Public Health Labor Ordinance

Workshop Regarding Equitable Opportunities for Immigrant Residents of New Haven
1. Immigration + Food Service

Work law violations disproportionately affect New Haven's immigrant populations.

➔ Work law harms are rampant in the food service industry.
   The U.S. Department of Labor investigated over 9,000 restaurants, finding that 84 percent were violating wage and hour laws.

➔ These violations disproportionately harm the immigrant community.
   Foreign-born workers comprise a high percentage of food service workers, with undocumented workers alone making up 14.8% of the CT food services and accommodations workforce as of 2014.

2. Work Law Violations Harm the Public Health

Employment and labor law violations affect factors like income and employment which in turn affect the public health.

➔ Extensive research demonstrates the link between social determinants of health, such as income and employment, and public health.

Work earnings are particularly important health determinants because they represent the exclusive or primary income source for many Americans.

➔ Violations like wage theft harm the public health.

Public health researchers describe how wage theft contributes to poor wages and low-income status, both social determinants of health.

➔ Connections between union participation and public health.

Public health research has also highlighted the connection between unions, income, and public health.

3. Cities are working hard to protect their workers.
As existing legal avenues have left some workers unprotected, cities are getting creative in the tools used to combat work violations.

➔ Cities are innovating to strengthen local labor protections.
Examples of local policies include local labor enforcement, worker boards and councils, responsible contractor rules, and partnerships with community-based organizations.

➔ Wage theft has been a focus for peer cities.
Somerville, MA created a wage theft ordinance allowing permit/licensing action and requiring applicant compliance certification. Jersey City, NJ has a wage theft prevention law withholding new/renewed permits or licenses from entities that fail to cure wage violations. Northampton, MA requires applicants to complete a Fair Wage Compliance Certificate during issuance/renewal of many types of licenses.

4. This ordinance may prove more effective than existing legal avenues. When the current procedures for solving labor issues fail, this initiative may help workers achieve justice.

➔ Even when workers win in court against their employers, they may not be able to recover lost wages. CBS News found that even when workers won their claims against employers on allegations of wage theft, more than a third of cases never recovered any money.

➔ Ordinances like this one provide other avenues to incentivize compliance with civil judgments. In San Francisco, local labor agencies found that business owners responded quickly to health department demands for compliance after evading labor agencies for months.

What does the ordinance do?

The ordinance asks that the New Haven Health Department use its powers under the Health Code and proposed ordinance to suspend or revoke food and beverage licenses of businesses violating applicable work and labor laws.
New Haven should adopt an ordinance to protect the health of the City's workers.

➔ The City has broad public health powers.
   While labor violations have not been cited as reasons for restaurant license revocations by the Health Department up to this point, cities have broad power to adopt sanitary rules by ordinance under Connecticut law.

➔ City action can lead to better working conditions for New Haven's immigrant populations.
   Public research, combined with local news reports, suggests that employees of New Haven restaurants and food-service establishments may be at particular risk of labor violations that could negatively affect their health.
Where else has this worked?

San Francisco
About 2011, San Francisco pioneered a program similar to the one advocated for in the proposed ordinance.

Santa Clara Cty.
In 2019, Santa Clara County launched a Food Permit Enforcement Program and has since expanded it to new areas in the county.