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**LATINAMERICAN WORKERS IN ARIZONA:
GLOBALIZATION AND LABOR POLICY CHANGE**

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INTRODUCTION

Latinos in the United States are not only the largest but also the fastest growing immigrant work force group. Working in the majority of cases in service or what Americans quote “undesirable jobs” without legal employment authorization and being subject to little or no labor rights at all. In economical terms they not only represent a vast consuming population but also are great tax-contributors for the American government. They have become the new “globalization” working class in the US, the hard foreign working class building the “American dream”. A dream they built literally with their hands while building houses, offering there service work, cleaning, cutting, cooking, etc. But a dream they rarely achieve in reality.

For years US unions have had a hostile attitude against “undocumented” workers. Thinking the enemies were immigrant workers for crossing borders but not ultra “competitive” companies in hiring them for very cheap and risky jobs. It has taken unions decades to realize who the real enemy is and to figure out how to approach global market liberalization in their own country.

This paper is divided in five chapters. The first will focus on the American Federation of Labor’s (AFL) past position towards immigrant workers and will situate us on the debate of why has it change. The second chapter will focus on Latino population in the U.S, what do they represent in comparison to other minority groups? And how has the phenomenon of “globalization” affected immigration flows between countries? The third chapter analyzes a particular case of immigrant organizing campaign in the State of Arizona: the “Justice for Roofers” campaign implemented by the United Union of Roofers, Waterproofers and Allied Workers as well as the AFL-CIO. The forth chapter addresses AFL-CIO’s current direct actions while pressuring to change immigration policy such as the Freedom Bus ride. Finally the fifth chapter aims at narrowing today’s AFL-CIO immigration policy and comparing it against Bush’s recent proclamation of a “guest worker” program.

This study has the advantage of having been conducted by direct fieldwork while working for a year and a half as a bilingual union organizer with the both the AFL-CIO and Roofers union. The study combines participant observer knowledge with anthropological and Latino cultural knowledge. At the end,

the study situates Latino immigrant workers as direct actors in changing AFL-CIO's labor relations view inside an openly liberated and globalized market economy. The study also brings to light the frequent double discourses made by companies, unions and countries regarding the benefits and costs of market globalization. Most importantly, the study emphasizes the importance of business accountability made possible by the push in this case of Latino workers and American unions in today's predatory market economy.

I. HOW HAS THE AFL-CIO TREATED THE ISSUE OF "IMMIGRANT WORKERS"? ANTI-IMMIGRANT PAST

Even before the merge of the present AFL-CIO confederation (American Federation of Labor plus the Congress of Industrial Organizations), the issue of immigration was persistent and problematic. Going back through history we find immigrants being used to break strikes and forestall union organizing efforts. Through the years as the number of immigrants soared, it became increasingly difficult for local unions to secure wage increases and improvement in working conditions. Moreover, employers and by times government supported "Contract Labor laws" which not only encouraged immigration but abused of immigrant workers by making them work in an essential obligated servitude. In other words, for those immigrants whose transportation costs were paid to come to the U.S. they had to repay the employers for whom they were obligated to work and received no wages during this period. To cover their food and housing costs, the contract workers usually had to extend their period of work obligation. Free labor, obviously, could not compete with workers hired under such obligatory terms. At every juncture, and with no exception prior to the 1980's, the union movement either directly instigated or strongly supported every legislative initiative enacted by Congress to restrict immigration and to enforce its policy provisions. The union organizations (National Labor Union, Knights of Labor) that predeceased the merging of the AFL with the CIO in 1955 were all fervent supporters of restrictionist measures against immigration. It was very common to find statements and reports urging "complete restriction of immigration for at least two years"¹ or "total suspension of immigration for a period of five years longer"².

¹ AFL, Report of the Proceedings of the Forty First Annual Convention, 1921, pp. 107-108

² AFL, Report of the Proceedings of the Forty Forth Annual Convention, 1924, p.67

The AFL-CIO shifted unexpectedly its course at the 1993 Labor Convention. The convention adopted a resolution that praised the role that immigrants have played “in building the nation and democratic ideas”.³ The resolution went even further by demonizing unidentified advocates of immigration reform for launching “a new hate campaign cynically designed to exploit public anxiety by making immigrants and refugees the scapegoats for economic and social problems”⁴. It concluded “that immigrants are not the cause of our nation’s problems” and stated “that the AFL-CIO reiterates its long standing commitment to... provide fair opportunities for legal immigration and... due process of law for all people who enter, or attempt to enter, the United States illegally”⁵. The resolution also encouraged affiliated unions “to develop programs to address the special needs of immigrant members and potential members” and called for member unions to work with “immigrant advocacy groups and service organizations” to protect interests of new immigrants⁶. What generated this change of course? Some specialists argue that this shift was made possible by Union’s acknowledgement that the state’s ability to control migrations flows was incomplete. For example, the Immigration Committee of the Los Angeles Federation of Labor, AFL-CIO, noted in 1993: “We are living in an era where the movement of labor, like capital, is increasingly common and difficult to regulate. The world has become a smaller place and organized labor is adjusting”⁷. Other scholars like Leah A.Haus focus rather on economic and human rights concern international expansion. In her book, “Unions, Immigration, and Internationalization...” she argues, “unions see less rationale for pressuring for certain restrictionist measures...for two interconnected reasons. 1. Union views on the changing role of state in an era of (a) economic internationalization, and (b) internationalization of human rights concerns... 2. Union views that support...for some non-restrictionist measures would facilitate organization, which is an alternative strategy to restrictionism for improving wages and work conditions...”⁸. It could alternatively be argued that the change in Union’s immigration policy was possible cause of the realization that immigrants took undesirable low-wage jobs, which native

