

Exploiting immigrants: Labor laws need to protect undocumented workers, too

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It was one year ago that Jose Ucelo Gonzalez, a day laborer in Garden Grove, had finished paving a parking lot and asked for his day's wages. But instead of paying him, the local contractor cursed at him and called the police, falsely accusing him of robbery. Although the charges were dropped, Gonzalez was handed over to immigration enforcement agents.

The same thing happened to Hector Nolasco, a day laborer in Winnetka, California. Shockingly, this kind of misuse of law enforcement resources--filing false charges or calling in immigration to arrest workers who have asked for nothing more than their wages due--is hardly rare.

We can all agree that workers who have put in a fair day's work should receive their pay; that an employee who has been abused by her boss should be able to come forward without fear. But the reality is that many undocumented workers do not stand up for their rights for fear that their employers will retaliate by calling the police or immigration to sweep them away.

As a recent report by the National Employment Law Project shows, immigration policies intended to stop employers from hiring undocumented workers have instead allowed unscrupulous employers to abuse workers and dodge both immigration and labor laws. The California State Senate is considering legislation that would enact tougher penalties to discourage this kind of wrongful retaliation; similar legislation is pending in the Assembly.

Employers commonly manipulate the dysfunctional immigration system to intimidate workers, documented and undocumented, who organize for better working conditions.

The Mi Pueblo supermarket chain in the San Francisco Bay Area recently announced that it would use the controversial E-Verify program to screen workers' immigration status after its employees tried to organize a union. In Pomona, after dining-hall workers at Pomona College tried to join a union, the university announced that it would re-verify the workers' immigration status, even though many had worked at Pomona for decades.

These workers are not alone. An analysis of union elections found that in at least half of campaigns involving majority undocumented workforces, employers made threats of calling in immigration.

Critics of immigration reform argue that undocumented workers do not deserve workplace protections. But our employment and labor laws protect the rights of all workers, regardless of immigration status--and that's good for all of us.

While the Obama administration has taken some important steps to protect immigrant workers, it has not done enough. As long as unscrupulous employers can exploit low-wage workers with impunity, all workers suffer compromised employment protections and a loss of economic security.

Congress and the White House now agree that the time has come to reform our immigration laws. In addition to creating a broad path to citizenship, a new policy must protect the labor rights of immigrant workers who stand up to wage theft and labor abuses.

California should also enact stronger anti-retaliation protections, and implement policies to protect immigrant workers and strengthen labor law enforcement. Only then can we ensure better working conditions and fair treatment for all workers.

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