

January 2006

Worker Centers: Organizing Communities at the Edge of the Dream

Janice Fine
Rutgers University

Follow this and additional works at: https://digitalcommons.nyls.edu/nyls_law_review



Part of the [Business Organizations Law Commons](#), [Immigration Law Commons](#), [Labor and Employment Law Commons](#), and the [Organizations Law Commons](#)

Recommended Citation

Janice Fine, *Worker Centers: Organizing Communities at the Edge of the Dream*, 50 N.Y.L. SCH. L. REV. (2005-2006).

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Law Review by an authorized editor of DigitalCommons@NYLS.

WORKER CENTERS: ORGANIZING COMMUNITIES AT THE EDGE OF THE DREAM

JANICE FINE*

I. INTRODUCTION

In the United States today, millions of workers, many of them immigrants and people of color, are laboring on the very lowest rungs of metropolitan labor markets with limited prospects for improving the quality of their present positions or advancing to better jobs. It is an unfortunate fact that their immigration status, combined with their ethnic and racial origins, has perhaps the greatest impact on the jobs they do, the compensation they receive, and the possibilities they have for redress when mistreated by employers. While employers manifest an enormous hunger for immigrant workers (literally hiring them by the millions), the nation's immigration policy has exacerbated their vulnerability to exploitation. The silent compact between employers and employees is simple: in exchange for corporate indifference to their exact legal status, workers will not make a fuss about conditions or compensation. America's immigration policy has become one of her central *de facto* labor market policies.

The story of the exploitation of immigrant workers in America is obviously not a new one. Prior waves of immigrants faced serious discrimination, took up some of society's dirtiest and most dangerous jobs, looked to their families and fellow immigrants to build economic stability over time, and fought to expand workers' rights and establish labor unions. But in contrast to earlier periods in U.S. history, contemporary immigrant workers have fewer prospects for participation in the workplace and fewer opportunities to integrate themselves into community life, American politics, and soci-

* Assistant Professor of Labor Studies and Employment Relations, School of Management and Labor Relations, Rutgers University; Senior Fellow for Organizing and Policy, the Center for Community Change; Research Associate, Economic Policy Institute. The author would like to thank the Neighborhood Funders Group and the Working Group on Labor and Community for generously supporting the worker center research.

ety. Many of the institutions, civic groups, parties, and especially labor organizations that once existed to help them have either disappeared or declined dramatically. More and more, low-wage immigrant workers exist within industries in which there are few or no unions or other organizational vehicles through which they can speak and act. Into this breach, new types of institutions have struggled to emerge over the past several decades.

This article explores one such promising emergent institution: worker centers. Based on research conducted by the Neighborhood Funders Group (NFG) in partnership with the Economic Policy Institute (EPI), this article provides an executive summary of a study that identified various worker center models and evaluated their current strengths, weaknesses, challenges, and future potential.¹ The focus of the study was immigrant worker centers, but these organizations exist as a subset of a larger body of contemporary community-based and community-led worker organizing projects that have taken root across the United States in recent years. There are also other centers, especially among the day-laborer population, that provide services and advocacy but are not presently engaging in organizing. It was the organizations that *were* engaging in grassroots organizing and those that were doing so among immigrant workers that were the specific focus of the study.²

This article highlights the results of the study. Part II defines worker centers and provides brief snapshots of the nine major

1. Significant portions of this article first appeared in an Economic Policy Institute briefing paper published in the Fall of 2005. See JANICE FINE, NEIGHBORHOOD FUNDERS GROUP, WORKER CENTERS: ORGANIZING COMMUNITIES AT THE EDGE OF THE DREAM, FUNDERS' EXECUTIVE SUMMARY (2005) [hereinafter FINE, EXECUTIVE SUMMARY]. A book-length version of this article was published by the Economic Policy Institute and the ILR Imprint of Cornell University Press in January 2006. See JANICE FINE, WORKER CENTERS: ORGANIZING COMMUNITIES AT THE EDGE OF THE DREAM (2006) [hereinafter FINE, WORKER CENTERS].

2. Ultimately, the study identified 135 community-based and community-led worker organizations, 120 of which work with immigrants. See FINE, EXECUTIVE SUMMARY, *supra* note 1, at 7. In connection with the study, forty survey interviews and nine case studies were conducted. FINE, EXECUTIVE SUMMARY, *supra* note 1, at 7. All nine case studies were of organizations working with immigrants, although two of the organizations, the Tenants' and Workers' Support Committee and CAFÉ, work extensively with African-Americans as well. *Id.* CAFÉ and Omaha Together One Community, another of the nine organizations, do not refer to themselves as worker centers but their work comports with our definition. For a complete list of the worker centers we studied, see FINE, WORKER CENTERS, *supra* note 1, at 271.

worker centers that we studied. Part III describes the distinguishing characteristics of these worker centers. The economic and demographic context in which worker centers arose is considered in Part IV. Part V describes the range of services provided by worker centers and discusses how worker centers use services as a means to empower workers and to recruit potential members and leaders to the centers. The organizing and advocacy role taken on by centers, which includes work that targets both private and government actors, is examined in Part VI. Part VII describes the internal life of worker centers, including their organizational cultures, structures, habits, and patterns of behavior. Part VIII identifies the unique role played by worker centers in their efforts toward immigration reform, labor market policy change, and worker organizing, and details some of their strengths and weaknesses. Finally, Parts IX and X provide recommendations for improving the effectiveness of worker centers and the conditions under which immigrant workers labor.

II. WORKER CENTERS DEFINED AND IDENTIFIED

Worker centers are community-based and community-led organizations that engage in a combination of service, advocacy, and organizing to provide support to low-wage workers. The vast majority of worker centers have grown to serve predominantly, or exclusively, immigrant populations; however, there are a few centers that serve the African-American community or bring immigrants together with African-Americans.³ As work is the primary focus of life

3. In his 2004 study of jobs and activism in the African-American community, scholar Steven Pitts wanted to understand why the immigrant-worker-center strategy has not by and large had a counterpart in the black community. First, he argues that the crisis around work in black communities is too often exclusively defined as a problem of high unemployment, and not also as one of a problem of bad jobs: "Jobs that pay poorly; jobs with few benefits; jobs that offer no protection from employer harassment; jobs whose only future is a dead-end." STEVEN C. PITTS, ORGANIZE . . . TO IMPROVE THE QUALITY OF JOBS IN THE BLACK COMMUNITY: A REPORT ON JOBS AND ACTIVISM IN THE AFRICAN-AMERICAN COMMUNITY 4 (2004), *available at* http://laborcenter.berkeley.edu/blackworkers/Black_Worker_Report.pdf. Pitts found that responses to the crisis of bad jobs in the black community and the racially polarized nature of job markets often focused on individual skills development as opposed to putting forward a more systemic critique of the problem and strategies for transforming bad jobs on a larger scale. *Id.* Those organizations that do take up the issues of jobs "do not attempt to improve the jobs held by black workers. Instead the emphasis is on the individualized provision of

for many newly arriving immigrants, it is also the locus of many of the problems they experience. This is why, although they actually pursue a broad agenda that includes many aspects of immigrant life in America, most of the organizations call themselves “worker centers.”

Difficult to categorize, worker centers have some features that are reminiscent of earlier U.S. civic institutions, including settlement houses, fraternal organizations, local civil rights organizations, and unions. They identify with social movement traditions and draw upon community organizing strategies. Other features, especially cooperatives and popular education approaches, are suggestive of the civic traditions of the home countries from which many of these immigrants came. Some are based in a specific industry while others are non-industry based; however, many are a mixture of both — they have specific industry projects as well as other geographic and issue-based activities.

Centers pursue their mission through a combination of approaches: 1) Service delivery, including legal representation to recover unpaid wages, English classes, worker rights education, and access to health clinics, bank accounts, and loans; 2) Advocacy, including researching and releasing exposés about conditions in low-wage industries, lobbying for new laws and changes in existing ones, working with government agencies to improve monitoring and grievance processes, and bringing suits against employers; and 3) Organizing, including building ongoing organizations and engaging in leadership development against workers to take action on their own behalf for economic and political change.

Worker centers vary in terms of their organizational models, how they think about their mission, and how they carry out their work. Nonetheless, in the combination of services, advocacy, and organizing they undertake, worker centers are playing a unique role in helping low-wage immigrants navigate the world of work in the United States. They provide low-wage immigrant workers with a range of opportunities for expressing their “collective voice” as well

job readiness counseling, soft skills and hard skills.” *Id.* Pitts posits several other reasons for what he calls the “lack of transformative responses to the job crisis,” including a tendency for the African-American freedom movement to focus on issues of ownership and control over assets rather than employer/employee relationships and the integration of African-Americans into existing government agencies. *Id.* at 5.

as for taking collective action. The number of worker centers in the United States has increased significantly over the past decade, paralleling the decline of labor unions and the increased flow of specific immigrant groups in large numbers to the United States.⁴ In 1992, there were fewer than five centers nationwide.⁵ This number increased dramatically in the early- to mid-1990s, growing at a rate of ten to twenty new centers each year for several years.⁶ As of 2005, there are at least 139 worker centers in over eighty U.S. cities, towns, and rural areas.⁷

The study profiles nine major worker centers:

The Workplace Project began as a project of CARECEN, a social service agency for Central-American immigrants on Long Island, as more and more immigrants came to its offices seeking redress for unpaid wages and other employment-related problems.⁸ The Project staff and volunteers were appalled by the U.S. Department of Labor's (DOL) cavalier refusal to adequately respond to the numerous claims received from immigrant housekeepers, restaurant workers, and day laborers. Beginning in 1993, the Project began to systematically monitor the DOL's behavior with regard to its acceptance and pursuit of these cases. The results documented a pattern of flagrant disregard for the problems faced by low-wage immigrant workers. The Project proved to be instrumental in cultivating relationships with members of the media at the *New York Times* and *Newsday* and in building alliances with Democrats and Republicans in state government which led to the passage of the strongest unpaid wages law in the United States.⁹

The Tenants' and Workers' Support Committee (TWSC) in Virginia began in 1986 as a community-organizing entity that focused on help-

4. FINE, WORKER CENTERS, *supra* note 1 at 10.

5. FINE, EXECUTIVE SUMMARY, *supra* note 1.

6. *Id.*

7. *Id.*

8. See JENNIFER GORDON, SUBURBAN SWEATSHOPS — THE FIGHT FOR IMMIGRANT RIGHTS (2005); Jennifer Gordon, *We Make the Road by Walking: Immigrant Workers, The Workplace Project, and the Struggle for Social Change*, 30 HARV. C.R.-C.L. L. REV. 407 (1995). See also Emily Stein, Organization Profile, *The Workplace Project*, 50 N.Y.L. SCH. L. REV. 607 (2005-2006).

