

Fair Labor Practices Benefit All New Mexicans

Enforcing New Mexico's anti-wage theft laws increases economic security for workers and spurs equitable economic growth.

All workers should earn a living wage that meets their families' basic needs and be protected from unfair labor practices. Yet low-wage workers of color are disproportionately victims of workplace violations and wage theft: when employers do not pay their employees the wages they are owed. To help protect workers, New Mexico has passed strong wage laws: a recently increased minimum wage for many workers, recourse for workers whose wages have been stolen, and a requirement that the state investigate and recover unpaid wages. The New Mexico Department of Workforce Solutions (DWS) is obligated to investigate all wage complaints; however, the agency is not able to effectively investigate claims and enforce the law with its current staffing and resources. As a result, many who file complaints wait a year or more to recover wages stolen by employers. Wage theft not only harms workers and families—it also limits the consumer spending that drives community-based job creation and equitable economic growth.

Delays in investigating wage theft claims and enforcing documented wage theft violations prevent New Mexican workers from accessing the income they have rightly earned.

19%

of cases with no activity have been open for a year or more.*

64%

of cases pending enforcement have been open for a year or more.*

Sluggish enforcement of wage theft violations further limits workers' ability to make ends meet and leaves them vulnerable to food insecurity, eviction, and other risks to health and well-being.

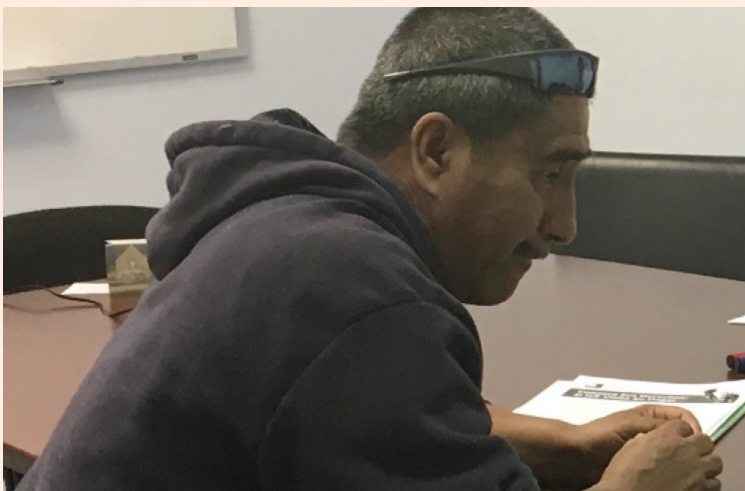


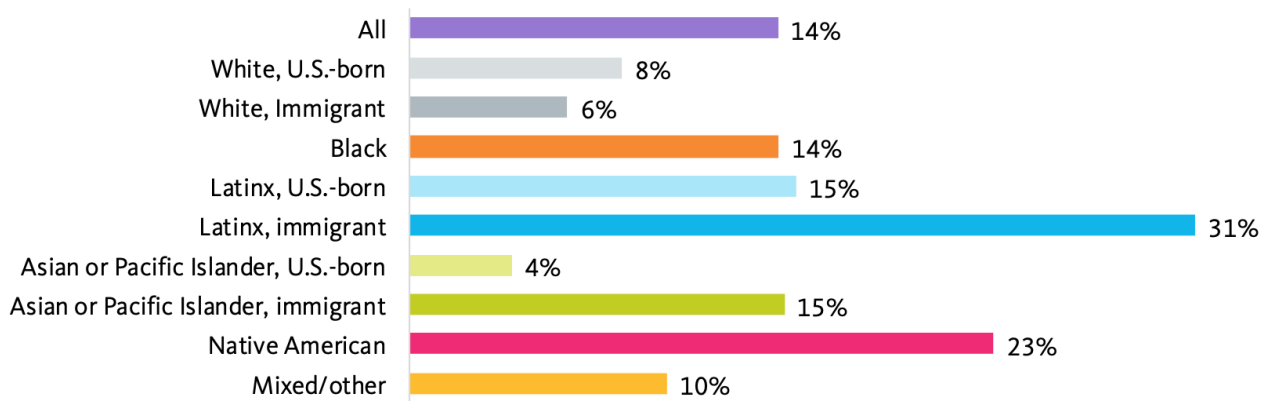
Photo courtesy of the New Mexico Center on Law and Poverty.

Javier's Story

Javier's employer did not pay him for his last two weeks of construction work. DWS determined the employer owed Javier \$7,155. Yet two full years after receiving the claim, DWS has not recovered any of his stolen wages. Javier quit when his employer refused to pay him and was unemployed for over a month. His family almost lost their home and had to cut down on groceries. Everyone in his life suffered because of his stolen wages.

