



EMPLOYMENT RIGHTS ARE HUMAN RIGHTS

Stories of Undocumented Workers:
The Denial of Employment Rights
due to Immigration Status.

Employment Rights are Human Rights

Stories of Undocumented Workers:
The Denial of Employment Rights
due to Immigration Status

Compiled and Edited by:

Anais Sensiba and Shaun Yavrom

Student Attorneys
International Human Rights Law Clinic
American University
Washington College of Law

2nd Edition

Contents

| | |
|----|--------------------------------------------------------------------------------------------------------|
| 5 | General Interest Hearing Request Letter to Inter-American Commission on Human Rights |
| 12 | Introduction |
| 14 | Foreword |
| 17 | Part I: Unequal Treatment of Undocumented Workers by U.S. Courts |
| 27 | Part II: Stories of Undocumented Workers: Threats and Intimidation by Employers |
| 41 | Part III: Stories of Undocumented Workers: Fear, Exploitation, and the Struggle to Assert Basic Rights |
| 52 | Acknowledgements |

General Interest Hearing Request Letter

The following is the formal request that was submitted to the Inter-American Commission on Human Rights for a general interest hearing. The purpose of the hearing was to call the attention of the Commission to U.S. violations of the employment and labor rights of undocumented workers. The hearing was granted and took place on March 3, 2005.

December 17, 2004

Santiago Canton
Executive Secretary
Inter-American Commission on Human Rights
1889 F Street, N.W.
Washington, D.C. 20006

Dear Secretary Canton,

In accordance with Article 64 of the Rules of Procedure of the Inter-American Commission on Human Rights, we, on behalf of the undersigned, request a general interest hearing before the Commission. The Commission has undertaken to ensure that OAS member States fulfill their obligation to eradicate all forms of discrimination against undocumented workers. Recognizing this, the requested hearing is intended to focus the Commission's attention on the U.S. and how it violates this obligation by denying certain labor and employment rights to undocumented workers, while benefiting from their productivity.

Under the U.S. Supreme Court decision, *Hoffman Plastic Compounds Inc. v. National Labor Relations Board*,¹ undocumented workers, unlike legally authorized workers, are not entitled to back pay after being illegally fired for attempting to assert their rights under the National Labor Relations Act (NLRA). International human rights standards recognize that certain labor and employment rights attach to all workers once they have become employed. By denying these rights as embodied in the NLRA to undocumented workers, the U.S. violates the right to equality and the principle of non-discrimination as established by the Inter-American Court of Human Rights in its *Advisory Opinion on Juridical Condition and Rights of Undocumented Migrants* (OC-18).²

As you know, OC-18 determined that worker's rights, such as freedom of association, collective negotiation, fair wages for work performed, safe working conditions, and adequate compensation, are fundamental human rights.³ The Court further posited that a State is obligated to equally protect the rights of legally authorized and undocumented workers, without distinction.⁴ As a result, if undocumented workers are engaged in employment "...they immediately become possessors of the labor rights corresponding to workers and may not be discriminated against because of their irregular situation."⁵ This obligation is applicable to all States, regardless of whether a State is party to a specific international treaty, because the "fundamental principle of equality and non-discrimination has entered the domain of *jus cogens*".⁶ The Court directly

addressed the fact that undocumented workers are often exploited as cheap labor, denied the exercise of one or more labor rights, and denied the equal opportunity to complain about violations of their rights to competent authorities.⁷ Furthermore, the Court indicated that a State may not “protect its national production, in one or several sectors by encouraging or tolerating the employment of undocumented migrant workers in order to exploit them...”⁸

The U.S. is in direct violation of the standards articulated in OC-18, most notably through its decision in *Hoffman Plastic*. This case involved Mr. José Castro, an undocumented worker who was fired by Hoffman Plastics in retaliation for engaging in labor union activities fully protected by the NLRA. Mr. Castro took his claim to the National Labor Relations Board (NLRB), which found that Hoffman Plastic Compounds had violated his labor rights under the NLRA. The U.S. Court of Appeals affirmed the NLRB’s decision, but in 2002 the U.S. Supreme Court reversed and denied Mr. Castro the remedy of back pay because of his immigration status. The Court held that in the case of undocumented workers who are dismissed unlawfully for union-related activities protected by the NLRA, the prohibition against working without authorization precludes the recovery of back pay. This holding denies undocumented workers access to their lost wages when they are illegally fired for exercising their right to freedom of association (a right that is expressly granted by the NLRA and universally recognized by international treaties and custom). In essence, the Supreme Court created a legal precedent that treats undocumented workers and legally authorized workers unequally, directly violating the fundamental principle of non-discrimination. Based solely on immigration status, an entire segment of the U.S. workforce is effectively denied its inherent rights to freedom of association and expression.

The impact of *Hoffman Plastic* reaches far beyond its narrow holding on the right of freedom of association. *Hoffman Plastic* encourages employers to hire and exploit undocumented workers, because they are a cheaper source of labor and are not able to assert and demand their labor rights equally. Although the U.S. affirms that its domestic policy discourages illegal immigration, in practice, it continues to enable U.S. employers to exploit undocumented workers. Some courts have recognized that the decision affects only a back pay remedy under the NLRA. This application alone constitutes discrimination and violates *jus cogens*. However, other U.S. courts have applied *Hoffman Plastic* to a broad range of claims brought by undocumented workers. This expansive interpretation of *Hoffman Plastic* has resulted in increased and widespread discrimination against undocumented workers. For example, in the case of *Escobar v. Spartan Security Service*,⁹ a Texas District Court, applying *Hoffman*, denied the remedy of back pay to an undocumented worker who had proven a claim of sexual discrimination against his employer. Also, in the case of *Majlinger v. Cassino Contracting Corp.*,¹⁰ a New York State Court denied Mr. Majlinger a hearing on the merits of his claim for lost earnings resulting from a job injury. Relying on *Hoffman*, the Court granted summary judgment, concluding that an “alien” has no lawful right to be employed and, therefore, is barred from obtaining this particular legal remedy, one which would otherwise be available to legally authorized workers. Mr. Majlinger and Mr. Escobar are only two of the 6 million undocumented workers in the U.S. who are

vulnerable to discrimination. Perhaps the most immeasurable impact of *Hoffman Plastic* is that it has instilled fear in this entire community of workers. They are now more afraid than ever to speak up about workplace violations because, despite the limited holding of *Hoffman Plastic*, the message of unscrupulous employers is this: if you try to assert your rights, you will be deported.

No State should be allowed to knowingly and continuously benefit from the labor of millions of undocumented workers without being required to afford them basic human rights. By depriving human rights to workers based upon their migratory status and allowing immigration status to affect a person's level of equity before the law, the U.S. knowingly violates the customary international law principle of nondiscrimination. The U.S. is bound by *jus cogens*, by Articles 1(1) and 24 of the *American Convention on Human Rights*¹¹, and by Article II of the *American Declaration of the Rights and Duties of Man*¹². These instrumentalities impose the obligation to respect the rights of all people, to secure the right to equal protection, and to provide equality before the law. The U.S. does not satisfy these obligations because it applies laws differently to legally authorized and undocumented workers. The U.S. must be compelled to correct for its discriminatory application of labor and employment laws, which are used to exonerate employers who exploit and retaliate against undocumented workers.

The Inter-American Court issued OC-18 in direct response to a request made by the Mexican Government, who was concerned about the discriminatory impact of *Hoffman Plastic*. This request was the only option available to the Mexican Government, because the U.S. has not subjected itself to the jurisdiction of the Court. The Commission, therefore, is the only competent authority that can evaluate the actions of the U.S. under OC-18. The Commission has demonstrated its commitment to migrant workers by its appointment of the Special Rapporteur on Migrant Workers and Their Families. It has further articulated this commitment in its brief in support of OC-18 to the Inter-American Court. We submit that this same vital influence must now be brought to bear upon the U.S. by any and all means at your disposal. Our ultimate goal is that undocumented and legally authorized workers enjoy the equality and equity before the law to which all are entitled, absent illegal distinctions premised upon immigration status. Recommendations from the Commission to the U.S. government encouraging a legislative fix to *Hoffman Plastic* is vital to achieving this goal. Additionally, we would urge the Commission to develop a reporting mechanism which would require regular status updates from the U.S. government and which would include a built-in opportunity for response from the undersigned advocates.

The ILO has recently issued a decision (Case No. 2227) upholding the right of undocumented workers to freely associate and finding that the withholding of a remedy for violation is the equivalent to denying the right itself. However, the discriminatory holding and application of *Hoffman Plastic*, by some courts, extend far beyond the limited scope of this ILO ruling. Therefore, the Commission's attention to this matter is required because *Hoffman Plastic* has impacted far more than the right to freedom of association.

We would like 30 minutes for our presentation, which would consist of facts, cases, and personal stories of undocumented workers who struggle in the face of institutionalized discrimination by the U.S. We would like to thank you for your time and consideration of our request and extend our appreciation, in advance, for the potential opportunity to present before the Commission.

