

Editorial: El Paso can lead on wage theft prevention

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(Photo: Shutterstock)

El Paso's City Council has an opportunity Tuesday to make our community a leader in the fight against wage theft.

The council will consider amendments to its wage theft ordinance, which currently only impacts companies seeking compacts with city government. The amendments are proposed by Lift Up El Paso Alliance, a coalition of groups interested in workers' rights.

The amendments will broaden the reach of companies covered by the ordinance. Basically, any company with a final court adjudication of wage theft will have a clear choice: pay what they owe to workers, or lose the city permits or licenses they need to continue operating in El Paso.

Wage theft comes in a variety of forms – not paying the minimum wage or for overtime, improperly classifying workers as independent contractors, simply refusing to pay money the workers have earned.

It can occur virtually anywhere, but some workers are more vulnerable, particularly immigrants. Domestic workers, restaurant employees and workers at small construction firms are among the most frequent victims of wage theft.

Wage theft is illegal, but enforcement mechanisms often lack in effectiveness. The ordinance amendments before City Council can provide a much-needed tool for protecting workers.

The amendments don't create any new investigatory powers for the city.

The city government will create a database of companies who have been found through existing legal processes to have committed wage theft. Those companies have an appeal process that protects their rights.

A company in the database has 30 days to pay the owed wages or attack the finality or validity of the judgment.

The best outcome in such cases is for the employer to pay the employees what is owed, and keep city permits or licenses. The goal is not to drive companies out of business.

But if a company refuses to pay wages it clearly owes, El Paso has no need for such a business.

The city has other ordinances that allow for revocation of licenses after failing to pay certain legal judgments in some industries. The wage-theft ordinance amendments being considered by the City Council on Tuesday are common sense, and in line with previous city practices.

Even as amended, the city wage theft ordinance would have flaws.

Construction of the database will rely on community measures and organizations submitting wage theft adjudications when type are handed down.

State Rep. Mary Gonzalez of Clint introduced a bill in 2015 that would have required the Texas Workforce Commission to create an accessible database of companies with adjudicated civil or criminal findings of wage theft. That would have been a great tool for El Paso and other cities interested in protecting workers.

The bill passed the House but not the Senate.

Gonzalez should reintroduce the bill in 2017, and the Legislature should pass it.

The City Council should approve the wage theft ordinance amendments on Tuesday's agenda. That action will help protect some of El Paso's most vulnerable workers.