

## **Employer sanctions Creating Scabs**

From CSWA News Winter 1990 Volume 2 Issue 1

The employer sanction provisions of the 1986 immigration act have been in force for the last three years. In our community employers use employer sanction as a tool to divide workers.

Most Chinese immigrant workers are employed in marginal industries, such as restaurants and the garment industry, where few skills are needed beyond the ability to work long and hard. When workers look for jobs, bosses now demand to see their identification papers. If workers have papers, many bosses will say there is no work available. However, if a worker cannot produce documentation, the boss says he will do him a favor and hire him. But since the boss is doing the worker such a big favor, he won't mind if he's paid less – say, 20-20% less.

Workers without documentation are at a disadvantage. They have to take any job they are offered at whatever pay they can get. Even when they know that the boss is taking advantage of them and discriminating against them by paying them less than other workers, they have to accept those conditions.

### Workers afraid to organize

Workers in such a situation are afraid to organize to improve their condition. If they join a union or protest against working conditions, the boss can suggest that the immigration service will pay them a visit. Even if they are short-changed on their pay, even if the boss doesn't pay them for weeks at a time, they are afraid to protest.

In marginal industries, many bosses under-report payroll taxes. With the employer sanction provisions in effect, this practice is growing and has created a huge underground economy in our community. With the underground economy growing, bosses have brought down wages across the board by an estimated 20-30%, especially in the garment industry.

Employer sanctions have destroyed one of the good traditions in our community: that of never asking to see anyone's papers. Undocumented workers actually find it easier to find work than those with papers, but everyone's wages are driven down. Once a boss has a number of undocumented workers on his premises, he can tell other workers that he doesn't see why he should pay them more.

Employer sanctions have created an army of workers who are forced to work for whatever is necessary to keep bread on the table and a roof over their heads. There is no one they can turn to for relief – the unions scorn them, the government will send them back to even worse conditions in their native country unless they post several thousand dollars bail.

### Sanctions hurt all workers

Employer sanctions have broader ramifications. They not only hurt immigrant workers but affect all workers. Once employer are able to drive down the wage level of any worker who might be suspected of being undocumented, all immigrant workers are willing to work cheaper than they did before. They will take any job available at

whatever wage is offered. This large pool of labor reduces the wages of the native born, and will continue to do so as long as these workers remain unorganized and have no rights.

The leadership of the AFL-CIO, in the name of representing native-born workers, supports employer sanctions. By pursuing this short-sighted policy the AFL-CIO promotes the very thing they fear – a large pool of cheap labor that divides worker from worker and drives down wages and benefits.

We call people scabs when they cross a picket line, breaking solidarity and dividing workers. But solidarity must be present in our hearts and minds before it can exist on a picket line. When the leaders of the AFL-CIO endorse laws which divide immigrant workers from other workers they break solidarity and divide workers. When they do this, they are scabs themselves.

#### ILGWU changes position

When the immigration act was passed, the International Ladies garment Workers Union (ILGWU), whose members are mainly immigrants, favored employers sanction. They clung to this position for several years, despite mounting evidence that it was harming their own members.

CSWA, the Asian American Legal Defense and Education Fund, the Center for Immigrant Rights and the Lower East Side Catholic Area Conference launched a campaign in the Chinese American community to alert people to the dangers of employer sanctions. We encouraged articles in the Chinese press clarifying the problems with employer sanctions, petitioned to repeal these provisions, handed out Chinese language brochures explaining why employer sanctions hurt our community, and alert people attending the Chinatown Labor Fair of the dangers. Pressure on the ILGWU, from its own members and the immigrant rights community, forced it to reconsider its position. Finally, early this year the union realized that it had been mistaken and took a position advocating repeal of employer sanctions. We sincerely hope that the ILGWU will use its considerable influence to see to it that employer sanctions are, in fact, repealed.