

THE MISSION of NORTHWEST WORKERS' JUSTICE PROJECT is to improve enforcement of the workplace and organizing rights of low-wage, contingent, and immigrant workers in the Northwest.

NWJP Works to Defeat Anti-Immigrant Initiative

NWJP and Columbia County Citizens for Human Dignity (CCCHD) have been working hard to defeat a recent anti-immigrant ballot initiative submitted by a local construction contractor, Wayne Mayo. The initiative, if passed, would require that 4' x 8' x 3/4" signs be posted at most construction sites in the county. The signs would read "Legal Workers Only" and indicate that a \$10,000 punitive charge would be added to the cost of every construction permit for a site where the contractor was found to be employing any undocumented immigrant.

Mayo, fearful that immigrants are taking away jobs from Columbia County citizens and that unscrupulous contractors are using cheap, undocumented labor to outbid other contractors, has been pushing the idea since last summer. In August he made similar proposals before the Columbia County Commissioners and St. Helens lawmakers. Both groups decided not to take any action on Mayo's ideas. "I'm absolutely against putting up [Mayo's] signs," said St. Helens City Councilman, Charles Grant. Bringing up the initiative as a ballot measure was Mayo's next strategy.

NWJP and local residents are concerned about the initiative for a number of reasons. CCCHD leader Marcy Westerling summed up her organization's opposition to Mayo's initiative: "We are a hate-free zone that welcomes all of our neighbors regardless of race, ethnicity, or citizenship status. We do not support an anti-immigrant zone that scapegoats immigrants rather than

looking at the big picture of why immigrants come here." In addition to increasing racial profiling and discrimination against Latino contractors, the measure would likely increase the costs of housing construction in the county, particularly for taxpayer-subsidized housing for low-income families. Furthermore, there are serious questions about the initiative's constitutionality and legality under state law.

If passed, the initiative can expect to face hurdles encountered by other local governments when trying to enact similar laws. In 2006, the mayor of Hazleton, PA got the city council to pass a law that would fine residents who rent homes to undocumented immigrants and revoke the licenses of businesses that hired them. That law was recently struck down by Federal Judge James Munley for being unconstitutional. In his decision, Munley wrote, "The city could not enact an ordinance that violates rights the Constitution guarantees to every person in the United States, whether legal resident or not."

NWJP represented CCCHD activists in challenging the original ballot measure language. The Columbia County Circuit Court ruled that the original language did not accurately represent what the measure would actually do, and ordered it to be changed. If Mayo gathers enough signatures to get the measure on the ballot, NWJP, CCCHD and the Rural Organizing Project will continue working together to educate residents about the initiative's inherent problems.

Congress Lifts Restriction on Legal Services for H-2B Reforestation Workers

Because of the connection between access to legal representation and the ability to enforce workplace rights, NWJP places high priority in its work on expanding access to legal representation. Under current law, workers legally admitted to the country as temporary laborers under the H-2B program cannot be represented by any legal services program that receives federal funding from the Legal Services Corporation. In many parts of the country, no other services are available. NWJP has been working for more than four years to bring public attention to this inequality, and to the unremedied exploitation of H-2B workers that results. Finally, in the omnibus continuing resolution funding much of the federal government for 2008, language has been adopted that allows, at the minimum, H-2B forestry workers to be represented. The struggle continues, however, since there are many other industries using H-2B workers that are just as exploitive as forestry (see *Senator Bernard Sanders Introduces H-2B Reform Bill* on page 3).

Del Monte Raid Highlights Need for NWJP's Work

On June 12, 2007, Immigration and Customs Enforcement (ICE) officials raided the Fresh Del Monte Produce Co. processing plant in North Portland, detaining over 165 workers. Some of these workers have already been deported. Others are in a state of limbo, unable to work as their cases go through immigration court.

The Del Monte raid sparked a 500-person protest at the ICE headquarters in downtown Portland. Organized by the Portland Immigrant Rights Coalition, victims of the raid, church leaders, teachers of children whose parents were detained, and students from across the region attended the event. NWJP Executive Director Michael Dale spoke at the rally. Dale pointed out that, while relief efforts for the affected families were an important humanitarian response to the immediate situation, the fundamental solution to this kind of episode is a fair and comprehensive reform of our broken immigration laws, and that it is important to channel community outrage toward achieving that goal, as well.

Victims of the raid also enjoyed support from a variety of labor leaders. In response to the raid Tom Chamberlain, President of the Oregon AFL-CIO, said, "It's wrong that our nation's immigration laws are more punitive toward the men and women who are working to support their families than on the corporations that exploit them." Secretary-Treasurer of Teamsters Local 206, Tom Leedham, and Labor-

ers Union organizer Ben Nelson also expressed their support.

The circumstances surrounding this raid emphasize the need for much stronger protections for our state's workers. As was highlighted in a Willamette Week article published just weeks before the raid, the Del Monte plant was rife with health and safety violations. Workers were illegally charged for safety equipment, denied overtime pay and routinely exposed to harsh chemicals and unsafe working conditions.



