

Economic Empowerment: Wages and Working Conditions

CONTEXT

Santa Clara County is the petri dish of the new economy: while growth provides the opportunity for a healthy culture, uneven growth provides difficult challenges within the culture.

San Jose leads the United States in average annual pay at \$51,409. *SJMN*, 6/12/00. “California (Silicon Valley in particular) leads the nation in high-tech exports (\$53B), venture capital funding (\$16.9B) and R&D spending (\$42B). *SJMN*, 5/17/00. About 65,000 millionaires have apparently “made it” to fulfill their most pressing human needs, driven by innovation and venture capital growth. Even the lowest paid workers at least have access to work: in September 2000 the official unemployment stood at 1.7%, third lowest of all 58 California counties. San Jose (like 40 other U.S. cities) has passed a living wage ordinance to begin addressing the need for meaningful wages to pay for life necessities.

On the other hand, most workers in Santa Clara County—in particular immigrant workers—possess less security than in other regions of the U.S. and suffer from precarious working conditions.

- About 40% of all jobs in Silicon Valley involve contingent labor: flexible job arrangements such as temporary or part-time work that let workers absorb the economic and human costs of market fluctuations in order to increase profitability
- Temporary work increased by 280% from 1984 to 1998.
- The number of out-sourced (subcontracted) jobs increased from 50,298 in 1992 to 79,761 in 1996.
- Some Silicon Valley companies have violated child labor, overtime, and worker’s compensation laws in employing unknowing low-wage Vietnamese workers in piece rate electronics assembly. *SJMN*, 10/6/00.
- Many of the better industrial (e.g. Ford in Milpitas) and union (e.g. Del Monte in San Jose) jobs have been shipped overseas in the search for higher profits.
- “The largest single economic sector in the valley, based on employment, is local and visitor services, where workers earned an average of \$23,000 a year in 1999.” Joint Venture, *SJMN*, 6/6/00.
- “Between 1969 and 1997, the share of immigrants in California’s male work force grew from 10 percent to 36 percent, with the growth concentrated in the lower half of the wage scale.” *SJMN*, 2/9/99 This trend is obvious in Santa Clara County also.
- Health and safety conditions in the use of chemicals and in construction are precarious. *SJMN* 8/19/00
- Silicon Valley is the national leader in household debt. *SJMN* 8/15/99

For workers in Santa Clara County, there are fewer permanent jobs than in decades past; fewer unionized jobs in the private sector with medical benefits and pension plans; and less time spent with family or to receive training because of longer hours worked. Most job expansion occurs in small firms that employ less than 50 workers and that are less likely to provide health insurance or the time to attend employment training classes. Median job tenure is three years.

Most immigrants work in contingent employment and work long hours. The lengthened work year that in the U.S. has increased 163 hours in the past 20 years definitely applies in Santa Clara County. Overwork typically cuts across both ends of the hourglass economy. At the “top” end, H1-B software engineers, computer programmers, and other temporary immigrant professionals individually receive living wage pay. In fact, California ranked third in the U.S. in high tech wages at \$66,906 in 1999. *SJMN*, 5/17/00. Driven by Silicon Valley, six of the 10 counties with the largest share of growth in jobs paying at least \$20/hour are in the Bay Area. {However, these jobs account for only 5% of California’s total projected job growth over the next few years}.

At the “bottom” end of the hourglass, low-wage essential immigrant workers also live to work. Eight of the top 10 occupations in terms of the *total* number of jobs are unskilled occupations. *SJMN*, 5/10/99 Over one-half of all jobs in Silicon Valley pay too little for one person to support a family of four, and two-fifths of all jobs pay too little to support a single-parent family with one child. Multiple wage-earners in the same family and multiple wage-earner households are common.

The result from both ends of the hourglass is a lifestyle predicated upon less family time, less civic or neighborhood engagement, and few real opportunities for meaningful job mobility through sustained training.

While this is all part of the Silicon Valley paradigm, it is particularly pronounced for immigrants. As stated by state Sen. Hilda Solis at hearings convened in San Jose in early 2000 by the Senate Committee on Industrial Relations, “There is a very big and real gap that exists between the haves and have-nots here in Silicon Valley. Many immigrant workers and women face insecure futures...if Silicon Valley really wants to be a leader for the country, they have to set an example.”

FINDINGS AND RECOMMENDATIONS

Finding 1: The biggest barrier to improving the lives of most immigrants is their low wages and low income, leading to multiple jobs and multiple wage earners and making it difficult to receive the education they need to raise their incomes.

The random sample of the top five immigrant groups in the county shows that four of the top five immigrant groups experience household income significantly below their counterpart US-born households. When we compare the percentage of household incomes with \$30,000 or less income or household incomes of \$50,000 or less, only immigrants from India have fewer low-income households than those born in the United States. Chinese immigrants maintain a highly stratified pattern of household income, with 38.3% of households receiving income of \$50,000 or less and 31.7% of households possessing a household income of over \$130,000. Only 30% of the Chinese fall between these extremes.

Each of the top five immigrant groups in the county has a higher percentage of multiple-earner households (households with two or more working) than the comparable percentage for the US-born. Multiple workers provide income in 57.4% of immigrant homes and in only 41.5% of US-born households. Perhaps even more striking, only 12% of US-born households had three or more wage earners, whereas 18.4% of immigrant households had three or more workers, with the Vietnamese (28.3%), Filipino (27.7%) and Mexican (24.1%) leading the way. The obverse of this pattern is that the percentage of US-born households with one or no person working (58.5%) is significantly higher than the percentage of immigrant households with one or no person working (42.6%).

On average, each major immigrant group has more family members working per family for wages than the number of US-born family members working for wages. Filipinos have the most family members working at 2.01; Vietnamese follow at 2.04; and Chinese and Mexican families are close behind at 1.94 and 1.83, respectively. These most numerous of all immigrant groups in the county thus average about two wage earners per family. On the other hand, India averages only 1.4 wage earners per family and the US-born families average 1.37 wage earners per family.

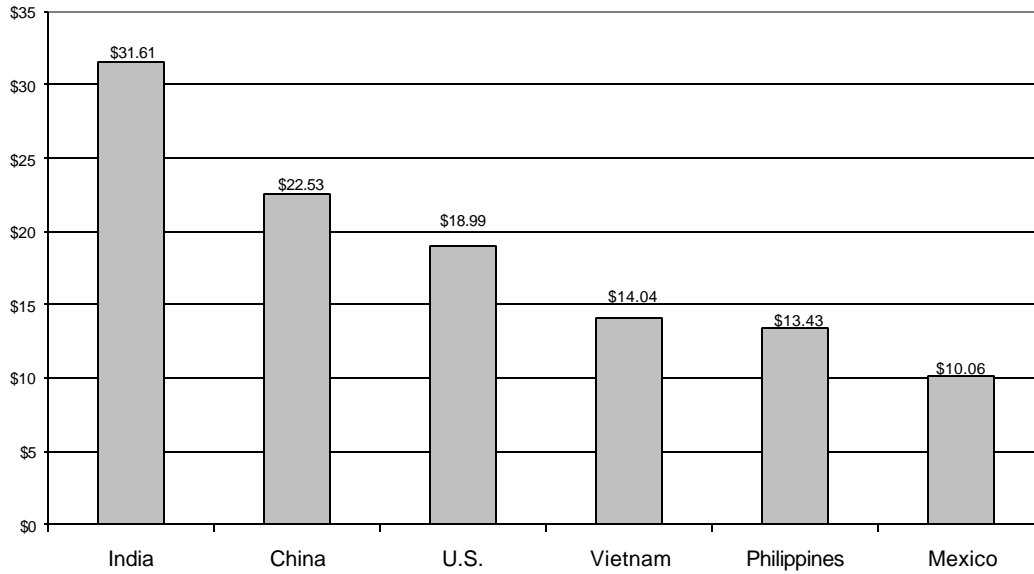
Similar patterns are evident in terms of the numbers of immigrants working for wages and the number of individual immigrants working for multiple employers.

