

LABOR CENTER REPORTER

Institute of Industrial Relations • University of California, Berkeley

Organizing Immigrant Workers

Immigration Law: Bringing Back Sweatshop Conditions

by David Bacon

Inside

Labor Center Notes

Page 2

LCR Interview: Peter Olney

Page 3

Labor Center Calendar

Page 3

Organizing Immigrant Workers: Fighting for the Right to Organize

by Katie Quan

Page 7

Next Issue:

Community-Labor Organizing

There is an immigration crisis in the U.S. But it is not one caused by uncontrolled borders or too many immigrants, the stereotyped images used to inflame anti-immigrant hysteria. It is a sweatshop crisis – the return to exploitative conditions in the workplace reminiscent of a century ago. And the enforcement of U.S. immigration law has become a key weapon in the proliferation of those conditions, undermining the ability of immigrant workers to fight for better pay and treatment, and the effectiveness of unions that try to help them.

Undocumented workers are a permanent and constant part of the U.S. population, and have been for decades. According to the Urban Institute, the number of undocumented workers has fluctuated from 2.5-3.5 million in 1980, to 3-5 million in 1986, to 1.8-3 million in 1988, and to 2.7-3.7 million in 1992. It is clear that the undocumented population is relatively stable at about 1 percent of the total population.

Continued on page 4

Day Labor Organizing in Los Angeles

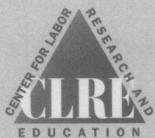
by Jill Esbenshade

Day laborers are some of the most visible and vulnerable immigrant workers in the United States. These workers, the majority of whom are Latin American male immigrants, stand on street corners throughout the country day after day looking for work. They are hired on a casual basis to do construction work, gardening, housepainting, moving, and general labor. Day laborers face harassment from police and the Immigration and Naturalization Service (INS), and exploitation from unscrupulous employers.

In the 1980s, an expansion of the informal economy and contingent employment, and the implementation of legal sanctions against hiring undocumented workers, led to dramatic growth in the day labor workforce.¹ Communities responded by passing ordinances to ban street-corner employment solicitation, setting up special centers to move day laborers off the street, and encouraging private temporary employment agencies to place these workers.

Business owners and residents who work and live near street corners where day laborers congregate often complain to law enforcement agencies. In

Continued on page 8



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The Labor Center Reporter welcomes suggestions for future issues as well as submissions. Submissions should be 500 - 1000 words in length.

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This issue of the LCR — organizing immigrant workers — focuses on a topic that resonates not only within the labor movement but also within a varied network of community, immigrant and civil rights organizations. While labor activists are beginning to realize that organizing immigrants is critical to the labor movement's success, they are also beginning to recognize their shared interests with immigrant communities. The tremendous benefits of working with immigrant communities and their advocate organizations can no longer be ignored.

Labor activists' growing awareness that organizing immigrants is the challenge of the twenty-first century reflects, in part, the changing demographics of the workforce. Immigrant workers are the fastest-growing sector of the California workforce. By the year 2000 they will comprise 29% of all workers in California. Although immigrant workers are often concentrated in low-wage industries such as janitorial, garment, and farmwork, they also work in the building trades, hospitals, and public service. Immigrant workers participate in countless types of jobs in all sectors of the economy.

Given immigrant workers' diffusion across the spectrum of American workplaces, the salient question is: will the labor movement and immigrant workers come together to defend the right to organize? The next critical question is: how can the labor movement facilitate and nurture this alliance? The work has already begun at a variety of different levels in the labor movement. At the local level, many unions have successfully mounted campaigns among immigrant workers while others are just beginning to see immigrants as a base for organizing drives. And some local unions are exploring innovative ways to organize immigrant workers.

At the state level, the California Labor Federation is using its political voice to defend immigrant rights. In recent elections, the Labor Federation worked to defeat the anti-immigrant initiatives to eliminate affirmative action, to prevent immigrant families from receiving social services, and to eliminate bilingual education. This political work is the foundation for a strong alliance between immigrant communities and the labor movement.

This issue of the LCR will explore some new organizing campaigns and will raise some of the unique issues unions face when organizing in immigrant communities. The Labor Center is committed to furthering the debates and facilitating the alliances discussed in this issue. Labor Center staff members are currently working on projects and research related to both immigrant organizing and legislative policy. The Labor Center also initiated the creation of the Labor Immigrant Organizing Network (LION) (see page 7), which brings together Bay Area organizers from over twenty unions and community groups. Its goal is to support the work of participating organizations through mobilization, strategy-sharing and policy development. In addition, the Port project brings together community organizations and labor unions to work on the economic development possibilities for Oakland. For more information about Labor Center projects or other immigrant organizing initiatives, take a look at our website (<http://socrates.berkeley.edu/~iir/clre/clre.html>) or call us at 642-0323.

