

## Somerville legislators work together for temp agency reform

### Wicked Local Somerville

Posted Jun 18, 2011 @ 04:38 PM

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Somerville — At a recent legislative hearing on a proposal to reform the state's employment agency laws, Somerville legislators Senator Patricia Jehlen and Representative Denise Provost joined low-pay temporary workers and employers in calling for legislation that would stem the growth of unethical temp agencies that exploit workers and undercut law-abiding businesses.

"Members of my church who have worked for temporary agencies and have shared terrible stories of being sent to unknown destinations, told to supply their own protective equipment and provided with misrepresentations by the temporary agency," testified Provost, who represents Somerville's 27th Middlesex district. "I implore you to make this the year in which we take action — as more and more people are forced to take temp jobs and have little leverage."

More than two dozen workers, employers, doctors, lawyers, and legislators submitted testimony in support of the REAL (Reform Employment Agency Law) Bill, House Bill 1393, legislation which would bring basic protections to vulnerable temporary workers which the agencies exploit.

More than 25,000 low wage temporary workers labor each day in Massachusetts. Many are deployed to work in hazardous jobs such as residential construction, landscaping, fish and meat processing, recycling centers, rock cutting, warehousing, cranberry harvesting, demolition, waste hauling, and janitorial services.

"Many temporary workers aren't provided with any written notice about where they will be working, what sort of work they will be performing, what their pay will be, or even the name of their employer before they are sent off to work," said Senator Jehlen. "This paperwork is essential both as a matter of basic fairness and to ensure the Attorney General's Office and other law enforcement agencies have the tools necessary to enforce our existing laws, including wage and hour laws and workers' compensation laws."

The bill enjoys high-profile support from state officials. Representatives from the Massachusetts Attorney General and the Patrick Administration testified in support of the bill in an effort to thwart labor violations by some of the industries more questionable employers.

"There are a lot of temp workers in this area that depend on these jobs to support their families," said Evelyn Sanchez, a temp worker who testified at the hearing. She noted how the industry-wide practice of providing little to no documentation to workers has resulted in employers lying about how much the job will pay and how long the work day will be. "I have been picked up at 2 pm, traveled 1-2 hours without pay, and got home at 2 in the morning for \$48 including \$7 for the ride every day," she said, the equivalent of four dollars an hour.

According to Marcy Goldstein-Gelb, director of the non profit worker safety group MassCOSH (Massachusetts Coalition for Occupational Safety and Health), who is coordinating a broadbased temp agency reform coalition, the practices that exist in the temp industry are the result of fundamentally outdated Employment Agency Laws.

"The Employment Agency Laws as they currently stand have excluded temporary agencies from state oversight," said Goldstein-Gelb, a Somerville resident. "This gaping hole in the laws has allowed for the creation of a number of fly-by-night temp agencies."

Temp workers and worker centers repeatedly report that laborers are not provided protective equipment when working at hazardous jobs and that the lack of information provided to workers makes it difficult or impossible to pursue Workers Compensation when they are tragically injured on the job.

"When an injured worker cannot rightfully access workers' compensation they inevitably receive late and sub-standard medical care," said Robert Naparstek, an occupational doctor. "This often leads to greater expense in the long run. As a doctor specializing in Occupational and Environmental Medicine I have witnessed this horror many times."

Naparstek noted that the Massachusetts Medical Society supports legislation ensuring that temporary workers receive written information about the protective equipment required for the job and how to access workers' compensation benefits in the event of a workplace injury.

The new law will help eliminate reported shady employment practices, including wage theft, that plague the industry by requiring agencies to provide written notice of key details of job assignments for blue collar temp workers. Information to be provided include the name of the employing agency, the worksite employer, the type of work to be done, and wages to be paid — none of which are currently required by law.

Business will also benefit under the new law. Under the proposed bill, all employment and staffing agencies will be subject to the same, simplified and streamlined registration process, eliminating the burdensome hearing process before starting an employment agency and the need to submit forms and contracts to DOS for prior approval. Businesses proponents say the bill will help them compete fairly and finish jobs safely.

"As legitimate employers, we frankly resent the fact that fly-by-night exploiters avoid paying their fair share of taxes — and then also violate basic principles of good, safe construction," testified Hugh Kelleher, Executive Director of Plumbing Heating Cooling Contractors Association. "I know from conversations with state and local inspectors that some of these unscrupulous temporary

agencies are sending out workers to do jobs for which they are neither qualified nor licensed. When it comes to plumbing and gas installation, there is a genuine risk to public safety."

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