Immigrant Workers in U.S. Construction:
Sharing Lessons Learned in Our Unions

Labor Occupational Health Program, UC Berkeley

CPWR – The Center for Construction Research and Training

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Introduction & Summary

The U.S. construction industry has seen a dramatic increase in the number of Hispanic workers over the last two decades. From 1990 to 2000, Hispanic workers in construction doubled, from 700,000 to 1.5 million. Those numbers doubled again in less than 10 years, from 1.5 million in 2000 to 3 million in 2007. Although those numbers have dropped due to the recession and slump in residential and commercial construction, Hispanics still make up approximately 30% of blue-collar workers on construction sites across America. Today, among Hispanics entering the U.S. workforce for the first time, one in three enters a job in construction. Yet Hispanic and foreign-born construction workers are more frequently killed on the job and are paid less than other workers.

During this tremendous upswing in foreign-born employment, industry tapped this eager yet largely untrained workforce. Building trades unions faced competing views of this new labor force among their own members. While many union members, leaders, trainers and organizers sought to welcome these new immigrants into the ranks of trade unions, their illegal work status presented challenges and suppressed wages, particularly for unskilled workers. As the economic exploitation of undocumented workers became a cornerstone of the non-union construction industry's low wage business strategy, this cheap, unskilled labor came to be seen by some as a threat to their own jobs, wages and way of life. Multiple barriers – language, culture, and education levels – also created challenges. But these are problems with long histories of union solutions. Construction remains the historical bastion of succeeding waves of immigrants, and multilingual apprenticeship programs were common for our grandfathers and before. Union trainers and organizers realized that Hispanic workers were an easy target for unscrupulous employers, so U.S. labor unions began to play an increasingly critical role in protecting immigrant rights. Rather than seeing new immigrants' lack of safety and health training as a threat to other workers, many see it as a challenging and increasingly critical training priority.

Construction unions in the U.S. draw their strength – and their best training innovations – from their 1,650 joint training centers nationally. These centers are jointly managed with local contractors and tightly tied to the skill demands of local construction labor markets. The diverse local responses to the challenges presented by the growing Hispanic presence in the construction workforce spurred CPWR – The Center for Construction Research and Training to convene a conference of union trainers, organizers, occupational safety and health specialists, and local and regional Building and Construction Trades leaders to hear presentations and discuss ways unions were reaching out to this most recent wave of immigrant labor. CPWR worked with the Labor Occupational Health Project (LOHP) of the University of California, Berkeley, the California State Building and Construction Trades Council and the National Institute for Occupational Safety and Health (NIOSH), on a national conference, Immigrant Workers in Construction: Lessons Learned from Our Unions, held in Sacramento, Calif. Attended by more than 140 participants, the conference was a mix of keynote speeches by experts, presentations and discussions among community organizations, safety and health experts, and union trainers and organizers, and moderated

roundtable discussions where participants developed strategic plans to take back to their training center or local union.

In preparation for the conference, LOHP researchers interviewed union trainers and individuals regarded by their peers as leaders in developing best practices in engaging and training Hispanic construction workers. LOHP researchers created narratives of these trainers' and organizers' experiences, barriers they identified, and how they overcame them. These narratives informed the conference agenda and form much of the content of this report. *Narratives begin on Page 11.*

The conference appeared to be a success before it even began. Trainers were eager to get more information on this topic that had consumed much of their time for years. Registration filled and had to be closed.

By the time the conference concluded, CPWR and LOHP were overwhelmed by the dedication, vision and tenacity of the participants to find innovative and effective ways to reach out to these workers – and to bridge cultural divides within their own locals as a result of adding increasing numbers of Hispanics to their unions.

This report is a summation of the narratives, the roundtable discussions and conclusions, and the "next steps" for furthering their work.

Participants attended workshops on successful and/or innovative programs on

- Addressing Language Needs
- Addressing Cultural Needs
- Building Alliances
- Providing Effective Health and Safety Training
- Working with Day Laborer Programs

They also attended discussions on overcoming the challenges and barriers

- Models for Recruiting and Organizing Immigrant Workers
- Developing Hispanic Leaders
- Successful Transitions from Apprenticeship Programs to Worksites
- Exploring Legal Issues

Each workshop highlighted key barriers and offered solutions developed through trial and error and hard-won gains. In "Addressing Language Needs," union trainers and organizers shared their program challenges and successes: setting up a Spanish-only training program, using a work-related ESL program for teaching safety terms and on-the-job English, and creating ties to adult education and community college ESL programs. *Descriptions of the workshops can be found on Page 33, Conference Agenda.*

Workshop presenters ranged from Tom Kavicky of the United Brotherhood of Carpenters and David Arvayo of the Painters and Allied Trades who shared their experiences and successes in safety and health training to Jose Oliva of the Chicago Interfaith Committee, who offered ways for unions to build alliances with trusted groups. Pablo Alvarado of the

National Day Laborers Organizing Network (NDLON) and Victor Narro of the UCLA Labor Center advised on ways to reach out to day laborers.

Plenary speakers set the context historically, economically, and personally. Peter Phillips, a professor of economics at the University of Utah, presented a thoughtful and informative review of our nation's treatment of immigrants, starting from the beginning of the country to present times. Garrett Brown of the Maquilladora Health and Safety Support Network spoke about the economic forces that have driven Mexican farmers and laborers to venture across our border to seek employment and provide for their families. Francisco Altamarino, a member of the Painters' union from Minnesota, gave everyone his own story as an immigrant to America, which became an excellent introduction to roundtable discussions among all participants about their family's background and personal history of immigration.

CPWR and LOHP produced this report to better inform the labor movement and the entire construction industry on the training and inclusion of Hispanic workers in one of our most hazardous industries. With this report and its resources, we hope to share what these innovative union leaders have learned and make U.S. worksites safer for all. CPWR and LOHP extend many thanks to all of the dedicated trainers and participants who contributed their time and efforts to the conference, as it is their combined experiences, trials and errors, and knowledge that form the basis of this report.

Today's Construction Workforce

Immigration has increased overall

According to the U.S. census, there were 29 million foreign-born people in the United States in 2000. Estimates indicate that another 1.3 million immigrants arrived each year between 2000 and 2004, and that a little over half of these were undocumented (Passel 2005). Immigrants currently represent almost 15% (21.4 million) of the U.S. workforce (Nash 2005). Latinos are the fastest growing ethnic group in the country — it is projected that one of four persons living in the U.S. will be Latino by 2050.

However, the current rate of immigration is not unprecedented in U.S. History. In fact, except for the period between WWI and the 1960s, immigration has always played a strong role in the U.S. labor force. Whether it was the original Europeans on the Mayflower, the Irish fleeing the potato famine, the Southern and Eastern Europeans or the Chinese seeking new opportunities, people have come to the U.S. seeking economic advancement or fleeing persecution. "The norm in the American labor market history is high rates and high numbers of immigrants." Each wave of immigration also came with the conflict that is generated when newcomers compete for jobs and bring different traditions (Phillips 2007).

Some interesting facts about immigration:

- The only time in U.S. history when there was a decrease in the rate of immigration (between WWI and the 1960s) was also a time when the U.S. economy shut itself off from the world markets. After the American economy started opening up again post WWII, opening to world trade, it also opened itself to immigration (Phillips 2007).
- The global economy facilitates immigration to wealthier countries. Data from 2001 shows that the percentage of foreign-born in the U.S. labor market is similar to that of other wealthy countries. Australia and Canada actually have a higher percentage of foreign-born in their labor force (20-25%) while the U.S. is similar to Austria, Germany, Sweden and Ireland (about 10-12% foreign born) (Phillps 2007).
- While many note a rapid rise in immigration from Mexico in recent decades, it is also relevant that Mexico and the U.S. have a long history of labor force movement between the countries.

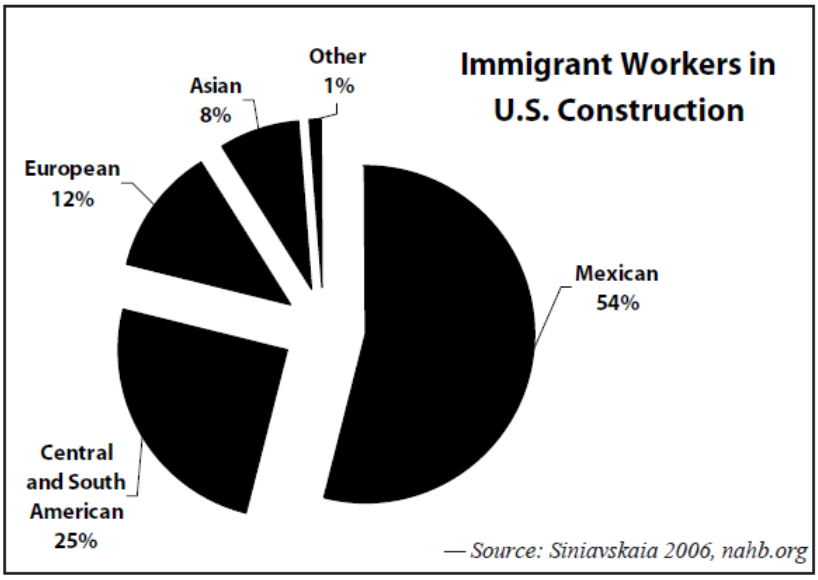
Immigrants are a growing force in the construction industry

In construction, there has been a dramatic growth in the number of immigrant workers, the vast majority coming from Latin American countries. In 1980 Latinos comprised 5.8% of the U.S. construction workforce. This increased to 20% in 2000 and is expected to increase

to 36% in the next decade (Burnette 2006). Currently 23% of construction workers are estimated to be Latino. Most of them (70%) are new immigrants (Dong 2006).

In some states, Latinos now form the majority of the construction workforce, as is the case for California (51.4%), Texas (55.9%), and New Mexico (69.4%) (Goodrum 2005). However, states that have seen newly increasing immigration in the last decade, such as Colorado, Georgia, Illinois, and North Carolina, also have a substantial percentage of immigrant workers, about 20% of the construction workforce (Siniavskaia 2006).

