PUBLIC HEARING TESTIMONY

SUPPORTING SENATE BILL 3023

COMMITTEE ON LABOR

Senator Jill N. Tokuda, Chair

Senator J. Kalani English, Vice Chair

Tuesday, February 6, 2018

3:30 PM

Conference Room 229

State Capitol

415 South Beretania Street

To the Senate Committee on Labor:

Mahalo for taking the time to hear this bill, which addresses one of the most pressing civil rights issues of today in Hawaii. In our state, people with disabilities do not currently receive the protection of minimum wage laws, and I respectfully request that exemptions allowing employers to pay them/us subminimum wages be eliminated.

Employers who exploit people with disabilities by paying them subminimum wages will argue that their employees are simply not productive enough to be worthy of the minimum wage. They assume that workers with disabilities are inherently less productive, and then everything that happens thereafter is contaminated by low expectations.

In a sheltered workshop, people with disabilities are essentially guaranteed employment, but they are not guaranteed minimum wage. It is supposed to be training, but people almost never transition out of subminimum-wage work environments. These sweatshops claim that they pay people according to productivity, but they do not. Sheltered workshop wages are forecasted by a speed test every six months. The productivity assessment is forward-looking rather than backward-looking. In a job where people are truly paid according to productivity, their pay for a given day is based on how productive they were that day, not on an arbitrary speed test that was performed six months beforehand.

The sheltered workshop system takes people and systematically tells them that they’re not as good as the rest of the workforce. The workshops claim that they are focused on the individual, but civil rights must apply to all individuals. Some of the sweatshops argue that the jobs are not primarily for pay, that they are primarily for fulfillment and feelings of importance in the world. It is not difficult in one of these sweatshops to keep a person believing that he or she is not good enough to reach for a competitive job.

These tax-exempt non-profits collect charitable donations, and they present themselves as doing good work, but they are not required to do right by their employees. They can eat up government contracts and grants while disability benefits pay the employees’ real costs of living. This allows the employees to stay on disability benefits for the rest of their lives while the sweatshops do not have to pay real wages. There is no incentive to innovate and compete. They say they’re market-driven and that they must increase their bottom line in order to be around for the next day, but they are not innovating. The sweatshops for the disabled have no incentive to pay their workers a minimum wage, and they have no incentive to make their workers more productive. They profit immensely from keeping workers unproductive, and they have financial incentives to keep them in the sweatshops.

Nobody is going to be thrown out on the street because this bill passes unless it is a political stunt by the sweatshops to attempt to protect their exploitation interests on the mainland. If people with disabilities want a day program where they can go enjoy themselves, those already exist. If a person wants to go to a sheltered workshop and volunteer, they have every ability to do that. If a person is going to work for pay, that person should be paid without regard to his or her disability.

It is the obligation of management to figure out how to optimize productivity given their employee’s talents, not the obligation of the worker to fit into some box that the manager dreams up and says, “regardless of your disability, this is your job, and if you’re not any good at it, that’s your fault, not mine.” They need to stop thinking that job XYZ is a good job for a person with a disability.

This is a matter of people with disabilities being treated like first-class citizens in Hawaii and having the same rights as other people to work to earn the things they/we need and to reach their/our full potential. People with disabilities are human beings and deserve to be paid like it.

Please help us eliminate the payment of subminimum wages by supporting this bill.

Mahalo nui loa,

Name

Address