

Successful Advocacy Days at the Capitol



Participating in Advocacy Days in Salem, Ore.: Genice Rabe, Legislative Counsel for NWJP; Peter Tofalvi of Abacus Energy Solutions, LLC; Matt Cato from the Archdiocese of Portland; worker Angela Galván; Rebecca Smith from NELP; and NWJP's Executive Director Michael Dale.

In February, NWJP and other members of the Oregon Coalition to Stop Wage Theft organized several activities at the Capitol in Salem in order to educate legislators about wage theft prevention and remedies.

In the lobby of the Capitol, the Coalition displayed posters and factsheets and offered information to educate passersby and visitors.

On Feb. 17, community and faith leaders and wage theft victims met with 28 Oregon legislators to discuss the insidious consequences of stolen wages on communities, families, and small businesses.

On Feb. 19 and 20, the Coalition held lunch-hour education sessions for legislators. Rebecca Smith, Deputy Director of the National Employment Law Project, shared her insights and knowledge of wage theft and outlined national efforts for eliminating it. She was preceded by Kim Bobo, author of *Wage Theft in America* and Executive Director of Interfaith Worker Justice, worker Angela Galván, business owner Peter Tofalvi, and Archdiocese of Portland representative Matt Cato.

The week of Feb. 17, KBOO Community Radio featured Smith and NWJP's Executive Director Michael Dale on "Voices from the Edge," while Janet Bauer from the Oregon Center for Public Policy spoke with OPB Radio's "Think Out Loud." They shared information about wage theft, and Bauer touched specifically on OCPP's recent findings that wage theft in Oregon concentrates in the food service and construction sectors disproportionately.

With Advocacy Days activities, the Coalition hopes to bring the issue of wage theft to the forefront of Oregon's 2015 legislative agenda. ☘

NWJP's Second Annual Celebration Set for June 12

On Thursday, June 12, we will gather at the Eliot Center in downtown Portland, Ore. from 5:30 to 8:30 p.m. to celebrate NWJP's significant accomplishments of the past year with our supporters, families, and friends. Former Gov. of Oregon Barbara Roberts will introduce Larry Kleinman, former Secretary-Treasurer of PCUN and NWJP's Board President, as he receives the Tribune of Worker Justice Award.

Our keynote speaker will be Luis Pérez, the first undocumented immigrant to graduate from UCLA Law School. Luis is one of about a dozen undocumented law graduates in the process of seeking admission to the California Bar under recently enacted legislation, and he has played a pivotal role in this struggle.

Our guests will enjoy live entertainment, the opportunity to bid on fabulous items at our silent auction, and a delicious dinner prepared by Chef Philip Oswalt.

To sponsor the event, volunteer, or donate items for the auction, contact Leslie Lambert via e-mail at leslie@nwjp.org or by calling 503-707-0074.

Dinner tickets are available on our website: www.nwjp.org. ☘

NWJP LAUNCHES WORKING WOMEN'S PROJECT

Thanks to a generous grant from the Spirit Mountain Community Foundation, NWJP has launched an effort to better reach working women in Oregon and to educate female, low-income and immigrant workers on their workplace rights, legal remedies and available resources.

According to the National Women's Law Center, two out of three minimum-wage earners are women and nearly four in ten are women of color.

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Not surprisingly, women working in low-wage jobs are vulnerable to workplace abuse and, more so than their male counterparts, are sexually harassed and receive lower pay for equal work.

By focusing on the unique experiences of women in the workplace, NWJP hopes to encourage them to report exploitation and to help build their power to stand up to employer abuse. ✪

Victory in Third Circuit for H-2B and U.S. Workers



Photo Credit: The Oregonian

As avid readers of our newsletter will know, NWJP and its allies across the country have been locked in litigation for years with the Department of Labor and employer groups to undo destructive, Bush-administration changes to the H-2B Temporary Guest Worker program.

H-2B visas allow U.S. employers to recruit a foreign temporary labor force if they can show that U.S. workers are unavailable. The problem, in part, comes from how employers are required to advertise to U.S. workers and how much they must offer to pay per hour. Under the program, tens of thousands of foreign workers enter the U.S., laboring in low-paying and difficult jobs in sectors like hospitality, fish processing and canning, agriculture, forestry, cleaning and janitorial, construction, and landscaping.

In 2011, NWJP and its allies won an important victory when DOL issued new regulations under a court order that substantially increased the wage U.S. and H-2B workers must be paid to do the same job. The new regulations protected U.S. workers from being undercut by cheap labor and prevented the exploitation of foreign workers.