³ Immigration and the Labor Movement, « Policy Resolutions adopted October 1993 by the AFL-CIO Convention. (Washington: AFL-CIO, 1994) p.13

⁴ Ibid. p. 14

⁵ Ibid

⁶ Ibid

⁷ Immigration Committee, LA County Federation of Labor, AFL-CIO, « The Impact of the Immigration Reform and Control Act on Organized Labor in Los Angeles » in U.S Congress, House, Hearing on Employer Sanctions, 103rd Congress. 1st sess. 16 June 1993, p.443

⁸ Haus, Leah, Palgrave, New York. 2002 p.7

workers didn't want. Thus foreigners were not displacing native workers. In the midst of all these explanations the following chapters try to answer this question in the specific case of Latino immigration.

II. THE GROWING WAVE OF LATINO IMMIGRANT WORKERS

A. NEXT DOOR NEIGHBORS

After examining the data of the latest population census, it is easy to situate Latinos as a group that realized a clear demographic growth during the last decade. Latino population increased by 57.9 percent from 22.4 million in 1990 to 35.3 in 2000, compared with an increased of 13.2 percent for total U.S. population. This comes as a result of both high immigration flows and reproduction mechanisms. In addition to the findings of the 2000 Census one can argue that there are probably millions more that were not counted in the census because of different reasons such as their “undocumented” situation and fear of any governmental paper.

Table 1.1 Resident Population Distribution for the United States by Race, 1990 and 2000 (in thousands)

	1990		2000		Change	
	Number	Percent	Number	Percent	Number	Percent
Total Population	248,709.9	100.0	281,421.9	100.0	32,712.0	13.5
White	199,686.1	80.3	211,460.6	75.1	11,774.5	5.9
Hispanic or Latino	22,354.1	9.0	35,305.8	12.5	12,951.7	57.9
Black or African American	29,986.1	12.1	34,658.2	12.3	4,672.1	15.5
American Indian, Alaska Native	1,959.2	0.8	2,475.9	0.9	516.7	26.4
Asian and Pacific Islander	7,273.7	2.9	10,641.8	3.8	3,368.1	46.3
Other	9,804.8	3.9	22,185.3	7.8	12,380.5	126.0

SOURCE: U.S Bureau of the Census

The proportionate distribution of Latinos by country of origin changed also between 1990 and 2000. In 2000 Mexicans were 58.5 percent of all Latinos (down from 60.4 percent in 1990), Puerto Ricans were 9.6 percent (down from 12.2 percent), Cubans were 3.5 percent (down from 4.7 percent) and the remaining 28.4 percent were of other Latino origins (up from 22.8 percent).⁹ While analyzing this data we notice that although Mexicans are still the traditionally dominant group, the emerging prominence of the “other” Latino (mainly from Central and South American origin) reflect recent migratory flows.

⁹ U.S Bureau of the Census, The Hispanic Population 2000. The Census 2000 Brief. Issued May 2001, by Betsy Guzman. p.2

It is interesting to note the geographical location of Latinos in the U.S. In 2000, “43.5 percent of Hispanics lived in the West and 32.8 in the South. The Northeast and the Northwest accounted for 14.9 and 8.9 percent, respectively”¹⁰. In 2000, 27.1 million or 76.8 percent of Hispanics lived in seven states (California, Texas, New York, Florida, Illinois, Arizona and New Jersey). Hispanics in California accounted for 11.0 million (31.1 percent) of the total Hispanic population, while the Hispanic population in Texas accounted for 6.7 million (18.9 percent). Hispanics in New Mexico were 42.1 percent of the total state population, the highest proportion for any state. Latino origin groups were concentrated in different states, for example the largest Mexican populations (more than a million) were in California, Texas, Illinois and Arizona, mostly southern western states while the largest Puerto Rican populations (more than 250,000) were in New York, Florida, New Jersey and Pennsylvania, mostly northeastern states.¹¹

There are multiple causes for migration, such as the incorporation of peripheral areas into the global economy and the demand stemming from the structural segmentation of the labor market in developed countries. Poverty and security concerns are among the most common subjects that force Latinos to leave their countries and migrate to the U.S. The wage gap between Latin-American countries and the U.S. is so large that even earning a wage lower than that of U.S. minimum wage is satisfactory, thus in many cases accepting to take undesirable jobs than native workers don’t want.

B. GLOBALIZATION: NAFTA

There are few words that acquire “character” by themselves. One of these words is the 21st century most famous word “globalization”. But what does “globalization” mean? What do Latinos say about it? And what has it generated?

