

We Needed the Work:

Latino Worker Voices in the New Economy



The National Council of La Raza (NCLR)—the largest national Hispanic civil rights and advocacy organization in the United States—works to improve opportunities for Hispanic Americans. Through its network of nearly 300 affiliated community-based organizations, NCLR reaches millions of Hispanics each year in 41 states, Puerto Rico, and the District of Columbia. To achieve its mission, NCLR conducts applied research, policy analysis, and advocacy, providing a Latino perspective in five key areas—assets/investments, civil rights/immigration, education, employment and economic status, and health. In addition, it provides capacity-building assistance to its Affiliates who work at the state and local level to advance opportunities for individuals and families.

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Introduction

Every so often the media reports a story about workers who are abused by their employers or who die on the job. The most extreme stories—such as the explosion at the Upper Big Branch Mine in West Virginia that killed 29 miners in 2010—are generally the ones that appear in the news and become the focus of policy debates. These stories are shocking, but they are not outliers; rather, they are symptomatic of a pervasive, chronic decline in job quality over the last several decades, particularly in the low-wage, low-skill labor market where even law-abiding employers are retreating from providing standard benefits such as health insurance and retirement plans.¹ Each time one of these stories makes the news, it is a sign of cracks in the public- and private-sector structures that are designed to protect us.

Many low-skilled Latino* workers, who make up a large share of the low-wage job market, are employed in substandard jobs where they earn below-poverty wages, are denied health and retirement benefits, and are refused paid leave. In the pages that follow, we share the stories† of individual Latino workers who have encountered dangerous workplaces and abusive or negligent employers and present the ways in which these experiences have affected their lives and their families. Their accounts illustrate the vulnerability and lack of recourse for workers in the low-wage, low-skill labor market where violations of labor laws and health and safety standards are widespread. A few of the workers in these stories earn decent wages and work for law-abiding employers but still struggle to make ends meet and have no safety net in the event of a financial or medical emergency. There is an alarming world where hard work is not enough to support a family, sometimes goes uncompensated, and can result in disabling injuries, illnesses, and death.

A strong workforce is critical to our nation's economy, yet our workforce will remain weakened as long as a large segment of the labor market is unprotected. Latinos currently make up 15% of the U.S. workforce and are projected to become 30% by 2050—they are one of the fastest-growing segments of the American workforce.² Hispanic workers fuel vital American fields, making up one in five workers in the food manufacturing and services, construction, building services, and agriculture industries.³ The experiences of Latino workers are a barometer by which to measure America's job quality, economic health, and future stability. To strengthen our current and future workforce, policymakers must heed these stories and remedy the widespread exploitation of workers who lack protection in low-wage industries. These stories are a call to action—our nation can and must do better for the millions of American workers who are the foundation of our economy.

* The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race.

† From May to September 2010, NCLR research staff conducted short interviews with 20 Latino workers in the Washington, DC metropolitan area, Virginia, and Maryland. NCLR Affiliates, other community-based organizations, and individuals provided introductions to workers and space for interviews. All interviews were conducted in Spanish and later transcribed and translated into English. Interviewees signed a participant consent form and received a \$10 gift card. The names of persons, companies, and organizations have been changed or omitted to protect the interviewees.



Reynaldo's Back Injury

For eight years, Reynaldo and his sons remodeled houses for a Virginia-based real estate development company. From the beginning, they struggled to get their employer to pay them higher wages and provide the tools and safety equipment that they needed. Then in May 2010, Reynaldo fell from a roof and fractured his spine

while on the job. He did not have health insurance, but his employer promised to help with the resulting medical bills. However, after his injury, Reynaldo and his sons were abruptly fired, and their employer did not follow through on his promise to provide financial assistance. Three months later, Reynaldo described his accident and how it has affected his life.

We've known our boss for eight years. He rented us this house [where we still live] and offered us a job on the condition that we worked for him every day. This man buys and rents houses. We were working for him doing the renovations of these houses. We were working by the hour and he would call us at any moment, at any time of day. He started paying us \$10 an hour, but then his conscience got the better of him and he raised our wages to \$12 for eight hours a day. We paid for our tools, including the gas for our cars. He didn't give us anything. We told him that he needed to put in for the tools and the safety equipment—he only got mad. He told us, "I am not Santa Claus to be bringing you presents."

On the day of Reynaldo's accident, he and his sons were doing work that had become routine for them, when one slip changed everything.

On May 6, 2010, I fell and fractured my spine. I was putting shingles on the roof and I slipped and fell on my back. I called my son and he took me to the doctor. This took place on a Friday, but I didn't think it was a big deal. By Monday I couldn't take the pain and my sons took me to the hospital. They took X-rays and found fractures in my spine. The doctor told me that he was going to put some braces on my spine to straighten it. It's been three months that I've been like this. I have this belt to support my back and I am in a lot of pain. I don't feel well, and I don't know if I'm going to be able to work well again.