9. GORDON, SUBURBAN SWEATSHOPS, *supra* note 8, at 237-80.

ing 2,000 African-American, Latino, and immigrant low-income residents of the Arlandria neighborhood of Alexandria fight eviction from their subsidized housing and convert a 300-unit building into a limited equity co-op. Over the years, TWSC has grown into a local civil rights movement organization that is involved in a host of projects. It does community organizing in Alexandria, Arlington, and other Northern Virginia communities. Besides housing, TWSC has taken up a number of local issues, including public education and youth programming, healthcare, sustainable development, zoning, and living wages. In addition, TWSC carries out worker organizing among immigrant and African-American hospitality workers, childcare providers, and taxi drivers. Each of these groups of workers has an organization that is affiliated with the TWSC. The organization has won a local living-wage ordinance, better working conditions for childcare workers, important improvements in the public schools, and, over the past several years, has successfully negotiated with area hospitals to forgive over \$1 million of debt owed by low-wage families.

The Chicago Interfaith Worker Rights Center emerged out of the work of the Chicago Interfaith Committee on Workers Issues between labor unions and area religious institutions. After years of work mobilizing clergy to support union organizing campaigns, the Interfaith Committee and a number of its churches became known as places immigrant workers could bring their employment-related problems. In 1998, the Interfaith Committee published and distributed a workers rights manual in English and Spanish that generated an enormous response from area immigrant workers. Many workers who called the Committee had been unaware of their rights and many were undocumented and afraid to seek help. The DOL was largely inaccessible because of language barriers and limited office hours as it was only open from nine-to-five. Workers turned to their clergy and congregations for support, but these organizations didn't necessarily know how to help. Lacking an infrastructure to handle the growing number of people seeking help and organizing support, the Interfaith Committee opened two worker centers on Chicago's north and northwest sides, both of which are located within the walls of religious institutions. The Center has helped dozens of groups of workers organize to achieve improvements at

their workplaces, including matching several groups with local unions for organizing drives.

The Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) and the *Instituto de Educacion Popular del Sur de California* (IDEPSCA) are two community organizations in Los Angeles that operate eight day-labor hiring halls. The groups work with day laborers on an ongoing basis to set the rules that govern the centers. CHIRLA is the largest community-based immigrant rights organization in Los Angeles and began in 1986 in response to the impact of the changes in federal immigration law. While it initially functioned as an umbrella organization for a coterie of local groups, CHIRLA added a focus on workers' rights and, eventually, direct organizing of immigrant workers as the day-labor issues in Los Angeles grew increasingly serious in the late 1980s.

IDEPSCA is a non-profit community-based organization that grew out of the local community organizing efforts of a group of Chicano and Latino parents dedicated to improving the educational opportunities and economic self-sufficiency of low income Latino families through popular education and organizing. IDEPSCA operates adult Spanish literacy and English as a Second Language (ESL) programs, a computer literacy project, and youth and women's programs in addition to operating three hiring halls.

Staff members for the organizations work onsite, helping to facilitate the day-to-day operation of the hiring halls. They offer a variety of services to day laborers, including help with unpaid wage claims and immigration issues, ESL classes, and tool lending. The organizations engage in advocacy on a host of public policy issues that affect day laborers and make efforts to mobilize workers at rallies and hearings in support of these issues. CHIRLA and IDEPSCA are the backbone of a vibrant day laborers' and immigrant workers' movement in Los Angeles.

The Carolina Alliance for Fair Employment (CAFÉ) began in Greenville, South Carolina, in 1980 as a project of Southerners for Economic Justice (SEJ). Organized in the mid-1970s by civil rights leader Julian Bond and others, it was founded upon the belief that "newly-won civil rights were incomplete if people had little or no rights on

the job.”¹⁰ Sensing a clear need on the part of thousands of South Carolinians working in firms where union organization was highly unlikely, SEJ started the Workers Rights Project (WRP). Its mission was to help workers who were not represented by unions, and were unlikely to be represented in the future, to take action. By 1985, the WRP, which became CAFÉ, had been contacted by workers in over fifty cities and towns across South Carolina. It developed “job rights workshops,” which educated workers about employment laws and organizing, and held the workshops in ten cities around the state. In 1986, the organization assisted in passing a new state law that made it harder to fire injured workers. Since then, the organization has taken the lead on contingent worker issues, fighting for public policy changes, and taking on large temporary agencies. CAFÉ has broadened its agenda beyond employment issues to public education, criminal justice, and domestic violence. In recent years, the organization has begun to organize chapters among, and provide assistance to, the growing numbers of newly arrived Latino immigrant workers.

The Korean Immigrant Worker Advocates (KIWA), founded in 1992, organizes restaurant and grocery store workers in the Koreatown neighborhood of Los Angeles. After a number of years of filing claims and lawsuits on behalf of individual restaurant workers, KIWA launched the Restaurant Workers Justice Campaign in 1997. A major focus of the campaign was increasing compliance with minimum wage laws in the industry. By 2000, as a result of the campaign, KIWA estimated that the compliance rate of Koreatown restaurants had increased from about 2% to over 50%. In 2000 and 2001, KIWA moved to create two independent organizations: one for restaurant workers, the other for workers in Koreatown’s seven ethnic grocery stores. The Restaurant Workers Association of Koreatown (RWAK) is an independent organization based at KIWA, which operates as a quasi-union, offering a range of benefits to its members. RWAK operates a free medical clinic and, through KIWA, helps members file claims for overtime, workers’ compensation, and other wage claims. RWAK also has an ESL component

10. Carolina Alliance for Fair Employment (C.A.F.E.), History, <http://www.cafesc.org> (last visited Jan. 12, 2006).

that teaches workers the English they need to know in the restaurant industry as well as vocabulary for organizing.¹¹

The New York Taxi Workers Alliance (NYTWA) originated in 1992 in the Committee Against Anti-Asian Violence (CAAAV), a pan-Asian organization started by young activists in New York City in the 1980s. Since 1997, it has established itself with the media, as well as relevant governmental bodies, as the leading voice of the 40,000 Yellow Cab drivers in New York City. In 2002 and 2003, the organization developed a successful multi-pronged strategy to campaign for a fare increase. It partnered with the Brennan Center of New York University Law School to produce research reports on wages and conditions in the industry, which provided the organization with a great deal of data to back up its claims to the media and government officials. By the fall of 2003, NYTWA had captured the attention of the major media and public officials. Over the next several months, it was the primary voice of taxi drivers and a major player that negotiated and won the first fare increase in eight years.

The Garment Worker Center (GWC) in Los Angeles was organized in 2001, a few years after another group, UNITE, was defeated in its efforts to organize the garment industry there and closed down its Garment Workers Justice Center. With 90,000 primarily Latina and Chinese immigrant women working for more than 5,000 contractors, many under sweatshop conditions, a coalition of legal aid and community organizations decided to open the GWC to provide legal, organizing, and advocacy support despite the difficulties of organizing a union. Based in the heart of the garment district, the organization has Chinese and Latina staff and volunteers who help workers learn about their rights, file claims for back wages, and act collectively to encourage contractors, manufacturers, retailers, industry leaders, and government officials to improve conditions. The organization has established itself as the voice of immigrant workers in the fashion industry in Los Angeles, garnering extensive media coverage of workplace abuses, winning hundreds of thousands of dollars in back wages, developing an active leadership

11. See also Victor Narro, *Impacting Next Wave Organizing: Creative Campaign Strategies of the Los Angeles Worker Centers*, 50 N.Y.L. SCH. L. REV. 465 (2005-2006) (providing an in-depth discussion of KIWA and RWAK).

body of garment workers, and connecting strongly to the global anti-sweatshop movement.¹²

Omaha Together One Community (OTOC) is a faith-based organizing group affiliated with the Industrial Areas Foundation.¹³ In 1998, the organization began examining the difficult conditions under which the largely Mexican workforce was laboring in the meatpacking industry in Nebraska. In 1999, OTOC organized a rally with 1,200 people that focused on conditions in the meatpacking plants. Then, in the fall and winter of that year, its efforts gained the strong support of the governor and lieutenant governor, who launched investigations and promulgated a “meatpacker’s bill of rights” in the first months of 2000. Also that year, OTOC’s workers committee began sponsoring clinics with meatpacking workers on how to prevent and seek treatment for repetitive stress injuries. In June of 2000, OTOC and the Omaha UFCW local announced their plan to organize 4,000 area packinghouse workers and launched the organizing in earnest. In less than two years, the partnership resulted in close to a thousand new workers being organized into the UFCW local union.

III. DISTINGUISHING CHARACTERISTICS OF WORKER CENTERS

While there is wide variation among worker centers in terms of program and emphasis, most have the following features in common:

Hybrids. All worker centers combine elements of different types of organizations, including social service agencies, fraternal organizations, settlement house models, community organizing group unions, and social movement organizations.

Service provision. Centers provide services from legal assistance and ESL classes to check-cashing, but also play an important matchmaking role in introducing their members to services available through

12. See also *id.* at 471 (discussing GWC’s work in Los Angeles).

13. See generally ED CHAMBERS, *ROOTS FOR RADICALS: ORGANIZING FOR POWER, ACTION AND JUSTICE* (2003); MICHAEL GECAN, *GOING PUBLIC: AN ORGANIZER’S GUIDE TO CITIZEN ACTION* (2002); MARY BETH ROGERS, *COLD ANGER: A STORY OF FAITH AND POWER POLITICS* (1990); MARK WARREN, *DRY BONES RATTLING: COMMUNITY BUILDING TO REVITALIZE AMERICAN DEMOCRACY* (2001); Helena Lynch, Organization Profile, *Industrial Areas Foundation*, 50 N.Y.L. SCH. L. REV. 571 (2005-2006).

other agencies, such as health clinics. Many function as clearing-houses on employment law, writing and distributing “know your rights” handbooks and fact sheets, and conducting ongoing workshops.

Advocacy. Centers conduct research and release exposés on conditions in low-wage industries, lobby for new labor and immigration laws and changes in existing ones, work with government agencies to improve monitoring and grievance processes, and bring suits against employers.

