The great recession of 2008 continues, with official unemployment hovering at nine percent. Add under-employed workers and those who have given up looking for jobs, and the rate tops 16 percent. In communities of color, these rates are close to doubled. As people trickle back into the workforce, they are being offered jobs that pay less, have less benefits, and fewer “rights.” At the same time, the right wing has launched a concerted attack at local, state, and federal levels to deprive public employees of the right to collective bargaining, secure pensions, affordable health care, and fair work rules. “Good jobs” with decent pay, vacation, sick leave, retirement, and health insurance, in either the private or public sector, are becoming ever more scarce.

Last year at the U.S. Social Forum, a coalition of workers banded together to form the “Excluded Workers Congress.” They are engaged in organizing in some of the toughest sectors of the U.S. economy. Farmworkers, domestic workers, taxi drivers, tipped employees in restaurants and salons, day laborers, truck drivers—all are working together to build new kinds of coalitions to win basic rights and to force employers to negotiate. Efforts, such as the domestic workers bill of rights, passed in New York state last year, and the organizing of direct actions at a restaurant or job site hint at the range of the effort. In fact, as Saru Jayaraman points out, these challenges are not in the margin, they are in the mainstream. These “excluded workers” are actually central to our economy and to our well-being.

What is often overlooked in the public discourse about workers in this country is that the “good jobs”—such as union manufacturing work in industrial cities like Detroit—did not start out as “good jobs.” They became good jobs after a generation-long fight by auto and steel workers to form unions and to wrest concessions from both employers and governments. There is nothing intrinsically meaningful about working at an assembly line, putting together automobiles, or pouring steel. What made those jobs good was worker solidarity. Caring for children and the elderly, or harvesting and serving food are today viewed as “bad jobs.” Of course, if we get organized and fight, there is no reason why these “bad jobs” can’t be turned into good jobs. A sad lesson when it comes to public employees: there’s also no intrinsic reason why a good job can’t be turned into a bad one. —Ed.
Restaurants and Race

Discrimination and Disparity in the Food Service Sector

By Saru Jayaraman

Walk into any fine-dining restaurant in an American urban center and you will observe: white workers serving and bartending; workers of color clearing tables, preparing food, and washing dishes.

Like the segregated buses of the Jim Crow South, the restaurant industry has reserved the best jobs in the front for whites, while workers of color are relegated to the back (unless they are bussing tables in the front). Both restaurant workers and employers admit that this stark divide along color lines is commonly accepted industry practice based on notions of skills, table manners, language ability, and appearance. Thanks to a legal framework that demands proof of discriminatory intent, this obvious form of segregation has existed mostly unchallenged until recently.

With over 10 million employees, the restaurant industry is the nation’s second largest private sector employer—just behind retail—and the largest part of the nation’s food system. The industry continues to grow rapidly, even as other sectors decline during the current economic crisis, and is considered a gateway of opportunity for immigrants and low-wage workers of color from all over the world. However, research shows that in the country’s largest urban areas, only about 20 percent of all restaurant industry jobs provide living wages and benefits. (There are some instances of waiters and bartenders at fine-dining places in urban centers earning between $50,000 and $150,000 annually.)

With less than .01 percent union density nationwide, the industry mostly provides low- and poverty-wage jobs with little access to benefits. In 2010, the median hourly wage for restaurant workers nationwide was $8.86, which means that over half of all restaurant workers earned less than the poverty wage of $8.90 for a family of three. Also, according to the Bureau of Labor Statistics, the three lowest-paid occupations in America in 2009 were to be found in the restaurant industry.

ROC: A Worker Union Born of Tragedy

In April 2002, the Restaurant Opportunities Center (ROC) was founded in New York, to provide support to restaurant workers displaced from the World Trade Center by the events of September 11. ROC has since grown to include over 7000 members in eight localities nationwide and engages in workplace justice campaigns, cooperative restaurant development, organizing of responsible employer partners, and participatory research and policy work at the local and federal levels.

From 4,323 surveys of restaurant workers nationwide and over 240 employer interviews, ROC has concluded that workers of color in the restaurant industry are subject to a minimum of $3 wage differential (or “race tax”) from their white counterparts. In every urban area that ROC studied, workers of color were segregated by segment (overrepresented in fast food restaurants and underrepresented in fine-dining) and by position (overrepresented “behind the kitchen door” or relegated to busser and runner positions in the front), which essentially kept them in lower-paying jobs with less access to benefits.

In a study conducted from 2006-09, ROC discovered that of the 200 pairs of job applicants (white and people of color) they sent to fine-dining restaurants, white workers were twice as likely to obtain living-wage positions. Even holding accent constant, people of color were questioned about their qualifications at three times the rate of white workers. ROC also found that a strong European accent (even if incomprehensible) was an advantage to obtaining one of these living-wage positions, whereas a Third World accent was a serious detriment.
Perhaps the most insidious finding of all in ROC’s nationwide study was that segregation is fully expected and accepted in the industry. Interviews with hundreds of employers and workers revealed that both groups found it completely natural that white workers were almost always found in the highest-paid positions. Employers and several white workers agreed that workers of color lacked the skills, “table talk” (the ability to converse easily and relate to a wealthy white clientele), and/or appearance to succeed as fine-dining waiters and bartenders. Interviews with workers of color, however, revealed that many were training less-experienced white workers who then immediately surpassed them into waitstaff and bartending positions that paid up to five times more than what they were earning as bussers.

**Restaurant Daniel: ROC’s First Victory**

In 2005, several Latino and Bangladeshi runners and bussers from Restaurant Daniel, New York City’s only four-star restaurant, approached ROC with the complaint that they had been repeatedly passed over for promotion to wait staff and bartenders by inexperienced white workers. The difference in salary was literally five times greater—bussers and runners earn between $20-$30,000, whereas waiters and bartenders can earn around $150,000 annually.

Following a large-scale public campaign and litigation in federal court, which resulted in a two-page cover story in the Dining Section of the *New York Times*, Restaurant Daniel moved to promote several of the bussers and runners. Most importantly, the restaurant developed a new promotions policy monitored by the Equal Employment Opportunities Commission (EEOC), which compelled management to inform all workers of new openings and to provide training that would allow workers to advance into these positions. This came as a result of a key finding about the lack of transparency with regard to job openings. Workers of color rarely knew about potential opportunities for training or promotion to jobs for which white workers were hired from the outside.

In essence, the lack of formalized career ladders makes it possible for restaurant employers to use such dubious criteria for hiring and promotion as “table talk” and appearance, which is thinly disguised racial bias. The frequently cited language ability and accent criteria were shown to be patently false in the Restaurant Daniel case, in which many inexperienced new French immigrants were almost immediately placed on the dining floor as waiters.

**Color/Gender Segregation: A Nationwide Malaise**

When ROC replicated its study in urban areas around the country, it discovered that segregation and discrimination in hiring and promotion was quite commonplace. In Miami, for example, segregation along skin color lines is very obvious—even more than along race or ethnicity. Whites and light-skinned Latinos typically serve and bartend, while darker-skinned Latinos are more likely to be bussing and running food to tables, or preparing food in the kitchen along with African Americans. Haitians, the darkest, poorest, and most vulnerable population in Miami, are almost always the dishwashers—the lowest-paid position in the restaurant. The segregation is further confirmed by wage differentials unearthed by ROC’s nearly 600 surveys of restaurant workers in Miami-Dade County: the reported median wage was $11.29 for whites, $10.00 for Latinos, $9.00 for non-Haitian Blacks, and $8.21 for Haitians.

Also, ROC found the segregation and disparity even greater for women of color who face the double oppression of race and gender discrimination in a very male-dominated sector. In every city surveyed, women of color were more heavily concentrated in fast food restaurants than the overall survey popula-
tion, and in most cities they suffered a $5 median wage differential (race and gender tax) from the overall survey population.

In several locations, racial segregation by segment and position was further compounded by geographical segregation. For example, in the Detroit metropolitan region, low-wage workers of color must commute long distances with little or no access to public transportation for living-wage jobs in the suburbs where they face tremendous discrimination. One restaurant worker in Detroit claimed that applying for a job at a fine-dining restaurant in Troy, a suburb of Detroit, elicited the query: “You’re not planning on eating here, are you?” She was also told that the restaurant had never hired an African American in its 10-year history.