Reynaldo was uninsured when he was injured, requiring him to seek treatment from a community health clinic. Yet, the community clinic wasn't able to provide all of his medical care, and Reynaldo began accumulating substantial medical debt. He went to his employer to ask for help with his medical bills.

I receive some help from a free clinic. My debt is \$15,000, not including the doctor's visits, which cost me \$500 per visit. I took everything I had to my boss's office. I took my bills, receipts, and everything to him and he told me, "Don't worry, I'm going to submit this claim to my insurance company." I told him, "I don't have the money to pay for this." He kept telling me, "We are going to pay you with my insurance." After awhile, he told me again not to worry and that he was going to give me some money. Up until now [three months later] he hasn't paid me anything. Even if he had given me \$1,000 for my bills, it would have been something.

Even though Reynaldo's employer promised to submit a workers' compensation claim, he was slow to act and he fired Reynaldo and his sons. Not only did Reynaldo's boss refuse to pay him, he also tried to prevent him from seeking a lawyer.

We didn't have any problem with [our boss] until this happened. We didn't have any papers signed, nor did we fill out any application when he contracted us. Now he took away my job and my sons' jobs. One time he came to my house, and he told me that I should not look for a lawyer because it was going to cause me problems with immigration.

"When my lawyer called [our boss], he said that he didn't know me. I still rent his house! How is he going to say he doesn't know me?"

Despite his boss's intimidation, Reynaldo hired a lawyer right away. Even though he is seeking legal assistance, Reynaldo may be unable to make a case in court because the informal nature of his work arrangement left him without strong evidence of his employment.

When my lawyer called [our boss], he said that he didn't know me. I still rent his house! How is he going to say that he doesn't know me? Sometimes [my lawyer] tells me that this case can't be won because there isn't any evidence. I don't have photocopies of the checks or cash [that I was paid]. It is unjust that he is saying he doesn't know me.

Reynaldo's back injury made it impossible for him to work and has affected his overall well-being. He continues to seek treatment for his pain, but is unsure if he will ever be able to work again. He is still accumulating debt from his ongoing medical care, and his family has absorbed responsibility for caring for him. If he is permanently disabled, Reynaldo will be unable to repay his debt, and his sons will have to support him for the rest of his life.

I've gone three months without work and without a single cent. My sons are supporting me because I can't work. This has affected me tremendously. I feel that right now I am doing badly, and I'm just stuck here in my house with my medicines and pills for my pain.

Reynaldo's injury and his employer's refusal to submit a workers' compensation claim have eroded his physical and emotional health, his financial stability, and his family's well-being.

The Bigger Picture

The overrepresentation of Latinos in hazardous occupations and industries, such as construction and agriculture, contributes to their relatively high rates of work-related injuries and fatalities. Even in the midst of the economic recession in 2008, 804 Latinos were killed on the job, the majority of them immigrants. The fatal occupational injury rate for Latinos was 4.0 fatalities per 100,000 workers, compared to 3.7 and 3.5 for White and Black workers, respectively.⁴ Workers like Reynaldo are more vulnerable to injury and its long-term consequences on their health and financial well-being for a number of reasons, including the dangerous nature of their work, inadequate safety equipment and training, and the underreporting of injuries. Underreporting allows unsafe working conditions to proliferate in industries where laws and regulations are already insufficient to protect workers, which in turn makes it easier for unscrupulous employers to evade responsibility for providing safe, fair job environments and workers' compensation.



Juana's Unpaid Wages

Juana is a single mother who supported her family by working 11-hour days as a cook in a restaurant where she earned \$7.50 an hour, received no benefits or paid leave, and was never paid on time.

Shortly before telling this story, Juana quit her job because her employer owed her nearly \$3,000 in compensation for more than six weeks of work. Juana's situation is common in the low-wage labor market, where informal work arrangements often include long and irregular hours, no overtime pay, no breaks, no paid vacation or sick time, and inconsistent payment, often in cash.

I was the only woman there and it was up to me to do everything in the kitchen of a restaurant that sold rotisserie chicken. I made all kinds of food: tamales, pupusas, and all the traditional dishes. I had some problems with my boss because he was not one to pay on time. Right now he owes us three paychecks, and he is even behind on our pay from last year. This pay period I left because I couldn't take it anymore. He owes me one check of \$1,000 and two more of \$900.

In the two years that Juana worked at the rotisserie chicken restaurant, she never knew when she could expect to be paid. Juana's employer told her and her coworkers that he couldn't pay them regularly because he had to cover the restaurant's operating expenses, including the rent and supplies.