Organizing. Centers build ongoing organizations and engage in leadership development among workers to take action on their own behalf for economic and political change. This organizing may take different forms depending upon the center, but all share a common commitment to providing a means through which workers can take action. Immigrant worker centers organize around both economic issues and immigrant rights. Centers pursue these goals by seeking to impact the labor market through direct economic action on the one hand, and public policy reform activity on the other.

Place-based rather than worksite-based. Often workers come into a center because they live or work in the center’s geographic area of focus, not because they work in a specific industry or occupation. Within local labor markets, they often target particular employers and industries for attention, but most worker centers are not worksite-based. That is to say, unlike unions, their focus is not organizing for majority representation in individual worksites or for contracts for individual groups of workers; however, some day-laborer centers do connect workers with employers and negotiate with them on wages and conditions of work.

Strong ethnic and racial identification. Most centers are based in immigrant communities and therefore sometimes ethnicity, rather than occupation or industry, is the primary identity through which workers enter into relationships with centers. In other cases, ethnicity marches hand-in-hand with occupation. Discrimination on the basis of race and ethnicity is a central analytic lens through which economic and social issues are viewed. In addition, a growing num-

ber of centers are working at the intersection between race, gender, and low-wage work.

Leadership development and internal democracy. Most worker centers place enormous emphasis on leadership development and democratic decisionmaking. They focus on putting processes in place to involve workers on an ongoing basis and work to develop the skills of worker leaders so that they are able to participate meaningfully in guiding the organizations.

Popular education. Centers identify strongly with the philosophy and teaching methods of Paulo Freire and other popular educators, and draw upon literacy circles and other models that originated in Central and South American liberation movements.¹⁴ Centers view education as integral to organizing. Workshops, courses, and training sessions are structured to emphasize the development of critical thinking skills and bringing these skills to bear on all information that is presented.

Identification as part of a global movement. Centers demonstrate a deep sense of solidarity with workers in other countries and an ongoing programmatic focus on the global impact of labor and trade policies. Some worker center founders and leaders had extensive experience with organizing in their countries of origin and actively draw upon those traditions in their current work. Many centers maintain ongoing ties with popular organizations in the countries from which workers have migrated and share strategies, publicize each other's work, and support each other as they are able. Some centers work with Mexican consulates to help members access the *matricula consular* (Mexican identification card) and also with home governments on immigration and development issues.

A broad agenda. While centers place particular emphasis on work-related problems, they have a broad orientation and generally respond to the variety of issues faced by recent immigrants to the United States. They often tackle immigration law reform and related issues such as drivers' licenses and social security no-match

14. See PAOLO FREIRE, A PEDAGOGY OF THE OPPRESSED (Myra Bergman Ramos trans., 2000); PAOLO FREIRE, PEDAGOGY OF HOPE: RELIVING A PEDAGOGY OF THE OPPRESSED (Robert R. Barr trans., 1995).

letters, as well as housing, education, healthcare, and criminal justice issues.

Coalition-building. Centers favor alliances with religious institutions and government agencies and seek to work closely with other worker centers, non-profit agencies, community organizations, and activist groups by participating in many formal and informal coalitions.

Small and involved memberships. Most worker centers view membership as a privilege that is not automatic, but must be earned. They require workers to take courses and/or become involved in the organization in order to qualify. At the same time, there is a lot of ambivalence about charging dues and while about 40% of centers say that they have a dues requirement, few have worked out systems to be able to collect them regularly.

IV. ECONOMIC AND DEMOGRAPHIC CONTEXT

To understand the rise of worker centers and why they developed these particular characteristics, it is necessary to look at the historical context in which they arose. The two most salient factors promoting their creation were structural changes in the U.S. economy and the rising tide of mass immigration that began in the 1970s. Across the United States, during the last half-century dramatic changes have taken place in the structure of industry, the organization of work, and patterns of employment. During the 1980s and 1990s, millions of good blue-collar jobs were lost — a large percentage in manufacturing. While millions more were created during that same period, many of these new jobs were of comparatively inferior quality.¹⁵

The quickening pace of globalization, technological advances, and shifting markets has affected all aspects of the economy. Major

15. The 18.1 million net jobs created between 1979 and 1989 involved a loss of manufacturing (1.4 million) and mining (258,000) jobs and an increase in service sector jobs (19 million). LAWRENCE MISHEL, JARED BERNSTEIN & SYLVIA ALLEGRETTO, *THE STATE OF WORKING AMERICA 2004–05*, at 172 (2005). The largest amount of job growth (13.9 million) was in the two lowest-paying service industries: retail trade and services (business, personnel, and health). *Id.* Taken together, these two industries accounted for 77% of all new net jobs over the 1979–89 period and 72.9% of all new jobs from 1989–2000. *Id.* In 2003, 24.3% of the workforce earned poverty-level wages. *Id.* at 128.

industries have undergone massive restructuring and reengineering of their processes and strategies. Firms have responded by adopting more flexible systems of employment and, in the process, shedding thousands of blue- and white-collar jobs. Bowing to pressure from financial markets, companies have become “leaner,” outsourcing or spinning off peripheral activities, employing fewer full-time workers, and relying more on contract and part-time employees. Individual firms are providing less training and fewer opportunities for job security and upward mobility for low-skill workers. Whereas in the fifties, sixties, and seventies, most U.S. workers, especially blue-collar workers, were shielded from competitive unstructured labor markets, today, a growing number of these workers are not.¹⁶

Economic restructuring has stimulated a burgeoning service sector which has never been highly unionized, is highly decentralized, weighted toward low-wage part-time jobs, and characterized by generally impermanent relationships between individual employers and employees. Because service sector jobs in the United States tend to be much less aligned with manufacturing wages, non-college educated workers have seen a significant erosion of wages and compensation. This shift from goods-producing to service-producing industries is essential to the story of today’s immigrant working poor.

The other major factor in the rise of worker centers is a new pattern of mass immigration. Between 1990 and 2000, more immigrants arrived in the United States than during any previous decade in American history.¹⁷ In those ten years, our immigrant population grew from 19.8 million to 28.4 million.¹⁸ The two most striking differences between today’s immigrants and those who came here in the “Golden Era” of mass immigration at the end of the 19th century are ethnicity and legal status. Ninety percent of immigrants

16. Peter Doeringer and Michael Piore estimated that, in the 1960s, fewer than one in five members of the U.S. workforce could be found in these markets, which were characterized by temporary work, transient labor, low formal skill levels, and unstable, unstructured capital-labor relationships at the point of production. PETER B. DOERINGER & MICHAEL J. PIORE, *INTERNAL LABOR MARKETS AND MANPOWER ANALYSIS* 41–42 (1971).

17. See DIANE SCHMIDLEY, U.S. CENSUS BUREAU, *CURRENT POPULATION REPORTS, SPECIAL STUDIES NO. P23-206, PROFILE OF THE FOREIGN-BORN POPULATION IN THE UNITED STATES: 2000* (2001).

18. See *id.*

to the United States during the Golden Era were from Europe and were what would now be considered “white ethnic.”¹⁹ Only 15% of today’s immigrants are from Europe, while half are from Latin America, with Mexicans comprising a full third of the total.²⁰ The vast majority of immigrants who arrived during the Golden Era received immediate authorization to work and embarked on the pathway to citizenship. Today, one quarter of all immigrants are undocumented.²¹

V. WORKER CENTERS AND SERVICE PROVISION

Almost all immigrant worker centers view service provision as a central function given their constituents’ dual oppression as workers and immigrants and the multiplicity of their pressing short-term needs. But most centers situate service provision in a broader context. They want workers to see that the solution to their conditions requires long-term collective action to alter the relations of power and win concrete and lasting victories. As a result, centers approach service delivery in a way that uses it to empower workers and connects service, as much as possible, to organizing. They also see the provision of highly needed services as a major way to recruit potential members and leaders to the centers.

The range of services provided by centers is extensive. They include direct services such as help with filing wage claims, ESL classes, and other immigration-related assistance. They also include referrals for healthcare and match workers with services provided by other agencies. While legal assistance and ESL classes are the most common services provided, individual centers tailor their offerings to the specific needs of their local areas.

In low-wage America today, violations of wage and hour laws are commonplace. As a result, among the services currently offered

19. CARNEGIE CORPORATION OF NEW YORK, *THE HOUSE WE ALL LIVE IN: A REPORT ON IMMIGRANT CIVIC INTEGRATION* 8 (2003), available at <http://www.carnegie.org/pdf/housewelfare.pdf>.

20. *Id.* See also Jeffrey Passel, *New Estimates of the Undocumented Population in the United States*, MIGRATION INFORMATION SOURCE, May 22, 2002, available at <http://www.migrationinformation.org/feature/display.cfm?ID=19>.

21. STRANGERS AT THE GATES: NEW IMMIGRANTS IN URBAN AMERICA 30–79 (Roger Waldinger ed., 2001). See also Jeffrey S. Passel, Randy Capps & Michael Fix, *Undocumented Immigrants: Facts and Figures*, URBAN INSTITUTE, Jan. 12, 2004, available at <http://www.urban.org/url.cfm?ID=1000587>.

at worker centers, legal help, particularly assistance with filing and pursuing claims for unpaid wages, stands out. Legal assistance is the service in greatest demand, and often the most developed aspect of the centers' service work. On average, worker centers collect between \$100,000 and \$200,000 a year in back wages for workers; several centers have collected million-dollar settlements.²² Given that strategies for the redress of wrongs in low-wage industries remain hard to come by, centers find it difficult to give up on something that, although time-consuming, works.

After legal aid, the most common service offered by many worker centers is ESL courses. Most combine teaching the English language itself with presenting information and fostering discussions that encourage participants to think critically and analytically about society and their own places within it. Classes often cover the rights of immigrants and workers as well as organizing approaches and techniques. Some centers, especially those that work with day laborers and housekeepers, tailor their ESL classes to the development of particular industry vocabularies.

Immigrant worker centers offer three kinds of services related to health: ongoing programs and trainings on health education; referral services to health clinics and other health-related services; and on-site health clinics.

Related to these services, centers also provide assistance with identification papers and banking. Undocumented workers, increasingly prevented from obtaining drivers licenses and seldom possessing passports, struggle to access health and other service programs that require identification. Many centers provide members with laminated photo identification cards. A number of centers have helped workers open their first bank accounts by negotiating arrangements with area banks to accept ID cards and waive minimum deposit requirements. Some centers also offer no-cost check cashing services to members, sometimes in cooperation with area banks.