Sincerely,

Anais Sensiba
Student Attorney
International Human Rights Law Clinic
American University
Washington College of Law

Shaun Yavrom
Student Attorney
International Human Rights Law Clinic
American University
Washington College of Law

Respectfully submitted on behalf of the undersigned Labor, Civil Rights and Immigrants' Rights Organizations in the United States:

American Friends Service Committee (AFSC)
American Federation of Labor - Congress of Industrial Organizations (AFL-CIO)
American Federation of State, County and Municipal Employees (AFSCME)
Asian American Legal Defense Fund (AALDEF)
Brennan Center for Justice at New York University School of Law
California Rural Legal Assistance Foundation
CATA (Farmworkers Support Committee) (New Jersey)
Center on Policy Initiatives, The
Chicago Interfaith Committee on Worker Issues
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
El Centro, Inc. (Kansas)
Employment Law Center, The
Employment Unit at Greater Boston Legal Services (Massachusetts)
Farmworker Justice Fund, Inc. (FJF)
Florida Legal Services
Friends of Farmworkers, Inc. (Pennsylvania)
Immigration Project of the National Lawyers' Guild
Interfaith Committee for Worker Justice
International Labor Rights Fund
Korean Immigrant Workers' Association
Labor Council for Latin American Advancement (LCLAA)
National Asian Pacific American Legal Consortium (NAPALC)
National Day Labor Organizing Network
National Network for Immigrant and Refugee Rights (NNIRR)
North Carolina Justice and Community Development Center
National Council of La Raza, The (NCLR)
National Employment Law Project (NELP)
National Employment Lawyers Association (NELA)

National Immigration Law Center (NILC)
 National Lawyer's Guild Labor and Employment Committee
 Puerto Rican Legal Defense and Education Fund (PRLDEF)
 Robert F. Kennedy Memorial Center for Human Rights
 Service Employees' International Union (SEIU)
 Sweatshop Watch
 Teamsters Local 890, Salinas CA
 United Electrical, Radio, and Machine Workers of America (UE)
 United Farm Workers of America, AFL-CIO (UFW)
 Workers' Rights Law Center of New York, Inc.

Co-Authors of Amicus Brief filed in Support of Inter-American Court on Human Rights
 Advisory Opinion OC-18 (*denotes identification purposes only)

*Sarah Cleveland, Esq., University of Texas at Austin

*Beth Lyons, Villanova University School of Law

*Rebecca Smith, National Employment Law Project

Additional Signatories Received After December 17, 2004:

ACCESS (The Arab Community Center for Economic and Social Services)(MI)
 Amigos Center (FL)
 APALA – Seattle (WA)
 Asian Law Alliance (CA)
 Asian Pacific American Legal Center (CA)
 Asociacion Latina de Tennessee (TN)
 Bridge Refugee Services (TN)
 Catholic Charities of the Diocese of Santa Rosa (CA)
 Centro Latino of Caldwell County, Inc (ID)
 Centro San Juan Diego (CO)
 Chicago Workers' Collaborative (IL)
 Coloradans for Immigrant Rights (CO)
 Colorado Immigrants' Rights Coalition (CO)
 Companeros a Program of San Juan Citizens Alliance (CO)
 Denver Area Labor Federation (CO)
 Diocese of Pueblo, Offices of Multicultural and Detention/Prison Ministries (CO)
 El Pueblo, Inc. (NC)
 Fuerza Latina (CO)
 Grupo Mexico (WA)
 Haitian-American Support Group of Central Florida, Inc.
 Hispanic Interest Coalition of Alabama (AL)
 Idaho Community Action Network (ID)
 Immigrant and Refugee Services (NC)
 Immigrant Legal Resource Center (CA)
 Indiana Immigrant Rights Network
 Iowa Coalition Against Domestic Violence

Jewish Community Action (MN)
JUNTOS (PA)
Korean Immigrant Workers Advocates (CA)
La Causa, Inc. (MN)
La Raza Centro Legal (CA)
Labor Council for Latin American Advancement (MA Chapter)
Lahore Foundation, Inc. (MD)
Los Pobres Inc (CO)
Montana People's Action (MT)
National Immigrant Solidarity Network
Nebraska Appleseed Center for Law in the Public Interest (NE)
Network of Immigrant Advocates (NC)
Northwest Federation of Community Organizations (ID, MT, OR & WA)
Northwest Women's Law Center (WA)
Northwest Worker Justice Project (OR)
Oregon Action (OR)
Pueblo Migrant Coalition, Inc (CO)
Rights for All People - Derechos Para Todos (CO)
Salem/Keizer Coalition for Equality (OR)
SEIU Local 105 (CO)
South Carolina Hispanic Leadership Council (SC)
South Texas Immigration Council (TX)
Southwest Creations Collaborative (NM)
Texas Fair Trade Coalition (TX)
The Cross Border Network for Justice and Solidarity (MO)
The New York Immigration Coalition (NY)
Tompkins County Living Wage Coalition/Workers' Rights Center (NY)
Voces de la Frontera (WI)
Washington Citizen Action (WA)
Washington Defender Association's Immigration Project (WA)
Western NC Workers' Center (NC)
Women of Color Alliance (PA)

Sources:

- ¹ *Hoffman Plastic Compounds Inc. v. National Labor Relations Board*, 535 U.S. 137 (2002).
- ² Advisory Opinion OC –18/03, Legal Status and Rights of Undocumented Migrants, Inter-AmCtHR (17 September 2003) [hereinafter OC-18].
- ³ OC-18 paras. 157-158.
- ⁴ OC-18 para. 133 and opinion 6.
- ⁵ OC-18 para. 136.
- ⁶ OC-18 opinion 4.
- ⁷ OC-18 paras. 160 and 170.
- ⁸ OC-18 para. 170.
- ⁹ *Escobar v. Spartan Security Service*, 281 F.Supp.2d 895 (S.D. Tex. 2003).
- ¹⁰ *Majlinger v. Cassino Contracting Corp.*, 766 N.Y.S.2d 332 (N.Y.Supp. 2003).
- ¹¹ American Convention on Human Rights art. 1(1) and 24, O.A.S.Treaty Series No. 36, 1144 U.N.T.S. 123 entered into force July 18, 1978, *reprinted in* Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992).
- ¹² American Declaration of the Rights and Duties of Man art. II, O.A.S. Res. XXX, adopted by the Ninth International Conference of American States (1948), *reprinted in* Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 17 (1992).

Introduction

There are approximately six million undocumented workers in the United States. This collection of stories represents a small sampling of their experiences and is not intended to represent those of all undocumented workers in the U.S. The workers who came forward to share their stories of abuse, exploitation, and struggle did so courageously. It is our collective hope that their openness will shed light on the injustices faced by undocumented workers throughout the United States.

Many undocumented workers come to the U.S. anticipating that they will be able to find decent work at decent pay so that they can support their families and provide a brighter future for their children. These workers are a vital part of the U.S. economy and our society as a whole, yet they are not treated with equality and justice by their employers or before the law. Many are scared to report this poor treatment to the authorities out of fear that they will be fired or deported. Even if they do bring a claim against an employer to the U.S. court system, the law greatly prejudices their chances for success.

In the words of Professor Sarah Paoletti, undocumented workers are the individuals "who cook, clean, care for children and the elderly, build our homes and harvest our crops..." As "Alcides", an undocumented worker, stated: "...the parents of people of different nationalities [who came to the United States] were also immigrants and... [were] treated... simply as people. Now, they treat us like we are nothing, but we aren't. I want you all to remember that we are people who came here in search of a better life. We did not come to scare anyone—simply for work... We came only to work." Despite the contributions they make to our society, these workers are often marginalized politically, socially, economically, and legally. U.S. labor and employment laws, when taken together with immigration laws, are interpreted by U.S. courts so as to violate the rights of undocumented workers on account of their immigration status. This is a violation of U.S. obligations under international law.

In Part I of this book you will find stories of workers denied equal rights by U.S. courts. Part II highlights stories of undocumented worker whose employers have threatened them with deportation in order to prevent them from asserting their rights. Part III contains other stories that depict the range of difficulties faced by undocumented workers in the United States, especially as laws become more discriminatory based on immigration status.

The stories in Part III illustrate how undocumented workers experience different forms of abuse and exploitation while at work, including, poor working conditions, inadequate pay, uncompensated injury, and uncompensated overtime, among others.

We have compiled this book of stories with the assistance of undocumented workers and their allies from throughout the U.S. Many of these stories were collected in Spanish and other languages and were then translated into English by volunteers. This book is intended to support advocacy efforts to compel the U.S. government to come into compliance with international law and to seek policy solutions in the U.S. that will respect the rights of all workers, regardless of immigration status. In addition, it was submitted to the Inter-American Commission of Human Rights as evidentiary support for the general interest hearing on March 3, 2005.

Foreword

As illustrated in the stories that follow, the six million undocumented workers who cook, clean, harvest, care for children and elders and build towns and cities throughout the United States need the help of the Inter-American Commission to protect their right to equal treatment under the law. US national labor policies fail to protect immigrant workers from employers who take advantage of them, reward unscrupulous employers, and undermine the national commitment to justice and equality.

As explained in the written submission to the Commission requesting the general interest hearing (included in this book), nearly three years ago, the U.S. Supreme Court ruled in a case called *Hoffman Plastic Compounds Inc v. NLRB* that undocumented workers illegally fired for exercising their right to freedom of association have no real remedy under our labor law system - no right to return to work, no compensation for lost work, and no penalty against employers who fire them when they try to form unions.

The *Hoffman* decision provoked an onslaught of employers defending workplace abuses by arguing that undocumented employees have no labor rights whatsoever. The stories included in this book clearly illustrate the abuses and injuries undocumented workers endure without access to effective remedies to right the many wrongs. In one case, a California woman suffering from ovarian cancer was fired after she asked for time off for surgery. She sued for wrongful discharge, and the employer defended the claim by saying she was undocumented. Citing *Hoffman Plastic*, the court dismissed her case and left her without a job, income, or health insurance.

In another case, an employer in Michigan suddenly "discovered," after two workers were injured in two separate accidents at its foundry, that the workers were undocumented. A court agreed with the employer, that the victims couldn't get workers' compensation for lost income due to their injuries because of their immigration status.