Labor Center Reporter Interview

Peter Olney, current director of organizing for the International Longshore and Warehouse Union (ILWU), has worked for the United Furniture Workers Union and Service Employees International Union (SEIU). In 1993, he created the Los Angeles Manufacturing Action Project (LA MAP). In this interview with Labor Center Reporter Editor Tamara Kay, he shares his views on immigrant organizing, developed during his 26 years of organizing experience.

TK: Why do you refer to immigrants as the “sleeping giant”?

PO: There exists a tremendous presence of immigrants and a huge potential for organizing. In California, Latinos will be half the population I think by the year 2010 and, in places like L.A. County, Latinos already constitute 40 percent of the population. Ironically, in some respects, the biggest mistake the right wing ever made was to back Proposition 187 because they sort of awakened the “sleeping giant” with this anti-immigrant proposition. It mobilized immigrants to become citizens and to vote. And, when they registered to vote, they quickly learned that Pete Wilson was a Republican, so they registered as Democrats.

TK: Why do you think it is easier to organize immigrant workers than non-immigrant workers?

PO: I should qualify my answer by saying that most of my experience in organizing immigrant workers is with Latino immigrant workers. I have not had experience organizing among Asian Pacific workers or other immigrants. I believe there are a number of reasons why immigrant workers are easier to organize. First, what you find among groups of immigrant workers that is harder and harder to find among groups of other workers is a sense of community. Often immigrant workers come from the same family in the same village. We have countless organizing stories of factories in which the organizing core consisted of groups of workers from the very same village in Mexico or the same region in El Salvador. So you have that sense of community and often a sense of common history. Second, immigrants share a common culture and common media and communication systems that often do not exist for non-immigrant workers who live in much more disparate surroundings, who do not know their neighbors, are not culturally attuned to each other, and come from many different parts of this country.

TK: Are you saying there can be fewer obstacles to organizing immigrant workers?

PO: What I’ve found in organizing immigrant workers is that because of their condition at the bottom of the payroll scale, the lack of respect for their work, and daily insults to their dignity, combined with this sense of ethnic solidarity and community, there can actually be fewer obstacles to organizing immigrants. I find that immigrant workers usually do not worry that a union will compromise their individualism. They assume they need a union, so you do not have to motivate them to want to be in the union. You must demonstrate to them and with them that you can develop a winning strategy.

TK: Does organizing immigrant workers require different organizing strategies?

PO: The rules around organizing and the methodology and tactics that are advanced as the way to organize are often broken because you have this sense of

Continued on page 10

Labor Center Calendar

Jan 20 - Legislative Policy and Drafting Seminar: Focus on Comparative Labor Law. Instructor: Kirsten Snow Spalding. 16 week course taught at Boalt School of Law at UC Berkeley.

Jan 23 - “Organizing Immigrant Workers and the Right to Organize.” See page 7.

Jan 28 - Bay Area Labor Studies Seminars: “New Forms and New Faces in Union Transformation.”

Feb 11-12 - Building and Construction Trades Organizing Conference. See page 9.

Feb 25 - Bay Area Labor Studies Seminars: “Evaluating Labor-Management Partnerships.”

Feb 27 - Union Leadership Skills for Women and People of Color. City College of San Francisco. See page 6.

Mar 25 - Bay Area Labor Studies Seminars: “Using Labor’s Capital.”

Apr 29 - Bay Area Labor Studies Seminars: “Maximizing Labor’s Stake in Economic Development.”

All Bay Area Labor Studies Seminars are held from 4 - 6 pm in the Directors Lounge at the Institute of Industrial Relations located at 2521 Channing Way, Berkeley.

For more information on these programs please call (510) 643-2355.

