

Good Morning!

My name is Kjersten Forseth and I am testifying on behalf of the Colorado AFL-CIO. The Colorado AFL-CIO represents approximately 180 affiliate unions, whose membership totals more than 130,000 working Coloradans. The joint employer rule is vitally important in the industries we represent – from janitors to construction, this rule profoundly impacts workers and is extremely important to preserve. The joint employer rule ensures employers making the decisions about their company, are also responsible for the employees who work there, no matter how they were obtained. Without this rule, employers can evade responsibility by using temporary staffing agencies or labor brokers to shirk responsibility for workplace safety and to halt attempts to collectively bargain. The CDLE rule is simply keeping this principle in place to prevent intermediaries from taking all the responsibility for workplace compliance.

According to the National Employment Law Project, more and more corporations—especially those in lower-wage industries—are using labor intermediaries such as temp and staffing firms. Temp workers—who are disproportionately Black and Latinx—are [paid substantially less](#) than permanent workers, have almost non-existent benefits, and face high rates of wage theft.

Further, [Black and Latinx workers are overrepresented](#) in subcontracted work with the lowest job quality—temporary help agency work. While Black workers constitute 12.1 percent of the overall workforce, they make up 25.9 percent of temporary help agency workers; Latinx workers are 16.6 percent of all workers, but 25.4 percent of temporary help agency workers.

Corporate leaders' decisions to contract-out labor-intensive aspects of their businesses is common in many service sector jobs today, including construction, janitorial, hospitality, warehousing, poultry and home care. While the reasons for the fissuring of jobs vary -- from legitimate needs to pare down multi-faceted business priorities to more brazen desires to skirt labor and employment and safety net protections -- the multiplicity of entities and potentially-responsible players too often results in lower wages, more dangerous workplaces,

and less employer accountability for working conditions, especially in the lower-paid sectors in our economy.

The Colorado AFL-CIO supports the rules proposed by the Colorado Department of Labor with no changes. Thank you for your dedication to fair and just laws for the least powerful in our workforce.