NWJP Executive Director D. Michael Dale addresses the crowd at a rally in support of the workers detained by ICE after the June 12, 2007 raid at the Del Monte Fresh plant in Portland.

Another after-effect of the Del Monte raid is the attention it has brought to the temporary staffing agencies who exploit foreign workers. Del Monte relied on one such agency, American Staffing Resources, Inc., to provide most of its Portland plant employees. American Staffing has been accused of providing fake social security numbers to many of the immigrant workers at Del Monte.

In light of the Del Monte raid, the importance of NWJP's work is especially clear. With the threat of deportation hanging heavily on their minds, undocumented immigrants are rarely willing to speak up against abusive employers. With corporations' increasing use of complicated subcontracting schemes and temporary agencies to avoid responsibility for their workers, holding employers accountable is ever more difficult. Yet these are precisely the situations that NWJP staff work to address on a daily basis - in the courts, in the legislature, and in our community at large. We hope and expect that our efforts will contribute to an end to the abuse and exploitation of both immigrant and non-immigrant workers.

Senator Bernard Sanders Introduces H-2B Reform Bill

On September 26, 2007, Senator Bernard Sanders (I-VT) introduced S. 2094, the Increasing American Wages and Benefits Act. NWJP was active in developing early drafts of the legislation, which would increase wages and benefits for both US-based workers and foreign guest workers and improve remedies for violation of work rights in H-2B employment.

Of primary interest to the immigrant community is the fact that this legislation will grant H-2B workers many of the rights enjoyed by those working under H-2A provisions. Specifically, H-2B workers would be eligible for the legal representation on the same basis that is available to H-2A workers. Currently, H-2B workers are not eligible to seek aid from federally funded organizations, such as Legal Aid Services of Oregon. This dramatically reduces the amount of help H-2B workers can find when they need legal aid. Additionally, Senator Sanders's bill would require employers of H-2B workers to pay for transportation costs of workers to and from their countries of origin.

Previous NWJP work set the stage for the bill's introduction. In March 2006, NWJP Executive Director D. Michael Dale testified before Congress about the mistreatment of forest workers. Spurred in part by a three-part exposé in the Sacramento Bee detailing the abuses of forestry workers, or piñeros, working in the U.S. under H-2B visas, a Senate subcommittee heard testimony about rampant abuses by contractors working for the Forest Service. Michael called upon Congress to eliminate the restriction on legal services programs representing H-2B workers. An NWJP petition filed under NAFTA's labor side agreement to challenge certain Mexican guest workers' ineligibility for legal aid representation was also influential in leading to the Sanders bill.

The bill has extensive support from labor leaders and organizations including the AFL-CIO, the Services Employee International Union, the International Brotherhood of Teamsters, the Southern Poverty Law Center. The bill has been referred to the Senate Judiciary Committee, but no further action has yet been taken.

¡Felicidades, VOZ!

NWJP would like to offer its warm congratulations to our partner organization, VOZ Workers' Rights Education Project. In December 2007, the Portland City Council awarded VOZ a \$200,000 grant towards the establishment of a Worker Center in Portland.

VOZ is an organization of day laborers that has been advocating for "jorneleros" in Portland for a number of years. The task of organizing day laborers is difficult, at best, but the current informal setting of day labor recruitment makes this work much more difficult.

Until now, Portland's day laborers have simply gathered on street corners to wait for work. This has led to tensions with area businesses, made it easier for unscrupulous employers to underpay and mistreat workers, and made it challenging for VOZ to effectively organize day laborers to defend their workplace rights. The new Center will be a safe space where day laborers can wait for work and employers can come to hire workers. Similar centers in other cities have been successful in increasing employer accountability and lowering conflicts with surrounding businesses and neighborhoods.

The Council's decision came only after a bitter public debate that highlighted rising anti-immigrant sentiment in Oregon – a trend reflective of the increasingly hostile atmosphere nationwide toward immigrant workers. (Visit the NWJP website at www.nwjp.org to see an *Oregonian* op-ed in support of the Center written by NWJP Executive Director, D. Michael Dale.) The decision was an important victory for the city's workers, immigrant and non-immigrant alike.

Less public was the work done behind the scenes to build support for the Center among building trade unions. Initially union leaders expressed fears that such a center would undercut the wages and working conditions of trade union members. After further dialogue, the Northwest Columbia Building Trades Council and VOZ have tentatively agreed to sign a letter of understanding that calls for mutual support, cooperation and collaboration in improving wages and working conditions of all trades workers. NWJP was pleased to lend assistance, along with other allies such as LERC and PCUN, in the negotiations leading to this agreement.

NWJP looks forward to continuing to collaborate with VOZ to ensure the success of the new Center. Specifically, NWJP will work with VOZ staff and members to develop, organize, and present regular workers' education trainings to day laborers seeking work through the Center. Trainings will include information about safety on the job, as well as legal rights and remedies. NWJP will also be available as a potential resource to workers at the Center who are in need of legal representation with respect to their workplace rights.

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