

2012

TRABAJADORAS:

CHALLENGES *and* CONDITIONS *of* LATINA WORKERS

in the UNITED STATES



The Labor Council for Latin American Advancement (LCLAA) is the leading national organization for Latino(a) workers. LCLAA was born in 1972 out of the need to protect the rights of working Latinos and raise national awareness about the issues that affect their well-being. Our roots in the labor movement have defined our mission to improve the quality of life of Latinos, help them understand and gain the benefits of unionization and increase their influence in the political process.

LCLAA represents the interests of more than 2 million Latino workers in both the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and the Change to Win Federation. Collectively, our 52 chapters in 22 states bring together Latino trade unionists throughout the United States and the Commonwealth of Puerto Rico to strive for justice, economic equality and social dignity for Latino working families.



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FOREWORD

In the Labor Council for Latin America Advancement (LCLAA) we strive for an America where workers of all walks of life are treated with dignity and fairness regardless of their gender, national origin, race or ethnicity. As women in the labor movement, we know too well that a union contract means respect on the job, better working conditions, higher wages and the opportunity to provide a better quality of life for ourselves and our families. We believe that labor unions are fundamental allies in the ongoing fight to promote the advancement of Latinos, giving our voice weight and relevance in the workplace and increasing our participation in the political process.

Latinas are rapidly becoming almost half of the U.S. Latino population and a sizeable portion of our country's workforce, but for many, the "American Dream" is far out of reach. LCLAA's *Trabajadoras* report seeks to raise awareness about the reality that many hardworking Latinas face and the role that our gender, ethnicity and immigration status play in influencing our social and economic standing in society. This report will shed light on the adversities that many Latinas are confronting at work and in our communities, sharing the stories of courageous and inspiring women who have endured a range of abuses but have chosen to stand up against injustice and motivate other women to do the same. We hope that this report will ignite an urgent discourse about what our Latinas need to thrive and secure healthy, safe and prosperous futures. The challenges are numerous but combining this report with our

Trabajadoras campaign marks the beginning of a continued commitment to meet the needs of the Latina community with education, unionization and civic participation. As it has for generations, the union contract and the ballot box can uplift workers, provide access to greater opportunities and help us build a prosperous future for our children.

Sincerely,

Aida Garcia

Aida Garcia

Chair

LCLAA's Women's Committee
Former Executive Vice President (Retired)
SEIU 1199 Homecare Division

KEY FINDINGS

CHAPTER ONE LATINA WORKERS IN THE UNITED STATES

LATINAS IN THE U.S.

Latinas are a part of the largest and fastest growing minority group in the U.S. Currently, there are over 23.8 million women in the U.S. who identify as Latina.

INCOME

In 2010, Latina women earned \$508 in median weekly earnings and only earn a meager 60 cents for every dollar earned by a white man, representing the largest wage gap of any other group of working women.

POVERTY

Low-wage jobs and a lack of stable financial opportunities have placed Latina women in a very vulnerable economic position where they experience one of the highest poverty rates of women in the labor force at 12.1%.

EDUCATION

More than one-third (36%) of Latinas in the U.S. have less than a high school education. Latinas that have graduated from high school, however, are more likely than their male counterparts to pursue post-secondary degrees.

UNEMPLOYMENT

Unemployment rates for Latinas more than doubled between 2007 and 2010 from 6.1% to 12.3%.

EMPLOYMENT

In 2010, there were 8,106,000 million Latinas participating in the U.S. labor force, representing 5.8% of the total number of workers. However, Latinas have the lowest employment to population ratio in the nation at 52.7%.

LABOR FORCE PARTICIPATION

Labor force participation rates have declined for all U.S. workers throughout the past decade but Latinas have been hit the hardest. In 2010, the Latina labor force participation rate was 56.5%.

HEALTHCARE

Within the Latino community, women are especially vulnerable and are more likely than their male counterparts to lack access to healthcare coverage. Latina women are also more than twice as likely (29.1%) as non-Latino white women to be uninsured (12.8%).

THE WEALTH GAP

Hard economic times have affected the median wealth of Latinos the most as it fell by 66%. In comparison, black households experienced a 53% loss while white households experienced a significant, but less injurious 16% drop.

HOMEOWNERSHIP

Latinos had one of the highest foreclosure rates between 2005 and 2008 among all racial/ethnic groups at 7.69%. And, in terms of borrowers, Latinos and African-Americans were 30% more likely to be targeted with higher-rate subprime loans than their white counterparts.

RETIREMENT SECURITY

Latinas tend to work in low-wage occupations and poor quality jobs that do not offer health care or pension benefits to help prepare them for retirement. This is a grave concern for the aging Latino population because they will comprise 17.5% of the

U.S. elderly by 2050.

CHAPTER TWO LATINAS IN THE WORKFORCE

Latinas are often overrepresented in low-wage industries that do not provide them with pathways to prosperous economic futures.

THE POVERTY THRESHOLD

The 2010 poverty threshold for the average-sized Latino family (3.53 individuals) falls between \$17,374-\$22,314 annually.

THE SERVICE INDUSTRY

Latinas are more likely to work in the service industry than any other female population of color. Close to 2.7 million Latinas are employed in service occupations (33.2%).

SALES AND OFFICE OCCUPATIONS

A large portion of Latinas work in sales and office occupations. Over 2.5 million Latinas (31.7%) work within this sector.

MANAGEMENT AND PROFESSIONAL OCCUPATIONS

Latinas are underrepresented in management, professional and related occupations in comparison to other industries. Less than 2 million (24.1%) Latina workers are employed within these occupations.

PRODUCTION, TRANSPORTATION AND MATERIAL MOVING OCCUPATIONS

Latinas are more likely to work in production, transportation and material moving occupations than working women in all other major racial and ethnic groups. More than 750,000 Latinas work within this sector (9.3%).

NATURAL RESOURCES, CONSTRUCTION AND MAINTENANCE OCCUPATIONS

An estimated 137,802 Latinas (1.7% of the Latina workforce) work in natural resources, construction or maintenance with a majority (70%) concentrated in farming, fishing and forestry occupations.

CHAPTER THREE LABOR ISSUES AFFECTING LATINAS

THE GENDER WAGE GAP

The gender wage gap is particularly striking for women of color. Latinas only earn 60 cents for each dollar earned by a white man. Over the course of a year, the gender wage gap accounts for a \$16,416 loss for Latina workers.

WAGE THEFT

More women (30%) than men (20%) reported experiencing minimum wage violations in a survey where the majority of respondents were Latino (63%).

SEXUAL HARASSMENT, ABUSE AND VIOLENCE

Seventy-seven percent of Latinas in the U.S. south report sexual assault to be a major issue at the workplace. In New York City, 33% of Latinas in the domestic work industry have experienced physical or verbal abuse at the hands of their employers.

DOMESTIC VIOLENCE

More than one-third (37.1%) of Latinas in the U.S. report that they have been a victim of domestic violence by an intimate partner in their lifetime. An estimated 8 million days of work are lost annually as a direct result of intimate partner violence.

OCCUPATIONAL INJURIES

In 2010, Latinas reported 46,640 cases of work-related injuries that required a median of 7 days away from work to recover. The industries with the highest number of reported cases were healthcare and social assistance, retail trade and manufacturing.

WORKPLACE FATALITIES

Latinas represented 10.2% of the total workplace fatalities for women in 2010. Half of all the Latinas who died in the workplace were victims of assaults and violent acts.

CHAPTER FOUR LATINAS AND THE LABOR MOVEMENT

UNIONS AND ECONOMIC SECURITY

Union representation results in higher wages for all working women. Latinas who belong to a union earned 38% higher wages than their non-unionized counterparts in 2011.

KEY BENEFITS

Workers who join a union are more likely to have access to employer-provided health insurance, retirement plans, defined benefit plans and paid sick leave.

UNION REPRESENTATION

In 2011, 16.3 million workers were represented by a union. Since 2000, the number of Latinas represented by unions has been rising. Unions represented 829,000 Latinas in 2011.

RIGHT TO WORK

Right-to-Work laws weaken the influence of labor unions. These laws result in lower wages and benefits, less job stability and jeopardize workers' health and safety. Currently, there are 23 states with right-to-work laws, and of them, seven are among the top 15 states with the highest concentration of Latinos.

UNIONS & GENDER EMPOWERMENT

Union representation is especially important for Latinas because they are overrepresented in dangerous, low-wage jobs. The labor movement can serve as the launching pad for Latinas seeking justice and a voice on the job.

CHAPTER FIVE A PORTRAIT OF LATINA IMMIGRANTS IN THE U.S.

THE IMMIGRANT POPULATION

In 2010, Latinos represented 53.1% of the foreign-born population in the U.S, 48.8% of which were female. Fifty percent of all adult-aged Latinas in the U.S. are foreign-born.

SOCIAL AND ECONOMIC CONDITIONS OF LATINA IMMIGRANTS

The gender wage gap is larger within the immigrant population. Immigrant Latina women made less than half (\$24,461) of what the average non-Latino white male made (\$49,643) in 2010.

POVERTY

Poverty rates are amplified within the immigrant population. Latino immigrant families headed by females have a poverty rate twice as high (38.7%) as married-couple families (18.5%). Latina-led families with children under 18 are especially vulnerable to poverty.

EDUCATIONAL ATTAINMENT

In 2010, 72% of Latino immigrants had only a high school education or less. For non-citizen Latinas, educational attainment levels are even lower. Seventy-eight percent of these women have less than a high school education.

LANGUAGE

Out of more than 21 million Latino immigrants age five and older, almost 90% speak a language other than English at home.

HEALTH CARE

In 2011, 45% of all Latina immigrants in the U.S. were uninsured. The uninsured rate is even higher for non-citizen Latinas, who often face financial, language and legal barriers to coverage at 55%.

UNDOCUMENTED LATINAS

Illegal immigration trends have been on the rise in the U.S. for the past three decades. The Department of Homeland Security estimates that there were around 10.8 million undocumented immigrants in the U.S. in 2011. Some surveys also estimate that there could be up to 6 million undocumented Latinas.

SOCIAL AND ECONOMIC CONDITIONS OF NON-CITIZEN LATINAS

Two million, or 37%, of non-citizen Latinas live in poverty. A majority of these women (55%) earn less than \$15,000 a year, a figure that is significantly below the poverty threshold for 2010. Basic needs such as food, clothing and shelter are becoming expenses many undocumented Latinas cannot

afford.

HEALTHCARE FOR NON-CITIZEN LATINAS

Non-citizen Latinas are more likely to lack health insurance than their documented counterparts. Nearly two-thirds (66%) of all non-citizen Latinas were not covered by employment-based health care compared to 42% of their naturalized equivalents.

VIOLENCE AGAINST UNDOCUMENTED LATINAS

Latina immigrants are especially vulnerable to acts of violence. It is estimated that as many as six-in-ten women are sexually assaulted during their immigration to the U.S. Many times, reports of sexual assault are not filed by non-citizen immigrant Latinas out of fear of deportation.

ANTI-IMMIGRATION HYSTERIA

Anti-immigration laws such as Arizona's SB 1070 and Alabama's HB 56 intensify the vulnerability of undocumented female workers. In the U.S., exactly two-thirds of all hate crimes motivated by a person's ethnicity/national origin were targeted against Latinos in 2010.

CHAPTER SIX LATINO CHILDREN AND YOUTH, THE FACE OF AMERICA'S FUTURE

DEMOGRAPHICS

There are 17.1 million Latino children (under 18 years old) in the United States today, representing 23% of the country's total child population.

POVERTY

Latino children account for the single largest number of children in poverty (6.1 million) in the country when compared to all other ethnic or racial groups. These children have a poverty rate that is nearly three times as high as their non-Latino white counterparts.

EDUCATION

In 2009, Latino children represented 22% of the total enrollment in the public education system, second only to non-Latino whites among racial/ethnic groups. However, they are the least likely to pursue a post-secondary education. Only 13% of Latinos aged 25-29 had received a bachelor's degree in 2010.