**ROC’s Ongoing Campaign**

ROC has taken the following steps to address racial segregation and discrimination in the restaurant industry:

- Developed policy initiatives that penalize discrimination and incentivize internal promotion, including the posting of new job openings in living-wage positions. In Detroit, ROC helped develop local legislation that would compel the city to consider employment discrimination in granting a local liquor license. In New York, ROC recognized responsible restaurant owners who signed a Code of Conduct and offered internal promotion and transparency in the hiring and promotion process, including posting new job openings in living-wage positions. ROC promoted these employers among conscientious consumers and local elected officials so that they may be granted city-based incentives, such as expedited license processing.

- Worked with responsible employers over several years to develop formalized career ladders and advanced job training programs for low-wage workers of color to move into living-wage jobs at fine-dining restaurants. The idea is to encourage the industry to consider internal promotion based on skill and achievement rather than on subjective bias. The concept of a worker earning a certificate of promotion from busser to waiter had never before been considered within this informal industry.

- Continued waging campaigns against segregation and discrimination at high-profile restaurants—as we did with Restaurant Daniel—to inform the industry that there will be consequences for segregation and discrimination based on race, and that the current racially-divided state of the industry is unacceptable. The cover story in the *Times Dining* Section sparked a vigorous debate within the industry and elicited a tremendous outpouring of gratitude from workers.

- Implemented ongoing research to document and publicize—through traditional and newer media—the plight of workers of color in the food service sector and the public health consequences of having low-wage workers without access to healthcare or paid sick leave preparing and serving food. (In one restaurant worker survey, more than two-thirds of the 4,323 respondents reported cooking and serving food while sick.).

**Moving Forward: The Two-Pronged Approach**

Even if racial bias were to vanish entirely from the restaurant industry, it would be impossible for most workers of color to earn a living wage, primarily because only about 20 percent of all available jobs pay that much. So the fight for equal opportunity has to happen in tandem with the fight for a living wage. And until we confront these social and economic disparities, all Americans will continue to suffer the moral, economic, and public health consequences of a segregated food service industry.
Mariano Lucas Domingo traveled north from his home in Guatemala in search of work to support his sick parent. He landed in Immokalee, Florida, the tomato capital of the United States, where he found work harvesting tomatoes. He expected to earn about $200 a week. Then Lucas met two brothers who offered him room and board at their family house, in exchange for a cut of his pay. This didn't seem like a bad deal to Lucas who had no family or friends nearby, and also because the brothers offered to extend credit even when work was sparse.

Lucas spent the next two-and-a-half years living as a captive with other workers in a truck with no water or electricity. The workers were forced to relieve themselves in a corner of the truck and wash with a garden hose in the backyard. The brothers locked them in the truck every night, forced them to work even when they were sick or tired, and took away their paychecks. Lucas and his colleagues finally escaped from the truck one night by punching a hole through the roof. The two brothers were subsequently arrested and sentenced to 12 years in prison.

This story, unfortunately, is not unusual among the workers who produce our food. While Lucas' experience of being enslaved is certainly a horrific extreme, the 20 million workers employed in the food system earn low wages, work in unsafe and unhealthy conditions, and are unable to collectively organize to demand rights at work. Half of all workers in the food system earned just $21,692 a year or $11.05 per hour in 2008. That is well below what a family needs to make in order to sustain two children, according to the Center for Women's Welfare at the University of Washington. In a metropolitan area like San Francisco, a family needs to earn around $26.97 per hour just to meet basic needs. In Cleveland, that figure is $20.21 per hour and in Atlanta, it's $18.37 per hour. Close to one quarter of all food system workers live at the federally defined poverty threshold—earning less than $21,200 for a family of four—as per data gathered in 2008.

A recent report from the Applied Research Center mapping out the race, gender, and class of the food system shows some sad but not surprising trends:

1. People of color earn lower wages than whites in comparable occupations within the food system. Half of all white workers made $25,024 a year in 2008, whereas workers of color earned $19,349, or $5,675 less. Calculated by the hour, food workers of
color earned almost $2.50 less than their white counterparts. The income gap—or race penalty, as it is commonly called—was greater in certain sectors, particularly in food processing ($6.04 less per hour) and distribution ($5.35 less per hour).

Additionally, it appears that women are subject to a gender penalty as well. White women, for example, earned just 63 cents for every dollar made by a white male—the highest paid worker in the food system. Black women fared worse with 53 cents for every dollar and Latinas fared worse still with just 50 cents for every dollar earned by white men.

(2) People of color are overrepresented in food system occupations. Thirty-four percent of the general population in 2008 identified as people of color, but more than 42 percent of the workers in the food system were people of color. Whites, who comprised over 65 percent of the general population, only made up 57 percent of food system workers. But Latinos, who represented just 15 percent of the general population in 2008, were disproportionately represented in the food system—making up over 25 percent of the work force.

(3) Few people of color hold management positions in the food system. Whites are clearly the majority in management positions within the food system. They constitute 74 percent of the managers and 85 percent of the chief executives. Within management, perhaps not surprisingly, half were white men and less than 10 percent were women of color.

In terms of money, managers earned the most with a median income of $40,544, which is double that of a rank-and-file worker in the food system. Even in management, whites made more than people of color. Additionally, half of all white chief executives made six figure incomes, nearly $40,000 more than their black or brown counterparts.

(4) The food system has some of the most difficult and dangerous jobs. Farmworkers are exposed to toxic pesticides daily and an estimated 300,000 suffer from pesticide poisonings every year. Even access to some basic necessities is lacking for many working in the fields. A survey conducted among farmworkers in North Carolina found that only four percent had access to fresh drinking water, hand washing facilities, and toilets.

According to the Bureau of Labor Statistics, workers in food processing suffered some of the highest rates of injury and illness in 2008. Much of the labor in food processing involves repetitive, physically demanding movements using dangerous tools and machinery for which workers often receive inadequate training. Juan Baten, a young father from Guatemala, was crushed to death one night by a dough-mixing machine while working the third shift at a tortilla factory. In the opinion of Daniel Gross, executive director of Brandworkers International, Baten’s death could have been avoided if the tortilla factory had been inspected by the Occupational Safety and Health Administration.

(5) Food system workers are excluded from the right to organize. Farmworkers are exempt from the nation’s labor laws, such as the minimum wage and the right to organize into a union, crafted during the New Deal of the 1930s. Historically, workers in the fields have been people of color, whether they were descendants of African slaves who worked on Southern plantations or undocumented workers from Latin America. And the architects of federal labor laws, no doubt, found it politically expedient to exclude farmworkers in order to curry favor with white Southern racists.

This racialized exclusion of workers from basic labor protections now extends from farmworkers to...
workers dependent on tips and to those formerly incarcerated. The minimum wage for tip-earners, such as restaurant workers, has been stuck at $2.13 an hour for 20 years. A study of low-wage workers in New York, Los Angeles, and Chicago found that 30 percent of those who receive tips were not even paid $2.13 an hour. When workers complained or tried to form a union, 43 percent were subjected to retaliation, such as firing, suspension, or threats to call immigration authorities.

Organized Food Workers Build Momentum

In July 2009, worker-based organizations whose members plant, harvest, process, pack, transport, prepare, serve, and sell food came together to form the Food Chain Workers Alliance. Their mission is to build a more sustainable food system that respects workers’ rights, is based on the principles of social, environmental, and racial justice, and in which everyone has access to healthy and affordable food. The Alliance is currently engaged in building solidarity among food system workers with the idea of identifying shared worker concerns and goals.

Members of the Alliance gathered in early March in Florida, close to the tomato fields where farm-worker Mariano Lucas Domingo was enslaved for two-and-a-half years. They came to lend their support to the Coalition of Immokalee Workers’ campaign, Do the Right Thing, which targets the Publix supermarket chain for refusing to pay a penny more for a pound of tomatoes. Workers from Alliance member groups, like the Northwest Arkansas Workers’ Justice Center and Chicago’s Warehouse Workers for Justice, joined the picket line outside a Publix store and marched with thousands of farmworkers and their allies for living wages for everybody.

Endnotes

7. Ibid.
13. Ibid.
Undocumented Immigrants
Stand up to Chipotle

By David Bacon

In December 2010, 600 workers at the Chipotle fast food chain in Minnesota were fired. Their crime? Working. In the past two years, thousands of others have been fired for the same offense: 2000 women at a sewing factory in Los Angeles, 500 apple pickers in eastern Washington, and several hundred janitors in Minnesota and California, to name just a few instances. Every one of them is a victim of the Obama administration’s “softer” immigration enforcement strategy.