After *Hoffman*, a New York court decided that an undocumented worker could not recover the \$10 an hour promised him for ten days' work at ten hours a day by a landscaping employer, but could only obtain the minimum wage for his labor -- \$5.15 an hour. In Kansas, an immigrant suffered a burst fracture of the spine in a car accident, and was denied compensation for lost wages because of immigration status. State legislation is pending in

Virginia and South Carolina that would deny workers' compensation benefits to injured undocumented workers. Even where courts and legislatures decide that immigrants should retain access to all compensation due them, clever company lawyers keep raising immigration status as an issue, abusive employers keep telling workers that if they complain, they will be turned in to immigration authorities, and immigrant workers continue to lose wages, experience discrimination and suffer on-the-job injuries.

The *Hoffman* decision engendered inquiry and debate in the international human rights community about the meaning of human rights in a labor law context. In September 2003, the Inter-American Court of Human Rights issued a decision holding that undocumented workers are entitled to the same labor rights as citizens and those working lawfully in a country. The Court said that despite their irregular status, "undocumented migrant workers, who are in a situation of vulnerability and discrimination with regard to national workers, possess the same labor rights as other workers of the State of employment, and the latter must take all necessary measures to ensure that such rights are recognized and guaranteed in practice." The UN's International Labor Organization also found that *Hoffman* violates workers' fundamental right to freedom of association by removing any meaningful remedy to an undocumented worker and called for Congressional action to bring U.S. law into conformity with international human rights law. That Congressional action has not been forthcoming, as employers continue to argue that undocumented workers forfeit all labor rights after *Hoffman*.

The Inter-American Commission plays a vital role in educating Congress and the American public, employers and employees alike, about human rights law and its role in protecting vulnerable immigrant workers. The immigrant voices heard in this book amount to only a whisper compared to the thousands of international migrant workers employed in this country and abused and threatened on a daily basis. They ask that the Commission exercise its oversight and educational role to help extend fundamental human rights protections to all those who work in the United States, regardless of when or how they came to this country.

Co-authored by:

Rebecca Smith, *Coordinator of the National Employment Law Project's Immigrant Worker program in Olympia, Washington.*

Sarah Paoletti, *Practitioner-in-Residence, International Human Rights Clinic of the American University Washington College of Law, and former farmworker legal services attorney.*

Part I



Unequal Treatment of Undocumented Workers by U.S. Courts

In this section, you will find descriptions of U.S. court cases where undocumented workers have been denied equal rights because of their immigration status. The most notable case involves José Castro and his employer, Hoffman Plastic Compounds, Inc. This 2002 U.S. Supreme Court decision had a severe impact on the rights of undocumented workers by undermining their labor and employment protections and subjecting them to increased exploitation. This decision was the catalyst that led to subsequent decisions against undocumented workers by other U.S. courts (as you will read in the case descriptions following José Castro's).

José Castro

Factory Worker

José Castro is an undocumented worker from Mexico who was illegally fired by Hoffman Plastic Compounds for union related activities. The following is his story:

José worked in a factory owned by Hoffman Plastic Compounds, Inc., a company that creates chemicals for businesses that produce pharmaceutical, construction and household products. While he was working for Hoffman Plastic Compounds, the AFL-CIO and other worker's unions began a union-organizing campaign at the factory. José supported these organizing efforts and helped to distribute authorization cards. When his involvement was discovered, Hoffman Plastic Compounds fired José as well as three other workers involved in the union-organizing campaign.

José sued Hoffman Plastic Compounds for violating his right to freedom of association. His case made it all the way up to the Supreme Court of the United States. Although the Supreme Court agreed that José's rights had been violated, it concluded that he was not entitled to back pay because he was an undocumented worker. *Hoffman Plastic Compounds Inc. v. National Labor Relations Board*, 535 U.S. 137 (2002).

Editors' Note: Back pay is the primary and most effective remedy afforded to workers who have been fired for unionizing efforts. It serves as compensation and as an incentive for workers to complain about unfair and illegal employment and labor practices. It also serves to deter employers from engaging in illegal labor practices. In essence, the denial of the remedy of back pay for violations of the right to freedom of association is equal to the denial of the right itself.]

Esmeralda Morejón

Factory Worker

Esmerelda is an undocumented worker who was employed by a hinge factory in California. She brought suit against her employer for medical condition discrimination, physical disability discrimination, and termination in violation of public policy. The court denied her equal access to the law because of her immigration status. The following is her story:

Esmerelda worked for Terry Hinge and Hardware in California. She developed ovarian cancer which required surgery. She requested time off from her employer under California's family leave law, and was subsequently fired. She sued for back pay under state law. The court said that since Esmerelda was undocumented and had used false documents to get her job, her culpability excluded her from protection of the law, even if her employer also had violated the immigration law when it hired her. *Morejon v. Terry Hinge and Hardware*, 2003 WL 22482036 (Cal.App, 2 Dist. 2003).

José de Jesus Uribe

Street Sweeper

José is an undocumented worker who worked as a street sweeper in California. In his personal injury case, the court denied him equal access to the law because of his immigration status. The following is his story:

José was seriously injured when a street sweeper he was driving, in the course of his employment, was struck by a drunk driver. In José's action against the driver, the driver claimed that José was not entitled to lost wages because of the *Hoffman* decision. The court agreed that José was not entitled to claim future lost wages because he was an undocumented worker. *De Uribe v. Aviles*, 2004 WL 2385135 (Sup. Ct. Ventura 2004).

Alejandro Vazquez and David Sanchez

Factory Workers

Alejandro and David are undocumented workers who worked in a factory in Michigan. In their worker's compensation case against their employer, the court denied them equal access to the law because of their immigration status. The following is their story:

Alejandro and David both worked for Eagle Alloy, Inc. as laborers. While working, David suffered a right hand injury when a machine closed on his hand, crushing and burning it between two heated metal plates. His injury required many surgeries and physical therapy. Alejandro lifted a heavy metal object at work and experienced sudden pain in his left shoulder. He was diagnosed with a left acromioclavicular joint separation. After these injuries, Eagle Alloy received a letter indicating that the two did not have social security numbers, and questioned them about this fact in their workers' compensation proceedings. Eagle Alloy fired David and Alejandro. Eagle Alloy claimed that it was not liable for worker's compensation because the two men were undocumented workers from Mexico. The court characterized David and Alejandro as criminals because they were forced to use false documents in order to work. They were, therefore, disallowed full recovery of benefits. *Sanchez v. Eagle Alloy*, 658 N.W.2d 510 (Ct. Apps. Mich. 2003).

Arsenio Sanango

Construction Worker

Arsenio is an undocumented construction worker in New York. In his personal injury case against his employer, the court denied Arsenio the full amount of recovery awarded to him by a jury. The court reached this finding based upon his immigration status. The following is his story:

Arsenio fell fifteen feet from a ladder while working on a construction project in New York. A jury awarded him over \$90,000 in lost wages due to his injuries. The court held that because he was an undocumented worker, he was not entitled to the full amount of lost wages, but only the amount of lost wages that he would have earned if he had been working in his home country. In other words, the court severely reduced a jury award solely on the basis of Arsenio's immigration status. *Sanango v. 200 East 16th Street Housing Corporation*, 2004 N.Y. App. Div. LEXIS 15637 (2004).

Gregorio Balbuena

Undocumented Worker (profession unknown)

Gregorio is an undocumented worker who worked for IDR Realty, LLC in New York. In his suit against his employer, the court denied him equal access to the law because of his immigration status. The following is the story of his case:

Gregorio could not recover lost wages under the New York Labor Law because of his status as an undocumented worker. "It is our view that plaintiff, as an admitted undocumented alien, is not entitled to recover lost earnings damages based on the wages he might have earned illegally in the United States. Rather than simply dismiss the lost earnings claim, however, we limit plaintiff's recovery for lost earnings to the wages he would have been able to earn in his home country, since an award based on a prevailing foreign wage would not offend any federal policy." In other words, Gregorio was not granted the full amount of damages that he would have received had he been a documented worker. *Balbuena v. IDR Realty, LLC*, 787 N.Y.S.2d 35; 2004 N.Y. App. Div. LEXIS 15627 (2004).

Stanislaw Majlinger

Construction Worker (Siding Installation)

Stanislaw is an undocumented worker from Poland who worked for Casino Contracting Corporation in New York. In his personal injury case, the court denied him equal access to the law because of his immigration status. The following is his story:

Stanislaw fell from scaffolding while installing siding at a property in New York. He sued the property owner where he was employed for violations of the New York Labor Law and for negligence. The Court held that after *Hoffman*, it could not sanction recovery of back pay for work not performed, by an immigrant not lawfully in the country, and dismissed Mr. Majlinger's claims for lost wages. *Majlinger v. Casino Contracting Corp.*, 766 N.Y.S.2d 332 (N.Y. Sup. 2003).

Israel Ulloa

Landscaper

Israel is an undocumented worker who worked for a landscaping company in New York. In his claim for unpaid wages, the court denied him equal access to the law. The following is his story:

Israel was promised \$100 by his employer, Al's All Tree Service Inc., for each day of work. After he worked for 10 days, Israel requested the \$1,000 that he was owed. He was never paid. Israel sued his employer for his unpaid wages. The court, citing *Hoffman*, concluded that because Israel was an undocumented worker, he was not entitled to the \$1000 that he had contracted to work for, but to what those hours would have amounted to at the minimum wage rate of \$5.15 per hour. Note: Had Israel been working at the minimum wage rate, he would have had to work 19.42 hours each day in order to earn the \$100 per day that he was promised. "The Court also notes in passing that, if there had been proof in this case that the Plaintiff had obtained his employment by tendering false documents (activity that is explicitly unlawful under IRCA), *Hoffman* would require that the wage claim be disallowed in its entirety." *Ulloa v. Al's All Tree Service, Inc.* 2003 WL 22762710 (N.Y. Dist. Ct. 2003).