HEALTH CARE COVERAGE

17.9% of all Latino children lack access to health care. Because of their emerging status as the largest minority group, this figure represents a staggering 38% of all uninsured children in the U.S.

TEEN PREGNANCY

Latinas maintain the highest teen pregnancy rate in the country (126.6 births per 1,000 teens) among all racial and ethnic groups.

OBESITY

There is a direct connection between poverty and childhood obesity rates. Latino children are 32% more likely to be obese than their non-Latino white counterparts, 70% of which live in households with incomes 150% below the poverty threshold.

LATINO YOUTH IN THE WORKFORCE & LABOR ISSUES

Between 1998 and 2007, 27% of all adolescents (aged 15-17) who died on the job were Latino.

LATINA YOUTH

A huge portion of Latina youth are native-born citizens. In 2010, 92% of Latinas 18 years and younger were born in the U.S.

LATINO YOUNG WORKERS CAMPAIGN

Young Latinos (ages 16-19) in the workforce are losing ground, facing a 24.9% unemployment rate as of January 2012. To educate Latinos on issues affecting the social and economic advancement of our youth and engage them in the labor movement, LCLAA is deploying the Latino Young Workers Campaign.

INTRODUCTION

During last year's production of LCLAA's report "Latino Workers in the U.S., 2011," we found alarming conditions affecting Latinas inside and outside of the workplace. Our research confirmed that Latino workers face tremendous workplace challenges that threaten their prospects for advancement. But the report did not elaborate on the unique issues that affect Latina workers. This is a matter that requires urgent attention because Latinas are the mothers of the youngest and fastest growing segment of our population and their quality of life will affect the opportunities available to their children.

To better understand the needs of Latina women in the U.S., LCLAA has launched the *Trabajadoras* campaign. Its mission is to raise the public's awareness about how Latina women fare in U.S. society and how advocates and policy makers can promote their well-being. This campaign combines research, policy, advocacy and mobilization around the challenges Latinas face. This includes a bilingual community and media outreach effort that will empower Latinas with the information and resources to help them improve the conditions of their workplaces and communities.

LCLAA commits to working collaboratively to expand the number of women served by this campaign. We are partnering with a growing number of governmental and non-governmental organizations to provide information and trainings

on the rights and protections available for working women. We seek to engage others in this effort. This combined effort will connect workers to accessible resources and support provided by governmental and nongovernmental organizations, in their communities and in a language that they can understand.

LCLAA's *Trabajadoras* campaign will increase awareness about worker protections and safety with a particular focus on Latina women in the workforce, with the following key goals:

To support education, develop and share user-friendly, research-based, bilingual and culturally relevant information on workplace issues affecting Latina workers across the United States;

To inform Latino communities across the U.S. about wage theft, violence, injuries, fatalities and sexual harassment in the workplace, as these crucial issues threaten the well-being and stagnate the advancement of working Latinas;

To educate male Latino workers about workplace issues that affect Latinas at home and in their workplaces; to engage them in efforts to empower our *trabajadoras* so they confront workplace violations without fear of intimidation; and to connect activists and the broader community to non-profit and government entities and resources that will serve as allies as they seek justice on the job and in their communities.

Our previous report detailed how Latino workers face many challenges and are disproportionately vulnerable to violations of wage and hour laws and safety regulations. We feel that to move forward an agenda that ensures workers' rights for all, we would be negligent if we fail to look at workplace issues through a gender lens. In this manner we are able to acknowledge and address the difficulties and challenges that Latinas encounter in their workplaces.

In this report we intend to raise awareness about the conditions of Latinas and demystify the reality they face in our workplaces and our communities. It is our hope that this report will serve as the foundation for the Trabajadoras Campaign, helping build the knowledge base necessary to meet the growing needs of our Latina workforce with comprehensive outreach and education efforts focused on their rights and responsibilities in the workplace.

CHAPTER ONE

LATINA WORKERS IN THE UNITED STATES

Latinas work in nearly every occupational sector in the U.S. economy, but little is documented about the unique and gender-specific experiences these women confront daily in the workplace. Through research reports, advocacy, national conferences, community forums, and bilingual media outreach, LCLAA is working to raise awareness about a range of issues that pose a setback to the advancement of working Latinas. We will identify public policy tools that will help to meet their needs and reduce the hardships they face on the job.

LCLAA's knowledge about Latinas in the workforce is based on quantitative and qualitative research obtained through government agencies, the guidance of renowned Latino and Latina labor leaders that make up the national and local leadership of our organization and its chapters, and on our collaborative experience with various governmental, labor, Latino and community-based organizations. This report also includes in-depth interviews with brave Latinas in various industries that decided to break the silence, and in doing so, took a stand against the abuse and exploitation that countless workers are experiencing.

In linking the statistical realities of Latinas in various industry sectors to the faces behind the numbers, LCLAA hopes to help U.S. government agencies, businesses, non-profit and Latino-serving

organizations to understand the vulnerability of these workers. We urge these readers to work cooperatively to mitigate the challenges Latinas face, and promote their advancement within the workforce and society as a whole.

OVERVIEW

At 50.5 million and growing, Latinos are an essential part of American society, our communities and our workplaces. Latinos comprise 16.3% of the total population in the United States, becoming the largest minority group in the nation.¹

The 2010 U.S. Census revealed a demographic shift led by a rapidly growing U.S.-based Latino population that has contributed to more than half of the growth in the U.S. population over the past decade.² This shift is being shaped by two primary factors: immigration from Latin America and high fertility rates in the Latino community.³ But increasingly anti-immigrant and xenophobic attitudes have affected the way in which Latinos, and their contributions, are represented in the media and our political system. This underscores the urgent need for research and data that will fight the misinformation about Latinos. Robust research can help policy makers and the American public to better understand this community and what must be

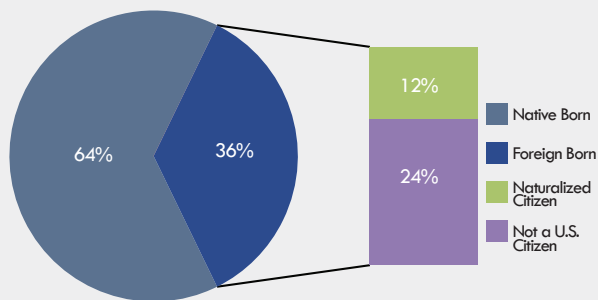
done to promote its prosperity in the United States and the Commonwealth of Puerto Rico.

At LCLAA we believe that one cannot fully understand the complexity of the unspoken realities and challenges that limit this community's prospects for a better future without considering the problems that affect its women: the Latinas.

LATINAS IN THE U.S.

Latinas are part of the largest and fastest-growing minority group in the U.S. There are over 23.8 million women in the U.S. who identify as Latinas, and 64% of these were native-born. Among the 36% of Latinas who were born in a foreign country, 2.8 million (11.8%) have become naturalized U.S. citizens while over 5.6 million (23.7%) have not.

NATIVITY AND CITIZENSHIP STATUS OF THE LATINA POPULATION IN THE U.S.



Note: Nativity and Citizenship Status by Sex and Hispanic Origin Type: 2010

Source: U.S. Census Bureau, "The Hispanic Population in the United States: 2010 Detailed Tables." Nativity and Citizenship Status by Sex, Hispanic Origin, and Race: 2010. Table 7. 2010.

<http://www.census.gov/population/www/socdemo/hispanic/cps2010.html> (accessed November 2011).

An overwhelming majority of Latinas are of Mexican descent (67%). The second largest group of Latino women in the U.S. identify as Puerto Rican (14%), followed by 9% who identify as "other

Hispanic," Central American (5%), South American (3%), and Cuban (2%).⁴

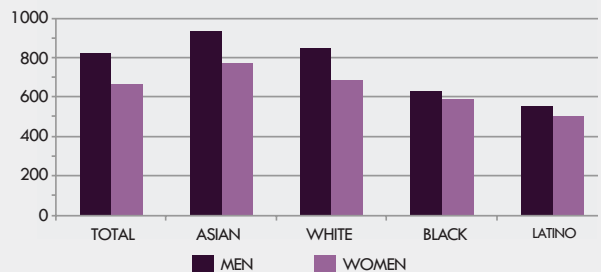
The following charts and tables analyze how Latinas are faring in the U.S., highlighting the improvements they have made as well as the multitude of challenges they face.⁵

INCOME

Latina workers make the lowest median weekly earnings compared to that of other racial/ethnic groups. In 2010, Women of Latino ethnicity earned \$508 in median weekly earnings, compared to their African-American (\$592), white (\$684), and Asian (\$773) counterparts.

Latinas earn 60 cents for every dollar earned by a white man, experiencing the largest wage gap of any other group of working women. This pay disparity will be further discussed in Chapter 3.

LATINA WORKERS ARE PAID LESS THAN ALL OTHER WOMEN AND MEN



Note: Median usual weekly earnings of full-time wage and salary workers by sex, race, and Latino ethnicity, 1979-2010

Source: Department of Labor, Bureau of Labor Statistics, "Labor Force Characteristics by Race and Ethnicity, 2010." Table 14, p 43. August 2011, <http://www.bls.gov/cps/cpsrace2010.pdf>

POVERTY

Poverty is increasing in the United States. The year 2010 marked the fourth consecutive year of an upward trend in the nation's poverty rate. As

of 2010, there are 46.2 million people living in poverty—the largest amount since poverty estimates began to be documented 52 years ago.⁶ The poverty rate also increased for Latinos in the U.S.⁷

Latinos are more likely than whites to be poor, and to be in deep poverty. In 2010, 15.1% of Americans were poor. For Latinos, 26.6% lived in poverty while 10.9% lived in deep poverty. People in poverty are those with annual incomes that fall below the official poverty line (\$22,314 for a family of four). At the same time, deep poverty in the U.S. reached record highs with 20.5 million (6.7% of the population) living with incomes that fall below half of the poverty line. For individuals, deep poverty in 2010 meant an annual income of \$5,500 for individuals and \$11,157 for a family of four.^{8,9}

While Latinos represent 16.3% of the general population, they represent 26.6% of the poor population.¹⁰

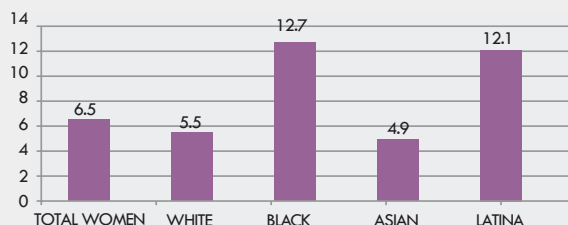
The rates of poverty are higher among Latino children. Over one-third (35%) of Latino children under 18 lived below the poverty line, far above the 22% national poverty rate for children in the U.S. (U.S. total is 16.4 million children).¹¹

Poverty is an issue that deeply affects Latinas. In 2009, any single woman under the age of 65 living alone would be considered to be in poverty if her family income was below \$11,161.¹² A disproportionate number of Latinas fall into this category; 27% of Latinas had family incomes that placed them below the poverty line, more than doubling the number of non-Latina white women (11%) in the same situation.¹³

Families headed by women make less money. Almost 20.5 million Americans, or 6.7% of the population, are living in deep poverty; communities of color, women, children and families headed by single women are particularly vulnerable to deep poverty.¹⁴ Overall, 14% of adults in the U.S. live in households headed by a single woman. This number

is much higher among Latinas; 25% of Latinas reside in female-headed households compared to 14% of the general women population and 43% of black women.¹⁵

WORKING LATINAS SUFFER FROM HIGH LEVELS OF POVERTY (PERCENT)



Note: Working Poor: Poverty Status of women in the labor force for 27 weeks or more by age and Latino ethnicity, 2008

Source: 2009 Annual Social and Economic Supplement, Current Population Survey, U.S. Department of Labor, U.S. Bureau of Labor Statistics <http://www.bls.gov/cps/wlfable27-2010.htm>

FAMILY LIFE

Almost half of the Latina population is married. Some 47% of Latinas are married, among them, 44.4% are married with spouse present while 2.3% are married with their spouse absent. Over 1.5 million Latinas are divorced (9.2% of the Latina population), 4.9% are separated while 33% have never married.¹⁶

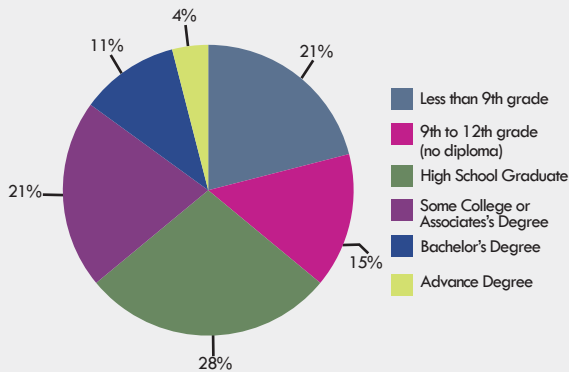
EDUCATION

Education is directly linked to economic success. As individuals graduate from high school and pursue higher education, they can be more competitive in the workforce and acquire higher-paying jobs. As they represent the fastest-growing segment of the U.S. population, it is important to evaluate the educational attainment of Latinos in order to understand their job prospects and their opportunities for economic advancement.