Community Resources for Immigrants and Immigrant Organizers

Northern California Coalition for Immigrant Rights

995 Market St., 11th Floor
San Francisco, CA 94103
415-243-8215

National Immigration Law Center

1102 S. Crenshaw Blvd., Ste 101
Los Angeles, CA 90019
(213) 938-6452
Nilc@earthlink.net

La Raza Centro Legal

474 Valencia St., Ste 295
San Francisco, CA 94103
(415) 575-3704

Employment Law Center

1663 Mission St., #400
San Francisco, CA 94103
(415) 864-8848

Asian Law Caucus

720 Market St., #500
San Francisco, CA 94102
(415) 391-1655

Central American Resource Center

1245 Alabama St.
San Francisco, CA 94113
(415) 824-2330

Chinese Progressive Association

123 Waverly Pl., 3rd Floor
San Francisco, CA 94103
(415) 391-6986

"Immigration Law," continued from page 1

The National Immigration Forum calculates that undocumented immigrants pay about \$7 billion annually in taxes, subsidizing funds like Social Security and unemployment insurance from which they cannot collect benefits. In California, which accounts for about 43 percent of the nation's undocumented population, or about 1.4 million people, undocumented immigrants pay an additional \$732 million in state and local taxes. A UCLA study found that undocumented workers contribute approximately 7 percent of California's \$900 billion gross economic product, or \$63 billion. The labor of undocumented workers pumps tens of billions of dollars into the state's economy, but the workers themselves receive only a small percentage of it.

The slide backwards of immigrant workers' rights got a big push with the passage of the Immigration Reform and Control Act of 1986 (IRCA), which made employer sanctions part of federal law. The law was a watershed for the status of immigrants in the U.S. and formalized the creation of a special category of residents who have significantly fewer rights than the population as a whole — who cannot legally work or receive social benefits.

Employer sanctions have had a strong economic impact — decreasing the wages of undocumented labor and increasing profit rates in industries dependent on it. Employer sanctions set up a process in which employers are required to request documents from workers to verify their legal right to reside in the U.S. and record those documents on I-9 forms. Since IRCA passed in 1986, many employers have used the I-9 process as a mechanism for firing pro-union workers.

In 1990, Shine Building Maintenance in Silicon Valley faced an organizing drive led by its immigrant janitors. The company told its workers they had to provide new documentation verifying their legal status. When workers could not produce it, they were terminated. The I-9 check provided a way to eliminate a pro-union workforce, without violating National Labor Relations Board (NLRB) prohibitions against terminations for union activity.

In San Leandro in 1997, Mediacopy, a video reproduction company, threatened to verify workers' immigration status as a way to terrorize them before a union election and reduce the number of eligible voters. In December 1996, immigration agents went through the company's I-9 forms to find the names of undocumented workers. A major raid followed in January, in which 99 people were deported. Workers nevertheless signed union cards at the plant and filed for an NLRB election. A month before the voting, the company announced it had received an Immigration and Naturalization Service (INS) request for the reverification of the documents of another 166 people. Many workers then simply disappeared. Those who remained were convinced that another raid was imminent. The union lost the election, and the NLRB again sought a bargaining order to compensate for the extensive illegalities.

Even in the absence of direct union organizing, the pressure of immigration raids keeps wages low among some of the most vulnerable sections of the workforce. In the San Francisco Bay Area, such raids have focused on fast food workers, car wash workers, and day laborers seeking jobs on street corners. Enforcing low wages among these workers undermines wages generally in the service and construction industries.

The enforcement of employer sanctions also has undermined the ability of workers to protest the violation of fair labor standards. In 1992, the INS signed a memorandum of understanding with the Department of Labor (DOL). It requires

DOL inspectors to verify I-9 forms when they are called in by workers over unpaid overtime and other wage and hour violations. In Los Angeles, the INS initiated a series of raids in garment sweatshops, called Operation Buttonhole, in response to information from DOL inspectors. In a raid on P.K. Fashions, garment worker Miguel Angel Garcia Serrano was so frightened he jumped out of an eight-story window. "Workers in the garment industry won't complain about workplace violations if it gets out that the DOL and the INS are working together," says UNITE organizer Cristina Vasquez. "Manufacturers and contractors will use it to scare and threaten workers." A DOL survey released this summer shows that less than 40 percent of the licensed garment factories in Southern California are in compliance with labor and employment laws.

Similar raids also followed a 1998 campaign by the Korean Immigrant Workers Association to enforce wage and hour laws in restaurants in LA's Korean community. Just weeks after DOL inspectors were called in over wage and hour violations, the INS began a wave of I-9 checks and deportations.

A UCLA study found that undocumented workers contribute approximately 7% of California's \$900 billion gross economic product, or \$63 billion.