The biggest dilemma worker centers are facing with regard to service provision is how much time and how many resources to devote to it given that they believe that long-term change will only come about through organizing. Responses to this dilemma vary.

22. FINE, WORKER CENTERS, *supra* note 1, at 82.

Some centers have forged a strong connection between legal cases, organizing, and direct actions. Some require workers to take courses on workers' rights and to become involved in organizing in exchange for help on their cases. The individual workers involved gain valuable experience and inspiration from this organizing and action, but the effort can sometimes distract centers from more strategic organizing approaches. Centers also find that many workers who initially come for legal aid do not remain involved as active participants in the centers beyond the duration of their cases.

VI. ADVOCACY AND ORGANIZING

The advocacy and organizing that immigrant worker centers do, above and beyond the services that they provide, are what sets them apart from other immigrant agencies and organizations. Centers understand the critical role of basic organizing: the need for creative direct action targeted at individuals and institutions at key points of leverage. This organizing and advocacy work takes place in three general areas: 1) raising wages and improving working conditions in low-wage industries; 2) responding to attacks on immigrants in their communities and fighting for immigration reform; and 3) dealing with issues of immigrant political incorporation, including education, housing, healthcare, and discrimination.²³

Centers apply a variety of strategic approaches to their organizing and advocacy work, including bringing direct economic pressure to bear on employers and industries (for example, by pickets, actions, boycotts, and, much less frequently, strikes and slowdowns). Centers also accomplish this through building political

23. Plotke makes a critical distinction between "political incorporation" and "inclusion" or "assimilation":

Both terms suggest less conflict and disagreement than is common in political entry — to be assimilated or included in a polity seems almost to be absorbed into it. 'Incorporation' is a better term because it indicates both inclusion and the formation of the group that is being incorporated. To say that a group has been incorporated into a polity signals the formation of that group as a new and distinctive part of the polity. This implies change in the polity and the possibility of conflict between the new group and other political agents.

David Plotke, *Immigration and Political Incorporation in the Contemporary United States*, in *THE HANDBOOK OF INTERNATIONAL MIGRATION: THE AMERICAN EXPERIENCE* 298 (Charles Hirschman, Philip Kasinitz & Josh DeWind eds., 1999).

and community support for the passage of reforms that require employers and industries to change their behavior. It also involves ongoing advocacy work that puts immigrant issues and rights on the public policy agenda.

The primary targets of this advocacy and organizing are private actors such as individual and groups of employers and local or state government entities. Worker centers defend immigrants' rights and pursue immigration reform at the local, state, and federal levels. Although on the ground this work often blends together, for the purposes of analytic clarity, it can be separated into two components: organizing work that targets private actors directly ("economic action organizing") and organizing work that targets government ("public policy organizing and advocacy").

A. *Economic Action Organizing*

Immigrant worker centers employ a broad range of approaches to compel employers to treat workers better and to push industries to improve conditions on the job. These direct "economic action organizing" strategies can be subdivided as follows: strategies that target a single employer; strategies that target a corporation; and strategies that target an entire industry.

Worker center strategies that target a single employer have focused mainly on filing wage claims, coupling this legal action with a variety of forms of direct economic action at worksites to recover unpaid wages. These activities, calling employers and asking them to pay, filing wage claims, and picketing when they don't, are the daily "bread and butter" work of the centers. But direct action to win other changes in the workplace or to alter conditions of employment has also been pursued. One example of targeting a corporation is the successful three year campaign coupled with a lawsuit that the GWC waged on clothing retailer Forever 21, which resulted in back wages for scores of employees and an agreement by the company to work with GWC to improve working conditions at its sewing subcontractors.²⁴ Another example is the successful effort to improve the hiring conditions for day laborers organized by CHIRLA. The organization was able to bring pressure to bear on

24. For a detailed description of the Garment Worker Center's campaign against Forever 21, see Narro, *supra* note 11, at 471.

Home Depot regarding a day labor hiring hall located in the parking lot of Home Depot's Cypress Park store while another Home Depot in North Hollywood paid for a billboard advertising a day laborer center four blocks away. The National Day Laborer Organizing Network (NDLON) has engaged in conversations with top executives of Home Depot Corporation to discuss the possibility of working together on placing local day laborer worker centers alongside its busy stores. NDLON has proposed that Home Depot promulgate a code of conduct for its stores so that day laborers are treated fairly and not "criminalized" for seeking work. The organization wants Home Depot to allow day laborer worker centers to hand out leaflets about their services to customers outside its stores and to consider opening more day laborer worker centers onsite, like Cypress Park. NDLON now has a national Home Depot subcommittee that meets regularly via conference calls.²⁵

One final example is the successful conclusion, in March 2005, of the four-year national boycott of Taco Bell organized by the Coalition of Immokalee Workers (CIW) in Florida to improve the wages and working conditions of tomato pickers. In a precedent-setting victory, Yum Brands (the largest restaurant company in the world and owner of Taco Bell) agreed to pay a penny-per-pound "pass through" to its suppliers of tomatoes and to undertake joint efforts with CIW to improve working conditions in the Florida tomato fields. What is of special significance about both the GWC and CIW victories is that the organizations succeeded in getting corporations to take responsibility for the wages and working conditions of their subcontractors.

Other worker centers conduct direct "economic action organizing" against an entire industry. One successful example of this has focused on the restaurant business with wins in California and New York. The Korean Immigrant Worker Advocates (KIWA) has been able to substantially increase payment of the minimum wage in the Los Angeles Koreatown restaurant industry, as discussed above.²⁶

25. See also *id.* at 495 (discussing CHIRLA and their successful organizing campaign against Home Depot).

26. See also *id.* at 482 (discussing KIWA's organizing activities in Los Angeles).

Finally, organizing day laborers is another form of direct economic action through which worker centers in Long Island, Chicago, Los Angeles, and smaller cities have achieved some successes. They have defended the right of day laborers to seek employment free from harassment and have negotiated arrangements with communities about where day laborers can gather daily to seek work. In addition to assisting with negotiations with employers, they have also been able to establish minimum wages at shape-up sites and hiring halls. By formalizing hiring halls so that a larger number of businesses feel comfortable utilizing them, organizers feel that they have generated additional jobs for day laborers.

B. Public Policy Organizing and Advocacy

Worker centers' "public policy organizing and advocacy" takes four principal forms: 1) targeting for action as well as partnering with government agencies to ensure enforcement of existing laws and regulations; 2) working to strengthen compliance with existing laws and improving enforcement; 3) organizing for the passage of new legislation to raise wages and/or improve working conditions of immigrant workers; and 4) fighting for immigration reform and immigrant rights. In general, worker centers and other contemporary low-wage worker organizing projects have had their greatest impact on improving working conditions and raising wages through government action and local and state public policy initiatives.

The Coalition of Immigrant Worker Advocates (CIWA) is a good example of what advocacy has been able to accomplish in the area of employment conditions.²⁷ The organization was created in 2000 by four worker centers in Los Angeles to advance labor law enforcement in low-wage industries, including garment, restaurant, ethnic market, day labor, domestic, and janitorial work. It has been successful in working with the California Secretary of Labor to establish a low-wage worker advisory board of CIWA member organizations and the Office of Low Wage Industries to ensure compliance with state labor regulations in this growing sector of the state's economy. Similar efforts have been undertaken in regard to enforcement of federal labor laws. The primary federal regulatory foundation for the economic rights of the immigrant working poor,

27. See *id.* at 496.

including undocumented workers, is the Fair Labor Standards Act (FLSA) of 1938. The FLSA abolished child labor in manufacturing, guaranteed a minimum wage, and established the forty hour work week as the national norm.

In addition to the FLSA and state wage and hour laws, worker centers attempt to make use of a range of other labor and employment laws. For example, centers help workers file workers' compensation claims. Many centers also work closely with the federal Equal Employment Opportunity Commission (EEOC) and its state counterparts and have filed numerous lawsuits under Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, sex, national origin, religion, or disabilities. Worker centers have also made use of the Age Discrimination in Employment Act of 1967 and the Americans with Disabilities Act of 1990. But employers have repeatedly sought court rulings that exempt undocumented workers from coverage under these laws and some courts have ruled in their favor.

Successful worker center efforts to win new legislation benefiting immigrant workers include the passage by the New York State Assembly of an "Unpaid Wages Law," increasing the penalties on employers for failing to pay their workers. Another important victory was New York City's adoption of a "Domestic Workers' Bill of Rights." OTOC and the UFCW's efforts to organize Nebraska meatpackers were greatly facilitated by its successful campaign to convince the state's governor to issue a groundbreaking "Workers Bill of Rights," which included "the right to organize, the right to a safe workplace, the right to adequate facilities . . . the right to compensation for work performed and the right to seek state help."²⁸ Finally, there have been a number of successful local minimum and living wage campaigns in which worker centers, including the Tenants and Workers Support Committee in Alexandria, Virginia, the Chinese Progressive Association in San Francisco, and BUILD in Baltimore were leaders of the efforts.

28. News Release, Office of Governor Mike Johanns, Johanns Releases Meatpacking Workers Bill of Rights & Names Workers Rights Coordinator (June 28, 2000), *available at* <http://www.dol.state.ne.us/nwd/center.cfm?PRICAT=4&SUBCAT=4A&APP=4A4&ACTION=johanns2>.

Many immigrant worker centers view their work as much through a social justice frame, championing the rights of immigrant people of color, as they do through a workers' rights frame. They view immigrant workers' employment, housing, and health care experiences as having as much to do with their ethnicity and status as new immigrants as it does with their class status. As a result, many centers view struggles against xenophobia, racism, and discrimination and for immigration reform as just as central to improving the lives of their members as any of the wage or enforcement issues. Many worker centers do not focus exclusively on labor and employment issues, or even immigration issues. Their broad "social justice" agendas mandate that they also organize around racism and domestic violence, education and youth, housing and development, and healthcare issues. Taking on these issues enables centers to champion the rights of a broader constituency — not just immigrants, but all workers, people of color, and the poor and marginalized in American society.

