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U.S. starting to embrace illegal workers

They don't have green cards but they are making financial and political gains, MARINA JIMENEZ reports from Fort Myers, Fla.

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FORT MYERS, FLA. --

Gustavo entered the United States as a lowly fruit picker in Florida's \$8-billion citrus industry, the bottom rung of the American dream.

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Perched on a ladder in the scorching heat of an orange grove in Labelle, 40 kilometres east of Fort Myers, he filled baskets with fruit, keeping one eye out for snakes and the other for immigration authorities on the hunt for illegal immigrants such as himself. He was paid \$5 (U.S.) a basket, and if he worked 13 hours a day he could sometimes fill as many as 15.

Two years later, when he moved up one notch on the ladder and found work in the construction industry, Gustavo became embroiled in the fight to unionize undocumented workers in Fort Myers.

"I was discriminated against for sure," recalls Gustavo, a 27-year-old from Guanajuato, Mexico, who crossed the desert with the help of a "coyote", a professional smuggler of migrants, to enter the United States in 1999.

"It was ugly at times, a tough fight," he says of the union drive. "I didn't like having to confront my employer."

Gustavo made \$8 an hour erecting scaffolding for Safway Steel Products while Americans who sweated in the sun beside him received \$13 an hour for the same work. This discrepancy prompted one of the workers to call the United Brotherhood of Carpenters of America, and ask them to begin a union drive. (Gustavo has asked that his real name not be used for fear he will be deported.)

At one stage in the protracted negotiations, Safway threatened to call the Immigration and Naturalization Services, leaving workers terrified that they would be deported.

But in the end, after the company and the union signed their first contract in the spring of 2002, Gustavo felt the struggle was worth it: His wages increased to \$13 an hour, the same as his American *hermanos* (brothers).

This effort to unionize 45 workers, most of whom did not have legal work papers, is evidence of the growing importance of undocumented workers, both to the U.S. economy and to the labour movement.

Not only are the estimated eight million undocumented workers in the United States more visible than their Canadian counterparts but they have also won significant political and labour gains in recent years, even though their status remains precarious.

Undocumented workers generate \$120-billion (U.S.) a year in goods and services in the United States. They have altered the scope of American life, spawning neighbourhoods, political lobby groups, schools, newspapers, restaurants and even a vast research industry. In California, Texas, New York and Utah, the children of illegal immigrants can enroll in public colleges and qualify for in-state tuition rates.

The International Monetary Fund reported in 2002 that underground work amounted to 10 per cent of the entire U.S. economy.

Fifteen per cent of Los Angeles's population of more than 10 million are undocumented workers, prompting one expert to call his book about the dramatically changing demographics of the state *Mexifornia*.

California also recently gained six congressional districts entirely because of illegal immigrants who were counted in the 2000 census, even though they are not allowed to vote.

Last month's arrests of 245 allegedly undocumented Eastern Europeans, Mexicans, Brazilians and others at 58 Wal-Mart stores across the United States reveals the extent to which even a retail giant relies on the undocumented to keep business profitable.

In theory, the U.S. Immigration and Naturalization Service is supposed to police workplaces that hire illegal workers. But experts say employers have little to fear.

"The Wal-Mart raid is very unusual; it's a blip," says Lindsay Lowell, a demographer with Georgetown University. "Ninety-nine per cent of U.S. employers who hire unauthorized workers know there is no meaningful enforcement of workplace law. And most unauthorized workers have false documents anyway."

Employers are legally required to check the validity of social security cards and green cards of migrant workers, but most accept them at face value, and many migrant workers use forged cards, available on the black market for less than \$100.

Nothing illustrates the tacit acceptance of migrant workers in the United States more than the fact that they can get individual taxpayers identification numbers. In this way, they can file

income-tax returns, and circumvent the problem of not having social-security numbers.