- More immigrant respondents worked for wages than did the US-born in Santa Clara County in 1999, with Filipinos and Vietnamese respondents working for wages at a rate of more than 10% higher than their US-born counterparts.
- More Mexican and Chinese workers worked for multiple employers during the same work week than did US-born workers.
- This is confirmed in the public assistance recipient survey, where (of the top 5 immigrant groups in the county) Mexican, Chinese, and Filipino workers were employed simultaneously by different employers at a rate significantly above the rate of the US-born.

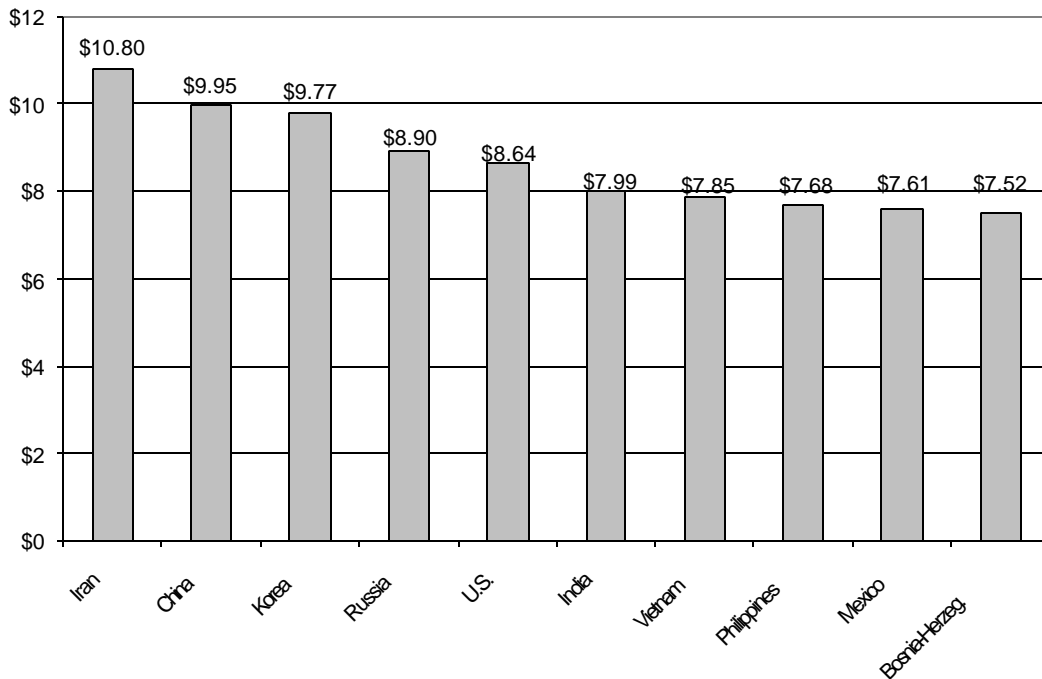
In 1999, the median weekly take home pay of immigrants as a whole was \$100 less per week (at \$550) than the US-born median (\$650 weekly). At the same time, as a percentage of the US-born weekly mean take home pay, Mexicans earned only 54% of the US-born weekly take home pay, Vietnamese earned only 66%, and Filipinos earned 81%, while Indian and Chinese immigrants garnered more take home pay than did the US-born. Chinese immigrants earned more because they worked longer work weeks: while Chinese worked on average 43.34 hours per week, the US-born worked 39.14 hours per week. For all groups the medians were lower than the means, painting a picture of an hourglass economy throughout Silicon Valley with a shrinking top half of the hourglass that bulges at the very top.

The hourly wage levels for most immigrants are lower than the hourly wages of the US-born, with India, China, and Taiwan providing the major exceptions. In addition to the following comparisons, evidence from a smaller pool of Taiwanese suggests that they receive hourly wages at rates even higher than Indians. In the case of China, wage distribution is segmented, with a large number of Chinese bringing up the average hourly rate despite a larger number of low-paid Chinese workers. Also, of immigrants receiving some form of public assistance, Iranians join Indo-Americans and Chinese to receive hourly rates of pay higher than US-born aid recipients and higher than all other immigrant groups.

Hourly Wage by Country (Random Sample)



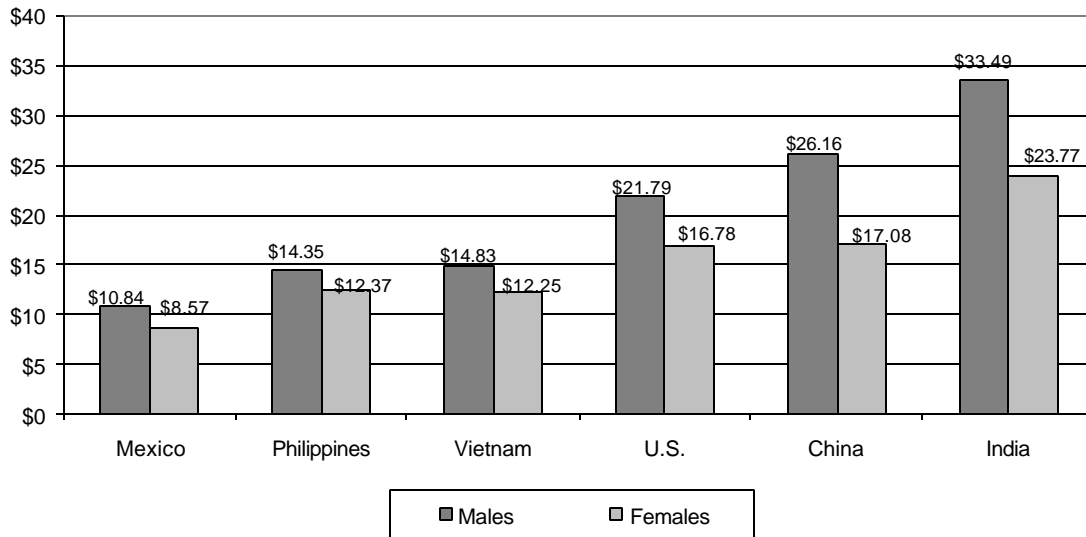
Hourly Wage by Country (Public Benefits Group)



Female immigrant workers earn significantly less per hour than male immigrant workers and female immigrant workers from Mexico, Vietnam,

and the Philippines significantly less per hour than their US-born counterparts. As shown by the following graph, Mexican women earn 79% of what Mexican men earn per hour, Vietnamese women earn 83% of what Vietnamese men earn, and Filipina women earn 86% of what Filipino men earn. Even greater separation between the sexes occurs with Chinese and Indian women. Chinese women earn only 65% of what Chinese men earn and Indian women earn only 71% of what Indian men earn, on an hourly basis. US-born women in Santa Clara County earn 77% of what US-males earn. Strikingly, Mexican women earn only 51% of the average hourly wage of US-born women.

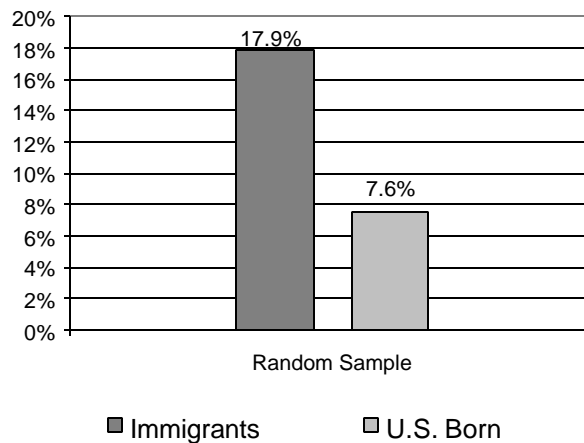
**Mean Hourly Wage by Gender and Country
(Random Sample)**



Mexican women when speaking separately from the men as part of the Latino low wage worker focus group complained about the triple abuse that they feel due to the triple work they are expected to do: working outside the home, taking care of their husband and children, and keeping the house clean.