Felipe Ignacio

Construction Worker

Felipe was an undocumented worker who was killed while working for a construction company in Florida. The court denied Felipe's family full compensation for his death because of his immigration status. The following is his story:

Felipe was killed on a construction site in Florida in 2000, when a forklift that he was riding on tipped over. He left three children and his mother as dependents. In a products liability case brought on his family's behalf, a Florida court held that since Mr. Ignacio was undocumented at the time of his death, his family is not entitled to compensation for the wages that he would have earned. *Veliz v. Rental Service Corporation USA, Inc.*, 2003 U.S. Dist. LEXIS 24924 (M.D. Fl. 2003).

Benito Hernandez-Cortez

Undocumented Worker (victim in vehicular collision)

Benito, originally from Mexico, is an undocumented worker in Kansas. In his personal injury suit, the court denied him equal access to the law because of his immigration status. The following is his story:

Benito was a passenger in a car involved in an accident, when the driver of the car rear-ended a semi tractor-trailer, and then, in turn, was hit from behind. Benito suffered a burst fracture of his spine and was required to undergo spinal surgery. He sustained other fractures and was required to have further treatment. The court held that the fact that Benito was undocumented meant he could make no claim for future lost earnings, even though he was working at the time of the accident. *Hernandez-Cortez v. Hernández*, 2003 WL 22519678 (D.Kansas 2003).

José Renteria

Factory Worker (frozen foods)

José is an undocumented worker in Illinois. In his overtime claim, the court denied José and some of his coworkers equal access to the law because of their immigration status. The following is their story:

José and eight other workers sued their employer, Italia Foods, Inc., a manufacturer of frozen food products, for failure to pay them overtime under the Fair Labor Standards Act. Some of the workers also claimed that their employer had retaliated against them for making their claims. The employer claimed that certain workers were not entitled to recovery because they were undocumented while they worked for the company. The court agreed and concluded that these workers were not entitled to the remedies of back pay or front pay after *Hoffman*. *Renteria v. Italia Foods*, 2003 WL 21995190 (N.D. Ill. 2003).

Jayesh Rathod

Staff Attorney, CASA of Maryland

Jayesh is an advocate who provided the following recount of his experiences working with undocumented workers. These are his words:

"I currently work as a Staff Attorney at CASA of Maryland, a non-profit organization that serves the needs of immigrants in the D.C. metropolitan area. CASA's Employment Rights Project represents day laborers, domestic workers, and other vulnerable workers for nonpayment of wages; minimum wage and overtime violations; unlawful wage deductions; discriminatory employment practices; retaliatory discharges; and involuntary servitude.

In my work at CASA, I have interacted with countless employers who seek to take advantage of immigrant workers, including undocumented workers. Several employers have plainly refused to pay their employees' earned wages, thinking that the workers have no remedy under the law because they are undocumented. Many other employers have demanded that I provide them with my clients' social security numbers as a condition of payment - this, despite the fact that the same employers knowingly hired the workers and failed to request any of this documentation at the time of hiring. I have spoken with countless undocumented workers who have been threatened by their employers with deportation when they have attempted to recover their unpaid wages. The following are some matters I recently have handled:

- Pedro [not his real name] is an undocumented worker in Washington, D.C. Pedro worked as an assistant at a restaurant for nearly two years, and routinely worked more than 40 hours each week. Pedro's employer had promised him that he would help him obtain a work authorization. When Pedro ultimately realized that his employer was making false promises, and was not paying him overtime, he informed his employer that he would be resigning. The employer threatened Pedro with retaliation and put a stop payment on his final paycheck

- Mariano [not his real name] is a carpenter living in Maryland. For several weeks, Mariano assisted with the constructions of new homes in the suburbs of Maryland. His employer, a local construction subcontractor, paid Mariano only a fraction of the wages he earned. Mariano continued working with the same employer on a different project, with the hopes that he eventually would be paid the wages he was owed. When Mariano learned that the employer had no intention of paying the wages, and instead intended to run him off the job, Mariano advised his employer that he would be contacting an attorney at CASA of Maryland. The employer threatened Mariano with deportation.

- Pedro worked for several weeks for an unlicensed subcontractor in Maryland, performing residential renovation work. Soon after Pedro began working, his employer stopped paying the wages he had promised. One evening, as Pedro was getting out of the employer's van, Pedro confronted his employer about the unpaid wages. The employer became furious and slammed the van door shut on Pedro's arm, resulting in injury to Pedro. The same employer has preyed on immigrant workers, especially the undocumented, and owes thousands of dollars in unpaid wages.

Another major area of concern regarding immigrant workers is the growing incidence of workplace injuries. While the work of immigrants is essential to the well being of our local economy, immigrant workers do not receive adequate safety training and equipment, nor do they receive sufficient protections from governmental entities. CASA receives weekly inquiries from workers who have suffered a serious accident on the job. These accidents range from spinal injuries caused by falling off ladders, to muscle strains and torn ligaments from lifting heavy objects. In some cases, local employers have literally gotten away with murder, thereby sending a disturbing message to employees, other employers, and the general

public - that immigrant workers are part of a disposable workforce. Many immigrant workers, especially the undocumented, lack the health insurance needed to properly address these injuries. Furthermore, many day laborers do not qualify under state workers' compensation schemes, as they are considered "casual labor" and therefore exempt from workers' comp protections."

Part II



Stories of Undocumented Workers: Threats and Intimidation by Employers

This section highlights stories of undocumented workers who have been threatened by their employers in an effort to prevent them from asserting their rights. Employers often seek to maintain control of undocumented workers by threatening to report them to the police or to "immigration". When faced with these threats, undocumented workers must choose whether they will continue to tolerate violations of their rights, or whether they will attempt to assert their rights and risk losing their jobs and being deported. In this way, employers violate workers' human rights and employment rights, as well as violating U.S. law, without being held responsible for their actions.

José

Construction Worker

José is an undocumented construction worker. This is his story as told by an advocate:

In March 2004, José began working for a construction subcontractor on the East Coast. The subcontractor has approximately 40 employees, the majority of whom are recent Latino immigrants. José was employed to perform construction work at the construction site for a new public school. Beginning in late July 2004, a union organizer began speaking with José and his co-workers about their rights in the workplace. A few weeks after José had contact with the union organizer, a company foreman asked to speak with José. This conversation occurred on a Friday. The foreman told José to report to a different job site the following Monday. The foreman informed José that he would be returning to work on the public school the next day, Tuesday. On Monday, José appeared at the second job site. During the workday on Monday, a superintendent for the company appeared at that site to speak with José. He informed José that he was being transferred to a different job site because the union representative had been coming to the school construction site to speak with José. The superintendent informed José that the company would have "problems" if José remained at the school construction site and continued speaking with the union organizer. Finally, the superintendent informed José that he would not be returning to the school construction site.

Aside from the retaliation that he faced for speaking with a union organizer, José discovered major irregularities in the payment of his wages. José's first project with the company was at the public school construction site. He started out receiving \$9.00/hour, and gradually worked his way up to \$14.05 and then \$14.06 per hour. When José asked his employer about the varying wages - at the very same work site, for the same work - he did not receive a response. José later learned that the public school construction was a government-funded prevailing wage job, and therefore subject to the Davis-Bacon Act. José was performing construction work, and therefore, the employer was required to pay him \$31.20 per hour. José is owed over \$13,000.00 in unpaid wages for work that he performed at that school. José has since learned that at least three of his co-workers - all Latino immigrants, some undocumented - were similarly shortchanged of their wages. José eventually left the employment of this company, but still has not received the wages owed to him.

"Gustavo"

Pastry Decorator

Gustavo, originally from Mexico, is a 31 year old undocumented pastry decorator who lives with his family of four in Chicago. These are his words:

"I am Mexican, but I came here in 1993 to work and make it because where I'm from, the community is poor. There isn't a lot of work or economic resources. So, I came to this country to make it and raise my family. I came by way of a person-a 'cayote'. I paid him 2,000 pesos, which is \$300...Now, I work in a bakery. I am a cream pie decorator. I'm approaching seven years of work there. They pay me well-\$345 every two weeks, but I work more than 50, sometimes 60 hours each week. In my workplace, they are committing many errors. First, they make us work more than eight hours a day, and they do not pay us overtime...

... Now, they took away my work on Saturdays and Sundays because they do not want the Department of Labor to realize that they are not paying overtime. They want to hide all of this, but it's not going to work because it's going to come to light. I hope that everyone realizes that we are all humans; we all should have the same rights. We [Latinos] do not come to this country so that they can discriminate against us, or oppress us, or not pay us our salaries like they ought to...

... This situation in my work has affected my family in many ways. If we pay for one thing, we cannot pay for others. We went for almost seven months without gas because we did not have the means to pay for it. We heated water to bathe in and cooked on a camping stove, and slept without heat in the house. In January and February, it was very cold in the house...

... I'm not afraid even though my supervisor, Bill, told me that he was going to take me to Immigration ... Thank God, they have not snatched me up and deported me. I know that if they [the company] call Immigration, they are going to have problems because their workers are not legal and that's a violation of the law. They are also guilty. Why didn't they think about their workers' immigration status when they gave them work? They asked for no papers, no documents. When it's convenient for them to have us working they did not say anything, but now when people are complaining, they speak up... the majority of the people are afraid [and] prefer to earn less money to be sure that they are not fired...

... I came to the Worker Center [Chicago Interfaith worker center, one of the signatories to the request letter] so that they would help me, and help everyone else, so that the company would stop these injustices, not so much for the money I might be able to win, but so that we are treated better in our workplace."

