

# National Employment Law Project

Delivering Economic Opportunity

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Executive Director

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991 Main Street, Suite 103  
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Honorable Brian Beedenbender  
Suffolk County Legislature  
1919 Middle Country Road,  
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Centereach, NY 11720

Dear Presiding Officer Lindsay and Legislator Beedenbender,

We write to comment on I.R. 1105, a bill currently being considered by Suffolk County that would require businesses applying for occupational licenses from the County to affirm that they do not employ undocumented workers. We have particular interest in this debate, since it appears that advocates for the bill are using a recent report that we co-authored to make their case. But as we explain below, the findings from our report do not in any way support the policy proposed by I.R. 1105. In fact, they suggest quite the opposite.

The report in question, *Unregulated Work in the Global City: Employment and Labor Law Violations in New York City*, was published last June (while our lead author was a Deputy Director at NYU's Brennan Center for Justice). The purpose of the report was to document working conditions in low-wage industries across New York City's economy, with a particular focus on the extent to which employers were or were not complying with core employment and labor laws.

Drawing on hundreds of interviews with workers, employers, government officials and other stakeholders, we documented a range of workplace violations in 13 industries that span the breadth of the city's economy. The industries, which we analyzed in detail, ranged from retail and grocery stores, to home health care and personal services, to construction and manufacturing. The violations were similarly broad, including violations of minimum wage and overtime laws; health and safety and workers' compensation laws; and anti-discrimination and right to organize laws.

In sum, while the report does not provide actual estimates of how many workers are impacted by these practices, it clearly establishes that in low-wage sectors in our economy, growing numbers of businesses are either evading or directly violating the core laws that protect workers in the U.S.

A central finding from our research is that public policy has been part of the problem – but that it is also part of the solution. Most important is that we reverse the recent trend of weak, ineffective enforcement of worker protections like employment and labor laws at the federal, state and local levels. That means shifting to a proactive strategy, one that sends an unmistakable signal to employers throughout the labor market that compliance with workplace standards is not optional. This will require more (and better use of) resources, and it will require working with impacted communities, who have the expertise to identify the industries and employers where workplace violations are rampant.

By contrast, I.R. 1105 will do nothing except exacerbate the problems identified in our report. The bill wrongly focuses on immigration enforcement, when the real problem is unscrupulous employers actively deciding to cut costs by ignoring the most fundamental worker protections. In our research, we found a wide range of workers in jobs affected by workplace violations: not just undocumented immigrants, but also legal permanent residents, naturalized citizens, and U.S.-born Americans. This is not a story about immigrant workers driving down labor standards: it is a story about the low-road workplace practices that unscrupulous employers adopt when worker protections are not enforced.

The bill's misguided focus will only drive immigrant workers further underground, when in fact we want them to come forward and feel secure in making complaints about exploitative working conditions. We repeatedly saw these dynamics in our research: employers use immigration enforcement as a threat to keep workers from complaining about workplace standards, and in turn, workers understandably do not come forward when they fear immigration reprisals.

To claim that I.R. 1105 is somehow about protecting workers is disingenuous; to claim that it is supported by our research is just plain dishonest. Our findings point to one clear lesson: strong enforcement of minimum wage, overtime and other standards is the best policy tool we have to ensure that all workers – whether born here or abroad – have full protections on the job. Any other strategy that creates a second class of workers in terms of labor rights only opens the door to exploitative business practices, which inevitably spill over to drag down standards throughout the entire labor market.

Thank you for your time and attention. We would be more than happy to provide any additional information that might be useful to your deliberations.

Sincerely,

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CC: Suffolk County Legislators