When asked if they felt compelled to take a low-wage job in the last two years, 18% of immigrants responded affirmatively compared to 8% of the US-born. Of immigrants receiving CalWORKs, 42% answered the question affirmatively.

Respondents Who Felt Forced to Accept Low-Wage Job (Random Sample)



Immigrant workers worked on average one hour and a half more per week than did US-born workers in the county. Chinese worked 4 more hours per week and Indians worked 3 and ½ more hours per week, leading the way.

Unskilled immigrant service workers were unemployed for 21 days on average in 1999 compared to only 4 days for unskilled US-born unskilled service workers. For these low-skilled, lower-paying positions, immigrants were unemployed five times longer. This difference must be understood in the context of issues such as the segmented labor market by occupation, immigration status, and knowledge of English. No other occupational category—for instance professional, skilled workers, or industrial workers--showed such a discrepancy.

Rates of unionization and union rates of pay must be understood in the context of the segmented labor market by occupation and other important factors. In general, immigrant workers belong to unions at a slightly higher rate than the US-born. Immigrant workers from the three nationalities randomly surveyed who receive the lowest hourly pay—Mexico, Vietnam, and the Philippines—are significantly better off when they belong to a union than workers from these three countries who do not belong to a union. Finally, due primarily to the segmented labor market, the hourly rate of most unionized immigrants is below the hourly rate of pay of US-born workers who are in unions.

- Immigrants from Vietnam, Mexico, and the Philippines belong to unions at a significantly higher rate than do the US-born and immigrants from China and India belong to unions at a much lower rate.
- Public assistance recipients belong to unions at about the same rate (12%) whether they are born in the United States or a foreign country.

- Of the immigrant groups unionized at the highest rate, Filipino immigrants benefit the most from the union wage differential, followed by Mexican and Vietnamese immigrants.

Country of Origin	Hourly Wage with Union	Hourly Wage without Union	Hourly Differential
Philippines	\$16.06	\$10.05	+ \$6.01
Mexico	\$10.77	\$8.80	+ \$1.97
Vietnam	\$12.96	\$12.23	+ \$.73

The wage differential for each immigrant group must be understood in the context of the segmented labor market by occupation and other factors. It is also important to remember that unionized workers have other benefits than higher wage levels, including medical coverage, pensions, improved working conditions, and other advantages.

- The average US-born unionized hourly wage was \$14.24 per hour, significantly greater than the union hourly wage of the Mexican and Vietnamese born (the largest immigrant groups in Santa Clara County) but lower than the Filipino hourly wage. These differences must be understood in context, as indicated below.

Higher hourly wages for US-born union workers reflects a number of occupational, historical, and immigration-related realities that were highlighted in focus groups and quantitative findings. These include a) the segmented labor market by occupation, b) the higher rate of unionization of low-wage, high-immigrant service sector jobs in the county’s private sector economy such as janitorial, retail, and restaurant employment, c) immigration status, d) the impact that lack of English has on working in high-wage jobs, e) the lower rate of immigrants than US-born in the highly unionized building trades, and f) the lack of unionization in higher-wage high-tech employment. Also, it appears unlikely that immigrants form 1/3 of public sector union membership, although immigrants comprise 1/3 of the county’s population.

Compared to the US-born, immigrants are much more likely to work for immigrant employers--a very small percentage of all employers-- and somewhat less likely to work for small businesses.

- Immigrants are 15 times more likely to work for an immigrant employer.
- Immigrants are 2/3 less likely to work for a small business with less than 25 employees.
- Within the public assistance recipient survey these same basic relationships were similar, with immigrants 9 times more likely to work for an immigrant employer and immigrants exactly one-half as likely to work for a small business as the US-born.

These findings are apparently contradictory since most companies in the valley are not immigrant owned. However, they make sense from the following:

Of the small number of immigrant-owned businesses in Santa Clara County (estimated at 1 to 7% of all businesses), many immigrant owners themselves feel most comfortable managing employees that speak the same language.

Some immigrant employers take advantage of the immigrant status of recent arrivals, including arrivals from a country different than that of the owner. This latter fact was mentioned in the Central American and Latino low-wage worker focus groups.

Recent immigrants with little English language capacity need to work for a boss or manager who speaks the same language.

The county labor market is highly segmented and immigrants are disproportionately found in occupations with large employers. For example, Indo-American professionals disproportionately work in large hi-tech companies. Large electronics assembly plants and other large assembly operations employ a high number of immigrant workers, and in some areas mostly female immigrant workers. Many Mexican workers are employed in low-wage service sector jobs with larger employers such as the janitorial, hotel, and restaurant businesses. This division of labor was expressed repeatedly in focus groups.

Taking ten key indicators of negative employment conditions, immigrants have a rate of negative working conditions (18.6%) that is 25% higher than the rate of the negative working conditions of the US-born (14.9%). Using these indicators, each of the top immigrant groups in Santa Clara County had a higher combined percentage of what are generally considered negative working conditions than the combination for US-born workers. In addition:

- Immigrants overall suffer slightly worse working conditions in all 10 categories, with the exception of being slightly less likely than US-born workers to lack paid vacations.
- Mexican workers suffer the worst working conditions of all: their rate of negative working conditions is 47% higher than the rate for all immigrant groups and 84% higher than that for US-born workers.
- Immigrant workers work swing, graveyard, or weekend shifts 417% more frequently than the US-born work these shifts. Among the implications:
 1. Immigrants are less likely to be available for their school-age children than are US-born workers.
 2. If they do not have multiple jobs, many immigrants are available to study ESL or receive employment training during the morning, early afternoon, or even at midnight!

Ten Negative Employment Conditions for the Top Five Immigrant Groups and the US-Born
in Santa Clara County For Employment in the Year of 1999
(Random Sample)

WORKING CONDITION	Mexico		Vietnam		Philippines		China		India		Total Immigrants		US-Born	
No Medical Benefits	27	55.1%	35	31.0%	8	17.4%	5	23.8%	16	22.2%	91	30.2%	25	29.1%
No Pension/Retirement Plan	22	44.9%	28	24.8%	15	32.6%	7	33.3%	17	23.6%	89	29.6%	24	27.9%
Worked Swing/Grave/Weekend	14	28.6%	35	31.0%	21	45.7%	4	19.0%	14	19.4%	88	29.2%	6	7.0%
No Sick Leave	26	53.1%	24	21.2%	11	23.9%	4	19.0%	17	23.6%	82	27.2%	21	24.4%
No Paid Vacation	21	42.9%	28	24.8%	8	17.4%	4	19.0%	17	23.6%	78	25.9%	24	27.9%
Required to Work Overtime	6	12.2%	10	8.8%	22	47.8%	7	33.3%	23	31.9%	68	22.6%	18	20.9%
Not Properly Paid Overtime	9	18.4%	13	11.3%	3	6.5%	2	9.5%	8	11.1%	35	11.6%	6	7.0%
Not Paid Minimum Wage	4	8.2%	1	0.9%	3	6.5%	1	4.8%	2	2.8%	11	3.7%	1	1.2%
Paid in Cash	3	6.1%	2	1.8%	2	4.3%	2	9.5%	1	1.4%	10	3.3%	1	1.2%
Performed Piece Work	2	4.1%	5	4.4%	0	0.0%	0	0.0%	1	1.4%	8	2.7%	2	2.3%
Composite Total	134	27.4%	181	16.0%	93	20.2%	36	17.1%	116	16.1%	560	18.6%	128	14.9%

*Percentages were obtained individually for each country group and for each condition

Of course, the most negative employment condition of all that is not revealed in the chart is the low wages that most immigrants suffer.

- The Latino focus group stated, “The minimal wages are not enough for rent and food and other basic needs of a family.”
- One Mexican senior said, “Only those who have a good pension from a union job can afford good medical coverage and the \$1500/month necessary to live in a good care home setting for seniors.” Similarly, in another focus group Lupita from Mexico commented: One problem that my husband and I face is that we work here, but when we are too old to work, how are we going to be able to live here without a pension?”
- Ethiopians complained that they do not take the time to eat in a healthy way, because they are compelled to work more than one job in order to pay their rent. Low wages were a key concern, and six of the seven participants earned less than \$20,000 annually.
- A Vietnamese woman on CalWORKs stated that with one year of English, “...there’s no way I can find a job that pays well enough for me to live, much less a job I like.”