"George"

Bank Courier

George, originally from Mexico, is a 32 year old undocumented bank courier who lives with his father, mother and brother in Chicago. These are his words:

"... I arrived in the United States 11 years ago. I wanted to improve my economic status and help my family have a higher quality of life... I worked for a company... for eight years. We transported checks and money in our cars... The owner of the business was an abusive person. He made us work up to 17 hours every day without paying overtime. We had no benefits-no medical insurance, vacation, or sick days. Absolutely nothing. The company owner committed many abuses against us, and I got tired of all the abuse. I started looking for help and I came here to the Workers' Center. I started to learn about what I could do against this person and started to learn about my rights as a worker. I started to take legal action against this man [the company owner]. I started to try to organize a group of workers from [my company], but no one wanted to support me. Everyone was afraid of retaliations and even more so of suddenly losing their jobs and going hungry again, without basic necessities..."

... Two of the principle characteristics of people that work at the company are that they do not have documents... But, the owner of the company accepts false documents, and you become a member of his business. That's why there's abuse, because the owner of the company knows that the majority of his workers are undocumented. That's why he tramples your rights, he tramples all of your personhood..."

... When I took legal action against the company, the owner retaliated against me. He fired me without any justification... They make you afraid, and that's exactly what the company wants... Because I already had a lawsuit against the company for overtime, I filed another lawsuit for the retaliations..."

... It affected me a lot, all of this, even today. It's very hard; it totally destabilizes you. My economic situation got worse. I had to pay for a car, insurance, and I'm the one who takes care of my family. The truth is that it affected me a lot."

"Alcides"

Day Laborer

Alcides, originally from Mexico, is an undocumented construction worker who lives in Chicago. These are his words:

"... I came from Mexico in 1984 to work. Recently, I worked for a construction company... I made cabinets and tile floors in public housing developments in Chicago. They never paid me all of my salary. My first two months of work, they gave me all of my

due pay, \$1,000 each month, but after that, they only gave me part. Immediately, I asked my supervisor that he please help me, that he pay me. In all, he owes me \$11,750 for July, 2003 to August, 2004. After many months of working without receiv[ing] my due pay, I told the supervisor, that I was going to stop working and I left the job. There are other people that have the same problem. In total, they owe us 10 workers over \$20,000...

... I made the petition to the man [the supervisor] that he pay me... That's when the supervisor said to me, 'I'm not going to immigration anymore; I'm going to the police,' to intimidate me. But, I know perfectly well that I'm illegally in this country. I know perfectly well that I'm violating the immigration laws and in whatever moment they could come to deport me. And that's why I said, if I was detained by Immigration and deported, how could I recover what they owe me if I was already in Mexico. . . .

... You can't image how this all affects me. I am red in the face - you can't imagine that even today, it gives me pain to present myself to you as I am-it gives me pain to present myself to you like this. Why? Because my clothes smell horrible. It's true...

... The people that came here from Latin America, there are many of them, suffer a lot. There are a lot of us that are pained to go to one of those agencies that helps us, but they give us something to eat, they give us clothes, and a bed to sleep on. I'm thankful to the churches that give us one meal to eat every day. It's not enough to eat, but we can survive. I would like for you all to realize that it's not just my problem-that there are many of us [Latinos] that are walking the streets like me - street people. I want you all to be aware that the parents of people of different nationalities were also immigrants, and they treated them simply as people. Now, they treat us like we are nothing, but we aren't. I want you all to remember that we are people who came here in search of a better life. We did not come to scare anyone - simply for work, whatever kind it may be. We came only to work."

"Javier"

Labor Organizer/Advocate

Javier is an organizer with a trade union. This is his story:

Javier's union had decided to target a local construction subcontractor for its organizing activity. That subcontractor had a workforce comprised primarily of Latinos, many of whom were undocumented immigrants. Javier, with the help of some colleagues decided to "salt" the target employer - that is, to encourage persons sympathetic to the union to begin working with the company, and to begin organizing the company from within. Javier himself began working with the company, along with other workers who were sympathetic to the union. After several days on the Job, Javier and some of his co-workers began to wear union t-shirts. Eventually, Javier was terminated from his job because of his affiliation with the union.

The day after Javier was fired, the company owner began asking all of his employees for proof that they were authorized to work in the United States. The owner had never required his employees to provide proof of their work authorization. On the contrary, the owner had permitted his employees to work without asking for any kind of documentation. It was clear that the company did not have a consistent policy of verifying eligibility for work, and that the owner knew that many of its workers were undocumented. There is no indication that the owner would have requested the workers' documentation in the absence of the union activity. It was apparent that the owner's motivation in requesting the documentation was his anti-union animus, and his desire to intimidate the immigrant workers.

"Hernando"

Warehouse Worker

Hernando, originally from Mexico, is a 27 year old undocumented warehouse worker who lives with his wife and daughter in Chicago. These are his words:

"I came to the United States 11 years ago from Mexico... I've worked in different industries - in construction, in bread bakeries, and most recently, in a company that makes sodas. There, I worked in the warehouse; I made orders and sent them to trailers and stores-very heavy work...

... My situation, not just my situation, but the situation of all my co-workers who are working in the company is one of discrimination. It's a good place to work, but the people who are managing are discriminating against the Hispanics. There's a lot of racism against us...

... I missed just one week after working 2 years full-time because I injured my back. I have a herniated disc. There are six people who have the same problem and the company hasn't done anything about it. They always say that it's our fault...

They always violate the [light duty] restrictions of the ... workers. When it's very cold outside, the supervisor told us, "Go outside and clean the parking lot." He knew that we had bad backs, but he didn't care. We never refused to go, we only asked for jackets to work outside, but he never gave them to us... and that's something that really hurts us, because we are humans too, not animals...

...Recently, they fired me but, the company didn't have a reason to. Everyone [the Hispanic workers] is afraid because they all have families that they have to support. . . . They all are afraid. Many of us [Hispanic workers] are ignorant-without schooling or education and the company's boss takes advantage of this ignorance. He makes workers afraid... those of us who aren't from here, that are immigrants, don't know anything; we don't know the laws. And we're afraid because we don't have papers. We think that we cannot claim our rights because we don't have papers...

... With the help of Congressman Luis Gutierrez and Workers' Centers like this one, we're going to put a stop to the discrimination that's happening here. And we'll press on until the end."

"Juan"

Dairy Worker

Juan, originally from Mexico, is a 37 year old undocumented dairy worker who lives with his family of six children in California. These are his words:

"When I was employed in my last job I was working at a dairy and I was paid by the hour as a milker. I always had to hurry because my boss would pressure me if I finished 10 minutes after they wanted me to. That's how things were going one day when I led the cows to the corral. One of my co-workers was walking behind another cow when it ran right to where I was. I was ahead of my friend when he shouted that I should look out for the cow. I didn't have time [to get out of the way] and I could only grab the fence, and that's when I felt the impact. And that's how I had to stop working.

I told the foreman what happened and I went to the doctor. Both the foreman and the doctor said, 'there isn't anything wrong with you, take these pills for the pain...and don't come back unless you are falling apart.' I kept working, but I could barely walk because my hip and my hernia hurt so badly. The foremen told me that I was working really slowly and that I had better hurry up and that from now on I would have to show up earlier. After 30 days I changed doctors and the [new] doctor took some x-rays and told me that I have dislocated 3 discs. The doctor [declared me] disabled, so I couldn't work anymore.

About 3 or 4 months went by and they gave me a paper to sign and telling me that I had a month to leave [my job]. They threatened to turn me over to the police if I didn't leave. Now I couldn't work and I didn't have any money for rent. I have six kids, the oldest of which is 10 and the youngest is 3. So they wouldn't have any problems, I left the house [provided by the dairy] and I went to live in the garage without electricity for 8 days when the temperature got down to 40-50 degrees. [My family] lived there until I had enough money to rent a house. This happened in January of 2004."

"Lilia"

Agricultural Worker

Lilia, originally from Mexico, is a 65 year old undocumented agricultural worker who lives in California. These are her words:

"I was working in cucumbers and chilies. In this company there were foremen who treated us like animals, especially when they knew that we didn't have papers. I remember them yelling at us, 'Move it you good-for-nothing wetbacks!' And well, it made us feel really bad, but we did it because there wasn't anywhere else where we could get work without papers. We just put up with it. I also remember them threatening us with immigration or they scared us by saying...here comes immigration. When we were working with the cucumbers I remember that the machine was running really close to us, and there were times that we would get hit on the back to hurry us up even though we had been walking for hours."

"Silvia"

Kitchen Worker

Silvia, originally from Mexico, is a 26 year old undocumented kitchen worker who lives in Colorado. This is her story:

On a Wednesday at 2:10 PM, Silvia and two other Latino employees on duty in the kitchen at that time were called into their manager's office by the bilingual coordinator of the workplace. The employees' manager was present. The group was told by the bilingual coordinator that their names and Social Security Numbers were found not to match and that they had 48 hours (until that Friday) to verify their numbers and present corrected documents to the employer. If they failed to do so, they would be fired. The bilingual coordinator said that submitting a letter of resignation would be their best course of action. She said they should cite "personal reasons" for their resignation.

They were told they had until 4:45 PM of the next day (Thursday) to bring in their resignation letters. If they did not write letters of resignation, the bilingual coordinator said that they would not get good references when looking for new jobs and threatened that there would be problems if they didn't submit resignation letters. Additionally, she said they would not receive their retirement savings that had been taken out of their pay checks (a substantial amount of money since they had worked there for several years). At the initial meeting, the bilingual coordinator said she would be willing to help them write their letters, but when they called her later, she refused to help saying they needed to be written in their handwriting. The three employees discussed the matter and decided that it was not in their best interest to sign letters of resignation. Since that time Silvia has been looking for work, but has been unable to find anything full time.