While searching for the definition of this word we come across different actors. One of these actors is the *Center for Free Trade Policy Studies* for this institution “globalization”:

“...describes the ongoing global trend toward the freer flow of trade and investment across borders and the resulting integration of the international economy. Because it expands economic freedom and spurs competition, globalization raises the productivity and living standards of people in countries that open themselves to the global marketplace.”¹²

¹⁰ U.S Bureau of the Census. The Hispanic Population 2000. The Census 2000 Brief. Issued May 2001, by Betsy Guzman. p. 3

¹¹ U.S Bureau of the Census. The Hispanic Population 2000. The Census 2000 Brief. Issued May 2001, by Betsy Guzman. p. 3

¹² <http://www.freetrade.org/issues/globalization.html>

Another actor who uses the word often and has an explanation for it is *The International Monetary Fund (IMF)*, for them:

“Economic "globalization" is a historical process, the result of human innovation and technological progress. It refers to the increasing integration of economies around the world, particularly through trade and financial flows. The term sometimes also refers to the movement of people (labor) and knowledge (technology) across international borders.”¹³

For another entity such as the *World Bank* “globalization” is one of the most charged issues of the day:

“The most common or core sense of economic globalization surely refers to the observation that in recent years a quickly rising share of economic activity in the world seems to be taking place between people who live in different countries (rather than in the same country). This growth in cross-border economic activities takes various forms: international trade, foreign direct investment and capital market flows.”¹⁴

Both the IMF and the World Bank argue that “globalization” offers extensive opportunities for truly worldwide development but it is not progressing evenly.¹⁵ They go even further in stating that, “for many of the poorest least-developed countries the problem is not that they are being impoverished by this phenomenon, but that they are in danger of being largely excluded from it.”¹⁶ Both institutions note that “globalization” has costs and risks and they both acknowledge that markets do not necessarily ensure that very one would enjoy the benefits of the increased efficiency.¹⁷ But never the less, for them market internationalisation “is the best course of promoting growth, development and poverty reduction”.¹⁸

Finally and contrary to the previous perspective, for ex-chief economist and senior vice president of the World Bank, Joseph Stiglitz,

“Those who vilify globalization to often overlook its benefits. But the proponents of globalization have been, if anything, even more unbalanced. To them, globalization (which typically is associated with accepting triumphant capitalism, American style) is progress; developing countries must accept it, if they are to grow and to fight poverty effectively. But to many in the developing world, globalization has not brought the promised economic benefits.”¹⁹

The outcome of the process of opening market barriers between countries is a series of trade treaties or agreements such as the 10-year-old “NAFTA” (the North American Free Trade Area). Signed in

¹³ Globalization: Threat or Opportunity? By IMF Staff. April 12, 2000 (corrected January 2002)
<http://www.imf.org/external/np/exr/ib/2000/041200.htm#II>

¹⁴ World Bank Briefing Papers. PREM Economic Policy Group and Development Economics Group. April, 2000

¹⁵ Globalization: Threat or Opportunity? By IMF Staff. April 12, 2000 (corrected January 2002)
<http://www.imf.org/external/np/exr/ib/2000/041200.htm#II>

¹⁶ World Bank Briefing Papers. PREM Economic Policy Group and Development Economics Group. April, 2000

¹⁷ Globalization: Threat or Opportunity? By IMF Staff. April 12, 2000 (corrected January 2002)
<http://www.imf.org/external/np/exr/ib/2000/041200.htm#II>

¹⁸ Globalization: Threat or Opportunity? By IMF Staff. April 12, 2000 (corrected January 2002)
<http://www.imf.org/external/np/exr/ib/2000/041200.htm#II>

¹⁹ Joseph Stiglitz, «Globalization and its Discontents» W.W.Norton & Company. 2003 p.5

January 1994 by Canada, United States and Mexico, NAFTA eliminates tariffs completely and removes many nontariff barriers like import and export quotas. Thus allowing for freer movement of goods, services and investment –but not people- from countries. As Stiglitz points out in an article published in The New York Times, January 6, 2004: “NAFTA enhanced Mexico’s ability to supply American manufacturing firms with low-cost parts, but it did not make Mexico into an independently productive economy... The disparity in income across the Mexican border is among the largest anywhere, and the resulting migration pressure was enormous.” It is crucial to remind that there are opposing views regarding the effectiveness of the NAFTA agreement as one can easily find in Mexico’s President, Vicente Fox speech on the Meeting of the American countries in Monterrey, Mexico this January 2004. Latinos have opposing views about the outcome of the internationalization of the economy but what is clear is that the phenomenon of financial crisis is more common than ever in that region of the world.

The present study argues that the restructuring of the global economy through capital mobility reinforced labor migration. In addition to economic internationalization the emergence of an international human rights regime have challenged the powerful nature of state control over immigration²⁰. For scholar Leah Haus, the first reason why unions changed their “restrictionist” attitude against immigrant workers was due to their questioning of the state’s ability to completely control migration. She continues her argument by stating: “ If unions assume that the state’s ability and/or right to control migration flows, while considerable, is incomplete, one would not expect unions to pressure for an unattainable outcome of further restrictionism. Instead one may expect unions to focus on an alternative outcome, such as organizing immigrant workers.”²¹ Unions realized that they could achieve the same goal of restrictionism (improving wages and work conditions) by organizing immigrant workers. What happened after this was that not all unions adhered to an immigrant organizing measure. There were more traditional unions like the “Building Trades” in the U.S that maintained their negative view against the immigrant worker.

