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# Labor Dept. Agrees to Name 'Unlocatable' Workers

by Michelle Chen

**May 12** – Yielding to a legal challenge filed by workers' rights advocates, the Department of Labor agreed yesterday to hand over information on workers who never received back-pay owed by employers because the government had failed to locate them.

The Chicago-based advocacy group Interfaith Worker Justice dropped its lawsuit against the Labor Department after the defendant agreed to disclose personal background information about workers who had been unable to claim back wages that labor authorities had collected from employers. The Department had deemed the workers in question "unlocatable."

The suit argued that the disclosure of the records would help place illegally withheld back-pay in the hands of workers. Otherwise, the unclaimed funds – the product of legal settlements with employers – would default to government coffers.

Bringing the lawsuit on behalf of IWJ in January, the watchdog group Public Citizen noted that as of 2004, federal records show that the government had failed to find approximately 95,000 workers who had won back-wages through claims of wage-law violations. All the while, the government's Backwage Collection and Disbursement System was holding \$32 million.

In April 2005, IWJ had filed a Freedom of Information Act request to compel the Labor Department to produce "records reflecting the names of the unlocatable workers, the companies for whom they worked, and the period of time covered in the settlement." The Department had then denied the request on the grounds that privacy protections in the federal Freedom of Information Act prohibited revealing the personal identities of the workers.

However, that stance had signaled an about-face from an earlier collaboration between a division of the Labor Department and the IWJ, which had partnered to create a searchable public database of information on the unlocatable workers and their employers. In 2004, the Department abruptly cut off the work, according to IWJ, citing privacy concerns.

IWJ contended that both the workers and the public would benefit from more transparency in the system. "It's hard to understand how releasing these workers' names would violate their privacy," argued Public Citizen attorney Adina Rosenbaum in a January press statement, "especially given that they will benefit significantly if they are found through this process."

On Thursday, Public Citizen announced that the Department of Labor has finally agreed to release its list of unlocatable workers. Kim Bobo, executive director of IWJ, called the Department's compliance a small advancement both for government accountability and for low-wage workers. "Not only will it alert them of money that is rightfully theirs," she said in a statement, "but it could encourage more workers to report wage theft and other wage violations."

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