The logic is brutal: Make it impossible for the 12 million undocumented U.S. residents to earn a living and send money to their families, and they will deport themselves. What’s more, their families will not be tempted to join them in the U.S. because they will not get jobs.

ICE Logic Fails to Hold Water

The same inhuman logic convinced Congress to pass the Immigration Reform and Control Act of 1986, which compels employers to verify workers’ immigration status and makes it illegal to employ people without papers. But that logic has failed because no one has left. Its only real effect has been to turn workers into criminals.

In the last 25 years, owing to the pro-corporate market reforms of NAFTA and CAFTA, more people in Mexico and other developing countries have been driven from their homes. The 600 mostly-Mexican workers who worked for a minimum wage serving Mexican food at Chipotle were part of that exodus. Many of them had worked at Chipotle for years, until the Department of Homeland Security audited the company’s personnel records and finding incorrect Social Security numbers, demanded that Chipotle fire those workers.

Similarly, at the Calhoun Lake restaurant in Minneapolis where Alejandro Juarez had worked for five years cleaning and fixing the stoves, grills and refrigerators for $9.42 an hour. One day the manager simply told Juarez not to bother coming back the next day.

“The company used us,” said Juarez, “and when it didn’t serve them anymore, they threw us away like trash.”

John Morton, head of the U.S. Immigration and Customs Enforcement (ICE), plans to have many more mass firings. The ICE website claims that it targets employers “using illegal workers to drive down wages... [those] likely to pay illegal workers substandard wages or force them to endure intolerable working conditions.” In truth, ICE never improved wage or working conditions at Chipotle or any other sanctions target. And although Morton boasts that ICE collected $7 million in employer fines from 2,740 audits, those who cooperated by firing workers were given immunity. So, the only people penalized were the workers.

Solidarity Gives Voice to the Undocumented

Fortunately for the Chipotle workers in Minneapolis, they hooked up with Centro de Trabajadores Unidos en Lucha (CTUL), a.k.a. Center of Workers United in Struggle, and were able to build an alliance with the city’s janitors’ union, Service Employees Local 26. The union had already been hit by audits that led to the firing of hundreds of its members, including stewards, officers, and core activists. Together, the Chipotle workers and the building cleaners marched and picketed the restaurants, where several supporters were arrested.

As the ICE-induced mass firings continue, many other unions will face the same situation. Some, like
the janitor unions in Minneapolis and San Francisco, have fought back seeking time extensions, back wages, owed vacation, and severance as a means of survival. In Minneapolis, workers have also demanded that Chipotle support immigration reform, bringing the human rights aspect of immigration to the forefront.

The comprehensive immigration reform proposals put forth by Congress in the last five years have not stopped the mass firings—only threatened to increase them. But as Congress moves more to the right, many immigrant rights groups and unions are moving more to the left—demanding reforms that reinforce the human and labor rights of people like the janitors and Chipotle workers. One proposal, the Dignity Campaign, calls for granting legal status to the undocumented, repealing employer sanctions, and ending trade policies that lead to forced migration.

**1999 AFL-CIO Positions Lost in the Dust**

The position taken by the Dignity Campaign reflects the one adopted at the AFL-CIO convention in 1999, where it was argued that immigrant workers should be able to organize to demand improved wages and conditions. San Francisco’s hotel union later won a decision invalidating firings based on bad Social Security numbers. And unions even got a court injunction against Bush’s regulation mandating such terminations.

After 1999, however, some unions supported bills that promised limited legalization, even at the price of more workplace enforcement. Making work a crime has made organizing harder and pitted workers against each other during times of high unemployment. And recently, the AFL-CIO’s Building and Construction Trades Department even called for stepped-up sanctions enforcement without legalization.

There is little doubt that even in an economy with double-digit unemployment, thousands more will be fired—induced by an enforcement regime that last year caused 395,000 deportations and put 345,000 people in detention.

**Making Human Rights Count**

Current rumor in Washington has it that too much protest may provoke ICE to go back to the Bush-style raids. Nevertheless, the janitors and Chipotle workers in Minnesota have shown the country that even without papers, you can stand up for your rights.

“We have to make our rights count for something,” Juarez points out. “We’re not criminals. We have to say what we think and let the company and government see we’re united.”

It is now up to the unions and immigrant rights organizations to choose whether or not to stand with the workers and demand not only that the firings and deportations stop, but also that there be real immigration reform that guarantees basic human and labor rights.

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*Photo: The hands of Juan Jimenez, an immigrant farm worker. Jimenez picked lemons for many years, and spent a decade as a sewing machine operator in a Los Angeles sweatshop and in the Huffman bicycle factory in Azusa. ©1999 David Bacon*

*David Bacon is a freelance writer and photographer. For more articles and photos see http://dbacon.igc.org. A version of this article was previously published in the February 2011 online edition of The Nation.*
San Francisco Chinatown Restaurant Workers Fight for Fair Employment

By Crystal Carter

Li Shuang Li, 42, had worked at a restaurant in San Francisco's Chinatown for seven years before she discovered that her boss was stealing her tips. At the time, Li was barely making $900 a month to support her 13- and 11-year-old children and was afraid of confronting her boss for fear of losing her job.

So, Li allied with her colleagues and they collectively raised the issue with their employer, whose ill-tempered response was: “If you want to complain, I’ll just fire you!” But the employees threatened to quit en masse if he did not pay them back the tips he owed and he eventually came to a verbal agreement.

Li says she was fortunate to receive her back pay relatively quickly, unlike some other waitresses who were given the run around by the boss until some brought their relatives in to coerce him. Rather than continue working for that employer, Li decided to quit and has been unemployed for three years now.

Tip Stealing—Common Practice in Chinatown

Situations like the one faced by Li, unfortunately, are very common in Chinatown’s restaurant industry, which employs over 14,000 Chinese immigrant workers unfamiliar with U.S. labor laws and minimum wage mandates. When the Chinese Progressive Association (CPA) was started in 1972, it was with a view to help empower—through education and organization—the low-income and immigrant Chinese community that is most susceptible to exploitation.

Li says she is fortunate to be part of an organized workers committee, referring to the CPA, which “at a grassroots level, encourages workers to come forward if they are being taken advantage of in the workplace,” according to Shaw San Liu, lead organizer of CPA’s Worker Organizing Center. But in reality, many are afraid to come forward because they don’t want to lose their jobs, she admits.

In September 2010, the CPA released a study—Check, Please!—based on a survey of 400 San Francisco Chinatown restaurant workers. One of its key findings was that 95 percent of respondents did not earn a living wage and 50 percent made less than the minimum wage. Additionally, 20 percent of those surveyed worked over 60 hours per week and 48 percent had experienced burn injuries at work.*

Since 2004, the CPA has gained some momentum in its campaign for worker rights and successfully retrieved over $700,000 in back wages for its members. On occasion, the CPA has also enlisted the help of the Office of Labor Standards Enforcement. Wage theft is not an isolated event. Coalitions are being formed all over the country to win employment rights not only for restaurant workers but also taxi drivers, garment workers, and grocery store workers.

What the Chinatown Tour Doesn’t Reveal

San Francisco’s Chinatown is the oldest in North America and holds the largest Chinese community outside of Asia. It is also the strongest symbol of a historic apartheid policy. But the average tourist visiting for a taste of Dim Sum or to buy a jade trinket would never know of the adversities faced by the workers daily.

“Because a lot of Chinatown residents are monolingual, they are subject to low-wage jobs and vulnerable to [being] taken advantage of,” says Dr. Ling-Chi Wang, professor emeritus at UC Berkeley and founder of Chinese for Affirmative Action, a civil rights group.

“The employers are also vulnerable because competition is stiff, and they try to undercut each other just to survive. There are not many places in the city where
you can get a meal for $4.00—that’s just unheard of! So, instead of the consumer paying for it, the worker ends up getting shortchanged.”

“Most of the residents are not in Chinatown by choice but [out of] necessity,” adds Wang. “It’s a transition from China. They come to work, eventually save money and move, or so they hope.”

Wang believes that the Immigration Reform and Control Act of 1986 has “intensified the misery of Chinese workers and has achieved the opposite effect.” Especially in a recession, employers prefer undocumented workers because they are willing to accept less pay, which opens them up to more exploitation.

Restaurant Opportunities Center (ROC) United is now located in eight cities, including Washington D.C., Miami, and Michigan and has helped workers receive paid sick days while providing free industry training classes, help with job placement, and training in know-your-rights workshops.

