

NWJJP UPDATE Spring 2007

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 Leads the Way for Workers' Rights Reforms in Oregon

This spring, NWJP is expanding the scope of its advocacy in the legislative arena. After consulting with VOZ, PCUN, labor unions and other advocates for low wage workers, NWJP developed a package of bills to improve the legal protections and working conditions of low wage workers in Oregon. The bills are currently pending in the legislature as HB 3391-HB 3398, and can be viewed at <http://www.leg.state.or.us/>.

A key reason for introducing this package is that the bill package will serve, and is serving, as a means of drawing together disparate elements of the progressive community around issues affecting low wage immigrant and contingent workers. The package serves as a way to inform the public and policy makers about the disintegration of middle class work opportunities caused by contingent work practices, and to mobilize groups such as mainstream unions, progressive religious organizations, advocacy organizations and immigrant rights groups to stand with worker organizations such as PCUN and VOZ in advocating for improvements in the working conditions of contingent workers. Most importantly, this legislative campaign offers opportunities to engage contingent workers, themselves, in advocacy roles that will develop leadership capacities and organizational abilities for future work on behalf of low wage workers.

On April 19, NWJP was joined by clients and representatives from PCUN, VOZ, the Oregon AFL-CIO, and other workers' rights advocates at the capitol, where five of the eight bills were heard by the House Committee on Business and Labor.

The first bill, HB 3391, would require safety inspections for vehicles used to transport agricultural and forestry workers. Ramon Ramirez, president of PCUN, testified to the grave need for improvement in the enforcement of safety standards for these workers, many of whom work in extremely remote locations where law enforcement officers are rarely seen.

The second bill, HB 3392, nicknamed the "Day Laborers Bill of Rights," would create a system of protection for day laborers. Among other provisions, the bill would bring day labor employers within the scope of BOLI regulation, and also would prohibit day labor employers from charging for tools, equipment, transportation, or to cash a pay check.

HB 3393 takes aim at construction labor contractors – that is, individuals whose primary function is just recruiting workers, as opposed to carrying out the traditional func-



NWJP client Vicente Anguiano testified to Oregon's House Committee on Business and Labor about the exploitive practices of the temp agency that sent him to work at fish processing plants every summer since he was fourteen years old.

tions of a construction contractor. Under this law, construction labor contractors would be licensed and regulated by the existing labor contracting regulatory system used in agriculture and reforestation. This law would go a long way toward ending the wage law violations that so many of NWJP's clients experience.

In response to the growing use of temp workers in positions traditionally held by permanent employees, HB 3397 would require temp workers to be paid the same wage for doing the same work as permanent employees. It would also bring
(continued on next page)

NWJP
917 SW Oak St., Suite 426
Portland, Oregon 97205

Your Support Goes Twice As Far!

As we reported in the Fall 2006 issue of the newsletter, NWJP was awarded \$120,000 in matching funds by the Meyer Memorial Trust. So far, we've raised enough to qualify for two thirds of the award.

With your support, we will complete our goal of receiving the remaining \$40,000 by June. With every dollar you donate matched by a dollar from Meyer Memorial Trust, there has never been a better time to make a contribution!

Thank you donors and Meyer Memorial Trust for supporting NWJP's advocacy for the working poor! You can continue to help expand access to justice by making a tax-deductible deduction to "NEED Fund" today.

Count me in! I will help fight for the economic justice with the enclosed contribution for:

\$50 \$100 \$250 \$500 \$1,000 other

For a tax deductible contribution, please make your check payable to "NEED Fund."

Name: _____

Address: _____

Email: _____ Phone: _____

Mail to: 917 SW Oak St., Suite 426, Portland, OR 97205

(continued from page 1)

temp agencies back within the regulatory scope of BOLI and make an employer who contracts out work knowing that the subcontractor will not receive enough money to be able to follow the law jointly liable with the subcontractor.

The last bill heard on April 19, HB 3398, would make it explicit that all of Oregon's wage and hour statutes are consistent with each other and with federal wage and hour law with respect to the definitions of certain key phrases. Specifically, the bill would standardize the definitions for "employ," "employer," "employee" and "wages" throughout Chapters 652, 653, and 658 using the "suffer or permit to work" language used in Oregon's minimum wage law and the Fair Labor Standards Act.

On April 27, two more bills were heard – and given a "do pass" recommendation – by the House Committee on Workforce Development. The first, HB 3395, aims to break the temporary employment cycle that many workers find themselves in because of the way that current law defines "suitable" employment (in brief, if your last job was a temp job, then you will not be eligible for unemployment benefits if you decline another temp job, because temp work is, according to the law,

"suitable" for you). This bill also would permit part time workers who lose their job, and can't work full time, to still receive unemployment benefits if they worked enough hours to qualify and are looking for work during the same times as they were working when they earned their eligibility.

A second unemployment benefits bill, HB 3396, would allow temporary workers to upgrade their skills while receiving unemployment compensation.

We are optimistic about the passage of these bills – keep an eye out for our next newsletter for an update!

The only bill that didn't get a hearing this session is HB 3394, which would have made all agricultural workers eligible for unemployment benefits. However, a House bill to create an interim task force on Oregon's agricultural labor supply is likely to pass. That bill instructs the task force to evaluate the changes proposed by the bill and make recommendations to the next session of the legislature.

