



Inter-American Commission on Human Rights Holds Hearing on Discrimination against Immigrant Workers in the U.S.

For Immediate Release: March 1, 2005

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Where? Inter-American Commission on Human Rights, 1889 F Street, N.W. Washington, D.C.

When? 10:30 press conference
11:30 a.m. Hearing
Thursday, March 3, 2005

What? Hearing on Labor and Human Rights Abuses in the US.

The Inter-American Commission on Human Rights will hold a hearing March 3 about how the U.S. denies the most fundamental labor rights of immigrant workers. Advocates and workers will testify about U.S. human rights abuses against two groups: undocumented and agricultural workers.

The issue of excluding undocumented workers from full labor protections stems from a controversial US Supreme Court ruling in March 2002. In *Hoffman Plastic Compounds, Inc. v. NLRB*, the Court held that an undocumented immigrant who is fired for labor organizing is not entitled to compensation for lost work. After the ruling, the government of Mexico requested an advisory opinion from the Inter-American Court on Human Rights, which ruled in 2003 that failure to provide equal labor remedies to undocumented workers is incompatible with international human rights laws. Today's hearing will highlight the continued failure of U.S. law to protect the labor rights of these most vulnerable workers.

A coalition of more than one hundred labor, civil rights and immigrant rights groups in the U.S., including the National Employment Law Project, the national AFL-CIO, the American Friends Service Committee, and the American University Washington College of Law International Human Rights Law Clinic, have brought to the Commission personal stories about mistreatment of undocumented workers by U.S. employers, and court rulings which limit their labor rights. As a result of *Hoffman*, some US courts have issued rulings denying compensation for lost work, and even unpaid wages, to undocumented workers. Stories presented to the Commission illustrate the threats and fear of retaliation that follow these workers to their jobs.

Senator Edward Kennedy, (D-MA), a champion for Congressional action on *Hoffman*, states, "The *Hoffman* decision is a poster child for immigration reform. It's hypocritical to condemn illegal immigration, then look the other way while some U.S. firms welcome undocumented workers with open arms, then exploit them with low pay and harsh working conditions. We must not let our broken immigration system subject hard-working immigrants to untold rights violations while on the job. Our immigration system cries out to be fixed and fixed fairly."

The Commission will also hear testimony from Lucas Benitez, a farmworker from the Coalition of Immokalee Workers, a migrant farmworker rights group based in southwest Florida. Benitez's personal testimony will focus on the pervasive sweatshop conditions that farmworkers face, as well as the recent rise in forced labor and human trafficking in the agricultural sector. According to the U.S. Department of Labor, the average farmworker, the vast majority of whom are immigrants, makes \$7,500 annually—far below the poverty line.

As undocumented workers' rights to legal redress are being threatened by U.S. Courts, this hearing represents an important opportunity for the voices of immigrant workers to be heard by the Inter-American Commission and the public at large. All too often, these voices are silenced by fear.

"This case demonstrates another way in which our immigration system is broken. We have allowed a failed immigration policy to become a de facto labor policy. America can do better to protect the human rights and labor rights of the most vulnerable," said Rebecca Smith, attorney with the National Employment Law Project, and co-author of briefs to the US Supreme Court and Inter-American Court on *Hoffman*:

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