Latinas also tend to be less educated and earn less than non-Latina women.¹⁷ While Latinas are less likely to pursue higher education when compared to the total U.S. population, they are making significant gains in education, surpassing Latino men in high school graduation and college enrollment. More specifically, education among Latina youth will be discussed in Chapter Six.

and economic barriers limiting their educational attainment, **Latinas are increasingly pursuing higher education and surpassing all other groups in their college enrollment rates.**²⁰ Latinas are more likely to have attained a college degree than Latino men and account for 58% of all Latino undergraduate enrollment.²¹

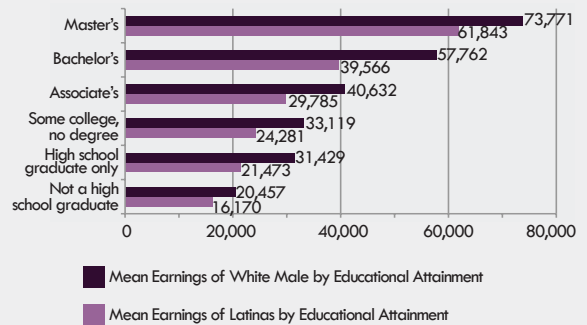
EDUCATIONAL ATTAINMENT OF LATINAS



Note: Educational Attainment of the Latina Population 25 Years and Over, 2010

Source: U.S. Census Bureau, Current Population Survey, 2010 Annual Social and Economic Supplement. <http://www.census.gov/hhes/socdemo/education/data/cps/2010/tables.html>

HIGHER EDUCATIONAL ATTAINMENT RESULTS IN HIGHER EARNINGS FOR LATINAS BUT THE WAGE GAP PERSISTS



Note: Mean Earnings of white males and Latinas by Highest Degree Earned: 2009

Source: U.S. Census Bureau, The 2012 Statistical Abstract, Educational Attainment, "Table 232 - Mean Earnings by Highest Degree Earned: 2009," <http://www.census.gov/compendia/statab/cats/education.html> Accessed February 23, 2012

Although higher educational attainment results in higher earnings for all working people, the gender and race/ethnicity based wage gap persists at every education level. When compared to white men with parallel educational levels, Latinas with a bachelor's degree experienced the widest wage gap. With mean earnings of \$39,566 in 2010, Latinas made \$17,996 (32%) less than white men. Sadly, there are not enough Latinas or black women with professional or doctorate degrees to provide a base figure that meets statistical standards for reliability.¹⁸

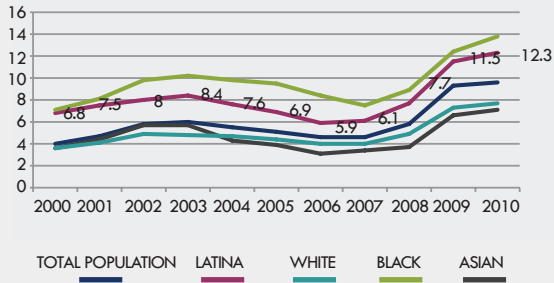
Overall, women are projected to account for nearly 60% of total undergraduate enrollment by 2019.¹⁹ While there are social, cultural, legal

UNEMPLOYMENT

Between 2000 and 2010, Latino unemployment consistently surpassed the national unemployment rate, as well as the levels of unemployment among non-Latino whites and workers of color. As the U.S. economy attempted to resurface from the 2007-2009 recession—an economic slump paralleled only by the Great Depression of 1929—widespread job loss affected workers across racial and ethnic lines. However, labor market outcomes for Latino and African-American workers were worse than for the rest of the population. **Between 2007 and 2010, unemployment among Latina women nearly doubled.** In 2007, unemployment among Latinas was 6.1%, reaching 12.3% in 2010.

Between 2000 and 2008, Latinas experienced higher unemployment rates in comparison to their male counterparts in the labor force. This trend changed between 2008 and 2009, when Latinos started leaving the labor force at higher rates than Latinas.

BETWEEN 2007 AND 2010 UNEMPLOYMENT AMONG LATINAS NEARLY DOUBLED



Note: Unemployment Rates for women by race and Latino ethnicity, 2000-2010

Source: Department of Labor, Bureau of Labor Statistics, "Labor Force Characteristics by Race and Ethnicity, 2010." Table 10, p36. August 2011
<http://www.bls.gov/cps/cpsrace2010.pdf>

EMPLOYMENT

In 2010, there were 8,106,000 million Latinas that represented 5.8% of the total U.S. labor force.²² As a share of women in the U.S. work-force, 12.8% are women of Latino ethnicity.

Latinas have the lowest employment to population ratio.²³ Looking at the proportion of the population that is employed among the major racial and ethnic groups, Latino men (age 20 and older) held the highest ratio at 72.9% in 2010, followed by Asians (70.9%), whites (67.9%) and blacks (57.5%). When it comes to women, whites hold the highest employment to population ratio (55.6%), followed by blacks (55.1%) and Asians (55.0%), with Latinas falling behind at 52.7%.

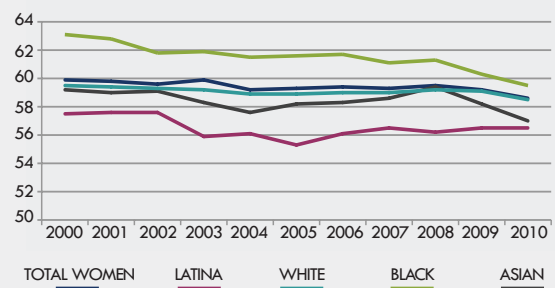
Recent unemployment figures show mild progress

in unemployment levels. However, while the unemployment rate fluctuates as people enter and leave the labor force, the employment to population ratio does not change, making this a better indicator of the health of the economy than unemployment figures. The employment-population ratio is related to the labor force participation rate. **The labor force participation rate** is the ratio of both employed and unemployed workers to the total non-institutionalized civilian population (age 16 and over) while **the employment to population rate** refers to the ratio of employed persons to the total non-institutionalized civilian population.²⁴

As the country works to revitalize the economy and promote job creation, it is crucial to note that the economic recession acutely affected Latinas. As their employment rate shows, we have a long way to go to ensure that these women can enjoy opportunities in the workforce and higher job security.

LABOR FORCE PARTICIPATION

LATINAS IN THE BOTTOM RUNG OF LABOR FORCE PARTICIPATION RATES



Note: Labor Force Participation Rate of Women by Race and Ethnicity, Annual Averages 2000-2010, ages 16 and older.

Source: Department of Labor, Bureau of Labor Statistics, "Labor Force Characteristics by Race and Ethnicity, 2010." Table 2. August 2011,
<http://www.bls.gov/cps/cpsrace2010.pdf>

Since 2007, the labor force participation rates have declined for all race and ethnicity groups. While Latino men have the highest labor force participation rate among all working men (77.8%), the opposite is true for Latinas. Although as a whole, Latino men and women have the highest labor force participation rate (67.5%), Latinas participate in the labor force at a lower rate than white, black and Asian women.

Annual averages of the labor force participation trends of women of the three major racial and ethnic groups indicate a decline for all groups between the years 2000 and 2010. In 2010, black women had the highest labor force participation rate (59.9%), followed by white (58.5%), Asian (57%), and Latinas (56.5%).²⁵ Lacking job opportunities and economic security, Latinas struggle to provide for themselves and their families. This is a troublesome reality for the mothers of the country's fastest growing minority population.

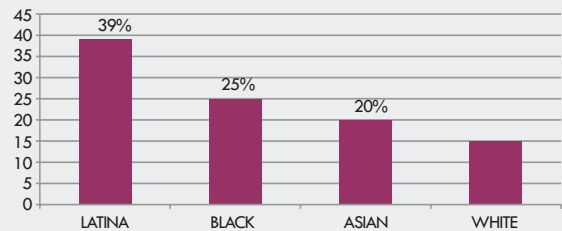
HEALTH CARE COVERAGE

Among the Latino population, women are more likely to be uninsured. Access to health care is a key contributor to a family's well-being and economic security, yet millions of families are uninsured. The Latino community holds the highest percentage of people without health insurance; nearly one in three (32.4%) lack health insurance coverage compared to 21% of African-Americans, 17.2% of Asians, and 12% of non-Latino whites. In 2009, Latina women were more than twice as likely (29.1%) as non-Latina whites to be uninsured (10.8%).²⁶

Lack of health care coverage is due in part to a multitude of barriers—including financial, legal, cultural and language limitations—that the Latino and immigrant populations encounter when trying to access care. While the undocumented population was left out of any benefits provided by the historic passage of the Affordable Care Act,

even legal immigrants in the U.S. were banned from access to health care for the first five years of their legal residency in the country. When a significant segment of the population is vulnerable to illness without recourse to prevent and manage poor health outcomes, this inequity in coverage erodes the public health of the nation as a whole.

LATINAS ARE THE MOST UNINSURED GROUP IN THE U.S.

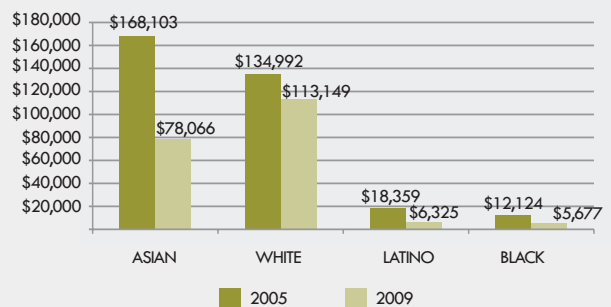


Note: Health Insurance Coverage of Women Ages 18 to 64, by Race/ Ethnicity, 2009.

Source: U.S. Census Bureau. Current Population Survey, Annual Social and Economic Supplement, 2011. Current Population Survey Table Creator. Retrieved from http://www.census.gov/hhes/www/cpstc/cps_table_creator.html. Accessed 02/07/2012

THE WEALTH GAP IN THE LATINO COMMUNITY

RECESSION IMPACT ON MEDIAN WEALTH: LARGEST FOR LATINOS



Note: Median Net Worth of Households, 2005 and 2009

Source: Rakesh Kochhar, Richard Fry and Paul Taylor. Wealth Gaps Rise to Record Highs Between Whites, Blacks and Hispanics. Social & Demographic Trends, Washington, D.C.: Pew Research Center, 2011, 2-59. http://www.pewsocialtrends.org/files/2011/07/SDFWealthReport_7-26-11_FINAL.pdf

The economic recession has withered the economic security of the Latino community and broadened economic disparity. Recently available government data demonstrates that the United States is operating under the largest wealth gap since the data was first available to the public a quarter century ago. The wealth ratios of 18 to 1 and 20 to 1 between white and Latino households and white and black households, respectively, have nearly doubled since before the economic recession.²⁷ **The recession affected Latino median wealth the most** as it fell by 66%. In comparison, black households experienced a 53% loss of wealth while white households experienced a 16% drop.²⁸

The large drop in median wealth among Latinos can be explained by the fact that the main source of wealth for this community relied on home equity; nearly two thirds of the Latino net worth in 2005 was derived from home equity. Furthermore, they were more likely to live in the areas where the housing market meltdown was concentrated. More than two in five Latino and Asian households were vulnerable to the housing downturn due to their concentration in areas that were hit the hardest: Arizona, California, Florida, Michigan and Nevada.²⁹

Prolonged periods of unemployment prompted by the U.S. recession hurt the economic security of Latinos and their prospects of finding employment. Latinos experienced an unemployment rate that increased significantly between 2007 (5.9%) to 2009 (12.6%),³⁰ Downward trends in homeownership, increases in foreclosures, career interruptions and long-term unemployment characterize the reality for Latinas and their families.³¹ Bringing the national conversation about the country's economic woes to the dinner table, the consequences are really felt at home, where economic insecurity constrains the ability of workers to meet their families' needs, build wealth and secure opportunities for economic advancement.

