



The world watches the US on labor abuse

BY JENNIFER J. ROSENBAUM - 03/12/14

On March 13, the United Nations Human Rights Committee will meet for a two-day review of U.S. compliance with the International Covenant on Civil and Political Rights—and our nation's representatives will have some explaining to do.

In the run-up to the review, labor and civil rights organizations in ten countries that send migrant workers to the U.S. have joined 29 U.S.-based groups in [writing to the UN committee](#) to sound the alarm about violations of fundamental human rights of migrants when they are in the U.S. These groups are asking the UN committee to press the United States over the grim reality migrant workers here have faced for decades: employers who subject migrant workers to severe labor abuse, then use immigration enforcement as a weapon to intimidate, lock away, or deport victims and witnesses to hide the abuse.

Iconic U.S. corporations are profiting from such abuse. Case in point: in late February, the Department of Labor [awarded \\$205,977 in back wages and liquidated damages](#) to former student guestworkers at McDonald's restaurants in Pennsylvania, and to the U.S. workers alongside them. The student guestworkers, from Argentina, Malaysia, and other countries, [faced sub-minimum wage pay](#), shifts of up to 25 hours straight, unpaid overtime, and overpriced company housing where eight people were packed into a single basement room. When the workers raised complaints, their employer responded with threats of retaliation and deportation to intimidate them and hide the abuse.

In spite of the threats, these workers found the bravery to do what few migrant workers can: they went on strike, brought their fight to the pages of the Wall Street Journal and The Nation, and helped organize a Global Day of Action against McDonald's labor abuse in June 2013 that [reached more than 30 countries](#).

Migrant workers in every corner of the U.S. have exposed the same kind of exploitation that the McDonald's student guestworkers faced—along with the same threats of immigration-based retaliation—in recent years. Other cases have involved [Jamaican guestworkers](#) cleaning luxury beach condos; [Mexican crawfish processors](#) on the Walmart supply chain; [students](#) from Ukraine, China, and Turkey packing Hershey's chocolates; and [welders and pipefitters from India](#) repairing Gulf Coast oil rigs. In every case, when workers came forward to report labor and human rights violations at work, they were under threat because of the U.S. government

limited protections from retaliatory deportation—especially for guestworkers whose visas are tied to their employer.

These protections don't just matter for the millions of migrant workers in the U.S.; they matter for the tens of millions of U.S. workers alongside them. Again, the abuse at McDonald's provides a case in point. Based on the guestworkers' complaint, the Department of Labor found that the franchisee had stolen wages not only from 178 migrant workers, but from 113 U.S. workers alongside them. When employers like McDonald's can get away with exploiting migrant workers by threatening retaliation and deportation, the wages and conditions of U.S. workers fall as well. But when migrant workers have the protections they need to come forward and expose abuse without fear—meaning the right to stay in the country and continue to work while pursuing a labor or human rights complaint—they raise the floor for every worker in the United States.

United States obligations under the ICCPR require the U.S. to protect immigrants who expose civil, labor and human rights violations. A [shadow report](#) to the United Nations Human Rights Committee—*Deporting the Evidence: Migrant Workers in the South Expose How U.S. Immigration Enforcement against Human Rights Defenders Violates the International Covenant on Civil and Political Rights*, prepared by the Loyola University New Orleans School of Law and the New Orleans Workers' Center for Racial Justice—shows that too often the United States is “deporting the evidence” of human rights violations by arresting, detaining, and removing individuals engaged in defending themselves and their communities against serious violations of the ICCPR. In some cases, the state uses immigration enforcement to retaliate against persons who expose governmental abuses of civil and political rights. In other cases, the state cooperates with private actors who use immigration enforcement to hide their own unlawful behavior.

Not only do these actions by the United States directly violate the ICCPR, they also prevent human rights abuses from being exposed or verified because victims and witnesses are intimidated, locked away, or removed from the country. The U.S. should stand as a global leader, with model rules and laws to protect migrant workers when they come forward to expose civil, labor, and human rights abuses. These should provide work authorization and protection from deportation and retaliation. The Obama administration needs to take executive action to guarantee these protections. Congress should also ensure that any comprehensive reform bill include [the POWER Act](#), which provides strong anti-retaliation and whistleblower protections.

It matters for the United States' international reputation as a human rights leaders, for the welfare of millions of migrant workers already here—and for the job quality of every worker in America.

Rosenbaum is the legal and policy director of the National Guestworker Alliance and the New Orleans Workers' Center for Racial Justice.