At the centers, immigration and employment struggles are almost always intertwined. When local residents, businesses, or municipalities move to restrict day laborers from seeking employment, or police make arrests at shape-up sites, references to them as "illegal aliens" and claims about their immigration status are always part of the public conversation. As the debate on immigration reform becomes more contentious, centers are often called upon as the local spokespersons of the pro-immigrant point of view, speaking in opposition to anti-immigrant policies and practices, and discussing the unfairness of the current immigration system. The dramatic personal stories of their hardworking members help to illustrate the problem and evoke public empathy with their plight. This establishes a foundation upon which a local campaign of support for federal immigration reform, and one that draws support beyond the "usual suspects," can be launched.

Worker centers' public policy, organizing, and advocacy campaigns on these issues have taken a number of different forms, including countering anti-immigrant policies in local communities and fighting for immigration reform at the national and state levels. They also include struggles against racism and discrimination in housing and education and the allocation of social services that

build bridges between immigrant workers, communities of color, and other poor and marginalized groups.

Most of the worker centers interviewed for this study are active participants in national and state immigration reform coalitions. They have worked with the National Council of La Raza, the National Immigration Forum, the National Network for Immigrant and Refugee Rights, the National Immigration Law Center, the National Farmworker Justice Fund, the American Friends Service Committee, and many other groups. NDLON has made immigration reform an important component of its advocacy and organizing work, conducting a national discussion among day laborers and within the larger immigrant rights community about the type of reforms that would be the most helpful.

In 2003, many immigrant worker centers participated in the historic Immigrant Workers Freedom Ride, sponsored in large part by HERE, which helped to organize hundreds of local events across the country and culminated in a very large national rally in New York City. Many of these groups are now involved in the Fair Immigration Reform Movement (FAIR), a new national coalition for immigration reform that is being coordinated by the Center for Community Change. FAIR is also working as part of the New American Opportunity Campaign, the immigration reform effort that grew out of the Freedom Ride. Notwithstanding these efforts at the national level, most of the campaigns of worker centers on immigration rights are focused on changing policies at the state level. Laws and administrative rules limiting the rights of immigrants to obtain drivers licenses are one of the most frequent targets.

California is one of approximately sixteen states that require people to show a social security card in order to get a drivers license. MIWON, the coalition of immigrant worker centers in Los Angeles, has been a central organizing hub for immigrants' rights, coordinating an annual march for legalization that has mobilized thousands and playing an active role in the state drivers license campaign. The organizations succeeded in getting Governor Gray Davis to sign in September of 2003 SB60, which allowed all California residents to apply for a state drivers license or identification card regardless of their immigration status. The bill eliminated the "lawful presence" requirement and modified the Social Security

number requirement for California residents who applied for a license, allowing those who did not have one to use an individual taxpayer identification number (ITIN) instead. All California residents, regardless of immigration status, would have been eligible to obtain a license provided that they passed the driving and written tests, submitted proof of identity, and complied with other licensing requirements. The bill was scheduled to take effect on January 1, 2004, but was repealed by the legislature after Arnold Schwarzenegger was elected governor and threatened to place it on the ballot. In addition to federal immigration and statewide drivers license campaigns, some worker centers, like Wind of the Spirit in New Jersey and the Brazilian Immigrant Center in Boston, have worked on statewide campaigns to allow the children of undocumented workers the chance to pursue higher education with in-state tuition.

Since 1986, Tenants' and Workers' Support Committee (TWSC) has worked with residents of the Arlandria section of Alexandria, a neighborhood that became overwhelmingly Central-American during the 1980s and 1990s, on a host of issues. On public education, TWSC has organized African-American and Latino parents to create a model dual-language elementary school program and prevented the busing of hundreds of low-income Latino school children. It also pushed the school district to enact a model suspension/expulsion policy and to take action on the minority achievement gap in the Alexandria public school system. The TWSC organized a Women's Leadership Group to discuss community concerns and women's issues in particular. Concerned with the lack of recreational facilities and park space, the women mounted, and won, a campaign for the establishment of a neighborhood playground. TWSC has also worked with youth in the community to develop a number of programs, including after-school tutoring, mural projects, and the establishment of a youth or social center. TWSC raised the money to buy a building in 2004 that will house the center. Another program, *Comunidad Salud/Healthy Community Project*, established in 1996, mobilizes the Latino community to increase access, regardless of income or immigration status, to "culturally competent healthcare." By January of 2005, the organization had worked with low-wage families and area hospitals to forgive over a million dollars of medical debt.

In addition to its focus on expanding the labor and employment rights of non-union workers in South Carolina, CAFÉ has pursued a broader agenda of issues in the cities and towns in which it has active chapters. The organization's fourteen grassroots chapters have taken up domestic violence, students' rights, and racial tracking in the public schools. After becoming aware that the state of South Carolina ranked third in the nation in 2002 in domestic violence and the number of women killed by men, CAFÉ kicked off a statewide series of "Domestic Violence is Real" workshops in observance of Domestic Violence and Sexual Assault Awareness Month. The organization partnered with county sheriff's offices and domestic violence agencies and featured survivors of domestic violence speaking about their own experiences of abuse.

In 2003 and 2004, CAFÉ's Florence chapter in the Pee Dee, a largely working class and black area of the state, took up the issues of school expulsions and suspensions. Many CAFÉ activists felt that school officials were expelling and suspending students in a discriminatory manner. While disciplinary officers claimed to be following the state's "zero tolerance" policy and asserted that they were not able to exercise discretion in making decisions about expulsions and suspensions, CAFÉ leaders demonstrated that they were in fact doing so, often in a racially and ethnically-biased manner.

IDEPSCA has spent eighteen years organizing literacy circles and developing popular education programs that involve low-income Latino immigrants and their families, teaching literacy in the context of economic, social, and racial oppression, and working with them to organize for change. In the 1990s, IDEPSCA organized a Latino parents' organization and for the past several years, the organization has intensified efforts to improve the Pasadena public schools, electing a Latino school district representative and taking on the District's approach to school reform. IDEPSCA has focused its efforts on developing the leadership of public school parents so that they are able to play an active role in advocating for their children's education.

VII. THE INTERNAL LIFE OF WORKER CENTERS

Most worker centers take the long-view of what it will take to achieve economic and social justice for their constituents. They believe that they are dealing with a combination of objective and subjective conditions that make organizing difficult. Many immigrant workers are migratory, undocumented, and lack conventional political power. The unskilled nature of their work creates an oversupply of labor and while employers and labor systems vary enormously from one another, they all present formidable challenges, albeit for different reasons, to union or other forms of traditional organizing. Because worker centers have more of a social movement orientation to social change and an uncertain capacity to produce immediate results from the campaigns they do choose (although they certainly organize around specific issues), they are not as “campaign-oriented” as many unions and community organizing groups.

This orientation toward long-term change inclines these groups to a strong focus on the internal life of their organizations with a view of leadership development and political education of a base of workers as among the most important “products” of their work. In an era during which *Bowling Alone* — Robert Putnam’s description of a hobbled civil society in which fewer and fewer Americans are actively participating — became a bestseller, immigrant worker centers provide a striking counterpoint to the status quo.²⁹ In contrast to national trends, they are engaging a healthy number of people of very modest means on an ongoing basis.

For many worker centers, it is fair to say that democratic deliberation and decisionmaking are seen as equally worthy of attention as external organizing. For these reasons, understanding the inner life of worker centers is essential to understanding the overall phenomenon. Still relatively new, the structures and practices of most immigrant worker centers are continually evolving. Nonetheless, certain organizational cultures, structures, habits, and patterns of behavior are already evident. Among the most important is the great emphasis placed on leadership development, popular education, and membership empowerment.

29. ROBERT PUTNAM, *BOWLING ALONE* (2000).

In general, immigrant worker centers are a mixture of the formal and the informal, of organization and movement. On one hand, they have non-profit tax status, boards of directors, full-time staff, programs, services, classes and trainings, and conduct sophisticated foundation fundraising. These are all formal activities conducted by formalized, structured organizations. On the other hand, they have small formal membership sizes, no reliable and consistent systems for dues collection, fairly primitive databases, loose networks, and minimal infrastructures. These characteristics are reflective of a more informal “movement” culture.

A. Formal Membership

Sixty-eight percent of the worker centers studied have 500 members or less. How are we to interpret the relatively small formal membership bases of immigrant worker centers? Although they have moved from service and advocacy into organizing, most do not have a well-developed metric for measuring organizational power in general, either because they do not think in these terms, or because they feel that they are not yet strong enough for it to be relevant.

Many centers do not view membership size as a central measurement of organizational strength or power. This lack of emphasis on building up large numbers of formal members is in part a reflection of the organizational origins of the centers — most do not come out of union or community organizing traditions which place a high premium on membership building. Instead, most centers come out of organizations that were service providers, ethnic non-governmental organizations, or social movement organizations.

Another factor in assessing membership is how worker centers understand their organizational models. The sharpest distinction is between those that engage in industry-based organizing and view themselves as some type of labor market institution — union, quasi-union, hiring hall — and those that engage in work that may or may not be industry-specific but view themselves more as social movement organizations. The latter often tend to see themselves as incubators of membership organizations or as matchmakers between unorganized workers and unions and, as a result, are not so focused on building up their own memberships. Many worker cen-

ters combine elements of both models and do not fall neatly into either grouping. They simply don't place themselves in any specific organizational category as such an approach is alien to the way they think about themselves.

Issues of membership also arise in relation to levels of activity. For some centers, modest membership size seems to be more of a reflection of the most active members rather than of how many workers actually use the centers or come out to actions and events. Most worker centers believe that workers have to earn membership; it is not conferred automatically. But even when membership is conferred, many have enormous trouble keeping up-to-date records and collecting dues. Most centers are not worksite-based and do not engage in collective bargaining. As a result, they do not have a system like unions do in which dues are deducted from workers' paychecks by employers and they have not yet figured out other mechanisms for reliable dues collection.

In discussions about membership-building, many worker centers have talked about "quality" over "quantity." The majority of them treat membership as a privilege which workers attain through participation and which is attached to specific responsibilities and duties. Membership is not automatically extended to anyone who attends an event, comes to the center, or receives a service. Centers often require workers to complete a course on workers' rights, participate in other trainings, serve on a committee, or volunteer a specified number of hours over a certain period of time as a condition of becoming a member.