I know the pressures he faces, but I get mad. Thankfully, with God's help, I was saving some of the little that I earned. When he would say that he couldn't pay us, I would leave him alone until he could. There are three of us who work there. The other women are still there waiting. They say that they are going to wait because our boss just has to pay us. They have hope. We were always there waiting because we needed the work. Sometimes you think that you can't go anywhere else and you stay.

Juana's missing pay has affected her health and her family's well-being. While she waits for her employer to pay her, she has had to move her family and rely on the part-time wages of her two teenage sons.

You have to think about supporting your children and your stress goes up. Recently I moved because I don't have enough to pay my rent. I'm just going to go back to talk to [my former boss], and I hope he can pay me even if it's only for one pay period, or maybe he'll pay me later. That is what I'm going to go see, and if he doesn't pay me, well then I will have to get help. I can't lose. That was my work that cost so much sacrifice.

Thank goodness my sons are studying and working now. My youngest son goes to school and works at night. He doesn't make much, only \$450 every two weeks. My other son also makes very little because he works a part-time job. They say to me, "Mama, don't work! You shouldn't work if they don't pay you. What are you doing?"

Juana decided she would rather have no job and look for something new than continue to work and not be paid. As she searches for a new job, Juana has taken on temporary work cleaning and cooking to support her family. She has not given up on the back pay she is owed, but she hopes that she can find something better.

The Bigger Picture

Despite the fact that refusing to compensate workers and failing to pay a minimum wage or overtime are potential violations of the Fair Labor Standards Act (FLSA), several studies have shown that low-wage workers are often subjected to these practices. In a survey of more than 500 Latinos in the Southeast U.S., 41% had experienced wage theft.⁵ Two in five Latino workers do not earn sufficient wages to keep their families out of poverty; unpaid wages can be especially damaging to low-income workers and their families whose financial security is already fragile. In 2009, 40% of Latino, 33% of Black, and 21% of White workers earned at or below poverty wages, which were about \$10.55 per hour for a family of four.⁶ Workers like Juana put up with irregular pay arrangements, inconsistent hours, and no overtime because they are scared of being out of work and unable to support their families.



Sergio's Search for a Good Job

Sergio has worked in a range of low-wage jobs in the construction and service industries and has experienced threats to his health and safety in all of them. Like many Latino workers, Sergio has changed jobs frequently, looking for better pay and work conditions. Each time that he left a job in search of something better, he ended up with less stability and less work.

The economic downturn left Sergio with even fewer options, and he resorted to working odd jobs as a day laborer. Reflecting on his experiences, Sergio recounted the lengths he was willing to go to find a good job.

I started at a restaurant and I worked there for about a year. In the restaurant they pay you very little, and you work a lot of hours. One time I started getting headaches and chills. I didn't eat or drink water because there was no time to rest. There so many orders in the front and I had to keep working. [The managers] wouldn't turn on the air conditioning. One time I burned myself with oil and I kept working like that. I went to the office and they told me that it was nothing. I put creams on it and water with salt, which a friend told me would help. I was afraid, [but] my friends told me not to say anything about this accident.

Sergio heard about what sounded like a better job opportunity—it was higher paying and would get him out of the restaurant where he worked nonstop without breaks for injuries or illness—but it would turn out to be a more dangerous job with abusive employers.

I heard about a job in Baltimore cleaning up asbestos. The contractor promised us \$18 an hour. We started taking a class [on asbestos clean-up] that was given by the same company [hiring us]. We wanted them to let us pay for the certificate, but they said we had to work for six months to pay for it. We worked 12 hours, and if [the managers] saw you stop, they insulted you and they yelled at you. I worked there for about three weeks, and we earned \$13 or \$14 an hour, not the \$18 we were promised. When they paid us, they took out money for the training.

Through the training, Sergio learned what he needed to do to stay safe while he was cleaning up asbestos. Although his employers provided the training, he soon realized that they were not going to provide the necessary safety equipment.

They gave us masks, gloves, and glasses. You need a special disposable suit, disposable glasses, and you should take a break, go outside, shower, and then come back to work. We requested the necessary equipment and [the contractor] told us that it was coming. We were going to keep working there, but it was really far—from Virginia we went to Baltimore. We had to get up at 2:00 a.m. to get there at 5:00 a.m.

Medical check-ups show that Sergio has not been affected by his work cleaning up asbestos, but he plans to continue to go for regular annual physicals just in case. After these two negative experiences, Sergio decided to seek some form of protection by joining a cement workers union. There he receives trainings in cement finishing and other construction skills and has access to health insurance for \$29 a month.

