture of the population of study. The most appropriate and current existing conditions data come from the report Wage Theft and Workplace Violations in Los Angeles: The Failure of Employment and Labor Law for Low-Wage Workers (2010). This report was part of a larger study that surveyed more than 4,500 low-wage workers in the nation’s three biggest cities: New York, Chicago, and Los Angeles. The report analyzed findings from a survey of 1,815 workers in Los Angeles County—which is one of the best

approximations since the proposed ordinance would only be citywide. The report gathered surveys and interviews from undocumented immigrants and other vulnerable workers. Further, this report identifies the industries where wage theft is more likely to occur, the most likely victims, and the most common forms of violations to occur.

The workforce violation prevalence rates and other findings in the report were weighted so that

Table 3A. Violation Rates in Los Angeles County

Most common forms of wage theft	% of Total Respondents	% of At-Risk* Respondents
Minimum wage violations	29.7	29.7
Overtime violations	16.0	79.2
Meal break violation	69.8	80.3
Rest break violation	77.3	81.7
Working off the clock without pay	14.1	71.2

\* Respondents “at-risk” of a violation were eligible for a labor protection that their employer violated. For example, while 16% of total respondents experienced an overtime violation, fully 79.2% of respondents who actually worked overtime hours experienced an overtime violation.

they were representative of the larger population of “front-line” workers in low-wage industries in L.A. which excludes managers, professionals, and technical workers.<sup>3</sup> This population (front-line) includes an estimated 745,000 workers.<sup>3</sup>  
**Overall weekly wage violations:** Workplace violations cost these workers an average of \$2,070 out of annual earnings of \$16,536, representing more than 10% of their annual income. In a given week, an estimated 655,000 low-wage workers suffer at least one pay-based violation. These workers lose more than \$26.2 million per week, or \$1.4 billion per year, as a result of wage theft violations.

**Minimum wage violations** occur when employers do not pay workers the legal State minimum wage.

Current California minimum wage is \$9.00 per hour (effective July 1, 2014). Minimum wage standards apply to full-time and part-time workers, regardless of whether they are paid by the hour, by piece, by salary or by commission. Minimum wage laws also cover undocumented immigrants.<sup>3</sup> The report found that 63.3% of survey respondents who experienced a minimum wage violation were underpaid by more than \$1.00 per hour.<sup>3</sup>

**Overtime violations** occur when workers are not paid time-and-a-half for all hours worked over forty hours during a given work week or more than 8 hours in one day for a single employer. Among all survey respondents, 21.3% worked more than 40 hours for a single employer, which puts them “at risk” for overtime violations.<sup>3</sup> Table 3A shows that 79.2% of workers were not paid the legally required overtime rate. Moreover, respondents with an overtime violation worked an average of ten overtime hours during the previous work week.<sup>3</sup>

Table 3B. Violation Rates by Occupation in Los Angeles County

Occupation	Type of Wage Theft	
	Minimum Wage Violation Rate	Overtime Violation Rate
Garment workers	60.1%	92.5%
Security, janitors, ground maintenance workers	30.0%	80.0%
Restaurant workers	27.0%	64.3%
Domestic workers (home health care workers, child care workers, maids & housekeepers)	44.0%	95.6%
Retail workers	31.5%	81.5%

**Meal break violations** occur when workers do not receive at least a thirty-minute unpaid break to eat for every five hours worked. During this period, employees must be free from all work duties.<sup>5</sup>  
**Rest break violations** occur when workers do not receive a paid ten-minute break for every

four hours worked. Table 3A illustrates that the vast majority of respondents, 69.8% and 77.3 % suffered meal and rest break violations, respectively.

Job characteristics, such as industry and occupation, are strong predictors of where minimum wage violations and overtime violations are likely to

**Table 3C. Violation Rates by Gender and Immigration Status in Los Angeles County**

Demographic Characteristics of Respondents	Type of Wage Theft	
	Minimum Wage Violation Rate	Overtime Violation Rate
Male	21.4%	78.4 %
Female	36.3%	81.5%
Immigrants (documented)	28.4%	58.7%
Immigrants (undocumented)	38.8%	85.2%

happen.<sup>3</sup> Data for car wash workers, construction workers and day laborers is not available because of the small sample size acquired during the study. However, those industries were highly represented in focus groups.

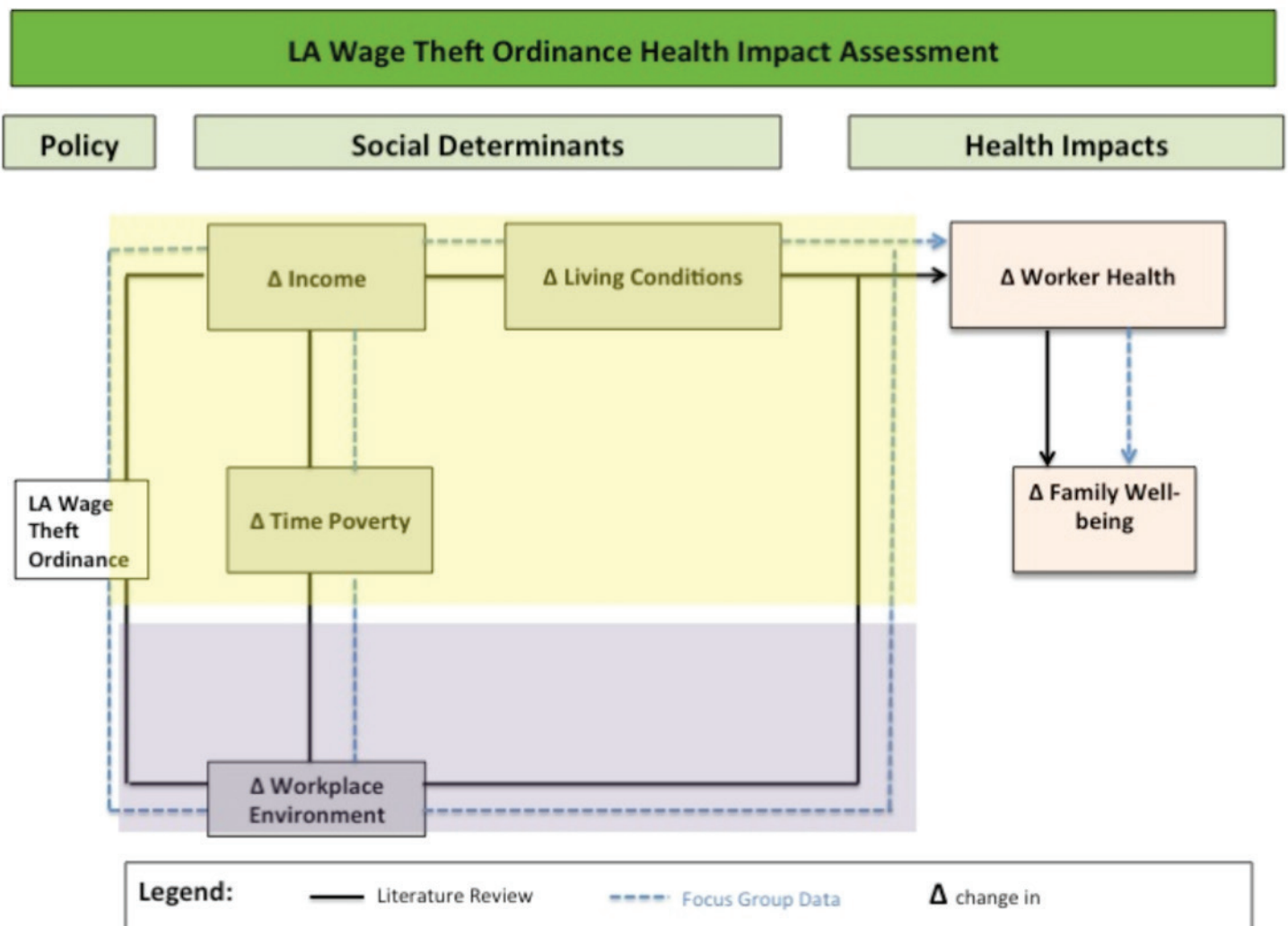
Minimum wage and overtime violations were greater for women than for men, and for undocumented immigrants than documented immigrants. The highest rates of minimum wage violations were amongst undocumented immigrant women—more than half had experienced a minimum wage violation in the previous workweek.<sup>3</sup>

The *Wage Theft and Workplace Violations* study depicts the most relevant existing conditions for common forms of wage theft in Los Angeles County. In addition, this HIA also sheds light on other prominent forms of wage theft such as illegal deductions, non-monetary payment, tip stealing, and no payment at all. However, no available data illustrate the rates of these forms of wage theft among specific low-wage subpopulations in L.A.

### 3.4 PATHWAY DIAGRAM

The initial literature review, the community scoping meeting, and informal interviews with leaders and experts guided the formation of the pathway diagram. This diagram represents the HIA's hypothesis: *If L.A. passes a wage theft ordinance, it will lead to changes in income, time poverty, living conditions, and workplace environment.* Consequently, changes in social determinants would also affect worker health and family well-being.

The first pathway focuses on how changes to income also cause changes in time poverty and living conditions, and how collectively they may impact worker health and family well-being. The second pathway explores how changes to workplace environment could also impact time poverty, and worker health and family well-being.





# CHAPTER 4: ASSESSMENT AND IMPACTS

This chapter begins with a brief description of the methodology and focus group demographics. The bulk of the chapter explores the findings from the assessment and uses the theory of intersectionality to connect key concepts. Finally, this chapter explains the predicted impacts that the proposed ordinance provisions have on social determinants and health.

## 4.1 METHODOLOGY

In addition to the literature review, focus groups were conducted to assess the health impacts of wage theft because it provides rich qualitative data. Conducting focus groups to assess the health impacts of wage theft bridged the gaps from the literature review and further investigated the links identified in the pathway diagram. A nomination recruitment strategy was used to create stratified purposeful samples of focus group participants. Each Coalition steering committee member identified potential participants based on eligibility criteria. Eligibility criteria guaranteed that participants represented the most vulnerable populations. All participants must have experienced wage theft since the inception of the coalition in 2009, be over the age of 18, and work in a low-wage industry. Participants were placed in one of three focus groups:

- Focus group 1: Monolingual Spanish speaking women;
- Focus group 2: Monolingual Spanish speaking workers, regardless of gender;
- Focus group 3: English speaking workers, regardless of gender.

This sampling approach aimed to comprise homogeneous participants within each focus group as a means to maximize dialogue.

Two focus groups were created for low-wage Spanish speaking workers because they represent one of the largest low-wage groups who experience wage theft. Though participants were not specifically asked about their immigration status, they expressed that employers assume that Latino workers are undocumented. The women's group aimed to uncover gender differences in work violations and understand

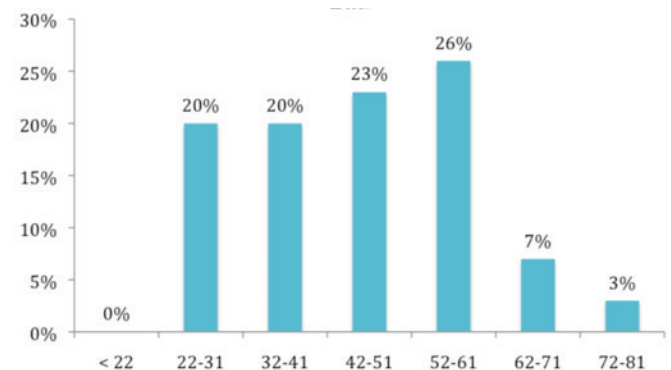
the work-related environmental stressors women face. Finally, the third group aimed to have fair representation of other low-wage minority workers who experience wage theft. While the *Wage Theft and Workplace Violations* study found that African Americans also experience high levels of wage theft, it was especially difficult to recruit African American focus group participants given limited representation within the Coalition steering committee at the time.

Each focus group lasted approximately 90-minutes and all participants were provided with \$20 stipends, transportation, food, and childcare if necessary. All participants provided their informed consent to participate in a focus group and received appropriate information regarding the study, including recording, privacy, and confidentiality information. (For more details see Appendix B).

## 4.2 HIA FOCUS GROUP PARTICIPANT DEMOGRAPHICS

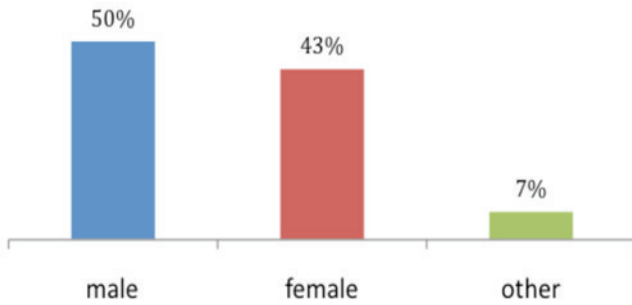
After each focus group, participants filled out a brief demographics questionnaire. The demographic information provides further data for an analysis of the impact of intersectionality and multiple marginalizations on rates of wage theft and worker health.

Graph 4A: Age Groups



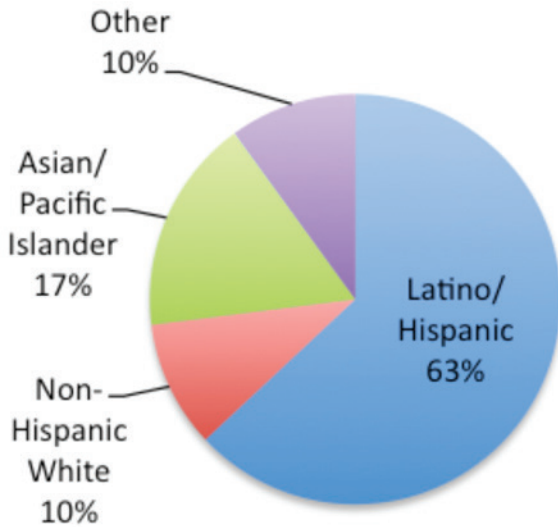
Note: Percentages do not total 100 due to rounding  
The majority of focus group participants are of working age (22-61).

Graph 4B: Sex and Gender



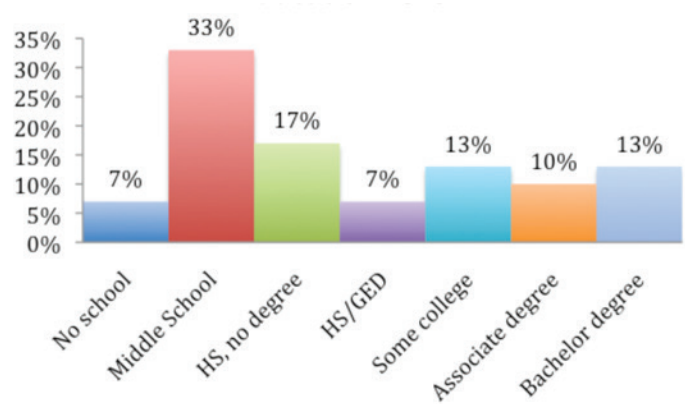
Half of participants identified as males, and almost half identified as females. Two participants marked both sex/gender boxes, or identified as gender non-conforming, hence an “other” category was created.

Graph 4B: Race/Ethnicity



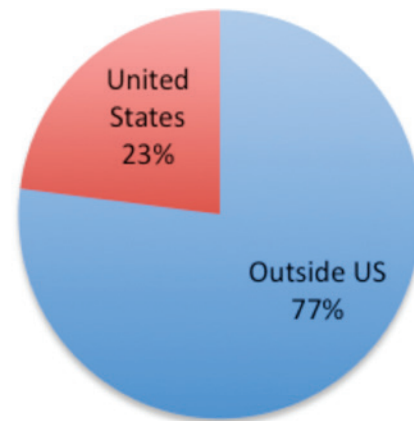
Except for the difficulty in gathering low-wage African American workers, focus group participants were generally representative of the overall subpopulations vulnerable to wage theft in L.A.

Graph 4D: Education Level



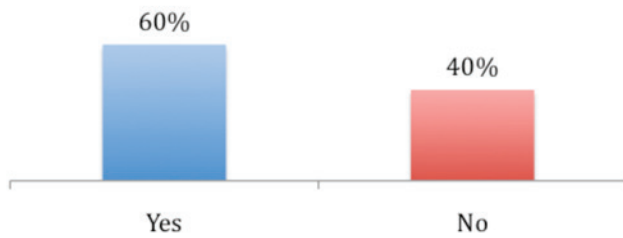
Contrary to common belief that low-wage workers have low levels of education, one third of the focus group participants had some college education or a college degree. Several participants shared that they previously had high-level jobs in their home countries, but due to economic downturns and other factors, they came to the U.S. and found themselves only able to attain low-paying jobs.