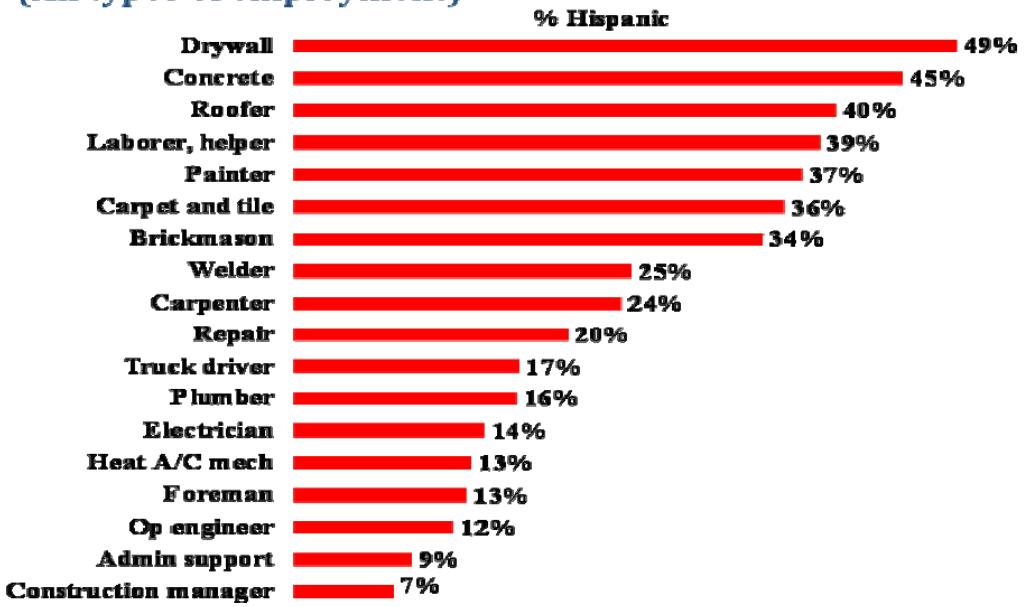
The majority (54%) of immigrant construction workers come from Mexico. An additional 25% come from other countries in the Americas. Europeans make up 12% and an additional 8% come from Asia:



Immigrants are concentrated in low-wage construction trades

Most Latino workers in construction are employed as unskilled or semiskilled workers (Dong, Platner 2004) and tend to be concentrated in the lowest wage construction occupations. Nationally, the trades with the highest concentration of Latinos are illustrated in the following chart (CPWR 2007):

16b. Hispanic workers as a percentage of selected construction occupations, 2003-2005 average (All types of employment)



Immigrants are more likely to be killed or injured at work

Foreign-born workers as a whole have higher rates of job-related fatalities than other workers. While there was a 22% increase in the employment of foreign-born workers between 1996 2000, there was a 43% increase in fatalities among these workers (Loh, Richardson 2004). In large part this higher risk is related to the fact that immigrant workers are concentrated in industries and occupations that are more dangerous, such as construction.

Of all U.S. industries, construction has the highest number of fatal injuries among immigrant workers (Nash 2005). Between 1996 and 2001, nearly one of four immigrant workers who died on the job was employed in the construction industry (Loh, Richardson 2004). Other data on work-related injuries and illnesses among immigrant construction workers show that:

- Of the 1,238 fatal injuries that occurred in construction in 2005, 320 (26%) were among Latino workers (Dong 2006).
- Between 1996 and 1999, there was a 40% increase in fatalities among Latino construction workers even though there was less than a 20% increase in their numbers in the workforce (Goodrum 2005).
- The risk of injury for immigrant workers is likely greater than reported. Immigrant workers may be less likely to report an injury or seek medical care if they are injured.

This is particularly true of workers who are undocumented, and those in the informal sector, such as day laborers employed in construction (Dong, Platner 2004).

- Other factors besides type of job are likely contributors to immigrants' increased risk, including language barriers, cultural barriers, lower levels of formal education, immigration status, low rates of union representation, and fear of reprisal. There is little research to assess the impact of each of these variables (Dong, Platner 2004, Acosta-Leon 2006). However, a survey of 50 immigrant construction workers in Florida found that the factors most closely related to better safety outcomes were unionization and documented legal status (Nissen 2004).

What Are Unions Doing?

Many local, regional, and international labor organizations have been working to meet the needs of immigrant members for years. This work has often been done in isolation, not knowing who else has tried a similar strategy, who has materials in languages other than English, or who has developed successful alliances with immigrant organizations.

In the fall and winter of 2006, interviews were conducted with 17 union representatives throughout the U.S., including trainers, organizers, and apprenticeship coordinators. The goal was to identify and gather examples of the variety of ways in which local unions are reaching out to, and working to protect, immigrant workers in construction. The interviews gathered information on these unions' activities, the challenges or obstacles they faced, and what they thought were the keys to successful efforts. These union examples are summarized in this report. While some unions reported working with immigrants from other regions of the world, such as Polish and Chinese workers, the majority of unions' work involved Latino workers, reflecting the fact that Latinos make up almost 80% of the immigrant workers in construction.

The union examples have been organized into the following categories that reflect the multiple approaches unions are taking:

- Helping workers learn English
- Addressing cultural needs
- Building alliances
- Providing effective health and safety training
- Recruiting and organizing immigrant workers.

Although strategies varied, certain common themes emerged across the variety of union experiences. Some were "themes for success" that contribute to a successful effort, while others were "common obstacles" that unions are facing in their work. All unions mentioned the need to share resources and strategies, to "not reinvent the wheel," and to learn practical lessons from others who have done similar work.

Themes for success

1. **Hire and train staff from the same background as the workers you're trying to reach**

   Unions have seen a dramatic difference in the response of immigrant workers when the person reaching out to them, whether as a trainer or organizer, shares their language and cultural background.

2. **Focus on building trust**

   This requires an investment of time, and may involve developing alliances with community organizations that have already gained the workers' trust.

3. **Gain support of union leadership**

   The support and access to resources that union leadership can provide have been critical to establishing successful programs.

4. **Assist workers with the range of issues they confront in daily life**

   Many times the workers' priorities are getting their check cashed, paying a phone bill, or figuring out how to apply for a work permit. Unions have found that being responsive to these needs, and helping out, lets workers see that they are not alone and that the union is a useful resource.

5. **Build personal connections**

   This is related to building trust, but emphasizes the importance of establishing personal relationships with workers. Workers need to know that unions see them as a whole person and not just someone to boost union numbers. Interviewees suggested emphasizing how the union can improve immigrants' ability to provide for their families and be there for them by staying safe. As one interviewee said, "In order to make safety relevant to them, we emphasize that even if you end up working someplace else, you can apply what you learn. Bring it down to what it means for their family. . . the risk is for their families too."

Common obstacles

1. **Immigration status contributes to fear of speaking up or being noticed**

While most interviewees agreed that it is not the union's job to verify paperwork, immigration status creates a climate of fear in workers.

> *"If you were trespassing somewhere, how much attention would you bring to yourself? As little as possible, right? You'd want to be as invisible as you can possibly be."*

Undocumented status makes it extremely unlikely that a worker will speak up about hazards or want to challenge the supervisor. Unions also report that undocumented immigrants are even afraid to be promoted on the job, as this might put them on the spot. Many immigrants also don't want to give their name for training databases or certificates.

In addition to the obstacle this poses to gaining access to immigrant workers, unions are struggling with their role in verifying immigration status. While almost everyone agrees that the union cannot be involved in verifying documentation, which would kill organizing efforts, some feel that unions and unionized construction contractors have to find a way to work together.

> *"We hire and train people, and then if we send them to work and it turns out they don't have papers, all that money and training goes down the drain. But they're getting jobs with non-union contractors who don't seem to check. We need some kind of amnesty to protect these workers."*

2. **Immigrants tend to emphasize the short-term**

Often immigrant workers just think of how much money they will earn today and how to send money home. This focus on the short-term poses challenges to addressing health and safety and organizing workers.

> *"How much time and energy I invest in things is different if I think I may be gone tomorrow."*

Immigrant workers are often not seeking a career, which is traditionally one of the appealing aspects of unions, but rather they are forced to think only of the job. Some have the attitude that they have the job today, but are not sure they'll have it tomorrow and they are prepared to move on to something else. This attitude makes organizing difficult. Unions that have organized immigrant workers have had the experience of losing these workers once union work slowed down or there were layoffs.

> *"The Hispanic male cannot stay at home; he needs to have a job. . . It's part of the Hispanic culture. . . (They) don't understand the system of unemployment, and always need to be working. I wish there was a way to keep them and wait through a layoff. This creates a lot of hard feelings with old members."*

3. **Non-immigrant members may oppose efforts**

Several unions reported that the challenges they faced were political in nature, coming from members who questioned why so much effort was spent translating curricula or tailoring a campaign towards immigrants.

> *"All the time, I hear: 'If they work here they should understand the language. . . My grandparents came here in the early 1900s and nobody taught them.'"*

There is also a concern among some union members that the immigrant worker represents competition.

> *"The Latino worker is seen as quick, reliable, and he fears the employer, so he is easily bossed around. Some white workers fear that the white male is on the chopping block right now."*

Some union members fundamentally believe there is too much immigration, and this attitude is difficult to overcome.

> *"It is challenging to deal with criticism from members who believe the root cause of the problem is that immigrants are in the country in the first place. Well, that's not our job as labor. Our job is to protect workers regardless of what their status is."*

Here are the five approaches unions are now taking to engage immigrant workers.

Helping workers learn English

Some of the key activities unions have undertaken address the need for educational materials, outreach, and services in languages other than English, as well as helping apprentices and members learn English. In 2001, 28.8% of Latino construction workers spoke only English according to data from the Current Population Survey, while the rest were bilingual or spoke only Spanish (Goodrum 2005). Although the majority of immigrant construction workers are from Latin America, in some parts of the U.S. unions are finding that they need to communicate in Eastern European, Asian, and other languages.

Unions have attempted a variety of ways to link workers with English-as-a-Second-Language (ESL) courses. Some have established in-house programs, while others provide information and make referrals to local community ESL providers, such as adult education programs, and may even pay for workers to attend the classes. The experience with ESL courses has been mixed. Some unions that provided classes to their members found that it was challenging to address in one class the English-language needs of a group that was quite diverse in their knowledge of English, literacy in English, and literacy in their native language. Also, some workers had a hard time coming to these classes after working all day. However, unions recognize the importance of promoting English, not only for good worksite communication but also so immigrants can advance in the industry and take on more responsibility. They encourage their members to pursue this.
One union is setting up ESL classes that will be open to both workers and their families.

> *"These workers are one generation away from speaking English. My parents came from Italy, and I speak English. It's the same way for Latinos; we have to look into the future."*

The organizer has decided to start taking some Spanish classes himself, to learn basic phrases.

"It has to go both ways. I don't only want the immigrants to learn English. Being able to communicate is the goal. Our workforce is Spanish-speaking so we have to adapt and make it work."

Unions are helping immigrants to learn English in a variety of ways:

Promoting "jobsite" English and Vocational ESL (VESL) classes

Clearly good communication on the jobsite can enhance health and safety. Unions are working to address the issue of "jobsite" English to improve communication among immigrants, other workers, and foremen on the job. Some, like the International Union of Painters and Allied Trades and the Roofers and Waterproofers Local 95 in California, are pursuing VESL classes. These programs emphasize basic communication needed at work, and workers often see them as something they need and will use.

Local 95 developed a computer-based VESL program which allows workers to work at their own pace and on their own time. The local developed this program by going out to the sites and listening to the most common things people say. In addition, they have produced "language cards" that list common workplace phrases in English and in Spanish. These 3x6 cards are laminated, and show phonetic pronunciation in both languages.

For example:

¿Qué quieres que haga ahora? ➡ What do you want me to do now?

Kay key-airres kay aaga ah-o-da? ➡ Guat du yu want mi tu du nao?

Mira lo que hace ➡ Watch what he is doing

Meé-dah lo kay áh-se ➡ Wach wat ji is duing

Taladro ➡ Drill

Ta-lau-drow ➡ Dril

This local has also hired a teacher to focus on the spoken English needed by people who are ready to take on leadership responsibilities.

