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Wage Theft and Its Victims in Colorado: Research

The term wage theft includes the many ways workers are denied earned wages and benefits protected by federal and state labor laws – including underpayment and illegal deductions, misclassification, improper deductions of tips, denied overtime pay, and even outright withholding of wages. Since 2015, research teams at the Josef Korbel School at the University of Denver have conducted qualitative interviews and outreach with 170 day laborers and completed a survey of 411 day laborers. The survey and qualitative research were conducted across four informal street-corner hiring sites and the worker center, El Centro Humanitario, in the Denver metro area including Aurora and Lakewood. Roughly 100 workers were surveyed per season from Fall 2016-Summer 2017, recognizing that day labor exhibits strong seasonal variations in terms of work, exploitation, and reliance on informal hiring sites. Sites were sampled for the survey according to their densities, as well as a randomized calendar. Survey responses were weighted based on the inferred population of interest and the differential probability of selection based on exposure to the site and propensity to work.

Individual respondents were selected during two targeted morning intervals per site visit as they waited for work. The team used a randomized selection process based on population counts and a modified Kish table to select individuals. Bilingual students from the University of Denver and Regis University worked as surveyors and outreach workers. Outreach workers collaborated with El Centro Humanitario to conduct Know



Day laborers waiting for work at Kentucky and Sheridan, Lakewood.

Your Rights trainings at the hiring sites. To mitigate the direct effects of outreach on survey results, outreach was conducted on different days than surveying. The survey then included a question about whether the worker had listened to the presentation and/or received one of the information booklets to assess if outreach impacted workers' legal knowledge, as well as their experiences with wage theft and redress-seeking behavior.

The research team also interviewed lawyers, legal agency staff, non-profits, politicians, and employers in the construction industry to provide a comprehensive assessment of the options available to low-wage workers in Colorado, as well as to understand the wider context in which wage theft operates. The Colorado Fiscal Institute estimates that wage theft impacts half-a-million workers a year to the tune of \$750 million each year; construction is the sector in Colorado accounting for the largest share Fair Labor Standards Act violations (Stiffler 2014).

Wage and Work Profiles of Day Laborers

Demographically, survey respondents were similar to other national surveys of day laborers like the National Day Labor Survey (see Valenzuela 2006). Respondents were largely foreign born (88%), Latino (94%), and male. 69% hailed from Mexico, 65% were undocumented, 24% had English fluency, and 13% spoke no English. 40% had



completed 6 or fewer years of schooling. Foreign-born respondents fared better in terms of hours worked, incidence of homelessness, and wages than US-born day laborers. These indicators deteriorated with more time spent in the US and improved English abilities, suggesting a combination of self-selection or downward integration with more time in the US and in a precarious sector like day labor (Portes 2007).

Day laborers waiting for work at 19th and Federal, Denver.

Based on a five-day retrospective employment search history, work, and earnings recall, the survey revealed that day laborers have limited work opportunities despite the Denver area's post-recession construction boom. Day laborers, however, concentrate in residential construction, landscaping, and associated industries like demolition, masonry, roofing, and painting. The weighted results demonstrated that day laborers have a low employment rate of just 73%, working just 7 hours per working day and 17 hours per week (combining working hours and employment) even though working hours can also be long and unregulated. With few work opportunities, hourly wages are relatively high before considering the difficulty, potential danger, and risk of the work; the weighted hourly median wage reported was \$15.43. Rather than experiencing wage theft in terms of being paid below the minimum wage, wage theft was more frequently experienced in terms of underpayment according to the work agreement and outright

nonpayment for work completed. Incomes for day laborers remain low. Recent immigrants out-earned US-born workers by three times, but even their wages extrapolate to at most \$20,000 per year if assuming a 6-day work week.

Wage Theft Profiles and How Wage Theft Happens



Day laborers waiting for work at 19th and Federal, Denver.