Graph 4E: Birth Place



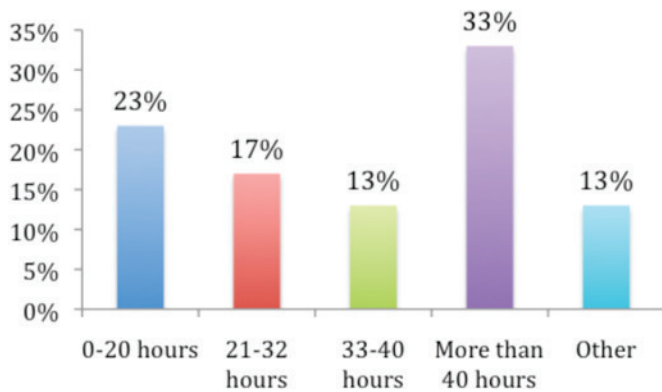
The majority of focus group participants were foreign born. Questions did not specifically address immigration status, but the focus group findings delve into the topic. Additionally, those who were U.S. born tended to work in the restaurant industry, particularly as servers.

Graph 4F: Children



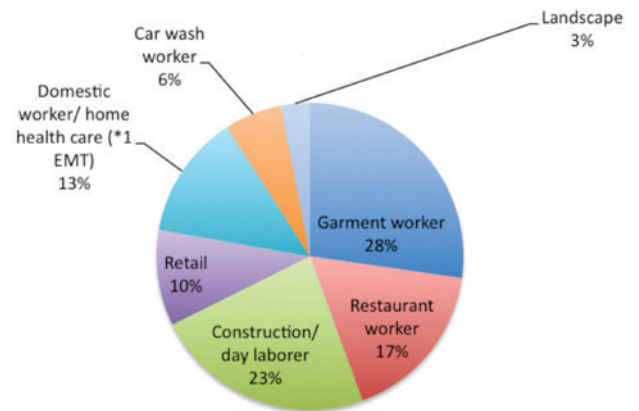
More than half of focus group participants had children who were either living in the U.S. or in their home country. These participant parents had an average of three to four children (the mean average was 3.6). A few participants without children stated that they had a parent, sibling, or other family members for which they were financially responsible.

Graph 4G: Working Hours/Week



Though this graph shows that the majority of low-wage workers work more than 40 hours per week, several participants stated that their work hours are often unpredictable and reduced at the last minute. Women especially tend to work less than 40 hours and experienced high levels of unemployment. Day laborers were also less likely to have set work schedules—often working over 50 hours per week, but then experiencing days or weeks of unemployment. Essentially, low-wage industries create job insecurity.

Graph 4H: Occupation



This chart shows the industry and occupation of focus group participants at the time they experienced wage theft. The majority also stated that they had been working in the same industry/occupation for several years and find it difficult to find better paying jobs. The only difference in occupations was moving from one low-wage job to another. For example, some domestic workers had previously worked in the garment industry.

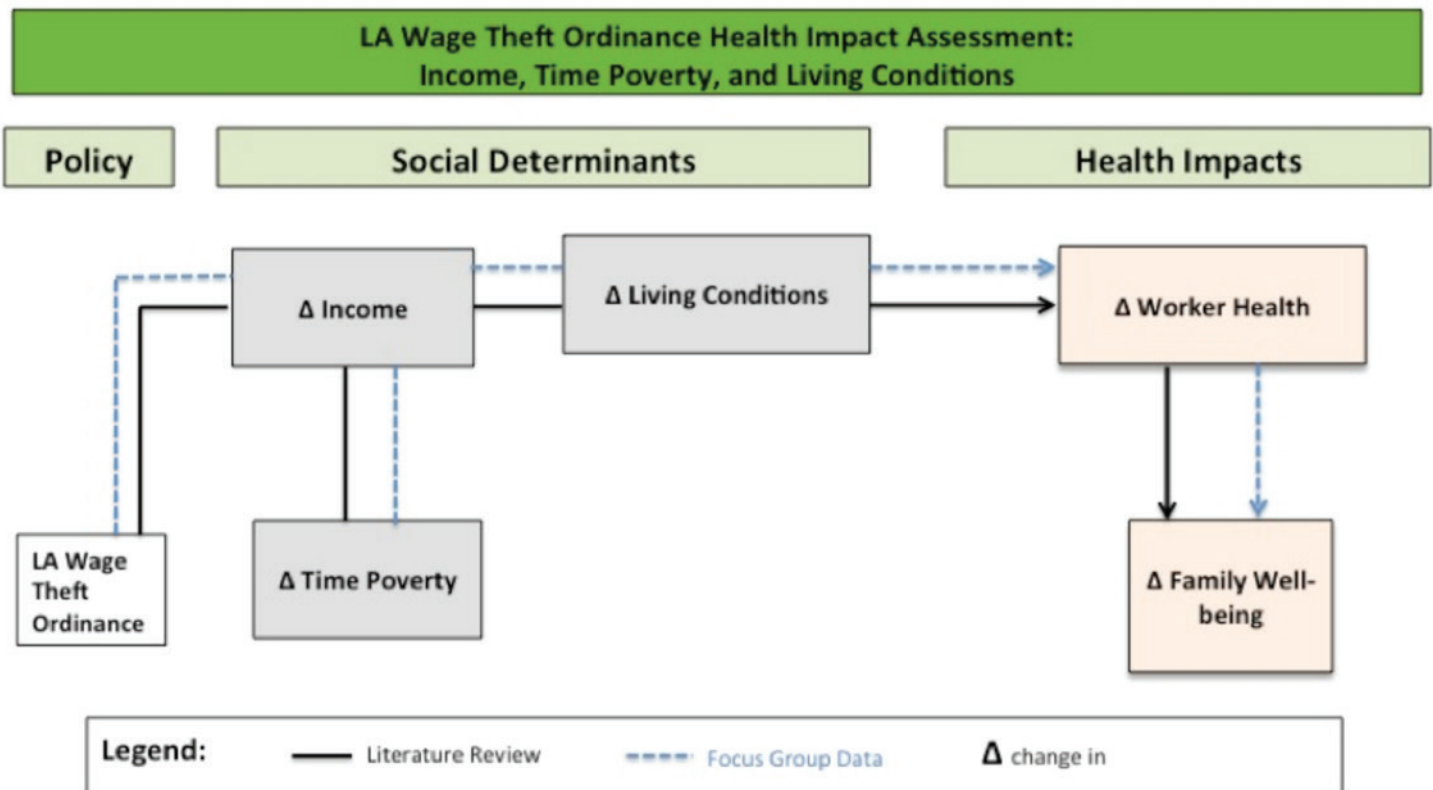
In sum, the graphs illustrate that focus group participants are mostly of working age (22-61), foreign born, mostly of Hispanic/Latin American descent and some Asian/Pacific Islander descent, have more than one child, work more than 40 hours, and work in low-wage industries and occupations. These parameters are important to bear in mind as the findings from the assessment are discussed.

### 4.3 INCOME, TIME POVERTY, AND LIVING CONDITIONS

This section describes the impacts of wage theft on workers' income, time poverty, living conditions, and how all these affect their health and the well-being of their families.

rates of complications, and lower rates of survival.<sup>10</sup> Additionally, immigrant workers who face pressure to send remittances back to family members in their home country may experience additional stress if they are unable to maintain enough income to meet those obligations.<sup>11</sup>

The majority of research that links income to health



Findings from the literature review and focus groups are used to explore the relationship between these determinants and their health outcomes and either support or refute the hypothesis that an ordinance will impact the social determinants.

#### Income

Income is one of the strongest and most consistent predictors of health and disease.<sup>8,9</sup> This link holds true across the spectrum of income levels, forming a continuum where health and life expectancy increase as income increases. The relationship between income and health is especially salient for low-wage workers and their families. Not only are most diseases more prevalent among poor populations, they also experience faster progressions of diseases, higher

focuses on how education is indicative of income level and how income level in turn affects family status. However, wages and wage theft are strongly related to income level. Focus group participants recounted several of their wage theft experiences.

Low-wage workers are often told that they will get paid a certain amount, but after completion of a task end up receiving much less than what was negotiated. One participant shared that he and other workers were offered \$15 per hour for bagging produce at a warehouse. After working two eight-hour shifts, workers received \$40.00—approximately one-sixth of the wages they were owed. All garment workers confirmed they get paid by the piece and are told they will get a higher rate than what they actually receive,

which frequently amounts to less than minimum wage.

#### **Minimum wage violations**

“I work in the garment industry, we get paid by the piece; they don’t guarantee us minimum wage, much less overtime. They control us very well. For example, if I produce 500 pieces or so in one day, the next day or week they reduce the amount they pay per piece.”

“People need to at least get paid the minimum wage. There are times when we get paid 2 dollars an hour. When you work for 2 or 3 pennies a piece, that’s what it adds up to. No one can live with this pay.”

Focus group participants did not explicitly share overtime violation experiences, mostly because their primary concern was getting paid the minimum wage, but overtime violations still exist. For example, garment workers often worked more than eight hours a day, sometimes up to fourteen hours a day, yet they were not even paid the minimum wage. The few who addressed overtime violations to their employers did it knowing their rights were violated, and with fear of retaliation for confronting their employer.

#### **Overtime violations**

“What they did for a long time, for who knows how long, is they backtracked those hours so they wouldn’t have to pay me for those hours.”

“I confronted them about the wage theft and how they were retracting my hours, the repercussions of that was retaliation.”

All garment workers, restaurant workers, and some day laborers described several forms of meal and rest break violations. Legally, most workers are entitled to a ten minute paid rest period for every four hours worked,<sup>5</sup> yet many participants regularly worked without any breaks. Others shared that they were forced to work through their meal breaks. In addition to these violations, workers shared that they were pressured to work non-stop or risk termination and abuse if they complained.

#### **Meal and rest break violations**

“The hours that I work are long and hard, I didn’t even have time to eat. I would go almost all day without eating—unless I had a sandwich which I can eat while working.”

“I was allowed no breaks, no lunch; I never had double pay, no nothing, until the job was done.”

“I addressed the issue with documentation with the owner and they responded by saying, ‘you know, you can take your break whenever you want, and remember that we’re not asking you to work here.’”

Non-payment was by far one of the most common forms of wage theft experienced by focus group participants. This holds true for domestic workers, garment workers, car wash workers, and day laborers. Non-payment in itself takes several forms. Domestic workers experienced delays in payment or only received partial payment. Eventually, some had no choice but to leave their employer without any payment. Others were terminated after the completion of their services. A few of the focus group participants worked for the same manufacturer and shared that one day when they arrived at their workplace, the doors were locked and all the garment equipment had been cleared. There was no way for them to locate their employer and file claims so they were never compensated. This occurrence is common in the garment industry – employers often file for bankruptcy or shut down operations and relocate under a different business name to avoid paying the wage claims filed by employees. Car wash workers often depend solely on tips because employers fail to pay any wages. Finally, day laborers, who mostly take up construction jobs, often work full days or for weeks and receive no payment at all. Some have experienced abandonment at a work site or been dropped off without pay.<sup>13</sup> Frequent non-payment dramatically diminishes the already low wages experienced by these workers.



### Failure of any payment

“I pleaded her to pay me but she didn’t. She kept lying to me, and the last time I told [her] she owed me 5,000 dollars.”

“I worked for five days doing all kinds of construction work, stucco, paint, and they told me they were going to pay me and they never paid me. They owe me \$1,000.”

“I also did construction work. We did all kinds of work; they said they would pay us after we did the cement work. After the cement work they still did not pay. They never paid us.”

“Another thing about restaurants is that they have you stage. Stage is when you follow a server around, they’ll have you work for no pay, and depending on what server you’re working with the server may give you tips, but mostly not because we’re all fighting for resources. Then they send you away without pay; there’s no money.”

“Sometimes we also get checks without funds [they bounce]”.

Workers, especially those paid in cash, regularly experienced illegal deductions. They were paid less than what they were owed, or were told that some of their wages were deducted for taxes and other business expenses but never received a pay stub or other documents itemizing deductions. These experiences were especially cumbersome when workers wanted to file their taxes and had no viable documentation. The inconsistency in type of payment, though not illegal, can more easily confuse workers.

### Illegal deductions

“I’ve had various experiences in the carwash industry. For example, they pay in cash, and from those wages, they deduct taxes, but at the end of the year they don’t give any tax forms. And then we can’t file taxes or get any returns, and they also don’t pay minimum wage.”

Although tips are not wages that employers owe employees, tips are the legal property of the employees to whom they are paid. It is illegal for employers to keep or share any portion of gratuities left for workers.<sup>5</sup> Tip stealing is most common among restaurant workers. All five focus group participants in the restaurant industry shared at least one experience of stolen tips. These experiences are aggravated when restaurant workers depend on tips as their primary form of income.

### Tip stealing

“There is definitely stealing of tips. I’m on the supervisory board, but I make way under the amount that is required for a manager. I’m supposed to delegate tips, but I don’t go by the rules because I think it’s silly. What they do is allocate some of the gratuity towards the restaurant’s funds. They keep that as some kind of deposit or some type of savings.”

“The owner kept our tip. Between the other server and I, we got \$160 and we had to tip others at the restaurant too.”

Focus group participants shared a form of wage theft that is not widely recognized: non-monetary forms of payment. Garment workers, day laborers, and back of the house restaurant workers are more likely to be offered non-monetary compensation. One garment worker shared that instead of payment, her boss would provide her and several coworkers with transportation to and from work and offer groceries instead of monetary wages. Day laborers and restaurant workers reported being offered alcohol as payment on several occasions. Although no back of the house (e.g. dishwashers or cooks) restaurant workers participated in the focus groups, servers provided detailed stories and recounted interactions with back of the house workers from their workplace.

### Non-monetary payment

“Sometimes my boss would pay [for] my food; I would get picked up at 4 am, but would not get paid.”

“I was encouraged to give workers alcohol on the job because it’s what kept them going. It was how workers are bribed. They would give them alcohol during lunch to keep them under control.”

“When I worked in a place downtown I picked up trash, mopped with caustic substances, and recycled. It stank, it was really bad, you have no idea. After the workday they brought beer to give us and I told them I don’t drink. The other guy started drinking. They ended up paying me \$23 for 3 hours for hard labor.”

All these wage theft experiences decrease worker’s overall income and further push them into poverty. Lower income prevents families from paying for basic needs such as housing, food, childcare, transportation, medical care, and other resources.<sup>8</sup>

<sup>12 14</sup> Limited access to living necessities can lead to a

host of health problems such as diabetes, asthma, heart conditions, hearing problems, digestive disorders, high glucose, and high blood pressure.<sup>8</sup> <sup>15</sup> <sup>16</sup> Low income populations are also more likely to experience mental health problems such as depression, anxiety, aggressive behavior,<sup>17</sup> poor self-esteem,<sup>18</sup> and high levels of stress.<sup>19</sup> Poverty also has major effects on children; those living in poverty have a higher risk of being victims of child abuse or neglect than children of higher socioeconomic status, and poor children are also more likely to suffer from developmental delay and damage, and drop out of high school.<sup>20</sup>

### Time Poverty

In addition to experiencing income poverty through wage theft, low-income workers suffer from time poverty. The effect of strenuous lifestyle conditions created by work schedules is called time poverty. This phenomenon may be underestimated in research due to the difficulty of reaching populations who lack the time to participate in studies.<sup>21</sup> Therefore the following definition from an international article is used to define time poverty: working long hours and having no choice to do otherwise. An individual has “no choice to do otherwise” if they are also financially poor, or would fall into financial poverty if they reduced the number of hours worked. Time poverty results from two conditions: 1) not having time for rest or leisure after meeting work demands, and 2) the person cannot reduce working hours without either increasing the level of poverty or leading the household to fall into financial poverty.<sup>22</sup> This definition essentially differentiates time poverty as working long hours out of need versus choice. This definition also expands on how low-wage workers lack leisure and family time —two components that were central throughout focus groups.

The time poverty that workers frequently described was related to work demands and impacts on personal and family time. One common theme among low-wage workers was the lack of control they experienced in their workplace and how it exacerbated time poverty. While high-level professionals may spend ample time at work, they tend to have more control over their schedules; this is not the case for low-wage workers.<sup>22</sup>

#### **Income poverty and time poverty nexus**

“I worked in a job where your work hours were very unpredictable, in that sometimes I was obligated to go in earlier, but it wasn’t based on consensual agreement. They would just change my schedule. I’d feel powerless about it.”

“The back of the house folks who are doing the dishwashing, cooking and even front of the house workers work very long hours, they need to be—because wages are so low.”

“I was more privileged; the ones at the bottom are the cooks. They would be there from like 9 in the morning till like 1 am.”

“I take public transportation so it takes me longer to get to work than if I had a car. At the last restaurant I worked, they would call me 30 minutes before my shift started and tell me not to go in, but it would take me 2 hours to get to work.”