Latinx immigrants and Native Americans are more likely to be working low-wage jobs that are vulnerable to wage theft.

Percent working poor by race/ethnicity and nativity, New Mexico, 2017**



Jobs in low-wage industries are especially prone to wage theft, which disproportionately harms workers who are already economically vulnerable.

Immigrants in New Mexico face many barriers to reporting wage theft, including lack of knowledge and fear of reprisals.

In one 2013 study that sampled Mexican immigrants in New Mexico...

27%

of workers reported experiencing at least one instance of wage theft

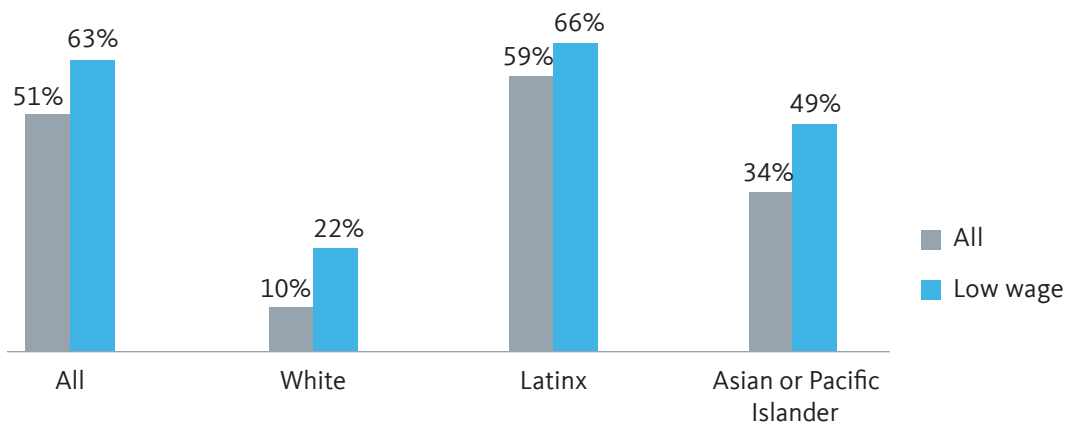
12%

of victims had reported the crime

When it is difficult for employees to report wage theft and enforcement is lax, employers have little reason to stop committing wage theft.

DWS must provide effective translation services throughout the wage claim process. If not, it leaves low-wage immigrant workers with limited English-speaking ability to face challenges in reporting wage theft.

Share of full-time immigrant workers who speak English less than “very well” by race/ethnicity and wage level, New Mexico, 2017***



To better support working families and advance more equitable economic growth that benefits all New Mexicans, the state should pursue the following steps:

- 1) Increase funding for wage enforcement investigators and attorneys to a level that would support the investigation of all wage theft claims and eliminate the backlog of cases.
- 2) Increase the DWS budget for outreach in rural areas and effective language assistance.
- 3) Strategically direct enforcement efforts to investigate industries with a record of violations and prioritize cases of workers who are least likely to exercise their rights.

This fact sheet is produced in partnership with the New Mexico Worker Organizing Collaborative comprising six organizations: Center For Civic Policy, El Centro de Igualdad y Derechos, New Mexico Center on Law and Poverty, New Mexico Comunidades en Acción y de Fé, Organizers in the Land of Enchantment, and Somos Un Pueblo Unido.

Sources: New Mexico Center on Law and Poverty analysis of wage theft reporting data from New Mexico Department of Workforce Solutions; PolicyLink/PERE analysis of data from the 2017 5-year American Community Survey microdata from IPUMS USA; Annette Bernhardt et al., *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities* (Center for Urban Economic Development, National Employment Law Project, UCLA Institute for Research on Labor and Employment, 2009); Andrew Schrank and Jessica Garrick, *Mexican Immigrants and Wage Theft in New Mexico* (Somos Un Pueblo Unido, 2013).

*Universe was limited to cases that were opened in Fiscal Year 2012 through October 2019, but never closed.

**Universe includes the civilian noninstitutional population ages 25-64 not living in group quarters who worked at all during the year prior to the survey. Working poor are defined as full-time workers whose family income places them below 200 percent of the federal poverty threshold based on their family size and composition. No data is reported for demographic subgroups with insufficient sample sizes. Data reflect a 2013 through 2017 average.

***Universe includes immigrant civilian noninstitutional full-time wage and salary workers ages 25-64. “Low-wage” workers are defined as those with an estimated hourly wage of less than \$15 per hour (in 2017 dollars). No data is reported for demographic subgroups with insufficient sample sizes. Data reflect a 2013 through 2017 average.

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