Of 411 day laborers surveyed from October 2016-August 2017:

- **62% have ever experienced wage theft**
- **19% experienced wage theft in the six months prior to being surveyed**

Of those who ever experienced wage theft:

- **50% attempted to recover their wages**
- **39% asked for assistance to recover their wages**

Wage Theft: Distribution of retrospective recall variables, weighted

Variable	Mean
Unpaid or paid less than owed - ever	62%
Ever sought help (if not paid)	39%
Ever tried to recover wages (if not paid)	50%
Unpaid or paid less than owed - last 6 months	19%
Wages lost in past 6 months (if ever not paid)	\$388.11
Percent of wage lost (if ever not paid)	5.7%
Injured on the job in past year	15%

Day laborers articulate what many see as purposeful employer tactics to cheat workers out of their earned wages:


- The employer promises to pay the worker at the end of the week, only to disappear or not show up on Friday. Day laborers call this the mistake of “dreaming for Friday.”

- Checks bounce. Or employers disappear when payment is due. For example, an employer may take workers to the bank to cash checks, ask the workers to go to the bathroom, and disappear before they return.
- Employers claim that they have not received payment from supervisors or contractors and therefore, cannot dispense wages. Workers often do not know the employer higher up the chain to contest this or to demand the wages.
- Employers string workers along on subsequent projects with promises to pay accumulated wages on the next project, a practice known as “kiting.”
- Employers pay workers at first and workers develop trust. This may lead workers to agree to weekly or biweekly, rather than daily, payments. The employer takes advantage by gradually shortchanging the worker, failing to abide by the work agreement, or failing to continue to pay entirely.

Obstacles to Recovering Wages

- 1) Difficulty finding or knowing the requisite information on the employer. In employment relations with multiple layers of subcontracting (common in construction work), this can be complicated. Employers may also misclassify workers as independent contractors so that they lack recourse under wage and hour laws. These classifications usually do not hold up to legal scrutiny, but they become difficult for workers to contest. Many day laborers only know who hired them and not contractors further up the employment chain. They may also have little information about the employer, company, or larger construction project.
- 2) Employers who are what lawyers call “judgment proof,” meaning that they are insolvent, have companies that are delinquent, or flee the state. There is nothing, as one lawyer articulated, “to collect.” In one case, a worker had a judgment for nearly \$70,000 for a workplace accident, unpaid wages, and penalties from the employer’s failure to carry workers’ compensation insurance. However, the worker never received his money because the employer proved impossible to locate.
- 3) Fear of reporting incidents or lack of trust in, or access to, the legal system.
- 4) Fear of being harassed or retaliated against by employers.
- 5) Chilling effects of the immigration climate on worker reporting combined with lack of sufficient protections against retaliation. Employers may threaten to report workers to immigration or issue more veiled threats that silence workers.

- 6) Time, money, and lack of cultural resources and English language skills to navigate the legal and court systems.
- 7) Competitiveness of work and vulnerability. Due to the above challenges, the low-work environment characterized above, and the need to earn a day's wage, many workers do little to recoup their wages. They rationalize that they must look for more work and "work hard" to prevent wage theft, putting even more onus on the backs of low-wage workers.

 These factors combine to mean that when workers do not pursue their cases, and mechanisms to hold employers accountable are under-enforced, employers can get away with cheating workers. Lack of accountability for wage theft not only exploits some of the city's most vulnerable workers, but it also renders the quality and safety of work conducted in the Denver area questionable. Wage theft and under-enforcement incentivize an unfair business advantage for employers who undercut their workers. While the city has mechanisms to hold public works' employers accountable, no such regulation or bond exists to ensure compliance for wages in private residential construction, a booming sector in Colorado. Resources and efforts to conduct more proactive investigations are lacking. However, a recent ruling by the Colorado Department of Labor and Employment to enable more proactive, direct investigations of employers for potential wage violations is a promising step forward.

Seeking Assistance

Workers who do seek out assistance often reported doing so only after experiencing wage theft multiple times. One worker mentioned to El Centro Humanitario's Direct Action Team that it was no longer about the \$500 he was owed, but more about preventing wage theft from happening again and again, to him as well as to others. Many day laborers and lawyers do not see this kind of wage theft as accidental or innocent, but as a deliberate and patterned business strategy, for which it is unlikely they will be held accountable.

Despite difficulties accessing legal remedies, some workers do take more direct, as well as informal, actions to prevent and redress wage theft. They seek to prevent wage theft and upgrade working conditions by demanding cash payments each day, asserting a minimum wage floor at street corner hiring sites, taking photos of completed work, and noting employer contact information. Some workers took more combative action such as taking employers' tools until payment was delivered. Workers also help one another by warning others at the corners to avoid employers who have cheated or mistreated workers in the past.