On February 2000, the AFL-CIO’s Executive Council passed on a resolution reflecting U.S workplace realities over the past two decades of “globalization”. It quoted the following:

Significant parts of a number of industries - hospitality, janitorial, meat-packing, agriculture, construction - at the regional, or even national, level are now populated primarily with immigrants, both documented and not. Primarily through "international

²⁰ see more in: Saskia, Sassen, « Losing Control ? Sovereignty in an Age of Globalization. Columbia University Press. 1996 p.72

²¹ Leah A. Haus « Unions, Immigration, and Internationalization... » Introduction p. 5

lending institutions" such as the International Monetary Fund and the World Bank, global capital has ensnared scores of countries into a state of debt peonage. Through "structural adjustment programs" nations are required to lower living standards and offer up their populations as cheap labor for transnational corporations or face a devastating cut-off of international credit. It is the modern, global, version of robbing a man with a pen rather than a gun. The increased poverty created by structural adjustment - the UN reported in February that the number of the world's poorest nations had risen from 25 to 48 since 1971; in scores of other countries the number of those in poverty has also risen substantially - has prompted emigration on an unprecedented scale. More than 75 million people leave their homelands every year in search of work. Richer countries, such as the United States and Canada, are preferred destinations.²²

III. JUSTICE FOR ROOFERS CAMPAIGN IN ARIZONA: EXAMPLE OF LATINO IMMIGRANT LABOR ORGANIZING

"Justice for Roofers" is a campaign of the United Union of Roofers, Waterproofers and Allied Workers AFL-CIO to assist roofers to organize to improve their working conditions. Since the start of the campaign in Arizona two years ago, over 700 roofers in the Arizona residential industry are under the protection of collective bargaining agreements between several roofing contractors and the Roofers Union. These contracts guarantee an end to the cheating of pay, provide free family medical insurance, and dramatically improve the working conditions of these roofers.

This paper will particularly talk about the "Justice for Roofers" campaign in Arizona concentrated to help roofers who worked under subcontractor Metric Roofing. Metric Roofing is a major roofing service contractor employing about 500 workers, primarily in Arizona but also in Texas, Colorado and Nevada. Metric employs about 100 roofers in the Tucson area and 400 on the Phoenix one, the majority of workers except "superintendents" are immigrants of Mexican and Guatemala origin. Metric Roofing does work on houses constructed for developers such as: KB Homes, Pulte Homes, Beazer Homes, Fulton Homes, among others.

These workers are subjected to poor working conditions, no overtime or sick pay and lack affordable health insurance for themselves and their families. Drinking water is often not provided to them even in the scorching summer months. Metric pays the workers based on the size of the roofs onto which they load tile. Often the company says that the roofs are smaller than they actually are, cheating the workers. As a result Tucson Metric workers have filed a class action lawsuit that is currently proceeding

²² www.aflcio.org/publ/estatemnts/feb2000/immigr

through the court system. Wage and hour law violations in the residential roofing industry are widespread according to numerous accounts from workers. The class-action suit covers about 200 Tucson employees who have worked for Metric during the past three years. Roofers have been forced to appeal to homebuilders like KB, Pulte and Beazer Homes for justice. Metric workers have spoken with developer's representatives at various times. They have described their situation and asked that them to ensure that workers who build houses sold by these developers be treated fairly and with dignity. Developers have responded that it is not their problem since they are not the legal employer of the roofers who build their homes. The fact is that homebuilders like Beazer Homes made 1.8 billion dollars in revenue in 2001. And as Executive Vice President of the Roofers International Union, John Martini states "While multi-billion dollar corporations like Beazer Homes may not be the employer of the roofers who build their homes they are morally responsible for the unjust practices of contractors they hire. Beazer Homes should not shy away from being accountable. We are asking Beazer Homes to act in the interest of fairness. Beazer Homes should not be profiting from the labor of workers who are mistreated and abused" ²³

After have been fighting for justice for over a year, against employer's scrupulous non-union tactics and developer's irresponsible entrepreneurship attitude. After all this time Metric Roofers have achieved better treatment, an increase in salary, workers who had been fired were rehired, company offered a so called "medical plan", Metric Roofing fired a superintendent who had abused workers rights but NOT a union contract.

A. WHEN A PRIMARILY "WHITE UNION" OPENS TO ORGANIZE LATINO IMMIGRANT LABOR

To date unions have not succeeded in recruiting immigrants at anywhere near their proportion of California's working population. Once thought the hardest to organize immigrant-organizing experiences in California, Las Vegas, etc. show that immigrants are often more militant and willing to organize than native-born workers. Throughout the 90's immigrants waged successful union campaigns in a range of low-wage immigrant depending industries, including homecare, janitorial services, hotels construction, and even manufacturing. These campaigns account for a significant portion of the growth of union members.

²³ In www.justiceforroofers.com

Regardless of the favorable organizing experiences in California, immigrant-organizing campaigns have failed to keep pace with the growth of the Latino workforce.

