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HEADLINE: EDITORIAL Council should vote to protect wages Ordinance would require prosecution of employers who cheat day laborers out of their pay, providing an effective inducement for honesty.

BODY:

Denver Councilman Doug Linkhart's proposal to make stiffing day laborers on their wages a crime is a sound idea, and the full City Council should approve the ordinance when it comes up for a vote next week.

Cheating workers out of wages exceeding \$500 is a Class 4 felony under state law and a Class 2 or 3 misdemeanor, depending on the total, for amounts less than that. But violations of state law have to be prosecuted by the district attorney, which is busy enough with serious crime.

Linkhart says a city ordinance would allow police to file complaints against deadbeat employers who could then be prosecuted in County Court by the city attorney's office.

Day laborers are especially vulnerable, not only because they are usually at the low end of the wage scale, but also because they frequently are transient, homeless or immigrants unfamiliar with either the English language or the legal system or both.

Labor advocates have tried with mixed success to help workers collect the wages due them. **El Centro Humanitario** para Los Trabajadores (the Humanitarian Center for Workers) told The Post it's been swamped with complaints of wage thefts in recent years. Although the non-profit center has managed to collect \$30,000 in back wages for workers since 2002, about 50 day laborers believe they are still owed about \$60,000 in wages.

If Denver passes the ordinance, it would become the third city after Austin, Texas, and Kansas City to enact a wage-theft law.

Such laws have proved an effective inducement for employers to pay up, according to Linkhart. In the two years that Austin's law has been on the books, only 13 criminal cases

actually have been filed, he said, because about 80 percent of the cases were resolved without going to court.

"All they have to do is send a threatening letter saying there's a law you need to abide by, and most employers will cooperate," Linkhart said.

Linkhart said the proposed ordinance, which recently cleared committee, contains safeguards against false claims, including having to prove the employer didn't pay and had the criminal intent not to pay.

Linkhart's proposal is a reasonable tool for dealing with abuse of the city's low- wage laborers. Stealing another person's sweat is like stealing somebody's wallet. This law would give cheated workers their day in county court.

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