- Mrs. Kim in the Korean focus group stated that their family is considering moving to Sacramento, since the money earned from two incomes is not enough to support their family in this area.
- The Mexican focus group saw low wages as the main problem causing immigrants to work multiple jobs or have multiple wage-earner families. Low wages were seen as the main reason that parents do not spend more time with their children and their children's education, that children are involved in gangs and drugs, that the parents do not have time to be involved in their communities, and that parents do not have the time to study English. Luna, a Mexican mother, said: "Sometimes a single mother works and receives a low salary. She can work all month and get paid \$1000. How is she going to pay for childcare? How is she going to pay for clothes for her children? How is she going to pay for food?"
- Some Somali focus group participants, men and women, said that even though they work two jobs, they cannot cover their expenses because more than 50% of their income goes to rent.
- "They need to increase wages", said Silvia, a 37-year-old Salvadoran house keeper who had lived in the United States for 15 years.
- A Moslem CalWORKs recipient stated "There is a direct relationship between the hours that I can stay out of the house and work and my relationship with my husband." Traditional cultural and religious prohibitions as well as language barriers prevent Moslem CalWORKs recipients from working overtime or earning very much. Low wages were reported as insufficient to support large Moslem families, and raising wages was seen as the key solution.
- Mr. Hin Kim, a 62-year-old Cambodian father of three expressed: "What we get...from working barely covers our rent!"
- Two Cambodian mothers receiving CalWORKs said, "Jobs that we can get are those that pay at the minimum wage. That will not cover the costs of babysitting!"
- Hoa, a 24-year-old Vietnamese female assembler in the US for 5 months, said, "Right now, my salary is too low and housing costs are skyrocketing. I am facing a difficult time now."
- "Even two-income, middle-class families are being priced out of Silicon Valley." Joanne Jacobs, "Valley faces a future with no middle class", *San Jose Mercury News*, 11/18/99.

Recommendation for Finding 1: Broad policies aimed at improving the income levels of all county residents will help a wide array of immigrant workers who are disproportionately poor. These policies include the following.

- **Enhance the state minimum wage and index it to a cost of living standard.** California's immigrant families are better off with a state-only increase in the minimum wage. Although California's immigrant families are better off with a state-only increase in the minimum wage, the recent California increase to \$6.75 is inadequate for low-wage immigrant workers and all workers in Santa Clara County. "Under a federal minimum wage increase, Californians must pay higher prices for goods produced by minimum wage workers both within the state and out of state. Unfortunately, the extra labor costs exceed the extra income that families receive because those earnings are subject to income and payroll taxes. Under state-only increase, however, as much as a third of the additional labor costs are paid by out-of-state consumers when they purchase goods exported from California. In the case of a state-only increase, the benefits to Californians exceed the overall costs..." "Increasing the Minimum Wage", Research Brief, Public Policy Institute of California, May 2000...."
- **Approve earned income credits at the federal, state, and county levels.** The State of Maryland offers a state earned income credit and high-cost Montgomery County approved a county-based credit to low wage working parents. "That helps a lot more people than a minimum or 'living wage'." Joanne Jacobs, "Valley faces a future with no middle class", San Jose *Mercury News*, 11/18/99.
- **Enact and expand living wage ordinances.** Over 40 cities and counties have adopted living wage ordinances and over 120 living wage campaigns are underway. The City of San Jose has a living wage ordinance that should be expanded to other policy bodies (cities, county, school districts, special districts) and expanded in the City of San Jose. In suggesting a solution to the issue of contingent labor in Santa Clara County, Indian work group participant Bharat Desai suggested: "Some protective measures like a uniform living wage policy has to be formulated for entire areas of Silicon Valley which can protect this unorganized weaker section."
- **Link funding for public projects to whether the contractor pays a living wage and keeps a healthy work place.** Santa Clara County's tax rebate policy that requires companies who build on county land to pay close to a living wage provides an important model.
- **Pursue policies that redistribute income more fairly to immigrants.**

1. Many immigrant focus groups (Indian, Bosnian, Mexican, Vietnamese, etc.) called for subsidized housing for low-income workers and some called for rent control as a way to make ends meet.
 2. Other groups called upon the government to provide health care or subsidized childcare.
 3. Increasing the wages of high-immigrant low-wage immigrant union members or of large groups of immigrants is a way to make lives bearable for poor immigrants and their children. Linda Chavez-Thompson, a Vice-President of the AFL-CIO, stated on 2/27/00 that the “union premium” (the difference that belonging to a union makes for workers) is 32% for the general population, 39% for African Americans, and 54% for Latinos. Recently the San Jose / Evergreen Community College District moved the hourly salaries of work study students above the minimum wage, a policy that helps all such students but helps immigrants the most, since they constituted the largest group.
 4. Greater sanctions should be imposed on employers who violate wage and hour laws, which unduly harm the lives and incomes of immigrants.
 5. Community standards regarding fair treatment of employees and the right to organize should be encouraged.
- **Encourage leadership training and capacity building in the immigrant groups that are at the low end of the economic scale to help them defend their interests since their families suffer the most.** Compared to many areas, Santa Clara County does not possess a well-developed immigrant leadership advocacy network to make the kinds of changes in immigrant communities that would enhance wages and working conditions and improve the lives of families and children. Efforts to move in that direction such as the recent media and advocacy training for immigrants coordinated by Services, Immigrant Rights & Education Network (SIREN) should be expanded. Many immigrants look for leadership but can’t find it. Isaac in the Latino low wage worker focus group stated “We must look for leaders in the community to represent us.”

Finding 2: There is a significant need for immigrants to address violations of their workplace rights but a severe lack of existing legal resources to assist them.

Both the random sample of the county’s top five immigrant groups and the survey of the county’s top 16 immigrant groups showed that immigrants have a greater need for an attorney or legal assistance in the area of employment issues than do the US-born.

- The random survey conducted of immigrants from Mexico, Vietnam, China, the Philippines, and India show that each group separately and the groups combined seek immediate legal help in the employment area at a rate about

two to three times higher than the employment legal help sought by the US-born.

- While 9.3% of immigrants wanted such legal help immediately, 3.3% of the US-born needed such help.
- Similarly, 9.1% of immigrant public assistance recipients (106 of 1163) surveyed stated that they needed employment legal help immediately versus 4.5% of the US-born.

This was confirmed in the focus groups. For example, one low-income Latina worker said she needed “more information about where to register complaints related to discrimination”. The Latino low wage worker focus group agreed that it needed more information about where to register complaints related to discrimination. Bosnians also agreed: “Many Bosnians do not know their rights regarding working conditions, unemployment benefits, overtime rates, and so on.” Vietnamese participants in Immigrants Building Community stated that they are reluctant to report injuries, low pay, sexual harassment and violations of labor laws.