Why is this the case? First of all there exists a structural problem in the way American local unions have been accustomed to work. Following a “servicing model”, union staff tries to help workers by solving problems for them and relying on the traditional top-down strategy. This was the case of Arizona Roofers Local. This local agreed in developing an organizing model campaign with immigrant workers with help of the International Roofers Unions and the AFL-CIO but did not fully understand what that meant in practice. In practice, the “organizing model” demands changing the practice of “I’ll do it for you” to a use of a more comprehensive model where members are involved in the solutions.

The servicing model is equivalent to stale unionism, there is an over reliance on union staff and the grievance and arbitration process and a concomitant suppression of the rank and file involvement.²⁴ By contrast, the organizing model emphasizes the need for grass-root member mobilization, collective action and militancy. Even when staff embraces the organizing model, they have a hard time letting go and letting members run things. One thing is to have an external organizing program and the other to have support from local’s internal staff and resources. It is extremely important for organizing locals to command the unified support of staff and their executive boards.

In addition to internal obstacles within an organizing campaign in which the number of Latino immigrants is dominant, there are language barrier problems as well as cultural gaps between the frequently “white” local staff administrators and the new “Latino” membership or workforce. Local unions were not required to know any other language other than English previously to the 2000 AFL-CIO shift on immigration policy. Therefore, in many cases local union staff and executive boards cannot understand Latinos grievances or propositions. Consequently, bi-lingual staff or translators are needed in every meeting and/or communication event. Even though efforts are underway to secure that communication understanding is fluent, there is still much to do and learn about bi-lingual communication methods inside union locals. Another delicate point is the one regarding “cultural gaps”. American culture is obviously much different than that of Mexican or Guatemalan, and usually internal staff administrators in the local form part of the “American” population. The use of bi-cultural individuals or specialists of the “other”

²⁴ Fletcher, Bill and Richard Hurd, « Beyond the Organizing Model : The transformation process in Local Unions » inside « Organizing to Win » Cornell University Press 1998 p. 38

culture are very much helpful throughout the organizing campaign. Finally, due to the fact the majority of Metric workers were “undocumented” made them be very skeptical of any “white American” help. In those terms, Latinos wonder why unions would want to help them improve their working situation. Especially when all the internal union local staff are white Americans with no knowledge of Spanish or Latino culture. Workers ask themselves about the unions’ interest in helping them to organize and question their real decision making power inside local unions as well as the extent and value of Latino representation inside unions’ politics.

B. STRATEGIES

B.1. AGAINST ARIZONA LABOR LAWS

The social environment of American labor is a combination of four neo-liberal ingredients: individualism, deregulation, decentralization and privatization.²⁵ How to effectively organize inside this kind of environment? The “Justice for Roofers” campaign is an example that permits us to look at the effective organizing strategies in the middle of one of the U.S fervent “Right to work state”.

Arizona is one of a number of states that has a so-called “right-to-work” provision in its constitution. Article XXV of the Constitution of Arizona states, “No person shall be denied the opportunity to obtain or retain employment because of non-membership in a labor organization nor shall the State or any subdivision thereof, or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of non membership in a labor organization.” The effect of this State’s constitutional provision was to eliminate the ability of unions to require employers to hire only union employees. The implementing legislation is set forth in ARS 23-1302 and restates verbatim the language contained in the Arizona Constitution. In right-to-work states, unions cannot ask, and employers cannot agree, to enter into union security clauses in their contracts. Employees cannot be required to either join the union or pay the dues equivalent in order to remain employed. Employees who want to join can do so, with all the privileges of membership, such as participation in contract negotiations, ratification of the contract, voting on the decision to strike, and voting for local and national union leadership. Non-members are generally denied

²⁵ Fantasia, Rick and Kim Voss, « Des syndicats domestiques... » 2003 pg. 17

those privileges, but any contractual benefits are accorded to members and non-members alike. In addition, the union has a duty to represent all employees fairly without regard to their membership status.

All this has meant to organize outside the traditional National Labor Relation Board (NLRB) process, through broader community and industry based organizing campaigns. The conventional NLRB election approach was abandoned also because of the peculiar structure of the building trades. Instead, the idea of a “comprehensive campaign” flourished in which the main targets was Metric and the developers who sub-contract Metric. All this of course based on a strong group of workers heading the actions and a combination of aggressive and creative internal and external pressure tactics. Understanding the industry also becomes a tool in the hands of workers, allowing them to see how and why they have the potential of changing the conditions they endure. In addition to workers and industry knowledge access to and mobilization of highly skilled organizers and researchers, combined with the ability to command technological resources were found crucial to the better development of the campaign.

The “Justice for Roofers” campaign tried to built a three-prong strategy tailored to the industry and consisting of carrying out grassroots organizing among the low-wage immigrant force, building coalitions with community-based organizations and/or consumers, and using political clout to improve the climate for organizing. All these tactics are not new; as a matter of fact they come from thriving immigrant organizing experiences such as SEIU’s (Service Employees International Union) « Justice for Janitors » campaign in Los Angeles that started in 1989 leading more than eight thousand immigrant workers to win a union contract.