All participants who worked in restaurants shared that they were made to wait after a shift for a manager to distribute tips, harassed to come in early, or asked to leave early if it was a slow work day. Restaurant servers described that back of the house staff worked extremely long hours just to try to make ends meet. Domestic workers frequently arrived at a client’s home only to be sent back home. One garment worker explained that managers at her workplace clocked everyone in and out at the same time and regularly docked her work hours. In addition to long and strenuous work hours, lengthy commutes on public transit take away from potential leisure and family time. <sup>23</sup> Low-income immigrant groups experience greater health disparities and worse health-related outcomes than Whites, including but not limited to higher rates of type 2 diabetes. These long hours, though not a direct form of wage theft, are common in low-wage industries where wage theft is more likely to happen.

Research shows that this time pressure can negatively affect health in a variety of ways. These tight schedules limit workers’ ability to participate in leisure activities, engage with their communities, maintain interpersonal relationships, and generally exercise control over their lives in ways that are detrimental to their well-being.<sup>20</sup> <sup>24</sup> First, when

asked what workers would do if they had additional time, participants from each focus group shared that professional development activities such as English language classes or vocational skills training classes would be at the top of their list because it could provide a gateway into better paying jobs. Time poverty also means less time for medical appointments or self-care and other healthy habits. Low-wage workers are also less likely to engage in health-promoting physical activity, which is largely due to lack of time.<sup>24 25</sup>

#### **Time poverty and personal care**

“If I had a job where I could better organize my time, this would be great, but the problem is that I don’t have set hours, therefore I cannot manage my day or time. If I had a set work schedule I would go to school or do a different activity that has nothing to do with work. Having this option would equip me with more skills and be a defense mechanism, but contingent work leaves me feeling like I don’t have control.”

“In terms of time, and stress, and wage theft: the money I lose from wage theft is supposed to go towards food, and it’s supposed to go towards health, but it’s the last place where it goes. I lose a lot of self-care because I’m always in work mode.”

“The majority of us experience this; our work is not stable and the expenses are always there: rent, food, transportation, our families, and this is what cause[s] mental problems. We spend so much time thinking what we’re going to do and don’t spend enough time getting rest or sleep. We are constantly thinking of ways of cutting costs so that we’re not behind with other costs. There is no stability.”

The number of hours worked directly impacts the quality of family relationships.<sup>26 27 28</sup> Parents who must balance inflexible and demanding employment schedules with their household responsibilities reported difficulty maintaining routines, increased physical exhaustion, and frequently feeling distressed.<sup>29 30</sup> When wage theft occurs, workers must spend more hours working and less time with family. In focus groups, time-poor workers overwhelmingly reported having poor relationships with their children

and spouse, at times leading to separation or divorce. Workers feel chronic stress from trying to meet their responsibilities and felt guilty, helpless, anxious, and depressed when family obligations are not met.

The income and time poverty link are clear when workers earn meager wages and also experience wage theft, they struggle to make up the money by working extra hours or additional jobs. When this happens, workers compromise their health and their relationships with their families because that additional time is allocated towards work.

#### **Living Conditions**

Outside of the workplace, low-income populations frequently endure difficult living conditions in light of limited financial and time resources. Low-wage workers direct the majority of their income towards necessities like housing and food. In L.A., over 70% of all renter households with incomes below 50% of the regional median pay more than 30% of that income toward rent.<sup>31</sup> The United States Department of Housing and Urban Development (2012) classifies these families as cost burdened, meaning they are at risk of not being able to afford some of these basic necessities.<sup>32</sup>

#### **Housing and Rent**

“How do you survive with \$200 a week? If rent is \$400, which is really cheap, and if you’re sharing a place with other families, because we’re used to that, how are we supposed to pay for other expenses?”

“I qualified for low income housing, but the rent was still \$1200 a month. So this is an example of how minimum wage violations prevented me from affording housing. I had to stay where I was already living. I don’t like it where I live, there are too many gangs, but I can’t get out of there, I have to put up with it.”

“We have to make sacrifices, such as sharing small living spaces and cut expenses in other places so that we have enough for the children.”

Focus group participants concurred that they could not afford decent and adequate housing. Instead, the only housing they could afford was often in poor conditions and in unsafe neighborhoods. Furthermore, to minimize the cost of rent, families

earning minimum wage frequently have to share an apartment with other families. These living arrangements lead to overcrowding, which as various participants shared, increased family tensions. Housing instability also negatively impacts physical and mental health.<sup>33</sup> For example, temporary housing arrangements and exposure to crime have been linked with poor health status in Latino day laborers.<sup>34</sup> Therefore, the margin of error for low-wage workers to absorb underpayment and nonpayment of wages is small, if present at all. Wage theft can detract from health and well-being as workers and their families are plunged further into poverty.

Insufficient financial resources due to wage theft can also lead to food insecurity. Poor living conditions can impede efforts to maintain a healthy diet, even when residents are aware of the role of food choices in well-being.<sup>23</sup> Participants reported that food insecurity was a recurring problem in their households. One participant recalled going to work on an empty stomach because she had insufficient money to buy food. For those with children, the situation is graver. A loss of wages prevents families from providing food for their children and consequently leads many to ration their food. Families living on limited incomes cannot afford healthy foods such as fresh fruits and produce and must opt for inexpensive food items, which are often unhealthy.

#### **Food Insecurity**

“We should be able to provide better nutrition for our children, but salaries are too low or there isn’t enough work, and on top of that we get our wages stolen, so logically we buy fast food. We know there’s no nutrition in fast food and that it actually gets our children sick, and it gets worse when we have to cover medical expenses when they get sick.”

“When I don’t receive money, I don’t even have milk in the fridge, and that, to me, is suffering. This is a result of stolen wages.”

“Whereas before we had a full fridge, now the fridge is a bit emptier. The money we make is not enough to sustain proper nutrition for our children or their education. For example, if we want to sign them up for a sport, we can’t sign them up.”

In addition to housing, rent, and food insecurity, low-wage populations also have a more difficult time accessing medical care, reliable transportation, childcare, and other resources.<sup>12 14</sup> Another benefit not provided to low-wage workers is health care coverage.<sup>35</sup> This was especially problematic for workers with children or those with chronic illnesses such as diabetes. The combination of limited income and time poverty impeded workers from attending medical appointments, or caused them to postpone medical care to address health problems because of their inability to pay. As for transportation, none of the participants had a personal mode of transportation—all participants used several forms of public transportation.

#### **Medical care, and other resources**

“I missed medical appointments because I had to pay out of pocket since I didn’t have health insurance.”

“We end up having to pay for our medical expenses. These companies should have medical care for their employees.”

We all have problems, they’re all relevant problems. For me, my children and mom depend on me. I think about how to get food for them, medicine, housing, water, electricity, everything! My mom is diabetic and is missing a foot.”

“It’s very sad because they [kitchen workers] have families, talk about insurance, they’re the first one[s] who should get it, but the [last] ones on the list.”

Clearly, income and time poverty are interrelated; these two social determinants subsequently impact living conditions. Moreover, research links poor neighborhood socioeconomic conditions with violence, depression, and anxiety in residents.<sup>36</sup> Poor living conditions dramatically increase negative health outcomes.

#### **[Worker Health and Family Well-Being](#)**

According to the World Health Organization, health is defined as a “state of complete physical, mental, and social wellbeing, not merely the absence of disease or infirmity.”<sup>37</sup> Wage theft compromises the physical, mental, and social wellbeing of low-wage workers;



this is because wage theft drastically reduces income, which as already explained, impacts living conditions.

Low income groups, especially immigrants, show higher rates of diabetes hypoglycemia-related hospitalizations due to food insecurity.<sup>23 38</sup> Diabetes was one of the most frequent health problems stated by participants—focus group participants verified that they or a family member suffered from this chronic condition. Workers who experience a loss in wages have difficulty managing their diabetes because they are unable to afford health care or medications. Without access to health care, workers with diabetes have difficulty monitoring their blood sugar levels, which can lead to hypoglycemia (low blood sugar). This health problem can become even more severe when workers cannot afford to eat a healthy balanced diet to keep their diabetes under control.

#### Chronic health conditions

“I was diagnosed with diabetes and with my salary I’m supposed to continue providing for my family. I think I was about to die because every time I showered I saw that my body was just a bag of bones. I missed medical appointments because I had to pay out of pocket since I didn’t have health insurance.”

“Without any sleep, and nothing to eat, that’s why I have my soft drinks just to bring the sugar up. I’m hypoglycemic so I start to shake if I don’t have it.”

“In my case, my hair falls out, blood sugar is out of control, I have to inject insulin, and I have insomnia.”

“I’m diabetic and my pill controls it; when you’re in an exploitive situation, you’re depressed, so my body reacted in a way that my blood sugar cannot be controlled.”

When workers do not have access to their earned wages, they live in a perpetual state of financial insecurity that also impacts their mental and socio-emotional health. Every participant shared feelings of stress, anxiety, or depression due to wage theft. Workers struggling to survive on limited incomes suffer from anxiety and feel helpless about their financial situation. These feelings of helplessness

are intensified when workers are unable to provide for their families. Moreover, immigrant populations are more prone to mental health problems due to the pre-migratory trauma as well as the potential discrimination and racism faced in the new society, community, and workplace<sup>39</sup>

#### Mental and socio-emotional health

“There’s no pay so I don’t end up sending money [to my home country]; it’s depressing.”

“When I would get home from work, I would just cry, and I couldn’t stop. I would feel so sad.”

“After working 10 hours, no break, you go home and try to wind down, but you can’t. You feel anxious and you can’t sleep.”

“In reference to health, I can’t sleep, I only sleep 2-3 hours and I’m always tired, I can’t stop thinking. I’m constantly thinking day after day the terrible conditions we live under. I think this is affecting me, for sure. I never used to get headaches, but now I do and it affects my work productivity. My headaches are terrible. During the day I’m very sleepy and tired.”

The inability to fulfill financial expectations leads workers to develop a negative outlook on life and to self-denigrate. Participants mentioned how these feelings triggered self-destructive behavior and overall poor mental health.

To cope with the anxiety and depression resulting from wage theft, some workers engage in unhealthy activities. Participants reported how their eating habits were negatively affected by their demanding jobs and their loss of wages. Another worker observed his younger co-workers consuming energy drinks in order to have the stamina to continue working. Others completely neglected to eat as a consequence of experiencing constant anxiety, tension, and depression. Workers also suffer from decreased sleep duration and quality, which in turn increases the risk of physical and mental illnesses such as depression and cardiac disease.<sup>30 40 41 42</sup> Sleep deprivation, or insomnia, was also overwhelmingly mentioned as an outcome of stolen wages.

Wage theft increases income poverty and time poverty, and both impact family bonding and



connections. Parents who reported working long hours and multiple jobs have little time to spend with their children. As a consequence of working long hours, the relationship between parents and children becomes tenuous as parents struggle to provide their children with the tools to grow. Many participants felt guilty because they had to deprive their children from extracurricular activities they could not afford. Others were unable to contribute to their children's education, which compromised their abilities to succeed in school and their future employment opportunities. The impact that wage theft has on workers bleeds into the lives of future generations.

#### **Family Well-being**

"Can you imagine, your kids tell you that they need food, and clothing and they wait for you, but you have nothing? You feel like nothing, you feel impotent."

"I've experienced seeing my children's developmental delay. Since we can't pay for extracurricular activities, they [children] aren't developing as fast. The other thing is their nutrition. We're not dumb, we know that the natural stuff is the good stuff, but when we go to the grocery store all the fruits and produce are expensive. And then we have our kids who want fast food, and we know that it's not good, but it's cheap."

"My son is about to finish high school, I have to support and help him—I'm his father. I also have a daughter who wants to continue studying and she needs transportation and everything —I'm screwed, and they're screwed too because there is no money."

"At the end of the week the kids would ask, 'Can you buy me that?' And I just can't... it's a helpless feeling."

In addition to the impaired relationship between parents and children, income and time poverty also creates stress in partnerships and marriages that can lead to divorce and separation. Because of long hours spent at the workplace, one participant reported that her marriage with her husband ended. Others reported more egregious circumstances, asserting that wage theft resulted in domestic violence. In addition to relationships being impacted as a consequence of wage theft, many women

struggled to navigate their roles within the family. Feeling obligated to "keep the home together" while struggling to earn their deserved wages to pay the bills. At worst, poverty has been associated with domestic violence, while job and housing instability have been linked to severe post-traumatic stress disorder (PTSD), depression, and worse quality of life in female survivors.<sup>33,43,44</sup>

#### **Separation, Divorce, and Violence**

"As women, we have to keep the home together, and when we can't be there for our children, it affects us."

"When there's no money, violence at home happens. Sometimes, I would cry, wondering what I was going to do."

"My husband would work at night and I would work during the day, we would barely see each other. We ended up separating and I kept my children, of course. But when there's a family and you work under these conditions, there is no time to attend to your relationships."

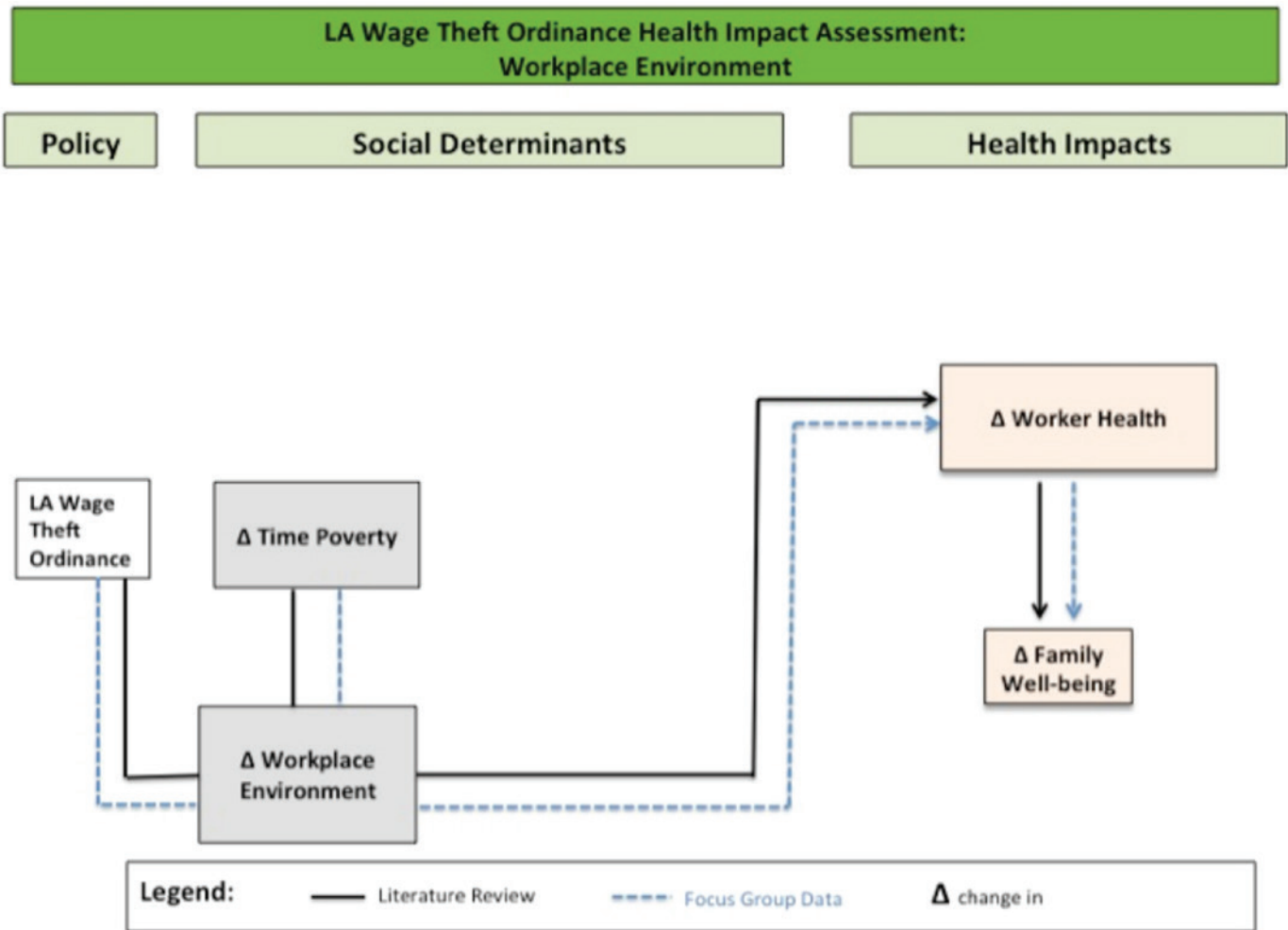
"After my domestic violence I was scared to go back to work because I know that work would not accommodate my condition of depression due to my relationship."