FORECLOSING ON A DREAM: HOMEOWNERSHIP IN THE LATINO COMMUNITY

Homeownership is an essential form of wealth accumulation; it can facilitate the capital necessary to help working families put their children through college, and serve as a crucial investment to the financial security of retirees and the elderly. However, the dream of homeownership is now far out of reach for people of color. The housing and financial crises debilitated the economic security of U.S. households and brought the U.S. economy to its knees, dealing a devastating blow to Latinos and communities of color. The data indicates that homeownership rates for minority communities have been on the decline. While these rates for blacks and Latinos are less than 50%, the gap in rates is disproportionately wide between non-Latino whites and the black and Latino communities.

As of December 2011, one out of every 634 homes in the U.S. received a foreclosure filing. The statistics fail to humanize the effects of foreclosure on families and communities across the U.S. To put the scope of foreclosure into perspective, let us look at the hardest hit communities—states where families are struggling to hold on to their homes.

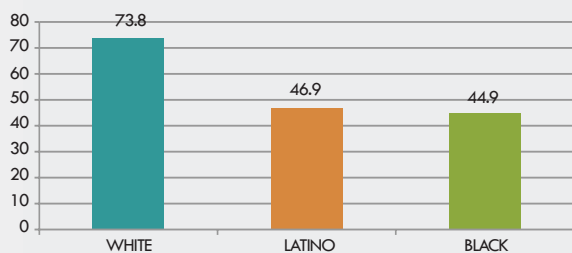
Five out of the top ten states with the highest number of projected foreclosures also rank among the top 10 states with the highest concentration of Latinos: California (37.6%), Arizona (29.6%), Nevada (26.5%), Florida (22.5%) and Illinois (15.8%).^{32,33}

The rate of Latino homeownership peaked at 50.1% in the first quarter of 2007 and fell to 46.6% by the fourth quarter of 2011. In 2011, the average Latino homeownership rate was 46.9%, trailing far behind non-Latino whites with an average rate of 73.8%. At 44.9%, the black community held the lowest average homeownership rate in 2011.³⁴

Communities of color also suffered higher rates of

foreclosure. According to the Center for Responsible Lending, Latino and African-American borrowers were 30% more likely to be targeted with higher-rate subprime loans than their white counterparts.³⁵ Moreover, Latinos were 71% more likely to have lost their homes to foreclosure than non-Latino white borrowers.³⁶ The racial and ethnic breakdown of foreclosure rates on loans that were issued between 2005 and 2008 demonstrates that Latinos (7.69%) and African-Americans (7.90%) faced higher foreclosure rates than whites (4.52%).³⁷

IN 2011, LATINOS WERE AMONG THOSE WITH THE LOWEST HOMEOWNERSHIP RATES



Note: Average Homeownership Rates by Race and Ethnicity, 2011
White refers to the white non-Latino. Data represents white non-Latino alone which includes people who reported white alone or in combination. Black refers to Non-Latino Blacks. People of Latino origin may be of any race.

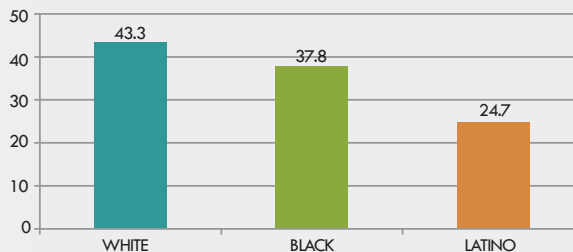
Source: "Housing Vacancies and Homeownership: Table 16. Homeownership Rates by Race and Ethnicity of Householder, 1994-2011," U.S. Census Bureau, Housing and Household Economic Statistics Division.
<http://www.census.gov/hhes/www/housing/hvs/historic/index.html>

RETIREMENT SECURITY

Raising concerns about their economic security, Latinos will comprise 17.5% of the U.S. elderly population by 2050. On average, their households rely on less income than other groups, earning \$37,759 annually compared to \$54,620 for non-Latino whites and \$49,445 for all races.³⁸ In the short-term and long-term, this income disparity will translate into less disposable income, fewer benefits available to Latinos during retirement and less accrued savings. **Latinos are also less likely to retire**

with an employment-based retirement account, about a fourth (24.7%) of Latinos have an employer-sponsored retirement plan, compared to 37.8% of black and 43.3% of non-Latino whites.³⁹ As a group, Latinos do not fare well when it comes to economic security. This disparity is heightened when gender is taken into account.

LATINOS ARE LESS LIKELY TO HAVE EMPLOYER SPONSORED RETIREMENT PLANS



Note: Workers with Employer Sponsored Retirement Plans by Race and Ethnicity

Source: Employee Benefit Research Institute. Employment-Based Retirement Plan Participation: Geographic Differences and Trends, 2010. October 2011.
http://www.ebri.org/pdf/briefspdf/EBRI_IB_10-2011_No363_Ret_Part.pdf (accessed February 6, 2012)

As Latinas approach old age, they are expected to face economic insecurity since they earn less throughout their lifetime and tend to live longer than their male counterparts. The average life expectancy of Latinas is higher (89 years) than women of all races and ethnicities (85 years). Latinas also tend to work in low-wage occupations and poor quality jobs that do not offer health care and pension benefits to help prepare them for retirement.⁴⁰

Latinas in the U.S. comprise 1.7 million of an estimated 52.5 million Social Security beneficiaries. After age 64, few Latinas depend on alternative income sources rather than the benefits received through Social Security. In fact, only 27% of Latinas aged 64–74 report any income from assets.

This source of income declines with age (only 21% of those 75 years of age and older report having any income from assets).⁴¹

Although many older women rely on Social Security, the average benefits for Latinas are much lower. Although older Latinas depend on Social Security, the benefits they receive from the program are modest and limited. As a whole, women age 75 and older receive average annual benefits of \$11,585. For Latinas in the same age range, the average annual benefit is \$8,975, a significantly lower, yet critical, benefit that represents the largest share of income available to elderly Latinas.⁴²

For Latinas age 75 and older, 80% depend on Social Security for almost 50% of their income while more than 50% of Latinas depend on this social program for all of their income. This reality makes the solvency of Social Security critical for the sustenance and economic security of aging Latinas.⁴³

POLITICAL POWER & CIVIC PARTICIPATION

Issues that affect Latinas and their families can be addressed through participation in the political process. The Latino community is oftentimes the target of political attacks and legislation that threaten to limit their rights to life, liberty and the pursuit of happiness. Exercising the right to vote is not only about increasing the representation of Latinos in U.S. elections. Beyond that, voting is about the need for Latinos to realize the potential influence they can exert at the ballot box, giving a voice to their families and electing candidates who don't simply claim to serve the best interest of Latinos, but are seriously committed to tackling the challenges affecting our communities head-on.

In the U.S., there are 32.5 million Latinos of voting age that could play a pivotal role in local, state and national elections.⁴⁴ Of these 32.5 million, 21.3 million Latinos of voting age are citizens, 15.5

million are U.S. born and 5.8 million are naturalized citizens.⁴⁵ 270 votes are needed to win a presidential election and Latinos represent a significant share of the population in swing states that account for a total of 151 electoral votes (NM 46.3%, NV 26.5%, FL 22.5%, NC 8.4%, VA 7.9%, WI 5.9%, PA 5.7%, IA 5%, MI 4.4%, MO 3.5%, OH 3.1%) and in states with major electoral votes for the 2012 elections.^{46,47} Since 2000, states with ten or more electoral votes have experienced an astounding growth in their Latino population: North Carolina (90.2%), Virginia (88.2%), Michigan (73.5%), Indiana (70%), Ohio (60%), Florida (57.5%), Arizona (48.4%) and Texas (43.4%).⁴⁸ The numbers foreshadow not only a demographic shift in our nation, but also the political influence that the robust Latino population can exert in the 2012 elections and beyond. In 2008 alone, President Obama won 359 electoral votes, including 14 major electoral vote states (except for TX) and all swing states.⁴⁹

Latino voter turnout hit a record high in the 2010 congressional elections, representing seven percent of all voters and exhibiting the highest level of participation in a non-presidential election since 1974.⁵⁰ Between the 2004 and the 2008 presidential election, the Latino voter turnout rate increased by 4.9 percentage points to a new total of 65.2%, a number that nearly matches the voter participation rate of eligible white voters (66.1%).⁵¹ In the last three presidential election cycles, Latino voter turnout had the fastest rate of growth among all racial/ethnic groups. From 2000 to 2008, Latino voter registration increased by 54% while voter turnout grew by 64%.⁵² These numbers combined with the fact that Latina women are more likely to register and vote than their male counterparts shed light on the need to acknowledge that Latinas are a political force to be reckoned with.

The variety of challenges that Latinas and their families face must be addressed through the ballot box and consistent civic participation between

election cycles. In the last decade, both Latino voter registration and voter turnout have grown, playing a crucial role in many high-profile elections. In the 2010 midterm elections, Latinas were more likely to register (54%) and vote (33%) than their male counterparts (50% and 30%, respectively).⁵³ This falls in line with the national trend of female civic engagement trumping that of males. Hence, prospective elected officials and incumbents of any party would be foolish to dismiss the growing influence of Latinos in elections and particularly must pay much-due attention to Latinas.

Attitudes of Latinas on social and economic issues indicate that immigration, jobs and the economy, and education are the top issues that Congress and the President should address. A recent Latino Decisions poll from December of 2011 prompted Latinas to identify the most important issues that their communities are facing today. The findings highlight that immigration reform and the DREAM Act is a top issue for Latinas (45%) followed by creating more jobs and unemployment (19%) and third was a tie between fixing the economy (16%) and education reform (16%). As it happens, the same issues were generally prioritized across the Latino sub-groups of all ages, foreign and U.S. born, with various levels of education and across the political spectrum.⁵⁴

In the 2008 general election, Latinos were not only among the voting population, but also among those elected into office. Though still not representative of the U.S. population, the number of Latinos who seek and secure public office is growing. For the past 15 years, the population of Latino elected officials has increased by 53%.⁵⁵ And although Latinas in the U.S are 25 million strong, their representation in local, state and national office is dismal.⁵⁶ In the 112th Congress there are only seven Latina members. Four Latinas serve in statewide elected executive offices and 63 are state legislators.⁵⁷

IMMIGRANT CIVIC PARTICIPATION

The Latino and immigrant community has found itself under siege and attacked on multiple fronts by anti-immigrant sentiments and legislation. These attacks have driven youth and families to the streets and the ballot box in repudiation of an anti-immigrant and anti-Latino agenda. At the grassroots level, undocumented youth are stepping out of the shadows and placing their lives at risk with the hope that exposing their plight through demonstrations and advocacy will achieve the solidarity needed to pass the DREAM Act. Latino adults are organizing defense networks to protect their neighbors from unjust raids and advocate against their deportations. With a recall election, they unseated Russell Pearce, the architect of Arizona's anti-immigrant law (SB 1070). At the electoral level, naturalized immigrants can exercise their voting rights and make their voices heard and politicians must recognize that anti-immigrant efforts are not confined to the undocumented community.

