Opinion
Guest Voices

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There are a few reasons to bluff when you've got a weak poker hand. First off, it just feels good to be a little naughty and get away with it. (Personally, I've never been able to hide my self-satisfaction, so most of my hobbies require a sourdough starter, not a poker face.) More importantly, your odds of success plummet if you're too strait-laced, because lots of other players are bluffing too. You're more likely to win when you mix in some calculated lies. In high-level play, most bluffs don't get caught.

Sadly, this is what American labor law looks like, and workers hold the losing hand.

Wage theft is by far the most pervasive form of theft. The informal term refers to three categories of activity by employers that include, but are not limited to:

- Stealing time from employees by forcing them to work through required breaks or off the clock;
- Withholding wages by refusing to pay overtime, paying less than the minimum wage, or confiscating tips;
- Miscategorizing workers as contractors or temporary workers to avoid issuing benefits and to evade payroll taxes.

Breaking the law, like bluffing, is a numbers game: 171.9 million people held a job at some point in the year 2023, the most recent year for which the Bureau of Labor Statistics has complete data, and enforcement is done on a case-by-case basis. Employers violate the rights of their workers because it is a profitable gamble due to both the magnitude of the labor pool and the paucity and ineffectiveness of enforcement resources.

A December 2024 report from the Economic Policy Institute found that "more than $1.5 billion in stolen wages were recovered for workers between 2021 and 2023." In that period, the U.S. Department of Labor recovered nearly $700 million in stolen wages, while state departments of labor and attorneys general recovered $201.4 million. The top 10 wage and hour class action lawsuits of 2021 resulted in payouts of $641.3 million.

That sounds like effective oversight, but American employers steal from workers at such a prodigious rate that the potential costs for getting caught are dwarfed by profits amounting to an estimated $50 billion annual transfer of wealth from workers to employers. Federal and state agencies can't keep up. With a 100:1 illicit profit to recovery ratio, employers have no economic or legal incentive to stop robbing their employees.

Low-wage workers are the most common victims, especially those in construction, retail, food service and health care, as well as temporary workers across industries. The Temp Worker Justice Survey, a survey of 1,337 temporary workers conducted between February 2019 and December 2021, found that 24% of respondents reported that their employers had stolen their wages in one of at least three ways: failure to pay the prevailing minimum wage, for overtime or for all hours worked.

Employers prey upon these workers because they are poor. They are the perfect targets because losing money is an emergency for poor people, and the remedies available to them are all sluggish. Being presented with a system that cannot meet one's needs in time discourages the pursuit of justice.

Wage theft captures the perverse natures of both the American economic and criminal legal systems, as well as how they interact.

A 2017 study found that 17% of low-wage workers in the 10 most populous states reported being paid less than minimum wage. On average, their bosses stole $64 per week from them.

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If a low-wage worker, on the other hand, is accused of stealing $64 worth of goods from his employer, he can be immediately arrested, detained and charged with a misdemeanor. There is a wealth of research outlining the collateral consequences of an arrest and detention, even without a conviction: risks to employment, housing, parental custody or visitation rights, social benefits and even incarceration without conviction if he is a formerly incarcerated person out on probation trying to rebuild a life.

When we talk about "structural" injustice, this is what we mean: The needs and rights of poor working people are subordinated to those of the businesses that employ them. A poor person's life can be ruined if they are accused of committing a minor infraction against their employer. If their employer does the same to them — but far, far worse relative to their wealth — the worker gets to fill out a form. Restitution, if it ever arrives, can be years away, while rent's due at the first of the month.

The Fair Labor Standards Act was passed into federal law in 1938 to set a national standard for the treatment of workers. It became law at the start of what was peak worker power in the U.S., with nearly one-third of private sector workers being union members in the mid-1940s. Today, the resources for federal enforcement are weak, and vary by state.

As of 2024, only 5.9% of private sector workers were unionized. While there must be increased funding for oversight and enforcement at all levels of government, strong unions are the greatest bulwark against abuse from employers and a great predictor of fair pay and safer conditions. That's why collective bargaining and unobstructed union organizing have been the centerpiece of modern Catholic teaching on labor. Dozens of states have made it harder to unionize.

People of faith feeling disempowered by the chaos in Washington need to find an outlet to engage in politics that align with the best of our prosocial values. Fighting for legislation that makes it easier for us to band together and protect each other as working people would be a great place to start.