The survey results, however, also found legal knowledge to be low. We scored respondent legal knowledge on a 7-point index, with up to 2 points each for knowledge

of the Fair Labor Standards Act, the Colorado Wage Claim Act, and the minimum wage, and one point for knowing Towards Justice (local legal services organization that conducts pro bono intakes for wage theft cases). The mean score was just 2.24/7. Higher legal knowledge scores were positively associated with legal status, collecting employer contact information, seeking assistance after a wage theft incident, and English language skills. However, we did not find consistent predictors of wage theft



Day laborers negotiate with potential employer.

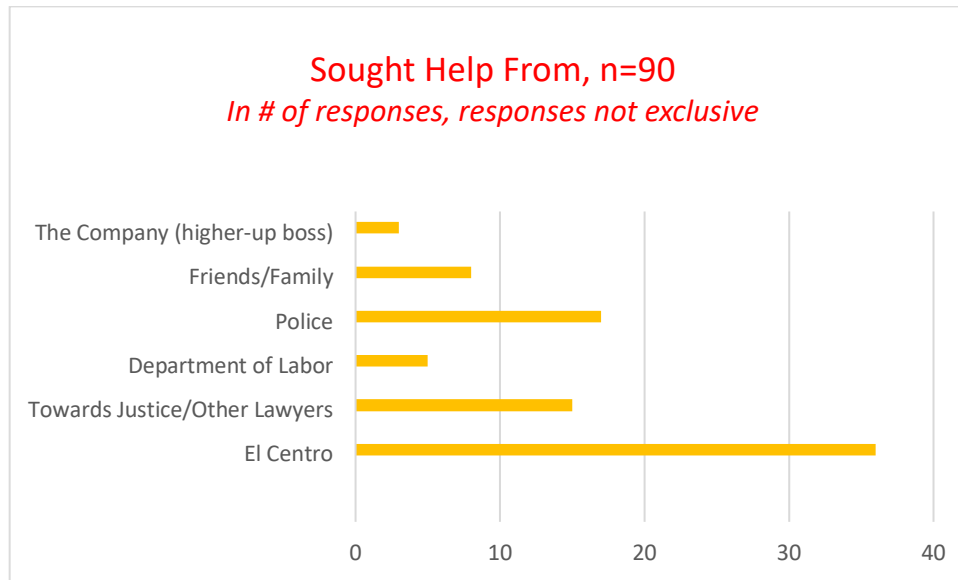
experience or redress behavior. For example, members of El Centro were more likely to ask for assistance after a wage theft episode, but they also experienced wage theft at higher rates. Individuals who reported listening to Know Your Rights presentations exhibited more legal knowledge and lower levels of recent wage theft incidents, but it remains unclear whether this demonstrated impacts of the training, self-selection, or satisfaction bias given that these workers also reported lower lifetime experiences of wage theft that predated the trainings. Moderate forms of protective behavior and legal knowledge were associated with being members of El Centro and the Know Your Rights trainings, but this did not translate into more working hours, higher wages, or wage theft prevention and redress.

Legal Knowledge: Distribution of key wage theft protection and mitigation measures, weighted