Experiences of wage theft among low-wage workers demonstrate how social determinants impact health; both the literature review and focus group findings clearly demonstrate these links. Though the literature more strongly attests that income is one of the strongest health indicators,<sup>45-8</sup> time poverty and living conditions are also key in the health outcomes of low-wage workers. The combination of low wages, the underpayment or complete nonpayment of wages, and the time poverty that results from these low earnings and wage theft experiences deteriorate the physical, mental, and socio-emotional health of workers. When workers experience poor health status, it also inevitably affects their family's well-being.

#### 4.4 WORKPLACE ENVIRONMENT

This second pathway diagram illustrates the relationship between workplace environment, worker health and family well-being. The relationship between workplace environment and time poverty was explicitly addressed in the previous section; this section addresses, time poverty due to poor working conditions and long hours.

Reports indicate that wage theft is particularly prevalent in low-wage industries such as restaurant work, agriculture, janitorial services, home health care, long term care, the garment industry,<sup>46</sup> and other contingent industries.<sup>34,47</sup> Likewise, these industries and occupations are more likely to break other labor laws, such as health and safety and worker's compensation requirements.<sup>2,35</sup> For example, a 2004 survey of day laborers, the majority of whom were undocumented, found that 19% reported work-related injuries that



This HIA defines workplace environment as both the *working conditions* – the physical space where a worker works, the work related stress levels, physical demands, volume of work, etc. – and *work culture* – the relationship employers have with workers and the interrelationships between co-workers.

required medical attention, compared to less than 5% for those with permanent employment.<sup>47</sup> Contingent workers also report higher levels of work-related fatigue, backache, and muscular pain.<sup>47</sup> Poor working conditions compound health effects of wage theft. Exploring the working conditions where wage theft is more common provides additional evidence of how the health of low-wage workers is further aggravated.

## Working Conditions

A common denominator in low-wage industries is poor working conditions, including a dangerous physical work environment, physically demanding tasks, and strict work demands.<sup>48</sup> For example, domestic workers may experience physical isolation<sup>49</sup>, construction workers may be forced to work in harsh temperatures and high noise levels<sup>19</sup>, workers in the janitorial industry and other day laborers often endure unhygienic and unsafe working conditions<sup>13</sup>, and garment and restaurant workers<sup>50</sup> must work extremely long hours performing repetitive tasks. Poor working conditions often indicate wage theft.<sup>48</sup>

Poor working conditions directly impact workers' physical health and reduce income, compounding the health effects of poverty. The sum of expenses and decreased personal earnings in 2010 for all low-wage work-related injuries and illnesses comes to an estimated \$39.1 billion—comparable to the combined cost of major health conditions such as stroke and hypertension.<sup>51</sup> Low-wage occupations make up two-thirds of the 25 occupations with the highest rates of non-fatal work-related injuries and illnesses.<sup>35</sup>

Focus group participants frequently attested to the physical demands and detrimental health effects of poor working conditions. Workers discussed the physical deterioration of working long hours in strenuous occupations. Many experienced chronic fatigue as well as pain and swelling of knees, feet, and muscles. Those who performed repetitive tasks could not treat their newly developed strain injuries due to impoverished financial situations. Even individuals who saw a doctor were often unable to cover the costs of prescribed medications or treatment.

### **Working conditions and physical health**

“After working for 14 hours you don't even know what hurts. You don't know if it's your head, your brain, your lungs, your hips, your knees or your feet. Everything is so painful.”

Poor and insecure working conditions further contribute to psychological distress.<sup>47 52</sup> Chronic stress has physical effects including chronic inflammation that underlies cancer, hypertension, heart disease, stroke, impaired immune system

functioning, and increased healing time for wounds.<sup>10 25 29 53</sup> Low income populations also face increased rates of depression and anxiety.<sup>29 54</sup> Mental illness and stress, in turn, often contribute to detrimental health behaviors. Low-wage workers are prone to increased alcohol and cigarette use that is associated with heavy loads of stress, high psychological demands, and poor workplace conditions including bullying and discrimination.<sup>55 56 57 58</sup> These working conditions play a role in the cumulative health effects that low-wage workers experience.

## Work Culture

Poor working conditions are closely tied to work culture. In addition to the poor working conditions already mentioned, low-wage industries often construct a work culture in which workers endure various forms of abuse and retaliation<sup>48</sup> and a culture that breeds competition.

When wage theft happens in low-wage industries, retaliation frequently follows. Threats of employer retaliation obstruct workers from reporting poor working conditions and wage theft to authorities, especially for undocumented immigrants.<sup>35</sup> Focus group participants confirmed that some employers retaliate against workers with threats of deportation. Other employers responded to workers who asserted their workplace rights by reducing their work hours or increasing their workload, while other workers were immediately terminated. For example, when one worker tried to assert his rights, the employer responded by suggesting that he could quit. This was common and indicates that employers are not held accountable for their actions. Several participants reported that their employer's abusive behavior, particularly verbal insults and threats of physical violence, was a deeply dehumanizing experience. When employers maintained control of their workers by instilling a sense of job insecurity, many workers reported feelings of disempowerment and helplessness while experiencing high levels of stress. Every focus group participant described their relationship with their employers as abusive, exploitative, and controlling. Employer retaliation was identified as a cause of low self-esteem, anxiety, and stress associated with low-wage work.

### **Work culture: employer abuse and retaliation**

“One time the owner of the restaurant took me outside and took his shirt off and wanted to fight me. He started calling me names.”

“On my days off, they would harass me and ask me to go into work. They knew where I lived. There was this weird power dynamic where they would want to control everything.”

“When inspection would come they would scream that it was immigration. We didn’t know any better so we would all run out.”

“The company petitioned for me, but when I complained about how they treat us, they fired me. I told myself that I would not complain again because I have a family to support.”

“There’s all this corporate tactics and abuse that’s allowed in the workplace.”

“You are suffering and you are being abused. And you know that it is not ok. But you can’t do anything. We have to worry about our immigration situation and your family.”

“You have two options, you either get mad and fight it [wage theft], or do nothing because there are repercussions. There’s no proper outlet because there is retaliation, it’s just what comes in working in a stressful work environment.”

“But this happens because of oppression. When one stands up for themselves, the manger will point him out, if he had a good job they’ll start reducing hours or add extra hard work. This then leads to them leaving the job.”

For women and workers of color in particular, exposures to occupational hazards include discrimination and bullying, in addition to physical danger and stress.<sup>2 59</sup> This emotional abuse is associated with a litany of health problems and risky behaviors including stress, depression, mood swings, loss of sleep, headaches, high blood pressure, digestive problems, increased risk of cardiovascular illness, immune system impairment, and cigarette smoking.<sup>40 59</sup> Most profoundly, the effects of intimidation not only impact the worker who is directly targeted, but also surrounding coworkers who are left feeling fearful.<sup>40</sup>

Relationships between employees varied; most participants shared that employers and other workers

frequently catalyzed competition in the workplace and discouraged camaraderie. For example, some participants shared that when attempting to convince peers to collectively confront their employer for committing wage theft, some hesitated—leaving other workers to confront the employer on their own. Consequently, although cohesion and mutual support were desired within their workplace, many workers elaborated on the difficulties and barriers that prevented them from supporting one another to improve their working conditions. With many obstacles preventing them from uniting in solidarity, many employees remained fearful of the possibility of worse working conditions and retaliation if they even considered unionizing. Workers did not recognize unionizing as a viable option due to competition, limited resources, and fear instilled in low-wage workers by employers. It is understandably a hard choice to speak up because workers rely on every cent to support themselves and their families. These circumstances divide workers and prevent collective organizing and solidarity among employees.<sup>35</sup>

### **Work Competition**

“All of our experiences are similar. The difference is that the ones who are more recent arrivals will work for even less and they’ll get rid of the older ones like that.”

“This is happening a lot where we work. There are three hundred guys, and we’re all fighting to get one job so that we can eat.”

“The conversation we have at work is: ‘We should probably unionize so they don’t treat us this way and so they don’t pay us this little.’ But other guys will say ‘No, you do it.’ No one is inspired to support each other; we don’t want to help other workers file claims. They’ll say, ‘you do it if you want to.’”

Constantly feeling disempowered, easily replaceable, and demoralized, many focus group participants shared experiences of headaches resulting from persistent episodes of insomnia. Cumulatively, the physical, mental and socio-emotional health impacts of wage theft and low wage work combine to decrease the health and well-being of workers.

Stressful working conditions also increase conflict between workers, their children, and their partners.<sup>30 58</sup> Strained relationships between parents and children do not contribute to child development in the way that quality, responsive child-parent interactions do.<sup>60</sup> Limitations in access to necessary material resources and perceived



neighborhood assets also negatively impact family functioning and the cognitive-emotional development of adolescent children of low-wage workers.<sup>34 61</sup> For younger children, living in a low-income household is linked to poor cognitive and socio-emotional development and poorer health outcomes over their life course.<sup>10</sup> Some of these effects are related to the time-restrictions on caregiving including parental involvement in education, bedtime routines, and reading routines due to long hours spent at low-wage jobs.<sup>30 62</sup> Ultimately, low-wage workers, their families, and their communities pay the price of wage theft and other work-related violations.

#### 4.5 INTERSECTIONALITY THEORY

Intersectionality theory has the potential to improve research not only on sex/gender and race/ethnicity, but on other domains of social position, such as socio-economic status, legal status, educational background, or age cohort.<sup>63</sup> The crossroads between sex/gender, race/ethnicity, age, immigration status, language, and other social factors provide additional understanding of why specific groups are more vulnerable to wage theft than other workers. This theory also corroborates findings from the HIA.

Experiences recounted by focus group participants confirm that women, undocumented immigrants, older workers, and workers of color in general experience more wage theft. When asked if their gender, immigration status, or other social factors played a role in their wage theft experiences, all participants articulated that their lower social status made them an easy target for abuse and work violations. The women in the first focus group also shared experiences of receiving lower payment than their male counterparts. Several focus group participants shared that employers chose to hire newly arrived immigrants with no documentation because they knew they could pay them less. Spanish speaking participants confirmed through stories that their inability to speak English also made it easy for employers to manipulate them. As much as some workers empathized with one another, many perceived other low-wage workers as threats to their own job security, which resulted in competition. The root of this problem lies in the lack of enforcement of labor laws, leaving workers unprotected and with poor working conditions.

The use of intersectionality theory in this HIA is intended to broaden understanding of how wage

#### Intersectionality theory

“At my job, we’re suppressed. Our dress codes are tightly managed. Women are not allowed to wear low cut blouses, but they’re not even low cut. They say that it can be distracting for other employees. But the shirts that we wear are not even provocative.”

“I know we don’t have work permits, but we should still benefit because wage theft affects us the most. Maybe that’s why they don’t care about us, because we don’t have a work permit, but we’re working for less than others are. They need to stop this chain of abuse.”

“Everybody is dispensable here in America. In my country my dad is a doctor, my brother is a nurse, there’s a lawyer in the family, and I have a degree in psychology. Here, I’m a cashier at Target. And when you come to this county you’re nobody, it hurts. It is very demeaning.”

“We came to this country to find greener pasture and put food on the table and [we] overstayed our visas. Here we are classified as domestic workers, for us it’s demeaning to be called a domestic worker because we have degrees. We need to make sure that we fight for our dignity and respect. We are doing noble work – we take care of the sick and disabled. After 30 years of being excluded from labor laws we are now slowly telling them that we need to be paid overtime, minimum wage, etc.”

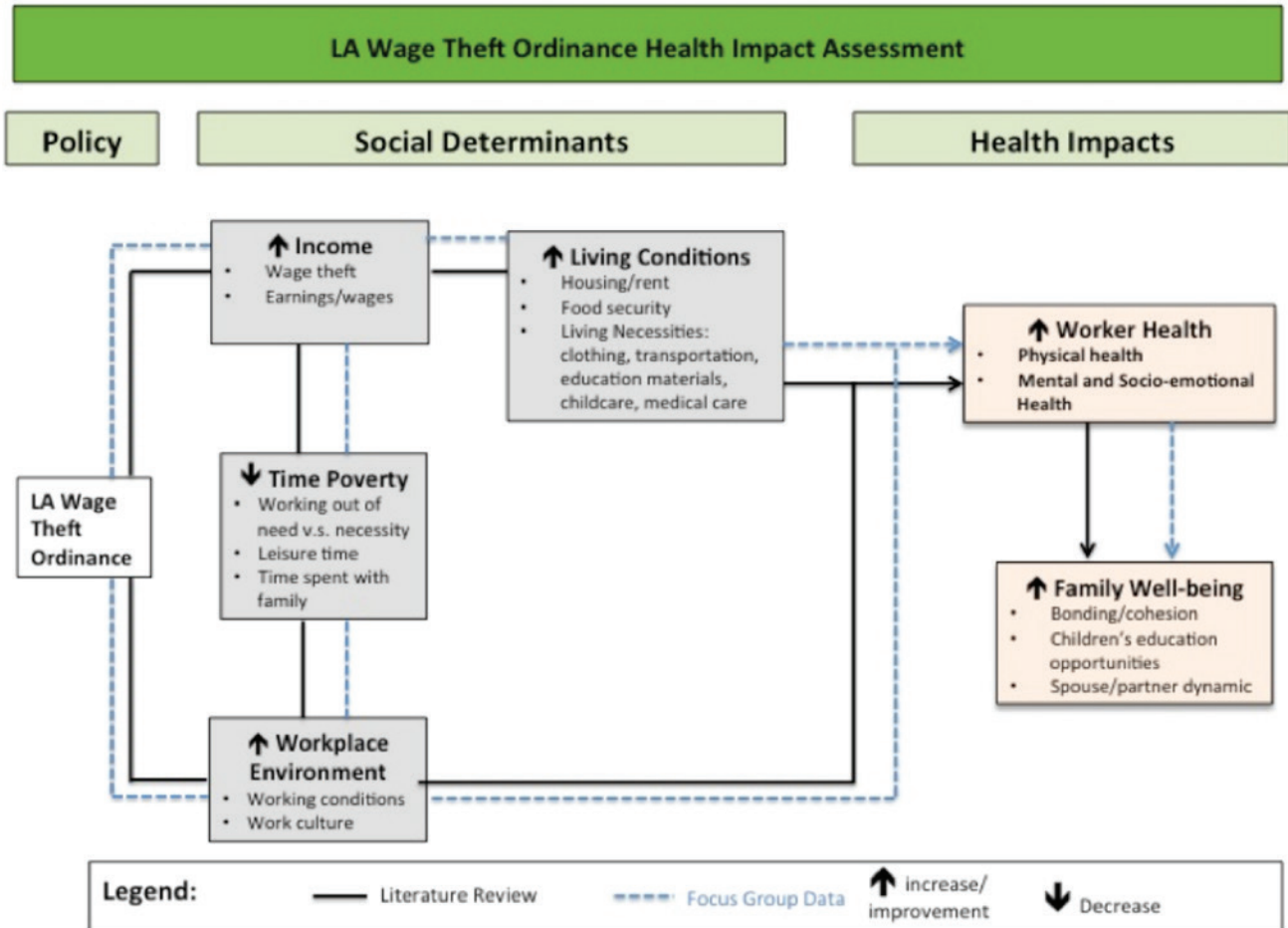
“It’s called idiosyncrasies. That’s the term. It’s stems from the time of the Spaniards; those of us who are mestizos are oppressed. This stays in our culture. That’s how they stay in power, by instilling fear in us.”

theft impacts certain populations more than others. Intersectionality allows us to analyze how multiple concurrent identities *intersect* to place subpopulations at greater risk of poor health outcomes than their peers. The populations that are more at risk of being victims of wage theft are the same populations that have generally worse health outcomes and are more likely to face discrimination and racism in the workplace.<sup>19 54 58</sup> Pointing to the way these vulnerabilities can overlap emphasizes the value of equity in decision making.



## 4.6 IMPACT PREDICTIONS

The final pathway diagram below illustrates how a wage theft ordinance would impact social determinants that impact worker health and family well-being.



Based on this HIA, an effective ordinance to combat wage theft can increase income and improve conditions in the workplace environment, which would thus decrease time poverty and improve living conditions, and consequently improve worker health and family well-being.

Findings from this HIA indicate a policy that addresses wage theft could in fact improve

health outcomes for workers and their families. Participants shared how lost income and time poverty keep them from engaging in self-care and improving life skills. Thus it is safe to predict that an ordinance that would reduce wage theft would allow more workers and their families to subsequently engage in these self-care and life-skills activities, improving their own health and the health of their families.

“The money you lose with wage theft is supposed to go towards food, and it’s supposed to go towards health, but it’s the last place where it goes. You lose a lot of self-care because you’re in work mode.”

“Well, yes, we’re losing time when we work these long hours and get low payment. We’re basically giving time away. Instead of resting or doing other activities such as going to school to take an English course, or whatever. I’ve been in the garment industry for very long and I don’t speak English and I haven’t had the chance to learn because of my work hours.”

