

EMPLOYEE RIGHTS CENTER

4265 FAIRMOUNT AVENUE · SUITE 210 · SAN DIEGO · CALIFORNIA · 92105

July 2, 2012

The ERC – “10 YEARS AFTER”

In 1999 the Employee Rights Center started as a very small program of the San Diego Labor Education Fund, a local non-profit 501c3 organization closely affiliated with the Labor Council (now named **Labor’s Training & Community Development Alliance**). The Center received its first two grants that year for \$3,000 each from the San Diego Foundation for Change and UCSD’s Civic Collaborative. With these funds we studied the community’s knowledge of worker rights and the results showed that both in our local community organizations and among low-income, non-union workers there was little knowledge about workers’ rights and the legal procedures for asserting them.

Labor unions are the only institution in our society that are dedicated to informing workers about their rights and providing them the organizational ability to assert those rights at work and in the halls of government. What the Center sought to do was to create new methods of providing all workers education and advocacy regarding their workplace rights, especially when they lack union representation. The ERC is the only non-profit program in the San Diego area that provides education and advocacy to all workers about their workplace rights and benefits.

The Center leverages the work of its small staff by training local law students as employee advocates and educators, who then staff the office Monday through Friday, 9 AM to 5 PM and after. This “service learning” model generates about 10,000 volunteer hours per year, which is equivalent to 5 full-time staff. This is a tremendous resource both for the three law schools and our local community.

In the Center’s early years we discovered the systematic abuses especially suffered by immigrant workers and have made them the focus of our work. To sharpen that focus the Center now has a bilingual immigration attorney available full-time to address the various status issues facing immigrant workers today. The interplay between work and immigration rights is essential to understand for those who want to organize and advocate for immigrant workers in the U.S.

This is a short summary of the Center’s upcoming “Report to the Community”, which we plan to make annually starting in 2009. A more complete report, along with supporting documents will be posted on our website www.weberc.net.

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• SAN DIEGO LABOR EDUCATION FUND •

Wage theft & unpaid wage claims

Because so many immigrant workers contact us each day about not getting paid correctly we consider this kind of “wage theft” as systemic, that is, a regular and accepted part of our economy. Most commonly this wage theft is in the form of: (1) unpaid work, (2) unpaid overtime pay, (3) illegal deductions, or (4) late final pay. This past year the Center won over **\$250,000** for the workers it represented in unpaid wage claims filed with the state’s Labor Commissioner.

Unemployment claims

When employees are denied their claim for unemployment insurance benefits by EDD, the Center is there to represent them in their appeal for a hearing or a written appeal to the state Appeals Board. Very often employees are denied their UI benefits because they have not been able to present all the facts and/or because the law has not been properly applied to those facts. This past year the Center won over \$788,000 in UI benefits for unemployed workers. With benefit extensions now in place, those won UI benefits are worth over **\$1,575,000!**

Injured workers & “Health Justice”

During 2009 the Center has operated with the help of two grants from The California Wellness Foundation and Kaiser Permanente Community Benefits with a focus on improving immigrant workers access to health care. The Center has developed a core curriculum on “Workplace Health & Justice” that it uses to educate workers and community based organizations, especially those operating in San Diego’s large immigrant communities. Contact us for more information.

In addition, the Center has helped more than 125 injured workers navigate their workers compensation insurance claim when they did not have an attorney. In most cases, these workers were immigrants who spoke limited English and who did not understand, for example, where to find a doctor who will examine them, how to file a claim with their employer, how to overcome the employer’s resistance to their filing a claim, or how to understand their situation during the claim period. In each case the Center’s assistance improved these injured workers’ access to health care and basic financial support while recovering.

The Center has also conducted its first year’s total of 192 health and safety surveys among workers visiting the ERC, working people at community events and at community workshops. Data from these surveys will be compiled and analyzed to better guide the Center’s and others’ activities to improve worker health and safety, especially those activities that can help prevent injuries.

Immigration

Community education

Through various community workshops the Center has provided community education on workers rights and immigration rights to over 500 immigrant workers this year. In these workshops Center staff creates learning through dialogue in which everyone learns about their rights by discussing their experiences. In particular, with Proyecto de Casas Saludables (Healthy Homes Project) the Center has educated almost 200 participants in their Academia de Liderazgo (Leadership Academy) regarding these rights.

The Center has also conducted worker and immigration rights workshops with community organizations such as Barrios Unidos Hoy Organizados, Mid-City CAN (Community Action Network), ICAN (Inter City Action Network), Project Concern, Jacobs Center for Neighborhood Investment, Center for American Islamic Relations (CAIR), and the San Diego Foundation for Change.

In all these activities the Center extends its reach to more low-income and immigrant workers and makes new community partners for its work. In addition, it connects these workers and partners to our local labor unions whenever the potential for union organizing presents those opportunities.

Immigrant workers unionize!

This year the Center experienced a wonderful example of how a non-union, immigrant workers' struggle can eventually lead to a successful union drive.

On June 20, 2006, a group of Filipino-American housekeepers tried to air their grievances about working conditions at the Combined Bachelor's Quarters on the Point Loma Navy facility by clocking out and attempting to visit the Base Captain using his "Open Door" policy. The Navy responded by removing them from the Base, revoking their base passes and then terminating their employment. After successfully protesting the Navy's initial terminations, most of them eventually returned to work with 30-day suspensions, the loss of seven weeks' pay, and a two-year probationary period.

A core group of these employees sought assistance from the community and the Filipino organization "One Vision One Voice", headed by Dr. Maria Lourdes Reyes, answered the call. Together they reached out for other community support and found the Employee Rights Center, which helped these

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housekeepers negotiate their return to work and then over the next 18 months appeal the harsh, excessive treatment they received from the Navy command. In December 2007, 14 Filipino-American housekeepers and the Center celebrated their successful settlement of their discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEO) against the Navy.

Inspired by these immigrant workers' perseverance the local AFGE, American Federation of Government Employees, then started a union organizing drive among these same housekeepers as part of a 2,500 member bargaining unit. These are low-paid, mostly immigrant workers and 75% of them work second jobs in order to make ends meet. In San Diego about 40% of these members are Filipino-American, with a strong work ethic and cultural pride.

The AFGE organizers appreciated who they were organizing enough to fight for the election ballots to appear in 3 languages - Filipino, Spanish, and English. They made history because this is the first time that Federal Labor Relations has translated election ballots into these languages. On May 26, 2009, pro-union workers celebrated their election victory! This is largest ever unionization of Filipino-American workers in the San Diego... inspired by 14 housekeepers.