"Many times they know English but don't feel comfortable speaking it, so she works with them, and helps them with their accent."

Providing apprenticeship credit for ESL courses

The Heat and Frost Insulators and Asbestos Workers of Southern California realize that

workers are battling multiple priorities – they're trying to work, learn English, and go through an apprenticeship program at the same time. The union has provided workers with up to six months of apprenticeship credit if they take an ESL class during that time.

> *"We made big mistakes and lost a lot of workers who were here for a short term, and now we're trying to develop individually-tailored plans."*

Now, if workers need a ride to an ESL class or help finding a local ESL class, the union will assist them. The union's coordinator has also investigated classes before recommending them — even going to the classes and pretending to sign up, to see how he was treated. He wants to make sure workers are sent somewhere where they'll be treated well.

Offering "take home" resources

Several unions are trying to teach English through other methods that offer flexibility, are easy to use, and may even be fun. Ironworkers Local 846, a national local with 26 affiliates that represent reinforced steel workers, is piloting a system using Leapfrog® technology, so the worker can take home a LeapPad and use it to learn English and specifically construction terminology. The LeapPad is a portable computerized "booklet" into which students can insert modules and practice reading while following a story or activity and hearing the words spoken out loud. According to Leapfrog's website, "It provides students with engaging instruction and immediate feedback, using sight, sound, and touch to appeal to all the ways students learn." In this way the worker is able to learn on his or her own time, and the family may also benefit from the program.

Addressing cultural needs

Cultural factors, such as different attitudes toward speaking up and advocating change, as well as different perceptions of hazards, injury, and illness affect how immigrant workers relate to their jobs. These shape immigrants' relationships to their work, unions, and health and safety issues. Beliefs and attitudes that can impact health and safety do exist (WISH 2002). They vary among groups so no "one size fits all" approach is possible.

Many immigrants come to the U.S. with a very different understanding of construction and building materials, and are from countries where safety practices are not emphasized and probably not regulated. Their experience in their native country also may influence their perceptions of unions, as these workers often have had limited or negative experiences, especially with government-controlled unions. Not only do they need to be oriented to the benefits U.S. unions can provide them, but they also need to understand the expectations that their fellow union workers have of them. Mutual trust must be built among union leadership, immigrants, and other members.

Some union initiatives have included:

Integrating discussion of culture into training programs

Roofers and Waterproofers Local 95 discovered that there is a difference between Latino and Anglo workers in applying what they learn about safety in training programs. It was typical for trainers to present the material, and for workers to nod their heads and pass the test. But when workers got out in the field, a real difference would emerge between immigrant and non-immigrant workers. Immigrants were more hesitant to speak up.

> *"A lot had to do with culture and perception of loyalty to the boss, as well as the fear of losing their jobs. Now we spend a lot of time in class talking about issues related to life in general, about their priorities, their sense of responsibility and family, and about how it's not doing something against the employer to be safe."*

After 9/11, this union helped workers get identification cards, which helped demonstrate that the union cared about the workers as whole people.

> *"First thing on the worker's mind is how to put food on his table, safety becomes the very last priority . . . so in order for us to be able to discuss safety, we have to talk about other issues first. Ten to fifteen percent of our apprenticeship time deals with cultural issues."*

Now workers bring issues to the union, and specifically to the Latino instructor. They feel they can identify with him and feel comfortable talking to him.

> *"We're one of the few unions with a Mexican flag in front of our building."*

In addition, United Association of Plumbers and Pipefitters Local 393 in California brought the Latino instructor from Roofers Local 95 to provide a culturally sensitive class to its immigrant members, modeled after the work the Roofers were doing with their own members. This was very successful and helped these workers learn about unions and their roles as union members.

Adapting training and apprenticeship schedules to meet cultural needs

Sometimes unions have found that allowing flexibility in the apprenticeship schedule can go a long way toward developing good relationships with immigrant workers. For example, UA Local 393 realized that many immigrant workers take several weeks off around the Christmas holiday to go back home to visit their families. The union adapted the apprenticeship schedule to allow for this, so that workers wouldn't be penalized.

Involving members' families

UA Local 393 emphasizes reaching out to families so they feel like a part of the union family. The union sponsors open houses and asks apprentices to bring their wives and kids. Apprentices are very proud to show their families around. Ironworkers Local 846 also emphasizes family involvement in developing relationships with members and apprentices.

"We have to get to the wives through churches, community organizations, and job fairs. We tell workers that the more you learn and the more English you learn, the more money you can make and the better you'll be able to support your family. We try to build trust with the workers and their families, and this takes time. They have to 'see your face' over time."

Building alliances

Building alliances in the immigrant community, and working with trusted organizations such as churches, community-based groups, and worker centers can be crucial if unions are to provide effective programs and organize workers. Unions have also worked collaboratively with other unions, employers, and the business community.

Some union initiatives have included:

Forming partnerships with local community-based organizations

The Harris County Central Labor Council in Texas approached a local organization that works with Central Americans in the Houston area to talk about the issues day laborers faced and the possibility of funding a day labor project.

"We met with the day laborers and realized there were serious abuses in the industry, contractors who wouldn't pay the workers for days of work, who abandoned injured workers."

The Labor Council developed a project to do outreach to these workers and provide training on basic safety, workers' compensation, and keeping track of employers and hours worked.

To assist the workers with their key concern of getting paid, the Labor Council formed a partnership with the local justice of the peace and sued employers in small claims court. They were able to win back pay for the workers. Soon other local organizations, such as ACORN (a community organization working to address needs of low and moderate income families), heard about their efforts and got involved. Later agencies such as the federal Equal Employment Opportunity Commission and OSHA helped support their efforts.

"It is important to build alliances — community-based organizations want the same thing (we do) . . . decent wages, etc. Building these alliances gets the attention of local officials, who can then also provide more support."

The Labor Council helped these workers form a union, essentially in their own way. To address the competition and rivalry between immigrants from different countries, who at times competed to see who could do the job for less, the Labor Council set up a committee that included a representative from each nationality. This committee hired a manager, held

monthly meetings, and set up a system to dispatch jobs. Basically they built a union.

> *"Many of these workers are skeptical about unions because of their experience with government controlled unions in their own countries. The Labor Council approached this with an open mind, and the key to success was that workers themselves were involved in determining how to proceed."*

The union didn't tell them what to do, and didn't approach this with the idea of organizing them in "the good old way." Rather, workers built their own union and the leadership evolved in the process.

Community organization works to improve enforcement

The Chicago Interfaith Workers' Rights Center partnered with agencies including Department of the Labor and OSHA in the Chicago Area Worker Rights Initiative (CAWRI), an effort to increase access to these agencies for immigrant workers. CAWRI was a result of the center's experiences of receiving many calls from workers who described labor violations and not finding successful outcomes when they were referred to the appropriate agency due to common barriers: no one at the agency spoke Spanish, there were many forms to fill out, and the office hours and locations were often not accessible. CAWRI was recognized by government partners as a referral mechanism to represent the workers' concerns and triage them to the appropriate federal or state agency for response. They created a one-page form that workers could fill out at the worker center and which the agencies accepted as an official complaint form. They also worked collaboratively, evaluating a complaint to explore the possibility of other violations and conducting joint investigations. The program succeeded in creating a more streamlined process by creating a one-page standard form for all types of complaints from workers. Workers could go to the worker center, and a worker advocate would help them fill out this form. It was easy to use and very accessible. CAWRI also encouraged communication and sharing of information between the government agencies (although limited).

Workers came in with more pay-related issues (wage and hour violations) than health and safety complaints, largely due to cultural reasons. It was challenging to convince the worker that they should file a compliant when there was a health and safety violation. Ultimately, they learned how to probe for these issues, which resulted in increased reporting of health and safety complaints.

Partnering with employers

The Chicago & Northeast Illinois District Council of Carpenters Apprentice & Training Program worked in partnership with the Residential Construction Employers Council (RCEC), a residential contractors' association, on an initiative to encourage fall protection on the job. All educational materials were translated into Spanish and Polish.

The Harris County Central Labor Council in Texas also partnered with Texas State Technical College and a manufacturers' association to develop a safety training program for

union and non-union employees. The goal of the partnership is to develop a skilled, less transient workforce in the area.

> *"We were seeing that once workers gained some skills, they would move on to where they could make more money, and wages were depressed because of the constant flow of semi-skilled workers. Due to the partnership, we have seen workers' skills increase, wages are increasing, and everyone is happy."*

For the business community, the incentive to participate was the ability to access skilled workers, and they have been active partners in securing training dollars for this coalition. They see educating workers as a collaborative issue.

Designating a union staff person to build coalitions and address immigrant issues

The Laborers' International Union of North America (LIUNA) created a position at the International level to raise the profile of immigrant worker issues and build relationships with LIUNA locals and community organizations. The chief goal is to organize and improve the conditions of immigrant workers. The LIUNA staff person identifies issues the union needs to address regarding immigrant workers, does trainings and presentations in Laborers locals, speaks to locals about the importance of addressing the needs of immigrants, and works in coalition with community-based organizations to address national issues such as immigration reform.

Working with consulates and other unions

The Santa Clara Building Trades Council in California joined with the local Mexican Consulate, UNITE/HERE, SEIU 1877, and other unions to create a workers' rights workshop in Spanish for the Latino community. At the consulate, there are always about 100 or more people waiting for their documents to be processed. The unions jointly developed a flyer with basic information about workers' rights, and each day the unions take turns having volunteers distribute it at the consulate.

> *"Members are the ones who volunteer and they're passionate about it."*

The workers' rights pamphlet has been very well received, and the partnership has also created a calendar for workers to use to document where they work each day and for how long. The partnership is also developing an outreach form so volunteers can keep track of who they are helping and what their issues are, as well as follow up with individuals if needed.

District Council 82 of the Painters and Allied Trades in Minnesota also emphasizes developing partnerships among unions, both to build trust and to exchange strategies. They are collaborating with other unions, including the Laborers, Roofers, Carpenters, cement finishers, UNITE/HERE, SEIU, and AFSCME on the HOLA project (Hispanics Organizing Latino Americans). Through this collaborative they want to identify sound strategies and teach union organizers how to successfully organize Latino workers. They plan to do joint

outreach in the Latino communities to talk to workers about unions and the difference between good and bad jobs. Recently they held a conference to discuss organizing efforts with Latinos and invited representatives to address issues of immigration and lack of documentation, including strategies for how unions could help undocumented workers earn back pay.