Predictably, business groups sued to block the new regulations. In *Louisiana Forestry Association v. Secretary, U.S. Department of Labor*, employers argued that DOL lacked the legal authority to issue the new regulations. NWJP and its allies intervened in the case.

On Feb. 4, the 3rd Circuit Court of Appeals sided with DOL and NWJP, holding that DOL did have authority to issue the 2011 wage rules and upholding the regulation that would require employers to pay substantially more to U.S. and foreign workers. This would ensure that U.S. jobs are not being undercut by cheap, temporary labor and help reduce the exploitation of H-2B workers dependent on their U.S. employers for immigration status and work.

However, it remains to be seen what DOL will do in light of this ruling. In the interim, DOL has issued more modest increases in the required wages, and litigation continues in the 11th Circuit. Employer groups are seemingly reassessing their response.

No matter what happens next, NWJP and its allies will continue to fight for fairness and the end to exploitation in temporary foreign worker programs. ✪

Landscapers

Successfully Defend Right to Collective Action at NLRB

NWJP filed a complaint with the National Labor Relations Board on behalf of nine landscapers who were unlawfully terminated for calling a meeting with their bosses and asking for a raise.

NLRB issued a charge in the case, and NWJP successfully negotiated a settlement for the workers.

Two of the clients in the case participated in Advocacy Days at the Capitol last February, talking about how wage theft has affected their lives.

NWJP will continue to defend the rights of non-unionized workers to take collective action without fear of retaliation. ☼

NWJP Welcomes New Team Members



After a long and very competitive search, **Mark Hansen** joined NWJP in April as Staff Attorney. Mark comes to us after working for many years for public defender programs in Kansas City, Mo., Washington, D.C., and Portland, Ore. He also worked as Senior Investigator for the Civil Rights Division of the Oregon Bureau of Labor and Industries.

Mark graduated with Honors in Pro Bono Public Service from the University of Missouri-Kansas City School of Law, and has a bachelor's degree in psychology and political science from Boston College.

Violeta Rubiani joined NWJP in November as Program Administrator. Before working at NWJP, she was financial education specialist at Hacienda CDC, program coordinator at the Nonprofit Association of Oregon, and benefits consultant for the Oregon Workers' Compensation Division.

Violeta has a bachelor's degree in sociology from the University of Oregon and a master's in public administration from Portland State University.

Now an American citizen, Violeta was born and raised in, and returns often to, Asunción, Paraguay. ☼

U.S. AND MEXICAN LABOR SECRETARIES MEET TO RESPOND TO NWJP'S AND OTHERS' NAFTA COMPLAINTS

In 2005, NWJP filed a complaint in Mexico City under the NAFTA Labor Side Agreement on behalf of H-2B temporary guest workers. The complaint described the poor working conditions to which H-2B workers were and continue to be subjected, and the difficulties they encounter enforcing U.S. law.

The complaint also described how the workers, who are lawfully employed in the U.S., face enormous obstacles in enforcing their rights because they are barred from representation by federal legal services

programs.

In 2003, Farmworker Justice filed a similar complaint on the U.S.'s failure to protect H-2A workers from labor abuses in North Carolina. And in 2011, Centro de los Derechos del Migrante filed another complaint regarding the abuses of workers in traveling fairs and carnivals.

Finally, on April 3, the U.S. and Mexican Secretaries of Labor met in response to these complaints and signed a joint ministerial declaration that gives both govern-

ments 60 days to create an action plan that includes outreach and education for employers and migrant workers.

This is an important first step in improving the working conditions of Mexican workers in the U.S.

And now that the U.S. and Mexico are focused on the rights of migrant workers, NWJP and its allies are encouraging the governments to improve enforcement and access to free legal services for all workers ☼

Thank You, Volunteers!

Every quarter, NWJP hosts volunteer students and attorneys who are committed to protecting workers' rights and developing their knowledge and skills. Without their immense contributions, we would not be able to carry out our mission.

*A heartfelt **THANK YOU** goes out to those who helped us at the end of 2013 and the beginning of 2014:*

- ☼ **Bonnie Sailer and Shirin Khosravi**, third-year law students at Lewis & Clark College.
- ☼ **Tiger Torelle and Erica Fahnbulleh**, paralegal program students at Portland Community College.
- ☼ **Tadeu Velloso and Christine Menges**, University of Portland students.
- ☼ **Megan Pries and Lizzy Weal**, students at Bennington College.
- ☼ **Matthew Pennell and Christian Ambrosion**, volunteer attorneys.





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The Northwest Workers' Justice Project strengthens the workplace and organizing rights of low-wage workers in the Pacific Northwest and beyond.
Many heartfelt thanks to everyone who has joined us in this work.

I will stand for worker justice with a contribution of:

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**Thank you for your
support!**