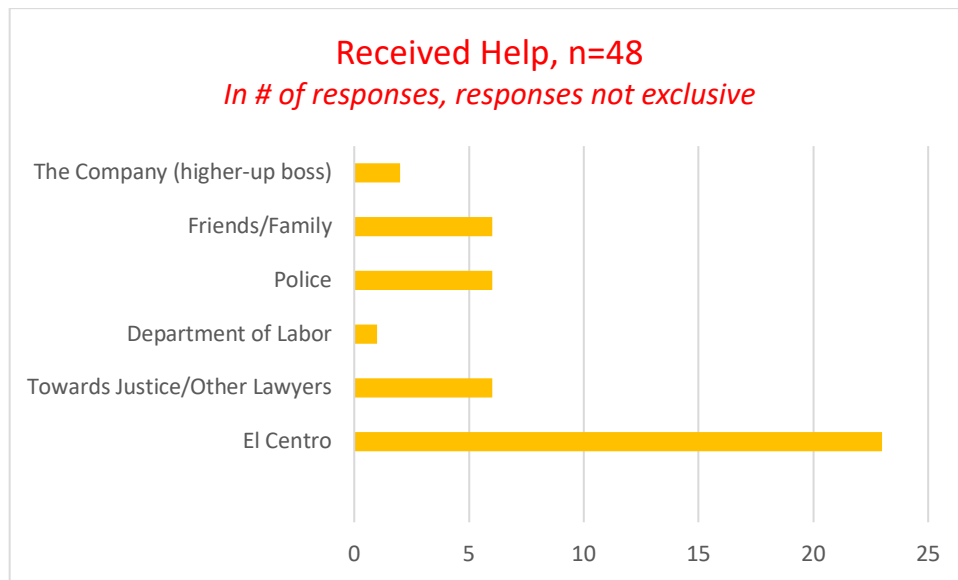
Variable	Mean
Collects employer contact info	21%
Writes down days/hours worked	64%
Knows what the Colorado Wage Claims Act is	10%
Knows what the Fair Labor Standards Act is	14%
Knows the Colorado minimum wage (+/- 10%)	22%
Has heard of Towards Justice (legal aid)	19%
Legal knowledge index (out of 7)	2.24

The survey, informed by qualitative observations and interviews with workers, asked day laborers who experienced wage theft whether they sought out and received assistance for their unpaid wages. We also asked all day laborers surveyed what they would do, or who they would call, should they experience wage theft in the future.

Of workers who had ever experienced wage theft (n=253), 90 sought assistance. Of the 90 that **sought assistance**, they sought assistance from the following:



Of the 90 workers who sought assistance, 48 reported receiving help. Of the 48 workers who received help, they received it from:



Note: this was not calculated as a percentage of those who sought help from these same entities as sometimes cases are passed between actors. For example, a worker who approaches El Centro for assistance may be referred to Towards Justice. Workers may also seek and/or receive assistance from multiple entities for different, or even the same, wage theft incident.

When all day laborers were asked: What would you do, or who would you call, if you experience wage theft in the future, the most common responses were:



-Department of Labor responses: Day laborers often did not distinguish clearly between different agencies. Many did not know the difference between different labor divisions and jurisdictions. Within this category, we also included those who mentioned “court” so this category merges all recourse to government agencies and court systems—or public enforcement avenues. When asked if they would call the Colorado Department of Labor if they experienced wage theft, 70.3% responded positively, but when asked unprompted who they would call, those who mentioned a labor department did not specify: Usually saying “Labor Department.”

-Police responses: Despite the number of workers who reported their willingness to call the police, under Denver’s current ordinance structure and interpretation, the police lack sufficient direction and capacity to enforce wage protections or ensure payment in most instances (unless they directly witness an incident or can verify clear proof of criminal intent or behavior). Criminal intent is challenging to prove in wage theft cases, which law enforcement tends to treat as civil disputes (see section below on **City Ordinances**). Other workers expressed fear of calling the police in the current immigration climate. Denver’s Public Safety Enforcement Priorities Act, passed in August 2017, aims to create a more welcoming climate for immigrants, limit information sharing between the Sheriff’s department and Immigration and Customs Enforcement (ICE), and create a

safe environment for crime victims to come forward. It remains to be seen how these measures will impact the prevalence and reporting of wage theft given a continuing pervasive climate of fear and under-enforcement of wage theft violations.

What Can Day Laborers Do?

In Colorado, day laborers, who mostly work for employers not under the jurisdiction of the federal Department of Labor because they work for small-level operators who work within the state of Colorado, have the following options to pursue unpaid wages within the legal system:

- **The Colorado Department of Labor and Employment**

Since 2015, under the Wage Protection Act, the Colorado Department of Labor and Employment's (CDLE) Division of Labor Standards and Statistics has possessed the authority to adjudicate wage claims and order fines and penalties, but the process has been too lengthy for many low-wage workers. This has been especially so due to backlogs of cases. Despite efforts to streamline, the process continues to pose entry hurdles for low-wage, and especially immigrant, workers unfamiliar with the legal system or lacking the requisite information regarding their employment situation. Only 16.9% of CDLE claims in 2016 were Spanish language claims despite the fact, as Bernhardt et al. (2009) document, that foreign-born Latinos experience minimum wage violations at "double the rate of US-born Latinos and nearly six times that of U.S. born whites". This discrepancy demonstrates challenges of access, as well as a generalized fear of state bureaucracies (Ordóñez 2015). According to Fine and Gordon (2010: 556) and Weil and Pyles (2005), workers laboring in the poorest conditions are the least likely to come forward to submit claims, highlighting the need for more proactive investigations, strong deterrents, and community mediators to supplement claims-driven enforcement.

