

U.S. Department of Labor Ramps Up Enforcement Efforts With *We Can Help* Campaign

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On April 1, 2010, the U.S. Department of Labor (DOL) delivered on its promise to focus its agenda and resources on enforcement efforts, launching a new public awareness campaign called *We Can Help*.

The campaign is designed to educate workers about their rights under the federal Fair Labor Standards Act (FLSA), but its implications are more significant and far-reaching. According to the DOL's Web site, the Wage and Hour Division is targeting workers' rights and pay issues—and it is doing so regardless of their immigration status, reaching out to employees who are traditionally among the lowest paid, including non-citizens and/or undocumented workers. The Web site directs workers on how to file a complaint with the Wage and Hour Division, and it encourages them to provide information to the Division, including copies of pay stubs, hours of work and any information related to the employer's pay practices.

There can be little question that the *We Can Help* campaign will not only increase the number of employee complaints, but will further strengthen the government's enforcement agenda. The DOL has received significant funding in its 2010 budget, and is requesting more in its proposed 2011 budget. According to Labor Secretary Hilda Solis, the bulk of this funding will be used to hire new investigators to enforce worker pay and safety laws. When testifying before Congress on March 10, 2010, Secretary Solis stated that the DOL "intend[s] to reduce the prevalence of misclassification and secure the protections and benefits of the laws we enforce."

The *We Can Help* campaign underscores the importance of taking preventive measures. It is more important than ever that employers review their pay practices and classification of employees. The best practice is to conduct attorney-client privileged self-audits to identify and correct any areas of vulnerability to ensure compliance with

federal and state wage and hour laws before an employee files a complaint or a government investigation is initiated.

In May and June, attorneys from EpsteinBeckerGreen's Labor and Employment Practice will be holding headline programs in New York City, Washington, D.C. and Los Angeles on this important topic and discussing the Obama Administration's enforcement efforts across several government agencies, including the DOL, NLRB, EEOC and OFCCP. The headline programs will identify some of the most serious issues on the government's agenda and provide practical guidance on the steps employers should take now to prevent potentially costly investigations and litigation. To register for one of the programs in your area, please click on the following link:

<http://guest.cvent.com/i.aspx?5S%2cM3%2c362cadff-8745-4e4a-af6b-004dc8b6e6d5>

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