Many voting U.S. citizens are also foreign-born and/or have mixed-status families, hence, an attack on an immigrant is also a direct assault on their families. As Latinos become naturalized or reach voting age, they contribute to the promotion of democracy in action and hold elected officials accountable for issues that will promote the advancement of their families and their communities. The registration and naturalization processes of immigrants is increasing the total number of Latino voters. Since 2008, an estimated 2.4 million immigrants became naturalized citizens and nearly half of them are from Latin America.^{58,59}

Naturalized Latino citizens have proven to participate in elections at higher rates than their native-born counterparts. The majority of naturalized citizens have turned out to vote since 1996. Compare the 91% that voted to the 82% of native-born Latinos.⁶⁰ The voting patterns of naturalized Latino immigrants combined with the

trend of more women than men turning out to vote further underscores the importance of recognizing the electoral clout that Latina immigrants can wield. It stands to reason that the needs and issues that concern both U.S. born and immigrant Latinas cannot be ignored.

CONCLUSION

The economic recession hit Latinas particularly hard, producing a massive displacement of workers and increasing income inequality among communities of color. **But despite the challenges we have outlined, Latinas are a diverse, dynamic and growing group of women that are key to the strength and revitalization of the U.S. economy.** Social and economic conditions play a role in facilitating or limiting the progress of Latinas and the contributions they can make to their households and to American society as a whole. As the U.S. Congress and the Administration focus on economic recovery, they would be remiss to ignore the needs of the emerging Latina population.

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VENANZI LUNA

Five years ago, California resident Venanzi Luna became an employee of Wal-mart with hopes of securing a quality job that would offer her the necessary resources and benefits to provide for herself and her family. Nevertheless, Venanzi's experience as a Wal-mart employee catapulted her into the national spotlight for all the wrong reasons. Venanzi's stories of workplace injustice are unfortunately becoming all too commonplace for Wal-mart employees across the country. **Her story depicts the harsh reality that she and her associates continue to face as victims of wage theft, employment discrimination, occupational injuries and employer intimidation.**

One day, while working in the deli section, Venanzi severely cut her finger and required immediate medical attention. Instead of reporting the injury to Wal-mart management, who would likely discipline her for requiring an inconvenient and expensive doctor's visit, she opted to pay out of her own pocket to consult her family doctor instead. She feared that management would retaliate against her and "coach" her, or write her up, for having injured herself. **She does not believe that Wal-mart managers care about the wellbeing of their employees and that the only thing that is important to them is cutting costs and generating a profit.**

“SI TÚ TE LASTIMAS, ES TU CULPA...”

If you get hurt, it's your fault

Venanzi alludes to the fact that Wal-mart has spent excessive amounts of money on unnecessary endeavors, like the construction of a \$1.2 billion dollar Wal-mart museum, yet continues to cut its employees' hours and wages to save costs. **“A lot of us struggle to make ends meet,” she explained, “because we don't get paid enough and cutting our hours doesn't help.”**

Venanzi was initially hired under the condition that she would receive \$13.25 an hour for her labor. However, she was only paid a meager \$9.00 per hour for several years – an amount that is hardly sufficient to care for herself and her family. “[Only] after being with them for five years do I finally make \$13.00 an hour” she stated.

Venanzi joined the Organization United for Respect at Wal-mart (OUR Wal-mart) in November of 2011 so she and her coworkers could stand together against further workplace injustices. However, she was immediately placed under unwarranted scrutiny when Wal-mart management learned of her membership in the organization. Wal-mart executives seem to fear the collective voice of its workers. As a result, Venanzi began experiencing workplace intimidation tactics that her management believed would cause her to reject the OUR movement. “I never miss work, I'm always there. I'm never late, and all of the sudden they started targeting me for absences, saying that I have nineteen absences,” she professed, “Never in five years have I been late.” She explained that Wal-mart began accusing of her of stealing company time (clocking in or out early or working overtime), a violation that could potentially lead to her termination within the company. According to Venanzi, **“this was never an issue until after they found out I was part of OUR Wal-mart”**

“RESPECT IS SOMETHING THAT DOESN'T COST ANYTHING”

There is, however, a silver lining to Venanzi's story. Through determination and steadfast resolve, Venanzi and her OUR Wal-mart colleagues were successfully able to replace the store manager that was responsible for their workplace intimidation. This victory highlights the importance of raising labor standards in all industries to improve workplace conditions and increase employee satisfaction. Venanzi's campaign to fight workplace injustices has inspired countless other employees to speak out against wrongs they have experienced at work. **“God gave me a mouth,” she asserted “and I [finally] learned how to use it...it might get me in trouble but I got the word out and I shook up Wal-mart.”** Venanzi is part of a nation-wide movement that aims to advance labor policies that protect worker's rights and promote an environment that fosters social and economic security. “We are here to stand strong together,” she concluded, “to teach each other that **if one could do it, we all can do it.**”

CHAPTER TWO

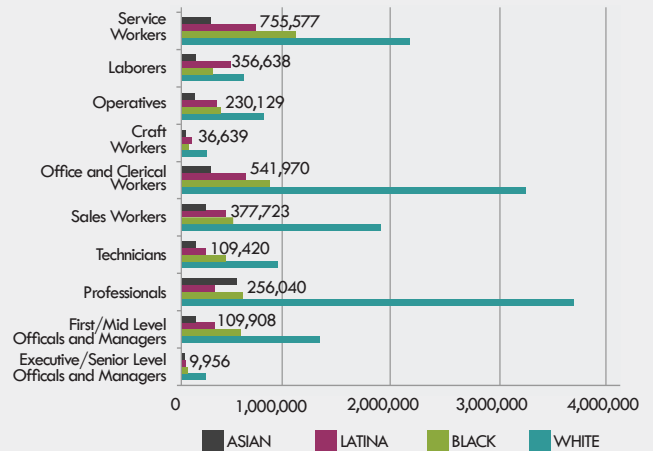
LATINAS IN THE WORKFORCE

Latinas are an undeniable, growing presence in the U.S. population and workforce. At 8.1 million and growing, Latinas represented 41% of all employed Latinos and 12.8% of working women in the U.S. in 2010.¹ However, we cannot analyze the social and economic standing of working Latinas without examining the industries and occupational sectors that rely upon their labor.

As we look at the distribution of Latinas within the labor force and their prospects for progress, we recognize that this group of women is concentrated in jobs that inherently limit their economic advancement. To better understand the economic reality of Latina workers, and evaluate their ability to provide for their families, this chapter will provide a breakdown of Latinas across major industry sectors by occupation with corresponding median annual salaries.

Occupational segregation occurs when specific groups of people are highly concentrated within particular industries in the labor force. For example, occupational segregation may take place exclusively in accordance to gender (vertical segregation) or to race and ethnicity (horizontal segregation).² The job patterns of women in the workforce illustrate a picture in which women of color, particularly Latinas, are overrepresented in low-wage occupations *vis a vis* other working women.

MAJORITY OF LATINAS ARE CONCENTRATED IN LOW-PAYING JOBS



Note: Job Patterns for Women in the Private Sector by Race and Ethnicity, 2010 (numbers in the thousands)

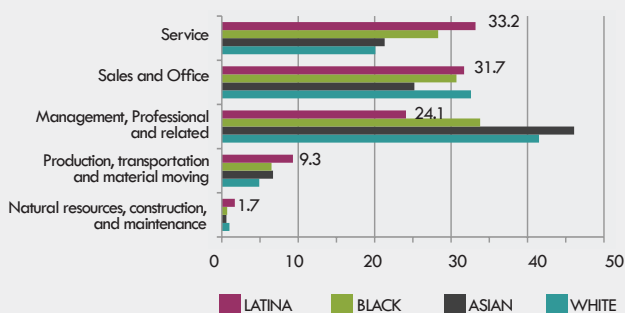
Data from private employers with 100 or more employees or federal contractors with 50 more employees.

Source: U.S. Equal Employment and Opportunity Commission (EEOC), "2010 Job Patterns For Minorities And Women In Private Industry (EEO-1)," <http://www1.eeoc.gov/eeoc/statistics/employment/jobpateeo1/2010/index.cfm>, Accessed December 14, 2011

Latina women are overrepresented in the lowest paying job sectors, and their labor as service, laborers, operatives and craft workers indicate that they hold jobs that fail to offer structured paths to

improve their social mobility. Sixty-five percent of employed Latinas work in either service occupations or sales and office occupations.³

MAJORITY OF EMPLOYED LATINAS ARE CONCENTRATED IN SERVICE & SALES OCCUPATIONS (PERCENT)



Note: Employed women by occupation, race and/or Latino ethnicity, 2010 annual averages (Percent)

Source: Department of Labor, Bureau of Labor Statistics, "Labor Force Characteristics by Race and Ethnicity, 2010." August 2011, <http://www.bls.gov/cps/cpsrace2010.pdf>

At minimum, a "good job" is one that pays workers with wages that allow them to sustain a family (at least 60% of the median household income) and offers health and retirement benefits.⁴ If we adhere to this standard of a good job and consider that in 2010, the real median household income in the U.S. was \$49,445, this would mean that in order for a Latina to have a good job, she would have to make at least \$29,667 year.⁵ Let us keep this figure in mind as an indicator of family-sustaining wages.

Household earnings are a key determinant of a family's ability to address basic needs. According to the U.S. Census Bureau, the average Latino family in the United States consists of 3.53 individuals.⁶ As we examine the industries and occupations with a high density of Latinas and their median annual income in these sectors, we refer to the 2010 poverty thresholds by family size. Comparing these numbers allows us to gauge the capacity of Latinas to make ends meet and keep their families out of poverty.

While an overwhelming number of Latinas (64.9%) are employed as service and sales workers, Latinas are underrepresented in better quality jobs with higher compensation. Though Latinas represent a significant share of workers in a variety of industries and occupations, they are the least likely to hold occupations in management, professional, and related jobs—a job category that offers the highest remuneration for workers. The opposite is true for Asian and white women. Forty-six percent of Asian and 42% of white women are employed in management, professional, and related occupations, compared to 34% of black women and 24% of Latinas.⁷

2010 POVERTY THRESHOLDS BY SIZE OF FAMILY

Size of family unit	Weighted average thresholds
Three people	\$17,374
Four people	\$22,314
Five people	\$26,439
Six people	\$29,897
Seven people	\$34,009
Eight people	\$37,934
Nine people or more	\$45,220

Note: 2010 Poverty Thresholds by size of Family

Source: U.S. Bureau of the Census, "Poverty Thresholds for 2010 by Size of Family and Number of Related Children Under 18 Years," <http://www.census.gov/hhes/www/poverty/data/threshld/>

LATINAS IN THE SERVICE INDUSTRY

Latinas surpass all other women workers of color in the service sector. Overall, 23.1% of employed women age 16 and older work in service occupations. There are over 10.6 million white women working in service occupations and Latinas surpass all other women workers of color in this sector. Out of over 8.1 million Latina workers, close to 2.7 million are employed in service occupations

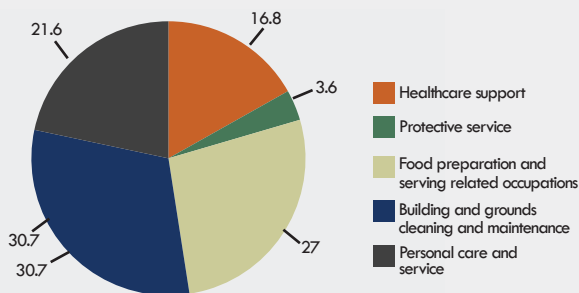
(33.2% of employed Latinas), followed by 2.3 million black (28.3% of black female workers), and 663, 921 (21.3% of Asian female workers).

The largest share of Latinas in the service sector is concentrated in building and grounds, cleaning and maintenance occupations (30.7%), food preparation and serving related occupations (27%), personal care and service occupations (21.6%) and health care support occupations (17%).