While his work conditions improved once he joined the union, Sergio found it difficult to find steady work and now seeks employment and odd jobs through friends and through a day laborer center in Virginia. His pay is infrequent, as employers sometimes pay him weeks after he completes the work or do not pay him at all.

"Last week I was given a check that bounced...We call and call [the boss] and he tells us to wait, but we are afraid to go complain anymore."

Last week I was given a check that bounced. I was doing remodeling for two weeks in Prince William County. They gave checks to eight other workers, and we have been complaining to the boss. We call and call him and he tells us to wait, but we are afraid to go complain anymore. In other jobs I've received my pay, but only after two or three months. I don't like to insist. I think they should pay on their own.

Sergio's occupations and his employers' refusal to provide safety equipment and breaks to drink water or rest put him at risk of serious injury and illness. Moreover, erratic and occasionally unpaid wages have made it impossible for Sergio to establish any financial security. Job training provided through the union could help Sergio build his skill set and open the door to higher-paying, steady work, yet he is still waiting for hiring to pick up so that he can finally find a good job.

The Bigger Picture

Sergio's employment history demonstrates the dangerous and demanding conditions of many low-wage jobs and shows that the mistreatment of employees is prevalent across numerous industries. A 2009 study of more than 4,300 workers in New York City, Los Angeles, and Chicago showed that more than two-thirds of workers (69%) did not get the meal breaks to which they are entitled, 70% worked off the clock for no pay, and 57% did not receive mandatory pay stubs.⁷ Due to demographic and labor market shifts, Latinos have emerged as the group most likely to hold jobs with low wages, insufficient benefits, and dangerous working conditions. Sergio's difficulty finding steady work—even through a union—illustrates one major reason why many workers will endure these violations of their rights.



Pedro's Dwindling Wages and Benefits

Pedro is a construction worker based in Maryland with seven years of experience as a concrete finisher. He was able to find employment that paid well and provided health insurance until the economic recession started to impact his local job market in 2008. Over the last three years,

Pedro has earned lower wages, and he no longer receives benefits. Unemployed and looking for work, he reflected on his last job as an example of how the economy affected his wages and benefits.

When I filled out applications for the other companies I worked at, the health insurance form was always attached, but on that application, there wasn't any form that said it was for health insurance, dental insurance, or life insurance. From my perspective this is bad because the work is risky and health insurance is essential. The subcontractor paid \$16 an hour. At other places, I was always paid more for concrete finishing. The company I was at before this one paid me \$18.50 an hour.

Pedro's wages decreased by \$100 a week, and the lack of health insurance created a whole new set of concerns. He worried about getting injured on the job because he had no way to pay for medical care or take care of his family if anything happened. He was also concerned about being able to take his child for regular medical check-ups, and he doubted his family's ability to pay for doctor's visits on their limited income.

I tried to do my job as safely as possible. For example, I didn't give in if they were demanding that I do more because there was a risk that I'd have an accident. I always tried to do things carefully. If my daughter gets sick today, we'd have to go to a doctor and pay cash. The consultation would have to be paid for in cash because I don't have any benefits.

For the two years that Pedro was employed by this subcontractor, his work days were stressful and usually ten to 11 hours long. In spite of the job's demands, he always reported to work, including times when he had to work outdoors in bad weather or when he was sick. After two years, Pedro and his coworkers were laid off without explanation, and he has since been unable to find a new job in the construction industry.

Pedro still hopes to find a job that offers health insurance and pays market-level wages, which averaged \$18.67 an hour for cement finishers in Maryland in 2008. While his wages have been relatively high for the low-wage job market, Pedro is the sole earner for his family and lives in a region where the cost of living is inflated. With lower wages, he has struggled to meet his family's basic needs, including health care. Pedro has already seen that good-quality jobs in his industry are hard to find, as employers hire fewer people and continue to cut workers' wages and benefits.

The Bigger Picture

Employer-sponsored benefits are vital to helping low-wage Latino workers and their families meet basic health care needs, prepare for unforeseen economic strains, and save for retirement. Yet, few Hispanic workers receive standard workplace benefits. In 2010, only 37% of Latinos were covered by health insurance sponsored by their employer, and in 2009, only 33% of Latinos had access to an employer-based retirement plan.⁸ In 2010, 60% of the Latino workforce did not receive a single paid sick day.⁹ Pedro's story is an example of an historical trend for Hispanic workers, who have seen a decrease in employer-based benefits over the last three decades. From 1979 to 2006, employer-sponsored health insurance for Hispanics decreased from 60% to 37% compared to a 10.7-point drop for White and Black workers.¹⁰



Victoria's Domestic Insecurity

Like many Latina immigrants, Victoria began working as a nanny and housekeeper soon after arriving in the United States. Many immigrant women are able to find domestic work fairly easily, but it often comes with considerable drawbacks, including low pay, informal employment arrangements,

and almost none of the protection offered by federal and/or state labor laws.