B.2. AGAINST IMMIGRATION LAWS AND EMPLOYER OPPOSITION

The “Justice for Roofers” campaign came into direct contact with immigration policy issues because many of their potential members were legal or illegal, undocumented immigrants. In this case it is common for employers to use the threat of U.S Immigration and Naturalization Service (INS) proceedings –culminating in deportation- to intimidate and discourage undocumented workers from claiming their rights. In addition undocumented workers often are reluctant to cooperate with such federal agencies as the National Labor Relations Board (NLRB) the Wage and Hour Division of the U.S Department of Labor and the Equal Employment Opportunity Commission (EEOC) when these agencies try to conduct investigations into employer illegal practices.

In face of these potential threats it is fundamental to know that immigrants (does not matter there legal status) have legal rights in the workplace. Labor laws have been determined to protect workers regardless of the immigration status. “Citizens, legal permanent residents, and undocumented workers alike enjoy virtually the same workplace rights under such key laws as the National Labor Relations Act (NLRA), Railway Labor Act (RLA), Occupational Safety and Health Act (OSHA), Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 and the Fair Labor Standards Act (FLSA) For example, the FLSA generally requires employers to pay minimum wage and overtime to workers. Similarly, employers’ obligations under the OSHAct extend to everyone in the workplace, as do their obligations under Title VII to provide a workplace free of discrimination based on race, gender, religion and ethnicity.”²⁶

All these rights are fragile as every worker’s rights. It is only when workers are organized that they are sure to enjoy them. Because of the importance of “group power” when facing intimidations not only from the employer but also from other American constituencies, the campaign also linked demands of immigrant workers in the workplace to broader demands within their communities and within their union. By doing so, the Roofers local educated workers on their rights, on immigration laws and put forward conferences with immigration experts for workers and their communities.

C. AT THE END... WHAT WENT WRONG?

Taking into account the creative and well-thought campaign strategies as well as the financial and technical support the Justice for Roofers campaign had it is difficult to answer to the question of what went wrong. Why didn’t Metric roofers achieve their union contract? But of course there were negative factors that contributed to the failure of the campaign. Such factors are numerous and could be of very different origin one from the other. It is the mixture of all these factors that when combined proved to be detrimental for the campaign.

First of all and most importantly, there existed some structural factors within the Roofers union internal structure that caused a negative impact among workers. By “structural” factors we mean, factors that formed part of the internal structure of the roofers union and that had been present since historical times. The Roofers union has relied for years in a “servicing model” structure. Thus when faced to the

²⁶ AFL-CIO, Building Understanding, Creating Change. « Defending the Rights of Immigrant Workers »

challenge of the “organizing model” the roofers local in Arizona had a very difficult time adjusting. Unfortunately it was not able to re-structure its proceedings in an “organizing” way, it just “supported” organizers with logistics and information but continued to internally manage the union local as a service office who had its own power other than the workers power. This leads us to the second “structural” reason of the campaign failure and that is the centered monopolistic reliance on one or two main internal union figures for any decision. That is to say that one person was in charge not only of the transparency of internal economic resources but also had the power of making decisions related to the logistics and needs of all the union’s office staff. This created a sense of inequality not only between staff members but also between the “owners” of the union office and the workers who were the origin of the office anyway. Another structural factor was the way the Roofers union had been accustomed to negotiate union contracts, that is by using the top-bottom strategy in which instead of organizing workers to fight and defend their rights they try to negotiate with the owner of the company. Because of all these reasons workers had a hard time trusting the people running the union’s local. Latino workers did not feel represented neither in the people who managed the union’s office nor by the way the handled grievances or contract matters.

In addition to these structural factors there were also factors related to the predatory market economy environment business and unions are inserted in. Companies like Metric Roofing see no interest, benefit, do not see themselves as partially responsible for human living standards, poverty or inequalities around the world. They do not hold themselves accountable for the enormous gap between rich and poor. They think only about profit and not about human beings. They rather fight back workers than giving them a just salary.

IV. RALLYING FOR A REFORM ON IMMIGRATION LAW THE FREEDOM RIDE: ON THE ROAD TO CITIZENSHIP

In February 2000, the Executive Council of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) announced that it was changing its historic position. It would now support expanded immigration, and the legislative agenda of immigrants. In the months that followed, AFL-CIO officials declared that the organization was now “championing immigrant rights as an strategic move to make immigrants more enthusiastic about joining unions. Thus the one societal body that had

faithfully and consistently supported reasonable and enforceable immigration policies to protect the nation's working people is poised to formally reverse its historic posture at its biannual convention in December 2001.

