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The Importance of Worker Protections in Immigration Reform April 25, 2013

It is far too easy for unscrupulous employers to manipulate current immigration laws to exploit immigrant workers. Labor protections must be included in immigration reform or nearly every worker — no matter where they were born — stands to lose. We can't afford immigration policies that drag job standards down and create any more imbalances in our economy.

We urge Congress to support worker protections in immigration reform through the following policies:

- **Protect Workers Exercising Labor and Civil Rights from Retaliation and Exploitation:** Immigrant workers are susceptible to hostile workplaces where they can face exploitative conditions. Unscrupulous employers unfairly profiting from these practices can use these workers' immigration status to retaliate against them when they try to speak up about mistreatment on the job. The Senate bill currently includes important worker protections from the POWER Act for immigrant workers who blow the whistle on employer abuse. These provisions are essential to immigration reform legislation going forward to ensure workers do not suffer in silence on the job when they try to pursue labor and civil rights complaints.
- **Develop a Fair Roadmap to Citizenship for All 11 Million:** The roadmap to citizenship must continue to be inclusive and not create unfair barriers, such as proof of work requirements that would essentially exclude domestic caregivers and other workers in the "gray market" who do not receive formal employment documents from their employers, disproportionately impacting women. The Senate bill's arduously long timeframe will present insurmountable obstacles for many workers who want to become citizens. The roadmap must take a more efficient approach and provide workers under provisional status with equal access to protections and remedies available under U.S. labor and employment laws.
- **Ensure Strong Labor Standards in Future Flow and Guestworker Programs:** The Senate Bill currently expands guestworker programs without providing necessary protections for workers. Existing guestworker programs should be improved not expanded unless there is a real labor shortage within an industry. Immigrant workers who arrive to work on visas for any period of time must be granted U.S. labor rights in order to safeguard these workers. U.S. employers and foreign labor recruiters must be held jointly responsible for abusive practices through regulation and oversight. This will remove the economic incentive for employers to exploit global workforces or expand their use of guestworkers to lower U.S. labor standards.
- **Allow Full Enforcement of Federal Labor Law:** Immigration reform legislation must fully and clearly overturn the U.S. Supreme Court's 2002 decision in Hoffman Plastics that prohibited the National Labor Relations Board (NLRB) from awarding backpay compensation to undocumented workers who are unlawfully fired by their employer for forming a union or other protected activity under the National Labor Relations Act (NLRA). Every worker should have access to remedies under a law that protects all workers regardless of immigration status. In doing so, Congress can reduce the incentive for employers to pull undocumented workers into the shadows of the economy.