Building partnerships on a national level

In 2006, the AFL-CIO entered into an agreement with the National Day Labor Organizing Network (NDLON), a nationwide network of worker centers that address day laborer issues. NDLON works to unify and strengthen member organizations to be more strategic and effective in their efforts to promote leadership development and to share best practices and models to improve quality of life issues. Together, NDLON and its member organizations foster safer and more humane environments for day laborers to seek employment and feed their loved one. Through the new partnerships, the AFL-CIO and NDLON seek to work collaboratively and allow the centers to affiliate with local labor councils. The AFL-CIO is also working to identify existing partnerships at the local level between unions and worker centers, to evaluate what contributes to a successful partnership, and to determine how to promote these models in other communities. According to AFL-CIO President John Sweeney:

> *"Day laborers in the United States often face the harshest forms of workplace problems and this exploitation hurts us all because when standards are dragged down for some workers, they are dragged down for all workers. The work being done by worker centers and NDLON in particular is some of the most important work in the labor movement today, and it's time to bring our organizations closer together. The AFL-CIO and NDLON will work together for state and local enforcement of rights as well as the development of new protections in areas including wage and hour laws, health and safety regulations, immigrants' rights, and employee misclassification. They will also work together for comprehensive immigration reform that supports workplace rights and includes a path to citizenship and political equality for immigrant workers —and against punitive, anti-immigrant, anti-worker legislation."*

Providing effective health and safety training

In designing effective health and safety training programs for immigrant workers, unions have struggled with language needs, literacy levels, finding effective training methods and instructors, and locating good materials. Often workers come to the union with little formal education – according to 1998-2001 Current Population Survey data, Hispanic construction workers had 9.57 mean years of education compared to 12.07 for non-Hispanic construction workers (Goodrum 2004). Training programs that are delivered in English are likely not well understood. A study that included interviews with 47 immigrant construction workers found that the majority indicated they did not understand a

substantial amount of their health and safety training when the material was delivered in English (Ruttenberg 2004).

To address language, unions have taken various approaches. Some unions provide training and materials in Spanish, others do joint training in English and Spanish, and still others provide a bilingual instructor as a resource during classes in English. Each of the participants who were interviewed seems satisfied with their own particular model. Some of the "lessons learned" from various unions' programs include:

- Select instructors who are able to relate well to immigrant workers in the training.
- Have the support of union leadership.
- Emphasize "hands-on" activities and provide workers the opportunity to give feedback.
- Develop mentoring programs, in addition to classroom learning.
- Have flexibility in the curriculum so you can adapt it according to the needs of the students.

Some of the diverse approaches unions have taken include:

Offering training in Spanish and other languages

The Chicago & Northeast Illinois District Council of Carpenters Apprentice & Training Program has translated almost all of their apprenticeship materials into Spanish. They present their health and safety courses and apprenticeship curricula in English, Spanish, and Polish. They started with three bilingual instructors in 1997, and now have nine. To recruit workers into the apprenticeship programs, the Carpenters do outreach in the Latino community. They go to career fairs and to the schools.

> *"Everybody deserves a healthy, safe place to work in . . . For a program to be successful it has to start from the top. The UBC has a very proactive President/Secretary-Treasurer."*

Contractors are seeing the results on the jobsites as:

> *"Guys are working with better performance, skills, and safety consciousness."*

The union says the next focus needs to be communication at the jobsite with Latino workers — specifically offering training to supervisors so they can talk to Spanish-speaking workers.

With a membership that is 60% Latino and 30% monolingual Spanish-speaking, the International Union of Painters and Allied Trades in Illinois conducts over half their classes in Spanish, though all classes at the apprenticeship school are provided in Spanish.

> *"We write our materials at a 5th grade level for non-English speakers, compared to*

11th grade level for English speakers."

Two of their four instructors are bilingual. The union does apprenticeship recruitment by going out into the community, to high schools and job fairs to recruit Latinos and immigrants. They started their bilingual program in 1999 and the effort was "from the ground up." One of the instructors developed the materials, found information online, and later produced some videos and PowerPoint® presentations.

"Our program is successful because the District Council backs it; they don't mind spending the time and money on this effort."

Another key to this successful effort is identifying people who can communicate with immigrant workers, whom immigrants feel they can trust. Originally the older, white members were skeptical of providing special treatment to immigrants by offering classes in Spanish, but this attitude has changed.

"It's important to provide people what they need, to give them training. You don't want to lose that member. If you do, it's almost impossible to get them back. They will be anti-union for life."

Providing bilingual training

Roofers and Waterproofers Local 95 provides training in a bilingual environment. At each class, they always have two instructors, one English-speaking and one Spanish-speaking. They have made the decision not to divide workers by language, since the work environment is bilingual. However, there is no translation per se during the courses. Both instructors are certified instructors, and they take turns presenting the information. This process increases the length of each class, but they have become proficient at doing it this way and still maintaining the participants' attention.

"The only objections we've had to the format have been from English-only speakers, but at this point it's a very small minority."

The keys to the success of their training program are the commitment of union leadership who want to connect with apprentices, and the emphasis on hands-on training.

"There is a difference between traditional teaching methods and 'connections' teaching . . . you need to connect with people on a personal level. When somebody gets hurt, we tell their story from a personal point of view. We visit the person, get involved, tell the class about what the injured worker said . . . how scared they were, worried about their family . . . 'I never thought it would happen to me.' The effort we put into these results in people feeling a lot closer to the union as a resource."

Using new training technology

Instructors at Roofers Local 95 have found that computer-based training can work well in their courses. Workers are intrigued by using the computer, and get engaged with the computer program. Since they have to interact with the program,

> "*they can't just sit back and not participate."*

Instructors address "computer literacy" issues by having the instructor use an extra computer to lead everyone through the program. For example, the instructor may read sections out loud and lead a discussion. They plan to expand on this computer-based training model by developing a series of tailgate meetings that would be available on the web for a foreman to download and do a 15-minute PowerPoint® presentation on a laptop.

> *"But it's always useful to still have an instructor to lead through the program."*

Ironworkers Local 846 offers the OSHA 10-hour courses in Spanish, have 10–12 bilingual instructors across the country, and are now converting their union training programs into Spanish. It's very important to find good bilingual instructors.

> *"I have gone out and picked them personally, need to find the right personality. Trainers need to have an open mind; you can't have a 'regimented' training. If something doesn't work you have to go in another direction."*

One innovative technique this union has developed addresses testing of workers. They are not able to translate the certification test because it is ANSI certified, so they use MP3 players, allowing workers to hear the questions in Spanish through headphones and answer them on the written English multiple-choice test. Workers have to be able to read numbers and follow the test, but having the audio version helps address literacy and language. Since some workers are embarrassed and don't want to listen to the test, the instructors explain to them that this is a benefit to help people understand the test a little better; it is not degrading.

Providing mentoring programs

The Heat and Frost Insulators and Asbestos Workers of Southern California has pre-apprenticeship programs in Spanish, and also translates their materials into Spanish. Courses in the primary apprenticeship program are offered in English, but if someone needs assistance, there are bilingual instructors available to assist them. The union has also emphasized that workers be moved toward learning English.

> "*There is a lid when you only speak Spanish . . . this is only to get you started."*

In addition to formal classes, the union set up a mentorship program in which experienced workers mentor immigrant apprentices.

In identifying keys to success, the union highlights the importance of finding the right teachers – instructors who have patience and flexibility.

"You're dealing with many barriers at a time, not just language. Oftentimes you are teaching the class at two levels, for fast learners and slower learners. You may have workers who aren't able to read or write in Spanish either. Some workers don't like to speak out publicly and if you force it, they become more withdrawn. So we ask them to illustrate it instead of speaking . . . or act it out . . . we adapt teaching techniques and teaching style."

The union has also set up a system for workers to report health and safety concerns anonymously. A worker can call the union and let them know about a hazard. Then the union responds by going to the job site, and can act as the "bad guy" if needed. They are always careful that the worker who complains not be identified.

The union has found that it is very important to build trust. After many years carrying out this program, the workers trust the Training Coordinator; he has a track record. Now workers will send other workers to him.

Supporting workers in training programs in other aspects of their lives

Ninety-nine percent of the training offered by LIUNA Local 11 in Virginia is in Spanish, and all their materials and resources have been translated as well. They have found that having bilingual instructors at the training center and having flexibility in scheduling the trainings (for instance, doing them on Saturdays) contributes to the success of the training program. The union works actively to build alliances with community groups, churches, and others who want to work with the union to make a difference and to address the general life needs of the workers. For example, to help them navigate the "system" in English the union will help by translating information. They help workers with their immigration process, such as figuring out how they or their families can become residents or citizens, or obtain work permits.

"It's important to find ways to help workers . . . now we're meeting with local banks, trying to set up a system to open accounts for those who don't have social security numbers, get an ATM card to avoid check cashing places, etc."

Developing partnerships to adapt curricula

The New Jersey Laborers' Union has worked in partnership with Rutgers University and a local day labor center to develop a training program addressing the health and safety of day laborers. In the past, the union has helped put together conferences; each attended by about 150 day laborers, to provide training on health and safety, how to protect yourself at work, and the role of unions. They have found that it is very beneficial for the union to partner in this effort with community groups, whom immigrant workers trust because they offer other programs that the workers know really benefit them. Besides health and safety, the conferences have also looked at issues such as police harassment, which occurs in some of the areas where day laborers seek work. Local union organizers are still working with the day labor centers to identify common agendas that they could pursue collaboratively.

In the current effort with Rutgers University, the union provides technical assistance and access to workers on a project that seeks to compare the health and safety of day laborers versus unionized Latino workers, and develop a construction safety training program for day laborers. Through interviews and focus groups, the collaborative gathered information on working conditions, income, attitude towards risk, challenges in life, etc. They are adapting the Smart Mark OSHA 10-hour program to the needs of day laborers and to include a peer training component. So far the collaborative has learned that training with day laborers can take longer than planned. A 1-hour activity with English-speaking workers can take 2–2.5 hours with day laborers. Reading is an issue, as literacy varies and probably 10–15% of the workers are illiterate. However, there is also tremendous interest and discussion — workers take this training very seriously and get very involved.

Conducting mobile outreach

LIUNA Local 11 conducts outreach and provides training at day labor centers twice a month on health and safety, where to go if you are injured and basic protections like using a hard hat and choosing the right work shoes. They have a van with a TV inside that accommodates 15 people comfortably. By now the day laborers know the union, and easily recognize the van with its big sign on the side.

Recruiting and organizing immigrant workers

> *"If we don't organize immigrant workers, we will have problems . . . we need to organize with social justice and community groups, join together . . . employers want to see division among workers — they want to see the building trades against immigrant workers. We've got to organize them."*

Organizers face serious challenges when trying to organize immigrant workers, particularly overcoming distrust and fear. Some contractors tell workers they will call the INS if they join the union, and sometimes there is racism within the union itself. Unions are realizing that they have to go beyond the traditional methods of organizing to recruit and bring in these workers. Unions report the importance of building alliances with trusted community organizations, hiring and training Latino organizers, and providing services and resources that reflect the needs of the immigrant worker's day-to-day life.

Hiring Latino or other immigrant organizers

> *"Reflecting back, it was bizarre how we tried to communicate with the Latino workforce before hiring a bilingual Latino organizer. Every time I (the white organizer) walked into a building, I would see the back door open and watch the workers scatter out. They thought I was the law or something. The first time I brought the Latino organizer on the job, within minutes we had 10–12 people in a circle. It's made a big difference in our*

union."

The Latino organizer with District Council 82 of the Painters and Allied Trades in Minnesota doesn't start immediately talking about the union. Rather, he talks about where people are from and chats with them, to start building a personal connection. Speaking the language and knowing the culture is critical to building trust. The organizer and the union try to help workers with the variety of issues they face. For example, if their heat at home gets turned off, the union helps them get it back on.