"Pablo"

Livestock Operations Worker

Pablo, originally from Mexico, is an undocumented worker who worked in North Carolina for a livestock company. The following is his story, as told through an advocate:

Pablo was an H-2A worker who was asked by his employer to remain after the end of the contract and work on the employer's livestock operation. Despite the illegality of the employer's proposition, Pablo agreed and his employer's foreman provided him with a false social security card. Pablo continued to work for the employer for several years. He and others were paid less than the prevailing wage for their work in the livestock operation. When Pablo made a complaint to the U.S. Department of Labor about his pay and working conditions, he was terminated and blacklisted. When he brought a legal action, the employer denied that he knew Pablo and threatened to have him arrested and deported.

"Ronaldo"

Painter

Ronaldo, originally from Mexico, is a 42 year old undocumented painter who lives in Oregon. These are his words:

"I started working...in September of 2004 and worked until November 2004... I stopped working because of lack of transportation. He owed me for 55 hours that I worked and he doesn't want to pay me. When I talk to him, he refuses to pay me. Five months have passed. When I call, he threatens me with the police or immigration."

"Benicio"

Dairy Worker

Benicio, originally from Mexico, is a 45 year old undocumented dairy worker who lives in California. These are his words:

"I have been a dairy worker for more than five years... I have suffered harassment by the bosses...

...Many workers are given housing by the boss, but we have to live right near the cattle so that we are there ready to do whatever they tell us to do... ready to go to work when and where the boss tells us.

...I hurt myself on the job when a cow rammed me in the back and my boss forced me to go to work even when I was feeling badly. The dairies are really huge...and they are located in rural areas where there is less danger of immigration authorities coming by although the boss [still] threatens us with deportation a lot if we don't do what he says."

"Tania"

Domestic Worker

Tania, originally from Mexico, is a 54 year old undocumented domestic worker who lives in Colorado. These are her words:

"The employer came to the [local workers' center] to find workers. He took four of us women to work. He paid me the first month, never paid the second worker ..., [he] didn't pay the third woman ..., [but] he did pay the last worker... The first day the employer drove us to a mansion outside of the city. He took us in a van with all the cleaning supplies. Two of the workers were dropped off at the mansion and picked up at the end of the day. That first day the owner of the mansion gave us each [the two workers] a \$20 tip. Maybe she tipped us because she didn't think we would get paid by the employer... They [her employer] would pick us up at the Center and drop us off at the houses to clean... One day the employer was driving me to a house to clean and he "jokingly" said to me while laughing, "Tania, I will take you to *la migra*.' ...

... My [economic] needs are many because I have a sick son in the hospital... [On one occasion] I was paid by check at the end of the week [this check cleared]. The next two weeks I was given checks at the end of each week... I went to the bank to cash them and the bank told me there were no funds in the account to pay me. The boss said that the next Thursday I could cash the checks [that funds would be put into the account to cover the checks]. But when I went to the bank to cash them after he told me to, the bank said again there were no funds ... After this I went back to work because I need to work to take care of my sick son...

...The employer owes ... in total \$975.00. It is known that this employer owes three other employees unpaid wages, \$112, \$1,100.50, \$390 respectively. I am interested in getting this money that is owed me, but even more than that I was terribly humiliated.... I am poor, but I am proud."

"Valentín"

Agricultural Worker

Valentín, originally from Mexico, is a 28 year old undocumented agricultural worker who lives in California. These are his words:

"I am a person of indigenous origin. Zapotec is my dialect or language. I came from [Mexico] as an undocumented immigrant worker to work in the agricultural fields of California. My experience is that I feel that we are always treated differently... in order to demand more work from us.

Last year I was working pruning trees and vines for an agricultural contractor... He [the employer] used to get us to work with a 'raitero' [transport provider] who would charge us 5 to 7 dollars per trip. We had to go with this 'raitero' that he [the employer] took us to. Most of us, most of the time are not told where we are going to work, how far it might be or what we are going to harvest, nor how much we're going to be paid. The transport is unsafe, we are all squeezed together in the van, sitting or lying on the floor of the van.

At the end of the year I got a check for my work of \$439 dollars that bounced and wasn't any good. After going several times to him to demand that I be paid, he refused to come out when I went to look for him. In October 2003 I went to the offices of the Labor Commissioner in Stockton, California and I have an appointment there... [but] on February 24th at 8:30 AM. I am afraid to go because the 'raiteros' have told me that this contractor is going to turn me in to the migration authorities."

"Lorenzo"

Agricultural Worker

Lorenzo, originally from Mexico, is a 40 year old undocumented agricultural worker who lives in California. These are his words:

"In December of 2003, I fell off the stairs/ladder where one climbs to go up trees and I broke my foot. They never brought me to the doctor and there they left me under the tree... With much pain, I waited there until they got out of work and I told them that I was in a lot of pain. Then the 'raitero' [transport provider] left me in the house and there I stayed in the apartment where I live with other migrants. All night, I felt very bad and another companion/migrant took me to the hospital where they operated immediately on the foot and I was left hospitalized for a number of days.

...[They told me] that they would give me my money for my work and that they would come to talk to me about the hospital bill that I incurred but they never came to see me. ...[I went to see a lawyer] and he took my case...but it has been difficult because the contractor or those that work with him respond by saying that I never had worked for them and that I am lying.

They have asked their people to tell me that they will get the migration authorities after me or that I will have to pay back for what I am doing. I have many hospital bills that have come and keep coming.

I have a family in Mexico and here I have worked for a number of years as an undocumented worker and I have never had one problem like this other than that the work is hard. We live in a place with a lot of crime, where they rob and kill a lot of migrants. We depend on the transport providers that have their links with the agricultural contractors that don't show face and leave it to their overseers to clean up their guilt and not pay us or respond in cases like mine. Thank you."

"Mónica"

Agricultural Worker

Mónica, originally from Mexico, is a 32 year old undocumented agricultural worker who lives in California. These are her words:

"...I have worked for about eight years as a salaried agricultural worker. We have had very difficult experiences because we don't have immigration documents. The bosses and ranch owners oblige us to show them our immigration documents and if we don't have them, their foremen tell us where we can buy one and how much they cost; they aren't valid but we have to buy them to be able to work.

We went to work for a woman who is an agricultural labor contractor and all of us were or are undocumented. ...We completed our work and were waiting for her to pay us, but the check wasn't coming so we went to look for her and she told us that she had sent the money with the 'raitero' [transportation provider] and it wasn't her fault if he didn't pay us. We went to look for the guy who gave us a ride and found out that he had left for Mexico.

Afterwards we all got together and went to [the woman's] house to collect our money because she doesn't have an office. When we arrived, she had the police throw us out of town to scare us and she refused to pay us saying, among other things, that we didn't have papers or good social security numbers after she had told us that that wasn't important and she had given us jobs picking peaches. She owes us somewhere around \$1,000 or more per person, but we don't have proof of this... We are all undocumented men and women."

Carlos Castera

Union Representative

Carlos is a union representative who provided the following recount of his experiences working with undocumented workers. These are his words:

"I currently work as a Representative for the Iron Workers' District Council for the Mid-Atlantic States. In this position, one of my primary tasks is to oversee organizing efforts throughout the D.C. metropolitan area. The iron working industry, like many of the construction trades, is increasingly populated by Latino immigrant workers, some of whom are undocumented. These workers face a range of challenges in the workplace, from abusive employers, to wage theft, to serious risks of occupational injuries. Additionally, I have seen employers deploy a range of tactics to chill organizing efforts among Latino immigrant workers.

Many Latino immigrants, including some ironworkers, face harassment and mistreatment on the job. In speaking to Latino workers, I've often heard complaints about verbal abuse by foremen and superintendents; the workers also face ridicule because of their limited

English skills. Many employers impose heavy demands on these workers, demanding that they work at a quick pace, with few breaks, and in some instances, without access to drinking water.

Payment of proper wages and benefits is another area of concern for immigrant ironworkers. Ironworking is a skilled trade that requires significant training; therefore, workers should be paid a respectable wage. Experienced union ironworkers receive upwards of \$20.00 per hour for their work. Yet, many subcontractors prey on recent immigrants, paying them as little as \$8.00 or \$9.00 an hour for a trade that requires considerable skill and exposure to sometimes dangerous working conditions. Unfortunately, it is common for more unscrupulous subcontractors to pay lower than the required wage for government-funded ("prevailing wage") jobs, and for the subcontractors to pocket the difference. Similarly, many employers misclassify skilled ironworkers as "laborers," thereby shortchanging them of their rightful wages.

Ironworking can be a dangerous profession; luckily, with the proper training and safety equipment, many of these dangers can be mitigated. Yet, many of the same employers that underpay undocumented and immigrant workers also fail to provide the proper safety training and equipment. I have spoken first-hand with ironworkers who have sustained very serious injuries on the job, with the employers scarcely responding. In one case, an employer questioned the severity of a worker's injury and refused to transport him to the hospital. All too often, immigrant workers are told to "keep on working" despite their injuries. For workers who are undocumented (or who the employers perceived to be undocumented), safety equipment, safety training, medical attention, and health insurance are rarely provided. Unfortunately, many employers look at these workers as an expendable resource.

As part of my work, I have also seen employers target immigrants who engage in organizing efforts. Workers sometimes face direct or indirect threats about their immigration status. Oftentimes, employers will try to secure their workers' loyalty by making promises about "sponsoring" them for work visas or permanent residency; in too many cases, the employers mislead the workers and have no intention of filing papers with the immigration services. Employers will also spread misinformation about unions, particularly regarding union dues and the availability of work upon joining a union. This misinformation may sway immigrant workers, many of whom are concerned about a steady stream of income for themselves and family members in their home countries.

Union ironworkers have worked hard to set a standard for high quality training, respect on the job, and a wage that is commensurate with the dignity of the profession. It is important to ensure that all iron workers, including immigrant workers, receive this same level treatment."