While Victoria ultimately found work as a live-in nanny for a family who paid her well, encouraged her to seek additional training as a caretaker of children with special needs, and sponsored her in becoming a legal permanent resident, she has experienced her share of low and unpaid wages and abusive employers. She recalled two employment situations where she felt vulnerable and mistreated.

In 1996, I worked for a woman who liked my work and paid me \$350 a week. My son and I lived with the family and it was as if we were in our own home. I cooked food for the kids and took care of everything in the house. One day, out of the blue, the woman I worked for told me to take off the next three days. She said, "I'm going to take a vacation and I want to lock up the house, and you can take three days of vacation." [But] my son and I didn't have anywhere to go, so we went to stay with some friends.

Since Victoria lived with her employer and had no formal contract, she was dependent on her employer for both her housing and income. Her employer soon showed Victoria how her livelihood could be taken away at any moment.

When we came back to the house, the woman I worked for treated us badly and kicked us out. I asked if we could collect our things, but she wouldn't let me in the house. I went every day to see if I could get our things, [but soon] the house was completely empty, and all of our things—our clothes, personal items, photos of my grandkids who I hadn't met—were gone. We didn't have anywhere to go and nowhere to turn to for help. My son and I looked at each other and we hugged and cried and I told him, "Son, we have to move on." I looked for a new job, but I had lost everything I owned. I tried going to the police but the woman told them that nothing had happened. The police believed her and ignored my pleas for help.

More than 14 years later, Victoria is still moved to tears when she remembers the day that she lost everything she owned. As a recent immigrant, she had only a handful

of photos to remember her family and very few belongings—all of which were taken away by her employer. She had no recourse to compel her employer to return her belongings or repay her losses.

"...the woman I worked for treated us badly and kicked us out. I asked if we could collect our things, but she wouldn't let me in...I had lost everything I owned."

Over the years, Victoria's work situation improved and she joined an organization that supports low-wage immigrant workers in Maryland. She became involved in organizing campaigns to protect domestic workers, learned about her rights, and was determined not to let another employer take advantage of her again.

In 2005, something different happened to me, but a community-based organization was able to help me make sure my employer paid me what I was owed. I was working for a family who was paying me \$15 an hour for an entire summer, then suddenly, my employer told me, "You know what, we aren't going to need you anymore," and she fired me and didn't pay me what was owed for my last week of work.

I told her, "When should I come back for my pay?" and she said, "I'll call you when I have it ready." I left and called every day, and she still didn't pay me, so I went to a legal clinic at [a community-based organization that works with Latinos] and explained my problem to their staff.

One of the organization's staff members called Victoria's former employer on behalf of the legal clinic. Within a few minutes, the problem was resolved; Victoria's former employer told her that she could come that day to pick up her money.

I thought the woman was going to stiff me, but because I'd already had the previous experience, I said to myself, "They are not going to keep my money, even if I have to move heaven and earth, they are going to pay me!" And I was paid!

After learning about her rights, Victoria knew where to seek help and was able to assert herself with her employer. As she looked for a new job, she ran across many employers offering extremely low wages and expecting her to work 24 hours as a live-in nanny. While she was eager to work, she also refused to settle for substandard pay and work conditions.

The Bigger Picture

Approximately 263,000 Latinos, the majority of them foreign-born, are employed in private households, usually as nannies, butlers, gardeners, and caretakers. In fact, Latinos make up 39.5% of all domestic workers, which is likely to be an underestimate since many households fail to report employing individuals in their homes.¹¹ Due to outdated legal exemptions, domestic workers are excluded from most state paid leave laws and are denied protection under the Occupational Safety and Health Act and the National Labor Relations Board, which give workers the right to organize. The services of community-based organizations are critical for Victoria and others like her who have few legal protections and almost no way of holding their employers accountable.



Martín's Vanishing Employer

Martín emigrated from Guatemala in 1988 with the dream of working as a carpenter and sending money back to his family at home. But not long after arriving in the United States, he suffered a workplace injury that left him disabled and permanently wheelchair bound. After

Martín's injury, his wife came to the U.S. to care for him and provide for their family. It was only when he sought recompense that Martín discovered that he—like many Latino immigrants—had been working for a subcontractor who was nowhere to be found.

I was working on a construction site in northern Virginia, in carpentry. I was putting up the walls when I pushed on a wooden post and I suddenly fell backwards from the third floor. I fell on my back and broke my spine. I stayed unconscious on the concrete for an hour. The ambulance arrived and they took me to the hospital in a helicopter. I stayed in the hospital for two months. I had only worked there for ten days before the accident happened.