"It's not just organizing; it's a lot of other things. We don't ask about legal status, we just help them out."

District Council 82 reports that they often don't bring Latinos into the union as apprentices. Rather, they enter as journeymen because they have enough experience in the trade. However, the union is still trying to provide classes to these workers, and now offers the OSHA 10-hour class in Spanish and plans to do other classes like CPR and First Aid in Spanish. The Painters are collaborating with other unions, such as SEIU, to teach union organizers how to organize Latino workers.

This union also works closely with a local community organization that sets up weekend gatherings with booths to help immigrants address their problems, such as paying a hospital bill or obtaining a cell phone. Soon local unions will take turns working a booth at these weekend meetings, to talk to people about what unions can do, and they plan to have a union booth at the community's Cinco de Mayo festival.

Overcoming fear and misinformation

The Laborers' Union in New Jersey has worked on a variety of organizing campaigns with immigrant workers, including efforts to organize undocumented Brazilian construction workers and workers doing asbestos abatement. Overall, the key issues in organizing are health and safety, wages, benefits, and working conditions. For instance, many workers in New Jersey "cut dry" when cutting concrete, instead of using the safer "wet cutting method." Workers get respiratory and other illnesses constantly. There are also immigrant workers doing asbestos removal without proper equipment or training.

"A lot of immigrants don't even know what asbestos is and employers take advantage of this."

Some of the challenges the union has to overcome are gaining the workers' trust, dealing with the threat of the INS, and proving that the union can make a difference in the workers' lives. A lot of workers don't even want to talk to the union because of the contractors' threats to call the INS if workers get involved with the union. Employers misinform and mistreat workers. For example, they tell workers that if they file for workers' compensation they will be asked for their paperwork, so workers don't report injuries. Employers also tell workers that they can't join the union if they don't have papers.

The union has tried to provide a useful resource by helping workers collect back wages that are owed to them, but has had problems doing this through the National Labor Relations Board (NLRB).

> *"Every time we go to the NLRB and charge the contractors with unfair labor practices, they find out that the worker is undocumented and the court won't award back pay or reinstate the worker."*

For example, there was the case of three workers who were owed $83,000. The employer offered to pay them only $4,000, which the workers refused, saying they would rather lose it. Even though the union had no power to negotiate a better settlement once the NLRB ruling came down, this case had a negative effect on the union because the workers went back to the community and said the union couldn't do much for them, and the union lost credibility. The risks involved in joining a union may not seem worthwhile if workers don't feel there are clear benefits.

> *"When workers become aware that they do have a right to be organized, to belong to a union, and that there is an equal opportunity in the union, that they have a right to workers' comp even if they are undocumented, then they will stick with the union because there is a sense that they are not here by themselves, that someone is watching what the employer is doing against them. Workers, for the most part, feel that they don't have rights in this country. We need to make them aware that they do have rights."*

Bringing in newly organized workers as journeymen

Some unions have found it challenging to bring immigrant workers into unions by recruiting them into apprenticeship programs. These programs require workers to make an investment of time in learning and may be inaccessible for workers who don't speak or read English very well, or who don't have the math skills required by some trades. Instead, some unions believe it is more effective to bring workers in "through the back door." The New Jersey Laborers' Union reports that they will often organize a nonunion contractor and realize that the workers have enough experience to become journeymen. These workers then join the union with journeyman status.

Sheet Metal Workers Local 49 in New Mexico has had similar experiences. Their apprenticeship program requires English and math skills, but the union accepts newly organized workers as journeymen if they already have a minimum of 4 years' experience as Sheetmetal workers. This type of organizing has the benefit of resulting in greater numbers of union workers, but it may also have its pitfalls.

> *"We lose credibility if we bring people in and they're working and then things slow down and they get laid off . . . (they) go back to work in the nonunion element. I wish there was a way to keep them and wait through a layoff. This creates hard feelings with old members too . . . when you go through the apprenticeship you understand how unions work, and when layoffs come you're more likely to wait, you learn the system . . ."*

Going through an apprenticeship program also gives a worker the advantage of getting known and building a reputation in the union. If layoffs occur those workers with established networks and relationships with contractors are more likely to get other jobs.

Building community solidarity

The Northeast Indiana Central Labor Council organized Latino immigrant building trades workers at the University of Indiana, Ft. Wayne, using the "Labor Market Organizing Model" originated by Solidarity in Poland.

For various construction jobs, the University had been bringing in nonunion general contractors who underbid all the union contractors. Union organizers working to combat this initially developed a strategy that involved the slogan "local jobs for local people." The Labor Council couldn't support this approach, however, because they felt it would only deter organizing efforts as it would alienate immigrants who were not viewed as locals. They ultimately came up with a new slogan based on what they heard workers on the jobsite say:

> *"If they're getting f**ked, we're getting f**ked."*

The Labor Council began meeting with building trades organizers and business managers. They also brought in people from the University, such as attorneys and professors, as well as churches and other community groups, to develop a common strategy and build community support.

The challenge was to find a way "in" to groups of undocumented workers who didn't want to have anything to do with the union. The Labor Council achieved this by establishing a relationship with a key individual with ties to this community, and by eventually talking to workers. The key individual was the owner of a local restaurant where workers regularly ate, and also where they cashed their checks and sent money home to their families in Mexico. Over time the lead organizer gained the owner's trust. For example, the owner would call him at 10:30 PM to tell him a crew was coming in, and the organizer would go meet them. The restaurant always kept records of how many lunches they delivered to the jobsite during the day, and the Labor Council used these records to prove how many employees were working at a site, even when the employer said workers hadn't worked those days. They got some of the workers to "flip over to the union side" by emphasizing wages – immigrants were paid $8.00/hour while white workers got $12.00/hour. Attorneys then helped workers secure back pay and the just wage they should have received under Indiana's common wage law. To get additional community support, the Labor Council analyzed the tax dollars lost to the community because contractors weren't paying the prevailing wage. The workers formed a temporary minority status union, called the Indiana Purdue Fort Wayne Construction Organization (IPFW).

The fact that the University is a community symbol helped the Labor Council draw media attention to their efforts. When a massive new library construction project was planned, an

article from the University stated that "the library bid is open; we want to avoid an IPFW type of problem. . ." The job ended up being 100% union. Some of the IPFW members became apprentices and worked on that job.

"It took bringing ideas out from beyond where people were thinking . . . looking at this labor market model of organizing. We never looked at a dues dollar. The employer who exploited the undocumented worker was the enemy, not the undocumented worker. The union tradesmen took cameras on the job and started talking to the undocumented, trying to find ways to approach them, and saw this as a project to work together, focusing on how we could make this job better for all of us."

Establishing Worker Resource Centers

The story of the large influx of Latino workers into New Orleans to do environmental clean-up and reconstruction after hurricane Katrina is widely known. These workers lived and worked in hazardous conditions. Many worked for one or two months and never got paid. Housing conditions were poor. Hundreds of people lived and slept in make-shift tents in parks, in portable trailers or campers, or under highways. Sometimes contractors bused people in from south of the border.

"A lot of guys had been promised jobs at $20/hour, plus $30 per diem and housing. The reality was that they got housed in a damaged hotel, received no per diem, and got paid $11/hour."

"Health and safety issues abounded. People worked in filth . . . they were working in very damp, very moldy types of situations. It's not clean water, it's stagnant water, plus it has sewer run-off and everything else that's underground . . . .They were given dust masks, which are not the right equipment for that type of project."

The response of the city residents was also challenging. A lot of people were up in arms about having this influx of workers who weren't from the community and were sending money back home. Racism came to the forefront; there was an antagonistic climate. Immigrant workers felt the pressure and knew they weren't welcome.

In response, the Laborers' Union opened a Worker Resource Center. It is a place for unorganized workers to come for training, education, support, and assistance. Individuals who meet the criteria for a job are sent to jobs. Others are referred for training to help develop their skills, even if they don't belong to the union. Before the storm, the local had 500 members. Now they have about 1,900. Partly their success is due to the huge influx of work. Contractors call the union because they want skilled workers. The union also worked to provide social services to immigrants, to help them understand how things work in the U.S. and how to take care of daily life tasks.

"Providing social services goes a long way."

Finally, the Laborers' Union developed alliances with various community groups, including ACORN, the Interfaith Justice Committee, and with other unions. The union is also involved in the community by helping to track the process of rebuilding in the city, and how federal dollars are spent. "We are just starting to see a Latino community unfold in the city."

Creating an "All Latino" local

The International Brotherhood of Electrical Workers in Texas chartered a new local union in the Rio Grande region, made up largely of Spanish-speaking immigrant workers. "We started with nothing and now have 200+ members and 15 contractors signed on." Their first contract focused on wages, and they were able to negotiate a wage of $13/hour for the workers. In their next contract they want to address the issue of medical and other benefits. A key to the success of this local is having Latino leadership. The white male organizer was not the right one to talk to the workers. Sending Latino workers who had positive experiences with the union to talk to other workers was most helpful.

Conference Agenda

Immigrant Workers in Construction:
Sharing lessons learned in our unions

Thursday, April 12

7:30 a.m. **Breakfast**

8:30 a.m. **Plenary Session – Round Tables**
Robin Baker and ***Suzanne Teran***, ***Labor Occupational Health Program at UC – Berkeley (LOHP)***

9:00 – 10:00 **Introduction to the Conference**

- ***Jim Platner, CPWR*** – Welcome
- ***Bob Balgenorth*** (Cal BCTC) – History and future of immigrants and our unions
- ***Rod Bennett, BCTD*** – BCTD national policy
- ***Francisco Altamirano*** **–** One immigrant worker's story
- ***Robin Baker, LOHP*** – Reviews the workshops and structure of conference

10:15-11:45 Workshops on successful and/or innovative organizing and training programs that unions have implemented

Addressing Language Needs
Apprenticeship programs have established in-house ESL classes but find they are continuously challenged by workers' different levels of literacy—in English as well as in their native language. Some unions have set up successful Spanish language programs only to get an influx of workers who speak a different language. This workshop will look at different models for addressing language needs, including in-house programs, creating ties to adult education/community college ESL programs; resources for teaching safety terms and on-the-job English.

• Kristen D'Avolio, Essential Language, Boston
• Tom Gutierrez, Heat, Frost, Insulation Workers Local 5, Southern California
Facilitator: Deogracia Cornelio, UCLA LOSH

Addressing Cultural Needs
Immigrant workers often have limited or negative experiences with unions in their native countries. Not only do they need to be oriented to the benefits U.S. unions can provide them, they also need to understand the expectations that their fellow union workers have of them, and develop trust with the union structure and union

leadership. On the other side, non-immigrants need to understand that many immigrants are living a bi-national life, working here to send money home and to spend significant time in their home country. With different goals, they approach working in the United States differently.

• Daniel Garcia, Roofers, San Jose
• Steve Andrade, UA, San Jose
Facilitator: Suzanne Teran, LOHP

Building Alliances
Those who have tried to organize immigrant workers have learned, sometimes the hard way, that the process can take more time and effort than routine organizing drives. Distrust and lack of understanding of what unions are all about, and fear of job loss or deportation, makes this a tough nut. Building alliances in the immigrant community and working with trusted organizations such as churches, CBOs and worker centers is a crucial step before organizing can even be attempted. Learn about how some union and worker programs built successful alliances and some of the challenges they overcame.