“If I had more time, I would go to school and I would try to learn more things.”

“Aside from English, I would try to learn a new skill so I could move forward.”

“I could have cooked my own food and save money if they [work] didn’t call me in whenever they want me. It’s cheaper.”

“I would sleep an extra hour.”

“Wage theft affects the person, then the family, the community, sooner or later it will burst nationally. It is like a domino effect.”

### [Impact Prediction Table and Explanation](#)

This section is based on the guides developed in *Health Impact Assessment: A Guide for Practice*.<sup>64</sup> The likelihood, magnitude, impact on health, and distribution are supported by evidence from the literature and focus group findings. The impact table below states the specific provisions of the proposed ordinance on the left column; the second column predicts the direction for income and workplace environment. The subsequent columns show the *likelihood, magnitude, impact on health, and distribution* of each predicted impact. Ordinance provisions are based on the draft of the ordinance that was available in winter 2013.

### EXPLANATION

**Direction:** (↓) decrease or (↑) increase/improvement in the social determinants of health that impact worker health and family well-being. N/A= Not applicable

The direction for income and workplace environment derives from data in the literature review and focus groups. Based on wage theft experiences, if focus group participants and at least one report indicate that the provision would impact income or workplace environment, the appropriate arrow is placed.

When income and workplace environment are impacted, worker health and family well-being are also impacted. The basic assumption while reading the impact predictions table is that changes in income will lead to changes in living conditions and time poverty; and changes in workplace environment can also affect time poverty, worker health, and family well-being. These assumptions stem from the vast literature and focus group findings.

**Likelihood:** certainty of the predictions based on findings of the HIA. + = *Unlikely/implausible*; ++ = *likely*; +++ = *very likely/certain*; ✕ = *insufficient evidence*.

Likelihood of a direction is based on findings from the HIA, specifically their wage theft experiences. While reading each provision, if a focus group participant shared an experience that addresses how their income or workplace environment was impacted by wage theft and mentioned ways to address the issue, and if at least one report or journal article addressed the issue in the same manner, three +++ were given. If it was only mentioned in focus groups or only mentioned in one article/report, two ++ were given. If it was not mentioned during focus groups or in the literature, it is unlikely/implausible that that provision would impact health outcomes, in which case one + was given. Finally, ✕ signifies insufficient evidence to make a claim.

**Magnitude:** number of workers likely to be affected by the ordinance: *low, moderate, high, or insufficient evidence* (IE) for evaluation.

Rankings mainly come from the literature review, including peer reviewed and relevant reports. The magnitude is largely based on the number of low-wage workers who experience at least one wage theft violation in a given week in L.A.—that number is

655,000 per week. It also takes into consideration the industries likely to commit wage theft and workers at higher risk of being victims of wage theft.

**Impact on health:** level of impact on health, well-being, or longevity. ♦ = *low*; ♦♦ = *medium*; ♦♦♦ = *high*.

- ♦ 1-2 specific health outcomes stated in the literature and/or focus group findings as they relate to income and workplace environment
- ♦♦ 3-4 specific health outcomes stated in the literature and/or focus group findings as they relate to income and workplace environment
- ♦♦♦ 5 or more specific health outcomes stated in the literature and/or focus groups as they relate to income and workplace environment

A health outcome refers to the mention of one physical, mental or socio-emotional condition.

Distribution: whether the provision will reverse or undo existing inequitable income and workplace conditions. **DH** = *disproportionate harms*;

**DB** = *disproportionate benefits*; **RE** = *restorative equity effect* which will reverse or undo inequitable income and workplace environment; **IE** = *insufficient evidence*

Distribution more closely monitors equity. For example, restorative equity effect (RE) refers to reversing or undoing inequitable income and workplace environment conditions. Each provision is also ranked based on literature review and experiences shared by focus group participants.

The guides in the impact table focus on income and workplace environment because as literature and focus group findings reveal, those are the primary social determinants that impact worker health and family well-being. This HIA already demonstrates how the two primary determinants trickle down to affect health via time poverty and living conditions. Provisions from the ordinance can only impact those social determinants, but not directly impact health outcomes; impact to health outcomes stem from the strength of the ordinance's impact on income and workplace environment.

Ordinance provision	Direction	Likelihood	Magnitude	Impact on health	Distribution	Notes
	Impacts on Social Determinants					
<b>CREATE A LOCAL WAGE THEFT BUREAU AND FUND</b>						
Create a Wage Theft Fund and Bureau responsible for oversight of ordinance which shall develop and oversee outreach programs; create confidential complaint and referral process; screen complaints for further investigation and enforcement monitoring; establish and oversee an administrative process to adjudicate claims; develop and oversee monitoring protocol for violators; work with the City Attorney's office and other enforcement agencies to provide recommendations regarding prosecution of wage theft cases; and control the Wage Theft Fund to enforce compliance with this ordinance.	↑ Income ↑ Workplace Environment	+++	High	♦♦♦	RE	This main provision is strongly supported in reports, by focus group (FG) participants, leaders and experts to combat wage theft.
<b>IMPROVE COLLECTIONS BY REVOKING CITY PERMITS AND WAGE LIEN FOR UNPAID WAGES</b>						
City of Los Angeles has authority to deny or revoke city permits, registration, certificates, or licenses held by violators until violation is remedied.	↑ Workplace Environment	+++	High	♦♦	RE	FG participants supported with experiences, as do other wage theft legislations
Workers may file a lien for the amount of their unpaid wages on the property of their employer or property on which they bestowed labor.	↑ Income ↑ Workplace Environment	+++	Mod	♦♦	IE	Garment workers and day laborers would benefit the most due to experiences recounted.

Ordinance provision	Direction	Likelihood	Magnitude	Impact on health	Distribution	Notes
	Impacts on Social Determinants					
<b>INCREASE ADMINISTRATIVE PENALTIES AND FINES FOR EMPLOYERS THAT COMMIT WAGE THEFT</b>						
Make wage theft a misdemeanor punishable by fine payable to worker in the proposed amount of twice the wages owed.	↑ Income ↑ Workplace Environment	+++	High	◆◆◆	RE	Strongly supported in findings and literature; would greatly impact income and workplace environment, consequently health outcomes.
Fine wage theft violators an additional 10% fine for Wage Theft Fund for enforcement.	↑ Workplace Environment	++	Mod	◆◆	IE	This provision can sustain the Wage Theft Fund and Bureau, but does not affect workers' income.
Fine employers \$5,000 if they retaliate against workers (payable to worker).	↑ Income ↑ Workplace Environment	+++	High	◆◆◆	RE	Ample supportive evidence in FG findings and literature
Offenders who repeat within three years are subject to additional fine of 50% of the new fine payable to worker.	↑ Income ↑ Workplace Environment	++	Mod	◆◆	RE	Only applies to repeat offenders, hence lower likelihood of having larger impact.
Fine employers \$5,000 payable to Wage Theft Fund if they fail to post notices or fail to allow inspection of records payable.	↑ Workplace Environment	+++	High	◆◆◆	RE	A key provision that can discourage and prevent wage theft.
<b>PROVIDE WORKERS THE RIGHT TO PURSUE CIVIL DAMAGES AND REMEDIES</b>						
Wage theft victims have a private right of action for relief, which includes liquidated damages, compensatory damages, reinstatement, back pay, damages for emotional distress, and attorney's fees and costs.	↑ Income ↑ Workplace environment	+++	High	◆◆◆	RE	Ample supportive evidence in FG findings and literature
Remedies for retaliation include civil fine, job reinstatement, back pay, damages for pain and suffering, and other actions necessary.	↑ Income ↑ Workplace Environment	+++	High	◆◆◆	RE	Ample supportive evidence in FG findings and literature
City of Los Angeles can pursue civil prosecution for wage theft and/or retaliation.	↑ Workplace Environment	++	High	◆◆◆	RE	Ample supportive evidence in FG findings and literature
<b>IMPROVE ANTI-RETALIATION PROTECTION FOR WORKERS WHO REPORT WAGE THEFT</b>						
Prohibit retaliation against current and former employees and job applicants for complaining to employer, government agency, in a public hearing or meeting, or to a community organization, or being involved in a wage theft investigation or proceeding under the Ordinance.	↑ Workplace Environment	+++	High	◆◆◆	RE	A key provision that can discourage and prevent wage theft.
Retaliatory conduct includes threatening to report a workers' immigration status, and extends to family, friends, and co-workers for worker engaging in protected activity.	↑ Workplace Environment	++	High	◆◆◆	RE	A key provision that can discourage and prevent wage theft.

# CHAPTER 5: RECOMMENDATIONS

This HIA has two main sets of recommendations; one is a general recommendation intended to curb wage theft and the other is more detail-oriented and geared toward more specific agencies and organizations. Recommendations are based on HIA findings and evidence from the literature, feedback gathered during the recommendations meeting with coalition members and focus group participants, and experts in the field of HIA and work and labor.

Appendix D demonstrates the plethora of California laws that exist to protect workers. Yet data shows these laws do very little to protect workers and that the current wage claim process is lengthy and collects little of what claimants are owed. Creating an ordinance to curb wage theft has the potential to improve the health and well-being of low-wage workers and their families, but will not suffice to curb wage theft and protect the most vulnerable workers if certain anchoring procedures are not implemented.

Based on the breadth of impacts workers are likely to experience, the initial step should be proactive wage theft prevention. Therefore, the first general recommendation is to create a wage theft task force similar to San Francisco's Wage Theft Task Force in order to ensure that prospective recommendations are enforced, are technically and economically feasible, and are appropriate to the authority of each of decision making groups—these are also general guidance for HIA recommendations.<sup>65</sup> Collaboration amongst a diverse task force can increase capacity for effective ordinance implementation, enforcement, and monitoring. The task force should have representatives from state and local agencies, as well as community organizations such as:

- DLSE/Labor Commissioner's office
- Los Angeles County Department of Public Health
- City Attorney's office
- Office of Small Business
- Office of the Treasurer and Tax Collector

- Community based organizations/worker centers
- Legal Services Organizations

Representatives from each of the agencies and organizations above can create a collaborative unit to address the issue of wage theft, and it also distributes responsibility among several stakeholders instead of one agency.

The second set of recommendations is informed by the literature review and focus groups findings, workers who attended the community meetings, coalition leaders, the HIA team, and the impact predictions in the previous chapter. These recommendations are geared towards the City of Los Angeles, the Los Angeles County Department of Public Health, and worker rights and advocacy groups.

## [City of Los Angeles](#)

Wage theft is rampant in Los Angeles; it negatively impacts low-wage workers' health and their families' well-being. State laws already exist that aim to protect workers, but these laws are not strictly enforced due to limited funding and staffing. Therefore, a rigorous city ordinance is crucial to ensure minimization of loopholes so that wage theft is curbed to the greatest extent possible. The Los Angeles City Council should:

- Immediately draft a wage theft ordinance with all provisions recommended by the coalition. Inclusion of all provisions would enhance worker protection and hold employers accountable. Some of the recommended provisions stem from other wage theft related policies with demonstrated success in other states and cities.
- Support and pass the proposed ordinance as soon as it comes to a vote.
- Partner with the worker centers and other advocates to strategize ways to implement, enforce, and monitor the wage theft bureau and fund, including ensuring adequate staffing and funding. A fiscally sustainable bureau is critical to protect workers.



## [Los Angeles County Department of Public Health](#)

Wage theft is a public health concern; Los Angeles County Department of Public Health should take an active role in protecting low-wage workers. These recommendations may be especially salient for the Department's 2013-2017 Health Equity Strategic Priorities. Priority 4, Objective 4.4.b states: *Build alliances with other governmental and non-governmental agencies to develop policy solutions that address health equity and the socio determinants of health.* Taking into consideration this objective, this HIA recommends that the public health department:

- Provide data and analysis to support initiatives to implement and monitor health protective labor laws.
- Include information on occupation, industry, and employment conditions in data collection instruments used to assess population health.
- Monitor compliance with labor laws in routine agency activities, referring potential violations to labor enforcement agencies.
- Use permit and licensing authority to sanction businesses that do not comply with labor laws. The Department can collaborate with the city's authority to deny or revoke city permits, registration, certificates, or licenses.

## [Worker Rights and Advocacy Organizations](#)

Wage theft disproportionately affects low-wage workers. To ensure that these workers know about the ordinance and to help them file claims, worker rights and community organizations should:

- Continually increase awareness of wage theft via regular community teach-ins and forums. Numerous focus group participants shared that their co-workers did not know their rights and were afraid to file claims.
- Hold free wage theft claims clinics to help workers navigate the filing process. Worker rights advocacy organizations are the most appropriate to set up clinics because they have existing relationships with low-wage workers.
- Work with the Labor Commissioner's office and other enforcement agencies to raise awareness of the issue, and strategize ways to implement,

enforce, and monitor the wage theft bureau and fund.

- Continue to advocate for expansion of U-visas, which provide victims of certain crimes temporary legal status and work eligibility in the United States for up to four years, for workers who experience abuse and retaliation in the workplace. Expanding the definition of crimes covered by U-visas to include workplace violations and abuses committed by employers will help protect undocumented workers from retaliation.

Selected comments from focus group participants offer additional context and emphasize the urgency of these recommendations.

"There needs to be a policy that needs to be strictly enforced and written."

"Wage theft needs to get looked at more by regulators. Working more than 8 hours and working more than 8 hours without pay adds stress and it creates an unhealthy work environment and snowballs to future generations and it will create this norm of bad business practices. It will just slow down the business of all Americans."

"I wish there was a law where people were treated like humans. I want them to treat us like humans not like animals. I want to make sure we had we get our breaks to eat, and that they don't interrupt us when we're taking a break."

"There needs to be a penalty. Like say, take the employers' licenses away."

"If you're not paying everyone right you can't start a business. Also for labor conditions to improve across industries."

"The fact that you are stealing from people that make money that pays for only half of their life is disgusting. Theft is wrong and it has been illegal and I don't think there's anyone that it feels good to have something stolen from them. We deserve more, we deserve more than 8, 9, even 10 dollars an hour. You have to stand up for the people because we make the city run."

"And LA being the biggest service industry is also the biggest for exploitation, and each time that you allow wage theft to happen in the city, you are messing with our health, our transportation, our money, our rent, and if you want a healthy economy you can start with wage theft."

"Support a wage theft ordinance because it's not just for those of us in this room, it's for many more people who can't be here and can't share their stories."

## Limitations

As with most HIAs, there is insufficient data to directly link the pending decision (in this case, whether and how to implement a local wage theft ordinance) to health outcomes. Thus this report focuses on how wage theft impacts the social determinants of health, and then how the social determinants are linked to health outcomes.

This report has limited existing conditions data for low-wage workers in the City of L.A. because data is often not collected at such a local scale. For example, health outcomes such as rates of diabetes, hypoglycemia, depression, stress, and sleep are not found at a local level specifically for low-wage populations, many who are immigrants, which in itself poses additional barriers. Although living conditions data such as cost of living and food insecurity exist for L.A. County at large and is also available by Service Planning Areas (SPAS)—which are smaller specific regions within L.A. County—there was no way of confirming that all low-wage workers working in L.A. also live within city boundaries.

This issue may be more difficult to solve because for example, although garment industries and other business must register their business, it has been found

that many garment manufacturers are not registered. Essentially, access to viable quantitative data was a challenge, but also common when working with the most vulnerable and marginalized populations.

Finally, the HIA team conducted three focus groups using a research-informed recruitment strategy that included members nominating other members (for more information on the recruitment strategy, see Appendix A). Nominating members from respective organizations is an indication that participants are to some degree aware of their rights, have experienced wage theft, and are more involved in the campaign than those who are not part of a worker rights organization. Thus, focus group participants may not be completely representative of other low-wage workers. Nonetheless, the rigorous eligibility criteria delivered the most vulnerable populations, and participants were candid in their responses. This combination increased understanding and the links between wage theft and its health outcomes.

Overall, this HIA highlights the need for more research to fully understand the impacts that wage theft has on the health of low-wage workers. This limitation led to the recommendations set forth for the local health department and other enforcement agencies. Monitoring the efficiency of the Wage Theft Bureau and Fund can uncover missing links.

# CONCLUSION

This HIA highlights how wage theft affects low-wage workers in Los Angeles. Wage theft hurts the local economy and the health of workers. When workers make less money, they have less disposable income for spending. The prevalence of this crime has led other cities and states to protect their workers. Los Angeles City Council can also protect the rights and health of their workers, especially those who are at higher risk of experiencing wage theft. Condoning wage theft is, essentially, negating low-wage workers of wages they rightfully earned, and condoning poor health outcomes for low-wage workers, which have a broad array of consequences for the city as a whole. It is not only a violation to exploit the most vulnerable populations; it is also a social responsibility to protect these populations because they are the backbone of the thriving economy in L.A.