By embracing the cause of immigrant workers, the ALF-CIO started its campaign towards legislative reform to benefit immigrant workers and their families. As part of this campaign and believing that increasing congressional and executive activity will help this legislative reform pass; the AFL-CIO implemented: The Immigrant Workers Freedom Ride: "On The Road to Citizenship". In Sept. 20, 2003 hundreds of immigrant workers boarded buses as part of the Immigrant Workers Freedom Ride in a massive nationwide event sponsored by the AFL-CIO and affiliated unions and spearheaded by the Hotel Employees & Restaurant Employees. The new Freedom Ride was modeled after the 1961 Freedom Rides of the U.S. civil rights movement in which student activists from across the country rode buses into the Deep South to challenge segregation on interstate transportation and in bus and train terminals. With the message of Freedom Riders and the objective of the "ride", unions were able to form strong new partnerships with community, civil rights, religious, student and immigrant rights groups to fight for workers' rights on the job and economic and social justice for all. The Freedom Riders—who included documented and undocumented immigrants and union and community allies—stopped in dozens of communities across the country to spotlight the need for immigration reform. With the 2004 elections approaching, the Immigrant Workers Freedom Ride left immigration issues squarely on the national political agenda while encouraging greater participation by immigrants, whatever their matter of immigration status, in the civic life of the nation. The buses departed from 10 major cities—Boston, Chicago, Houston, Las Vegas, Los Angeles, Miami, Minneapolis, Portland, Ore., San Francisco and Seattle—and converged in Washington, D.C., New Jersey and New York in early October. Workers and their supporters spent Oct. 2 lobbying members of Congress for immigration law reform. The workers then travelled to New Jersey to attend a reception hosted by Gov. James McGreevey (D) Oct. 3 in Liberty State Park and finished with a massive day-long Celebration of America's Immigrants in New York's Flushing Meadows Park Oct. 4.

State legislators and political leaders across the country endorsed the ride, including the Congressional Hispanic Caucus, the Congressional Black Caucus, the California state legislature and Rep.

John Lewis (D-Ga.), an original Freedom Rider. The Los Angeles County Federation of Labor held a major fundraiser and donated \$100,000 to offset the cost of the Freedom Ride. At various stops along the way, the new Freedom Riders supported workers seeking to gain a union voice at work, including hotel workers in Palm Springs, Calif., meat packers in Omaha, Neb., and workers at Smithfield Packing Co. in Tar Heel, N.C.

V. TODAY: UNION MOVEMENT VS. THE TEMPORARY WORKER PROGRAM

What exactly does today's Union Movement preach regarding immigration policy? How is it different from the 2004 Guest Worker Program outlined by Bush's government? First, we will present the AFL-CIO's literal proposition on Immigration.²⁷

Principle 1. Legalization. *It means a broad program allowing workers from around the world who have contributed to their workplace and community here in the US to adjust their status to permanent resident alien.*

- It should allow people to adjust to permanent resident status, the gateway to citizenship
- It should be open to undocumented people from any country who work hard, pay taxes
- Due process, restrictions, and other unfair provisions enacted into the law during the 1980's or 1990's that make it harder for people to adjust their status should be repealed.

Principle 2. Repeal and Replacement of Employer Sanctions and the I-9 System. *The current system of I-9 enforcement and employer sanctions should be repealed and replaced with a new law creating penalties for employers who seek to violate labor laws based on a worker's immigration status, and providing stiff penalties for smuggling, document fraud and for those employers who break labor laws as a matter of business practice.*

- Currently, immigration laws are enforced at the worksite through use of the I-9 system, a document verifying an employee's authorization to work in the U.S. Employers may be liable for civil penalties if it is found that they *knowingly* hired undocumented (those without authorization to work) workers.
- Although employer sanctions were supposed to deter future flows of undocumented workers into the country, they have not worked. There are millions more undocumented people in the U.S. than in 1986, when the employer sanctions system was enacted into law.
- Due to weak enforcement, employers know they face little if any risk from employing undocumented workers. In other words, the current worksite immigration enforcement system is a paper tiger easily manipulated by employers.
- Employer sanctions must be replaced with a new system targeting employers who try to use a worker's immigration status to intimidate those seeking to organize or otherwise exercise labor and employment rights.
- The new system should have enhanced penalties for those employers who knowingly recruit undocumented workers, and for those employers involved in document fraud for commercial gain.
- Workers who file charges alleging labor violations, such as unfair labor practices and wage and hour complaints, should be protected from deportation.

²⁷ The following information was extracted from the: "AFL-CIO Principles on Immigration: Ensuring Workers Rights and a Better Life for All Working Families"

Principle 3. **Reform, Not Expansion, of Guestworker Programs.** *A new large-scale guestworker program should not be the focal point of legalization efforts.*

- Guestworker programs have a long, sad history resulting in oppressive working conditions, wages at less than the going rate, and denial of opportunities to U.S. and long-term immigrant workers.
- Although employers typically claim that “market forces” should determine wages and benefits, they are unwilling to let “market forces” work when it comes to guestworkers. A large guestworker program that ties workers to an employer or an industry will serve only to thwart market forces that would lead to increased pay and benefits for all workers.
- The guestworker program cannot become a modern day *bracero* program that ties foreign workers to bad jobs for long periods of time with the hope of a provisional or permanent resident status at the end.
- All labor rights, including the right to join a union, must extend to guestworkers.

Principle 4. **Family Reunification.** *Any proposal must address the backlog of people waiting to legally join their close relatives.*

- Currently there are backlogs in the family preference categories of people have been waiting to join their close family members for years. Those family members who have been waiting in the backlog for the same length of time required for residence under a broad legalization program should be granted both a visa and a green card.