They released a report—Serving While Sick—around the same time as the CPA reports, which was the largest study ever of the health conditions of restaurant workers with over 4,300 surveyed. They reported that 90 percent of workers did not receive sick days and were not insured by their employer. Two-thirds of the workers reported working while they were sick, which causes great concern for consumers.

The Story of Li Nong Hu

Li Nong Hu, 43, is a waitress who has worked at the same restaurant for 16 years. Lately, she has had to cut her hours because of severe pain in her left leg brought on by standing for up to 10 hours on the job. She has no health insurance, so she self medicates. “I’m afraid to go to the hospital because healthcare is so expensive here,” she concedes.

Hu, who has lived in the U.S. since 1994, thinks that their living conditions are much worse here than in China. At present, she lives with her husband and two children in one of Chinatown’s (famously unsanitary) single room occupancy (SRO) units, where their studio shares a kitchen and one bathroom with the rest of the floor’s residents.

Hu, however, believes that her children are getting a better education in the U.S. “My children understand that we have worked very hard for them,” she says.

CPA Report’s Other Revelations

Another interesting fact gleaned from the CPA report points out that workers in Chinatown’s $70.8 million (estimated taxable sales) restaurant industry stand to lose over $8 million annually because of labor law violations. Workers are naturally put at a disadvantage when there is no on-the-job training and when they are not given enough time off to get trained.

“There has been a rise in immigration but policy makers have been slow to catch up with this growth,” explains Christopher Punongbayan, deputy director at the Asian Law Caucus in San Francisco. “Some of these barriers are more endemic to the immigrant community. The Asian community, like all other communities, wants to be given the right to pursue the American dream.”

Labor or work-based violations usually do affect people of color and non-English speakers disproportionately. Because of similarities in the problems faced by the various ethnic groups, the CPA has allied itself with other communities of color, including African Americans and Latinos from organizations like People Organized to Win Employment Rights (POWER) and La Raza Centro Legal.

“We want to educate the community at large of these conditions that we are being faced with,” says Liu of CPA. “These illegal practices—of not paying workers the right wage and benefits—will run the community into the ground in the long run. We don’t want that to happen.”

* See http://www.cpasf.org

Crystal Carter is an independent journalist based in the Bay Area. Find more of her work at www.popscampaign.blogspot.com.
Farmworkers—The Basis and Bottom of the Food Chain

By Laura-Anne Minkoff-Zern and Christy Getz

The recent events in Wisconsin have triggered a reawakening across the United States of a movement that acknowledges the importance of worker rights and of protecting the livelihoods of this country’s working class. Historically, however, one group of workers has routinely been excluded from the gains made by the larger labor movement, i.e. farmworkers—the people who weed, pick, harvest, and pack, often in 100 degree weather, while routinely being exposed to hazardous chemicals.

Approximately 700,000 farmworkers reside in California at any given time. Farm employment is unstable and the average farmworker is employed for only seven months of the year (nine months in California). For female workers the employment season is even shorter. Jobs are scarce, even during high season. In California, about 350,000 jobs are available from April to October and 275,000 from November to March. Historically, migrant workers returned home during the winter months. However, with the increased militarization of the border, this practice has become harder and many migrants remain in the U.S. out of fear even in the rainy season when they have little or no income. And although a majority of farmworkers are male, women and children are increasingly crossing the border and entering the workforce, as men can no longer maintain a seasonal migration.

Sixty-eight percent of migrant farmworkers come from four Mexican states: Michoacan, Jalisco, Guanajuato, and Oaxaca. An estimated 120,000 of them are indigenous Mexicans, who usually enter at the bottom of the labor market and often suffer discrimination on both sides of the border.¹

Hunger and Death in the Midst of Plenty

Ironically, those who labor to produce the food for the nation do not earn enough to properly feed themselves. A study conducted by the California Institute of Rural Studies (CIRS) in Fresno County in November 2007, found that 43 percent of farmworkers were food insecure: 50 percent said they could not afford to buy as much food as they needed, and 48 percent could not afford to eat nutritious meals. Recently, a food bank in the agricultural region of Santa Cruz County reported
that about 70 percent of its clients were farmworkers.

Federal laws have done little for the plight of farmworkers, who have been excluded from nearly all of the major labor laws passed since the 1930s. Some, like the Fair Labor Standards Act (FLSA), have been amended to include workers on large farms, but the National Labor Relations Act (NLRA) of 1935, which protects workers’ right to act collectively and form unions, excludes farmworkers.

State-level regulations on labor, health and safety, and pesticide use are often ignored by farm managers and infrequently enforced by state agencies. Where an estimated 60 to 90 percent of farmworkers are undocumented, growers and labor contractors can use the workers’ status as a shield against complaints. Even when laws are broken with deadly consequences, violators are barely reprimanded. Such was the case with 17-year-old Maria Isabel Vasquez Jimenez, a pregnant vineyard worker, who collapsed after working nine hours in the fields with no access to shade or water in extreme Central Valley heat. To avoid charges to the company, her supervisors had the family take her to a local clinic that was not equipped to treat her and she died two days later. The two owners of the labor contracting company received probation, community service, and a combined fine of $1,730.

**Organic Does not Mean Fair**

It is generally assumed that organic growers treat workers more fairly and that worker rights are an inherent part of sustainable farming. But although organic farm workers are not exposed to dangerous synthetic pesticides, labor standards on organic farms are largely in line with those on conventional farms.

In our survey of 500 organic growers in California, only 7.5 percent were in favor of labor standards. Forty-seven percent felt strongly that organic standards should not include labor standards and over 50 percent felt that organic certification should not require growers to provide workers with health insurance, paid sick leave, paid vacation, or the right to unionize.

In this respect, organic farmers join most other growers and agricultural industry boosters who use the discourse of agricultural exceptionalism, which is the idea that the agricultural sector is culturally different and deserves to be exempt from the labor standards of other industries. Agricultural exceptionalism, which favors farmers at the expense of farmworkers, has historically guided national and state policy. The ideology also pervades the organic and sustainable agriculture movements, which tend to conceptualize social justice as justice for farmers, not farmworkers.

The lack of an adequate regulatory framework to protect agricultural workers positions farm labor as the most dangerous and underpaid occupation in the nation. The wages, which are among the lowest for any employment, actually decreased 20-25 percent between 1975 and 1995 and continue to fall. Currently, the median income for a single farmworker is between $10,000 and $12,499, and for a family supported by farm work, it is between $12,500 and $15,000. These statistics situate farmworkers squarely in poverty and are also reflected in their lack of access to health care and affordable housing, their unsafe and debilitating working conditions, and high rates of chronic disease.

**Some Triumphs Among Adversity**

The struggle of farmworkers in California is not entirely without its triumphs and the tireless work and leadership of people like Cesar Chavez and Delores Huerta has resulted in many gains. For example, the Agricultural Labor Relations Act of 1975, passed after many years of organizing, striking,
and boycotts, gives farmworkers the basic rights of unemployment insurance and fundamental health and safety protections, such as access to toilets and clean drinking water. And in 2002, California farmworkers won the right to mandatory arbitration, which allows a mediator to impose a settlement whenever an employer and a certified union cannot come to an agreement.

For farm labor standards to truly change, worker rights must be included in the larger discussion of sustainable food and food justice. If a common mandate of the alternative food movement is to “know where one’s food comes from,” we must add to that a directive to know the farmers and their farmworkers and the conditions under which the workers live and work.

At a march to encourage Boston-area grocers to pay workers 1 cent more per pound of tomatoes, Josh Viertel, president of Slow Food USA, declared: “I am here today because the food movement cannot be separate from the farmworkers movement.” To create a truly just food system, it is absolutely imperative that people who consider themselves conscious eaters make a serious effort to recognize the connection and demand better treatment of food workers at all levels of the food system chain—from the farmworker to the dishwasher.

Currently, there are organizations working to utilize a domestic fair trade model that advances worker rights in the sustainable agriculture movement. The Agricultural Justice Project is a pioneer in this area. Other important players include: Food Chain Workers Alliance, California Food and Justice Coalition, National Farmworker Ministry, United Farm Workers (UFW), and the Coalition of Immokalee Workers.

Concurrent with the union-led struggles for better wages, benefits, and labor standards, we also need to pay close attention to the fight for immigration reform and international policies. After all, the destiny of the farmworker is closely tied to economic conditions at home and the situation at the border.

