

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.

## Union victory in Washington Co. cause for celebration

NWJP is excited to offer our congratulations to the employees at the Oregon Child Development Coalition in Washington County and to the LIUNA Laborers Local 320 on their recent victory. On July 23, the group of workers composed primarily of Latina women voted 124-17 to join Local 320 – a resounding win, well-earned after two years of relationship-building between the workers and the union.

“Some of the bravest women we’ve ever known, we found there,” said Ben Guzmán, the Local 320 organizer who led the campaign. “People don’t understand this is not an easy thing to do,” Guzmán continued. “You are inviting people to jeopardize their employment and try something new. The group did a fantastic job staying together.” Among the courageous OCDC employees who led the organizing efforts were Delia Mata Hernandez, Norma Hernandez, and Patricia Laguna.

OCDC is a nonprofit organization that works with the state’s migrant and low-income children and families to provide them with health and educational services. Each of the 12 county facilities it operates is managed separately. The newly formed Washington County bargaining unit brings about 160 new members to Local 320, including teachers, teacher assistants, cooks, bus drivers, custodians, and others from locations including Cornelius and Hillsboro.

In addition to the strength of the OCDC workers themselves, Guzmán attributes the success of the campaign to the support they received from both inside and outside the union. From the Laborers Union, he especially praised the dedication of Local 320 Business Manager Dave Tischer along with Local Organizer Jodi Parker, Apprenticeship Coordinator Aida Aranda, and Regional Organizer Connie Rodriguez.

Guzmán also thanked NWJP’s Michael Dale for his participation in several meetings to which he was invited to discuss some of the legal issues that come up in this kind of campaign.

*Continued on page 3*



*New union members from the Washington County Oregon Child Development Coalition join fellow activists from Laborers Local 320 to celebrate their landslide victory after winning the union election 124-17.*

## 2008 Ballot Measure Watch

*NWJP supporters in Oregon may want to look carefully at these ballot measures.*

### MEASURE 58:

⇒ Limits teaching children in their own language and imposes a one-size-fits-all approach to teaching Oregon’s kids. Not all children learn in exactly the same way.

⇒ Takes away control from teachers, parents, and school districts who know what works best for their local schools.

⇒ Is so extreme that it doesn’t even make exceptions for students with learning disabilities, meaning that they would be required to learn English in the same amount of time. That puts too much pressure on teachers and students.

### MEASURE 64:

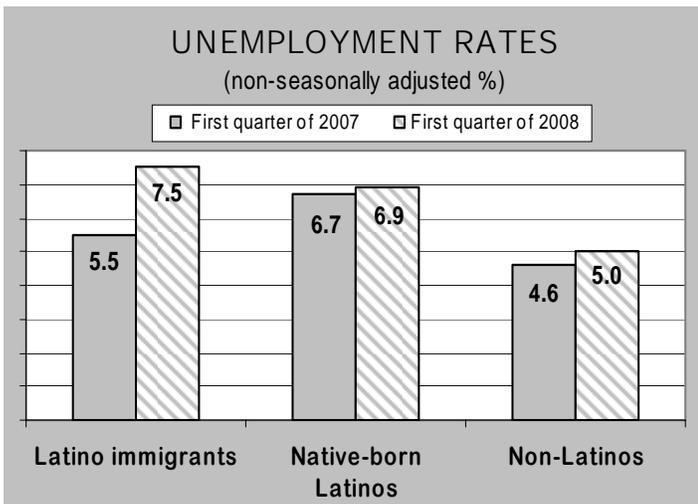
⇒ Was placed on the ballot by Bill Sizemore with out-of-state funding. It singles out public employees who make small, voluntary contributions to the charities of their choice through their paychecks to advocate for working families. It does nothing to eliminate corporate influence in politics.

⇒ Is unclear and so poorly written that it will have sweeping, unintended consequences for charities that are already under-funded. It’s also headed for court at taxpayers’ expense.

⇒ Public employees can already decide if they want to take part in advocacy and workplace giving. Oregonians have said no to this idea three times before.

# Latino workers suffer from slump in construction

Immigrant Latino workers have been disproportionately hit over the last year by the economic slowdown in the United States, due primarily to the slump in the construction industry. According to a recent report by the Pew Hispanic Center\*, the unemployment rate for Latino immigrants reached 7.5% in the first quarter of 2008, jumping two percentage points in a year and exceeding the unemployment rate for native-born Latinos for the first time since 2003. Over the same period, the unemployment rate for non-Latinos increased less than half a percentage point to 5.0%, while the gap in seasonally adjusted unemployment rates between Latinos and non-Latinos has increased from a historic low of 0.5% at the end of 2006, to 1.8% in the first quarter of 2008.