The Need for Legal Assistance: Specific Workplace Violations

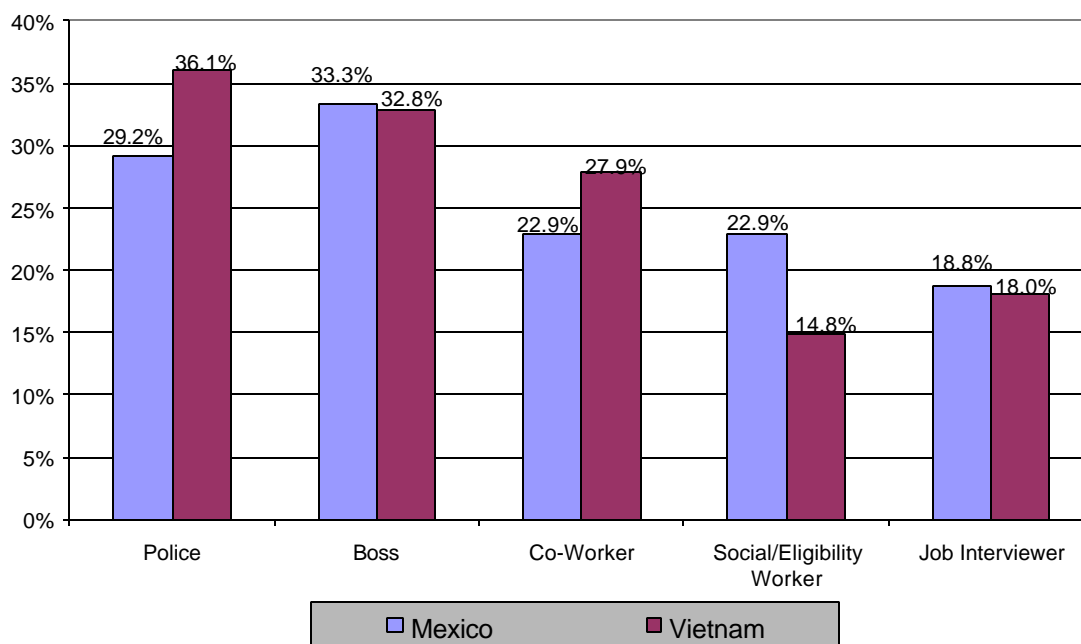
Wage and Hour Violations: In terms of workplace violations, the random sample shows that:

- Immigrants are 66% more likely to not be paid time and a half for overtime than are the US-born, and Mexicans are 263% more likely not to be paid overtime than the US-born.
- Immigrants are nearly three times as likely to be paid in cash as the US-born, and Chinese and Mexican workers are eight (8) and five (5) times more likely to be paid in cash, respectively.
- Compared to US-born workers, immigrants are over three times more likely to be working for less than minimum wage. Mexicans are seven (7) times more likely and Filipinos are five (5) times more likely.
- Immigrants are much more likely to be required to work overtime than the US-born, in particular those from the Philippines, China, and India. Filipinos, in particular, are forced to work overtime at a rate almost two and ½ times higher than the US-born.

Similarly, three of the four most identified issues in the Vietnamese community in Immigrants Building Community were minimum wage, cash pay, and overtime violations.

Workplace Discrimination: Of all the immigrant groups reporting any kind of discrimination, Mexicans and Vietnamese reported the highest rates of discrimination, as indicated in the graph below. Three of the top five arenas of discrimination took place at workplaces by bosses, job interviewers, and co-workers.

Top Sources of Discrimination: Mexico and Vietnam (Random Sample)



Similar workplace discrimination was indicated in the survey of immigrant public assistance recipients. Three of the top five categories of perceived discrimination were employment or workplace related, constituting 33% of the 14 specific categories. These were discrimination by a boss, a job interviewer, or a co-worker. The other two in the top five were also perceived discrimination by social/eligibility workers and by police.

Age Discrimination: The Somali focus group stated that unstated age requirements are barriers to employment. Similar age discrimination was indicated by Mexican seniors, who expressed that after turning 50, there is a lot of discrimination in finding work. One woman stated: “Elderly job applicants go and apply for jobs but they never get them. Especially when they are over 50.” Indians also felt discriminated: “Youngsters always get preference over seniors.”

Gender Discrimination: One female Indo-American stated “I found it easy to get an entry level position but promotion to the next level has been difficult...A male always got better treatment in the job market, over women.” Another Indian woman expressed that “Besides discrimination, several women face problems of harassment at the work place for which no legal recourse was easily available.” Vietnamese in the Immigrant Building Community (IBC) similarly complained of sexual harassment on the job.

Race or Ethnic Discrimination: Many focus groups pointed out that they feel discriminated against in general. Mexican immigrants complained about discrimination in hiring and promotion. One Central American woman felt that not only is she discriminated against by white employers, but also by other immigrants: “Asians abuse Latinos a lot. So do Iranians.” Another woman from El Salvador stated: “There is discrimination against all Latinos. The Vietnamese and Hindus are treated better.” This inter-ethnic discrimination, although not the dominant discrimination complained of, was brought forward in other focus groups too.

Jose, a young Mexican worker, interjected in the Latino low wage focus group that on a major job, Latinos were left with the most unsafe jobs, while another group got the safer jobs. Tellez then shared his current situation of discrimination, where his boss is of another ethnicity: “My boss’s wife is like that too. Sometimes she brings us water but she moves away from us as quickly as possible. You put up with it because you need to. You need to work.”

Language Discrimination: Immigrants with professional training and experience in their home countries felt strongly that they suffer from language discrimination when language is not needed on the job. More than half of the focus group participants were not employed, had no income, and connected this with discrimination. Professionals also feel they are discriminated against as being too over-qualified. Iranians felt they are subject to discrimination on the basis of “over-qualifications” and based on accent and language, age, race, and ethnicity.

Lucia, a middle-aged woman from El Salvador, said “ With respect to discrimination, we Central Americans also have problems. Employers promise to pay us a certain amount...let’s say they promise to pay \$8 per hour. Then they ask ‘Do you speak English? Do you have immigration papers?’ If you know how to do your job, that should be all. This is severe discrimination...”

Document Abuse: Latino immigrant low-wage workers felt discriminated against because employers supposed that they didn’t have the right legal papers to work.

The Lack of Community Resources

Gaps in Services Analysis: The Wages/Working Conditions Work Group identified huge holes in the area of legally addressing wage and hour violations; health and safety violations; and age, language, national origin, and gender discrimination. In a second tier of legal services, legal service gaps are pronounced in pension denials, long-term disability cases, Unemployment

Insurance (UI) and State Disability Insurance (SDI) claims, workers' compensation cases, NLRB violations, and wrongful terminations.

The East San Jose Community Law Center, the principal agency providing legal services on employment issues in Santa Clara County, has experienced overwhelming demand for its assistance, and needs additional resources to continue to offer advice, representation and community education to low-income immigrants and other clients.

Poor immigrants stated in the public recipients survey that they “don't trust providers to help” them in only 3% of the cases, while 11% of the US-born carry that mistrust. Community-based organizations are the best place to deliver services to immigrants.

Recommendation for Finding 2: Santa Clara County needs additional effective legal representation to assist immigrant workers particularly in the areas of wage and hour violations, discrimination, and health and safety issues.

Sensitive, well-trained bilingual staff, a multicultural environment and staff, and free or very low-cost services should be provided with 1-stop convenience near public transportation. See Wages Best Practices in the Appendix.

Finding 3: The immigrant community is not adequately equipped with basic knowledge about their rights as workers or about existing resources that could assist them.

With knowledge, immigrant workers assert their rights under the law understanding that violations of their rights harm themselves and their families. However, right now in Santa Clara County workers from all five of the largest immigrant nationalities in the county (Mexico, Vietnam, Philippines, China, and India) suffer from a higher rate of key workplace violations than their counterpart workers born in the United States. As indicated in the table above on “Ten Negative Working Conditions”, 1) immigrant pay at less than minimum wage is three times more likely (3.7% vs 1.2%) than US-born pay at less than minimum wage, and 2) the rate at which immigrants are not paid overtime at time and a half is two-thirds higher (11.6% vs 7.0%) than the rate at which the US-born are not paid overtime at time and a half. In addition, many immigrant workers do not know that 3) pay in cash must be accompanied by a pay stub (immigrants are paid in cash at a rate nearly three times higher (3.3% vs 1.2%) than the US-born), that 4) piece work cannot violate minimum wage and independent contractor laws (immigrants performed piece rate work at a 17% higher rate than the US-born), and 5) overtime is negotiable (immigrants worked overtime at an 8%

greater rate than did the US-born). Immigrants as a whole have a much higher rate of violations of employment laws and/or frequencies of use of these combined rights, compared to the US-born.