Many day laborers are also housing insecure, making it difficult for them to take the time and effort to contest exploitation. Lack of stable residence and contact information complicates the efforts of legal agencies to maintain contact with workers to proceed with their claims. 23% of surveyed workers were homeless at the time of being surveyed. 64% had smartphones although this percentage increased over the survey period. Without consistent contact information, investigators face challenges reaching workers to update cases or seek additional required information. Moreover, 36% of surveyed day laborers did not track the days and hours they worked. Workers who do not collect this information can face additional hurdles reconstructing their work arrangements to reclaim wages through small claims court or the CDLE paperwork. Doing so often requires the assistance of trained and experienced advocates and investigators.

- **Small Claims or County Court**

Small claims court poses numerous obstacles for low-wage immigrant workers, especially monolingual Spanish speakers and those unfamiliar with, or wary of, the legal system. Only 30% of our sample spoke fluent English. Small claims court paperwork can only be found in English, court interpreters must be requested in advance, and employers must be served. Serving the employer requires either finding and facing the employer, a daunting task for workers who fear retaliation, or paying a sheriff to serve the papers, a difficult fee to produce for workers who have not been paid. These factors, combined with the *pro se* nature of small claims court, stacks the deck against low-wage immigrant workers. While small claims courts often decide on behalf of wage theft claimants, one of the largest barriers is entry, or even finding the appropriate court to file the papers within business hours that usually conflict with the workday. County court provides a fruitful avenue for workers to fight their cases when they can find *pro bono* representation, but this is scarce. Many workers we interviewed reported finding lawyers who turned out not to be reputable and losing even more money in fees.

Finally, even for workers who win their judgments, whether from the CDLE or small claims court, collections poses an additional bureaucratic maze. Employers may be bankrupt, flee the state, or move money out of their bank accounts which complicates wage garnishments. The employer can then be served interrogatories for bank information; if the employer fails to produce bank account information, a contempt of citation can be filed for a bench warrant. Even in these cases, police cannot proactively seek out offending employers with these warrants. They must wait for another encounter with law enforcement during which the warrant is discovered. Each step costs money, involves re-tracking down the employer to serve paperwork, and requires navigating court houses. One volunteer from the Direct Action Team at El Centro reported going to three different court houses in one day; at each leg, he was told to go to a different courthouse for the case. Recent proposals in a 2018 White Paper co-authored by David Seligman (Towards Justice), Rebecca Galemba, and the Southwest Regional Council of Carpenters for a wage bond and licensing accountability would help hold employers accountable and prevent them from engaging in these vanishing acts. For example, currently, as Gustavo Maldonado of the Carpenters Union noted to Boulder's *The Daily Camera*, business registration requires "little more than a cell phone and a \$40 business registration from the Colorado Secretary of State" and \$10 per year to keep current (Smith 2016).

- **Private Attorneys**

There are few attorneys who will take on small cases that cannot be aggregated. While networks of *pro bono* attorneys are growing, cases for a few hundred dollars are often uneconomic for attorneys to pursue. While class actions provide a way to systematically remedy workplace exploitation and shield workers from retaliation, many day laborers and low-wage workers work in transient jobs for small-level operators subcontracted in

residential construction. It is challenging to aggregate these claims. Due to lack of transparency in chains of subcontracting, many workers also do not know who their employer is working for, complicating going up the chain or utilizing tools of joint employment liability.

- **City Ordinances**

Wage theft was included in Denver's petty theft ordinance, but cases are rarely filed; the law sets a high burden for proving employers' criminal intent and only allows workers to recoup up to \$1000. Interpreted as intent to permanently deprive of wages within the current ordinance provides cover for one of the most common excuses that employers use to string workers along without paying them: "I was going to pay..." or "I will pay you soon." Or, "I will pay you as soon as I have the money."