There wasn't any safety equipment. We weren't insured. The [contractor] didn't give us time for anything and he didn't worry about anyone else's life. He just wanted us to do the work quickly.

Martín began working for his employer informally, the same way that many immigrant workers find jobs in the U.S. He was told by a subcontractor that they were hiring and he went to work without signing anything or filling out an application. He thought that the subcontractor was his employer and trusted that he would help him after the accident.

The contractor came to see me in the hospital and told me not to worry and that the company was going to take care of the costs. The lawyers from the company came to the hospital and asked me to sign some papers and [said] that they were going to see what they could do for me. I didn't sign anything.

Martín couldn't read the papers brought by the company's attorneys, and he didn't want to agree to anything that he didn't understand; he was afraid that he could be signing something that would endanger his immigration status. He found an attorney and gave him the little documentation he had that proved his employment.

Three years after the accident my case finally went to court. Five months later, I received a paper from the court saying that they couldn't do anything for me because the company didn't recognize me as an employee. The contractor [had] disappeared and the company no longer recognized me. They said, "We don't know that person."

When his attorney filed a claim with the company, Martín discovered that he had not been an official employee since he had worked for the company's subcontractor—the company itself could not be held accountable. His attorney was unable to track down the subcontractor, so Martín had no way to seek compensation for his medical bills.

With the operation and the services I received in the hospital, everything cost me \$25,000. Since I couldn't pay, they threatened to take me to court. The doctors have only given me medication, but they haven't given me a definite diagnosis. I'm not doing any therapy because it's very expensive and I can't afford it. The therapy is a lot more expensive than the medications.

Ten years after his injury, Martín has few options for fully recovering and moving on with his life. While he receives some medical care through a community clinic in Virginia, he is unable to afford additional treatment, such as physical therapy, that might lessen his disability.

Since the accident, my wife helps me with everything. She had to come from Guatemala [and] we've left all of our family in Guatemala. I haven't worked since the accident—I can't find work in my condition. My wife is the one who provides for me and my family. She works, pays the rent, and takes care of me.

This makes a person lose hope. You can't walk, do the same activities you did before, or give your children a better future. There are so many opportunities in this country, and you just can't [have them] anymore [being disabled] like this.

In the aftermath of his injury, Martín struggles with physical pain, depression, and hopelessness every single day. For Martín, an unsafe workplace and unscrupulous employer cost him his health, his ability to work, and his dream of giving his family a better life.

The Bigger Picture

A number of Latino workers like Martín have been adversely affected by the growing prevalence of subcontracting arrangements in a diverse range of industries. More employers are hiring on a temporary and contract basis to avoid the costs of compensating and insuring traditional wage-and-salary employees; in 2005, 9.5% of Latinos were employed in nontraditional arrangements as independent contractors (55.2%), temporary and on-call workers (37%), and as workers provided through contract firms (8%).¹² Furthermore, it has become common practice for companies to deliberately contract work in order to remain small enough to be exempt from state and federal occupational health and safety regulations, antidiscrimination laws, and record-keeping requirements.¹³ Multiple layers of contractors blur the lines of accountability between employer and employee, leaving some workers without any protection under federal labor laws.



Rosa's Demand for Respect

Rosa is a hotel housekeeper and leader in a campaign to unionize her workplace in northern Virginia. After working there for 14 years, she still earned below poverty wages, worked an irregular schedule, endured physical injuries and pain caused by her job, and could not request weekends off or vacation days. Rosa's struggle began

more than four years ago when a new management company doubled the number of rooms she had to clean per shift from 16 to 32. In addition, the new managers harassed the workers and forced them to buy their own cleaning supplies. After years of being overworked, injured, and exhausted, Rosa and her coworkers initiated a campaign to unionize their hotel and fight for better pay and working conditions.

When our bodies couldn't take it anymore because we were all in so much pain, that is when we decided to join the union—to demand that they respect us. We are human beings, and they were exploiting us with this work.

Because we were going up and down more than seven floors, I twisted my foot. My foot still hurts—this was about two years ago. After that, because of the excessive amount of work last year, I almost always have pain in my back. I can't even turn from side to side. When I go to the doctor he says that my muscles are inflamed. Well, look—it isn't just me—all of my coworkers' doctors say the same thing, that we have inflamed muscles from excessive work.

The union helped Rosa and her coworkers negotiate for a reduction in the number of rooms that they clean and required their employer to provide the cleaning supplies. Despite this victory, Rosa and her coworkers are still pressured to work more and have no control over their work schedule. Rosa frequently works weekends, which prevents her from spending time with her family.