**Endnotes**

2. The Coalition for Immokalee Workers’ Fair Food Campaign. [www.ciw-online.org](http://www.ciw-online.org).

*This article resulted from a panel discussion on “Fair Labor and Food Security for California Farmworkers” at the week-long Food Justice Symposium organized last February at the UC Berkeley School of Law by Students for Economic and Environmental Justice (SEEJ). The authors would like to acknowledge Alegria De La Cruz for her contributions to the panel and to this article. You can view a video of the proceedings at urbanhabitat.org/rpe/foodchain.*
Imagine the life of a domestic worker—a caregiver, nanny, or housekeeper, serving in a private home. Now, imagine not being able to sleep for more than three hours a night, having to wake every few hours to change a patient’s diapers. Or only being allowed sponge baths by the sink, no showers. Or not having access to a kitchen because your patient dislikes the smell of your cooking. Imagine being treated as less than human. This was the experience of “Boots,” a Filipina caregiver who testified at the Asian Pacific American Labor Alliance (APALA) Workers Rights Hearing in March of this year.

Domestic workers are primarily immigrant women who are usually the primary income earners for their families. There about 200,000 domestic workers in California, according to the DataCenter. The vast majority of Asian domestic workers—97.8 percent—are foreign born. Without these immigrant domestic workers many Californians would be forced to forgo their own jobs to address their household needs, resulting in direct economic consequences for families and the economy. But despite the important nature of their work, domestic workers have historically received wages below the poverty line and continue to be excluded from some of the most fundamental labor protections that other California workers enjoy.

The fight for the rights of domestic workers is often a struggle for basic respect and human dignity. Katie Joaquin, lead organizer at Filipino Advocates for Justice (FAJ), helps to spearhead the campaign with a special focus on worker support and organizing. For about four years, Joaquin has been organizing Filipino domestic and airport workers and caregivers, to demand improvements in their working conditions and to help them organize their coworkers. In the following interview, Joaquin discusses the Filipino domestic worker perspective and why the rights they demand are significant in instilling solidarity within the community.
Christine Joy Ferrer: Why is organizing for the rights of domestic workers important to you personally as a Filipino American, and what is it about the struggle that really connects you to the reason why these rights are so vital?

Katie Joaquin: First, we have to understand why there are so many Filipino domestic workers to begin with. In the Philippines, there’s an abnormal amount of people that are leaving the country every single day. Imagine how many people were in your high school—I’m guessing probably around 4,000—and 3,800 suddenly disappeared. And this happened to high schools across the country every single day! There are 3,800 people leaving the Philippines every day in search of work. In the U.S., we have an unemployment office that helps us find work in our communities. In the Philippines, people find work through the Philippine Overseas Employment Agency that ships people overseas. So, the situation is that people are being trained to fill jobs in other countries.

In the U.S., there’s a growing need for healthcare workers because we had the Baby Boom and now there are many elderly needing care. We need affordable, low-paid labor, so the Philippines is training people as nurses, or as health workers. They have the skills, training, and credentials to be a nurse, or a doctor, but instead, they become a caregiver or a domestic worker. And the work is very difficult. When you think about the domestic workers, we’re talking about our mothers, our lolas (grandmothers). Over 50 percent of them are primary income earners. They are the ones their families rely on for money and support, and some are making as little as $50 per day, working 24 hours. It requires round the clock focus. It can be very strenuous, when you’re cleaning, lifting, cooking, etc. and it’s someone’s life that rests in your hands. Yet, you’re not able to make enough money to support your needs here, as well as the needs of your family back home. The industry is rife with abuse because the workers are working in isolation, because there are no protections, and because for many of them, this is one of the first jobs they’ve encountered.

In the Filipino culture, we have this Bahala na, Utang na loob feeling. One believes, “This is just how it is.” Or “We had no work in the Philippines. We’re thankful for work, even if it’s bad or underpaid.” My lola, my aunts, they all started their lives in America doing domestic work on the east coast—care-giving, as well as cleaning houses, cleaning mansions. I’m working for an issue that I feel really deeply about. And I am honored to be able to organize for the cause.

Ferrer: How has Filipino Advocates for Justice been organizing for the domestic worker rights campaign and what are the chances of the legislation passing?

Joaquin: We are developing the leadership of workers, immigrants, and young people to not just be able to advocate for their rights and change their conditions, but to also engage other workers to embody these same attributes. We want to form organizations that will continue to fight for worker rights after the organizer leaves, and long after the institution is gone.

Workers are sharing their testimonies at community events, with elected officials, with other domestic workers, and their employers. Employers are in turn sharing these stories with the media. It’s essential to understand, “What are the real conditions in private homes, in the streets and neighborhoods, in the journey from our home countries to here?”

FAJ has been knocking on doors, reaching out to Filipino caregivers and domestic workers. We’ve been organizing with the employers who hire domestic workers, people who are taken care of by domestic workers, seniors, people with disabilities, interfaith groups, labor unions, and students. We’re reaching across as many sectors as possible. We all have a rela-

Photo: Katie Joaquin (far right), Lead Organizer, Filipino Advocates for Justice (FAJ) and fellow organizers and caregivers at the APALA Workers Rights Hearing in March 2011.

Courtesy of Filipino Advocates for Justice
Domestic workers are among the most isolated and vulnerable to abuse and mistreatment behind closed doors. Yet, historically they have been exempted from laws governing other workers, such as decent wages, a safe and healthy workplace, and worker’s compensation.

A8889, the Domestic Worker Bill of Rights, gives domestic workers industry-specific protections and the right to use kitchen facilities and cook their own food. It sets standards for sleep, sick days, living wage increases, and paid vacations.

There are 195,841 domestic workers in California; 97.8 percent are immigrants, 7.4 percent are Asian (5,691 from the Philippines and 3,587 from China). It is safe to assume that these figures may be grossly underestimated as the workers in this industry are considered "hard to reach" populations by the U.S. Census and are historically undercounted. In his recently published book, Ating Kalagayan: The Social and Economic Profile of U.S. Filipinos, Professor Peter Chua calculates there are 114,000 Filipino domestic workers in the U.S., based on U.S. Census data and the 2008 American Community Survey.

Ferrer: How will the legal protections strengthen worker solidarity and the future capacity of domestic workers for collective action?

Joaquin: The process of fighting for these protections is really deepening the worker solidarity and connection between Filipinos, Mexicans, Guatemalans, Salvadorians, and other Latino workers here... as well as Black workers, employers, people with disabilities, seniors. All of these different people who've taken part in this campaign have served to strengthen solidarity. We're all working together for worker rights and protections. We're sharing about the conditions at work and why we even have to take this work. That's where the solidarity happens, because we see our stories reflected in each other’s faces and each other’s histories. Those are the ties that bind and allow people to engage in a deep, beautiful, and difficult struggle that becomes the driving force for a campaign like this bill of rights.

We know that changing the law doesn't [automatically] change conditions. People are entitled to minimum wage, but not everyone receives it. Collective action changes conditions. And the workers, by being involved in this campaign, are able to practice and realize their leadership and become fighters. They are able to win protections that become the tool that motivates workers to organize and enforce their rights. So, first they are demanding rights. Once they have those rights, the fight is about actually getting those rights. This is how we’re able to reach out and support the caregivers, and really cultivate that fighting spirit that we see every single day in this campaign. Ultimately, at the heart of it, is a deep understanding of what needs to change and taking action to improve our situation.

Christine Joy Ferrer is the web and publishing assistant at Urban Habitat and the editor and founder of Eyes Opened (www.eyesopenedblog.com), a blog dedicated to all artists of color committed to social justice.
The doctor at the emergency room told her she was anemic and sent her home. Two weeks later, Tran had another episode on the job. She was taken to the emergency room again and was seen by the same doctor.

“And then he asked me, ‘What kind of job you working?’ And I said, ‘I am working for nail salon.’ And then he said, ‘I think you should quit your job.’”

The nail salon industry is booming nationwide. The number of salons in California has more than tripled in the past two decades, according to the California Healthy Nail Salon Collaborative, whose report also notes that an overwhelming majority of the manicurists are women of color—59 to 80 percent are Vietnamese—and of reproductive age.

Every nail salon carries products loaded with chemical compounds with hard-to-pronounce names, including the commonly occurring “toxic trio”—dibutyl phthalate, toluene, and formaldehyde. Animal studies of dibutyl phthalate have shown reproductive and developmental effects. Formaldehyde is classified as a known carcinogen. And toluene has been shown to depress the nervous system.