A more promising local approach was implemented in Boulder, Colorado, where a 2007 ordinance imposes criminal fines and possible jail time with no maximum ceiling on claim amounts. There is also a lower burden of proof—just failure to pay wages with a simple intake form consisting of two pages with four straightforward questions including a question regarding willingness to mediate. The lay, rather than legal, language renders it more accessible to workers who may not have access to advocates or an attorney. The Boulder Community Relations and Office of Human Rights can investigate wage claims and collaborate with the police, unlike the situation in Denver where police lack clear guidance on how to proceed with wage claims. Other cities like Los Angeles collaborate with civic groups and worker centers as a bridge to accessing city protections and processes (Fine and Gordon 2010).

For example, Fine and Gordon (2010) document the importance of bringing community-based organizations with strong ties to low-wage and immigrant workers into enforcement. These groups hold potential to serve as bridges between workers and government agencies, as well as to expand the investigatory eyes and reach of the state; what they call more "presence on the beat" in low-wage markets characterized by proliferating small businesses that are challenging for resource-strapped bureaucracies to fully monitor and investigate (Fine and Gordon 2010: 561, 570). Community organizations can help vet and channel complaints, as well as identify patterns and industries with recurring violations. Fine and Gordon (2010) cite a range of partnerships in New York City and Los Angeles between business, the state, and community groups including worker centers and unions, spanning more informal partnerships to cases where these groups are deputized to co-participate in enforcement. They note the importance of the state setting the standards, but increasing reach and visibility by enlisting civic groups to help monitor and enforce. They point to how businesses and unions often have an interest in enforcement to prevent unfair business practices that distort the competitive field. The funding for such co-enforcement arrangements varies from state funding to union budgets to unfunded relationships. One avenue for increased funding is embedded in approaches that ratchet up, and actually apply,

penalties, which have been shown to be critical to deterrence (Fine and Gordon 2010; Galvin 2016). Revenue from penalties could be channeled to partner organizations participating on cases, which can also incentivize organizations “to seek out the worst violators” (Fine and Gordon 2010: 574).

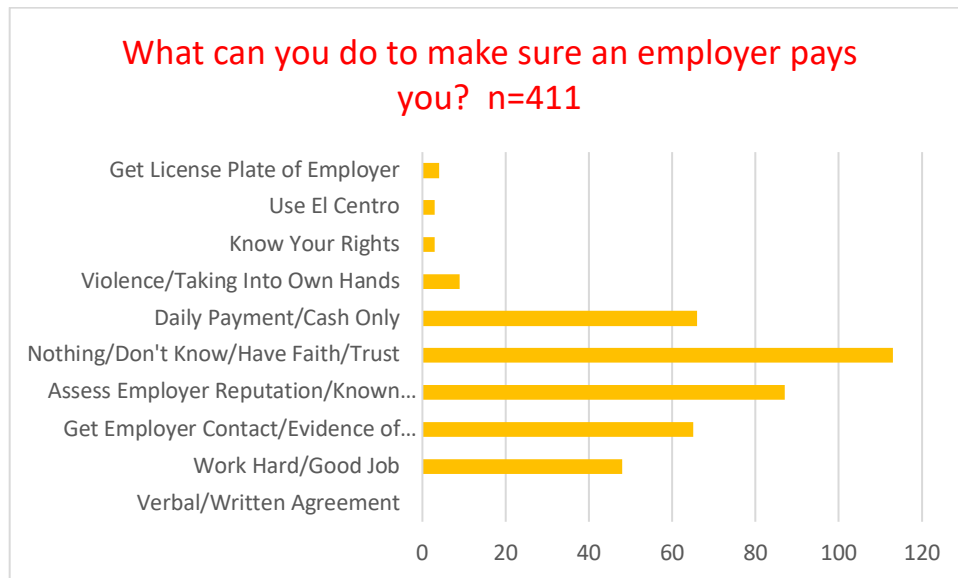
A more robust city enforcement scheme would complement Colorado’s commitment to wage theft at the state level through the Wage Protection Act. According to UCLA Labor Center’s legal strategist, Tia Koons, interviewed by Dr. Daniel Olmos at the Josef Korbel School, cities can often be more effective in resolving wage disputes, especially for low-wage workers, since they may possess more investigators for fewer complaints and have more relationships on the ground. Community-based organizations are key assets for cities to expand outreach and education on wage claims due to their connections to, and trust within, the community. The City of Denver’s new Consumer Financial Protection Initiative is currently exploring collaborations with public-sector and non-profit partners to channel complaints and provide more holistic services for wage theft victims.