The compressed time schedule as the legislature moves to annual sessions, and the caution of Democratic leaders this year, may prevent the other five bills from being passed. However, we are confident that the foundation of support we are building during this session will pave the way for their passage in the future.



Photo of the capitol by Chris Phan

NWJP Board and Staff Chart the Course for the Next Year

On February 9 & 10, 2007, NWJP's Board of Directors met amid the scenic beauty of the Oregon Coast to discuss the Project's progress and plans. Our thanks for the gracious hospitality of NEED Fund Board Chair Becky Chiao for use of the wonderful facility. Nearing its fourth year of service, the Project has much to be proud of; thanks to the Board's ambitious vision and careful planning, NWJP is poised to continue its growth as a vital resource for workers in the Northwest.

The key topics of discussion were the current immigration reform proposals and how they would affect

NWJP's work if implemented; the trends NWJP is seeing in exploitation of workers and how the Project can best meet those challenges; fundraising plans; at what rate to increase staffing; and how to make sure our capacity to serve clients keeps pace with the ever-increasing demand for our services.

The retreat was attended by NWJP staff members Meg Heaton and Ivonne Rivero, NWJP board members Maria Andrade, Mia Butzbaugh, Michael Dale, Steve Goldberg, Larry Kleinman, Angel Lopez, and Tricia Smith, and NEED Fund board members Becky Chiao and Bill Reznick.

Profile: NWJP Paralegal Ivonne Rivero

Ivonne Rivero joined NWJP in September of 2005. Ivonne is an experienced journalist, interpreter, and translator, and brings her skills from all three of these areas to her work at NWJP.

A native of Mexico and fluent in both Spanish and English, Ivonne's first job in journalism was as a translator for C.I.S.A., Mexico's top newswire. She also worked as a reporter for El Sol de Mexico, and co-founded a magazine, Dimension Turistica. After she moved to Oregon, Ivonne started working as a journalist at Portland's El Hispanic News, where she reported on politics and programs in Portland and Washington county.



Ivonne's first experience with NWJP was volunteering to translate a complaint brought by NWJP under the NAFTA side agreement on Labor against the U.S.. And her experience as an interpreter in legal proceedings gives her invaluable insight into how to help NWJP's clients navigate the legal system.

Thanks to a generous grant from the Spirit Mountain Community Fund, (www.thecommunityfund.com), Ivonne now brings her talent for communication to the airwaves of KPCN. KPCN is the new radio station founded by PCUN, Oregon's farmworkers' union. It is based in Woodburn, Oregon, and reaches listeners throughout the northern Willamette Valley. Ivonne makes regular appearances on "La Hora Campesina," or "Farmworker Hour," on alternate Thursdays.

NEWSWATCH: THE PERILS AND PITFALLS OF TEMPORARY WORKER PROGRAMS

Source: Mary Bauer, Southern Poverty Law Center Immigrant Justice Project, *Close to Slavery: Guestworker Programs in the United States*, March 12, 2007, available at <http://www.splcenter.org/legal/guestreport/index.jsp>.

- Every year, thousands of workers come to the U.S. under the auspices of the H-2 "guestworker" program. There are two types of H-2 visas.
- H-2A visas are for agricultural workers, and provide for U.S. DOL enforcement of contracts, eligibility for legal assistance from Legal Services Corporation-funded providers, a guarantee for a minimum length of employment, reimbursement for transportation costs and free housing in good condition, among other protections.
- In contrast, H-2B visas are for non-agricultural work, and offer none of the safeguards mentioned above.
- Such temporary workers are usually charged fees by recruiters to obtain their jobs, ranging from \$500 to over \$10,000.
- In order to pay the fees, many take out loans at exorbitant interest rates – as high as 20% per month. The loans are often secured with the deed to the worker's property as collateral. Workers accept these terms because they are promised good wages and plenty of work in the U.S. by recruiters.
- When they arrive, the jobs waiting for them pay far less than promised. Workers planting seedlings for forestry contractors are paid at a piece rate which, in practice, is far lower than the minimum wage required by H-2B contracts. One Southern Poverty Law Center client reports getting paid about \$25 per day for 12 hours of work.
- Sometimes the jobs don't exist at all, or are for much shorter periods than promised. If the worker comes to the U.S. under the H-2A or H-2B programs, he is not permitted to look for work elsewhere – yet, his obligation to pay for housing, food, and debts continues.
- To whom does a temporary worker turn when he finds himself in this impossible situation? The U.S. DOL claims it does not have the authority to enforce H-2B contracts. Because H-2B workers are not eligible for federally funded Legal Services programs, legal assistance is simply out of reach for the vast majority.
- There are 8,900 employers in the U.S. who are certified to hire H-2B workers. In 2005, there were 89,000 H-2B workers and 32,000 H-2A workers in the U.S.. [Editor's note: Big businesses all over the country are asking Congress to raise the cap on H-2B workers so that they can hire any returning workers plus 60,000 additional new workers. A temporary measure to this effect suspending the current cap of 60,000 visas has already ballooned the number of workers admitted as H-2B workers to current levels.]