Unfortunately, not many studies have been done on workers exposed to the “toxic trio” every day. Which is why Dr. Thu Quach, an epidemiologist with the Cancer Prevention Institute of California (CPIC), decided to study the prevalence of breast cancer among nail salon workers in California.

When the CPIC matched the names on the California cancer registry with names of licensed manicurists in the state, they did not find any alarming trends. Dr. Quach believes that this is because the data was limited. The workforce, for the most part, is young and has not been in the industry for more than 10 years. And cancer takes a long time to develop.

Regardless of the findings, health advocates see cancer as just one of many health outcomes to be concerned about. Dr. Quach sees the cancer study as a first step in monitoring the workforce.

“While we’re waiting for the research evidence—which often takes so long when it comes to epidemiology and population health finds—we need to phase out these chemicals now rather than waiting for research to show the dead bodies,” she says.

The Push for Cosmetic Regulation

The Food and Drug Administration currently regulates cosmetics, which includes nail products. But Jamie Silberberger, director of programs and policy at Women’s Voices for the Earth (WVE), believes that “regulation” may be an overstatement.

“The federal law that governs the cosmetics industry is two-and-a-half pages long and it hasn’t been updated in 70 years,” says Silberberger. “Because the law is so weak, companies can use ingredients that are known to cause cancer—or cause reproductive harm—and it’s perfectly legal to do that.”

Groups like WVE and the California Healthy Nail
Salon Collaborative want more research, more government regulation, and market pressure to force manufacturers to change the chemical ingredients in cosmetics.

According to Silberberger, there is a cosmetics industry review panel, but to date only 11 percent of more than 12,000 cosmetic chemicals have been reviewed for safety. What’s more, she says, the law requiring disclosure of ingredients on cosmetic retail products does not apply to items used in the salons.

“Nail salon products are not required to be fully labeled,” Silberberger explains. “If you buy a bottle of nail polish at a retail store, you’ll see at the bottom a full list of ingredients. And that’s required by federal law. But with salon products, there’s a loophole and no requirement for them to be labeled. So nail salon workers don’t know what’s in them.”

However, groups like the National Healthy Nail Salon Alliance—of which WVE and the California Healthy Nail Salon Collaborative are a part—advocate for more worker protections, not just chemical policy reform. They want changes in the permissible exposure limits or “PELs” set by the Occupational Safety and Health Administration (OSHA).

Nail Salon Factsheet

1. Market research conducted by Nails Magazine estimates that in 2010, there were approximately 376,165 nail salon technicians in the United States.
2. A large proportion of the nail salon workers are Vietnamese. Sources estimate that in California 59-80 percent of the workforce is Vietnamese—in the United States as a whole, 40 percent.
3. The mean yearly wage of manicurists and pedicurists was estimated at $22,150 for 2009. In the state of California, the wage projection was even less than that.
4. At least 36 percent of nail technicians were salon owners, according to Nails Magazine’s 2010 survey. Nearly 28 percent rented booths at salons and kept all their service fees. Fewer than two percent were employees of salons and received salaries and tips. Salons usually have few employees and about 50 percent of those surveyed had just one technician and about 22 percent had two.
5. It is estimated that more than a fifth of all nail salon employees work more than 40 hours a week.
6. In a 2007 Nails Magazine survey of the nail salon industry, 36.2 percent of respondents had worked in the industry for 10 years or more and 30.5 percent had worked for five or fewer years.
7. More than one fifth of the nail technicians in a 2010 survey did not have medical insurance. About 38 percent had insurance through a spouse. And less than three percent had medical insurance paid for by their employer at the salon.
8. A majority of Vietnamese nail salon workers surveyed in a 2008 Northern California Cancer Center study were concerned about exposure to chemicals at their workplaces. A “sizable” proportion of these workers also reported experiencing acute health problems—with skin and eye irritation, breathing difficulties, and headaches—after working in salons.

Note: Owing to limited participation in the Nails Magazine survey, the general statistics may not adequately reflect the situation in Vietnamese salons.
“The [OSHA] standards were created in the 1960s for an industrial setting,” explains Silberberger. “The intention was to protect against acute exposures. But these permissible exposure limits don’t take into consideration the effects of a combination of multiple chemicals over the long term, or the chronic health effects of exposure, such as asthma, cancer, or reproductive harm.” Often times, nail salons are poorly ventilated, she adds, which increases the exposure to harmful chemicals.

U.S. legislation around chemicals in cosmetics and around toxic products in general is in sharp contrast to the laws in the European Union. According to the Campaign for Safe Cosmetics, the FDA has only banned or restricted 11 chemicals found in cosmetics, whereas the European Union has banned 1,000.

Silberberger calls the European Union’s laws around toxic products “precautionary”—an approach that the United States does not subscribe to. But there is change on the horizon.

The Safe Cosmetics Act was introduced in 2010. If reintroduced and signed into law, it would ban the use of known carcinogens, genetic mutagens, and reproductive toxins, and require pre-market assessment for safety of ingredients. It also would close the loophole that allows products to go unlabelled to nail salons.

“It would be a tremendous victory if we were able to pass this law,” says Silberberger. But first, the Act needs to be reintroduced in Congress, which is not expected to happen soon.

The State of California passed a Safe Cosmetics Act in 2005, which provides for light cosmetic safety regulation, but groups are still waiting for more comprehensive national reform.

Advocates for Salon Workers Speak Up

In the lobby of the Asian Health Services (AHS) in Oakland, California, 61-year-old Lam Le is sitting in a fold-up chair. She is accompanied by her interpreter for the day, My Tong, an associate with the California Healthy Nail Salon Collaborative. After surviving the Vietnam War and living in refugee camps, Le came to the U.S. in the late ’80s.

“She thought that being a manicurist was pretty okay for her,” says Tong, interpreting for Le. “She can make a living. But she knows that the chemicals probably won’t be too good for her health.”

Le, who worked in the industry for 12 years, has been diagnosed with a thyroid condition and has suffered from asthma and skin rashes. She had breast cancer too, and beat it twice. Le was never told directly by a doctor that her ailments were related to her work in the salons, but she says that she is ‘scared’ of the businesses.

“Just smelling those chemicals makes her want to run away!” laugh Tong and Le.

For all her hardships, Le is quick to smile and run away!” laugh Tong and Le.
speak up. She is at the AHS not as a patient, but as an advocate. Le was trained in patient leadership at the AHS by the California Healthy Nail Salon Collaborative\(^3\) and she is waiting for other nail salon workers before going to a special EPA hearing on environmental justice.

“She wants to ask Congresswoman [Barbara] Lee and [EPA] Administrator Jackson to improve the conditions for the nail salon workers,” explains Tong.

At the Oakland Federal Building, Le and Tong prepared her statement for Barbara Lee as they waited for the EPA town hall meeting to begin. Le had to convert her two-page testimony into a single question on a small index card, which was read out to the representatives by Phaedra Ellis-Lamkins of Green for All.

Sitting beside Le was Connie Nguyen, a nail salon worker for 17 years who suffered from asthma. She wanted help with identifying formaldehyde-free disinfectants that might be better for her breathing.

The calls for environmental justice were many—too many for everyone’s voices to be heard. Among the voices that did not get heard that day by the EPA representatives was Le’s and she was clearly disappointed, although she managed to force a smile.

AHS Tries Education Through Patients

On a Wednesday morning at the AHS in Oakland, about 20 Vietnamese-speaking patients gather around a conference table. They are patient leaders being educated about a wide range of health care topics so that they can go out and discuss them with the rest of the community.

“Recently, we [have been] talking a lot about nail salons,” says Alisha Tran, an ex-manicurist and nail salon owner who now leads the Patient Leadership Council (PLC) at AHS. “Most of the time, I talk about toxics.”

Tran talks to AHS patients about the need for ventilation, wearing masks, taking a break, and using green products in the work place. She also talks about the “toxic trio” found in nail salon products and their strong link to negative health impacts and other harmful chemicals, in the hope that the information will eventually reach the Vietnamese-speaking workers in nail salons.

“I need their spirit to spread the news,” she says.

Le is also present at that PLC meeting, wearing a blazer suit, earrings, and a big smile. Although she speaks through interpreter My Tong, her voice and her words carry power.

“I want to talk about this issue so that other people won’t have the same problem,” she says. “Other people may be quiet, but not me. I want to speak out.”