• Josue Garcia, Santa Clara Building Trades Council, California
• Jose Oliva, Chicago Interfaith Committee, Illinois
Facilitator: Carmen Martino, New Labor -- NJ

Providing Effective Health and Safety Training
What's the best way to provide solid health and safety training to a population whose English language and literacy skills are limited? Are there innovative methods to deliver the training? Translations of existing texts into other languages? Computer-based and multi-media resources? What's the best way to teach immigrant workers their rights and have the confidence to assert them? This workshop will look at the pros and cons of how various programs have provided training to immigrant workers.

• Tom Kavicky, Carpenters, Chicago
• David Arvayo, Painters, Chicago
Facilitator: Jim Platner, CPWR

Working with Day Laborer Programs
In August, 2006, the AFL-CIO entered into a partnership with the National Day Labor Organizing Network to develop formal ties between the union federation and the association of 140 worker centers around the country with the goal of promoting state and local enforcement of rights as well as developing new protections in wage and hour laws, health and safety regulations, immigrants' rights and employee misclassification. They will also work together for comprehensive immigration reform that supports workplace rights and includes a path to citizenship and political equality for immigrant workers – and against punitive, anti-immigrant, anti-worker legislation. From the national to the local level, here are some examples of the ways unions are collaborating with day labor programs, and the challenges and successes they have encountered.

• Eddie Acosta, AFL-CIO, Washington, D.C
• Pablo Alvarado, NDLON, Los Angeles
• Victor Narro, UCLA Labor Center
Facilitator: Robin Baker, LOHP

12:00-1:15 Lunch with Guest Speaker
• Garrett Brown, Maquilladora Health and Safety Support Network

1:30 – 3:00 Workshops (Repeated from above)

3:00 – 3:15 Coffee Break

3:15-5:00 Round Table Discussion: How to Get Support in the Union
Facilitators: Don Ellenberger, Debra Chaplan, Peter Phillips, Marc Weinstein

Each group will brainstorm the challenges involved in developing and implementing programs for immigrant workers in their unions, then each Round Table will discuss strategies for overcoming some of these challenge

5:00 – 5:30 Break

5:30-7:00 Reception: Several exhibitors will display tools unions/JATCs can use.

Friday, April 13

8:00-9:00 Breakfast with Guest Speaker
• Peter Phillips, University of Utah

9:00-10:30 Workshops on overcoming the challenges and barriers to organizing and outreach.

Models for Recruiting and Organizing Immigrant Workers
With a journeyman's card, a worker can get a job anywhere. But what if a worker has journeyman's experience, but no card to show for it? How do we recognize that experience and bring them into the union "through the back door?" What about establishing new union locals for immigrant workers? Two-tiered locals? What other models are out there?

• David Gornewicz, Ironworkers, South Carolina
• Jose Marrero, Carpenters, Minnesota
Facilitator: Debra Chaplan, CA BCTC

Developing Leadership

Our current membership needs strong leadership now and into the future to guarantee their hard-earned pensions and retiree benefits. As the membership in our unions becomes increasingly immigrant based, what are we doing to develop immigrant leadership and train these members to run the union and be effective trustees on the Health and Welfare and Pension Trusts? How do we sell this to current members? And what about the formation of all-immigrant unions? Are these being supported by, and offered leadership development by their International unions?

• Dale Wortham, Harris County Building Trades, Texas
• Jerry Morales, Laborers, Northern California
Facilitator: Laura Stock, LOHP

From Apprenticeship Programs to the Worksite

For many immigrant workers, the apprenticeship program is a "safe place," where they are surrounded by instructors who want them to succeed through providing services and training in their native language. However, while they spend about 10% of their time at the training center, they spend 90% on the jobsite where they often encounter contractors and co-workers who may be hostile about more than the language limitations. How do we protect our apprenticeship investment by creating a better on-the-job work experience for immigrant workers?

• Henry Avila, UA, Bakersfield
• Jose Padilla, Roofers, Oakland
Facilitator: Don Ellenberger, CPWR

Exploring Legal Issues: The Law and Your Union's Responsibilities

From having a drivers' license to a green card, immigrant workers and our unions face numerous legal issues. How should unions address the issue of immigration status and what can or should they do to help immigrant workers gain legal status? What happens when undocumented members get hurt on the job—what are their rights to Workers' compensation? And if members are using false documents, what happens to the benefits and pensions they've accrued?

• Ana Avendano, Counsel, AFL-CIO
• Dan Smith, Roofers, San Jose
Facilitator: Marc Weinstein, University of Oregon - LERC

10:30-10:45 Coffee Break

10:45-11:45 Round Table Discussions on Next Steps

- How can we continue to network on resources and solutions?
- What can Locals do?
- What can Internationals do?

Facilitator: Don Ellenberger, CPWR

11:45-12:00 Closing Remarks: ***Jim Platner, CPWR***

Recommendations
Generated from CPWR Immigrant Worker Conference

Strategies to overcome common obstacles

Conference participants engaged in small-group roundtable discussions on several occasions to develop strategies for overcoming obstacles in reaching immigrant workers based on their experience. Here is a summation:

1) Solidarity of all the trades in supporting comprehensive immigration reform.

- Mobilize the rank and file to have open discussions.
- Outreach to bring contractors on board, chamber of commerce etc.
- Need more visas offered and plans to promote family reunification.
- Unions take affirmative stand to not check social security numbers.
- Employers should not sponsor workers under H2B visas or guest worker programs that create a dependency on that particular employer.

2) Create an education program for unions to educate members about the issues related to immigration.

- Explain the effects of health plans, pension and annuity plans; convince them of the benefits of market share recovery.
- Focus on the cultural differences among the various groups of workers.

3) Address jurisdiction issues and explore ways for trades to work together on this issue.

4) Improve educational programs, including English language courses.

- Use of trade mentors for trade ESL classes at entry level and to educate membership and leaders.
- Offer incentive programs, like credit for ESL course or GED completion.
- Need to provide education in math skills.
- Examine standards/testing procedures -- not to lower standards but perhaps explore different criteria that work better, like a hands-on test.
- Mentoring programs -- for apprentices, to address issues in members' lives, including language and others.
- Sed de Saber - vocational ESL program

5) Develop effective ways to educate and inform immigrants about the benefits of union membership.

- Implement a special orientation and safety class -- to inform the new member about union benefits and the apprenticeship program.
- Evaluate the systems in place to join unions, and whether there needs to be flexibility or creativity to address obstacles immigrant workers would face in this process.

6) Support union leadership that promotes good policies toward immigrants.

- Encourage leaders and work with them to initiate change and support their efforts -- give them incentives to be involved in this. Support alternative leaders when necessary.

- Ask: are we about building unions or helping workers? Need to help workers whether they're in the union or not, organizing takes time. Let go of union rigid rules, instead look for potential.

7) Partner with community based organizations.

Action Plans

Near the end of the conference, participants were asked to fill out action plans that outline what steps or activities their union could take, and what actions unions can work on collaboratively. Below are the recommendations for next steps that were found on the action plans. The most frequently mentioned recommendations were:

1) Continue to meet to discuss issues in conferences like this one.

2) Educate membership about immigrant workers and the value they can bring to the union.

3) Develop leadership among Latino members, including hiring more Latino organizers.

4) Collaborate across the trades in support of organizing efforts and policy reform.

Summary of steps or activities individual unions could take on:

A. Training
1. Provide training materials in other languages to schools/apprentices.
2. Update curriculum from English to Spanish.
3. Use CD from Peter Phillips in immigration/labor history classes.

B. Educate members about importance of including immigrant workers, both documented and undocumented
1. Inform members of AFL-CIO's immigration policy.
    -Educate everyone on the do's and don'ts of I-9s and immigration
2. Use the COMET model to educate members about immigrants, "come to grips with it, and don't ignore it." (Also integrate with COMET and harassment classes.)
3. Motivate members to become involved politically in support of immigrants.
4. Integrate education of immigrants in shop steward training.
5. Pass on information from this conference to locals that didn't have opportunity to attend.

C. Organizing
1. Hire more Hispanic organizers.
2. Increase membership.
3. Sensitize "top down" organizing to workers' needs.
4. Encourage organizing department to work with immigrants.
5. Within locals, set up specific organizing committee with input from members.

D. Union benefits

1. Use Pension identification numbers instead of social security numbers for the pension fund (re. issues with valid or changing social security numbers).

E. Union structure -- need to start at the top
1. Involve the international offices in these discussions. Need buy-in of international.
2. Work more closely with business agents and international organizers.
3. International should keep us informed of changes in immigration law.
4. Encourage discussion of immigrants at executive level to develop a plan.
5. Educate leadership of locals.

F. Reach out to and support immigrant workers
1. Get to know immigrant workers on personal level.
2. Work with the media.
3. Build immigrant leadership
    -encourage bilingual and immigrant members to run for office.
4. Learn the language of the immigrant workforce.
5. Get involved in support of non-labor immigrant issues.
6. Broader outreach through community organizations.
7. Get ahead of anticipated immigrant trends by developing outreach programs for Russians, Bosnians and other groups.

G. New partnerships
1. Work with Mexican Consulates.
2. Work more closely with contractors.
3. Put together a conference at the local level bringing together worker centers and union organizers.
4. Work with other building trade unions
5. Work with churches, day laborer groups

H. Resources
1. Identify funding to get this going.

I. Develop ESL program for apprentices and others.
    -focus on vocational ESL
    -focus on health and safety

<u>Summary of steps or activities that unions can work on collectively:</u>

A. Sharing resources and information
1. Provide these conferences throughout the U.S. and hold them on a regular basis.
2. Communicate success stories and learn from our own failures.
3. Communicate with other union organizations and share resources.
4. Develop materials that all trades can use.
5. Meet with worker centers.
6. Develop a materials/curriculum bank.
7. Support efforts to translate curriculum of JATCs into Spanish.
8. Create a list-serve for questions/problems of organizing immigrant workers

B. Collaborate across the trades

1. Joint union participation in communities (picnics, parades, etc.) and share costs and resources of outreach to immigrant construction workers.
2. Joint outreach and media presentations
3. "United we bargain, divided we pay." – Work collectively instead of against each other.
4. Form coalitions across trades.
5. Work with building trades to hold seminars to inform immigrant workers of their rights.
6. Develop trade preparation class addressing ESL and trade preparation issues, supported by all trades.
7. Work with other unions to educate workers on benefits of collective bargaining

C. Outreach to community about opportunities within unions
1. Develop a marketing plan showing that unions are accessible to immigrants and they're wanted.
2. Develop a public relations plan that will be implemented in Spanish.
3. Attend immigrant worker job fairs.

D. Develop new partnerships
1. Work with interfaith organizations.
2. Interface with community groups.
3. Create subcommittee within CPWR to continue this work.
4. Work with Mexican consulates.

E. Political campaigns
1. Work towards real immigration reform to allow undocumented workers to become documented quickly.
2. Develop small campaigns to address bigger picture issues -- immigration and minimum wage.
3. Work collectively against guest worker legislation

F. Conduct research
More research is needed, for example on the needs of contractors and of labor unions. Draft a report and give it to politicians

H. Educate membership
1. Educate membership to destroy perception and division between immigrant and non-immigrant workers.