In September, the Yale Law School Workers Rights Project and the American Civil Liberties Union filed charges under NAFTA's labor side agreement against the DOL/INS memorandum of understanding. Federal law, upheld by the Supreme Court, establishes mandatory minimum wage and overtime protections for all workers, regardless of immigration status. "The Clinton policy amounts to a gag order on immigrant workers," explained Shayne Stevenson, student director of the Yale group. "If no one can complain about slave wages, sweat-

shop owners have a green light to ignore minimum wage and overtime laws." Embarrassed by the complaint, the administration drafted a new, less harsh memorandum. But any cooperation between the DOL and the INS is inappropriate, since employer sanctions inevitably erode employment standards and workers' rights.

In addition to opening up the prospect of deportation, employer sanctions also increase the risk for union activity in other ways. An undocumented worker considering whether to organize a union has to take into account the possibility of being fired, as do other workers. But sanctions make finding another job harder and riskier. The period of unemployment is likely to be longer. Because sanctions also disqualify a fired worker from unemployment benefits, food stamps, or other sources of income, a fired worker is forced to take whatever job is available, at whatever wage. And under National Labor Relations Board rulings, if an employer shows that a worker fired for union activity is undocumented, the employer is not obligated to rehire her or him.

When it becomes harder and riskier for workers to make demands for social services, or to assert their rights at work or in the community, the price of their labor drops. Immigrant wages already are depressed and getting worse. According to UCLA professor Goetz Wolff, in women's apparel in Los Angeles, the average hourly wage fell from \$6.37 to \$5.62 between 1988 and 1993. Some 120,000 people work in LA's garment sweatshops; they are almost all immigrants, mostly undocumented.

Despite these obstacles, immigrant workers, including the undocumented, have been the backbone of labor's resurgence in California, in a multitude of strikes and organizing drives. Often, those union efforts have involved unique tactics to deal with the problem of immigration status. In the yearlong strike by Southern California drywallers in 1992, predominantly Mexican immigrants were able to stop all home construction from the Mexican border north to Santa Barbara. They defied the police and the border patrol, blockading freeways when their car caravans were roused as they traveled to construction sites.

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Mass mobilizations and militant tactics also marked the campaigns by Justice for Janitors in Century City, Silicon Valley, and Sacramento. In smaller local struggles, unions like Warehouse Local 6 of the International Longshore and Warehouse Union have established a presence in the immigrant community through the use of strikes and direct action, and a willingness to take on the problem of immigration.

The history of the union struggles of immigrant workers in California is by-and-large a history of success. According

Continued on next page



Union Leadership Skills for Women and People of Color

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This class is a joint project of the Center for Labor Research and Education and the Labor Studies Program at City College of San Francisco. It is designed with the cooperation of the constituency groups of the AFL-CIO

Co-Instructors: Karega Hart, Katie Quan, Kirsten Spalding and Ellen Starbird

"Immigration Law," continued from previous page

to veteran union organizer Joel Ochoa, "the immigrant community is looking for ties with labor. People are coming here from Mexico and all over Latin America, with a tradition and culture that gives them a rich repertoire of tactics for fighting the companies."

Many California unions have realized that they will grow and become more effective as immigrant workers organize and contribute their traditions to the broader labor movement. Increasingly, they are calling for an end to the use of immigration law as a weapon for employers. Supporting the repeal of employer sanctions is a position now shared by the Service Employees International Union; the Union of Needletrades, Industrial and Technical Employees; the United Electrical Workers; and the California Labor Federation, AFL-CIO.

AFL-CIO Secretary Treasurer Richard Trumka told a recent convention of the Asian Pacific American Labor Alliance, "We are all illegals. No matter how many years we've been here, in the eyes of Wall Street, we're still all immigrants from Europe or Mexico, on our knees, digging in the dirt."

Winning justice for immigrant workers, ending sweatshop conditions, and defending the right of unions to organize requires translating those sentiments into concrete political opposition to employer sanctions and the use of immigration law to deny workers' rights.

David Bacon is a writer and photographer documenting labor, immigration, and the impact of the global economy. He was a factory worker and union organizer for 20 years. He is currently co-chair of the Northern California Coalition for Immigrant Rights.



Participants in the February, 1998 Building and Construction Trades Organizing Conference. The Labor Center will be hosting this 2-day organizers' retreat again Feb 11-12, 1999. See page 9 for more details.