Belief in the need to have a dues-paying membership base in the worker center world can be best understood on a continuum. It runs from those who either view it as unimportant or see it as unfeasible to those who feel very strongly that it is critically important and have made efforts (or at least plans) to expand and consolidate their base. Hence, there are three very different reasons why centers are not farther along in having sizeable dues-paying membership bases: some aren't sure they believe in it on principle; some just don't think it is feasible; and others believe in it but haven't figured out how to do it consistently.

Concerns about membership and dues collection are not unreasonable. Centers have not yet figured out how to formalize

membership and may never do so. They work with constituencies who live day-to-day with tremendous fear; they struggle to identify tactics and strategies that will be effective for workers who have very little economic and political power, many with limited legal rights. Centers themselves have much looser structures than the more established organizational bureaucracies of labor unions.

On the other hand, like the civil rights movement centers of the past, worker centers are strongly based in immigrant communities, have impressive cadres of leaders, and have the ability to mobilize followers. They are important hubs in local and regional low-wage worker and immigration networks, with a history of initiating strategies and campaigns. Moreover, they have figured out how to raise money from outside sources, including structuring themselves to be able to receive funds, learning how to write proposals, and identifying potential financial donors.

B. Leadership Development

For many worker centers, leadership development is critical to what they do and often begins with helping workers transform the way they see themselves. The fight for a positive self-definition for day laborers is a good example. Traditionally, the Spanish word for day laborer, *jornalero*, has been a pejorative one, not only in the United States, but in Latin American countries as well. The Los Angeles day laborer organizing efforts through the Instituto De Educacion Popular del Sur de California (IDEPSCA), the Coalition for Humane Immigrant Rights of Los Angeles, and the nascent day laborer movement they helped found, the National Day Labor Organizing Network (NDLON), have successfully worked to transform the term into a positive one, an expression of pride in workers' labor and their occupational community.

Volunteers are the backbone of most centers. In fact, before they were able to raise money and formalize their organizations, some centers operated for significant periods as all-volunteer organizations. Worker centers strive to involve, train, and promote organizational leaders and activists from within the ranks of low-wage immigrant workers. In particular, this means developing the capacities of members to represent themselves before the media, public officials, and employers, to recruit and lead other workers, and to

choose issues and develop campaigns. In addition, many worker centers try to create a culture of democratic governance and decision making that promotes leadership development. In place of making decisions themselves, staff members foster expectations on the part of workers that decisions will be made consultatively and collectively.

The Workplace Project in Long Island, for example, is run by a seven-member board of directors elected entirely from the ranks of its membership. When the Project mounted a statewide campaign for an unpaid-wage bill that members drafted themselves, the organization viewed the campaign as a way for members and leaders to gain experience. This meant having the immigrant workers themselves, and not the English-speaking staff or well-meaning allies, take the lead.

C. Popular Education

To many staffs of worker centers, real participation begins with the mastery of critical thinking skills. Workshops, classes, and discussions are designed to get workers talking and thinking not just about the way things are, but how they got that way, and how they could be different.

Most centers, for example, offer a workers' rights course which provides basic information about how U.S. employment and social welfare laws work. For example, immigrant workers learn that minimum wage and overtime laws apply to all workers, regardless of whether they have legal working papers. Workers are also taught that organizing at the workplace is protected under the law and that it is illegal for workers to be fired for organizing, whether they are documented or undocumented.

In classes organized by the Workplace Project, for example, speakers are brought in from government agencies such as the state Department of Labor and OSHA, as well as from unions, worker centers, and local universities. All class sessions follow a popular education pedagogy and, wherever possible, draw insights and opinions from the students themselves. Teachers and facilitators work to point out the discrepancies between theory and practice, the law on the books, and what happens to workers in reality. They

always try to connect these disjunctures back to the need for organizing.

The classes are structured so that before the students hear from the “experts,” they identify their own experiences with a topic, like occupational safety and health. Students are asked to draw and discuss hazards at their own workplaces and learn about the laws that are on the books in this context.

By the time the “experts” arrive, students are primed to put the tough questions to them, and not to just accept their presentations at face value. In this way, the organization consciously follows a “Frierian” pedagogy aimed at developing the students’ critical analytical skills. For IDEPSCA, GWC, and the Workplace Project, as well as many other centers, another component of developing members’ critical thinking skills and capacity to act is political education. These centers have worked to develop curriculum that provides members with tools to discuss complex issues other than labor and immigration laws. Here, too, the idea is to give students information and help them formulate questions as opposed to telling them what they should think. Topics studied include issues surrounding globalization and trade policies. Discussions are geared to participants whose consciousness is shaped by their experience in two worlds: the United States and the countries from which they came.

D. Staff

A number of the worker centers that were visited as part of this study had a trajectory in place for leaders to become staff members. At several of the centers, former leaders were now longtime members of the staff, a good sign that the difficult, and often unsuccessful, transition from volunteer to staff or leader to organizer had worked. At most of the centers, there were a majority of immigrants and people of color on staff, quite an accomplishment in and of itself. Many also demonstrate an unusually diverse staff in terms of class composition.

At the same time, most worker centers have very small staffs. Sixty-two percent of those surveyed had between one and five employees. Often, the executive directors handle all administrative and fundraising responsibilities as well as carry out programmatic

work, sometimes including the provision of services. This may include working in the legal clinic and acting as a chief spokesperson for the organization. There is sometimes another administrative support person. Other common positions are linked to legal clinics, ESL classes, or other services and organizing. Given how small they are, center staff often operate as “jacks of all trades,” doing a bit of fundraising, administrative work, legal work, organizing, and advocacy.

E. Budgets and Fundraising

Worker centers have very small budgets. Of those surveyed, 51% have annual incomes of \$250,000 or less and the budgets of only 9% exceeded \$500,000 annually. Like most non-profits, the vast majority of their funds go to paying modest staff salaries and covering center overhead. With the exception of a few trailers, very few of the centers own their own buildings, although drives are currently underway at the Chinese Progressive Association in Boston and the Tenants and Workers Support Committee in Virginia. Some centers use office space donated by religious organizations, but the vast majority of centers are not in subsidized situations.

Immigrant worker centers raise the majority of their funds (61%) from foundations. The balance comes from government (21%, primarily going to day laborer centers), earned income and grassroots fundraising (16%), and dues (2%). In terms of the purposes for which this money is raised, the vast majority is generated for centers’ organizing and advocacy work. According to a recent survey conducted by the Neighborhood Funders Group’s Working Group on Labor and Communities, centers receive 61% of their funding for organizing, 56% for advocacy, 50% for civic participation, and 44% for public policy efforts. Although service provision is a central activity of worker centers, only 6% of reported foundation money was for funding social services.³⁰

F. Networks and Infrastructure

Although there is not yet a single overarching national network or association that brings together all 135 worker centers under a single umbrella, individual centers are imbedded in a variety of na-

30. FINE, EXECUTIVE SUMMARY, *supra* note 1, at 17.

tional, regional, state, and local networks and coalitions. Few of these are sector-specific; most bring groups together around specific issues like labor law and immigration reform or contingent work. A small number are explicitly focused on providing a range of technical assistance to members.

One of the larger networks of worker centers is NDLON, which has twenty-nine day laborer organizations as affiliates. Prior to the founding of the formal network, organizations in California, Washington, and Oregon began working together in 1998 under the auspices of CHIRLA and IDEPSCA when they realized that many of the workers were part of the same migrant rotation and that they were struggling with many of the same issues. For the next few years, organizers and leaders traveled between the centers sharing ideas.

Since their founding in 2001, NDLON has brought together day laborer centers from all over the country to share experiences, increase the participation of day laborers in the operation of the centers and organizing work, and help set up new centers. In 2004, the organization grew from one to five staff members. NDLON now provides a wide range of technical assistance to affiliates, including challenging anti-day laborer solicitation ordinances in federal court, assisting in the process of transitioning informal corners to official and orderly worker centers, strengthening the processes of discipline at worker centers and corners, and educating and building relationships with public officials. NDLON also provides assistance such as resolving conflicts with other groups, building relationships with Home Depot, connecting member organizations with potential funders, and creating a leadership development curriculum.

While there are a number of cities that are home to a cluster of worker centers, only a few have strong ongoing networks. For a time, San Francisco had a loose network of worker centers called LION, the Labor Immigrant Organizing Network. Chicago Interfaith is in the process of bringing together a worker center network that would be comprised of its two worker centers and three others and there is a small informal network of worker centers and allies in Miami. New York City has a high concentration of worker centers with close working relationships between small groups of them, but

there is no citywide network that encompasses all or most of the centers.

By far, the most mature and vibrant local network of worker centers and their allies is in Los Angeles. Here, there is also a strong network of legal and policy advocacy organizations that provide support to worker centers. The network includes the Asian Pacific American Legal Center of Southern California, which was very involved in the landmark El Monte Slave Labor case and in the founding of the GWC. It also includes Sweatshop Watch, which was GWC's fiscal sponsor and continues to work closely with the organization on state, federal, and international issues, and the Downtown Labor Center at UCLA, which has organized workshops and forums on topics of interest to centers and has provided ongoing technical assistance.

ENLACE has created a powerful ongoing solidarity network between groups in the United States and Mexico. The organization brings together twenty-six local low-wage worker organizing projects in the United States and Mexico, including unions, community organizations, and ten worker centers. It provides training specifically tailored to community-based worker organizing projects, ongoing technical assistance, national conferences, and other networking opportunities. Through ENLACE's contacts and campaigns, a number of worker centers have been introduced to union organizers and leaders in the *maquiladoras*,³¹ and have undertaken many different solidarity efforts on their behalf. The Mexican and U.S. organizations pool their knowledge on multi-nationals in different industries and have occasionally coordinated activities on joint targets. Its signature focus is on trainings and technical assistance that work on "organizational regeneration," maintaining and expanding a healthy leadership core team inside of each group. In 2004, ENLACE won a signal victory in a campaign against the Sara Lee Corporation. Sara Lee, the world's largest producer of women's intimate apparel, had been locked in a bitter battle with workers seeking to organize an independent union in its Monclova II maquiladora in Coahuila, Mexico. Key to ENLACE's success was forging a global network of organizational allies in Mexico, Canada, France, and India, as well as unions, community organizations, and

31. Meaning a Mexican factory located near the United States border.

worker centers across the United States. This network deployed a strategically sophisticated set of tactics, including synchronized actions in cities around the world from Los Angeles to Paris, Mumbai, Mexico City, London, and Montreal. In October 2004, Sara Lee agreed to employer neutrality and freedom of association for its Coahuila workers — the *first* labor neutrality commitment by a major corporate entity in Mexico to date. Sara Lee also agreed not to retaliate against these workers for union activities and to rehire 210 union activists and other workers who had previously been laid off at Monclova II.