Mexican immigrants were hit especially hard, suffering an increase in unemployment rate from 5.5% to 8.4% between the first quarters of 2007 and 2008. At the same time, Latina women faced greater increases in unemployment and less job growth than did Latino men. Immigrants from any country who arrived in 2000 or later saw their unemployment rate spike from 7.1% to 9.3% over the same period.

Construction jobs accounted for the vast majority of job loss experienced by Latino immigrants. Between 2007 and 2008 alone, 221,000 construction jobs held by Latino immigrants were cut. (All told, 255,000 of the newly unemployed were Latino immigrants.) Until early 2007, construction had for several years created much of the job growth experienced by Latino immigrants, but the downturn in the construction industry has virtually wiped out those gains.

Declining wages accompanied increasing unemployment in 2007, with Latino construction workers suffering the largest hit: a 6.9% fall in wages for all Latinos in the construction industry and 4.0% for Latino immigrants. These workers now earn less than they did two years ago, in the first quarter of 2006.

*\*All information for this article was taken from the Pew Hispanic Center's "Latino Labor Report 2008: Construction Reverses Job Growth for Latinos," released on June 4, 2008 and available online at <http://pewhispanic.org>. Unless otherwise noted, the unemployment rates cited are not seasonally adjusted.*

## NWJP challenges the CCB to increase services to workers

As economic trouble in the construction industry makes low-wage employees even more vulnerable, NWJP continues to push for structural changes to promote the labor rights of immigrant workers. A common problem we are seeing is the use of fly-by-night labor contractors to supply workers on construction jobs. When the workers don't get paid properly, the labor contractor is often broke or gone. Using legal principles first developed in court cases in the agricultural industry, we have been working on cases to establish the liability of the beneficiary of the work. We have also developed legislation that would do the same thing.

We have recently turned our attention to the shortcomings of the services offered by the Construction Contractors Board (CCB). As the state agency responsible for regulating construction contractors in Oregon, the CCB has a dispute resolution program open, in theory, to all employees who claim that they have not been paid in full. Once an employee files a complaint with the CCB, there is an investigation and the agency attempts to help both parties settle the dispute.

In practice, it's not that simple. The dispute resolution services offered online by the CCB are written exclusively in English, rendering them inaccessible to many of the most vulnerable construction workers. An employee searching for information on dispute resolution must navigate through an English language website in order to download a handbook that walks complainants through a fairly complicated process – in English only. Those who make it through the handbook can download a form to file a complaint, but the form itself and the accompanying instructions are available only in English. The CCB has no Spanish-speaking staff to assist workers who need help.

In addition to language barriers, other requirements of the CCB make it very hard to use this process. For example, a worker must know the specific hours worked on specific days, as well as the address where the work was done. Typically, before a worker gets desperate enough to come forward with a complaint, there have been months of non-payment or underpayment of wages. In such cases, it is rare that a worker will have records, or be able to recall, the exact hours, days, and locations worked, especially for workers like painters or dry-wallers, who don't work for long periods at the same location. These facts should be available on the books of the contractor, but the CCB will not even open an investigation if the worker is unable to provide details with precision.

*De facto* lack of access for construction workers to the services offered by the CCB is especially damaging because, in some cases, filing a complaint with the CCB is the only way to recover unpaid wages. All contractors licensed by the CCB must post a bond, which guarantees a source of funds for workers with successful claims regardless of how much money the offending contractor can pay. However, the only way to get access to a contractor's bond is through the CCB complaint process. Providing accessible dispute resolution services could expand access to thousands of vulnerable workers in Oregon's construction industry.

## NWJP leads fight against proposed H-2B program regulations

In its final months, the Bush administration has proposed new regulations to govern the H-2B temporary worker program, the system used to import workers from outside the United States to perform temporary, low skill, non-agricultural jobs. As frequent readers of the newsletter are aware, there are serious problems with this program. Unfortunately, the proposed rules would only make the situation worse. The clear intent of the proposed rules is to make the program easier to use for employers, while doing nothing to address displacement of US workers and exploitation of H-2B visa holders.

Continuing our ongoing struggle to end the exploitation of temporary laborers under the H-2B program, NWJP helped coordinate nationwide efforts to submit comprehensive comments opposing the proposed program regulations released earlier this summer by the federal Department of Labor.

Drawing on the nationwide network of legal advocacy organizations that NWJP helped to organize to support the rights of low-wage workers, NWJP convened advocates across the country to work on a set of comprehensive comments that ultimately were joined by the AFL-CIO, several international unions, including the International Brotherhood of Teamsters and the United Food and Commercial Workers, and by national advocacy organizations such as the Center for Community Change, Interfaith Worker Justice, Jobs with Justice, the National Council of La Raza, the National Employment Project (NELP), the National Immigration Law Center (NILC), the National Network for Immigrant and Refugee Rights, and the Mexican American Legal Defense and Education Fund.

