Advocates of immigrant and workers’ rights won a substantial victory in April when Judge Ted Grove in Oregon’s Columbia County declared invalid an anti-immigrant ballot initiative approved by voters in the county last November.

The ruling came in response to a lawsuit filed by NWJP and a team of other lawyers to block the implementation of measure 5-190, shortly after its passage. Had the initiative not been overturned in the court, it would have penalized employers in Columbia County for hiring undocumented workers with the loss of business licenses and fines of up to $10,000. Workers who were losing their jobs as a result would have been without any means of challenging their termination.

The judge found the initiative to be pre-empted by federal law, which explicitly prohibits local governments from imposing civil or criminal sanctions on employers of undocumented workers. The judge also found that enforcement procedures established by the initiative would have required County authorities to take actions outside of their statutory and constitutional powers.

The lawsuit that finally defeated measure 5-190 was part of an ongoing campaign led by community members and regional partners organizations including ROP, the ACLU, and individual attorneys who contributed to this success. NWJP first supported the efforts by representing local progressives in a successful challenge to the ballot titles that would explain the measures to voters. We assisted our community partners in postponing the vote from a special election—in which there was nearly no chance of the measures being voted down—to the fall 2008 general election—in which the worst of the two measures was defeated.

After voters approved measure 5-190, NWJP played a key role in rapidly mounting the legal challenge that blocked the measure before it could go into effect. In the meantime, NWJP supported the work of community activists by training workers and employers about the impacts of the initiative, and by educating the public through the media about the issues involved in the lawsuit. Marcia Westerling of the Rural Organizing Project thanked NWJP for its role in the struggle up to this point. "NWJP stood by the justice minded people in Columbia County from the start of this mess," she explained. "They have guided us in how to stay calm and focused and use the legal process before, during and after. NWJP is a priceless resource."

On February 18, 400 members of the Columbia County Latino community and their allies joined together in a march for respect and dignity.

NWJP continues fight to clean up mess left by Bush administration in H-2B temporary worker program

In our fall 2008 newsletter, NWJP reported on our work to forestall adoption of new regulations for the H-2B temporary worker program proposed last summer by the Bush administration. The H-2B program is the system used to import workers from outside the United States to perform temporary, low skill, non-agricultural jobs. The structure of the program allows systematic abuse of H-2B workers.

After Hurricane Katrina, Decatur Hotels, a major hotel company in New Orleans, arranged for H-2B workers to fill low wage, temporary jobs such as maintenance and housekeeping, claiming that no one applied when they offered work to hurricane evacuees.

Aggressive labor recruiters earning big bucks as agents of the hotel promised nine months of full-time work with plenty of overtime to recruits in Peru, Bolivia, and the Dominican Republic. Each worker recruited paid between $3,500 and $5,000 to cover the cost of transportation and travel, and visas – more than a year’s salary in their home country for most of the workers. According to the terms of the written contract, each would have to work full-time for three to four months just to repay the recruiting fees, not counting any interest on loans they may have taken out. To raise the money, recruits sold land and belongings, plunging their families into debt in hope of greater economic opportunities.

When the workers arrived in the United States, they were only given up to 25 hours of work per week. Although desperate for higher wages to pay off their debt and support their families, as H-2B they were prohibited by law from seeking work from anyone other than the employer that “imported” them.

As evidenced by this story and many others, temporary foreign worker programs in the United States must be (Continued on pg. 2)
May Day demands for reform

NWJP’s Executive Director Michael Dale joined several of our clients, along with hundreds of other supporters of immigrant and labor rights, at a rally and march in downtown Portland to call for the passage of fair and just immigration reform, in commemoration of International Workers’ Day.

TO STAY INFORMED ABOUT EFFORTS TO ACHIEVE COMPREHENSIVE IMMIGRATION REFORM: Join CAUSA’s Cell Phone Action Network by texting CAUSA to 68398! CAUSA is Oregon’s statewide, grassroots immigrant rights coalition, working to defend and advance immigrant rights through coordination with local, state, and national allies.

Fight to clean up H-2B program: continued from page 1

NWJP’s work is working hard at the state Capitol to advocate for legislation securing protections for Oregon’s low wage workers. These are three bills we are actively pursuing:

 og the power of mobilizing anti-immigrant sentiment elsewhere.

Struggle continues

Although the April ruling overturning measure 5-190 is a significant success, the struggle to overturn passage of local initiatives that damage immigrant workers and their communities in Columbia County and beyond is far from over. Anti-immigrant forces need only return to the ballot with a similar measure.