Part III



Stories of Undocumented Workers: Fear, Exploitation, and the Struggle to Assert Basic Rights

This section includes a variety of stories that depict the difficulties of being an undocumented worker in the United States, especially as its laws continue to become more discriminatory based on immigration status. These stories illustrate some of the abuse and exploitation experienced by undocumented workers at the hands of their employers. Because of their unique situation, undocumented workers are forced to tolerate extremely poor housing, living, and working conditions. Many are afraid to speak out about these wrongs because they are scared that they will be fired or deported if they do.

"Lena"

Chocolate Factory Worker

Lena, originally from Indonesia, is an undocumented chocolate factory worker in Pennsylvania. These are her words:

"...At the chocolate factory, I was pregnant while working and I had to work the third shift, which was nighttime. And the supervisor told me that I had to lift the chocolate from the floor to the conveyor belt so that it can keep moving. It was so heavy and you have to put so many of the rows of chocolate on the belt at a fast pace at one time and it would often fall onto the floor. So, I asked a friend to switch jobs with me, but the supervisor say no. They don't understand, I was pregnant. Then the supervisor spoke with the agency that they don't want to use me anymore. She fired me. They didn't say why. I was just fired. I could not complain to anyone. If they don't want to use you, you can't complain because we have no documentation..."

"...Once I worked in Long Island, New York, I worked at a Laundromat and they gave us dormitory rooms for sleeping and the rooms were horrible.... Floors were dusty, the windows cannot close (in the winter time too!). If I want to go to the restroom, I have to go downstairs very far. They don't have bathroom for employee[s], we only could use the customer restrooms where there were no showers or bathtubs. This was in Farmingdale in Long Island. They didn't give us lunch breaks and when I wanted to eat, the boss would say... "What's more important, business or eat... you do your job first and you eat later." Sometimes I don't eat all afternoon. We spend the whole day not eating. Even when boss is not there, they had cameras so he could watch us working. (In Long Island, they paid us less than minimum wage because they only pay monthly. And we had to work 12 hours a day, 6 days a week)."

"Jamal"

Restaurant Worker

Jamal, originally from India, is a 32 year old undocumented restaurant worker who lives in Maryland. He has worked in different types of restaurants, including a pizza place and sub shop. These are his words:

"...[My] employer did not pay [me]... because of undocumented status. I did not take any action because I was scared, I did not know about the law in America and I was new to the country."

"Carlos"

Construction Worker

Carlos, originally from Mexico, is a 28 year old undocumented construction worker who lives in Colorado. These are his words:

"I worked in construction [doing] stucco... I started working on the 3rd of November and stopped working on the 21st of December...in the end, I only received \$800 in pay for the time that I was working, but I calculated that it should be a minimum of \$1,350 that I haven't received to date. Every time I went to ask for the money he [the boss] told me lies - that he doesn't have the money, that he hasn't been paid, that he was paid in materials (raw materials and tools) and many times he wouldn't answer the phone when I called him..."

... I was treated unjustly because he [the boss] hasn't been responsible in terms of my pay for the work that I did. There were some weeks that he didn't bother to pick me up at a set time or set days and he never told me the reason for doing this... he just didn't pay me the balance that he owed me, perhaps because he knew that there wasn't a signed contract between us, or because I don't have a permit to work legally in this country..."

"Daniel"

Welder

Daniel, originally from Indonesia, is a 24 year old undocumented welder who has such grave concern about revealing his identity, that we have withheld additional background information. These are his words:

"I am the welder, I make the roof of homes. I do the roof and the floor, the wall panels. At work, I was using my hammer and I got it stuck... When I tried to lift my hand hard to get hammer out, I split my hand on the plate, so I cut myself. I had to get five stitches in my elbow. I had to go to the hospital but all of the medical supplies were uncovered. Even if it's a work accident. The company asked me to go to emergency room but they didn't cover it. The company won't pay the bill..."

... I didn't take any action after they refuse to pay. The company says that because it's [the injury] work related, that worker compensation should be taken through the agency [Daniel's employer], but the agency wouldn't pay. The manager told me this. So I went to the agency and gave them all my hospital bills and the agency never replied. I went directly to their office..."

... The employees are afraid... Will the company know that I was interviewed? Because if they found out, I'll have a problem and so will my coworkers... I didn't know where to file [with OSHA]. The company doesn't even know my name....The company

doesn't know. I feel uncomfortable because they keep billing me, the hospital. If I go to the court to take action, my friends who work at the agency will have a problem...

... So I prefer not to [submit the] claim because it will affect my friends. This happens too often, because the agency might retaliate and they won't be hired again by another agency because the agencies talk and say 'oh this one's rebellious'..."

"Raul"

Agricultural Worker

Raul, originally from Mexico, is an undocumented agricultural worker who lives in California. These are his words:

"I witnessed an injustice when I was picking chilies in Northern California. That day the ground was really wet and normally we waited until the ground dried out a bit before we starting working. But that day we all began picking despite how muddy it was and there was a tractor near where we emptied out the chilies. There was a young man working with us that day who lost his balance and fell down in the mud, and at that moment, the tractor ran over both of his legs. He just ended up being really bruised, but to keep it quiet, the foreman gave him \$200 not to say anything. He was undocumented, so he didn't say anything."

Joaquin

Construction Worker

Joaquin is an undocumented construction worker. This is his story as told by an advocate:

For several years, Joaquin was employed by a large construction subcontractor. When he first began working with this employer, Joaquin was undocumented and did not have a valid Social Security Number. Nevertheless, the subcontractor hired him and permitted him to work. Over the course of his employment, Joaquin even received raises in his hourly pay. Eventually, Joaquin obtained a valid Social Security Number. Joaquin expected that his employer would accept the Social Security Number, and Joaquin anticipated building up a savings for his retirement. Joaquin asked to meet with the owner of the company; at that meeting, Joaquin presented his new Social Security Number, and asked that it be added to his personnel records. However, the employer refused to accept the Social Security number unless Joaquin agreed to a reduction in his hourly wage rate. Specifically, the company wanted to reduce Joaquin's pay to the wage he started out at. Joaquin ultimately left the employment of that subcontractor.

"Jesús"

Agricultural Worker

Jesús is an undocumented agricultural worker who lives in California. These are his words:

"I was working picking olives and I missed a branch. The foreman told me, in a very loud tone of voice, to go back and pick it or else he was going to dock me two buckets of olives. Because I didn't pick [the branch] he took \$7.00 out of my paycheck, and when I saw that the amount of my check was less than it should have been I did not accept it. Whether he wanted to or not, he had to return the \$7.00 to me, but then he told me that I no longer had a job. He had lent me the bucket to pick the olives, so I returned it to him, but he still wanted to charge me \$15.00 for using it. All of this because I didn't let him verbally abuse me like he does the rest of them and for that, he fired me.

This past July I was working picking cherries [on a different job with a different employer]. The foreman was already on top of us and didn't provide us with bathrooms or drinking water. If you had to go to the bathroom, you would just go where no one else could see you. That day like many other days, it was really hot and about two in the afternoon I began to get really thirsty. I stood up for about two minutes and the foreman told me to get back to work. I told him that I was thirsty and he told me that if I didn't like it not to come to work. I felt really dizzy, so I left the bag [for picking] and the ladder and went home. Afterwards I asked for my check and he wouldn't give it to me, and it took three weeks for me to get him to give it to me."

"Victor"

Plumber

Victor, originally from Guatemala, is a 50 year old undocumented plumber who lives in Chicago. These are his words:

"... I did work as a plumber. I liked the work. My boss made a verbal contract with me for \$120 a day. He paid me well, more or less, but he owed be \$700 for this particular job. Later, I worked on another project and he only paid me \$400 for 24 days of work. When I didn't receive all of the money, I asked my boss, "Are you going to pay me?" and he said no, no he wasn't going to pay me. In all, he owes me over \$3,000. I have a witness who also worked for him. He also had the same problem of not receiving his due pay...

Because of this problem in my work, I became very down. I worked a lot, and I wasn't fairly compensated. I wasn't able to pay my bills. I wasn't able to pay my rent. My brother lent me money to pay rent a few times. I have to live day by day. I cannot find work because I don't have a plumber's license; I have it [a plumber's license] from Guatemala, but it's not valid in this country..."

Oscar

Construction Worker

Oscar is a construction worker. This is his story as told by an advocate:

Oscar is a construction worker with over twenty years of experience in the industry. Between 1991 and 2001, Oscar was employed by one of the larger construction subcontractors on the East Coast. Throughout the period of his employment by this subcontractor, Oscar received official company paystubs from his employer. On these paystubs, the employer had deducted state and federal taxes, as well as social security contributions, as required by law. In 2001, after Oscar had stopped working for this company, he received a statement from the Social Security Administration. The statement contained an earnings report, which revealed that the reinforcing steel subcontractor reported no contributions by Oscar during many of the years that Oscar worked for the company. Thinking his case might have been an anomaly, several of Oscar's former co-workers also requested earnings reports from the Social Security Administration. These reports similarly showed that the employees were not receiving credit for the social security contributions they had made. Far from a mere oversight, the employer, on a systematic basis, was retaining funds that had been deducted as security contributions from some employees' paychecks. It appears that the company owner was targeting workers - Latinos, in particular - who he perceived to be undocumented. Oscar, however, is documented, as are many of the other workers who were shortchanged of their Social Security earnings. Oscar is currently in contact with the Social Security Administration, to see if he can receive credit for the Social Security contributions that were deducted from his paychecks. However, even if Oscar does receive credit for those contributions, he cannot confirm whether his employer ever forwarded the money to the government. Meanwhile, the subcontractor continues to work throughout the area, including on prominent government projects.