Organizing Immigrant Workers: Fighting for the Right to Organize

by Katie Quan

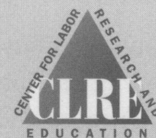
In February 1997, AFL-CIO President John Sweeney, flanked by U.S. Vice President Al Gore, launched a national campaign around the "Right to Organize." His goal was to rally thousands of workers against employers who block workers from joining unions, and to call on community and political supporters to uphold the right of workers to organize to form unions. For immigrant workers, the right to organize is not only challenged by employers but is also undermined by a body of immigration-related laws, regulations, policies, and rulings that favor employers in resisting unions, and by an anti-immigrant social and political environment that sanctions cutbacks of rights and entitlements to immigrants.

Employers use immigration status as a way to challenge workers in every step of the organizing process. They challenge their right to vote in union elections, their right to protection for union activity, and their right to backpay and reinstatement remedies. The government has taken the position that workers who get fired for union activity, and who cannot prove that they have authorization to work in the U.S., have no right to reinstatement. This position effectively renders the right to organize meaningless.

Employers also rely on government agencies and their policies to defeat union campaigns. A call to the Immigration and Naturalization Service (INS), or even the threat of one, can kill an organizing campaign. The same effect is achieved when Department of Labor investigators audit I-9 employment forms and turn information over to the INS, and when the Social Security Administration cross-checks payroll records with tax records. In any case, the intimidation is powerful, and workers' right to organize can be dealt a severe blow.

For immigrant workers in many parts of the country, these violations of the right to organize take place in a general environment of hostility toward immigrants. The perceived messages of California Propositions 187, 209, and 227 are that immigrants will be presumed to be in the U.S. illegally before they are proved to be residing legally; that they will face discrimination in college admissions and job hiring; and that their bilingual education benefits will be taken away. In such an atmosphere of persecution, it is no surprise that the right to organize, the right to collectively bargain for empowerment, also comes under attack.

Despite these tremendous odds, immigrant workers have shown immense courage and resourcefulness in fighting for the right to organize. In Los Angeles in 1992, Latino drywallers confronted the INS en masse and successfully beat back attempts to break their organizing campaign. In 1996 in Oakland, community-based immigration rights groups joined the International Longshore and Warehouse Union (ILWU) to stymie the INS's efforts at Mediacity, Inc. And throughout Northern California, union janitors have been taking an aggressive stance against the use of the Social Security Administration's computers to target



SAVE THE DATE!
JANUARY 23, 1999

Organizing Immigrant Workers and the Right to Organize

A conference sponsored by:
**Labor Immigrant Organizing Network
(LION)**

LION is a newly formed network of union organizers who are organizing immigrant workers in the San Francisco Bay Area. The group includes organizers with current campaigns involving janitors, warehouse workers, Teamsters, farm workers, garment workers, food workers, service workers, and construction trades workers.

LION will share information and strategies. It has already formed a rapid-response network to mobilize immediate reaction to immigration-related raids and other issues.

LION was originally convened by the Center for Labor Research and Education (UC Berkeley), and includes other groups that can be resources for immigrant worker organizing such as the Labor Occupational Health Program (UC Berkeley), the Northern California Coalition for Immigrant Rights, Enlace, the Project for Labor Renewal, and the AFL-CIO Organizing Institute.

For further information, call Jacob Ely at the Labor Center at UC Berkeley, at (510) 642-0323, or email him at jaely@uclink4.berkeley.edu.

Continued on page 12

many cases business and residents' groups have successfully lobbied local governments to pass anti-solicitation ordinances banning day labor activity on public sidewalks. While these ordinances are costly to enforce and often ineffective, they are proliferating. Over 20 cities in California now have such ordinances on their books, and more are being proposed.² Almost as many cities have set up hiring projects to move day laborers off the street. Although centers are founded to placate complaining community members, they also can offer a safer environment and services for the workers. But despite the centers' assistance with job placement — they run lotteries to match up employers and workers — employers still pay the workers directly.

The newest solution to "resolving" the day laborer "problem" is two-pronged: introduce an ordinance banning employment solicitation from the streets and offer workers services provided by a Labor Ready office. Labor Ready is a fast-growing temporary employment agency for manual laborers. Like all temp agencies it makes its profits by charging the employer much more than it pays the workers. Workers earn minimum wage or slightly more, while Labor Ready receives \$12 an hour from the employer.³

All of these solutions generally benefit the surrounding community more than the workers. Business owners and residents often want to regain control of "their" public space. Anti-day laborer movements sometimes are dominated by anti-immigrant activists who see the workers as a symbol of the influx of poor people from the third world. As one San Rafael activist blatantly stated, "[I]t gives the town a cheap image to see the streets peppered with Mexicans . . . The Canal, believe it or not, was once a prestigious place to live — look what these animals have done to it — shameful."⁴

In some areas, however, more progressive forces have become involved in organizing day laborers. In the Los Angeles area, where workers gather at more than 200 sidewalk congregation points and formal hiring sites, two organizations are actually forming unions for day laborers.