Mexican consular offices across the country also issue a *matricula* to their citizens who live in the United States -- identification cards that are accepted by U.S. banks, hospitals and even police departments. In several states including Utah, Tennessee, North Carolina, Kentucky, Pennsylvania and New Mexico, undocumented workers have the right to obtain a driver's licence, although Florida is not one of them. In California, governor-elect Arnold Schwarzenegger has pledged to overturn a new law that would permit this.

Workers without papers are also at least theoretically entitled to minimum wage, overtime and workers' compensation, and they may unionize without fear of reprisal, thanks to a ruling from the National Labor Relations Board saying employers cannot retaliate against workers who organize to form unions.

It is only in the past three years that the unions that once argued for stringent immigration restrictions to protect domestic jobs have taken up the cause of undocumented workers with fervour. (In February, 2000, the AFL-CIO reversed its historic anti-immigration stand.)

Dan O'Donnell, who helped to organize Safway's 45 workers in Fort Myers, says migrant workers need the support of unions to win basic workplace rights.

"In the U.S., slavery has been done away with but there are still two castes of people. Companies pay undocumented workers less and convince them they have no rights," said Mr. Donnell, with the carpenters' union.

He participated in last month's "freedom rides," which were inspired by the 1960s' civil-rights movement.

Busloads of union officials and migrant workers from Miami and other cities made their way to Washington and New York to lobby for workers' rights and demand that families split by immigration rules be reunited.

There are other creative ways to lobby for migrants' rights, including the high-profile boycott of Taco Bell known as Boot the Bell. Florida's Coalition of Immokalee Workers launched the boycott to protest against the treatment of migrant fruit pickers in the state who occupy the very bottom of the hierarchy where Gustavo began. The boycott is aimed at pressuring the fast-food chain to force its tomato suppliers to negotiate increased wages and improved working conditions for their workers.

This fall, Mexican President Vicente Fox renewed his call to regularize the status of as many as five million unauthorized Mexican workers in the United States -- an issue that was derailed after the terrorist attacks on New York and Washington of Sept. 11, 2001.

There are currently three bills on this issue before Congress. They would give guest-worker visas to undocumented workers already in the United States; give undocumented workers a means of obtaining permanent legal residency, levying a fine for anyone who has been here illegally; and streamline red tape for bringing in agricultural workers and an estimated 500,000 undocumented farm workers to earn legal residency if they work 100 days a year.

Some critics see all this political support for underpaid migrant workers as akin to sanctioning a form of exploitation. They say these workers deprive Americans of jobs and depress wages for everyone.

"If we paid these people market wages, they wouldn't be here," said Vernon Briggs, a labour economist at Cornell University. "This is simply a ploy to keep a low-wage labour market in surplus. American workers are losing out."

But that is exactly why people such as Mr. O'Donnell believe it is so important for unions to organize these workers. "If they are expected to work for less, then I will be too. We have to unite with immigrants. This is not a charity case," he said.

It can be difficult to convince undocumented workers that unionizing will give them more rights -- and not put them at risk. Mr. O'Donnell says it took months of door-knocking on trailers where the workers lived. And even with a union, Gustavo still has a lot of complaints. He believes he should be paid for the four hours a day it takes him to drive from his home to his current job site in Sarasota, 120 kilometres from Fort Myers.

Though Gustavo is a card-carrying union member, he remains aware of the vulnerability of his position. "I have fixed things," he said when asked about his status. Yet he refused to show a reporter his social security card or any other form of identification. A union organizer acknowledged later that Gustavo is likely still without proper work papers.

Gustavo remained unrepentant. "The U.S. economy depends on Mexican workers. Without us, they'd die of hunger. They should be thanking me for coming here."

Under the radar

TODAY: From paying taxes to being unionized, the eight million illegal workers in the U.S. are far more visible than their Canadian counterparts.

TOMORROW: The family knew they weren't political refugees, and when their claim was rejected they went underground - until two were caught.

WEDNESDAY: Ordered deported, she took her children to a local church for sanctuary. Now they have to stay there, 24/7.

THURSDAY: Her new Canadian husband vowed he had sponsored her. It was only when she fled his abuse that she learned she was an illegal immigrant.



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