La Raza Centro Legal, East San Jose Community Law Center, and the Santa Clara Center on Occupation and Health (SCCOSH) all presented strong evidence of hundreds of cases showing that immigrants in Santa Clara County did not know their basic rights, either because of unscrupulous employers or lack of access to information in appropriate languages.

The Labor Immigrant Organizing Network (LION) and United Food and Commercial Workers Local 428 reported that immigrants that they come in contact with through outreach and organizing campaigns are often exploited and purposefully kept unaware of their rights by employers in low-wage, high-turnover occupations. Employers also intimidate workers when they engage in organizing activities.

Working Partnerships USA as part of its Community Blueprint process recently identified an immigrant worker “Know Your Rights” campaign as one of the top priorities in the area of economic development.

According to the Santa Clara Center on Occupational Safety and Health (SCCOSH), there is sufficient data on only about two percent of the thousands of chemicals used in chip fabrication and immigrant workers—especially recent Asian female immigrants—suffer respiratory problems, tumors, dermatitis, malignancies, and miscarriages from the lack of knowledge about these chemicals and of their workplace rights.

The Somali focus group expressed that the lack of awareness of the US working environment, the narrow-minded attitudes of some employers and supervisors, and cultural and language barriers represent the major obstacles associated with Somali family income.

Lack of Knowledge of Existing Resources

The US-born possess a greater knowledge of programs dealing with employment problems than do immigrants.

- The random sample shows that 19% of the US-born know of such programs, as opposed to only 15.8% of immigrants. The survey indicated that the communities with the highest lack of knowledge are the Indian, Chinese, and Mexican.
- The public assistance recipient survey shows that 26.4% of US-born recipients know of programs that help in the employment context, whereas only 17.9% of immigrants know of such programs. The least informed of these programs

are Laotians, Chinese, Taiwanese, Indians, Salvadorans, Iranians, Koreans, and Somalis, and to a lesser extent Mexicans and Filipinos.

- These two surveys taken together therefore show that more public assistance recipients know of programs to assist with employment problems than do members of the county population at large, possibly because they have greater access to such information through employment specialists or because they possess more such problems.

When public assistance recipients were asked to identify which factors prevent families from receiving services, immigrants cited “lack of information” at a rate 17% higher than the US-born rate. Over 1/3 of immigrants from Bosnia-Herzegovina, Mexico, Somalia and Ethiopia lack information to receive services.

The Latino immigrant session of Immigrants Building Community expressed that Latinos don’t know enough about 1) working for unfair wages, 2) how to file for unemployment benefits, 3) their rights in the area of workers compensation, 4) awareness/knowledge regarding working conditions, the minimum wage, etc. Similarly, Vietnamese issues included not knowing about minimum wage laws, being paid in cash, not being paid overtime in the correct amount. Both the Latino and Vietnamese participants were unaware of services in the community that could help them with these issues.

Recommendations for Finding 3:

Materials that are linguistically and culturally appropriate and provide information at a suitable reading and education level through nationality-specific outreach mediums should be developed and a regular, ongoing outreach campaign conducted in high-immigrant community locations including postings in all workplaces. A central hub for organizing a) with the legal expertise to verify that legal information given out is accurate and b) working collaboratively with different immigrant nationalities represents a preferred model, such as the Citizenship Collaborative of Santa Clara County. Alternative mediums such as SCCOSH's "Toxic Avenges Theater" (see the appendix) should be encouraged through public and private grants.

- **A language bank for immigrants seeking help should be established.** Sometimes, simply the translation or oral transcription of a key document regarding chemicals, required breaks and meals, etc. can make a huge difference in immigrant workers’ lives.
- **Support services agencies--including Social Services, community colleges, adult education, refugee intake, churches, and CBOs--should have as part of their orientation or client programs mandatory sections on workers' rights education.** For example, CalWORKs clients and immigrants in employment training and ESL classes (not to mention those in county jail) are

“captive” audiences where immigrants without knowledge of US workplace laws and customs could benefit a great deal from a short language-appropriate presentation.

Finding 4: Immigrants in contingent work situations—day workers, temporary workers, H-1B workers--face a large potential for abuse by employers, as well as lower pay rates, less access to benefits, and a lack of resources to help them when in conflict with their employers.

Temporary and part-time contingent immigrant workers are subject to lower pay, less access to benefits and pensions, and greater employment instability than permanent, full time workers. In the current job market, nearly 40% of the work in Santa Clara County is contingent labor, and temporary work is often the entry point for many forms of immigrant employment.

- Focus groups conducted with the 16 neediest immigrant nationalities in Santa Clara County showed that immigrants are disproportionately located at that entry point. For example, Dung, a 66 year old Vietnamese male who came to the United States 15 years ago and works as an electronics assembler stated that “I have been working in the electronics industry for the last 9 years as an assembler. I cannot obtain a permanent position, I usually have to go through a temporary agency employment center. My wage is too low and I can’t afford to buy health insurance and it’s just enough to pay for my rent.”
- Opposite extremes of the same issue are day laborers from Mexico and Central America who talked about how they literally work day to day, and immigrants entering the valley with non-immigrant professional H-1B visas, who may work up to 3 years on a visa (renewable once) before they must return home. J-1 exchange visas who must return to their countries for 2 years, the 20-hour work week limit of F-1 students, and the 1-year practical training period given to F-1 students are all temporary work situations.
- The Somali focus group stated that job insecurity is one of the biggest problems in their community. Most of the Somali refugees are employed by temporary agencies that pay low wages and they complained that sometimes these temporary agencies keep the employees temporary for more than 5 years without benefits.
- The Central American focus group reported that job stability is a major issue for them.
- One Indian work group participant, Bharat Desai, wrote: “40% of jobs in Silicon Valley are contingent labor, which includes temporary, part time and contracted workers. The majority is from the immigrant population. The temporary job volume is increasing with tremendous speed. The increase of the high level of profitability of companies may be a direct result of the increase of volume of such temporary/part time/contracted labor. This sector low wage earners is unable to meet the present inflammatory trends of prices in the valley.”

- The random sample survey shows that the largest immigrant group in Santa Clara County, from Mexico, was unemployed an average of 34 days per year, compared to 24 days per year for the US-born.
- Immigrants dominate seasonal work such as agricultural labor (77% of 2.5 million farm workers nationally are Mexican), low-wage part-time work study on many college campuses, part-time work such as the delivery of the San Jose *Mercury News* (80% are Vietnamese), and seasonal work such as landscaping and until recently cannery work. Housecleaning, lawn care, and car washing are dominated by immigrant labor and their income depends upon the volatile demand in the marketplace.

In many instances, immigrants are the disposable worker *par excellence*, the ultimate shock absorber in the new economy that may have a job today and may not tomorrow, and in fact, dependent upon immigration policies, may be welcomed in the United States today and deported tomorrow.

The contingent work situations of a very large segment of immigrants confirms different studies conducted by Working Partnerships USA, a local policy and advocacy non-profit, which states that two of every five workers in Silicon Valley are contingent workers.

The H-1B Issue

At the AFL-CIO hearing in San Jose in April 2000 one Indian software engineer described his experiences as an H-1B contracted software engineer. One company withheld 25% of the pay of its immigrant engineers, and none of them received this money when they left their jobs. At a second company engineers worked everyday of the week, without getting paid overtime. Only the H-1B visa holders worked weekends. A third company charged *each* of five H-1B engineers living together in an apartment \$1,450 a month in rent. The employer retained the passports of most of these workers as a form of control and intimidation. This job shop company also hired out B1/B2 visitors to clients such as HP, IBM, Sun and Cisco telling the workers to always say they had H-1B visas. Client companies paid \$75-\$175 per hour while H-1B workers were paid \$25-\$30 an hour. None of the workers had any medical benefits. “The high-tech world is depicted as prosperous and progressive. But what I have seen is rampant discrimination and exploitation. The employers use the laws to their convenience and immigrant workers are denied their rights.” Testimony of Kim Singh, AFL-CIO Hearing on Immigrant Rights, April 29, 2000.