Strategies for Organizing Day Laborers

The Coalition for Humane Immigrants' Rights of Los Angeles (CHIRLA), has been working with day laborers in L.A. for 10 years. Their approach to organizing is rights-oriented. Much of their work with day laborers has focused on "Know Your Rights" campaigns, which educate workers about their rights with respect to the police, the INS, and employers. CHIRLA opposes ordinances that ban day laborers from the streets. These ordinances are viewed by many in the civil rights community as a violation of constitutional rights to free speech, freedom of movement, equal protection, and the right to work for a living.⁵

In the last few years CHIRLA has been more actively organizing day laborers. Since day laborers have no single employer or shopfloor around which to organize, CHIRLA has created non-traditional organizing spaces. CHIRLA builds solidarity among the day laborers by holding inter-corner conferences, producing a newsletter, and coordinating soccer teams. CHIRLA also raises consciousness among workers, using a day labor theater troupe and musical group that focus on themes relevant to workers' lives. In addition, workers at many corners and projects organized by CHIRLA agreed to a minimum wage of \$7 an hour and formed the Los Angeles County Day Laborer Union (Sindicato de Trabajadores por Dia del Condado de Los Angeles: STDCLA).

One Stop Worker Centers are a different strategy for organizing day laborers. Lynn Svenson, a former union organizer who previously worked with CHIRLA organizing day laborers, is the driving force behind One Stop Worker Centers. There are currently five centers (two more are being developed). Svenson calls her approach a "quasi-union model" and says it emphasizes organizing, wages, representation with employers, and working conditions. At the One Stop centers, the workers not only demand a minimum wage of over \$7 per hour, they also actively recruit more employers so that each day more workers will find work. According to One Stop center staff, workers are very successful at attracting more employers and collecting unpaid wages.

Because One Stop leaders believe that the labor market can be controlled only with the intervention of centers like theirs, they support anti-solicitation ordinances. They see ordinances as "anti-scab" laws which force all employers to use the center, thereby reducing the competition among workers that drives down wages. The workers at One Stop centers also pay dues that account for a very small part of the center's budget. According to One Stop leaders, dues collection creates owner-

The newest solution to "resolving" the day laborer "problem" is two-pronged: introduce an ordinance banning employment solicitation from the streets and offer workers services provided by a Labor Ready office.

ship, fosters sustainability, and demonstrates independence to the surrounding community. One Stop staff also create relationships with other unions; while acting as an independent union they also serve as a feeder to existing unions.

Conflict exists between CHIRLA and One Stop supporters. One Stop Worker Centers have strict rules, with expulsion consequences and mandatory dues. This has led to complaints (and rumors) of authoritarianism and favoritism. CHIRLA is openly critical of One Stop's support of anti-solicitation ordinances particularly because One Stop centers actually limit entrance in order to keep employment rates acceptably high. Lynn Svenson defends One Stop's position on ordinances, "It is not about free speech. It's about being able to work. CHIRLA is trying to raise consciousness. We are trying to raise wages."⁶ In an effort to improve their relationship and work side by side, the two groups have agreed to mediation.

The dissension between CHIRLA and One Stop Worker Centers reflects long-standing debates regarding community-oriented versus more traditional economics-based unionism, and debates about how best to resolve conflicts between civil and economic rights. It is important to emphasize not the division but the commonality in these debates. Those fighting the organizing battle should celebrate the successes both groups have had in organizing day laborers, an immigrant population among the most disenfranchised, transient, and difficult to organize.

¹ This is not to say that all day laborers are undocumented, as is frequently charged. In fact, surveys in many areas, and the Immigration and Naturalization Service's own experience, show that many have work permits or permanent resident status.

² Esbensshade, Jill. *Day Labor Manual for Local Communities* (forthcoming). Los Angeles Commission on Human Relations.

³ Labor Ready began operation in 1993 and made a profit of nearly \$100,000,000 in 1997. It began with 17 original offices in 1993 and grew to 481 offices by 1998, according to Labor Ready representatives interviewed by the author in July, 1998.