This HIA depicts how impactful city legislation can be on the population's health and in addressing equity; it illustrates the realities that low-wage workers contend with on a daily basis when their wages are stolen and rights are violated. A local wage theft ordinance can have a direct impact on low-wage workers' income and workplace conditions, and

subsequently time poverty, living conditions, and health outcomes. Income is fundamental for housing, food, and other living necessities. When low-wage workers cannot access these basic living essentials, their own personal health and that of their families deteriorates. In terms of workplace environment, an ordinance can improve working conditions by safeguarding worker rights and protections. In addition, the ordinance can alleviate employer hostility, retaliation and abuse. Finally protection of all workers can enhance work culture by diminishing unproductive competition among low-wage workers.

A wage theft ordinance that will guarantee administrative penalties and fines, civil damages and remedies for wage theft victims, anti-retaliation protection, a wage theft bureau and fund for oversight, speedy processing of claims, and enforcement and monitoring has the potential to improve worker health and family well-being. Worker rights organizations and the public health department should take a proactive role in supporting city enforcement and monitoring, as well as increase education and awareness among workers. Recommendations, if followed, can benefit the health outcomes of workers and their families.

# APPENDICES

## APPENDIX A: WAGE THEFT HEALTH IMPACT ASSESSMENT PROCESS

### TIMELINE

Month	Screening	Scoping	Assessment	Recommendations	Reporting	Monitoring
July 2013						
August						
September						
October						
November						
December	Minimal HIA activity due to IRB processing, city council recess, and the holidays					
January 2014						
February						
March						
April						
May						
June						
July						
August						
September						

This section is geared towards HIA practitioners, partners, and those interested in the HIA process and the tools utilized in the assessment. It describes the impetus behind the Wage Theft HIA project and comprehensively explains initial steps that steered the project: screening, scoping, and assessment.

Health Impact Assessment is a health based analysis tool that uses a range of data sources, research, and stakeholder input to uncover and address the health impacts of a program, plan, project, or policy on populations. It aims to increase the consideration of health and equity in decision making and elevates the voices of those most impacted by policies and programs. Following is a description and process of the six steps: screening, scoping, assessment, recommendations, reporting, and monitoring.

#### 1. Screening: Determines the need and value of a HIA

Human Impact Partners' Health and Equity fellow began the screening process for an HIA project in July 2013. The HIA screening worksheet was used to rank the most appropriate project. Based on conversations with LA Coalition Against Wage Theft leaders and HIP staff, all parties agreed that conducting an HIA on the proposed ordinance would add value both to the field of HIA and to the wage theft campaign. The screening phase prompted questions on project timing, health impacts, potential impacts of HIA findings, potential impacts of HIA process, and stakeholder interest and capacity as criteria for electing a project.

- The **project and timing** of the wage theft ordinance were fitting for an HIA. Though a motion for

the ordinance had been previously introduced in 2009, no action was taken. The coalition was in the midst of revamping their campaign efforts to urge city council to reintroduce a motion for the city attorney's office to draft a wage theft ordinance. Efforts had not quite reached a policy decision, allowing ample time to complete an HIA.

- Cursory research and informal conversations with subject experts pointed that a wage theft ordinance would in fact have **health impacts**. Wage theft directly affects income. When low-wage workers experience wage theft they experience lower incomes. Income is one of the strongest links to health. Additionally, the industries and occupations where wage theft is more likely to occur are not accidental; wage theft is more likely to happen in low-wage industries and have elements that are also harmful to health. Jobs and employment are also a social determinant of health that are scrutinized in this HIA.
- The coalition focused on economic impacts of wage theft, but social determinants of health such as income, employment or time poverty had not been considered. Hence, **potential impacts of HIA findings** would add a new lens and understanding of wage theft impacts. Though the link between wage theft and health is not direct and clear, that is, wage theft does not cause the poor health outcomes—wage theft does gravely impact the social determinants of health that influence health. These links are explored in the HIA.
- **Potential impacts of the HIA Process** would also make several contributions to the communities affected and organizations working on this issue. First, the organizations in the coalition had not worked on an HIA; this first time experience had the potential to increase knowledge about the process, strengthen partnerships with other agencies, add information to the campaign, and create the potential to increase confidence among coalition leaders and impacted communities to speak about wage theft using a health lens.
- Several conversations with coalition leaders and low-wage workers indicated an interest in conducting an HIA. Especially because health had not been considered with the issue of wage theft, **stakeholder interest and capacity** appeared promising. For example, the coalition

was composed of other subcommittees, each with different activities. The HIA was placed in the *public education subcommittee* because it supported the HIA's goal of communicating findings via a the report, fact sheets, infographics, and other deliverables.

After completion of the HIA screening, the fellow was asked by coalition leaders to present the project proposal to the rest of the coalition. This was the first opportunity for workers and organization leaders to have questions answered. As a highly democratic group, they discussed the pros and cons of the HIA, requested a work plan with roles and responsibilities the coalition would be undertaking, a clear outline of how this HIA would help the wage theft campaign, and other concerns regarding research. These concerns were appropriate given that researchers have overburdened communities by extracting information with no action or follow up.

Another question during the screening process that is not explicitly in the screening worksheet, but nonetheless is of high value is the equity aspect. Again, the purpose of an HIA is to increase the consideration of health and equity. By working with the coalition, which is made up of worker and community organizations, this criterion was immediately met. Though wage theft can and does happen to a host of individuals and in non low-wage industries, the health impacts to low-wage workers can be especially detrimental. Researchers undertook this HIA to highlight the impact of wage theft on this population. Ultimately, the screening questions pointed that an HIA on the proposed Los Angeles wage theft ordinance would add value to the policy proposal.

## [2. Scoping: Determines which health impacts to evaluate, methods for analysis, and a work plan](#)

The scoping step began with the process and outcome goals in mind. Due to limited data on wage theft among low-wage workers, this step consisted of a preliminary literature review, informal interviews with subject experts, and a community scoping meeting. These activities helped determine the health impacts to evaluate, method of analysis, and the creation of a general work plan. Additionally, these activities helped shape the main research question: *How does wage theft affect the physical, mental and social emotional health of low-wage workers and their families?*



## Initial Research and Informal Interviews

The preliminary literature review was informed by several reports on wage theft and low-wage workers that were provided by the coalition. Based on these reports, key words were extracted, including: low-income, job insecurity, retaliation, poor working conditions, and labor violations. These key words were used when drafting the pathway diagram pertaining to the social determinants and health outcomes.

UC Berkeley’s Sociology Department, and the Institute for Research on Labor and Employment, UC Berkeley’s School of Public Health Labor and Occupational Health Program, National Employment Law Project, Jobs with Justice, and the UCLA Labor Center, who also has core members in the coalition’s steering committee. These conversations also led to a compilation of peer-reviewed articles that informed the HIA.

Social Determinant	Indicators	Guiding Research Questions
Income	<ul style="list-style-type: none"> <li>Earnings</li> <li>Wage theft</li> </ul>	<ul style="list-style-type: none"> <li>How would the ordinance impact income?                             <ul style="list-style-type: none"> <li>What are the main forms of wage theft affecting low-wage workers in Los Angeles?</li> <li>When workers experience wage theft, how does it impact their living conditions?</li> </ul> </li> </ul>
Time Poverty	<ul style="list-style-type: none"> <li>Income vs. time poverty</li> <li>Leisure time</li> <li>Time spent with family</li> </ul>	<ul style="list-style-type: none"> <li>How would the ordinance impact “time poverty?”                             <ul style="list-style-type: none"> <li>When workers experience wage theft, how are they also robbed of their time?</li> <li>When workers experience wage theft, what does it mean in terms of their time spent on leisure activities and time spent with family?</li> </ul> </li> </ul>
Living Conditions	<ul style="list-style-type: none"> <li>Housing and rent</li> <li>Food (in)security</li> <li>Living necessities: clothing, transportation, education materials, child care, medical care</li> </ul>	<ul style="list-style-type: none"> <li>How would the ordinance impact low-wage workers’ living conditions such as housing and rent, food access, and other living necessities?                             <ul style="list-style-type: none"> <li>When workers experience wage theft and have less income, does it affect their housing situations?</li> <li>When workers experience wage theft, does it affect their access to food?</li> <li>Are there other living necessities that workers and their families suffer from when they have lower incomes due to wage theft?</li> </ul> </li> </ul>
Workplace Environment	<ul style="list-style-type: none"> <li>Conditions: broken labor laws and worker rights</li> <li>Retaliation and abuse</li> <li>Co-worker relationships</li> </ul>	<ul style="list-style-type: none"> <li>How would the ordinance change the workplace environment?                             <ul style="list-style-type: none"> <li>Is there a correlation between wage theft and other poor working conditions?</li> <li>How is wage theft related to employer retaliation and abuse?</li> <li>Does wage theft create a competitive work environment for workers?</li> </ul> </li> </ul>

Informal interviews were also conducted with academics and professionals with extensive knowledge and experience working on labor and employment related issues. These individuals represented some of the best known organizations at the forefront of labor related issues such as

This table aims to increase understanding of the existing conditions among low-wage workers and the social determinants that wage theft directly impacts. Further, it also simplifies answering the principle research question.

## Community Scoping Meeting

Preliminary literature review and interviews were utilized to create pathway diagrams to share with coalition leaders and members during the community scoping meeting in November 2013. The purpose of the community scoping meeting was to 1) Describe the HIA process to coalition members and leaders and impacted individuals 2) Explain how the purpose of the HIA would fit into the larger campaign, and 3) Get feedback and input from attendees on the drafted pathway diagram.

Introducing the HIA and its purpose was vital for ensuring that stakeholders understand the process and potential outcome. This also allowed impacted communities to give feedback with greater confidence. The community scoping meeting is not a one-way transfer of knowledge. In addition to providing information and background on the HIA and its purpose, community members and leaders provided updates on their campaign efforts, the local political climate, and other background on wage theft in Los Angeles.

The bulk of the community scoping meeting was used to discuss the draft pathway diagram. The relatively small number of meeting attendees (16 total participants), and the limited number of Spanish speaking meeting facilitators led to having a larger group discussion about the pathway. Questions that guided the discussion were: 1) Are we looking at the right issues? 2) What's missing? 3) How would you prioritize these issues? Further, attendees were asked to answer these questions keeping the ordinance in mind. Although the ordinance had not been drafted by the city attorney's office, they were intending to suggest similar provisions from the 2009 version. Income was agreed as a top issue of concern, while time poverty was a concept that was initiated by participants. Workplace environment was also a concern, but participants saw it as secondary to income and time.

Towards the end of the meeting, attendees were informed of next steps, the roles, responsibilities, and expectations from the coalition and HIA team. Lastly, participants had a chance to ask questions, voice concerns, and give any other feedback. The majority of meeting attendees were in fact excited about the HIA project. Community scoping meeting attendees echoed that looking at the health impacts of wage theft was both new and necessary.

## Goals

HIAs encompass general project goals as well as more specific goals. The main goal was to increase the consideration of health and equity in decision making. However, process and outcome goals also steered the direction of the HIA.

### Process Goals

1. Explore the social determinants of health that wage theft impacts.
  - a. Link these social determinants to health outcomes that low-wage workers experience.
2. Using *intersectionality theory*, investigate how these health outcomes are mediated by race, gender, immigration status, and low-wage work industries.
3. Provide rigorous data and research to increase visibility of physical, mental and social-emotional health among the most vulnerable populations.

### Outcome Goals:

1. Create an array of communications materials that depict the health impacts of wage theft. Deliverables include the HIA report, executive summary, fact sheets, and an infographic that effectively communicate findings for varying audiences: decision makers and general population.
2. Illustrate how provisions from the proposed ordinance would impact health outcomes.
3. Utilize the HIA report for other cities and states that are working on similar legislation.

## HIA Project Structure

This section describes the organizational structure of the HIA and parties involved throughout the process. There was already an existing structure for the HIA project—creating new committees would have been counter-productive. The process of the integration of the HIA project into the existing structure is further described.

**Advisory committees** provide high-level oversight of HIAs and provide resources such as data, expertise, advice or other relevant information

to ensure the completion of the HIA. This HIA project did not organize a stand-alone advisory committee for several reasons. The arrangement of the Health and Equity Fellowship program allowed fellow to conduct interviews with HIA practitioners and partners during the first half of the program. Fellow chose to conduct interviews with additional field experts leaders in the labor and employment field who provided data, information, and other resources that helped inform the direction of the HIA and also provided high-level advice for direction of the HIA. In addition, the fellow received continuous support from HIP's research director.

This project did not call for the creation of a new **steering committee** because there was already one in place—the coalition's steering committee. These members were the main stakeholders working on the campaign and the ones with the closest relation to city council. Additionally, the steering committee included low-wage workers themselves. The coalition opened their biweekly (every two weeks) steering committee meeting to the to the Health and Equity fellow. During meetings, members and leaders announced ordinance updates and also discussed community tactics and activities. Some of these tactics and activities included a power mapping used to understand the stakeholders and decisions makers in support of or in opposition to the ordinance; updates on campaigns that other organization were simultaneously working on, which also increased understanding of city councils' urgency and attention on other issues; and discussion on policy context.

In addition to participating in the coalition's steering committee the HIA project was placed in a sub-committee within the coalition—the **public education committee**. This subcommittee housed efforts that would be used to increase awareness and education of wage theft among workers and decision makers by creating pamphlets, infographics, and other communication tools. The two major activities for the public education committee included the HIA project and a short clip by Brave New Films. This subcommittee was the main player involved in directing the HIA project, regularly updated the HIA team about city council meetings, and general decisions taken by the larger steering committee. Further, this subcommittee made themselves available for any HIA related questions.

### 3. Assessment: Provides a profile of existing health conditions and an evaluation of potential health impacts

Existing conditions data were derived from the 2010 study *Wage Theft and Workplace Violations*. This study provided the most relevant information on wage theft among low-wage workers; the most common forms of wage theft, the industries where it is more likely to occur, specific subpopulations more susceptible to wage theft, and monetary loss to wage theft. However, because the ordinance is specific to L.A. City, health data was not available at this local level. Hence, the HIA assessment aimed to uncover the health problems that stem from wage theft but was limited in making any predictions about specific health outcomes.

Focus groups were conducted to better understand health impacts of wage theft. Leaders and coalition members all concurred that focus groups would yield the richest data. As part of helping with the assessment, the UCLA Labor Center asked that the project undergo IRB. IRB approval would grant UCLA Labor Center Project Directors permission to help with analysis and report writing. This was essential due to their policy and legal expertise. IRB review delayed the assessment process, but also allowed for well thought out assessment tools. Appendix B contains English and Spanish versions of the focus group screening tool, participant consent script, focus group questions, and demographics questionnaire as approved by IRB.

#### **Focus Group Eligibility Criteria and Participation**

Upon IRB approval, each member from the coalition was given the following to help recruit focus group participants: recruitment script to use to gather focus group participants, eligibility criteria sheet, and privacy and confidentiality document. Coalition leaders were the principle focus group participant recruiters because of the already existing relationship with low-wage workers and ease in identifying eligible participants.

- Participants were recruited for a total of three focus groups: 1) Monolingual Spanish-speaking low-wage female workers, 2) Monolingual Spanish-speaking low-wage workers of mixed gender, and 3) English-only mixed-gender low-wage workers.