In Denver, two community-based options exist to help workers navigate the wage reclamation and collection process:

- 1) **Towards Justice** provides pro-bono legal intakes for low-wage workers. They also provide an Access to Justice program focused on wage theft education and outreach. Their Just Wages Navigator program trains community volunteers to assist workers through the CDLE intake claim process. They have discussed scaling this program to help navigate the entire wage claim process.
- 2) **El Centro Humanitario** is Denver’s worker center that provides more transparency and accountability in the hiring process between employers and day laborers. They also conduct outreach to workers, trainings, and connect them with legal services.
- 3) **El Centro’s Direct Action Team** collaborates with Towards Justice, as well as the University of Denver Sturm College of Law, to help workers pursue small cases through employer negotiation or preparation for small claims court. They also help workers recoup unpaid wages when employers fail to pay even after receiving positive determinations from small claims court or the CDLE. They demonstrate how civic groups can serve as a bridge between low-wage workers and the legal system. Without advocates and mediators, many low-wage workers are unprepared or fearful to access state bureaucracies. They may also lack the requisite time, money, and cultural capital such as educational preparation and language skills. The Direct Action Team helps balance the scales for low wage workers. Allies accompany workers to confront and negotiate with employers, conduct delegations to employers’ homes or businesses, and engage in call campaigns and peaceful protest. They also help workers file paperwork, arrange translators, and navigate small claims court, CDLE claims, and collections. The process is dedicated to centering the worker as the active agent of his or her case.

However, qualitative research and survey results revealed that many workers often despaired in the face of ineffective regulatory and enforcement measures, as well as the difficulties of accessing the legal system. In a low-work environment, workers face a trade-off between engaging in protective behavior/seeking redress and acquiring more work. As one worker put it, “you might work with them for a few days and then on the last day, they [employers] just won’t pay you. And what can we do? They take advantage.”

When survey respondents were asked what could be done to ensure an employer pays, the most common responses were:



For those who responded, “**Do a Good Job**” or “**Work Hard,**” the qualitative research revealed how these responses served to normalize, and sometimes internalize the blame for, wage theft. By suggesting that they or others did not work hard enough, or that they needed to work harder the next time, some workers internalized the blame, or blamed other workers, when they were exploited.

Assessing employer reputations ranged from asking other day laborers to attempting to judge from the way one was treated or spoken to, making this a difficult method to ensure payment and ascertain an employer’s true intentions. The rapid nature of employment negotiations at street corner hiring sites means that day laborers have very little time to negotiate the terms of their employment, or to assess their employer, prior to agreeing to a job. Negotiations usually last a few minutes with a group of day laborers approaching an employer passing by in his or her car or truck. 3.4% of surveyed workers reported that they tried to ensure payment by attempting to work for previous or known employers. However, other day laborers questioned the reliability of this approach. They insinuated that it was often the employers they already knew who knew best how to exploit them.

Only 21% of day laborers surveyed reported collecting employer contact information and only 13% surveyed recorded the address of their employer, which is necessary to enter any wage reclamation process through small claims court or the CDLE adjudication process.

Many workers believed that it was a better strategy to try to get another job tomorrow than to waste time chasing wages unlikely to materialize. Others feared drawing attention from authorities. “I don’t want problems,” explained one worker. Even though federal laws prohibit discrimination on the basis of immigration status and immigration



enforcement is directed to not interfere with the exercise of labor rights, many undocumented workers are afraid to report wage and hour and safety violations. Issuing immigration threats to workers pursuing unpaid wages violates federal anti-retaliation provisions (Smith, Avendaño, and Ortega 2009). While not legal, employers nonetheless threaten workers with calling immigration, which once set in motion, is difficult to challenge or reverse. This creates a chilling effect, enabling employers to get away with skirting labor laws and exploiting workers. When workers feel that they cannot come forward with their claims, wage theft becomes normalized as a systemic business practice that provides employers with a relatively unchecked license to continue to undercut wages and labor conditions for all Coloradans.