NWJP hopes to help our community partners move dialogue within the county away from immigration to a common goal of preventing the exploitation of workers. Although the community is deeply polarized, it may be possible to bring people together around local mechanisms to enforce workplace rights that protect all workers, native and immigrant alike.

WAGE THEFT IN AMERICA: Why Millions of Working Americans Are Not Getting Paid—What We Can Do About It

In her latest book, labor activist Kim Bobo exposes the hidden injustices plaguing North America’s low wage workers. The bottom line is that millions of workers are going unpaid. It happens all the time, in various ways: paying employees less than minimum wage, not paying for all hours worked, giving employees bad checks, and neglecting to pay extra for overtime hours, to name a few. After exploring the complexities of the problem, Bobo offers an extensive, concrete plan to help support and protect workers.

Kim Bobo is the founder and Executive Director of Interfaith Worker Justice. We are grateful for her contribution to NWJP as a member of our Advisory Board.

House Bill 2624 would allow workers who have been trapped in long-term or low wage employment to attend job skills training without losing unemployment benefits. Currently, a worker may not receive unemployment insurance benefits unless the worker is available to work any shift without limitation. Unemployed workers seeking skills that would lead to a better job are thus forced to choose between unemployment insurance and training elsewhere. Even if the job available is only temporary. This bill was approved in the House Business and Labor Committee and is pending in Ways and Means.

House Bill 2815 would establish a network of state agencies to enforce compli-

ance with laws relating to the misclassifi-

cation of workers as independent contrac-

tors in order to avoid paying taxes and benefits. Produced by an interim agency

We are currently engaged in initial settlement discussions with the Obama Department of Labor, and we have already made im-

portant progress toward undoing the damage.

On March 26, in response to C.A.T.A. and another case involv-

ing H-2A workers, the Secretary of Labor Hilda Solis ruled that the

appear to be a crucial component of NWJP’s work. Here is a sampling of the abuses that our current clients are confronting:

⇒ Employers at a Portland restaurant work in the kitchen up to sixty hours a week on “salaries,” a monthly lump sum that falls far short of the hourly minimum wage and does not compensate workers for overtime hours. After three years of employment, one worker is owed about $30,000 in back wages.

⇒ At another Portland restaurant, a female employee faces similar wage violations in addition to unwanted sexual advances from her employer. When she tells her boss to stop touching her, he says it is only a joke. He later threatens to retaliate against a member of her family if she takes legal action against him. He also threatens her in case.

⇒ A large, solvent construction contractor in Oregon routinely denies overtime pay to many of its workers. Even of whom do not know they are legally entitled to overtime compensation. Workers who suffer injuries on the job are encouraged not to file workers’ compensation claims, and fines assessed against employers are not covered by workers are illegally de-

ducted from workers’ pay.

⇒ Instead of hiring them as janitors, a building maintenance company sells an im-

ges to office buildings, claiming that they are buying into an independent business. However, under the Fair Labor Standards Act, they are em-

ployees. We are now looking for the franchisor, who has disappeared, to collect the wages that are owed to the workers.

⇒ State regulations require that workers get ten minute rest breaks during each four hour work period. But when our client in-

sists on being given his break, he is fired.

⇒ A group of carpet layers labor around the clock for several weeks to complete a remodel at an Oregon hotel, frequently working double shifts. The subcontractor who hired the workers leaves the state and does not pay them in full, in debt several thousand dollars to each employee.

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NWJP client Patricia Laguna testified in support of HB 3162 at a public hearing in Salem, after her job at a migrant head start program was terminated when she repea-

tedly pointed out that the program was not fulfilling with federal regulations requir-

ing parental involvement.

House Bill 3162 would make it illegal for employers to discriminate against an em-

ployee for reporting illegal practices in the workplace. Under current law, there is a specific statute saying that retaliation is unlawful, there may be no legal re-

course for private employees who are fired for reporting illegal practices. For exam-

ple, workers who are retaliated against for asking for work breaks required by BOLI regulation are not protected. The bill was passed 41-19 by the full House of Represen-

tatives on May 7 and referred to the Senate Committee on Commerce and Workforce Development.

In her latest book, labor activist Kim Bobo exposes the hidden injustices plaguing North America’s low wage workers. The bottom line is that millions of workers are going unpaid. It happens all the time, in various ways: paying employees less than minimum wage, not paying for all hours worked, giving employees bad checks, and neglecting to pay extra for overtime hours, to name a few. After exploring the complexities of the problem, Bobo offers an extensive, concrete plan to help support and protect workers.

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