Latinas are more likely to work in food preparation and serving-related occupations than working women in all other major racial and ethnic groups. As a share of employed women by race and ethnicity, an estimated 9% of Latinas work in food preparation and serving related occupations compared to 6.5% of white, 6% of Asian, and 5.7% of black women.⁸

Latinas are more likely to hold unstable and low-wage jobs than all other women. Positions within the service industry do not provide hardworking Latina women with enough economic capital to sustain themselves and adequately provide for their families.

MOST LATINAS IN SERVICE SECTOR HOLD LOWEST PAYING OCCUPATIONS (PERCENT)



Note: Latinas Employed in Service Sector By Detailed Occupations, 2010

Source: Department of Labor, Bureau of Labor Statistics, "Labor Force Characteristics by Race and Ethnicity, 2010." August 2011, <http://www.bls.gov/cps/cpsrace2010.pdf>

Wages for workers in several service occupations fall below the 2010 poverty thresholds for a family of five. When analyzing the distribution of the Latina workforce across the service sector and the respective wages for these occupations, one finds that with the exception of workers in protective service occupations, median annual wages for the majority of service occupations just barely provide sufficient salaries to support the average-sized Latino family (3.53 individuals) and fall below the 2010 poverty thresholds for a family of five.⁹ Percentile wage estimates indicate the following median hourly wage and median annual wage for all workers in:

- **Building and grounds, cleaning and maintenance occupations, 10.2% of employed Latinas** (ex: housekeeping, janitorial, landscaping workers, etc.): \$10.81 median hourly and \$22,490 median annual wage¹⁰
- **Food preparation and serving related occupations, 9% of employed Latinas** (ex: cooks, cafeteria attendants, food servers, counter attendants, etc): \$9.02 median hourly and \$18,770 median annual wage¹¹
- **Personal care and service occupations, 7.2% of employed Latinas** (ex: Childcare, gaming service workers, hairdressers, etc): \$9.92 median hourly and \$20,640 median annual wage¹²
- **Health care and service occupations, 5.6% of employed Latinas** (ex: Home Health Aides, Nursing Aides, medical assistants, etc.): \$11.90 median hourly and \$24,760 median annual wage¹³
- **Protective service occupations, 1.2% of employed Latinas** (ex: security guards, correctional officers, police, transportation security screeners, etc): \$17.63 median hourly and \$36,660 median annual wage¹⁴

Therefore, the majority of service occupations would not qualify as good jobs, since they fail to offer median annual wages where a Latina can earn at least \$29,667 a year.

The second largest representation of Latinas in the workforce is in sales and office occupations.

Over 2.5 million Latinas work in this sector, more than any other major group of employed women of color: Latinas (31.7%), blacks (30.7%) and Asians (25.2%). Average sales and office wages are above the 2010 poverty threshold for average-sized Latino families, but similar to occupations in the service sector, these wages are over \$2,000 short of adequately providing for a family of five.¹⁵ Percentile wage estimates indicate the following median hourly wage and median annual wage for all workers in:

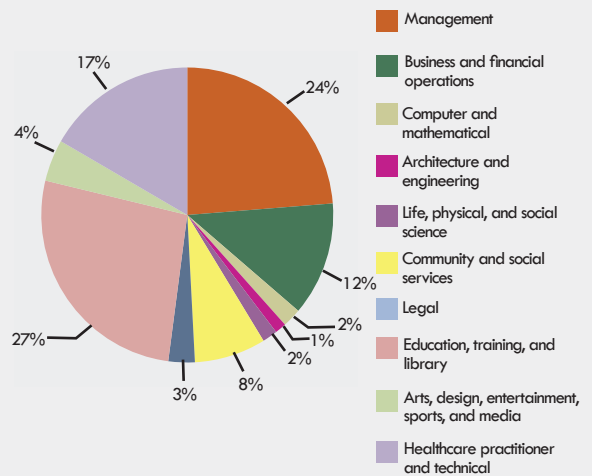
- **Sales and related occupations, 11.8% of employed Latinas** (ex: cashiers, counter and rental clerks, retail salespersons): \$11.72 median hourly wage (\$24,370 median annual wage)
- **Office and administrative support occupations, 19.9% of employed Latinas** (ex: customer service representatives, secretaries and administrative assistants): \$14.77 median hourly wage (\$30,710 median annual wage)

LATINAS IN MANAGEMENT, PROFESSIONAL AND RELATED OCCUPATIONS

While Latinas make up a large segment of workers in the service and sales sector, they are underrepresented in management, professional, and related occupations. Approximately 2 million Latinas (1,953,546) work in management, professional and related occupations (24.1% of employed Latinas). Among Latina workers in this sector, the majority work in education, training and library occupations (27%), followed by management occupations (24%), health care practitioner and technical occupations (17%), occupations in business and financial operations (12%), and community and social services (8%). The following chart illustrates the distribution of management, professional, and related occupations for employed

Latinas 16 years and older in 2010.

LATINAS EMPLOYED IN MANAGEMENT, PROFESSIONAL AND RELATED OCCUPATIONS, 2010



Note: Latinas Employed in Management, Professional, and Related Occupations, 2010

Source: Department of Labor, Bureau of Labor Statistics, "Labor Force Characteristics by Race and Ethnicity, 2010." August 2011, <http://www.bls.gov/cps/cpsrace2010.pdf>

Percentile wage estimates for occupations in the management and professional sector, where more than 1% of employed Latinas work:

- **Education, training, and library occupations, 6.4% of employed Latinas:** \$21.97 median hourly and \$45,690 median annual wages
- **Management occupations, 5.7% of employed Latinas:** \$43.96 median hourly and \$91,440 median annual wages
- **Healthcare practitioner and technical occupations, 4% of employed Latinas:** \$28.12 median hourly and \$58,490 median annual wages
- **Business and financial operations occupations, 3% of employed Latinas:** \$29.17 median hourly and \$60,670 median annual wages

- **Community and social services occupations, 1.9% of employed Latinas:** \$18.89 median hourly and \$39,280 median annual wages
- **Arts, design, entertainment, sports, and media occupations, 1.1% of employed Latinas:** \$20.61 median hourly and \$42,870 median annual wages

Annual wages for management and professional occupations are higher than average, and certainly adequate to provide for average Latino family size. However, these wages are mostly unavailable to Latinas because they are drastically underrepresented in these industries compared to all other members of the female workforce.

LATINAS IN PRODUCTION, TRANSPORTATION AND MATERIAL MOVING OCCUPATIONS

Latinas are more likely to work in production, transportation and material moving occupations than working women in all of the major racial and ethnic groups. Some 753,858 Latinas (9.3% of employed Latinas) work in these occupations which represents a significantly greater share of the employed Latina population compared to employed white (4.9%), black (6.5%), and Asian working women (6.7%).

Percentile wage estimates for occupations in production, transportation and material moving occupations:

- **Production occupations, 6.2 of employed Latinas:** \$14.58 median hourly and \$30,330 median annual wage
- **Transportation and material moving occupations, 3.1 of employed Latinas:** \$13.66 median hourly and \$28,400 median annual wage

While the average wages for these occupations are above the 2010 poverty threshold for the average-sized Latino family, only a small share of Latinas are employed in these industries.

LATINAS IN NATURAL RESOURCES, CONSTRUCTION, AND MAINTENANCE OCCUPATIONS

An estimated 137,802 Latinas (1.7% of the Latina workforce) work in natural resources, construction and maintenance occupations. Seventy percent of Latinas in this industry sector are concentrated in farming, fishing and forestry occupations, while 18% work in construction and extraction occupations and 12% participate in installation, maintenance, and repair occupations.

Percentile wage estimates indicate the following median hourly wage and median annual wage for all workers in:

- **Farming, fishing, and forestry occupations, 1.2% of employed Latinas** (ex: agricultural workers, farmworkers and laborers, fishers): \$9.44 median hourly and \$19,630 median annual wage
- **Construction and extraction occupations, 0.3% of employed Latinas:** \$18.79 median hourly and \$39,080 median annual wage
- **Installation, maintenance, and repair occupations, 0.2% of employed Latinas:** \$19.29 median hourly and \$40,120 median annual wage

The data indicates that a Latina, with an average sized family (3.53 people) and a job in construction or maintenance, should earn enough annually to provide for themselves and avoid falling into poverty. Sadly, the same is not true for workers in farming, fishing and forestry occupations.

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ELISA GUEVARA

Countless hardworking individuals in many industries across the U.S. suffer injustices at work. Elisa Guevara's story illustrates the unimaginable hardships that immigrant workers endure in the farm fields in order to sustain themselves and their families. Upon immigrating to the United States, Elisa and her family settled in Coachella Valley, California where she and her husband picked crops and lived in a trailer park.

Elisa explained that the experience in the workplace for her and other immigrant farmworkers included wage theft, sexual harassment and sexual violence on the job. Because the wages she earned picking fruits and vegetables were not sufficient to support her family, Elisa took a paid position at a local service organization conducting surveys throughout her community. She stated that she was to be reimbursed \$5.00 for each survey she carried out. Nevertheless, she was denied payment after carrying out numerous surveys.

- During her time in the fields, Elisa shares that workers often endure extreme weather conditions, highlighting that there is no such thing as calling in sick because it results in job loss. "When you pick carrots and lettuce you do it on your knees. When it rains, you can be waist-deep in mud, battling the cold, strong winds and ignoring any health problems you already have. You just have to hope that you don't get sick. If you don't go to work in those conditions they let you go, not just for the season, but for life."¹

"SI ALGUIEN SE QUEJABA, LO DESPEDÍAN."

IF YOU COMPLAINED, YOU WERE FIRED

Elisa described situations in which the supervisors would provide workers with beer to help prevent them from yielding to the cold, pain or exhaustion during 17-hour workdays. However, if an accident on the job occurred, workers would be excluded from employer-provided medical care for having alcohol in their systems.

Sexual abuse was also inescapable in the fields. In one incident, Elisa confronted her supervisor, refusing to let him touch her inappropriately in the fields. Shortly thereafter, she and her entire "team" were suspended from work for two days. "I felt so guilty," she explained, alleging that being denied work was a form of reprisal for challenging the aggressors' authority.

"I KNOW WOMEN THAT HAVE HAD TO SLEEP WITH OUR SUPERVISORS SO THAT THEY DIDN'T LOSE THEIR JOBS"

- Workplace issues are not the only concern for residents of the Coachella Valley. Here, poverty and environmental issues combine to put their lives and health at risk. A recent report shows that residents of Coachella Valley live under some of the most extreme conditions of anyone in the state of California. As a result of exposure to arsenic-contaminated water, air pollution and unregulated waste dumps, Coachella residents are twice as likely to report being in fair or poor health (17.4%) than other Californians (8.1%).² In Coachella, 1 out of 2 residents is currently uninsured and the community faces a drastic shortage of physicians. In the eastern part of the valley, there is only one doctor for every 8,407 residents. This poses a serious barrier to equity in health care access, considering that the Department of Health and Human Services recommends one doctor for every 2,000 people.³ These are alarming statistics for a community that desperately needs health coverage as they face disproportionate exposure to hazardous workplace and environmental conditions.

As they face workplace and environmental injustices, many of the challenges farmworkers face are also found at home. Farmworkers often must live in dilapidated trailers where park owners ignore serious electricity and plumbing problems. During long electricity outages, families were forced to sleep outside to escape scorching indoor temperatures and use coolers to prevent food from spoiling. A lack of potable water, common in developing nations, is a basic necessity out of reach for many of these families.

Elisa explained that the park owners would “charge whatever they wanted” for housing and electricity. If they complained, the owners could silence them with threats of reporting families to immigration knowing that many in the community were either undocumented or of mixed-status.

Nevertheless, Elisa has remained steadfast in her commitment to fight for justice. She has organized a citizens’ committee and serves as a Promotora Comunitaria “Community Promoter,” mobilizing her community to engage in civic participation, exposing the reality of the Coachella Valley community, improving housing conditions and increasing quality school options for their children.