Endnotes

2. www.cancer.gov/cancertopics/factsheet/Risk/formaldehyde
3. www.epa.gov/Ttnatw01/hlthef/di-n-but.html
4. www.epa.gov/chemfacts/s_toluene.txt
5. www.cahealthynailsalons.org/

This story is adapted from a radio feature Pauline Bartolone produced for Making Contact, www.radioproject.org. RP&E co-sponsored the original report using the journalism crowd-funding site, www.spot.us.
Several other states, including Michigan, Ohio, and Florida have faced similar legislative battles. After Michigan passed a comparable law on March 16, 2011, Governor Rick Snyder used his newly expanded powers not only to attack unions but to disenfranchise the entire population of Benton Harbor—10,235 people, 85.5 percent of them Black. Workers in Ohio are organizing a referendum to overturn Senate Bill 5, their state’s version of the Wisconsin legislation.

Republican legislators in Florida are trying to ram through a bill to prohibit public employees from having payroll deductions for union dues. In response, police and firefighters’ unions have pulled money from banks that support the Chamber of Commerce, which is pushing the bill.

Workers in all these states are facing a larger trend that has been weakening their power for decades. Relentless corporate pressure and ineffectual labor laws have steadily eroded union membership since 1955. As the percentage of workers in unions has shrunk, income inequality has grown. The result has been an economic gulf, separating the rich from everyone else.

The top 10 percent of U.S. households own nearly three-fourths of the country’s total wealth; 34 percent is held by the top one percent alone. Some among this very wealthy elite have a profit-lust so insatiable that it is causing the American middle class to fade from existence, as income stagnates and the unemployment crisis continues.

Not only does workers’ share of the wealth shrink when they cannot bargain with their employers, but their political voice gets weaker as well. At its best, the American labor movement has campaigned for policies that benefit us all, like the eight-hour day, workplace safety rules, a higher minimum wage, and a national health care system. If right wing governors succeed in their anti-union crusade, we could face a system-wide shift that would further mute the voices of average workers.

**Who Stands to Lose the Most?**

The drive to break down public sector unions will be especially harmful to those who already face a constant battle against workplace discrimination.

A recent report by United for a Fair Economy, State of the Dream, emphasizes the vital role of the public sector in providing opportunities to people of color, who are burdened not only with the residual effects of past injustices, but also contemporary barriers to upward economic mobility. (See excerpts on page 28.) With its more stringent equal opportunity and civil service protections, the public sector offers more agreeable circumstances for historically disenfranchised workers than does the private sector. For example, the public sector has offered more opportunities for women and workers of color to approach income parity with white men. (See graph on page 28.)

Today, Black workers are significantly more likely than other groups in the workforce to hold government positions. So, across-the-board cuts to the federal, state, and even local budgets would have particularly ruinous effects on Black workers and their communities.

If we are ever to move beyond a jobless recovery and meaningfully address racial inequality, we must preserve the public sector by funding a jobs program that invests in our people and in the longer-term stability of our economy.
Where is the Money?

The phrase “we’re broke” as a rationale for bone-deep budget cuts is not just tired, it is wrong. We are not broke. We are still a very wealthy country, but too much of our wealth is concentrated in too few pockets.

The money for a jobs program and other recovery measures exists, but we have to put policies in place to reverse this concentration, such as:

- Stopping corporations from dashing offshore to avoid paying their tax tabs.
- Taxing the high-risk, casino-like investing on Wall Street that so heavily contributed to the financial meltdown.
- Restoring progressiveness to the personal tax system by raising taxes on wealthy individuals who have reaped the most from our economy and are most able to contribute without sacrificing their livelihoods. We can restore the top-tier federal income tax rates to their pre-Bush levels (at the very least), and add new brackets for those with remarkably high incomes.
- Strengthening the estate tax, which is a means to prevent the creation of American dynasties and reduce wealth inequality.
- Ending the preferential treatment of investment income, such as capital gains and dividends, by taxing it at the same rate as earned income.
- And we could cut the Pentagon’s budget—which now accounts for 58 percent of the discretionary federal spending—and eliminate unnecessary defense spending by ending the wars in Iraq, Afghanistan, and Pakistan.

State of the Dream:
Right Wing Attacks Public Sector

Federal and state budget shortfalls are being used to justify large-scale cuts in the public sector workforce—and this attack, spurred by the right wing, equates to an attack on Black and Latino workers.

In the two years prior to September 2009, more than 110,000 state and local jobs were lost, including 40,000 teachers and 4,000 uniformed police officers and firefighters. More cuts are expected in the year ahead.

- Forty states are already projecting budget gaps for the coming year totaling $113 billion. Once all state budget estimates have been prepared, total deficits will likely exceed $140 billion. These projected deficits compound the effect of the deficits that states faced in both 2009 ($110 billion) and 2010 ($191 billion).²
- State governments, with the exception of Vermont, cannot run deficits. To balance their budgets, states across the nation have instituted large-scale layoffs of public employees, along with furloughs and pay freezes for many who remain.³ New Jersey and Tennessee, for example, each eliminated over 2,000 state positions in their fiscal year 2011 budgets.⁴
- Many cities and local governments are making the same shortsighted decisions. Recently, Newark, New Jersey adopted a budget that includes 850 layoffs of city employees.⁵ Over the last two years, the Los Angeles school system alone has laid off about 2,700 employees.⁶ We may see large-scale layoffs at the federal level as well.

Layoffs and pay freezes of public sector employees will hit African Americans and Latinos the hardest. Blacks are 30 percent more likely than the general workforce to hold public sector jobs—70 percent more likely to be federal employees, 30 percent more likely to be state employees, and 20 percent more likely to work for local governments.

While public sector jobs pay less than those in the private sector once education differences are factored in,⁷ public sector employment offers better opportunities for Blacks and Latinos to advance professionally and to achieve greater economic parity with their white counterparts. White men continue to dominate top-level positions in the private sector, but Blacks and Latinos have made greater progress toward the attainment of top-level positions in public administration.⁸ This is due in part to higher levels of union representation in the public workforce,⁹ and to civil service pro-
The money saved could be more wisely applied to domestic investments, which should be made using a targeted approach that would address the chasms of race and class in the U.S. To do so, we will need to establish a shared agreement about the type of society in which we want to live. Will it be one that encourages greed and inequality, or one that provides essential services and opportunities to all of us? Will it be one that provides access to only the rich, or one that’s truly democratic? Will it continue to pit us against one another, or will it inspire togetherness and community?

Although, historically unions have not been free of racism, it would be counterproductive to target them for a legacy of discrimination that belongs to the nation as a whole. We should embrace the real hope that the civil rights and labor movements can strengthen their relationship and move forward as a more diverse, inclusive and, most importantly, unified movement.

Ironically, it may well be Governor Walker’s outrageous attacks on public employees that ignites the very movement he seeks to destroy, and brings the U.S. toward a more just and egalitarian society.

**Endnotes**

3. Sherman and Lane. Ibid.
11. Allegretto and Pitts. Ibid.
A century ago, on March 25, 1911, 146 garment workers, most of them Jewish and Italian immigrant girls in their teens and twenties, perished after a fire broke out at the Triangle Waist Company in New York City’s Greenwich Village. Even after the fire, the city’s businesses continued to insist they could regulate themselves, but the deaths clearly demonstrated that companies like Triangle, if left to their own devices, would not concern themselves with their workers’ safety. Despite this business opposition, the public’s response to the fire and to the 146 deaths led to landmark state regulations.

100 years after the Triangle fire, we still hear much of the same anti-regulation rhetoric that was popular among business groups whenever reformers sought to use government to get businesses to act more responsibly and protect consumers, workers, and the environment. For example, the disasters last year that killed 29 miners at Upper Big Branch and 11 oil rig workers in the Gulf of Mexico could have been avoided had lawmakers resisted lobbying by mine owners and BP to weaken safety regulations.

Today, the leading foe of reform is the United States Chamber of Commerce, which is on a crusade against the Obama administration’s plans to set new rules for unsafe workplaces, industrial hazards, and threats to public health. The Chamber labels every effort at reform a “job killer.” The Chamber’s most vocal proponent is Darrell Issa, the conservative California Republican who chairs the House Committee on Oversight and Government Reform. At the request of the Chamber and other industry lobbies, Issa recently launched a congressional assault on safeguards in workplaces and communities.

In January, Issa sent letters to more than 170 companies and business lobby groups—including Duke Energy, FMC Corp., Toyota, Bayer, the American Petroleum Institute, the National Association of Manufacturers, the Association of American Railroads, the National Petrochemical & Refiners Association, and lobbies representing health care, banking, and telecommunication providers—asking them to identify “burdensome government regulations” that they want eliminated.