If you ask for a day off because you are sick or if you ask for a day off in advance, they don't give you the day. I had a really big problem with my daughter's first communion last year. I brought the paper from the church that showed I had to be there at 9:00 a.m., and I asked more than two weeks in advance, but they would not give me the day off.

They still scheduled me for that day, and the only way I was able to go to my daughter's first communion was by calling the union. The union called one of my coworkers, and she was able to work my shift for me.

"If we leave this fight, everything will stay the same and they will continue exploiting more people."

The heavy workload, hostile environment, and harassment have debilitated both the physical and mental well-being of Rosa and her coworkers.

More than anything it's the stress that turns you into knots. Right now it's because of the manager that we are [stressed], because we are not used to having a male manager. At the beginning he was watching a lot of us while we were inside the rooms. He would show up quietly. He was watching us behind the door. Now he doesn't watch us as much, but today he started again. So, there are a lot of things that make you feel bad. That's why we are here fighting. We are confident that we are going to win this thing with the union because we need a change in our lives and in our work.

I make \$10.44 an hour. They give us a raise of \$0.15 cents a year; nobody makes more than \$10.50. All of the hotels in this area pay \$14 an hour. You feel penned in and it makes you want to leave and go somewhere else, but if we leave this fight, it will be as if our struggle was for nothing. If we leave this fight, everything will stay the same and they will continue exploiting more people.

The workers who were involved in union activities felt that they were scrutinized and checked on more than the other workers, adding stress to their already difficult work days. In spite of these challenges, Rosa and her coworkers continue their fight to improve their work conditions and quality of life.

The Bigger Picture

Like Rosa, many Latino workers who experience injustice in the workplace are eager to find solutions and demand respect and humane treatment. While union membership and collective organizing have helped Rosa improve some of her work conditions, this is not the case for most Latino workers. In 2009, barely two million Hispanic workers were represented by unions, as opposed to more than 13 million White workers.¹⁴ Many Hispanic workers are employed in temporary, nontraditional arrangements with multiple worksites, which makes organizing for a union more difficult than it is for long-term employees at single-site workplaces.



Felix and Karina's Success Story

Some Latinos have found good jobs in the low-wage job market. Felix and Karina work for a small, family-owned business that sells imported Spanish foods online, and their employer pays well, offers benefits, and contributes to their professional development. Both Felix and Karina compared their worst job experiences with their current situation.

Felix emigrated from Cuba in 2001 and began working as a dishwasher in restaurants. At his first two jobs in the U.S., he worked long hours and received few breaks. His job at the Spanish imports store is a dramatic improvement in pay and benefits, which include English classes at the worksite.

When I first arrived in Virginia, I worked at a restaurant as a dishwasher for seven months. The work was very hard. They didn't let us take a break for lunch...and they gave me a hard time for asking [for a break]. Technically, the break was 15 minutes long, but they didn't always let us take it and sometimes they got mad if we did.

After that I went to a different restaurant where they expected a lot of work, but they paid me \$9.25 an hour and they gave me food. The lunch break [at the second restaurant] was ten minutes long and sometimes I had to eat walking. Many times they told us that they were going to give us a raise, but nothing ever happened.

[At the imports business], we are doing well. I have been here for four years and I am learning English. They bring in [an English] teacher every week. They give us three breaks a day. We have benefits, like health insurance and a retirement plan. They give us a two-week vacation, and we even get our birthdays off.

Karina emigrated from Cuba in 2003 and worked in two jobs where she encountered problems that are common with low-skill work—job insecurity, no breaks, and low pay. After these two negative work experiences, Karina found work with the Spanish imports store and began earning higher wages and taking English classes.

I worked in a factory six hours a day for \$7.50 an hour. We worked with boxes full of classified papers. I was only there for two weeks when I realized that I was doing a good job because even the majority of the people only got through one box of papers in the six hours, while I got through at least two whole boxes. Then out of nowhere they came one day and told me, “Don’t come in tomorrow,” and I asked, “Why?” and they said, “Well, because you don’t speak English, and we can’t have you here.”

After that job I went to work at a dry cleaner and [the boss] didn’t want to give breaks to anyone who worked there. I would get home crying and practically fainting. But I complained to them because I was willing to lose my job over that if I had to, and I did lose that job. The difference [at the Spanish imports job] is enormous. As the saying goes—they treat us like kings. They pay for our English classes two times a week. Thursday and Friday we have an hour-long class. That doesn’t happen just anywhere. When I started I earned \$8 an hour, but now I’m earning \$10.25 an hour. They do evaluations and they raise your wages. When I started working here I asked for permission to leave a little bit early to take classes at the university, and they allowed me to do that. Now I’m going to start going again because I want more education.

