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Undocumented Workers Bring Plea for Non-Discrimination to Human Rights Body
(11/1/2006)

FOR IMMEDIATE RELEASE
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ACLU, National Employment Law Project, University of Pennsylvania Champion Fundamental Human Rights of all Workers

NEW YORK - The American Civil Liberties Union, the National Employment Law Project and the Transnational Legal Clinic at the University of Pennsylvania School of Law today filed a petition urging the Inter-American Commission on Human Rights to find the United States in violation of its universal human rights obligations by failing to protect millions of undocumented workers from exploitation and discrimination in the workplace.

The petition was submitted to the commission on behalf of the United Mine Workers of America, AFL-CIO, Interfaith Justice Network and six immigrant workers who are representative of the six million undocumented workers in the United States labor force.

"The most poorly paid and least desirable jobs in the United States are filled by undocumented immigrants, yet the government increasingly limits the safeguards available to this population, leaving them vulnerable to exploitation and workplace discrimination," said Claudia Flores, an attorney with the ACLU Women's Rights Project. "The United States government has an obligation under universal human rights norms to protect vulnerable populations, such as immigrant women, and has failed in this regard."

Undocumented immigrants make up nearly five percent of the U.S. labor force. However, employment and labor protections under state laws have been either eliminated or severely limited for undocumented workers in some states. These include such basic workplace protections as freedom from workplace discrimination and entitlement to hold an employer responsible for a workplace injury.

"International human rights law requires the United States to apply its workplace protections equally and without discrimination based on immigration status. We bring this petition to cast a global spotlight on the U.S. government's poor human rights record in protecting undocumented workers from discrimination and to demand accountability from states and the federal government, all of whom are obligated to protect and defend human rights," said Chandra Bhatnagar, a staff attorney with the ACLU Human Rights Program.

The individuals named in today's petition have each tried to assert their workplace rights but were unsuccessful. They are:

- Jesus L., a Michigan poultry worker who suffered severe injuries, requiring spinal reconstruction surgery, after falling from the top of a chicken house onto a concrete floor. The insurance company for Jesus' employer refused to provide workers' compensation to cover time off work because he was undocumented.
- Yolanda L.R., a widow whose husband was killed on a construction site in New York because of his employer's criminal negligence. Yolanda's compensation for her husband's wrongful death compensation will be affected by his immigration status.
- Francisco Berumen Lizalde, a painter in Kansas who was prosecuted and deported, likely as a consequence of filing a workers' compensation claim after he fell from scaffolding and fractured his hand.
- Leopoldo Z., a Pennsylvania farm worker who underwent three surgeries and continues to suffer nerve damage and chronic pain as a result of a workplace accident. Leopoldo's employer suspended his medical benefits when it became clear he would not be able to promptly return to work.
- Melissa L., a woman who had to leave her job in New Jersey when workplace sexual harassment became intolerable. She filed a claim against her employer, but because of her immigration status, she was forced to settle her case for less than she was entitled.

"By not protecting undocumented workers, the government is sending the message to employers that they can abuse and harass immigrant women, and that our lives are not as valued as other workers," said Melissa L. "No woman should be allowed to be exploited against her will, no matter what her citizenship status is."

The petitioners are requesting that the Inter-American Commission find the United States government in violation of its obligations under the American Declaration of the Rights and Duties of Man, which was adopted by the United States in 1948, as well as universal human rights principles.

Established by the United States and Latin American countries in 1959 under the auspices of the Organization of American States (OAS), the Inter-American Commission on Human Rights, which sits in Washington, D.C., is expressly authorized to examine allegations of human rights violations by members of the OAS. The commission is also authorized to conduct on-site visits to observe the general human rights situations in all 35 member states of the OAS and to investigate specific allegations of violations of human rights treaties.

In their petition, the groups further charge that the U.S. government is responsible for violations of the American



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Declaration by Pennsylvania, Michigan, Kansas and New York, which fail to provide equal remedies for workplace injuries, and New Jersey, which limits the ability of undocumented workers to be free from workplace discrimination.

For a copy of the petition, go to: www.aclu.org/immigrants/discrim/27232lg120061101.html

For additional statements from the workers and organizations signed on to today's petition, as well as policy makers, go to: www.aclu.org/pdfs/immigrants/inter_american_commission_statements.pdf

For a description of the petitioners, go to:
www.aclu.org/pdfs/immigrants/inter_american_commission_cases.pdf

Declarations from petitioners are available here:
www.aclu.org/pdfs/immigrants/inter_american_commission1.pdf and here:
www.aclu.org/pdfs/immigrants/inter_american_commission2.pdf

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