Evidence from groups that have worked with both undocumented workers and with H-1B workers such as the Indo American Community Services Center, the Asian Pacific Policy Institute at Stanford, and the St. Vincent de Paul Day Worker Job Centers shows that tying employment status to immigration status--either being allowed into the US only as long as one is employed by a

specific employer (H-1B) or being unable to legitimately gain employment because of undocumented status--leaves workers open to abuse by employers who can leverage employment status to gain concessions from workers that citizens would not be subject to. Abuse includes lower pay relative to co-workers and threats of deportation.

Spouses of H-1B visa holders--who have H4 visas--are not allowed to work in the US and as non-immigrants have almost no access to support services. Of the focus group participants of immigrant professionals not working in their profession, the inability of H-4 spouses was raised as a major concern. An H-1B visa holder in the Indo-American focus group stated: "As our spouses are issued H4 visas, they could not take up a job, even though they are well qualified. We find it very difficult to meet increased expenses on account of high rents or the high cost of living." A female from India expressed that "In certain situations, when a marriage had failed, the woman faces a critical situation, both economic and with housing. They were subject to domestic violence and abuse. There were not many agencies that helped such women in crisis."

The recently approved H-1B legislation still prefers and emphasizes temporary over permanent conditions for immigrant professionals by increasing the number of temporary non-immigrant H-1B visas in the United States from 115,000 to 195,000 annually. The bill partially alleviates one issue: these temporary immigrant professionals can move from one employer to the next at the moment when the next employer petitions for them. However, as President Clinton noted in his approval of the bill, the flip side is that enforcement of prevailing wage laws for the H-1B programs can now more easily be abused. The bottom line? Recent US immigration policies enacted into law in the fall of 2000:

- Prefer temporary workers instead of permanent (labor certification) visas for those professionals whose futures after the H-1B program finishes are in limbo, not allowing them to plan stable lives for themselves and their families.
- Continue to deny work authorization to H-4 spouses, even though, for example, the wives of many (English-speaking) Indian software engineers and programmers were teachers in math and science in their home country and there is a growing teacher shortage in the United States.
- Disentangle temporary workers from one employer but actually exacerbate the likelihood of less stable temporary employment (moving from one employer to the next) and the potential for greater employer abuse, because during the delays in processing visas prevailing wage laws may be easily violated.
- Help provide a fund for the re-training of US workers by raising the filing fee to \$1000, but not a fund that will be sufficient to seriously address the educational gap

Significant evidence indicates that 1) employers are unwilling to invest in the long-term re-training of the large number of US-born and immigrant workers already in Silicon Valley when short-term profitability is improved instead by the importation of foreign professionals, and 2) the brain drain upon other countries is significant—the U.S. receives the “best and brightest” product of other nations but those nations lose their 16-year investment in their best workers and continue to demonstrate the massive poverty that leads to further immigration to the U.S. due to income imbalance and civil wars that create more refugees, also leading to further immigration. The foreign professionals that enter the United States should be considered our friends and their problems and issues should be appropriately addressed, but local policy makers need to consider the future local and international impacts of the paradigm framed by large corporations in the valley.

Recommendations for Finding 4:

- **The tie between immigration status and employment should be severed and/or modified to give immigrant employees more ability to garner fair-market wages and access to appropriate benefits.** There are profound disagreements about the need to bring additional professional workers into Santa Clara County. The most evident truth is that if the overriding goal is immediate high profitability, high productivity, and high growth, and not the goal of meeting the broad needs of human beings and regional and economic development in other countries and in Silicon Valley, then H-1B visas are needed. Most agree this is short-sighted.

However, if U.S. immigration policy is predicated upon hi-tech worker shortages, the workers should be allowed to enter the United States with the dignity of a green card (labor certification) so that the employee is not tied to temporary work with lesser pay and fewer benefits, but rather can make plans for life and family. The recent H1-B legislation provided the opposite effect by increasing the percentage of temporary immigrant professional workers in relation to permanent professional workers.

Similarly, expansion of the H-2A program under which agricultural workers are issued temporary visas to work in the United States should be opposed. At the Border Governors Conference in September 1999 the Governors of Texas, Arizona, and New Mexico called on the federal government to expand the H-2A program. Ben Fox, “Governors propose more worker visas, San Jose *Mercury News*, 9/11/99. This is at a time when an estimated 700,000 mostly immigrant workers compete for 400,000 seasonal agricultural jobs in California. Governor Davis of California stated he is “studying the issue”.

After further study, when and if policy makers in Washington decide that more immigrants should enter the United States, programs such as the H-2A and other non-immigrant temporary worker programs should be replaced by

permanent resident programs. These temporary assignments do not provide the benefits, job security, lateral and vertical job opportunities, salary level, and working conditions (including the security to form a union) that are necessary to provide stable, well-paying, balanced lives.

- **H4 visa holders should be allowed to work in order to supplement family income, especially in high cost-of-living areas such as Silicon Valley.** They should also be able to access appropriate government support services. Professionals and non-professionals who enter the United States for up to six years on a temporary basis should not be denied access to employment, which provides significant independence for human beings when they need it. The spousal situation leads to spousal dependence, isolation, and feelings of being unproductive and useless.

H-4 spouses are in an economic and social predicament: the H4 conditions can lead to family breakup, reinforce mental health problems, and exacerbate already difficult social adjustment issues. H4 immigrants like any immigrant residing in the United States should therefore have access to a safety net. They are denied the right to have their crises and problems addressed. Under the new five-year work permit system in Germany, professional workers have a guarantee of making at least \$48,000 in salary and their family members are also given work permits. Sabine Goeb, "Anti-foreigner attacks shake up 'green card' program in Germany, San Jose Mercury News, 8/1/00. A similar law should be approved in the United States.

- **Contractors and sub-contractors of immigrants should be more closely regulated, and companies should be made legally liable for the violation of wage and hour laws and required working conditions by their sub-contractors.** Temporary agencies including what some call hi-tech "body shops" that hire H-1Bs in order to lease them to large corporations in the valley need to be regulated or eliminated to prevent some of the worst abuses. H-1Bs should be requested from the company actually needing the skills, not from subcontracting middlemen. Similarly, the state regulations that license farm contractors should be enhanced. "In 1993, enforcement officers assessed \$1,600,000 in penalties against agricultural employers for labor violations. By 1999, the total had slipped to \$368,000. In the past seven years, inspectors have issued 114 citations to farm labor contractors and growers for violations of the minimum wage law; only one contractor had his license revoked." John Hubner, "Farmers, workers seem to agree contractors' rules should be stricter", San Jose *Mercury News*, 7/9/2000. To improve the working conditions and lives of immigrants, companies should not be able to "pass the buck" but should be held responsible for the workers that work on their premises, be they growers utilizing farm labor contractors or hi-tech companies using janitorial sub-contractors.

- **Temporary employment agencies should be regulated and encouraged to adopt a "Code of Conduct" to require fair treatment of workers, greater access to benefits, and greater worker access to remedies when they feel they have been mistreated.** Temporary agencies such as the model program instituted by Working Partnerships USA should include portable benefits packages and fair processes established to handle employment disputes.

Finding 5: Tens of thousands of undocumented immigrants in Santa Clara County cannot work legally, drive, or access a safety net, and their working conditions are consistently violated.

The best estimate is that 40,000 to 100,000 undocumented immigrants currently live in Santa Clara County. They live in difficult and sometimes dire conditions. In 1996 the INS estimated that California led the nation with an estimated 2 million undocumented immigrants out of about 5 million nation-wide. Nurith C. Aizenman, "INS Raids Follow Union Organizing". *The Washington Post*, 12/6/99. Since that time, the best nation-wide estimate is that another million undocumented immigrants have entered or overstayed their visas in the United States. They are less likely to leave because under the 3 and 10 year bars in the 1996 immigration law, at the time immigrants in "unlawful status" leave the United States, they cannot re-enter the country legally under almost any circumstance. Many undocumented immigrants who traveled frequently back and forth to their countries as late as the mid 1990s are not leaving now, especially to Mexico and Central America. Over-stayed immigrants are also less likely to risk international air travel.