University of Denver student, Diego Bleifuss-Prados, conducting a survey at Dayton and Colfax, Aurora.

How Policies Can Be Approved – to Everyone’s Benefit

Research demonstrated that legal knowledge and trainings may be helpful to workers, but it is not sufficient to prevent or redress wage theft. For day laborers, wage theft is perpetuated by the precarious, fast-paced, and risky nature of day labor, the under-enforcement and under-resourcing of labor protections, and a climate of fear surrounding immigration. Combating wage theft necessitates a multi-pronged approach, or what Fine and Gordon (2010) call a “tripartite” approach, whereby worker organizations, community-based organizations, and unions partner in enforcement alongside state enforcement agencies and reputable businesses. Workers, employers, and the public need to be educated and state-level agencies charged with enforcement should be supported. Local ordinances like Boulder’s are a good start, but many low-wage workers are still uncertain or fearful about turning to public agencies. Community groups and trusted partners that include workers in their efforts, like Towards Justice, El Centro Humanitario, and the Direct Action Team, can help in the ongoing quest for wage justice. A better-informed public can also learn to recognize such practices, demand more transparency, and hold employers with whom they work to higher standards with regards to how they treat their workers.

Disregarding wage theft as a mere “cost of doing business” or as something too inconsequential or time consuming to substantively address, facilitates the continuation of unjust labor practices. Weak labor law enforcement and the criminalization of undocumented immigrants encourage employers to cheat – depressing workplace standards for immigrant and native-born workers alike. Left unchecked, wage theft precipitates a race to the bottom, allowing unscrupulous employers to engage in other



dubious and unlawful practices, such as evading requisite payroll and other taxes, and putting responsible, law-abiding employers at an economic disadvantage. Ultimately, everyone suffers. Ongoing illegal workplace practices reduce incomes and security for all Colorado workers and their families.

DU students and Direct Action Team accompany a worker to small claims court.

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Sources:

Fine, Janice and Jennifer Gordon. 2010. "Strengthening Labor Standards Enforcement through Partnerships with Workers' Organizations." *Politics and Society* 38(4): 552-585.

Galvin, Daniel J. 2016. "Deterring Wage Theft: Alt-Labor, State Politics, and the Policy Determinants of Minimum Wage Compliance." *Perspectives on Politics* 14(2): 324-350.

Ordóñez, Juan Thomas. 2015. *Jornalero: Being a Day Laborer in the USA*. Berkeley, CA: University of California Press.

Portes, Alejandro. 2007. "Migration, development, and segmented assimilation: A conceptual review of The evidence." *The ANNALS of the American Academy of Political and Social Science* 610(1): 73-97.

Seligman. David, (Towards Justice), Rebecca B. Galemba, and the Southwest Regional Council Of Carpenters. White Paper: Combating Wage Theft in Denver: How the City of Denver Can Protect the Safety & Dignity of Workers.
https://d3n8a8pro7vhmx.cloudfront.net/towardsjustice/pages/345/attachments/original/152173712/2018.03.21_Combating_Wage_Theft_White_Paper_FINAL..pdf?1521739712

Smith, Jerd. April 23, 2016. "Colorado wage complaints surge amid claims of payroll fraud, abuse of workers." Daily Camera Boulder County Business.
http://www.dailycamera.com/boulder-business/ci_29802278/wage-complaints-surge-amid-labor-protests-over-claims

Smith, Rebecca, Ana Ana Avendaño, and Julie Martínez Ortega. 2009. "Iced Out: How Immigration Enforcement has Interfered with Workers' Rights." Washington, D.C.: AFL-CIO.

Stiffler, Chris. 2014. Wage Non-Payment in Colorado: Workers Lose \$750 Million Per Year: An Analysis of Nonpayment of Legally Owed Wages in Colorado. Colorado Fiscal Institute.

Valenzuela, Abel Jr. 2006. *On the Corner: Day Labor in the United States*. UCLA Center for Urban Poverty.

Weil, David and Amanda Pyles. Fall 2005. "Why Complain? Complaints, Compliance, and the Problem of Enforcement in the U.S. Workplace." *Comparative Labor Law and Policy Journal* 27(1): 59-92.