Summary of steps or activities that CPWR could take on:

1. Create a website for the exchange of ideas and information.
    -Provide DVD with information from this conference.
    -Information on workers' rights in languages other than Spanish.

2. Provide summaries of best practices and have a database of materials, projects and policy statements related to immigration and immigrant workers.
    - Provide information from states that may have more experience with immigration, to places that are just starting to see immigrant workers.
    - Locals need information that can help move their members in the right direction (like Peter Phillips's presentation)

3. Provide SMART MARK programs in other languages, and make them easy to download.

4. Provide contacts with organizations that the building trades could work with or partner with in these efforts.

5. Set up regional sessions to continue progress and discussion.

6. Develop easy-to-read documents and flyers on immigration issues.

7. Provide training for trustees regarding immigration law, and legal issues unions need to know about.

8. Provide information on funding (how to fund ESL, translations, etc.).

Materials/Further Information
collected from the conference

Resources

Construction safety and health information in languages other than English

Electronic Library of Construction Occupational Safety and Health (eLCOSH)

This electronic library was developed and is maintained by the Center to Protect Workers' Rights (CPWR). It provides accurate, user-friendly information from a wide range of sources worldwide about safety and health for construction workers, contractors and researchers. Information is organized by hazard, trade, and jobsite. Educational materials include tailgate guides, hazard alerts, factsheets, and brochures. The site also references construction-related materials available in other languages, including Creole, French, German, Italian, Polish, Portuguese, and Spanish.

http://www.elcosh.org/es/ – in Spanish

Georgia Tech Spanish Language Construction Training Website

This site provides training guides in Spanish on many construction health and safety topics—scaffolding, fall protection, electricity, handling of objects/materials, trenches, and excavations. For each topic, there are educational materials in various formats, including posters, pamphlets, tailgate session guides, and formal presentations.

www.oshainfo.gatech.edu/hispanic/empieze-aqui.html

Hispanic Worksafe

This site provides training and educational materials for Hispanic construction workers, and includes the OSHA 10-hour course in Spanish, a English-Spanish construction dictionary, a video that offers an overview of the different health and safety hazards being encountered at construction workplaces, and other educational materials (it is affiliated with the University of Massachusetts at Lowell).

http://www.hispanicsworksafe.org

Labor Occupational Health Program, UC Berkeley

Multilingual Resource Guide — LOHP has collaborated with the California Commission on Health and Safety and Workers' Compensation to develop a *Multilingual Resource Guide*.

This is a collection of links to worker safety training materials such as factsheets, checklists, and other educational resources that are available online and can be printed. The materials are arranged by topic and by language. Under "construction industry" there are a variety of materials in English and many other languages.

www.dir.ca.gov/CHSWC/MultilingualGuide/MultilingualGuideMain.html

Tailgate Training Materials —LOHP has produced a curriculum on construction safety, *Tailgate Training for California Construction Workers*, which is available in both English and Spanish. The book can help construction foremen and other trainers conduct effective safety training sessions on the job. It includes detailed *Training Guides* on 14 construction safety topics. There are also 14 matching *Checklists* on related Cal/OSHA regulations. For some topics, *Case Studies* (based on actual injuries and accidents) and *Factsheets* are also provided. Both the English and Spanish editions are available for sale and are also online.

www.lohp.org (Click on "Publications")

Toolbox talks are also available on the Spanish-language eLCOSH site.

http://www.elcosh.org/es/browse/913/charlas-informativas.html

NIOSH en Español, National Institute for Occupational Safety and Health

This site has NIOSH information on a variety of construction topics, and also provides links to other agencies and organizations that have Spanish resources. Click on "Publicaciones" for a comprehensive list of NIOSH health and safety publications available in Spanish.

www.cdc.gov/spanish/niosh/

Soluciones Simples-Soluciones ergonómicas para los trabajadores de la constructión (NIOSH Pub. 2007-122/SP2009) will be available for distribution mid-November 2009. This is the Spanish translation of Simple Solutions-Ergonomics for Construction Workers (NIOSH Pub. 2007-122), which can be accessed at http://www.cdc.gov/niosh/docs/2007-122/. The Spanish-language version will be available online December 2009.

Occupational Health Branch, California Department of Health Services

BuildSafe has produced a health and safety tailgate training kit in English and Spanish, which is available on the OHB site. The kit consists of Safety Break cards that cover 23 general construction safety topics. These are linked to information in the *Cal/OSHA Pocket Guide for the Construction Industry*. These cards are simple to use and designed to improve the quality of tailgate training.

www.dhs.ca.gov/ohb/BuildSafe/

Oregon OSHA Training Modules

This site presents a new, easy-to-use tool for employers to deliver job safety training to Hispanic workers. Modules are available on Biological Hazards, Accident Investigation, Excavations, Fall Protection, Hazard Communication, Hazardous Energy Control, Hazard Identification, Industrial Vehicles, Machine Safeguarding, Manual Material Handling, Occupational Health, Portable Ladders, Safety Committees, and Scaffolds.

The pages in each module are in both English and Spanish. Modules are in both PDF and PowerPoint® format. A special additional module, "Cultures, Languages & Safety" shows how to deliver effective training to Spanish-speaking workers.

http://www.cbs.state.or.us/external/osha/educate/peso.html

OSHA (Occupational Safety and Health Administration)

OSHA has "Compliance Assistance Resources" online that include English-to-Spanish and Spanish-to-English dictionaries of OSHA terms, general industry terms, and construction terms, as well as sample Public Service Announcements and OSHA publications available in Spanish. OSHA's eTools are "stand-alone," interactive, Web-based training tools on occupational safety and health topics. The construction eTool includes information on preventing fatalities from electrical incidents, falls, struck-bys, trenching, and excavation.

www.osha.gov

OSHA en Español

This site provides information in Spanish on how OSHA functions, the rights and responsibilities of workers, how to file a complaint, and other resources.

www.osha.gov/as/opa/spanish/

State Compensation Insurance Fund (California)

SCIF provides information for 'tool box' or tailgate training sessions on 78 topics, which are available in English and Spanish on their website.

www.scif.com/safety/safetymeeting/SafetyMtgTopics.asp

University of Massachusetts, Hispanics Work Safe

This site provides training and educational materials for Hispanic construction workers. It includes the OSHA 10-hour course in Spanish, an English-Spanish construction dictionary, a video that offers an overview of the health and safety hazards at construction workplaces, and other educational materials. The site is affiliated with the University of Massachusetts at Lowell.

www.hispanicsworksafe.org

Mi Trabajo Seguro

This Spanish-language website has helpful safety and health information available for construction workers. Developed in collaboration with the hit telenovela "Pecanos Ajenos," this site introduces helpful construction safety information to workers and their families,

parallel to a construction safety storyline on the show.

www.MiTrabajoSeguro.org

CPWR's *The Construction Chart Book*

The fourth edition of *The Construction Chart Book* focuses attention on Hispanic construction workers, giving hard-to-find information on their average age, industries they are employed in, regional distribution, wages, health insurance coverage, use of day laborers, and rate of fatal and nonfatal injuries. The book provides information on all facets of the U.S. construction industry – economics, demographics, employment/income, education/training, and safety and health issues. This succinct overview, presented in a 50 topics and corresponding charts, is the only resource of its kind.

http://www.cpwr.com/rp-chartbook.html

CPWR Data Brief

The CPWR Data Brief uses the popular format of *The Construction Chart Book* to explore a topic through data analysis and charts showing the results. The CPWR Data Center plans three separate reports focusing on Hispanic workers: 1) Hispanic Employment in Construction, 2) Health Insurance and Healthcare Utilization among Hispanic Construction Workers, and 3) Fatal and Nonfatal Work-related Injuries among Hispanic Construction Workers.

http://www.cpwr.com/abstracts/2004-2009_sdong2.html

Economic Policy Institute

This EPI report analyzes the problems in the nation's current immigration policy and suggests changes, as the policy will have important implications for American economic health, as well as for national unity and social stability. The report addresses employment-based immigration, an important part of immigration policy.

http://www.bctd.org/files/Documents/Marshal-Report-Immigration_Reform_Final.aspx

Opening Remarks
from Robert Balganorth

President, State Building and Construction Trades Council of California at the CPWR's First National Conference on Immigrant Workers in Construction, April 2007.

We are here to discuss ways for building trades unions to work with and organize a vast new immigrant workforce. Because immigrants today are the construction workforce of today and tomorrow.

Now let me ask a question: How many of you are Native Americans? Okay, that would make all the rest of us immigrants, either first generation immigrants or descendants of immigrants. I think it is safe to say that immigration is one of the most "cutting edge" issues of our time. Immigration is important to everyone.

It is important to people whose families have been citizens for generations. It is important to people who are newly naturalized citizens. It is important to people who are here without documentation. And it is important to the future of the building trades unions.

Looking back through American history, new immigrants have always struggled and, when they found their footing, they have always played a key role in revitalizing this country and giving it new vision and new direction.

Some of the earliest immigrants were brought here against their will. It has been estimated that between the years 1500 and 1850, nearly 430,000 Africans were brought, as slaves, to the American colonies and the early United States. At the same time that hundreds of thousands of Africans were brought here as slaves, many Europeans and Asians were coming voluntarily.

They came for many reasons in the nineteenth and twentieth centuries: the Irish famine, a revolution in Germany, the Opium Wars in China, the Mexican Revolution of 1910, and so on. They also came because they saw the opportunities that existed in the United States. And these immigrants found their way into our unions. The California Building Trades Council was founded by Patrick Henry McCarthy—an immigrant from Limerick, Ireland. For many years, Irish, German, and Italian workers formed the bedrock of California's construction unions.

At the time, these immigrant workers were seen as outsiders by the rest of society, but they created a place for themselves: only men carrying the Building Trades' "working card" could pick up a tool at a San Francisco building site. They developed apprenticeship training programs and found ways to integrate their native languages and cultures into the culture of the Building Trades. Over the years, new waves of immigrants have found their way to the construction industry and to our unions. Integrating these new waves hasn't always been smooth and easy, but it's happened anyway.

In 2007, official estimates place the number of immigrants in this country at 34 million, with somewhere between 12 million and 15 million of them undocumented. A huge majority of them

are from Mexico and Latin America. As in the last two centuries, there are many reasons for this new influx of immigrants. Globalization and trade deals like NAFTA and CAFTA promised positive changes, but instead, they have caused vast unemployment and destroyed lives and communities in this country and every nation south of the US border. They have created a stagnant economy in their native country that makes it very hard to support their families. Wars and civil unrest have also displaced many from their homes and the lure of jobs in the United States has brought huge numbers of immigrants to this country, both legally and illegally. As all the other waves of new immigrants have experienced down through the years, there has been a surge of resentment in some quarters against the newcomers.

Attacks, evictions, job site arrests, deportations, attempts to segregate, denial of education and health care, all these tactics have been used to discourage these immigrants. These actions were used to criminalize them and exclude them from mainstream America. Our members and many in union leadership find it all too easy to justify those tactics. I can't tell you how many times I've heard someone say that the immigrants are stealing our jobs and driving wages down. But I suggest to you that immigrants may very well be the salvation of the union movement.