“I realize that I don’t speak English and I that don’t have an education, but I know the needs of my community and the injustices we face...I can’t afford to be ashamed or scared to speak out because otherwise things will remain unchanged.”

Elisa may be limited by health problems and a lack of English proficiency, but despite the adversities she has faced, her unwavering courage and determination continue to galvanize people around her to stand up against injustice and inequality. Elisa continues to fight for better living and working conditions for farmworkers and their families. She has proven herself to be an exemplary and inspirational Latina community leader.

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CHAPTER THREE

LABOR ISSUES AFFECTING LATINAS

Latina working women face many obstacles that restrain their socioeconomic advancement and prevent them from becoming more competitive participants in the job market. All too often, trabajadoras are the targets of employment discrimination, wage theft, sexual harassment and sexual violence. The economy needs Latina workers, and Latina workers need our support to bring justice to a variety of workplace issues they face. This chapter will highlight the labor issues that affect Latina workers, shedding light on the abuses they endure in order to provide for themselves and their families. We hope that by exposing the stark reality that trabajadoras face, this report will help these workers find allies who will help to bring their status in line with the national standard and to improve their conditions thereon after.

THE GENDER WAGE GAP HURTS LATINAS THE MOST

The gender wage gap indicates that working women are not being paid equal wages for equal work. Although the Equal Pay Act was introduced to Congress in 1963 and the Lilly Ledbetter Fair Pay Act was signed into law three years ago by President Obama, we have a long way to go to eradicate gender-based pay inequity.

LATINA WORKERS EXPERIENCE THE LARGEST WAGE GAP, EARNING ONLY 60 CENTS FOR EVERY DOLLAR EARNED BY WHITE MEN



Note: Median weekly earnings of full-time wage and salary working women by race, and Latino ethnicity, 2010

Source: Department of Labor, Bureau of Labor Statistics, "Labor Force Characteristics by Race and Ethnicity, 2010." August 2011, <http://www.bls.gov/cps/cpsrace2010.pdf>

The gender wage gap is particularly striking among women of color, who fare far worse than their white counterparts in the workforce. To get a better idea of what the wage gap means for working women on a weekly basis, we can calculate the ratio of women's to men's median weekly earnings (of full-time wage and salary workers): white women only make 81 cents for every dollar earned by a white man, but this wage discrepancy is even greater among women of color, and especially, among Latinas. African-American women earn 69 cents for every one dollar earned by a white man while

Latinas only earn 60 cents.

At first glance, a difference in cents may not seem like much. However, full-time Latina working women in 2010 experienced a \$16,416 difference in wages compared to white males.¹ And over the course of 40 years of employment, this wage gap for Latinas would result in a massive loss of wages amounting to \$656,640. If the wage gap were eliminated, Latina workers and their families would have more money to buy:

- Nearly 2.5 years worth of food²
- 1.6 years of payments for shelter³
- 4.6 years of utilities payments⁴
- 8.8 more years of payments for health care (health insurance, medical services, drugs and medical supplies)⁵
- 2.5 years of payments for transportation costs⁶
- 4 more years of payments for personal insurance and pensions⁷
- 20 more years of payments for education⁸

The section on Latina workers across industry sectors illustrates that Latinas are already more likely to work in jobs where their median wages fall short of what is necessary to provide for their families and stay out of poverty.⁹ The types of occupations Latinas hold as well as the wage gap they experience as women of color combine to worsen their economic standing. Every week, Latinas earn 50.3% less than white male workers, an astonishing statistic that highlights the importance of continued efforts to fight for pay equity.

In Chapter 2 we showed that the majority of employed Latinas are concentrated in low-wage jobs (i.e. 65% of employed Latinas are in service, sales and office occupations and 41% are maids and housekeepers). Let us consider the following issues that trabajadoras face in these sectors.¹⁰

WAGE THEFT AND WAGE JUSTICE

Latina workers offer their skills in exchange for jobs and wages that should adhere to federal and state labor standards for wages and hours, provide her with payment for all of the hours she worked and include compensation for the extra hours she completed. Unfortunately, the reality for Latinas on the job is quite different. As she deals with economic necessity and the constant pressure to support her family, a Latina often lacks the guarantee that she will be compensated for some, if not all, of the hours of strenuous work she has performed.

Through the theft of a Latina's wages, employers aggravate economic inequality in our society, impair a worker's economic security and steal her ability to provide for her children's basic needs. Despite pay checks that fail to reflect their daily sacrifices, these working Latinas are resolute in their commitment to ensure the sustenance and survival of their loved ones.

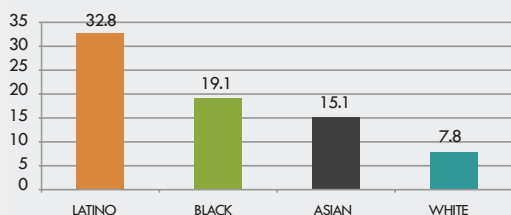
The issue of wage theft has become all too common for Latinos in the workforce. Employers from a broad range of industries in the U.S. are not only profiting from their workers' productivity, but are also depriving workers of their well-earned wages. Employers deny workers the pay they are owed for their labor, and it is Latinas and their families who face the consequence of meager wages for arduous work. When wage theft occurs, workers find themselves in situations where: their employers take a share, if not all, of the payment they are due; they are not compensated for overtime work as legally required for the work done before or after shifts end; and/or they are being paid less than the minimum wage.¹¹

More women than men reported experiencing minimum wage violations. When race, ethnicity and gender are combined, research points to an increased rate of wage violations. One of the most comprehensive studies to measure wage and hour violations surveyed 4,387 low-wage workers in

three of the country's most populated cities (New York, Chicago and Los Angeles) – areas that also have a significant number of Latino and immigrant workers.¹² What the survey illustrated is the pervasive employer practice of denying workers the full amount of wages they have earned. Overall, the findings concluded that Latino workers had the highest rates of minimum and overtime wage-law violations of any racial/ethnic group.

The survey also identified that women were the most likely to face wage theft. More women (30%) than men (20%) reported experiencing minimum wage violations in a survey where the majority of respondents were Latino (63%).¹³

LATINOS ARE MUCH MORE LIKELY TO EXPERIENCE MINIMUM WAGE VIOLATIONS THAN ANY OTHER GROUP



Note: Percent of Workers with minimum wage violations by race and ethnicity 55.6% of the Latino workers that were surveyed were women.

Source: Annette Bernhardt, Ruth Milkman, Nik Theodore, et al. "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in American Cities." National Employment Law http://www.unprotectedworkers.org/index.php/broken_laws/index

Worse yet, foreign-born workers are almost twice as likely to experience minimum wage violations. Of the workers who suffered wage injustices in the same study, 15.6% were native-born while 31.1% were foreign-born, showing that minimum wage violations are most prevalent amongst the foreign-born and unauthorized workers with 47.4% of the women in this subgroup facing the worst violations.¹⁴

WAGE JUSTICE: THE CASE OF DOMESTIC WORKERS/DIRECT CARE PROVIDERS

“Domestic work may be a labor of love, but it isn’t one that loves its laborers.” Domestic Workers United & Data Center

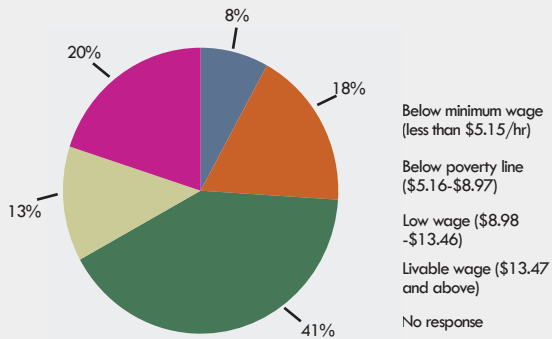
Domestic workers and direct care providers dedicate their labor to care for other peoples’ loved ones. Yet, these workers have the lowest standing in the workforce. Domestic workers are some of the nation’s most vulnerable workers, facing institutionalized exclusion from minimum wage and overtime pay requirements under U.S. labor law. For years, these workers fought for a Bill of Rights, a major achievement they recently secured in the state of New York with the support of various organizations, including LCLAA’s New York City Chapter.

Domestic workers are often tied to families, fulfilling work responsibilities that lack defined working hours and do not offer more than substandard wages. **Currently, under the National Labor Relations Act, domestic workers are not classified as “employees.” Therefore, they are exempt from basic employment protections provided by the Fair Labor Standards Act.**^{15,16} Moreover, being an unclassified worker means that workers are deprived of the right to organize.¹⁷ **U.S. labor law must be updated to meet the needs of these workers.**

Domestic workers’ responsibilities include cleaning, cooking, childcare and other household duties for their employers. Although domestic work is very important, in that it allows parents to participate in the formal economy, it falls under the category of informal work. **Many times, domestic work is undervalued and therefore underpaid.** A survey of domestic workers in the state of New York expounds upon this, showing that only 13% of the respondents earned a living wage of \$13.47 per hour, while an overwhelming majority (67%) earned low wages (41%), poverty wages (18%) or earned less

than minimum wage.¹⁸

MAJORITY OF DOMESTIC WORKERS IN NEW YORK STATE EARN LOW OR POVERTY WAGES



Note: Hourly Wages of Domestic Workers in New York.

Source: Appelbaum, Lauren D. "Why a Domestic Workers Bill of Rights?" UCLA Institute for Research and Labor Employment, Research and Policy Brief, No. 6, December 2010.

Overtime and wage violations are prominent in the domestic work sector. A survey of domestic workers in the state of California paints a clear and troubling picture of the reality of workers in this occupation by exposing the workplace violations they are facing and illustrating how it affects their economic well-being. Data collected in California over several years showed that 93% of domestic workers were women, 73% were foreign-born and 67% were Latina. Wage theft also hurts families. Nearly three-fourths (72%) of the workers in the California study were sending remittances to support family members in other countries.¹⁹ The study showed that 90% of all workers surveyed did not receive overtime pay and 16% were not paid or received a bad check. Eleven percent of these domestic workers reported receiving less than the minimum wage and 3% were not compensated for their work at all.²⁰

There are two types of domestic work: live-in and live-out. "Live-out" workers, as the title implies, are workers who do not reside in the home of

employment; they benefit from a more structured work environment with defined working hours. On the other hand, "live-in" workers labor under blurred boundaries and are subsequently vulnerable to many types of exploitation and abuse. These workers are on call 24 hours a day, depend on their employers for shelter and are rarely paid overtime (time and a half under the law) for the lengthy hours of work they perform. Domestic workers in New York reported working over 60 hours per week.²¹

NEW YORK DOMESTIC WORKERS' TIME & COMPENSATION



Note: Domestic Worker Break Down of Overtime Hours (New York)

Source: Appelbaum, Lauren D. "Why a Domestic Workers Bill of Rights?" UCLA Institute for Research and Labor Employment, Research and Policy Brief, No. 6, December 2010.

WAGE JUSTICE IN THE RESTAURANT INDUSTRY

In 2012, one out of ten workers in the U.S. will be employed in the restaurant industry. The restaurant industry is the nation's second-largest private sector employer. Projections suggest that in 2012, the industry will amass \$632 billion in sales and employ up to 12.9 million people. If these conditions materialize, the restaurant industry will restore pre-recession employment levels—an achievement that the overall economy is not expected to reach until 2014.²²

Although this sector is experiencing employment growth and expanding revenues, its workers receive subpar wages. This is especially true for "tipped employees." The Fair Labor Standards Act (FLSA) defines a tipped worker as someone who receives more than \$30 in tips per month. In the restaurant

industry, this encompasses the majority of food and beverage service workers, who rely on gratuity to make ends meet since their employers—unless otherwise stipulated by state law—are only required by federal law to pay them a minimum hourly cash wage of \$2.13.²³

The Restaurant Opportunity Center (ROC) is working to raise wages and improve working conditions for low-wage workers in the restaurant industry. ROC classifies employer practices under two categories: those that take the high road (offering livable wages, health benefits, and an opportunity to advance one's position within the company) and those that take the low road to profitability (offering low wage jobs, few benefits, dangerous workplace conditions without taking safety precautions and violating wage and hour laws).²⁴

In surveying a total of 4,000 employees and conducting 240 in-depth interviews, ROC found that people of color are concentrated in low-wage and low road occupations. This is particularly relevant and worrisome for the Latina workforce considering 27% of Latinas in the service sector work in food preparation and serving related occupations.²⁵ Restaurant workers in low road jobs (46.3%) reported experiencing overtime violations and 34.6% felt they were rushed in their work, thus, being forced to risk the health and safety of the consumer.