Hopefully, these comments will forestall adoption of these rules. If the department moves ahead to adopt weak regulations, the submitted comments may provide a basis to challenge those rules. Alternatively, the comments provide an analysis of the problems in the H-2B program that could establish a foundation for reform in a more favorable administration.

Under the H-2B program, workers from other countries are temporarily allowed into the United States to fill nonagricultural jobs in industries such as forestry, seafood processing, landscaping, and construction. Bound to the employer that "imports" them and, in most cases, ineligible for legal services from programs that receive federal funding, H-2B workers are systematically exploited and abused. A recent report from the Southern Poverty Law Center quotes House Ways and Means Committee Chairman Charles Rangel as saying that this program is "the closest thing I've ever seen to slavery."

*NWJP presents...*

## Our six-year strategic plan

NWJP is proud of what we have been able to accomplish since we opened our doors in 2003, especially given our small staff. However, we're just scratching the surface of a much larger need. As we approach our fifth anniversary, the boards of NWJP and our sister supporting organization, NEED Fund, have devised a six-year strategic plan to expand the critical legal support, education, and advocacy services that we can provide to low-wage workers and their organizations in the Pacific Northwest.

**By the year 2013, our vision is that NWJP will be:**

- **Developing worker education materials and outreach to workers** through oral and written materials in a variety of languages and a network of peer educators throughout the region
- **Providing continued support for organizing efforts** through relationships with unions, worker centers, and other worker organizations in the Pacific Northwest
- **Pursuing legislative advocacy** to develop and effectively lobby for comprehensive workers' rights in the Oregon legislature and to prevent the passage of anti-immigrant legislation and ballot initiatives
- **Expanding direct legal representation** to increase our caseload and the amount of wages and damages recovered, to establish new case law, and to increase client participation in NWJP's advocacy and worker education projects
- **Expanding access for low-wage workers in the Northwest to high quality, employment-related legal services** through NWJP-led trainings, co-counseling strategies, and continued coordination of lawyers and organizations
- **Continuing to draw on international law** and develop relationships between labor and human rights organizations

In order to achieve the critical mass to be able to accomplish these goals, we must expand the resource base supporting our advocacy. The plan is ambitious – originally conceived as a five-year strategy, we added an extra year when the board suggested there would be no way to get it all done in five years – but ambitious work is required to adequately address the unmet legal needs of low-wage workers. Our many successes have proven that we have the right strategy and expertise. What we need is more time and resources to realize our vision. Of course, the continued support of the many stalwart friends of the project will be critical in this effort.

### Union victory in Washington Co: *continued from pg 1*

"Michael was an instrumental part because a person with his knowledge and no union affiliation sends a huge message. After a long day of work, he stopped by to give his input," Guzmán said. He added, "I met Mike a few years back...I could tell Mike was someone with his heart in the right place, and I needed someone like that."

Communication between the Washington County OCDC workers and the Laborers Union first started two years ago when Guzmán received a call from an employee who had been fired without cause. Guzmán and the woman met with the OCDC

administration but were told that the decision was final. After he had received several phone calls from OCDC employees about similar firings, Guzmán was approached by a group of employees asking for assistance. With the support of the union, the workers organized a full campaign that eventually resulted in the July 23 election run by the National Labor Relations Board.

According to Guzmán, the election victory has been officially certified, and the OCDC has not filed any unfair labor practices complaints. The next step will be to get a first contract ratified.

NWJP congratulates the courageous activists involved in this campaign, wishes them well in the bargaining process, and stands ready to offer its solidarity and assistance if needed.

WE'RE MOVING  
from Suite 426 to Suite 412!

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



## THANK YOU FOR YOUR CONTINUED SUPPORT!

On the eve of our fifth anniversary, we want to share with you some of what you have helped us to accomplish:

- Since October 2003, NWJP and cooperating counsel have recovered over \$772,000 in wages and damages for low-wage workers.
- NWJP currently represents 149 clients, plus a class of about 35,000 workers, in 42 separate cases.
- NWJP produces a regular biweekly radio program in Spanish for KPCN concerning legal issues for low wage workers.
- Since our inception, we have provided training about legal issues to 1,499 workers and worker leaders in 24 separate events.
- We helped VOZ Workers Rights Education Project, an immigrant-led day laborer organization, to negotiate an agreement for strategic cooperation with Portland's Building Trades Council.
- In the 2007 legislature, we sponsored a comprehensive package of eight bills to strengthen protections for contingent workers.
- Invoking the NAFTA labor side agreement, we successfully advocated the opening of federally funded legal services to H-2B temporary forestry workers to enforce employment contracts.

*Count me in!* I will help fight for 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 412, Portland, OR 97205

- We helped to organize and currently host the Low Wage Worker Legal Network, a national network of organizations representing low wage workers, to conduct training, policy analysis, and advocacy. The network now includes over 100 advocates in more than 40 legal organizations around the country.

*Read on to learn more about our recent accomplishments, our current projects, and our vision for the future of the organization.*