Interfaith Worker Justice (IWJ) has thirteen worker centers that are directly affiliated with it and several others that have attended events and training sessions. IWJ provides ongoing organizational development, organizing, legislative, and fundraising support to its affiliates and has played a leadership role in the fight to raise the federal minimum wage, as well as in forming coalitions with state and federal government agencies, including working closely with the Federal Department of Labor Wage and Hour Division.

The National Alliance for Fair Employment (NAFFE) is a network of national, regional, statewide, and local organizations that take on issues relating to nonstandard work arrangements, including part-time, temporary, and contingent work. The organization provides technical assistance, conducts research, maintains an online clearinghouse, convenes conferences and workshops, and brings its members together to work on joint campaigns. It has sixty-eight member organizations in its network and fourteen worker center members.

Finally, beyond those mentioned above, the national organizing networks that are most frequently mentioned as coalition partners by worker centers were the Center for Community Change, Jobs with Justice, and the National Organizers Alliance.

VIII. WORKER CENTERS' UNIQUE ROLE

The difficult conditions under which low-wage immigrant workers across the United States currently toil are the result of a “perfect storm.” It is a storm resulting from labor laws that have ceased to protect workers, little effective labor market regulation of

new economic structures, and a national immigration policy that has created a permanent underclass of low-wage workers. In their tri-partite efforts toward immigration reform, labor market policy change, and worker organizing, the immigrant worker centers are attempting to address all three of these weather conditions. As such, they are playing a unique role in the following ways:

Worker centers have emerged as central components of the immigrant community infrastructure and are playing an indispensable role in helping immigrants navigate the world of work in the United States. They are gateway organizations that are providing information and training in workers rights, employment, labor and immigration law, legal services, ESL, and many other programs, and helping to alleviate tensions between migrants and their new communities. Worker centers represent a new generation of mediating institutions that are integrating low-wage immigrants into American civic life and facilitating collective deliberation, education, and action. They are accomplishing a great deal on very modest budgets.

The number of worker centers as a whole, including immigrant worker centers, has increased significantly over the past decade. The rise of worker centers has paralleled the decline of labor unions: most have emerged since the late-1970s. The rise of the centers has also paralleled the migration of specific immigrant groups in large numbers to the United States. The number of centers increased dramatically in the early to mid 1990s, growing at a rate of ten to twenty new centers opening per year for several years. As of this year, there are at least 135 worker centers in the United States.

Worker centers have attracted workers who are often the hardest to organize and for whom current unions, by and large, do not offer a viable option. The vast majority of immigrant worker center members and beneficiaries are recent immigrants (including large numbers of undocumented workers) who labor in the worst jobs. Worker centers have had unprecedented success in developing leadership among these workers. They now provide a central vehicle through which low-wage immigrant workers are receiving services and education around workplace issues, participating in civil society, telling their stories to the larger community, and organizing to seek economic and political change.

Most of the industries in which worker center participants operate, and most of the communities in which they live, are segregated by race and ethnicity. Race and ethnicity, more than occupation or industry, determine the life situations of many immigrant workers. As a result, these are central lenses through which worker centers recruit members, analyze the economic organization of society at large, as well as their local labor markets, and formulate collective responses.

Worker center leaders and members are bringing experiences and organizing traditions from their countries of origin and are in regular contact with home country organizations. Centers bring together ideas, organizing traditions, and strategies from immigrants' home countries as well as the United States and globalization/anti-sweatshop issues are closely integrated into the ongoing work of most of these groups.

Worker centers do not conform to a single organizational model. Because of this, centers can be seen through a variety of theoretical lenses: as social movement organizations, labor market institutions, or a new organizational form that is a combination of the two. Different centers are evolving in different directions, following different organizational paths. It is too early to tell whether a common model will ultimately emerge.

Worker centers are acting as "organizing laboratories," creating and testing new and innovative strategies. Centers are pioneering and trying out a range of approaches for improving wages and conditions for workers across low-wage labor markets and industries.³² These approaches include: working to expand "joint and several" liability coverage beyond the agricultural sector; pressuring individual employers to change practices through coordinated local and national actions and boycotts; organizing to raise wages across an industry;

32. See MIT DICTIONARY OF MODERN ECONOMICS 237, 251 (David W. Pearce ed., 4th ed. 1995):

A labour market concerns the activities of hiring and supplying certain labour to perform certain jobs, and the process of determining how much shall be paid to whom in performing what tasks. In addition, the way in which wages move and the mobility of workers between different jobs and employers falls within this definition . . . In practice, the definition of a local labour market is established on the assumption that its key characteristic is that the bulk of the area's population habitually seek employment there and that local employers recruit most of their labour from that area . . .

targeting industries to raise wages or provide health benefits through passage of public policy.

A. *Strengths*

The following characteristics represent the greatest strengths of immigrant worker centers today:

Leadership development. For most of the centers studied, leadership development, including the development of a leadership body to which staff would be accountable, is a central focus of work. As a result of this commitment, worker center participants demonstrate remarkable leadership qualities. There is a vibrant leadership core at the heart of these organizations and the proportion of members who take an active part in them is quite impressive.

Winning back wages; calling attention to exploitative industry practices; monitoring and enforcement of minimum wage, overtime, health and safety, and other employment laws. Centers provide an effective means for individual workers to file claims and recover back wages. Beyond legal expertise, they encourage workers to act collectively and support them when they do so. Worker centers also use cases of abuse to publicize the problems low-wage workers are facing in specific industries, push government to do a job better monitoring, and work to deter future labor violations.

Providing vehicles for a collective voice; altering the terms of the public debate. Although they are present in greater and greater numbers in a growing number of communities, immigrant workers are still largely invisible to the larger society. Immigrant worker centers represent one vehicle through which the representation of the interests of workers and the expression of a low-wage immigrant worker point of view is taking place.

Pioneering campaigns for improving conditions in low-wage industries. Most of the workers who contact immigrant worker centers are employed in low-wage industries. Immigrant worker centers have developed campaigns and devised some very creative and effective strategies to win lasting improvements for low-wage workers. The greatest accomplishment of these campaigns to date has been compelling individual employers to pay back wages to workers. Other campaigns that have targeted firms or industries to alter their be-

havior (as opposed to “paying up” one time) are distinguished by creative approaches but have been harder to win. Organizations have also been able to win economic improvements for low-wage workers by moving local government to act in ways that have required employers to raise wages and improve conditions of work. Finally, centers have also forced improvements in employers’ treatment of workers via catalyzing government administrative action and public policy change.

Willingness to experiment. The prevailing wisdom of contemporary business schools is that the most effective firms are those that operate as “learning organizations,” constantly evaluating their work, learning from their mistakes, and shifting gears and approaches. Worker centers’ leaders and staff acknowledge what they don’t know, what isn’t working, and their openness to trying new approaches. In a context where it is still not clear which strategies will prove most effective, this openness to rethinking is critical.

B. Weaknesses

If immigrant worker centers have significant strengths, they also demonstrate a number of weaknesses as well.

Low numbers/Scale. The composite view of worker centers is that they are providing help to significant numbers of workers with unpaid wage claims. But while their advocacy and organizing work is clearly impacting the wider low-wage immigrant worker community, total numbers of workers directly participating are modest. Moreover, while participation levels are high, what centers are asking of workers is limited when it comes to paying dues to support them or to engage in collective action.

Financial fragility. For most worker centers, a disproportionate part of their income derives from foundation funding and, to a lesser extent, government monies. Government funds go primarily to day labor worker centers, which means that for the non-day labor centers, the proportion of total budgets coming from foundation income is even higher.

Lack of detailed economic analysis. To date, worker centers have been effective in helping workers recover back wages, strengthening minimum wage, overtime, and occupational safety and health enforce-

ment, passing living wage ordinances, and pushing local and state government for other improvements. However, many lack an understanding of the industries, employers, and jobs in which their members work. Without this, it is difficult for them to make strategic decisions about which campaigns to take on and which employers to target.

Isolation. In general, immigrant worker centers are terribly overburdened with their day-to-day work and most have a difficult time engaging in strategic alliance building and coalition organizing. At present, immigrant worker centers are under-networked at every level. The lack of ongoing networking prevents them from aggregating their power at the local and state levels to be able to bring pressure to bear on employers and industries and achieve more legislatively. At the national level, there are three promising but under-financed networks that bring together collections of worker centers: NDLON, National Interfaith Justice, and ENLACE.

IX. RECOMMENDATIONS FOR IMPROVING THE EFFECTIVENESS OF WORKER CENTERS

Immigrant worker centers are works in progress. They are constantly evolving and changing, but they also struggle with limited resources and enormous ambitions. That they are helping to establish a collective voice for immigrants in their communities, providing some avenues for redress along with needed services, must be viewed as tremendous accomplishments worthy of support. These achievements must be tempered, however, with the knowledge that they have not yet been able to realize significant labor market improvements via direct campaigns against employers. What follows are some overall recommendations for strengthening immigrant worker centers.

Effective dues collection systems. To support their drive toward greater financial stability and self-sufficiency, resources ought to be devoted to helping worker centers develop and refine effective models and methods for dues collection. This research could include the compilation of information on a variety of effective dues collection systems from a range of organizations within the non-profit sector in the United States and abroad. For example, we know that in Central and South America, Korea, Japan, and India there are large

organizations of informal sector and very low-wage workers. It could be very helpful to groups here in the United States to know how they go about collecting dues from their members. During the civil rights movement, at the local level most organizing activity was funded by collections from church members.³³ Today, ACORN is one example of an organization with a successful dues collection system in this country from which worker centers could learn a great deal.

Other revenue-producing strategies. Additional research and investigation is needed to determine the feasibility of worker centers offering financial services. A number of worker centers are already providing legal aid, check-cashing, small loans, and help with filling out tax and immigration applications, but do not charge for any of these services. Additional research and investigation is needed to determine the feasibility of worker centers drawing an income from offering financial services such as check-wiring. The worlds of third sector social entrepreneurship and immigrant worker centers are at present quite removed from one another, but it would be exciting to explore ways of bringing them together with the goal of creating a steady income stream for the centers. There is also new interest in the United States, given the large numbers of immigrants sending money back to their home countries, in “banking the unbanked.” This could be an opportunity for worker centers to negotiate mutually beneficial relationships with financial institutions on behalf of their constituents that might generate much needed income.

