

KNOW YOUR RIGHTS UNDER THE SERVICE CONTRACT ACT

BRIEFING PAPER

If you work in tree planting, pre-commercial thinning and/or as a general forest laborer on federal land, you should know about a worker protection law known as the Service Contract Act (SCA). The act applies to service contracts for the federal government and guarantees certain rights to workers. Some of those rights include receiving the prevailing wage and, depending on the contract, benefits such as health care, vacation, and holiday pay. In forest work, most contractors pay extra wages instead of providing benefits. Federal contracts specify how much extra pay workers are entitled to if they are not receiving benefits. The SCA also states that employers are required to inform employees at the start of work of the prevailing wages and benefits, or extra pay, employees are entitled to and to have that information posted at the job site.

Prevailing wages are what the government decides are the basic minimum wages being paid per hour for certain types of work in each part of the country. Prevailing wages may differ from state to state, even from forest to forest, but should be specified in each contract. If your employer hasn't informed you of your prevailing wage rate or hasn't posted it somewhere you can see it before you begin working, that is a violation of the SCA.

The first prevailing wage laws were passed in the United States in 1891 in Kentucky. These laws were part of a larger effort by labor unions to fight child labor, prison labor and win a five-day workweek (problems that continue to exist in this country.) While prevailing wage laws have done a lot to ensure more justice in the workplace, they are not without flaws. Early prevailing wage laws were steeped in racism as they were often supported as a means to prevent contractors in the Northern United States from hiring lower-paid non-white construction workers from the South. Though these laws play a different roll in service industries now, they are far from achieving justice. Today, non-white forest workers are some of the most mistreated by employers failing to follow the Service Contract Act.

If you think that your work may be covered by the federal Service Contract Act, but your employer hasn't told you about your prevailing wage rates or benefits, you can report that to the US Department of Labor's Wage and Hour Division. You can call the nearest office, tell them the name of the company employing you and the area where you work and they will tell you if the SCA applies and what your wage should be. If the law does apply and you believe it is being violated, the Wage and Hour Division can do an investigation. All requests for help are kept confidential and your employer should not know who made the phone call.

The US Department of Labor does many investigations of employers every year, and last year recovered \$175 million in unpaid back wages for 265,000 employees in over 40,000 completed investigations. How long it takes for the employees to receive their back pay depends on how much employers cooperate with the government's investigation, but employers who are caught breaking SCA law are often fined and are sometimes prohibited from receiving contracts for work in the future.

It is unclear how much of last year's recovered back wages went to forest workers. We do know that a smaller number of workers received back wages last year in the Western region of the US than in any other part of the country. Social justice organizing over many decades has helped build up enough pressure that the US Department of Labor now at least expresses a desire to focus on industries with "vulnerable worker populations." By working together forest workers can achieve justice in their workplace. - *Marshall Kirkpatrick, Alliance Policy Intern*