



Wage Theft Study Guide: A Jewish Perspective

By Rabbi Michael Feinberg

Introduction

Over the last dozen or so years, the Greater New York Labor-Religion Coalition (part of Interfaith Worker Justice's national network of interfaith groups) has participated in campaigns with our labor union partners -- garment workers, city park workers, doormen, janitors, security guards, greengrocery workers, delivery people, foodservice workers, cemetery workers, home health aids, daycare workers, farm workers, domestic workers, childcare workers, and laundry workers, to name just some.

One of the most consistent features of all these campaigns has been the need to address the employer practice of wage theft, where workers are deliberately underpaid or in many instances not paid at all for their labor. Such wage theft -- be it in the form of payment below legal minimum wage, the misclassification of workers as independent contractors so as to deny them benefits, failure to pay overtime, or outright denial of wages due -- is epidemic in scope.

Jewish law and tradition

The fact is that many of the most economically marginalized workers -- those with everything at risk, including their jobs, their livelihoods, and their ability to provide for themselves and their

families -- must additionally contend with such unethical, illegal and morally reprehensible practices on the part of their employers. That these practices destroy the most basic contract -- in religious language, covenant -- upon which all sound employer-employee relations stand, is deserving of the full attention and response from the faith community.

In the face of pervasive wage theft and in their efforts to find their voice and demand change, these workers need and deserve all the support they can get from the religious community and from the law in pursuit of justice.

Some of Judaism's most important ethical principles include:

- The Dignity of all Creation -- K'vod Habriot
- The role of humanity to be responsible stewards to the Earth and all its resources, shared equitably
- The ultimate value and worth of every human being, each one created in the image of God -- B'tselem Elohim
- The dignity of labor/work as human partnership with God in the ongoing act of Creation
- The right of all workers to fair treatment, including a living wage, timely payment, and the right to form a union
- Concern for the most economically vulnerable in society -- the widow, the orphan and the stranger -- and the ethical imperative to meet their needs

Regarding wage theft specifically, two verses from the Hebrew Bible provide the basis for much of the relevant Jewish teaching:

"Do not oppress your neighbor and do not rob him. Do not keep the wages of the worker with you until the morning." -Leviticus 19:13

"Do not oppress the hired laborer, who is poor and needy, whether he is one of your people or one of the sojourners in your land within your gates. Give him his wages in the daytime, and do not let the sun set on them, for he is poor, and his life depends on them, lest he cry out to God about you, for this will be counted as a sin for you." - Deuteronomy 24:14-15

These verses are significant in that they recognize the essential imbalance of wealth and power between employer and employee. The texts underscore both the employer's power to rob the employee -- to commit wage theft -- and the employee's utter economic dependence on his or her wages. From these verses, we understand workers to be a protected category, economically vulnerable, perhaps similar to the widows, orphans and sojourners (strangers) whom the Torah also prohibits oppressing.

Significantly, the verses from Deuteronomy further include sojourners -- resident aliens, today's undocumented immigrant workers -- among the protected workers, thereby prohibiting us from discriminating between Jewish and non-Jewish workers (to wit, native-born and immigrant workers).

From the Biblical text, Jewish tradition derives a few general principles regarding a worker's right to fair treatment and to protection against wage theft:

First, workers are understood to be poor -- or without wealth, relying upon their daily income -- and thus vulnerable and deserving of social protections. How true this is in our time, with untold thousands of low-wage workers and the working poor utterly reliant upon meager wages for the survival of their families.

Secondly, both Jews and non-Jews -- that is, native born and immigrants -- are to be included in the category of protected workers.

Thirdly, the texts recognize the need for specific legislation to prevent the oppression of workers, and the theft of their wages by their employers.

These principles are coupled with Judaism's central prohibition of theft -- "You shall not steal" -- as enshrined in the Eighth of the Ten Commandments, the Aseret ha-Dibrot, which prohibits theft both as outright robbery and also in the form of unethical business practices such as denying or withholding an employee's wages.

In denying workers the fruits of their labor and their means of a livelihood and sustenance, wage theft constitutes theft in the most basic sense.

For this reason, Jewish law and tradition strongly support IWJ's campaign to end wage theft, to decisively bring to an end the ethical scandal that the pervasive practice of wage theft constitutes.

For reflection

- Have you or a family member ever been a victim of wage theft? What happened?
- Why do you think wage theft is so pervasive in this economy?
- What is your reaction to the principles and teachings described by Rabbi Feinberg?
- Are you convinced that ending wage theft is a moral imperative for us, as people of faith? Why or why not?
- What concrete steps can you take to help end wage theft, as an individual?
- What concrete steps can your congregation or faith community take to help end wage theft?

Rabbi Michael E. Feinberg is the Executive Director of the Greater New York Labor-Religion Coalition. He is a Rabbi in the Reconstructionist tradition and has been an activist for over 30 years in matters of social justice, human rights and the peace movement. Rabbi Feinberg has served on staff at the Rev. Dr. Martin Luther King, Jr. Center for Nonviolent Social Change and Jews for Racial and Economic Justice. He currently serves on the board of the Rural and Migrant Ministry, the Bertram M. Beck Institute on Religion and Poverty at Fordham University, and the Metropolitan New York Religious Campaign against Torture.