Under these principles AFL-CIO launched as we have already seen its campaign for legal immigration reform. And... what happened only three months after the “Freedom Ride” direct action? On January 6, 2004 United States President, George Bush announced the proposition of a “Temporary Worker Program. This proposition had been long expected since the President had put immigration reform at the top of his agenda while campaigning for the presidency in 2000, but after the September 11, 2001 attacks, it was placed on the back burner as administration officials and legislators worked to strengthen border security. This proposition comes in a time when Bush is campaigning for his re-election thus preoccupied to win the Hispanic community vote, which in 2000 astonished very one by voting in considerable numbers for the Republican candidate. Bush’s proposed “Temporary Worker Program” consists on the following²⁸:

- While “serving the economic need of the U.S” the plan would allow immigrants to come (for a three year period that can be renewable but has an end) to the United States if they can prove they have a job that American citizens are not willing to take.
- It would allow undocumented workers who live in the United States a reprieve from deportation if employers agree to give them jobs for three years and are unable to find American citizens willing to do the job. They would be required to pay a one time fee to register in the program. The applicant would still have to compete for the visa, but would not be deported for three years while the application is under consideration. If workers' applications are not processed in the first three years of their employment, then workers would have to return to their countries to await final approval.
- All participants will be issued a temporary worker card that will allow them to travel back and forth between their home and the United States without fear of being denied re-entry into our

²⁸ Extracted from President Bush’s speech January 6, 2004

country.

- New laws providing incentives for temporary, foreign workers to return permanently to their home countries. Such as giving temporary workers credit, when they enter their own nation's retirement system, for the time they have worked in America. Also aiding temporary workers to contribute a portion of their earnings to tax-preferred savings accounts, money they can collect as they return to their native countries.
- Same process of citizenship. The number of green cards will be increased but the total number of new cards is not yet decided.
- The program would be separate from the temporary visa program that allows technical experts to work in certain sectors of the economy.
- Employers have key responsibilities. Employers who extend job offers must first make every reasonable effort to find an American worker for the job at hand. Government will develop system for employers to search for American workers. Employers must not hire undocumented aliens or temporary workers whose legal status has expired. They must report to the government the temporary workers they hire, and who leave their employ. There would be strong workplace enforcement with tough penalties for any employer violating these laws.

In response to Bush's government recent "Temporary worker Program" the AFL-CIO has stated through its President John J. Sweeney that it will only help "create a permanent underclass of workers who are unable to fully participate in democracy"²⁹ The argument is that while the Bush plan would give some legal status to undocumented immigrants, it does not provide them with an opportunity to earn citizenship and thus participate in democracy. In other words as SEIU Executive vice-President Eliseo Medina says: "Bush tells immigrants you have no right to earn citizenship, but tells corporations you have the right to exploit workers—both American and immigrant. Without an opportunity to earn full citizenship, 8 million immigrant workers and their families will be at the constant mercy of these unscrupulous employers."³⁰

The other fear is that the plan will do nothing to strengthen protections for wages, benefits and other rights of immigrant and domestic workers. But instead, use and discard workers while on employers' mercy and power. It will serve large corporations' need over immigrant workers.

Finally, the president's plan neither supports nor encompasses existing bi-partisan legislation that would significantly improve the quality of life for immigrant workers and their families. These bills include the DREAM ACT, which would enable undocumented immigrant high school graduates to obtain a college education. In fact as Sweeney states, "the President's proposal does not address the issues of undocumented

²⁹ Statement by AFL-CIO President John J. Sweeney on President Bush's Principles of Immigration Reform on January 08, 2004 <http://www.aflcio.org/mediacenter/prspmtm/pr01072004.cfm>

³⁰ says <http://www.seiu.org/media/press_releases/press.cfm?ID=1163

children at all. Nor does it address the AGJOBS agreement, which would provide earned legalization for some 500,000 agricultural farm workers, most of them from Mexico, currently living here.”³¹

CONCLUSION

Prove the following first that American union’s immigration policy has changed, why? There are many variables globalization, growing numbers of workers, saturation of jobs with Latino immigrants, state cannot stop illegal immigration, companies have taken advantage of that and have lowered salaries and give no insurance what so ever to employees. Then another factor is the fact that unions’ members are low and were at the lowest percentage since the union movement started. So in other words, unions need workers.

Second, analyze the organizing experience of Latino workers, what works and what doesn’t and why. What are the main critics in the way unions have handled their administration. What can change? How can Latinos change the existing “dead” or “static” administration? What does it mean to have Latino immigrants at the head of the workers movement in the US?

Is the immigration policy recommendation of the AFL-CIO realistic? How can they be achievable? What is the interest behind this kind of immigration policy? What is the AFL-CIO force inside government? What future to immigration policy taking into account the phenomenon of globalization?

Forth, today’s market economy predatory system. How is the new immigration policy statement taken by the AFL-CIO directly combating the irresponsible attitude companies take. Business accountability made possible in this case of Latino workers and American unions in today’s predatory market economy.

Finally, the study also brings to light the frequent double discourses made by companies, unions and countries regarding the benefits and costs of market globalization.

³¹ Statement by AFL-CIO President John J. Sweeney on President Bush’s Principles of Immigration Reform on January 08, 2004 <http://www.aflcio.org/mediacenter/prspmt/pr01072004.cfm>

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