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Labor Department Falls Down on the Job

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To the Editor:

In "96¢ an Hour: The Sweatshop Is Reborn" (Viewpoints, March 6), Karen Nussbaum, director of the Labor Department's Women's Bureau, and Maria Echaveste, administrator of the department's Wage and Hour Division, complain that Labor's enforcement task is difficult in the garment industry because subcontracting "opens legal loopholes for employers," allowing 38 percent of apparel employers to be misclassified as independent contractors. If they think misclassification is a legal loophole, no wonder they're having trouble getting employers to comply with the law.

Misclassification of workers and use of fly-by-night subcontractors are big problems. But the problem is not loopholes; it is that the Labor Department has failed to enforce the law. Unless the Government holds employers directly responsible for subcontractors' illegal acts, what incentive is there for employers to stop activities they profit from?

MARCLINDER
Iowa City, March 7

The writer is associate professor of law at the University of Iowa.

CORRECTION

Because of an editing error, a letter from Prof. Marc Linder last Sunday about the Labor Department's enforcement efforts in the garment industry misstated the writer's views on the misclassification of workers. Professor Linder quoted Labor officials to the effect that 38 percent of apparel employers had misclassified workers as independent contractors, not that 38 percent of apparel employers had been misclassified as independent contractors.

The letter writer's views on the department's authority to enforce the minimum wage were also described incompletely. He noted that the courts had interpreted the wage law broadly enough to allow the department to prosecute employers directly.

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