Enhancing research capacity. Most worker centers have very little access to research about firm behavior within and among individual industries. As a result, they could certainly benefit from a central or regional resource for labor market and industry research. Such a center could help with labor market and industry research, target-

33. See ALDON D. MORRIS, *THE ORIGINS OF THE CIVIL RIGHTS MOVEMENT: BLACK COMMUNITIES ORGANIZING FOR CHANGE* (1984). Morris offers many examples in chapters three, four, and five. For example, he discusses the Tallahassee bus boycott, stating, “The financial base of this movement was also rooted in the black church. In Reverend Speed’s words: ‘The bulk of the money came from the black people in the community, from church to church’” *Id.* at 65-66. Morris claims that, “[M]y research demonstrates that the overwhelming majority of local movements were indigenously organized and financed.” *Id.* at 281.

ing, analysis, and strategy development, along with a training provision for worker center staffs. Particularly if centers decide that they want to move in the direction of becoming more effective labor market institutions, this is a necessity. In addition, such a central resource could help centers give more thought to coordinating collective action regionally or nationally against specific employers or industries.

Building an online clearinghouse/information sharing. There is a wide range of activities that could be carried out jointly that might dramatically strengthen the overall movement of worker centers. First is the development of an online clearinghouse for ongoing communication, resource-sharing, and networking, as NDLOM has done for day laborers. Organizations would benefit enormously from reading each other's grant proposals, promotional materials, and legal clinics' written protocols and practices. The same is true in terms of drafting legislation and working to improve coordination and enforcement with government agencies. Organizations could be easily polled about what information they are most interested in and someone could compile it and post it. It would also be important to explore whether organizations might be interested in being part of list-serves devoted to common program areas or organizing projects. The National Employment Law Project is already doing much of this work and would be the natural home for such a clearinghouse.

Closer cooperation with unions. Unions have an established paradigm for organizing and representing workers, a capacity for industry analysis, and deep knowledge of labor law. In addition, they have experience with direct economic action organizing campaigns in the face of employer opposition and the financial and staff resources to support workers through organizing drives. Worker centers can benefit from the labor market and industry knowledge and power that unions possess. Unions, in turn, can benefit from the centers' deep knowledge and relationships within immigrant communities and can learn from them about how to work within and relate to the growing immigrant labor sector. Worker centers are playing an important role in holding unions accountable for representing their immigrant members. One of the first steps in moving forward is arranging national, regional, and local dialogs between

worker centers and unions. This will enable both sides to hear more about how each approaches their work, to visit each other's headquarters, and to tour each other's projects. It will help identify the tensions that exist, create a set of guiding principles and ground rules for working together, and most importantly, look for concrete projects on which to partner.

X. RECOMMENDATIONS ON POLICY REFORMS TO ASSIST IMMIGRANT WORKERS

To improve the conditions under which many low-wage immigrant workers currently toil, public policy reforms are needed in the broad areas of immigration and employment law.

Immigration law reform. Labor market outcomes for low-wage immigrant workers of uncertain status cannot be substantially improved without immigration reform. As stated above, our country's immigration policy is now the single most influential labor market policy we have. The following elements of a new immigration policy are from the Fair Immigration Reform Movement (FIRM), a project of the Center for Community Change, which is led by low-income immigrant and non-immigrant grassroots community organizations working for immigration reform and immigrant rights:

Provide a path to permanent resident status and citizenship for all members of our communities. U.S. immigration policy needs to be consistent with reality. Most immigrants are encouraged to come to the United States by economic forces they do not control. Immigrants bring prosperity to this country, yet many are kept in legal limbo. Legalization of the undocumented members of our communities would benefit both immigrants and their families and the U.S. born by raising the floor for all and providing all with equal labor protections.

Reunite families and reduce backlogs. Immigration reform will not be successful until public policy is harmonized with one of the main factors driving migration: family unity. Currently, families are separated by visa waiting periods and processing delays that can last decades. Comprehensive immigration reform must strengthen the family preference system by increasing the number of visas available both overall and within each category. In addition, the bars to re-

entry must be eliminated so that no one who is eligible for an immigrant visa is punished by being separated from their family for many years.

Provide opportunities for safe future migration and maintaining worker protections. With respect to worker visas, we need a “break-the-mold” program. Such a program must include legal visas for workers and their families, full labor rights (such as the right to organize and independent enforcement rights/the reversal of the *Hoffman Plastics Compounds* decision³⁴), the right to change jobs, and a path to permanent residence and citizenship. A regulated worker visa process must meet clearly defined labor market needs and must not resemble current or historic temporary worker programs. The new system must create a legal and safe alternative for migrants, facilitate and enforce equal rights for all workers, and minimize the opportunities for abuse by unscrupulous employers and others.

Respect the safety and security of all in immigration law enforcement. Fair enforcement practices are key to rebuilding trust among immigrant communities and protecting the security of all. Any immigration law enforcement should be conducted with professionalism, accountability, and respect. Furthermore, there should be effective enforcement of laws against human trafficking and worker exploitation.

Recognize immigrants’ full humanity. Immigrants are more than just workers. Immigrants are neighbors, family members, students, members of our society, and an essential part of the future of the United States. Our immigration policies should provide immigrants with opportunities to learn English, naturalize, lead prosperous lives, engage in cultural expression, and receive equitable access to needed services and higher education.

Employment law reform. Employment law reforms to benefit immigrant workers can be broken down into four areas: the “right to organize”; the minimum wage; social insurance; and new approaches to labor market regulation.

The “right to organize.” Labor market outcomes for low-wage immigrant workers cannot be substantially improved without meaningful

34. *Hoffman Plastics Compounds, Inc. v. NLRB*, 535 U.S. 137 (2002).

access to unions. The Employee Free Choice Act, introduced in Congress in 2004, includes a provision for “card check recognition,” which would give workers the right to sign cards for union representation.³⁵ It would provide mediation for first contract disputes and establish much stronger penalties for violations of employee rights when workers seek to form a union, as well as during first contract negotiations.

In addition to the Employee Free Choice Act, workers in low-wage industries need access to multi-employer bargaining. Reforms should allow the National Labor Relations Board (NLRB) to combine existing bargaining units for purposes of collective bargaining, either on its own initiative or upon petition and majority vote of each of the affected units. Finally, the NLRB should extend the basic economic terms of an existing collective bargaining agreement throughout an entire geographic or industrial sector if the agreement already covers a majority of workers in that sector.

Further, the National Labor Relations Act (NLRA) should be amended to allow any employer to sign a “pre-hire” agreement with a union, under which the parties would agree that the union would represent all workers that the employer subsequently hires. Also, the Taft-Hartley provisions of the NLRA that banned the use of secondary economic pressure (pressuring one firm in order to achieve recognition from another)³⁶ should be repealed. Finally, to safeguard the organizing rights of undocumented workers, the *Hoffman* decision must be overturned.

Increase the minimum wage. According to the Economic Policy Institute, minimum-wage employees working forty hours per week, fifty-two weeks a year, and earn \$10,700 per year, which is close to \$5,000 below the poverty line for a family of three.³⁷ The minimum wage must be increased substantially and then permanently indexed to inflation.

Provide social insurance. All employers should be required to provide health insurance or to pay into a joint employer fund in low-wage industries in which individual employers cannot afford to provide

35. Employee Free Choice Act, S. 842, H.R. 1696 109th Cong. (2005).

36. See 29 U.S.C. § 158(a)(3) (2000).

37. FINE, WORKER CENTERS, *supra* note 1.

health insurance without being able to participate in a larger group. Health insurance and pension benefits should be made fully portable between firms. Unemployment insurance should be provided for cumulative work, not just work at a single employer, and under the same rules for part-time as full-time workers.

Labor market regulation. The FLSA must be amended and updated. Given the rise in subcontracting, the FLSA should include a “joint liability” section in which manufacturers and retailers can be held legally responsible for the actions of contractors. The definition of “employer” in the FLSA³⁸ should be amended so that it explicitly includes successors (in cases where contractors close and reopen under another name) and the largest shareholders of a corporate employer. Section 15(a), the “hot cargo” provision of the FLSA,³⁹ should also be strengthened by allowing for “hot goods” injunctions to force retailers and manufacturers to take responsibility for the actions of contractors in terms of minimum wage and overtime compliance, allowing workers and worker organizations to sue.

Low-wage immigrant workers are much more likely to file lawsuits when they are part of a group. Therefore, the FLSA should be amended to allow groups of workers, or representatives designated by those workers, such as worker centers, unions, community organizations, or informal groups, to bring all lawsuits that can be brought by individual workers under the FLSA. Enforcement of the FLSA “joint employment” provisions⁴⁰ must be increased and misclassification of employees as independent contractors at the state and federal levels must be guarded against. States should work to provide additional coverage to low-wage workers whose overtime rights were diminished by actions of the Bush administration. The FLSA should also contain a section on contingent worker parity that would require equal pay for part-time and other nonstandard workers doing the same work as permanent employees. It should prevent discrimination in benefits against workers in part-time and other nonstandard work, and require states to set standards for service contractors employing nonstandard workers.

38. 29 U.S.C. § 203(d) (2000).

39. 29 U.S.C. § 215(a) (2000).

40. 29 C.F.R. § 791.2 (2005).

To improve compliance with the FLSA, Congress should enact a Federal Unpaid Wages Bill that would make it a felony, not a misdemeanor, to withhold pay from workers. The bill should quadruple civil fines on employers who don't pay workers and make it possible for workers to use multiple venues to pursue cases. The law should also clarify that punitive damages are available for retaliation under the FLSA and require the Department of Labor to seek liquidated damages in all minimum wage and overtime cases that it litigates. Finally, it should eliminate the court's discretion to reduce or not grant these damages to workers in FLSA lawsuits brought by the DOL.

The DOL's Wage and Hour Division, as well as state departments of labor, should establish an office of low-wage industries. This new office, in consultation with worker centers and others, would have responsibility for the development of an entirely new system for assigning priority to cases according to how many violations an employer has and how many workers are impacted.

Finally, at the local level, policymakers should be encouraged to invest resources into establishing day laborer centers as an alternative to seeking anti-solicitation ordinances and criminalizing day laborers' for seeking employment.