⁴ Louis Simms, letter to Tom Wilson, executive director of Canal Community Alliance (undated; written during the height of the day labor controversy in San Rafael, between 1992 and 1993). Many anti-day labor groups and activists went on to work for Proposition 187, which denies undocumented immigrants access to various government programs, including medical benefits and education.

⁵ In fact, a judge found San Diego County's day labor ordinance unconstitutional on these grounds. Unfortunately, a judge subsequently upheld Orange County's day labor ordinance.

⁶ As quoted in Mejia, Victor. "Trouble for Trabajadores," *New Times Los Angeles*, June 18-24, 1998.

Jill Esbensshade is a doctoral candidate in Ethnic Studies at the University of California, Berkeley. She is a research consultant on day labor controversies for the Los Angeles County Human Relations Commission and has been involved in day labor issues since 1988.

2nd Annual Building and Construction Trades Organizing Conference

Thursday, February 11, 1999

Friday, February 12, 1999

The Labor Center presents a two-day, residential conference for building and construction trades organizers to learn from one another. Staff and rank-and-file organizers are invited to meet organizers from other crafts and trades unions, share experiences from the field, and attend workshops on different organizing tactics.

Registration fee: \$80.00

Registration deadline: January 25

For more information please call Jacob Ely at (510) 642-0323

ethnic solidarity and community. So leaders often are able to transmit the strategy and move the workers. I've had organizing drives where I never made house visits. It was fairly stunning to me coming from the East Coast where organizing is much harder; it is like pulling teeth to get people convinced that they should be in the union.

TK: Do immigrant workers' experiences with unions in their home countries help or hurt when it comes to organizing them in the United States?

PO: That depends. Some of them bring trade union experience and even very revolutionary political experience with them. And that is very helpful, but I do not think it is crucial. On the other hand, some workers are distrustful of unions based on their experience in their native countries. For example, Mexican workers are accustomed to government-run unions in Mexico. But, what is more important than workers' experiences in their home countries, is the U.S. labor movement's ability to take advantage of the ethnic solidarity and sense of community fostered among immigrant workers. That is the critical factor.

TK: Why did you create LA MAP?

PO: LA MAP was based on two very simple facts. First, there is a huge manufacturing complex in Los Angeles County. At the time we started LA MAP in 1994, about 700,000 people were employed in manufacturing, and approximately 9 percent were organized in unions. Over 50 percent of the workers were Latino immigrants, and an additional 25 percent were Asian-Pacific immigrants. The idea was to recognize that this huge manufacturing complex, coupled with what I call social dynamite — immigrant workers — embodied great organizing potential.

The idea was to recognize that this huge manufacturing complex, coupled with what I call social dynamite — immigrant workers — embodied great organizing potential.

TK: How did LA MAP build on the organizing strengths of immigrant workers?

PO: Immigrant workers demonstrated in campaigns such as Justice for Janitors that they could launch large organizing drives. The idea behind LA MAP was that this huge immigrant population — social dynamite — could be tapped to organize. The goal of LA MAP was to bring together different unions to create a large-scale, community-based, multi-union, industrial manufacturing organizing program based largely among immigrant workers. The idea was to establish a long-term presence in the community, offer citizenship and ESL classes, and fight around community issues as well as labor issues.

TK: How was LA MAP innovative in organizing immigrants?

PO: Part of what we were trying to do was create a new form of organizing immigrant workers. There were thousands of workers who did not know about or have experience in unions. And the vast majority of them were Latino immigrants. We wanted to create a form of organizing that took advantage of immigrants' communities, language, and culture — to create an organization that fought for justice while breaking the often archaic jurisdictional boundaries of the unions. We were talking about creating something that was greater than the sum of its parts — to put together a giant immigrant workers' organizing committee, but with the support and resources of the whole labor movement.

TK: What lessons from LA MAP's experience organizing immigrants could help the larger labor movement organize immigrant workers?

PO: I think the whole discussion around organizing has to be turned on its head. There is too much discussion of how we build our institutions. I call it a union-centric vision, union centrism. And the problem is 88 percent of workers are non-union and 12 percent are union. So the question to ask is, what forms of organization does that 88 percent need to take on their employers and resist the downgrading of their wages and benefits? And what forms are they actually developing on their own to resist capital? If you look at recent large scale organizing, some of the largest campaigns are initiated by workers on their own — among immigrant workers in the case of Southern California. And then unions are either lucky or smart or both, and climb in and organize people. So I think the whole discussion needs to focus not only on how we build unions but also on how we build forms of organization that aid and abet workers' ability to resist capital.