The business groups responded with a long wish list, including rules to control “combustible dust” that has resulted in explosions killing workers; rules to track musculoskeletal disorders, such as tendonitis, carpal tunnel, or back injuries, that impact millions of workers at keyboards, in construction, or in meat processing; and rules to address workplace noise that leads to hearing loss. And Republicans listened. They are proposing to cut OSHA’s budget by 20 percent, which, coming on top of decades of cuts, would cripple an agency that has been effective at significantly reducing workplace injuries and deaths.

The Republican leadership is trying to drive home the message, in Speaker John Boehner’s words, that “excessive regulation costs jobs” and that the “path to prosperity” is by “getting government out of the way.” Americans of earlier generations—who enjoyed the benefits of the Progressive Era and the New Deal reforms, and the political clout of a vibrant labor movement—understood this was nonsense, but it seems like the lessons of the past have to be relearned again. That’s why it is important to recall the sordid circumstances in which 146 young women lost their lives at the Triangle Waist Company a century ago.

Businesses today, and their allies in Congress and the statehouses, are making the same arguments...
against government regulation that New York's business leaders made a century ago. The current hue and cry about "burdensome government regulations" that stifle job growth shows that the lesson of the Triangle debacle has been forgotten. Here, to refresh our fading memories, is what happened.

The Fire
In 1911, New York was a city of enormous wealth and wide disparities between rich and poor. New industries were booming—none more so than women's and men's clothing. The Triangle company made blouses, which were called shirtwaists.

The blouses, skirts, and sweaters were sewn in miserable factories, often by girls as young as 15 who worked seven days a week, from 7 a.m. to 8 p.m., with a half-hour lunch break, and often longer during the busy season. They were paid about $6 per week, and were often required to use their own needles, thread, irons, and even sewing machines. The factories were overcrowded (they often occupied a room in a tenement apartment) and lacked ventilation. Many were poorly lit fire traps without sprinklers or fire escapes.

The Worker Strikes
In November 1909, over 20,000 shirtwaist makers from more than 500 factories, led by the International Ladies Garment Workers Union (ILGWU), walked off their jobs. They demanded a 20 percent pay raise, a 52-hour workweek, and extra pay for overtime. They also called for adequate fire escapes and open doors from the factories to the street.

Within 48 hours, more than 70 of the smaller factories agreed to the union's demands, but many of the largest manufacturers refused to compromise. The New York City police soon began arresting strikers—labeling some of them "street walkers," which was literally true, since they were carrying picket signs up and down the sidewalks. Judges fined them and sentenced some of the activists to labor camps.

But the strikers held out and by February 1910, most of the small and midsized factories, and some of the larger employers, had negotiated a settlement for higher pay and shorter hours. One of the companies that refused to settle was the Triangle Waist Company, one of New York's largest garment makers.

That July, another group of garment workers—over 60,000 cloakmakers, mostly men this time—went on strike. As the tensions escalated, both union and business leaders invited prominent Boston attorney (and later Supreme Court Justice) Louis Brandeis to New York to help mediate the conflict. With Brandeis's nudging, the two sides signed the "Protocol of Peace" agreement that set minimum industry standards on wages, hours, piece-rates, and workplace safety and health. But the Protocol's weakness was that it was a voluntary agreement, not a government regulation, and not all manufacturers signed on. Once again, one of the holdouts was the Triangle Waist Company.

The Triangle Owners
Owned by Isaac Harris and Max Blanck, who were known as the "the shirtwaist kings," Triangle was one of the most rabidly anti-union firms. On
Saturday, March 25, 1911, at 4:45 p.m., close to quitting time, a fire broke out on the eighth and ninth floors of Triangle’s 10-story building. Factory foremen had locked the exit doors to keep out union organizers and to keep workers from taking breaks and stealing scraps of fabric. Other doors only opened inward and were blocked by the stampede of workers struggling to escape. The ladders of the city’s fire engines could not reach high enough to save the employees. As a result, workers burned or they jumped to their deaths. Experts later concluded that the fire was likely caused by a cigarette dropped on a pile of “cut aways” or scraps of cloth that had been accumulating for almost three months.

Marching for Justice

News of the fire spread quickly, catalyzing public opinion, and energizing a broad coalition of unlikely allies. It included immigrants, muckraking journalists, clergy, unionists, socialites, and socialists. On April 6, 30,000 New Yorkers marched—and hundreds of thousands more lined the march’s route—behind empty hearses to memorialize the fire’s victims. Numerous rallies, broadsides, and editorials called for legislative action—ranging from fire safety codes to restrictions on child labor. In response to the outcry, New York Governor John Alden Dix created the Factory Investigating Commission, a pioneering body with broad subpoena powers and teams of investigators, led by two savvy Democratic politicians, state Assemblyman Al Smith and state Senator Robert F. Wagner.

The Regulators Strike Back

Smith, Wagner, and the Commission members traveled up and down the state holding hearings and visiting factories. Over two years, the commissioners interviewed almost 500 witnesses and visited over 3,000 factories in 20 industries. They found buildings without fire escapes, bakeries in poorly ventilated cellars with rat droppings. Only 21 percent of the bakeries even had bathrooms, and most of them were unsanitary. Children—some as young as five years old—were toiling in dangerous canning factories. Women and girls were working 18-hour days.

After the fire, many city officials acknowledged there was a problem. Edward F. Croker, New York City’s retired fire chief, told the Commission that employers “pay absolutely no attention to the fire hazard or to the protection of the employees in these buildings. That is their last consideration.” His department had cited the Triangle building for lack of fire escapes just one week before the fire.

But the garment manufacturers, the Real Estate Board, and the bakery and cannery industry groups sought to stymie the Commission. The real-estate interests opposed city fire codes. After the Fire Department ordered warehouses to install sprinklers,
the Protective League of Property Owners held a meeting to denounce the mandate, angrily charging the city with forcing owners to use “cumbersome and costly” equipment.

As representative of the Associated Industries of New York insisted that regulations would mean “the wiping out of industry in this state.” Mabel Clark, vice president of the W.N. Clark Company, a canning corporation, opposed any restrictions on child labor. “I have seen children working in factories, and I have seen them working at home, and they were perfectly happy,” she declared.

Terence McGuire, president of the Real Estate Board, summed up the business argument against regulation. “To my mind this is all wrong,” he declared. “The experience of the past proves conclusively that the best government is the least possible government.” The board warned that new laws would drive “manufacturers out of the City and State of New York.”

Smith, Wagner, and the political leaders of the time, fortified by a vibrant progressive movement, ignored these opponents of business regulation. In the first year, the Commission proposed and the legislature quickly passed, a package of laws requiring mandatory fire drills, automatic sprinklers, and unlocked doors during work hours that were required to swing outward. They also created rules on the storage and disposal of flammable waste, and they banned smoking from the shop floor.

In the second year, the legislature passed additional reforms. They set the maximum numbers of workers per floor. They established codes requiring new buildings to include fireproof stairways and fire escapes. They required employers to provide clean drinking water, washrooms, and toilets for their employees. They gave labor commission inspectors the power to shut down unsanitary tenement sweatshops. And they ruled that women could work no more than 54 hours a week and that children under 18 could not work in dangerous situations.

These pathbreaking state regulations, provoked by the Triangle fire, proved that government could play a powerful role in the lives of ordinary people. Other states followed suit and ultimately President Franklin Roosevelt, prodded by veterans of New York’s progressive movement, introduced New Deal reforms ending child labor, establishing a federal minimum wage and a 40-hour week, and creating a National Labor Relations Board (NLRB) that would establish the right of workers to form a union that would bargain collectively with employers.

The Triangle company’s owners were indicted and went on trial for manslaughter, but they were found innocent when the judge told the jury that in order to return a guilty verdict, they had to find that the two defendants knew or should have known that the doors were locked. Harris and Blanck also continued to refuse to recognize the union. But the company never recovered from the fire and the controversy surrounding it and in 1918, it closed its doors.

That did not happen to other city businesses. Contrary to the business leaders’ dire predictions, they did not suffer from the new regulations. The New York Times reported in July 1914, that “[n]otwithstanding all the talk of a probable exodus of manufacturing interests, the commission has not found a single case of a manufacturer intending to leave the State because of the enforcement of the factory laws.” New York’s Seventh Avenue remained the headquarters of the nation’s garment industry for decades until production gradually moved south and overseas after World War II.

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