If California is home now to 2.4 million undocumented immigrants—the best estimate is that California retains 40% of all immigrants, and 6 million is the new nation-wide estimate—then it is likely that Santa Clara County could be home to as many as 100,000 undocumented immigrants from around the world. This is a very conservative estimate: the regular 6-7% of immigrants that Santa Clara County reflects of the state-wide immigrant population would place the number at 144,000 to 168,000. However, given the high cost of living in Santa Clara County it is assumed that a lesser number of immigrants than the typical percentage of the state are likely to remain in the county. Of the 10 largest counties in California, Santa Clara and San Francisco Counties had the lowest percentage population increase in 1998-99, at 1.0%. Thus 100,000 appears to be a reasonable estimate of the number of undocumented immigrants in the county.

Under the 1986 Immigration Reform and Control Act granting amnesty to three million undocumented immigrants, there were fewer immigrants in the United States without papers than there are now. Under that law, about 41,000 immigrants gained amnesty in the San Jose sub-region. Therefore this figure would be the lowest estimation of the number of immigrants in Santa Clara County.

Living Without Papers

Service providers such as the East San Jose Community Law Center, Catholic Charities, the Center for Employment Training, St. Vincent de Paul, SIREN and unions such as the UFCW, SEIU, the Laborers Union, and HERE all testify to the agony which living an underground existence places upon large numbers of immigrant families in Santa Clara County. Unable to work legally, ineligible for a safety net, unable to vote or participate freely, unable to attend college, unable to drive legally, this third class existence stifles human development and stigmatizes children, many of them US-born.

The lack of immigration status leading to low wage jobs was the number one issue indicated by Latino immigrant youth. They attributed low wages restaurant work and the resulting unlivable minimal wages to their immigration status. One male participant also mentioned that his uncle, an undocumented farm laborer in Gilroy, could barely survive. The Donors Forum in Chicago found that 70% of those without green cards worked in sweatshop conditions, which the federal government defines as places where any two wage, overtime, environmental, or safety violations have occurred.

In the Mexican, Mexican senior, and Central American focus groups the need for a new amnesty was considered the number one issue. All of these groups connected undocumented status to low wages and poor working conditions. The focus groups each pointed out many of the impacts on the lives of the undocumented:

- Lack of fair wages
- Lack of access to better paid positions and promotions
- Ineligible for driver's licenses and car insurance
- Can't get California ID, social security card, or employment authorization
- Can't cash checks
- Lack proper documentation to buy a house, car, or insurance plan
- Lack of documentation to rent better housing
- Lack of access to health care programs for the children
- Ineligible for higher education, grants, and scholarships regardless of performance
- Can't learn a trade
- Separated families
- Ineligible for public assistance/safety net
- Constant employment discrimination
- Without amnesty, family members in the long INS backlog who have been petitioned for cannot work or leave the country and are bound by all of the above also

Lucia, a 44-year-old Salvadoran woman in the US for one year who works as a house cleaner, said "When you have papers, there is less discrimination in employment, you can get a driver's license and social security card, and you have fewer housing problems...I have a friend who has lost three different cars because he was driving without a license, because without papers, he can't get a license."

Leslie, a 40-year-old woman from Nicaragua with a 6th grade education, stated: “The person who doesn’t have papers in this country is the one who suffers the most...Even with amnesty, if people don’t have much time here, they won’t get amnesty and they have no options. They continue suffering, and the economic crisis they live continues.”

Carlos, a young Mexican man, noted: “They take advantage of you for not having papers.”

Julia, a 48-year-old woman from El Salvador with 7 years in Santa Clara County, said: “I came here to Sunnyvale to work in an electronics company, working 12 hours a night and they paid me \$6.50 per hour. I worked very hard. They got everything they could out of me and then, knowing I had no papers, they let me go.”

Laura, a 33-year-old woman from El Salvador with 8 days in Santa Clara County, said the following regarding employer sanctions: “Just to let us work legally would be a great advance.”

Speaking specifically on the issue of amnesty, the Latino low-wage worker focus group all concurred that amnesty should depend upon good behavior, and all of them felt they would qualify for amnesty on that ground.

Recommendation for Finding 5: Work with the U.S. Chamber of Commerce, AFL-CIO, United States Catholic Conference, and other stakeholders to approve an amnesty program for undocumented workers, and an end to employer sanctions. A reasonable amnesty program is a rolling 10-year amnesty.

In addition to the above groups, the California Labor Federation and the South Bay and Alameda Central Labor Councils have called for a new amnesty and repeal of the I-9 process. Although no amnesty legislation has been introduced yet, the preferred amnesty would be a 10-year rolling amnesty, whereby after 10 years in the United States the undocumented person with demonstrated good moral character would be able to apply for a green card and not live in third-class, inhumane conditions.

The 10-year rolling amnesty program combined with an increase in permanent work visas for both professional and essential (formerly “lesser-skilled”) workers represents a more dignified and humane approach to meeting the US growing labor shortage (recognized by Alan Greenspan, the US Chamber of Commerce, Governor Gray Davis, and others) than expansion of the H-1B and H-2B temporary work visa programs.

Additional Recommendations:

- Increase and more aggressively enforce existing wage and hour, health and safety, workplace, and organizing laws at the state and federal levels.
- Expand the Targeted Industries Partnership Program, now coordinating enforcement and outreach programs state-wide in the garment and agriculture industries, to cover the electronics industry.
- Prevent the loss of decent working conditions of immigrant employees working under the guise of independent contractors.
- Encourage employers and unions to include an immigrant rights section in union contracts such as that included in UFCW Local 428 contracts that provide the union notice of INS actions, grants employees 7 days absence without pay to attend immigration proceedings, requires the employer not to keep copies of identity and work authorization documents presented by the employee, and allows employees to change their names and social security numbers without prejudice to their seniority or other rights, all in compliance with existing laws.
- Strengthen legal guarantees that employers will not use the “no match” letters (employees whose social security numbers do not match issued social security numbers) of the Social Security Administration to break the organizing drives of immigrant workers.

WHAT IMMIGRANTS SAY ABOUT WAGES

“Many Mexican seniors don’t have good jobs that could sustain themselves or their lives. They don’t have jobs because they don’t have papers, and they are discriminated against. They get paid only a tiny bit and then they don’t have enough to pay for their rent or go to the doctor. Rents are very high. They suffer a lot.” *Maria, a 63-year old Mexican woman*

“It is extremely difficult to find a decent paying part-time job to cope with the high cost of living...” *Mr. Gursum, a refugee from Somalia*

“Some married couples that make the minimum wage can’t afford even to rent a room. I have a couple who are of my same age. They are married and they have children and they can’t afford to rent even a small room...They work in McDonalds and restaurants like that.” *Mexican teenager*

“When children are in a difficult age there are many on the outside telling them that they will give them what they need: love, time, a sense of belonging, solutions. As parents, we are out of the home trying to make a living. A child needs these things and where is he going to go? Where he gets what the wants.” *Luna, a Mexican immigrant mother*

“Although discrimination on the basis of age is prohibited, it appears to me that it operates in a subtle and unnoticeable manner. Many seniors are virtually denied of the opportunity of taking up a part time or a full time job.” *Senior Indian with post-graduate degree*

“Wages are very low in this area. You don’t earn anything. In the company where I work, I have been working for 13 years and I earn less than \$9 an hour... In addition to the low wages, there is discrimination. There are people at my job site who have worked there half the time that I have and they earn more than I do” *Melissa, a Mexican immigrant mother*

“I remember telling my children ‘We’re going to have to live under a bridge.’ Many people without papers, who live here in fear, live this way...” *Leslie, a 40-year-old Nicaraguan woman and teacher’s aide*

“When we come we want to work, we want to establish our lives, and as human beings we have rights. But we don’t have any, until there is an amnesty.” *Lucia, 44-year-old Salvadoran house cleaner, 1 year in Santa Clara County*