

Testimony
United States Senate Committee on the Judiciary
FIELD HEARING--Comprehensive Immigration Reform: Examining the Need for a Guest
Worker Program
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Testimony of Eileen Connelly
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Thank you Senator Specter for inviting me to testify today, my name is Eileen Connelly and I am the Executive Director of the Pennsylvania State Council for the Service Employees International Union (SEIU), a Change to Win union. SEIU is the largest and fastest growing labor union in the North America. SEIU represents 1.8 million workers nationally and 60,000 in PA in healthcare, property services and public service employment. We represent thousands of immigrants working as janitors, nursing home assistants and home health care aids. Please accept my written testimony which I submit for the record of these proceedings.

In 1982, I began on my career path of becoming a labor union leader when working as a Lab Tech at Hazleton-St. Joseph Hospital. I joined my coworkers as a member of the bargaining team to help negotiate our first contract and I saw first hand how union membership improves wages and working conditions for all workers, regardless of their immigration status.

SEIU members are united by the belief that everyone who works hard in America should have the opportunity for a good job with a paycheck that supports a family, affordable health care and a secure retirement. But our broken immigration system makes this harder to achieve by denying 12 million hardworking, taxpaying immigrants a way to earn citizenship and allowing employers to exploit workers without legal status.

SEIU has long supported comprehensive immigration reform because we believe the problem is not immigration but our immigration system, that fails too provide orderly, legal channels to come to work in this country within the industries that need workers the most. This helps fuel an underground economy – where workers have little protection and are forced to work for substandard pay and in hazardous conditions – which in turn undermines standards for all workers in this country.

As long as unscrupulous employers have the ability to exploit workers because they lack legal status, the current system will continue to drive down wage and benefit standards for all workers in this country and breed divisions in workplaces and in our communities.

Our union has worked in coalition with groups both in Pennsylvania and around the country to urge Congress to find a “break the mold” solution that includes tough, effective worksite enforcement; a realistic program to bring undocumented immigrants out of the shadows and into

the legal workforce; and a new worker program that channels future immigrants through a controlled, orderly process to work in this country.

Without comprehensive immigration reform, critical industries in our country like long-term nursing care and janitorial services face critical worker shortages. Immigrants already make up a significant percentage of this low-wage workforce and the need for immigrant labor will only grow as our population ages and millions of us need long term care. In my testimony today, I want to discuss what it means to all workers when a significant percentage of the workforce is undocumented.

SEIU has ample experience with ineffective, enforcement-only approaches to migration control during the last two decades and experience tells us enforcement only laws, no enforcement in the workplace and no orderly migration flow has been a disaster not just for immigrants but for all working people. Undocumented immigrants are much more likely to be exploited by unscrupulous employers, and they are more likely to be forced to work “under the table” for cash, accepting below-market wages and sub-standard working conditions when they are afraid to complain and cannot rely on the protection of our labor laws. Employers also know that undocumented immigrants have no recourse if they are fired in retaliation for union activism, making undocumented worker more vulnerable to exploitation.

Some employers use undocumented immigrants’ status as a weapon against them, threatening to call DHS when workers seek to join unions or if they complain about illegal working conditions. Even legal immigrants are often deterred by these threats because of their relationships with other, undocumented coworkers.

Employers of undocumented immigrants are also more likely to cut corners on health and safety regulations and on consumer protections. And well-intentioned employers face pressure from a few bad apples to take advantage of immigrants or risk being undercut by the competition.

The bottom line is that exploitation of undocumented immigrants drives down wages for all working Americans and the only solution is for Congress to pass real, comprehensive immigration reform this year.

First, put simply, an enforcement-only approach will not work. We know that employers have a substantial demand for immigrant labor. An estimated 5 million direct care workers will be needed by the year 2030 to match the growth in the elderly population , and we already do not have enough native born workers to fill the growing janitorial and service sector jobs. We believe it is neither possible nor desirable to shut down the flow of willing workers into these positions. Thus, the heart of real immigration reform must be a combination of tough worksite enforcement AND ample legal flows so that employers are no longer tempted to hire undocumented immigrants.

Second, worksite enforcement of immigration rules will never succeed as long as millions of existing workers lack legal status, and real reform must move these workers out of the shadows and into the formal economy. Crafting a successful employer sanctions regime will be hard under the best of circumstances, and the system’s prospects for success will be substantially

undermined if employers start with millions of undocumented workers already on their payrolls.

Third, it is essential that future legal immigrants (new immigrants and newly legalized immigrants) enjoy the full protection of our labor laws and that any new temporary worker program includes strong protections so that temporary workers do not undermine US wages.

As you know, temporary worker programs are controversial because previous programs have, in some respects, been even more exploitative than undocumented immigration. The U.S.-Mexican Bracero Program, which operated during the 1940s and 1950s, is an important example. Even though the program looked good on paper, employers frequently employed Braceros as strike-breakers and they failed to comply with their contractual obligations in terms of pay, working conditions, and benefits. Temporary workers lacked the resources to fight for their legal rights, and the Immigration Service repeatedly proved to be more concerned with satisfying employer demands than enforcing work rules or protecting labor rights.

Our experience with flawed temporary worker programs like the Bracero Program offer a number of important lessons for a new worker program, which must be carefully crafted to avoid driving down US wages.

A new temporary worker program must have strong prevailing wage protections, ideally based on the highest of Labor Department surveys, union wage agreements, and Service Contract and Davis-Bacon wage rates;

A temporary worker program must regulate the role of foreign labor contractors, many of whom have extorted unfair payments from temporary workers in the past,

A temporary worker program must give immigrants the right to join US unions, and temporary workers must not be allowed to be used by employers to interfere in organizing campaigns,

Employers must make every effort to recruit US workers first,

Temporary workers must not be tied to a single employer—they must be able to vote with their feet by changing jobs to avoid employer exploitation and ensure that wages are competitive – when employers hold the visas workers depend on they can not change jobs or improve their working conditions for fear of deportation;

Temporary workers must have the ability to adjust to permanent status if their circumstances change and they choose to remain in the United States ;

And, all of these protections must be backed up by vigorous worksite enforcement by independent enforcement agents, not by DHS.

We need strong labor protections in any comprehensive bill, and believe that even a large-scale program like the H-2C visa can operate without depressing wages as long as these important protections are kept in place. The Senate during its debate on S. 2611 made many improvements to the bill. Improvements can still be made, both in labor protections, the Title II criminalization which continues to be very troubling, and the due process provisions in the bill. We continue to hope the bi-partisan work demonstrated by the Senate will carry over to the U.S. House of Representatives. Congress must reject the enforcement only House passed bill H.R. 4437.

My union knows first hand the value immigrants provide to our economy and our union. Hundred of thousands of our members are immigrants, and some of these workers are undocumented. But they are hard working and paying taxes, and have lived in the United States

for many years.

In summary, SEIU supports comprehensive immigration reform – securing our borders both north and south, treating undocumented immigrants firmly but fairly by requiring them to undergo background checks, pay a fine and learn English in exchange for getting on a path to citizenship, and addressing the need in our economy for future workers, who have full protection of labor law and enforcement.

Thank you for giving me this opportunity to testify today in support of comprehensive immigration reform. I am happy to answer any questions you might have regarding my testimony.