TK: What are some examples of this kind of immigrant-initiated organizing?

PO: The gardeners in Los Angeles who organized in response to the leaf blower ban are my best example. In 1997 they organized upwards of one thousand people, resisted the ban, and organized a hunger strike on the steps of City Hall in L.A. They had all of Latin America riveted on their struggle with intense media coverage, and yet the U.S. labor movement ignored them. Why? They are not ILWU, SEIU or the Hotel Employees, Restaurant Employees, Bartenders Union (HERE); they are not in one of our established organizations. But are they no longer workers? Are they no longer of interest to us?

...unions have a long hard history of dealing with capital that could be beneficial to these groups. The question is how do we build organizations that serve workers' interests?

TK: What are some concrete ways unions can change their structures and strategies to address different organizing realities, in particular the needs of immigrant workers?

PO: Here at the ILWU we affiliated a group of San Francisco bike messengers with the union. We did not say join our local, we said we'll accept you as an organization; you affiliate with us but together we will organize your industry. We also have constant discussions with and assist the gardeners. But it is necessary to respect their existing forms of organization, promote and help them, and learn from them. And unions have a long hard history of dealing with capital that could be beneficial to these groups. The question is how do we build organizations that serve workers' interests? I think it is a fundamental issue of orientation. Do we look beyond union-centrism and ask how can we build new forms of organization that can assist masses of industrial workers, or do we insist upon saying let's take your round peg and shove that in our square hole — which is what we usually do.

TK: How crucial is it for the U.S. labor movement to change its orientation?

PO: I think ultimately it must happen in this country. Here in the Bay Area we have a huge Asian-Pacific population. We need projects that tap that potential. And you cannot have a short-term quarterly return approach to that kind organizing, you must view it as a long-term investment. The bottom line is, are we going to let the law that is set up by the employers define who we organize? That is the problem with our vision of what the working-class struggle is. I think if we are at twelve percent we had better be humble. We do not have much. So if we are looking to grow and regenerate we have got to look outside ourselves — we must break with union centrism.

Internet Resources for Immigrants and Immigrant Organizers

National Network for Immigrant and Refugee Rights
<http://www.nnirr.org/>

National Immigration Forum
<http://www.immigrationforum.org/index.htm>

California Rural Legal Assistance Foundation
<http://www.crlaf.org/>

Northern California Coalition for Immigrant Rights
<http://www.nccir.org/>

**Immigrant Policy Project
(National Conference of State Legislatures)**
<http://www.ncsl.org/statefed/ipphmpg.htm>

United States Immigration and Naturalization Service
<http://www.ins.usdoj.gov>

Agricultural Personnel Management Program, UC Berkeley
<http://are.berkeley.edu/APMP/>

The Labor Immigrant Organizing Network is currently developing an Immigrant Organizers' Resource Guide. Call Jacob Ely at (510) 642-0323 for more information.

"Organizing Immigrant Workers", continued from page 7

immigrant workers. Their successes, in spite of current conditions, suggests that were their right to organize protected, immigrant workers could achieve numerous additional organizing victories.

How these workers succeeded, how other workers are organizing, and the kinds of policy changes that are needed to protect the right of immigrant workers to organize will be the focus of an upcoming conference for organizers, titled "Organizing Immigrant Workers and the Right to Organize." The conference, sponsored by LION, the Labor Immigrant Organizing Network (see p. 7), will be held on Saturday, January 23, 1999.

Katie Quan is a Labor Policy Specialist at the Center for Labor Research and Education-IIR, UC Berkeley. She is a former garment worker, union organizer, district council manager, and international vice-president of the Union of Needletrades, Industrial and Textile Workers Union (UNITE).

The Pocket Guide Series from California Public Employee Relations (CPER)

Pocket Guide to the Family and Medical Leave Act (FMLA), by Peter J. Brown.

Covers both the FMLA and the California Family Rights Act of 1993. This guide lays out the rights and responsibilities of both employers and employees under each of these statutes.

Pocket Guide to the Americans with Disabilities Act, by M. Carol Stevens.

This guide focuses on the complex provisions of disability discrimination law as it applies to the workplace.

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Center for Labor Research and Education
2521 Channing Way #5555
Berkeley, CA 94720