Felix and Karina know from experience that they have found a good job. They earn fair wages and receive raises, they can enroll in health insurance and retirement plans, and they are encouraged to take breaks and paid leave time. Their employer also provides language classes and flexible scheduling for Felix and Karina to pursue additional training and education. On a wide scale, this type of employer investment in workers’ skills and well-being builds a competitive workforce and contributes to the health of the entire economy.

The Bigger Picture

Felix’s and Karina’s experiences point to the importance of good working conditions for our nation’s economic growth. Their competitive wages, safe workplace, and access to health insurance, a retirement plan, paid leave, and education assistance increase their marketability and the likelihood that Karina and Felix will be healthier, long-term contributors to the workforce who pay more in taxes and depend less on government resources. In contrast, in 2005, low-income workers in poor-quality jobs incurred a disproportionate share of workplace injuries, illnesses, and fatalities, which cost the American economy \$163.2 billion.¹⁵

Conclusion

The stories in this collection are the firsthand accounts of a few Hispanic workers whose experiences represent those of millions of low-wage workers in the U.S. To support their families, the hardworking individuals in these stories have endured mistreatment and violations of their basic rights. Some, such as Juana, Pedro, and Victoria, describe the daily instability and struggle resulting from earning nominal wages and having no health and retirement benefits or paid sick leave. Others, including Reynaldo, Sergio, and Rosa, depict the experience of many Latinos who work long hours and suffer from constant stress, fatigue, chronic pain, or severe injuries. The combination of poor working conditions and lack of protection can lead to financial and medical emergencies that affect entire families; in some cases, such as those of Reynaldo and Juana, job loss or injury forces other family members, including high-school-age children, to take on the burden of earning wages.

Several of these stories also expose the nebulous employer-employee relationships that are common in temporary, contingent, and subcontracting arrangements and make it difficult for workers to hold employers accountable for unpaid wages or medical compensation. Moreover, the accounts of employers threatening to expose the immigration status of workers or fire those who challenge them is common for undocumented immigrants and often deters them from pursuing lost wages or reporting unsafe workplaces and injuries. Lacking the education and skills to find a better job, many workers have few options but to remain in the low-wage labor market, insecure and exposed to abuse.

How did a nation that holds honest hard work and fairness as deep-rooted values arrive at this place? The legal protection system is inadequate and weakening. Laws that were designed 30 to 40 years ago are difficult to apply and enforce in today's service-based economy, where small businesses and contingent and temporary hiring practices abound. Policies and regulations have failed to keep up with the changing economy, allowing the federal government and employers to retreat from extending adequate worker protections. This trend, combined with dwindling public resources for the enforcement of labor laws, has led to a system where individual workers bear the brunt of the responsibility for protecting themselves. This is too hefty a burden for any of America's workers.

In this system, Hispanic workers have limited access to traditional forms of organizing and information that could help them assert their rights in the workplace. The vast majority of Hispanic workers are not afforded the protection of a union, but some receive support from community-based organizations that help them organize and advocate on their own behalf. Community-based organizations also equip workers to confront negligent employers through health and safety training, low-cost legal assistance, and education about workplace rights. Such organizations are a promising alternative for organizing and protecting Latino workers, yet many still do not have access to these services.

In the United States, no person should go unpaid for their work, become disabled, grow ill, or die because of their job, or live without a safety net in the event of an emergency. All workers should expect to be able to provide and care for their family. In the past, our nation has worked hard to develop laws designed to treat workers with respect. Ensuring a safe and fair work environment for low-wage workers heightens job standards for all Americans, reduces medical costs, diminishes lost productivity, and, perhaps most importantly, preserves the spirit of workplace fairness and dignity encoded in our laws. These stories and the voices of millions of low-wage workers signal that it is time to make a change—for government and employers to reclaim their share of the responsibility for protecting workers—and raise the standard of our workplaces.

Recommendations

NCLR's report, *Fractures in the Foundation: The Latino Worker's Experience in an Era of Declining Job Quality*, includes detailed recommendations for improving worker protections. Those recommendations are summarized and combined into broad categories for policy change that will make a difference for workers like those in these stories. For detailed policy recommendations and updated information about NCLR's work on job quality, please visit www.nclr.org/fractures.

- **Improve compliance with existing laws.** Holding employers accountable for adhering to existing labor laws requires credible deterrents: adequate penalties and empowered workers.
- **Modernize legal protections to cover marginalized workers.** Labor protections must adapt to new realities in order to protect workers in an increasingly complex labor market. Comprehensive immigration reform is central to improving job quality for all workers.
- **Bolster federal outreach and enforcement.** Strong protections for workers rely on adequate backing from the federal government, whose efforts can be strengthened by cooperating with entities at the local level.

Endnotes

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