Immigrants make up a huge pool of unorganized workers. With union density in the workforce decreasing steadily, unions are in danger of losing their ability to collectively bargain for higher wages, health care, pension plans, and all the benefits that have created the middle class in this country. Rather than trying to exclude them from the mainstream of our society, it would be far smarter and far more beneficial to this nation if the labor movement would organize this new immigrant workforce and help them become productive citizens.

Where do we find immigrant workers today? They came first to the border states, California, Arizona, Texas, but now you'll find immigrant workers across the nation. Most of them in the construction field are working non-union and in residential construction. They are not getting the high quality training that union apprenticeship programs offer which means they are getting injured on the job at much higher rates than union-trained workers. In California, immigrants make up 60 % of all new construction workers. I suggest that we need to find ways to integrate them into our unions, train them and prepare a new generation of working men and women for the challenges of the global economy.

I am not suggesting it will be easy. We are challenged by a workforce that has not mastered English…yet. We know that those who are bi-lingual will be best able to rise in leadership, on the job and in their unions. They will need to be able to run jobs and communicate with their co-workers in either language. So we are challenged with finding the most effective ways to teach them English. And unlike the immigrants from Europe and Asia, those who come from Mexico are bi-cultural. Because Mexico is our next-door neighbor, they are able to maintain their close connections to both countries. As union leaders, we will have to reach out and be more flexible and creative than we were in the half-century that followed World War II.

If we do it right, recruiting these new immigrants into our unions will give us an opportunity to unite and build alliances to strengthen the union movement and revive the shrinking American middle class. If we do it right, this effort will reach across unions and build alliances between labor, churches and community organizations.

We will also have to find ways to deal with the traditional union issues of wages, benefits, and jurisdictional disputes that could accompany a surge of new union members. And organized

labor will need to work politically to ensure that our elected and appointed officials adopt immigration policies that are fair and equitable. I believe these are the right things to do.

The purpose of this conference is to discuss many of these issues in some detail, to start developing best practices and finding ways to integrate immigrants into our unions, into our leadership, into our trust funds, and give them a shot at the American Dream.

I will say again that unions have the potential to take immigration, which many people see as a huge stumbling block, and turn it into a stepping stone for the union movement.

Thank you for coming, and now let’s get down to business.

Statement from

BCTD President Mark Ayers

The Building and Construction Trades Department, AFL-CIO,
Statement of Principles on Comprehensive Immigration Reform

U.S. immigration policy is broken. The number of people illegally in the U.S. is estimated to exceed 11.5 million, and that number is growing rapidly. This fact underscores the contention that there is something seriously wrong with our current immigration policy. There is very little relationship between the needs of the economy and the composition of the workforce immigrating into the United States. Therefore, U.S. immigration policy needs to be overhauled and realistically realigned with future economic and workforce needs. In addition, we urge Congress to adopt changes in immigration policy which: address the immediate concerns about homeland security; provide aggressive and effective enforcement against employers that violate prohibitions against hiring unauthorized immigrants; reject the creation of a new temporary worker program for the building and construction industry, which has been treated differently by Congress on numerous occasions on account of its unique labor and employment characteristics; and create a path to legalization for those here illegally yet who meet traditional U.S. standards. Accordingly, the Building and Construction Trades Department, AFL-CIO, urges Congress to adopt comprehensive immigration reform legislation that includes the following principles:

I. Homeland Security

A primary Constitutional responsibility of the Federal government is to provide for the security of the American people, territory, and sovereignty within our borders in order to make the United States homeland safe. Accordingly, we support legislation intended to deny entry of all unauthorized immigrants into the United States. In order to achieve this goal, it is necessary to secure the borders of the United States to the maximum extent possible without compromising constitutionally guaranteed personal and civil liberties. Achievement of this goal is critical not only as a means of reducing the United States' vulnerability to terrorism, but also as a means of preserving the economic conditions of its citizens and legal residents. Mass unregulated illegal migration into the United States creates unfair wage competition, which is detrimental to the best interests of U.S. citizens and legal residents, on the one hand, and those here illegally, on the other. For this reason, implementation of strong and effective border security measures with appropriate funding will help combat the threat of terrorism as well as the threat to the labor standards of U.S. workers caused by the presence of an unprecedented number of people in the U.S. illegally.

II. Verification System and Effective Employer Sanctions

Enforcement of border security must be accompanied by fair and effective enforcement of our existing immigration laws within our borders in addition to fair and

equal enforcement of federal and state labor and employment laws. Therefore, we support authorization and funding for additional work-site enforcement agents of the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security. In addition, we support raising fines and adding new penalties and sanctions for violation of immigration law requirements applicable to employers, including the knowing employment of unauthorized immigrant workers. However, additional enforcement agents, increased fines and other penalties alone will not correct the current failure of the enforcement system.

A mandatory electronic work-eligibility verification system is needed, which can effectively detect the use of fraudulent documents and significantly reduce the employment of unauthorized immigrants. Additionally, Congress should create a presumption that the employer knowingly violated the law where employment is continued after the employer receives notice that the employee is not authorized to work. We are not unmindful of legitimate concerns that a mandatory electronic work-eligibility verification system may cause unfair discrimination against some authorized immigrant workers and U.S. workers, which may lead to unjustified termination of employment due to errors by the system. Without safeguards, such a system could also lead to abridgement of constitutional rights of privacy. Therefore, we urge that adoption of a mandatory electronic work-eligibility verification system be accompanied by strong and effective procedures designed to protect these personal and civil rights.

Nonetheless, creation of a mandatory electronic work-eligibility verification system is the linchpin of comprehensive immigration reform. Because of its central role, we urge Congress not to make effective any of the other provisions in a comprehensive immigration reform bill (except for those related to homeland security and employer sanctions) until and unless the General Accountability Office or some other independent agency certifies to the Congress that the mandatory electronic work-eligibility verification system has achieved at least a 99 % rate of accuracy in its final notices that employees are eligible for employment.

III. A New Temporary Worker Program Is Unnecessary for the Building and Construction Industry

We are generally skeptical about creating a new temporary worker program because of the long history of their abuse and the attendant exploitation of temporary workers and erosion of U.S. workers' economic standards. A new temporary worker program would be particularly harmful to the long-term interests of the building and construction industry, because of its negative effect on bona fide apprenticeship and training programs. A new temporary worker program will permit employers to meet labor shortages by importing temporary non-immigrant labor instead of investing in recruitment and training of new U.S. workers.

This is particularly true in the building and construction industry where employment is characterized by its intermittent, temporary, transitory nature. Generally, building and construction contractors hire a work force on a project basis. Thus, workers in the building and construction industry are accustomed to traveling from areas where work is not plentiful to fill short-term labor shortages created by cyclical expansion and contraction of

local construction activity. Union-sponsored hiring halls in the U.S. and Canada were developed to deal with the intermittent, temporary, transitory nature of the industry, including labor shortages. The hiring hall is simply an arrangement by which a local union registers applicants for employment and then refers them, on request, in some predetermined order, to employers with which the union has a labor agreement. The hiring hall is unique, but not exclusive, to the building and construction industry. Congress has recognized the unique character of the hiring hall and other employment-related characteristics of the building and construction industry on several occasions. For example, Section 8(f) of the National Labor Relations Act permits building and construction employers to enter into labor agreements with unions without first establishing the union's majority status, which in other industries is required. Moreover, the unique relationship between the hiring hall and applicants for employment in the building and construction industry enables employers to rely on the unions to vouch for the skill and training of the applicants referred by the unions and the applicants to rely on the union to provide assurance that the employers will honor their labor standards.

Similarly, this unique relationship enables unions and employers to jointly sponsor apprenticeship and training programs designed to train and replenish the workforce. Consequently, the long-term workforce needs of our industry as a whole have been satisfied historically through a commitment to jointly sponsored training of a skilled workforce. Reliance on temporary foreign workers to fill labor shortages in the building and construction industry will inevitably discourage continued investment in apprenticeship and training. Accordingly, a new temporary worker program is unnecessary and potentially harmful to the building and construction industry.

Instead, the H-2B visa system, which is currently available to fill employers' temporary needs resulting from either one-time, seasonal, peak load, or intermittent labor shortages that do not last more than one year, is uniquely appropriate as a means of filling genuine short-term shortages of qualified U.S. workers in the building and construction industry that the hiring hall system can not otherwise meet.

Nonetheless, the H-2B visa system should be improved to accommodate short-term labor needs in the building and construction industry by authorizing joint labor-management organizations and building trades unions, in addition to employers, to sponsor temporary admission of trained skilled workers from abroad, who are represented by the same organizations, pursuant to an accelerated process. The unique relationship between employers, unions and applicants for employment in the building and construction industry described above enables joint labor-management organizations and unions to provide the assurances to the Secretary of Labor required under the H-2B certification process that admission of temporary non-immigrant workers are not displacing U.S. workers capable of performing such services or labor, and whose employment will not adversely affect the prevailing wages and working conditions of similarly employed U.S. workers. These changes would provide greater assurances that admission of foreign workers to perform labor and services in the building and construction industry do not have the effect of undermining the labor standards of U.S. workers and the commitment to train future generations of skilled well-trained workers.

IV. Earned Legal Status

The United States is a nation of immigrants founded on the shared ideals and rights of democracy, freedom of speech, religious tolerance and equal opportunity. Moreover, we recognize the vast majority of the estimated 11.5 million people in the U.S. illegally work hard. But, we understand that many employers are eager to have access to a large pool of labor forced to work for substandard wages, creating an underground economy, without basic protections afforded to U.S. workers, for which employers are often able to avoid payroll taxes, thereby depriving federal, state, and local governments of additional revenue. This is an intolerable situation. Even so, expulsion of all people who are in the U.S. illegally is unrealistic for several reasons, not the least of which is the staggering cost associated with such an effort and the slim likelihood that it would succeed.

Accordingly, it is in the best interest of the nation and its workers that those who are here illegally are accounted for in the economy. It is not sufficient for comprehensive immigration reform to simply propose that people who are here illegally should be granted legal status without defining a path pursuant to which it may be earned. Waving a wand of legalization, as some advocate, would only increase pressure at our borders by encouraging future unlawful immigration. Rather than resolving the problem, it will exacerbate it.

Therefore, we support creation of a path to earned legal status for foreign born people who are in the U.S. illegally and their spouses and dependent children who, since they arrived in this country, have been law abiding, tax-paying, hard working, productive participants in the U.S. economy. We do not intend this approach to be a reward for breaking the law, and so those people who are in the U.S. illegally wishing to adjust their status should be required to pay a fair and appropriate penalty and take a place at the back of the line behind all other applicants for legal status who have been patiently waiting their turn to legally enter the U.S. In the meantime, people who are in the U.S. illegally who qualify for eligibility to adjust their status will be able to continue working in this country, pay taxes and adjust to life in the U.S. with the full protection of U.S. laws, including the National Labor Relations Act and Title VII of the Civil Rights Act of 1964, but not be eligible to receive federal entitlements.

People interviewed for this report

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