- 18 years of age or older
- Experienced at least one form of wage theft:
  - Not getting paid the minimum wage
  - Being forced to work off the clock
  - Not getting a final paycheck after they leave a job
  - Misclassified as an independent contractor
- Tips stolen
- Not getting paid at all
- Employed within the City of LA
- Must have experienced Wage Theft between 2009 and present time

THEME/CONCEPT	CATEGORY	CODE	SUB-CODE	SOURCE/TYPE
INCOME	Wage Theft	Minimum wage violations		Lit, Prelim Rsrch,
		Overtime violations		Lit, Prelim Rsrch
		Meal/rest break violations		Lit, Prelim Rsrch
		Stealing tips		Lit, Prelim Rsrch
		No pay/No final check		Lit, prelim Rsrch
		Forced to work off the clock		Lit, Prelim Rsrch
		Delayed/Partial payment		Lit, Prelim Rsrch
		Standby/On-call (w/o pay)		Prelim Rsrch, inductive
		Non-monetary payment	Food/groceries, alcohol	Prelim Rsrch, inductive
		Misclassification		Lit
WORKPLACE ENVIRONMENT	Working conditions	Precarious and contingent work	Increased/reduced hrs.	Lit, Prelim Rsrch
	Work culture	Employer-worker relations	Retaliation	Lit, Prelim Rsrch, deductive
			Discrimination/abuse	Prelim Rsrch, inductive
		Worker interrelationships	Competition	Prelim Rsrch, inductive, deductive
		Solidarity	Prelim Rsrch, inductive,	
LIVING CONDITIONS	Housing	Rent		Lit, Prelim Rsrch
		Housing safety/violence		Lit, Prelim Rsrch
	Food	Insecurity		Lit, Prelim Rsrch
		Quality		Lit, Prelim Rsrch
	Other living needs	Transportation		Lit, Prelim Rsrch
		Child care		Lit, Prelim Rsrch,
		Children's educational needs		Lit, Prelim Rsrch
	Medical care		Lit, Prelim Rsrch	
WORKER HEALTH	Physical Health	Chronic conditions	Diabetes	Prelim Rsrch
			Hypoglycemia	Lit, Prelim Rsrch
	Mental and Socio-emotional Health	Stress		Lit, Prelim Rsrch
		Anxiety		Lit, Prelim Rsrch, inductive
		Depression	Self-esteem	Lit, Prelim Rsrch
	Sleep (insomnia)		Lit, Prelim Rsrch	
FAMILY WELL-BEING	Family Dynamics	Sense of responsibility		Prelim Rsrch
		Parent-child interactions		Prelim Rsrch, inductive
	Partnership dynamics	Women's role		Prelim Rsrch, inductive
		Domestic violence		Prelim Rsrch, inductive
		Separation/divorce		Prelim Rsrch, inductive

**Lit:** Literature review. **Prelim Rsrch:** Preliminary research from HIA assessment. **Inductive:** observations led to theory/generalization, in this case, intersectionality theory. **Deductive:** Intersectionality theory confirmed in observations

Members of the public education committee helped with focus group planning and execution. They helped identify the best days and times to hold focus groups, solidify locations for each focus group, provided note takers, and took care of logistics including transportation for participants, incentives, food, and child care when necessary.

A total of 30 workers participated in the three focus groups. Each participant received a \$20 incentive after participating in the 90-minute focus group. The small sample size of participants generated rich, in-depth data. Each focus group yielded approximately 10 pages of transcribed data (not verbatim and omitting of non-verbal interactions, pauses, ums etc.) A codebook was created to identify key themes, categories, and codes.

#### [4. Recommendations: Provides strategies to manage identified adverse health impacts](#)

Recommendations are an essential part of the HIA process because they provide ways to mitigate potential negative health outcomes and improve potential positive health outcomes identified through the HIA. HIA recommendations were crafted via the community recommendations meeting, relevant journal articles and reports, and input from one of the journal article authors with extensive expertise in the subject field. Coalition members and focus group participants were invited to attend the recommendations meeting in April 2014. This process identified agencies that should work together in its implementation and monitoring.

#### [5. Reporting: Develops the HIA report and communicates findings and recommendations](#)

HIA reporting and communications tools include a final HIA report, an executive summary, fact sheets (one in Spanish and one in English), and an infographic. Several materials were created to address the diverse audiences. The final report documents the HIA process and elaborates on findings, which can be used by decision makers, HIA practitioners, and others interested in understanding health impacts of wage theft. The executive summary is a document specifically for decision-makers and other agencies and organizations the HIA is intended to reach. Fact sheets are intended to inform the general public, especially low-wage workers about health impacts of wage theft. Finally, the infographic is a visual medium that illustrates the issue among low-literacy audiences and visual learners.

The reporting step was a multi-step process. An initial draft was crafted and internally reviewed by Human Impact Partners, and then it was shared with external HIA practitioners and labor and employment experts. A semi-final draft was reviewed by coalition leaders and finalized at HIP. The executive summary was molded using key components of the final report, and the fact sheet was similarly crafted using key components of the executive summary.

In addition to reporting and design, a press event was planned to share HIA findings and recommendations. The coalition decided to have the event in August and share findings in front of L.A. City Hall with media presence, and have Council Members Gil Cedillo and Paul Koretz (who introduced the motion), and workers speak at the event. Local and state agencies were invited to attend the event, along with other partnering organizations such as St. John's Clinic. This event will launch the use of the HIA findings and recommendations. The coalition plans on continuing to use deliverables during one-on-one meetings with council members and partners, as well as the general L.A. public.

#### [6. Monitoring and Evaluation: Tracks impacts on decision making processes and the decision itself](#)

Monitoring and evaluation tracks the impacts of the HIA on the decision making process, the decision itself, and the impacts of the decision on social determinants and health outcomes. Monitoring for this HIA will be an ongoing process. Since the motion was introduced in July, the city attorney has until October to draft an ordinance. Between now (August 2014) and then, the Coalition and HIA team will utilize HIA findings and other HIA related tools to increase the consideration of health and equity in decision-making. The Coalition and HIA team will document the events and audiences with whom the findings are shared throughout the campaign as a monitoring technique.

In addition, the monitoring plan includes tracking adoption of HIA recommendations. The monitoring of these recommendations will come after a decision is reached—towards the end of the year 2014 or beginning of 2015. The HIA team does not have the capacity to work on a monitoring plan for the social determinants and health outcomes. However, stakeholders will monitor the progress and enforcement of the ordinance its impact on social determinants and health outcomes.



Finally, an internal HIA evaluation process will take place and answer a set of questions regarding specific HIA processes and outcomes. Coalition members will have a chance to provide responses to questions. This evaluation will be used to inform HIP's continuous work in HIAs and in forming partnerships.

## **APPENDIX B: ASSESSMENT TOOLS**

### Wage Theft HIA Focus Group Screening Tool

*Please help identify members from your organization that can participate in Focus Group. To ensure that that interested members qualify, please make sure they meet the eligibility criteria by using the screening questions below. After confirming eligibility, please determine which of the three following groups they fit in.*

1. Monolingual Spanish Speaker
2. Monolingual Spanish Speaking Women **only**
3. English speakers

In order to participate in a focus group, participants must meet the following 5 criteria:

- Be between the ages of 18-80
- Be a low-wage worker
- Experienced at least one form of wage theft:
  - Not getting paid the minimum wage
  - Being forced to work off the clock
  - Not getting a final paycheck after they leave a job
  - Misclassified as an independent contractor
  - Tips stolen
  - Not getting paid at all
- Employed within the City of LA
- Must have experienced Wage Theft between 2009 and the present moment (2013)

### Spanish Version: Herramienta de selección para participar en el grupo de enfoque de robo de sueldos

*Por favor ayúdenos a identificar a miembros de su organización que puedan participar en un grupo de enfoque. Para asegurar que los miembros interesados califiquen, por favor asegúrate que*

*son elegibles y usa este formulario. Después de confirmar elegibilidad, por favor determina en cual de los tres grupos de enfoque puede participar.*

1. hispanohablantes monolingües
2. Mujeres hispanohablantes monolingües solamente
3. Hablante Inglés

Si alguien quiere participar en un grupo de enfoque, el participante tiene que cumplir los siguientes criterios:

- Tener de 18 a 80 años
- Ser trabajador de bajos recursos
- Experimentado al menos una forma de robo de salarios:
  - no pagaron el sueldo mínimo
  - esforzado de trabajar mas de las horas normales
  - No recibir un cheque final después de dejar un trabajo
  - ser mal clasificado como contrato independiente su
  - te robaron propinas
  - No recibir pago completamente
- Ser empleado en la ciudad de Los Angeles
- Haber experimentado robo de sueldos entre el 2009 al presente

### Wage Theft Health Impact Assessment Focus Group Consent

#### *Background and Purpose*

You have been asked to participate in a focus group by Human Impact Partners and the Los Angeles Coalition Against Wage Theft. The purpose of the group is to uncover the health impacts that you experience due to wage theft. We want to hear many different viewpoints and would like to hear from everyone. There are no right or wrong answers and we encourage you to be candid in your responses. The information from this focus group will be utilized in a larger report that will help increase understanding about the interconnections between wage theft and health.

*Do I have to participate in the focus group?*

No. Participation is completely voluntary. The focus group will last about 2 hours. We will ask you questions about your wage theft experiences, how it has impacted you, and if it has impacted your family and your community.

*What are the risks in participating in the focus group?*  
We do not think there are any major risks associated with participating in the focus group.

Some of the questions may make you a little uncomfortable, but you do not have to answer any question you do not feel comfortable answering.

*How will my privacy be protected?*

We will record the focus group conversation for data analysis purposes, but we will not use your name or other personal information in any published reports as a way to ensure your privacy. If you want to share something and do not want it on record, let us know so that we can stop the recording. Please do not share anything that you hear during the focus group with others outside the site. We will delete all recordings once we have finished the analysis of the focus groups.

*What are the benefits of participating in the focus group?*

There are no immediate benefits to you for participating in the focus group. However, your input can help decision makers and others have a better understanding about how work stress such as wage theft affect the physical, behavioral, and mental health of workers, and that of their family and community. After your participation in the two-hour focus group you will receive a \$20 gift card to compensate you for your time.

Do you have any other questions? Would you like to participate?

[Asesoramiento de impacto de salud de robo de sueldos consentimiento para grupo de enfoque](#)

*Antecedentes y objetivo*

Se le ha pedido que participe en un grupo de enfoque por Human Impact Partners y la Coalición de Los Angeles contra el Robo de sueldos. El propósito del grupo de enfoque es entender los impactos que el robo de sueldos tiene hacia la salud de los trabajadores. Queremos escuchar diferentes puntos de vista y nos gustaría escuchar de todos. No hay respuestas correctas o incorrectas; le animamos a que sea sincero en sus respuestas. La información de

este grupo de enfoque se utiliza en un informe más amplio que ayudará a aumentar la comprensión de las interconexiones entre el robo de sueldos y la salud.

*¿Tengo que participar en el grupo de enfoque ?*

No. La participación es completamente voluntaria . El grupo de enfoque tendrá una duración de aproximadamente 2 horas. Vamos a hacerle preguntas acerca de sus experiencias de trabajo, y los impactos del robo de sueldo a su familia y su comunidad.

*¿Cuáles son los riesgos de participar en el grupo de enfoque ?*

No creemos que existen grandes riesgos asociados con la participación en el grupo de enfoque. Algunas de las preguntas pueden hacerte un poco incómodo, pero no tienes que responder las pregunta que te hacen sentir incómodo.

*¿Cómo se protegerá mi privacidad?*

Vamos a grabar la conversación del grupo de enfoque para propósitos del análisis, pero no vamos a utilizar su nombre u otra información personal en los informes publicados. Si quieres compartir algo y no quieres que se grabe, haznos saber para que podamos detener la grabación. Por favor, no compartas nada de la información del grupo de enfoque con otros fuera del grupo. Vamos a eliminar todas las grabaciones después de terminar el análisis de los datos.

*¿Cuáles son los beneficios de participar en el grupo de enfoque ?*

No hay beneficios inmediatos por participar en el grupo de enfoque . Sin embargo, tu aporte puede ayudar al consejo municipal y el publico general a tener una mejor comprensión sobre cómo el estrés laboral , tales como el robo de sueldos afecta a la salud física , conductual y mental de los trabajadores , y la de su familia y comunidad. Después de su participación en el grupo de discusión de dos horas usted recibirá una tarjeta por el valor de \$ 20 para compensarle por su tiempo.

¿Hay alguna pregunta? ¿Quieres participar?

[Health Impact Assessment of the Los Angeles Wage Theft Ordinance: Focus Group Questions](#)

Welcome, my name is Fabiola Santiago and this is \_\_\_\_\_ (note taker). I am with Human Impact Partners, a non-profit organization that conducts Health Impact Assessments. The purpose of this

meeting is to hear about your experiences as a low-wage worker that has experienced wage theft. We are defining wage theft as not getting paid the minimum wage, being forced to work off the clock, not getting a final paycheck after you left a job, been misclassified as an independent contractor, have had your tips stolen, or did not get paid at all for the work you did. We want to understand how wage theft and other work related violations affects your health, that of your family, and your community. There are no right or wrong answers so please be candid in your responses. Do you have any questions before we begin?

### Warm up Questions

1. What is your name?
2. What type of work do you do (industry or occupation)?
3. What worker organization do you belong to and how long have you been a member?

### Main Questions

4. Based on how we're defining wage theft, in what way(s) did you experience wage theft?
5. What are some of the bad things that happen because of your wages being stolen?  
*Probes:*
  - a. Does it have an impact on your income or the time that you have available?
  - b. Does it affect your health? (behaviors, physical, mental—sleep, eating, anxiety depression).
3. Do you feel that your gender or race/ethnicity have anything to do with your experiences? If so, how?
4. When you have less income, does that make a difference in your choices for housing, childcare, education, or purchasing healthy foods? Tell me more.
5. When you have these money problems, how does that impact your family relationships?
6. How do you manage your time and money?  
*Probes:*
  - a. How does time (having it or not having enough) affect your relationship with your partner and child(ren)?

- b. How does money (having it or not having enough) affect your relationship with your partner and child(ren)?
- c. How does time affect your ability to participate in your community?

4. What kinds of things do people do when they experience wage theft? (drinking, violence, fights, arguments, anxiety, depression).

### Concluding Questions

5. Is there anything that you want people who are working on this ordinance to know or to think about?
6. Is there anything else that you would like to share about your experiences with wage theft and how it affects you, your family, or your community?

Thank you for your participation.

—END—

### [Asesoramiento de impacto de salud de la ordenanza contra el robo de sueldos de Los Angeles](#)

Bienvenidos, mi nombre es Fabiola y este es \_\_\_\_\_ (toma notas). Estoy aquí con una organización no lucrativa que conduce Asesoramientos de Impacto de salud. El propósito de hoy es que queremos escuchar sobre sus experiencias como trabajadores de bajos pagos que ha tenido sus sueldos robados. El robo de sueldos es cuando no le pagan el sueldo mínimo, le esfuerzan a trabajar horas y no pagarlos, no recibir un cheque final después de haber dejado un trabajo, lo mal clasificaron como contratado independiente, le robaron sus propinas, o no le pagaron completamente. Queremos comprender como el robo de sueldos y otras violaciones del trabajo le afecta su salud, la de su familia, y su comunidad. No hay respuestas correctas o incorrectas así que sea honesto con sus respuestas. ¿Tiene alguna pregunta antes de comenzar?

### Preguntas iniciales

1. ¿Cual es su nombre?
2. ¿Que clase de trabajo haces?
3. ¿A cual organización perteneces y cuanto tiempo tienes con esta organización?

## Preguntas principales

4. ¿Basado en la definición de robo de sueldo, en cual manera(s) has experimentado el robo de sueldos?
5. ¿Cuales son algunas de las cosas malas que pasan cuando tus sueldos son robados?  
*Sonas:*
  - a. ¿Impacta tus ingresos o el tiempo que tienes disponible?
  - b. ¿Afecta tu salud? (comportamientos, físico, mental—el dormir, comer, ansiedad, depresión).
3. ¿Sientes que por ser mujer o hombre, o tu raza o étnica tiene algo que ver con tus experiencias? Explica como.
4. ¿Cuando tus ingresos son más bajos, afecta las decisiones que tomas en cosas como viviendas, cuidado de niños, educación, o compra de comidas saludables? Dime mas.
5. ¿Cuando tienes estos problemas de dinero, como afecta la relación con tu familia?
6. ¿Como manejas tu tiempo y tu dinero?  
*Sonas:*
  - a. ¿Al tener o no tener tiempo, como afecta esto la relación con tu familia e hijo/as?
  - b. ¿Al tener o no tener tiempo, como afecta esto la relación con tu familia e hijo/as?
  - c. ¿Como afecta el tiempo (tener o no tenerlo) tu participación en tu comunidad?
4. ¿Cuales son las cosas que hace sus compañeros de trabajo cuando sus sueldos son robados? (tomar alcohol, violencia, peleas, pleitos, ansiedad, depresión).

## Preguntas finales

5. ¿Hay algo que quieres que la gente que esta trabajando en esta ordenanza sepa o que piense en tomar decisiones?
6. ¿Hay algo mas que te gustaría compartir sobre tus experiencias con el robo de sueldos y come te afecta a ti, a tu familia, y a tu comunidad?