"Eduardo"

Agricultural Worker

Eduardo, originally from Mexico, is a 56 year old undocumented agricultural worker who lives in California. These are his words:

"I was working picking pears and I didn't realize that the ladder that they gave me was broken. I climbed up and the foot of the ladder broke-I fell down and hurt my ribs and my back. I asked the foreman to bring me to the doctor, but he refused for five days. They wouldn't give me an easier job [in the meantime]. I told him that if he wasn't going to bring me to the doctor I was going to tell the doctor that he refused to take me, and he finally took me. They told me that if I wasn't going to go up the ladder they were going to let me go and they did."

"Norma"

Grocery Store Worker

Norma, originally from Mexico, is a 33 year old undocumented grocery store worker who lives in Colorado. These are her words:

"Work started out well. On January 16, I went out for my break at 6:00 PM (after starting work at 3:00 PM) and I slipped on the ice. I fell and I hurt... my waist. That same hour I went to the hospital and I was hospitalized until the next day. They took X-Rays and the doctor told me to return February 2. I left the hospital at 3:30 AM and returned to my house. The doctor told me to rest and stay in the house for two days. I returned to work on January 19 (after being absent the 17 and 18). I went into work at 3:00 PM and my employer asked me to come in at 5:00 PM starting on January 24. The 24, 25, 26 and 27 of January I started at 5:00 PM and ended at 9:00 PM.

Now my employer is not paying me for the days I was incapacitated (January 17 and 18) and my employer also has not paid me for January 24-27. The employer says she will NOT pay me disability for the days I was incapacitated as she does not pay when people are hurt. During the time that I have worked there [about five months] a co-worker had an accident on the job and hurt his waist and for that reason he was fired."

"Martín"

Construction Worker

Martín, originally from Mexico, is a 44 year old undocumented construction worker. He has been living in his car in Colorado ever since being kicked out of his apartment for failure to pay rent, after a work injury, for which he was not compensated. These are his words:

"On a Friday we started to work on a house. I slipped on the roof [while carrying materials] and fell to the ground. The other workers lifted me up and carried me to the car and took me to our apartment..."

The next day a friend took me to the hospital and they put a cast on my foot. They took X-Rays and found out that I had two fractures, one on my heel and the other on my toes. The doctor gave me two weeks of 'incapacidad' [disability- that he shouldn't work] and told me to come back in two weeks for a check up as he discovered that I am diabetic. I gave the papers [records] from the hospital that same day to [my employer] and he told me that for him those papers did not mean anything... my employer was not ... interested in my situation.

During the first two weeks he sent me \$100 even though he had offered to pay me for a normal work week, all my medical expenses and my rent with the condition that I did not say that I fell while working at the house [the employer did not want the company to

know that he had fallen on the job]. Now after almost four months he has not paid me anything. Because I couldn't pay, they have kicked me out of my apartment... I live from what my friends give me and that is why I now live on the street."

"Arnoldo"

Construction Worker

Arnoldo, originally from Mexico, is a 27 year old undocumented construction worker who lives in Oregon. These are his words:

"I was working in construction... At first every thing was going fine. The pay was normal and in accordance with our agreement. But then there started to be abnormalities. This person that contracted me [his employer] started owing me money and telling me lies, until finally... I challenged him. The only thing he said was that I could do what ever I wanted since after all for an illegal and a day laborer there weren't any laws that would protect me. We had words and I would go to his house looking for him but he would hide... I went looking for him three different times. I decided I needed to find some help, but in the end my problem wasn't resolved. Because of this, I, as a worker, wish that there was someone or some law that would protect us so that this type of abuse will end and that we will be treated with more respect."

"Jaime"

Day Laborer

Jaime, originally from Mexico, is a 54 year old undocumented day laborer who lives in Oregon. These are his words:

"I am a day laborer and I go look for work daily on the [street] corners of SE Portland... This particular day, I went to the corner and someone came to pick up two workers for a construction job on a house in Beaverton. On this job we were digging dirt and leveling [the ground] to put in a new floor. On this job two of us worked for 10 hours. The boss had agreed to pay us each \$10 per hour. When we had finished the job the boss took us to another site and told us that he had to run to the bank to get the money to pay us and that he would be back in a few minutes. We waited for hours and he never came back to pay us. Later in talking with other day laborers we found out that this person is constantly doing this to day laborers. To this day we have not gotten our money. We want there to be better and more just laws that will help workers recover their salaries."

"Alex"

Construction Worker

Alex, originally from El Salvador, is a 32 year old undocumented construction worker who lives in Oregon. These are his words:

"He [his employer] gave me work. I started to work painting. He gave me a big ladder so I could climb it and paint. It was raining. The ladder slipped and I fell. Then he refused to take me to the hospital. I asked a passerby to take me to emergency and they did... Then the boss refused to pay me the 6 days I had already worked and neither did he pay for the medicine nor the hospital. I ended up with a cast on my left arm and I couldn't work for 4 months. I couldn't pay my rent and I ended up living under the bridges and in the forest. He owed me money. I went back a few days later, but they just made fun of me and didn't pay me."

"Badri"

Convenience Store Worker

Badri, originally from Nepal, is a 42 year old undocumented convenient store worker who lives in Maryland. These are his words:

"[At the job I held for four years,] I worked for twelve hours a day without overtime wages; the employees were not given days off. I was not given any medical/dental coverage either. I know this was because I did not have papers and the employer said that he would not pay according to the law because of that.

The employer forced me to work even when I was sick and threatened me with termination because I had not papers. Often the employers (in the past) pay for the workers rent and electric was deducted from my wages. [Apparently, he was provided with housing by his employer.] Often I feel we were overcharged for the rent, but I was afraid to leave and search for a place myself because many rental companies ask for social security numbers, etc. and I don't have any.

The employer who I worked for during four years...I never got a raise because he knew I could not complain. I did not take any action against this employer for the problems I mentioned because I did not know where to go or who to turn to... The workplace conditions were bad... The wages were under the table."

"Nestor"

Construction Worker

Nestor, originally from Honduras, is an undocumented construction worker in New Hampshire. These are his words:

"I worked for [company] doing sheet rock through a subcontractor. The company paid [the subcontractor] and he paid us in cash, he never gave us a receipt and we didn't sign anything. [The subcontractor] told me that to work with the company I should use [a different name, an alias] and that's what I did with the rest of the workers.

I fell from a platform/walkway when I was on the job and [the subcontractor] wouldn't let me go to the hospital... he asked one of my co-workers to bring me to my house and he said that he would help me later on. He came by my house later to find out how I was feeling and I told him that my foot was really bad and was hurting a lot. He told me that he couldn't take me to the hospital if I was going to use my 'work name' because they would start sending bills to the person whose name I was using.

Two weeks after the accident, I decided to go to the hospital on my own and I gave them my real name. They took some x-rays and found that I had broken my foot and that it had started to heal with the bone crooked and they referred me to a specialist. [The subcontractor] took the [hospital] bill, but he never paid it. I couldn't go to the specialist, though, because I needed a policy number for workers' comp. And they didn't give it to me.

To this day, I am still walking with crutches. I can't work and I don't have any money to live on. I haven't been able to communicate with [the subcontractor] because he changed his phone number. I am in total limbo... I am living with relatives and with my foot as it is, I can't work."

"Rosita"

Pharmacy Technician

Rosita, originally from Colombia, is a 40 year old undocumented pharmacy technician who worked in New Hampshire. These are her words:

"My duties were to take customer prescriptions, put the info (data) in the computer, pack and label the medications, do register transactions, clean and take the garbage out. Later, I became a full-timer, which added more duties to my job, like helping with the inventory, taking phone calls from customers and Dr.'s offices... I went to school, and I got a Pharmacy Technician [degree]. My direct supervisor was really mean that when I started working there I was about to quit. He didn't even give me any training. I learned from my co-workers who I could observe.

...I waited for months and months [for the raise] I was supposed to get after my certification. Instead, they hired an [Anglo] high school [student] and in a matter of weeks, my supervisor trained her and she got paid more than me even though she wasn't certified. Even worse, every time that I had to work with her I was stuck at the register."

Acknowledgements

We would like to express our appreciation and gratitude to the following:

The undocumented workers who have courageously come forward to share their stories with us; The Inter-American Commission on Human Rights for granting us a hearing on the rights of undocumented workers; Frank and Marge Escalet, for graciously allowing us to use "Los Trabajadores en las Fincas" on the cover and throughout this book; Kevan McGowan, the graphic artist who volunteered his time and creativity to design this book; Rebecca Smith, NELP, who educated us about the issue, contributed her creativity, gathered the signatories to the hearing request letter, and expended immeasurable time and energy to make this book (as well as our hearing before the Commission) possible; Felecia Bartow and the regional immigrants' rights staff, constituents, and local partners of the American Friends Service Committee's (AFSC) *Project Voice*, whose collaboration made acquisition of many of the workers' stories possible; Sarah Osmer, formerly of Chicago Interfaith, for adapting her ongoing worker project and providing us with stories; Jayesh Rathod, CASA de Maryland, for helping us with worker stories and connecting us with the local community; Carlos Castera and his "hermano", Ironworkers District Counsel for the Mid-Atlantic States and its affiliate local unions, for providing the direct advocate perspective of our local community and connecting us with their brotherhood; Professor Sarah Paoletti, American University, International Human Rights Clinic, for sharing her expertise on this issue with us, for being a consistently available and supportive supervisor, and for trusting us enough to open up this case, one that she holds very dear, so that we could make it our own; Samantha Thomas, American University, International Human Rights Clinic, for her administrative and technical support; and Bijal Ajmera, Sunita Patel, Ryan Genovese, and Albert Ting, the Student Attorneys who started this project last year.

We would also like to thank:

All the signatories to our request letter to the Inter-American Commission on Human Rights; Professor Rick Wilson; Dean Claudio Grossman; Helena Olea; Brian Tittmore; and last but not least, Mónica García and Guy Schultz.

Design by:

Razza Design Works
<http://www.razzadesignworks.com>