

Talking Points on Guest Workers
Prepared by David Bacon
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Who are guest workers?

Guest workers are given a visa to enter the US to work on a temporary basis. To obtain a guest worker visa, a worker must have an offer of employment, or a job waiting in the US. This requirement sets up a system of labor recruitment, in which labor contractors offer workers jobs, and make the travel arrangements for them to come. Usually, workers then have to pay at least for the cost of the transportation, and often much more. While the terms of the visa vary from one program to another, they all require workers to be employed while they're in the US. In most programs, workers have to remain employed under the original contract they sign with the contractor, or the US employer. If they leave their job, or incur the displeasure of their employer, they can be fired, lose their visa status and forced to return home.

What was the bracero program?

The bracero program was the US' first big experiment in using guest workers. Thousands of Mexicans were recruited to come to the US as farm workers from 1942 to 1964, and for the first two years worked on the railroads as well. They were recruited at centers in Mexico, and had to obtain (usually through bribes) a letter from the local authorities testifying that they were good workers. They were fumigated on arrival in the US with DDT, and then county grower associations parceled the workers out among various local ranchers. Workers were housed in military-style barracks, and generally treated in an abusive way. If they complained or tried to strike or stop work, they were sent back to Mexico. Money was deducted from each worker's paycheck, to create an incentive to them to return to Mexico at the end of their contracts. Most of this money disappeared. Since then former braceros in the US and Mexico have been trying to force the Mexican government to pay the money owed them.

Despite the abuse, many Mexicans used the program to send money back to their families and home communities. Some stayed behind illegally when their work contracts ran out, and eventually were able to gain legal status and bring their families to live in the US.

Why was the bracero program ended? Who fought to end it?

Some braceros did strike to try to improve conditions, and were often supported by local Mexicano/Chicano communities and activists, like Bert Corona, founder of the Mexican American Political Association. Despite those efforts, most Mexicano/Chicano activists tried for years to end the program. The leader of those efforts was Ernesto Galarza, a former diplomat and labor organizer. Galarza and his coworkers charged that the program was inherently abusive to immigrants, who should be given equal status instead of being treated as disposable labor. He also charged that growers would bring in braceros when local farm workers tried to organize unions and strike.

Another opponent of the program was Cesar Chavez. He organized campaigns in Oxnard, California, and other barrios to prove that growers were not trying to hire workers from local communities, even when there was high unemployment. Chavez later said he could never have organized the United Farm Workers until growers could no longer

hire braceros during strikes. The great 5-year grape strike in which the UFW was born began the year after the bracero program ended. Chavez believed agribusiness' chief farm labor strategy for decades was maintaining a surplus labor supply to keep wages and benefits depressed, and fight unionization.

What kind of abuses do modern guest workers endure?

Guest workers recruited under modern programs are often cheated of the pay they're promised. Employers and contractors are required to obtain certification from the Department of Labor, but certification is almost never denied, even to contractors with long records of labor law violations. Employers routinely violate overtime, minimum pay, travel and housing requirements. Contractors must also demonstrate that there are no local workers available to perform the work, and that they've tried to find them, but this requirement is rarely enforced. Many current programs allow the use of a blacklist, or a record of workers who are ineligible for rehire because of alleged misconduct, because they've worked too slow, or have protested and caused trouble. Even when there is no formal blacklist, contractors decide who will work from one season to the next. Abuse is unavoidable.

Are there meaningful, effective protections for the labor rights of guest workers?

The record shows that even when there are minimal standards for pay, overtime, housing and other requirements, employers violate them with impunity. Although workers do have some legal recourse on paper, they are unable to use the legal process effectively in practice. One worker, hired to plant and tend pine trees grown for the paper industry, explained that he didn't file a legal complaint even when he knew he was being cheated. "We didn't protest because we couldn't. We were far away from the company office, and maybe the next year they wouldn't give us the chance to go [to the US again]... My idea was to escape from the job right away. Otherwise, I wouldn't make any money." Guest workers are commonly told that if they speak to priests, legal aid attorneys, or union organizers they'll be fired, deported, and blacklisted.