Gracias por su participación

—FIN—

## Demographics Question

1. What is your Age?  
\_\_\_\_\_ (years)  
\_\_\_\_\_ (Date of birth: mm/dd/yyyy)
2. What is your sex?  
 Male  
 Female
3. What is your race/ethnicity  
 Non-Hispanic White  
 Black/African America  
 Native American/Alaska Native  
 Latino/Hispanic  
 Asian/Pacific Islander  
 Other \_\_\_\_\_
4. Where were you born?  
 United States  
 Outside the United States
5. What is your marital status?  
 Married  
 Widowed  
 Divorced  
 Separated  
 Single
6. What is the highest level of education you have completed?  
 No schooling completed  
 Completed Middle School  
 High School, no degree  
 High School graduate or equivalent (GED)  
 Some college  
 Associate Degree  
 Bachelor's Degree
7. Approximately how many hours a week do you work?  
 20 hours  
 21-32 hours  
 32-40 hours  
 more than 40 hours \_\_\_\_\_specify

8. Do you have children?  
 Yes  
 If yes, how many: \_\_\_\_\_  
 No
9. What is the most common form of transportation you use to get to work? Check all that apply.  
 Personal car  
 Bus  
 metro rail  
 bicycle  
 walk  
 other
10. Do you or your family members participate in any social safety net programs? Check all that apply.  
 WIC—Women, Infants and Children  
 TANF—Temporary Assistance for Needy Families  
 SNAP-Supplemental Nutritional Assistance Program  
 Church  
 Other \_\_\_\_\_

### Preguntas demográficas

1. ¿Cuántos años tienes?  
 \_\_\_\_\_ (años)  
 \_\_\_\_\_ (fecha de nacimiento)
2. ¿Cual es tu sexo?  
 hombre  
 mujer
3. ¿Cual es tu raza/etnia?  
 Blanco  
 Afro-Americano  
 Nativo Americano/Nativo de Alaska  
 Latino/Hispano  
 Asiático/Isleño de pacifico  
 Otro \_\_\_\_\_
4. ¿Donde naciste?  
 Estados Unidos  
 Fuera de los Estados Unidos

5. ¿Cual es tu estado civil?  
 Casado/a  
 viudo/a  
 divorciado/a  
 Separado/a  
 Soltero/a
6. ¿Cual es el nivel mas alto de educación que tienes?  
 sin estudios  
 complete la secundaria  
 preparatoria, sin diploma  
 complete la preparatoria o un GED  
 poco de universidad  
 grado asociado  
 bachillerato
7. ¿Aproximadamente cuantas horas trabajas a la semana?  
 20 horas  
 21-32 horas  
 32-40 horas  
 mas de 40 horas \_\_\_\_\_¿cuantas?
8. ¿Tienes hijo(s)?  
 Si  
 ¿cuantos? \_\_\_\_\_  
 No
9. ¿Que modo de transportación usas para ir al trabajo? Marca todos los que corresponden.  
 carro personal  
 autobús  
 carril de metro  
 bicicleta  
 caminando  
 otro
10. ¿Participas tu o algún miembro de programas de protección social? Marca todos los que corresponden  
 WIC—Women, Infants and Children  
 TANF—Temporary Assistance for Needy Families  
 SNAP-Supplemental Nutritional Assistance Program  
 Iglesia  
 Otro \_\_\_\_\_



## APPENDIX C: SELECTED EXISTING WAGE THEFT LEGISLATIONS

This table shows some of the cities and states where wage theft legislation has passed, along with key provisions of those legislations. Some of the recommended provisions from the L.A. Wage Theft ordinance come from these legislations.

City/State	Legislative Information	Key Provisions
New York State	Wage Theft Prevention Act (April, 2011)	<ul style="list-style-type: none"> <li>• Employees are entitled to 100% of liquidated damages (up from 25%). If employers have not paid a judgment within 90 days, a worker can collect an additional 15%.</li> <li>• Employer can be found guilty of misdemeanor, fined \$500-\$20,000, and be imprisoned for up to a year.</li> <li>• If an employer retaliates against a victim of wage theft, an employer can be charged up to \$10,000 per violation.</li> </ul>
Seattle, WA	Wage Theft Ordinance (May, 2011)	<ul style="list-style-type: none"> <li>• Employers who commit wage theft can be found guilty of a criminal violation, particularly a gross misdemeanor.</li> <li>• Because the ordinance is designed to apply either at the “place where the agreement for service was made or at the location where the services are performed,” workers who are hired in Seattle for work outside city limits are protected against wage theft.</li> </ul>
San Francisco, CA	Wage Theft Prevention Ordinance (August, 2011)	<ul style="list-style-type: none"> <li>• The penalties for employers who retaliate against victims of wage theft have increased from \$500 to \$1,000 per violation.</li> <li>• The city’s ability to cite employers immediately for wage theft violations is strengthened.</li> <li>• Investigators can access payroll records; interview workers; and inspect work sites at any time during business hours.</li> <li>• The 10-day grace period for citations is eliminated.</li> <li>• The city must resolve cases or begin hearing proceedings within one year.</li> </ul>
Chicago, IL	Anti-Wage Theft Ordinance (January, 2013)	<ul style="list-style-type: none"> <li>• Employers convicted of wage theft are subject to having their business licenses revoked.</li> </ul>

\*This table represents some of the more robust legislations addressing wage theft; it is not intended to be an exhaustive list of wage theft laws and ordinances across the U.S.

## APPENDIX D: EXISTING CALIFORNIA LABOR RIGHTS LAWS

The Coalition has diligently worked to increase campaign awareness by increasing organizational support, reaching out to low-wage workers, and planning various tactics in the overall strategy. Labor and community organizations recognize the need for an ordinance to curb wage theft because existing state laws that protect workers are not enforced. Currently there are state laws that protect workers from minimum wage violations, overtime violations, meal and rest

break violations, illegal tip and gratuity deductions, payday, pay periods, and final wages, illegal final pay deductions, bounced checks, worker misclassification, reporting time pay, worker’s compensation, worker misclassification, retaliation and discrimination, and even wage theft. It is evident that existing laws and regulations are not protecting the most vulnerable workers, as the majority of these violations were mentioned during focus groups. Even with existing laws, work violations cannot be resolved as long as the state continues to experience underfunding and understaffing in their agencies.

Workplace violations mentioned in focus groups	Source of law	Summary of law
Wage Theft	California Wage Theft Protection Act of 2011 (AB 469)	<ul style="list-style-type: none"> <li>Requires employers to provide all new nonexempt hires with written notice of specific wage information.</li> <li>Increases penalties for non-payment of all wages due, including overtime, and minimum wage for all hours worked.</li> <li>Makes it a misdemeanor to willfully violate certain wage statutes, or to willfully fail to pay a final judgment order of a court or the Labor Commissioner.</li> </ul>
Minimum Wage Violations	Minimum Wage Order and IWC Wage Order	<ul style="list-style-type: none"> <li>Employers must pay the state minimum wage.</li> <li>Employees with unpaid wages may file a claim with the Labor Commissioner or file a civil complaint in court.</li> </ul>
Overtime Violations	Labor Code Section 500-558 and IWC Wage Order	<ul style="list-style-type: none"> <li>Most employees in California must receive overtime pay at 1.5 times the regular rate of pay for all hours worked over 8 hours in a workday or over 40 hours in a workweek and double the regular rate of pay for all hours worked over 12 hours in a workday. (Different overtime laws cover certain employees, such as domestic workers and farm workers,)</li> <li>Employees are entitled to overtime, even if they are paid by salary, by the hour, by commission or by piece rate.</li> <li>Employees who are not paid overtime may file a claim with the Labor Commissioner's office.</li> </ul>
Tips/Gratuities Deductions	Labor Code Section 351 and IWC Wage Order	<ul style="list-style-type: none"> <li>Employers are prohibited from collecting, taking, or receiving any tip or part of a tip given to or left for an employee. Employers cannot deduct any part of a tip from wages or require an employee to credit any part of a tip against their wages.</li> </ul>
Bounced Checks	Labor Code Section 203 and IWC Wage Order	<ul style="list-style-type: none"> <li>Employees who are paid with a bounced check can collect a penalty from their employer. An employer must pay an extra day of wages for each and every day they withhold payment (in addition to the amount of the paycheck).</li> </ul>
Meal and Rest Break Violations	Labor Code Section 512 and IWC Wage Order	<ul style="list-style-type: none"> <li>Most employees must receive an unpaid, off-duty meal period of least 30-minutes for every 5 hours worked and a paid 10-minute rest period for every 4 hours worked. An employee may be entitled to a rest break even if they work less than 4 hours.</li> <li>On-duty meal periods are allowed only when the nature of the work prevents an employee from being relieved of all duty. On-duty meal breaks must be paid and agreed to in writing by the employer and employee.</li> <li>Employees who do not receive meal and rest breaks may file a claim with the Labor Commissioner's office.</li> </ul>
Paydays, Pay Periods, and Final Wages	Labor Code Section 204,207,226 and IWC Wage Order	<ul style="list-style-type: none"> <li>Most employees must be paid twice per month on the days designated in advance as regular paydays. Employers must establish a regular payday and post a notice showing the day, time and location of payment.</li> <li>On each payday all employees must receive an itemized statement of earnings and deductions.</li> <li>An employee who is fired must receive their final paycheck on their last workday. Employees who do not receive their final paycheck are entitled to receive an additional payment of a day's wages for each day an employer withholds their final paycheck, for up to 30 days.</li> <li>Employees with unpaid final wages may file a claim with the Labor Commissioner's office or a civil complaint in court.</li> </ul>

Workplace violations mentioned in focus groups	Source of law	Summary of law
Unlawful Deductions from Pay	Labor Code Section 221,224 and IWC Wage Order	<p>An employer may not lawfully withhold or deduct wages from an employee's pay-check, unless:</p> <ul style="list-style-type: none"> <li>• They are required or empowered to do so by state or federal law,</li> <li>• When a deduction is authorized in writing by the employee to cover insurance premiums, benefit plan contributions or other deductions not amounting to a rebate on the employee's wages, or</li> <li>• When a deduction to cover health, welfare, or pension contributions is authorized by a wage or collective bargaining agreement.</li> </ul> <p>Common unlawful wage deductions:</p> <ul style="list-style-type: none"> <li>• Tips. An employer cannot collect, take, or receive any tip or part of a tip given or left for an employee, or deduct any amount from wages due to an employee on account of a tip that was given to or left for the employee.</li> <li>• Uniforms and equipment. An employer cannot deduct from an employee's wages the costs for any uniforms, tools, or supplies the employee needs to perform their job. There are a few exceptions to this rule.</li> </ul>
Retaliation	AB 263 and SB 666 (effective Jan 2014)	<ul style="list-style-type: none"> <li>• Employers may no longer discharge, discriminate, retaliate or take adverse actions against an employee for updating or attempting to update personal information (including, for example, providing a new Social Security number), unless the charges relate to skills, qualifications, or knowledge required for the job.</li> <li>• Employers are prohibited from taking adverse action against employees who attempt to exercise a right under California's labor laws. <ul style="list-style-type: none"> <li>○ A court may order the suspension of a employer's business license if it is found to have engaged in an "unfair immigration-related practice" in retaliation for the exercise of a workplace right. Protected rights include complaining about unpaid wages, informing another person about workplace rights, or seeking information to determine if an employer is in compliance with workplace laws.</li> </ul> </li> </ul>
Reporting Time Pay	IWC Wage Order 1-16, section 5	<ul style="list-style-type: none"> <li>• Employees who report to work expecting to work a specified number of hours, but receive less than half of their usual or scheduled day's work must still be paid for at least half of their usual or scheduled day's work.</li> </ul>
Worker Misclassification	SB 459	<ul style="list-style-type: none"> <li>• Employees misclassified as independent contractors are often ineligible for overtime pay, minimum wage, unemployment insurance, worker's compensation insurance, health insurance coverage and pension plans.</li> <li>• SB 459 prohibits the willful misclassification of individuals as independent contractors. The legislation increases civil penalties of between \$5,000 and \$25,000 per violation. Law also prohibits charging fees to or making deductions from the compensation paid to those misclassified workers.</li> </ul>
Worker's Compensation	Labor Code Section 3700 and IWC Wage Order	<ul style="list-style-type: none"> <li>• Employers are required to provide worker's compensation insurance for all their employees, even if they only have one employee.</li> </ul>

The Industrial Welfare Commission ("IWC") was established to regulate wages, hours, and working conditions in California. It established wage orders that govern various industries. <http://www.dir.ca.gov/dlse/WhichIWCOrderClassifications.PDF> For more information about these labor laws visit the California Department of Industrial Relations website at: <http://www.dir.ca.gov/dlse/DLSE-FAQs.htm>

## APPENDIX E: LABOR AND EMPLOYMENT RELATED HIAs

This table provides a summary of relevant HIA projects—those related to labor and employment. These HIAs can serve as additional resources for legislation- or industry-specific health impacts. The wage theft HIA does not focus on one industry and provides general findings from several industries. Some of the HIAs below are industry- and issue-specific and provide additional information.

Project (Year)	Description	Impact
Paid Sick Days (2008-2011)	A series of six HIAs on the health benefits of providing workers with guaranteed paid sick days: a national HIA; state assessments for California, Maine, Massachusetts, New Hampshire, and New Jersey; and a local HIA for Milwaukee, WI.	Evidence suggests that guaranteed paid sick leave would significantly benefit public health nationwide and locally. It would have a particularly strong effect on stopping flu outbreaks from becoming pandemics and in reducing the transmission of disease through restaurants and other community settings. It also would prevent hunger and financial hardship among low-income workers, who would not lose wages during times of illness. Last, it would reduce health care costs by reducing unnecessary trips to the emergency room for conditions that are treatable by primary care physicians during regular business hours.
California Domestic Worker Equality, Fairness and Dignity Act (2011)	An HIA that addressed proposed legislation (AB 889) in California that would make a number of labor protections enjoyed by many other workers applicable for domestic workers.	The HIA found a number of health benefits associated with the proposed legislation, including reduced transmission of infectious diseases such as influenza and food-borne illnesses, improved compliance with public health guidelines for preventing the transmission of communicable diseases, and more timely visits to health care providers when people are ill.
Arrest Record in Employment Decisions (2013)	This mental health impact assessment, or MHIA, focuses on a proposal to update the U.S. Equal Employment Opportunity Commission's (EEOC) Policy Guidance on the Consideration of Arrest Records in Employment Decisions.	Preliminary MHIA findings suggest that when employers use arrest records in employment decisions, individuals in the community suffer from depression, anxiety, substance abuse, and low self-esteem. The findings also suggest that the community suffers from general lack of trust, increased levels of crime, and desensitization to violence.
Health Impact Assessment of the Layoff and Bumping Process (2011)	The Cincinnati Health Department (CHD) Health Impact Assessment (HIA) Committee studied the health impacts experienced by workers impacted directly and indirectly from the layoff or the bumping process. When a senior union member's position is eliminated, s/he can 'bump' a junior employee out of his/her position.	The HIA found that job insecurity leads to worse job attitudes, and adverse health outcomes including depression, increased alcohol consumption and increase in work injuries.
Kentucky Worksite Wellness Tax Credit (2012)	This HIA focused on the Kentucky Worksite Wellness Tax Credit policy for employers that had been proposed in 2008, 2009, and 2010.	The HIA found that the potential benefits of increased wellness at the worksite include a healthier population, lower healthcare costs, stronger economy and workforce; and lessened health disparities in special populations including small businesses, rural areas, underemployed and the lower income.

<p>Los Angeles Living Wage Ordinance (2003)</p>	<p>The HIA addressed the health implications of the City of Los Angeles' Living Wage Ordinance, which gave an employer the ability to choose whether to provide health insurance or additional income.</p>	<p>The report noted that: 1) despite increased income, families of workers covered by the ordinance would still have difficulty making ends meet; 2) health insurance for currently uninsured workers could substantially reduce long-term mortality; 3) the aggregate cost-effectiveness of health insurance is far better than that of additional wages; and 4) providing health insurance to an uninsured worker can reduce mortality risk more cost-effectively than increased wages.</p>
<p>Pay Equity HIA (2011)</p>	<p>The Wayne County, MI Department of Public Health completed a Health Impact Assessment of a national and statewide policy proposal for gender pay equity, specifically assessing changes in general health outcomes related to stress, mental health, and access to health insurance.</p>	<p>The HIA found that improving women's income through legislation requiring pay equity would likely have a strong positive impact on the health of women and their families through increased income, decreased stress, and increased access to health care.</p>
<p>San Francisco Living Wage Ordinance (1999)</p>	<p>The San Francisco Department of Public Health conducted an HIA of a proposed city ordinance that would require city contractors and property leaseholders to pay their employees a "living wage" of \$11.00 per hour.</p>	<p>The HIA quantitatively estimated the potential health effects of the ordinance, predicting potential decreases in days of illness and premature death, and improvements in symptoms of depression.</p>



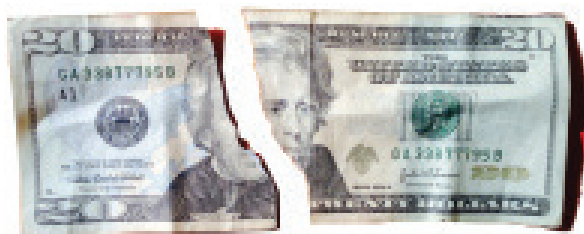
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# THE REAL COST OF WAGE THEFT

Every week, an estimated 655,000 low-wage workers in Los Angeles County experience at least one wage violation, this amounts to approximately \$26.2 million each week.