Often the most important factor for workers is the debt they face at home, in the communities from which they come. Workers have to take out huge loans to pay the costs of coming to the US. If they lose their job, their families lose their homes or land. John Wilhelm, president of UNITE HERE, who heads the AFL-CIO's immigration committee, says, "I don't think it's possible to have labor protections for contract workers." Even U.S. citizen workers lose their jobs during union organizing campaigns, he says. "To think the law will protect people whose right to stay in the country ends with their job is not living in the real world."

If these programs are so abusive, why do workers want to enroll in them?

Poverty in rural communities of Mexico, Central America, the Caribbean and Southeast Asia drives people to leave in order to ensure the survival of their families. Poverty is often the product of economic reforms imposed by the International Monetary Fund and World Bank, to create profitable investment opportunities for large multinational corporations. Trade agreements like NAFTA, CAFTA and FTAA make poverty worse, by ending subsidies on food and transportation, encouraging low wages, and mandating privatization

and the loss of public sector jobs. Workers trying to survive under these conditions often see migration as their only option. Work in the United States, even under abusive conditions, can seem an economic necessity, when the alternative is hunger, unemployment, and lack of a decent future for their children.

Who wants these programs?

Proposals for a new temporary worker program are popular in corporate America. President Bush has been their main proponent, and calls instead for linking "willing employees with willing employers." Bush opposes legalization for undocumented workers, His program calls for 300,000 people to be given temporary visas for three years, renewable for another three. It was adopted point-for-point from a report written by the conservative Cato Institute in 2002. Corporate pressure has grown so strong that even bipartisan proposals for immigration reform now include guest workers. A bill introduced by Senators Edward Kennedy and John McCain includes a program even larger than that proposed by Bush - 400,000 temporary visas per year.

These proposals incorporate demands by the Essential Worker Immigration Coalition - 36 of the US's largest trade and manufacturers' associations, headed by the US Chamber of Commerce. This organization includes the National Association of Chain Drug Stores (think Wal-Mart), the American Health Care Association, the American Hotel and Lodging Association, the National Council of Chain Restaurants, the National Retail Federation, and the Associated Builders and Contractors. These industries are already heavily dependent on immigrant labor. Their program is supported by the ultra-right Manhattan Institute. Despite their claims, there is no great shortage of workers in the US. There is a shortage of workers at the low wages industry would like to pay. Today's immigrants are actively organizing unions and fighting for better conditions. Guest worker programs would supply employers with a more vulnerable workforce.

Is the United States the only country considering large-scale guest worker programs?

There is already a large guest worker program in Canada. Immigrant advocates charge that the Canadian government discriminates against them. Guest workers pay into Employment Insurance funds but are disqualified from collecting benefits, receive lower wages than other workers doing the same job, and are not covered by health and safety legislation. Workers who demand better conditions are deported. In Britain, the government has sought to end asylum programs for refugees, while setting up programs to supply temporary workers to British industry and agriculture, referred to as "managed migration." Other European countries are also setting up similar programs.

The economies of all industrial countries have become dependent on immigrant labor. There is a huge flow of millions of migrant workers from developing to developed countries all over the world. Governments want to manage it in the interests of large corporations, creating a second-class workforce with fewer rights and lower wages.

What effect do guest worker programs have on families and communities?

Guest worker programs encourage the migration of young unaccompanied men, which has a big effect on sending communities. Ghost towns appear in rural Mexico and Central America during the peak work

seasons in the US, with many villages losing most of their best workers during their most productive years. Villages become places for idle recreation and retirement, rather than domestic production. Inflation of land prices makes land unavailable to residents who stay behind and seek work in their native areas.

Periods when whole families were able to settle in the United States, because of the availability of permanent residence visas, produced much better conditions in migrant communities. So did the legalization program in the Immigration Reform and Control Act of 1986. Labor unionization, civic participation and wage levels all improved, as settled immigrants demanded better conditions. Families are better at protecting their rights than single migrants. Wives and mothers frequently become involved in US institutions and learn about their rights, helping to mobilize workers to stand their ground against employers.

Real immigration reform could enable immigrants to form stable communities in the US. Temporary workers cannot do this, since they have no right to live with their families, to develop their culture, including religion and music, to housing and healthcare, or to political representation. When the work is done, they have to move on. The Indigenous Front of Binational Organizations, an organization of Mexican immigrants, "disapproves of the Bush initiative for temporary, or 'guest' workers because it doesn't guarantee respect for labor and human rights." Instead, it calls for legalizing undocumented workers.

What impact will expanded guest worker programs have on communities and unions in the US?

Guest worker programs also have an impact on the jobs and wages of other workers. Employers want the programs because they offer a workforce that can be paid less than one hired from local communities. The US paper industry, for instance, lowered the prices it paid contractors for planting pine tree plantations. Contractors stopped hiring a US-resident workforce, and began hiring workers under the H2-B program as a result.

Job competition is a fact of life for workers in the US economic system. Employers often use the pressure of unemployment to depress wages, and pit one community against another. Guest worker programs give them a powerful tool to increase this competition. Employers could especially sharpen job competition where workers are organizing unions, trying to raise wages, or challenging past patterns of discrimination.

Workplace surveys show a pattern of discrimination against African-American workers in some industries employing large numbers of immigrants, such as electronics assembly, semiconductor production, hotels, building services, construction and others. Some unions are addressing this history by supporting the rights of all workers. UNITE HERE, for instance, calls for enforcing the workplace rights of immigrant workers in the hotel industry, while asking hotels to make special efforts to hire from communities that have been the victims of past discrimination, and suffer high unemployment. This particularly affects African Americans, but also established immigrants. Large guest worker programs would give hotel corporations the ability to bring in a new, low-wage workforce, instead of agreeing to the remedies proposed by the union.

Is there a connection between new guest worker proposals and enforcement of employer sanctions?

Employer sanctions, or the law which makes it a crime for an undocumented person to hold a job, have been justified as a means of discouraging people from immigrating illegally. In this respect, they've been a total failure. They have, however, made undocumented workers more vulnerable to employer pressure, and have been used to prevent workers from organizing unions and defending their workplace rights.

With new guest worker proposals, employer sanctions have acquired a bigger purpose. Many guest workers find they can earn more money, and work in a less pressured environment, if they leave the jobs for which they were contracted. Employer sanctions become a means to force them to stay with their contracted employer, since finding another job becomes riskier and more difficult.

Some proposals, like the Kennedy-McCain bill, propose that current undocumented workers should work for six years as guest workers, and pay a \$2000 fine, in order to obtain legal status. They would have to give authorities all the information needed to deport them if their application failed, and would become disqualified if they were unemployed for as little as 30 days. Employer sanctions then become a means to pressure undocumented immigrants into enrolling in those guest worker programs, by making it much more difficult for them to work if they chose not to.

Don't many workers come to the United States to work for just a short period anyway?

A better solution is to expand the number of permanent residence visas, allowing workers to travel between their countries of origin and the US freely, rather than as contract labor. They would be able to bring families with them, and settle in the US if they choose. They would be free to exercise their rights in a way that contract workers are not. They could become integrated into the communities around them on the basis of equality.

Is there an alternative that would give undocumented immigrants legal status?

Congresswoman Sheila Jackson Lee proposes a legalization program that would allow undocumented immigrants to normalize their status if they've lived in the US for five years, and gain some knowledge of English. This proposal is like the legalization provision passed by Congress in 1986, and signed into law by President Ronald Reagan. The Jackson Lee bill does not contain a guest worker program, and increases the enforcement of immigrant rights, rather than the enforcement of employer sanctions.

The UN Convention on the Status of Migrants and Their Families guarantees a new set of rights for migrants corresponding to this new era of heightened global migration. It holds both sending and receiving countries responsible for their welfare, and proposes the goal of equal status of migrant and non-migrant people. Countries maintain control of their borders, and determine the rules for access to employment. The US has not yet ratified this basic statement of human rights.