ROC's survey also exposes an inconsistency in median wage earnings between white workers and workers of color, with a \$3.71 gap between the two.²⁶ This discrepancy clearly illustrates that wage injustice is magnified when race and ethnicity are taken into consideration

Consequences: In this period of sluggish economic growth, the impact of wage injustice on workers and the national economy cannot be underestimated. Taking wages away from workers not only tightens their family budgets, it also reduces their spending

power and their ability to demand goods and services in the economy—a key contributor to economic growth.²⁷

We see this reduced spending power sharply outlined in the case of domestic workers. In the aforementioned study of domestic workers in New York, the respondents described the range of financial hardships they experienced as a result of wage injustices and their subsequent inability to contribute to the local economy and/or fulfill their economic responsibilities:

- 37% were not able to make their mortgage payments
- 21% at times or often went without food
- 25% were not able to pay their utility bills (electricity & gas)
- 40% could not pay their telephone bills²⁸

WAL-MART, TOO BIG TO BE HELD ACCOUNTABLE FOR JOB DISCRIMINATION

WAL-MART VS. DUKES, A BIG LOSS FOR WORKING WOMEN

What would have been the largest, and arguably the most important class-action suit in the history of the United States originated on February 6th, 2007. In *Wal-Mart vs. Dukes*, Betty Dukes, a veteran employee at Wal-Mart, contended that 1.6 million women who are currently employed or have worked for Wal-Mart in the past have been subjected to discrimination in the workplace. Plaintiffs argued that female employees were under-paid and under-promoted in comparison to men as a result of their gender.

In an amicus brief to the U.S. Supreme Court the United Food and Commercial Workers International Union (UFCW), the AFL-CIO and the Change to Win Federation stood up for working women

and their call for an equitable work environment. The labor organizations underscored the role that Wal-Mart plays in influencing workplace standards, calling for women to have their day in court and receive compensation for the wages, benefits and opportunities they were denied due to discriminatory practices.²⁹

This is shameful for a company whose workforce in 2010 was predominantly female (57.76%) and a significant share were minorities (35.33%).³⁰ Wal-Mart's approach towards its workers is particularly worrisome for Latinas since the second largest concentration of these workers are in sales and office occupations, representing 31.7% (2.5 million workers) of the total Latina workforce. Within this sector, 37 percent of Latinas (close to one million workers) hold sales and related occupations that include positions as cashiers, retail sales workers, first-line supervisors/managers of retail and non-retail sales workers.³¹

In *Wal-Mart vs. Dukes* the plaintiffs alleged that all pay and promotion decisions were left to a nearly all-male management team that favored other men when considering applicants.³² The U.S. Court of Appeals denied their ability to file suit as a class stating that there was insufficient evidence across the country to make such allegations on behalf of all female employees. Yet data exposed by the plaintiffs confirms that the alleged underpayment of women was no false accusation. A study that compared men and women hired at the same time and for the same positions over 5 year periods showed that women employed by Wal-Mart earned 5% to 15% less than male employees, for every job category, in 41 different Wal-Mart locations.³³ Women on hourly schedules at Wal-Mart received \$1,100 less per year and salaried female workers earned \$14,500 less per year on average than men.³⁴

According to the Economist, Wal-Mart employed over 2 million workers last year and generated annual revenue of nearly \$422 billion, making it the largest and wealthiest private employer in the United States.³⁵ However, Wal-Mart's wealth and power

is not translating into gains for women at its stores since many of its female workers are paid poverty wages. Hourly wages for an average sales associate are estimated at \$8.81, amounting to \$15,576 per year, pay that falls \$1,000 under what is needed to keep a family of three out of poverty.³⁶ This is why Wal-Mart associates have come together to form OUR Wal-Mart, an effort to demand respect and accountability from their employer.³⁷

Although the original case was appealed, it was refiled in June of 2011 on behalf of nearly 1.5 million female workers. Once again, the case was dismissed on the account of insufficient nationwide evidence that Wal-Mart had committed any injustice.³⁸ In order to avoid further negative attention from the masses and the media, Wal-Mart recently allocated \$20 billion towards sourcing products made by female-owned businesses. While beneficial to female business owners, the donation fails to address the problem at hand and the needs of its female employees who are fighting for pay parity and a fair shot at professional growth. Even so, it is important to consider the “transformative potential” that *Wal-Mart vs. Dukes* could have had in making employers reevaluate current company policies and foster a working environment where equal pay and employment opportunities are offered to all of their workers, regardless of their gender.³⁹

ABUSE, EXPLOITATION AND SEXUAL ASSAULT

Powerlessness, tears, fear, hatred and suppressed rage, these are some of a myriad of emotions many Latinas experience as they see their bodies and dignity violated, disparaged and battered at the hands of employers, supervisors and even spouses or intimate partners. Without their consent, they are verbally harassed, sexually abused, raped and forced to maintain their silence. Many fear job loss, violence and/or separation from their families if they are reported to immigration authorities for lacking legal status in the U.S. And some of them may never

report the heinous acts that have degraded their human condition.

Interviews conducted by LCLAA with women and service providers for victims of domestic violence revealed that it was a common practice for employers, supervisors and even spouses to use the legal status of the victim as a tool to prevent women from disclosing abuses. Some of the women LCLAA interviewed explained that they had either been asked for their work authorization documents when they wanted to file a formal complaint or had been reported to Immigration and Customs Enforcement (ICE) by their employer or spouse.

Whether the abuse originates in the home or the workplace, we must look at the intersection of labor, immigration, gender and ethnicity to better understand the barriers that prevent Latinas from exposing physical assault, sexual harassment and sexual violence and limit the law's ability to safeguard them from abuse.

SEXUAL HARASSMENT AND SEXUAL VIOLENCE

For many Latinas, sexual harassment and sexual violence in the workplace are commonplace. According to the Southern Poverty Law Center (SPLC), **77% of Latinas in the south reported sexual assault to be a major issue at their place of work.**⁴⁰ Sexual harassment is defined as “[any] unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment.”⁴¹

Sexual violence, on the other hand, is far more dangerous for vulnerable Latina workers. The SPLC defines sexual violence as “any unwanted sexual act, including but not limited to touching, voyeurism, exhibitionism, sexual assault and rape, perpetrated against a person through force or coercion.”⁴²

DOMESTIC WORK

One in three women in New York's domestic work industry have reported experiencing some type of physical or verbal abuse by their employers.⁴³

A survey of domestic workers in California states that 20% had been insulted or threatened by their employers, 9% experienced sexual harassment and another 9% reported being subject to violence in the workplace.⁴⁴ It is difficult to proactively work to protect these workers' rights because they often work alone, are not represented by a labor union, and, if they are undocumented workers, they are less inclined to denounce the abuse. These factors contribute to an underreporting of violent crimes against Latinas.

THE FOOD INDUSTRY

RESTAURANTS

The Restaurant industry is another sector of service work where Latinas are generally overrepresented. **More than 22% of all restaurant workers are of Latino descent.**⁴⁵ Reports of sexual assault are very common in the restaurant industry because of its social characteristics and informal work environment. Nearly 70% of females believe that sexual harassment occurs more often in the restaurant business than in any other industry.⁴⁶ Furthermore, the majority of females consider sexual harassment to be more “acceptable” in this industry because **the boundaries between professionalism and social interaction are easily crossed in this working environment.** According to a recent MSNBC poll, 75 of the nearly 400 discrimination cases filed this year involve sexual harassment and more than one-third (37%) took place within the restaurant industry.⁴⁷ To foster safe workplaces for women, employers must establish clear guidelines to deter sexual harassment, train employees and management on how to recognize and report this problem so they can address any

incidents expeditiously.

AGRICULTURE

Whether we make our own meals, purchase them from street vendors, fast-food establishments or have them served from table-service restaurants, when we examine our food's supply-chains we will find farmworkers at the beginning of it all. These workers harvest a variety of produce, fish, pack our meats and work in the dairy industry. Many of these workers are Latinas, who are more likely to labor in agriculture than any group of women in the U.S.⁴⁸

As they have for generations, farmworkers play an integral part in the U.S. food industry and Latinos are overrepresented in farming occupations.

According to the SPLC, a majority of all farm workers in the United States were born in Mexico (75%).⁴⁹

This has been the case for decades since the clamor of U.S. growers, facing labor shortages during World War II, incited the creation of the Mexican Farm Labor Program, commonly known as the "Bracero" Program (1942-1964)—an agreement between the U.S. and Mexico for the importation of Mexican farmworkers.⁵⁰

In agriculture, exposure to high temperatures, pesticides and heavy machinery are among the many hazards that place farmworkers at great risk of suffering from heat illness, pesticide poisoning, injuries and even death.⁵¹

Out of 137,802 Latinas in natural resources, construction, and maintenance occupations, 70% work in farming, fishing and forestry. **The agriculture sector not only has the highest fatal occupational injury rate (26.8 per 100,000 full-time equivalent workers) of any industry, but also accounts for 80% of pesticide use in the U.S.** This heightens the risk of Latina workers to suffer from pesticide poisoning as well as injuries and fatalities on the job.⁵² While federal law requires that farmworkers be trained on pesticide control, studies

show that migrant and seasonal farmworkers are not receiving this training.⁵³

It is alarming that in the nation's most dangerous industry, workers in farms that have less than 11 employees are not protected under the National Labor Relations Act. When we combine the current vulnerability of these workers with their exemption from protections provided by labor, health and safety legislation, we see that farmworkers are left unprotected and unable to organize so they can secure improved workplaces and higher wages.⁵⁴

Agriculture is a male-dominated industry sector where women's economic prosperity is hindered, limited by discrimination and occupational segregation that prevent them from acquiring higher paid positions. Piece rates are customary as a method of payment in this industry sector, establishing the unit cost for crops that are harvested. For women, piece rates often result in longer work days in order to earn the equivalent of their male counterparts.⁵⁵ And while the majority of farmworkers are male (79%), the remaining 21% are females who are especially at risk of experiencing incidences of sexual abuse and sexual violence in the workplace.⁵⁶

Farmworker women can be easy prey for sexual predators because they are generally isolated, lack knowledge about their rights, have limited English proficiency and are afraid to report any abuses. Nearly 60% of all farm workers are unable to read or write in English and their immigration status presents unprincipled employers with an opportunity to take advantage them.⁵⁷ This creates an environment where female farmworkers are increasingly vulnerable to sexual harassment, and in the worst cases, sexual violence.⁵⁸

Sexual Violence: “any unwanted sexual act, including but not limited to touching, voyeurism, exhibitionism, sexual assault and rape, perpetrated against a person through force or coercion. Coercion includes, but is not limited to, intimidation, threats of deportation and/or malicious prosecution, physical harm, being refused for hire or being fired from a job.” Southern Poverty Law Center (SPLC), “Sexual Violence Against Farmworkers: A Guidebook for Social Service Providers,” 2009.

A 2009 survey of Latinas in the south shows that when it comes to workplace issues, 72% of the Latinas surveyed believed they were victims of discrimination while 77% indicated that sexual harassment was a major problem on the job.⁵⁹ Another study showed that as many as 90% of farmworker women reported that sexual violence on the job was a “major problem.”⁶⁰

But Latinas are not just enduring these difficulties alone, they are working to fight these practices to make workplaces safer for women, working with the U.S. Equal Employment Opportunity Commission (EEOC) to compel employers to implement training and accountability programs to educate staff about their EEO rights and prevent discrimination, harassment and retaliation on the job.⁶¹

These attacks on the labor and civil rights of Latina farmworkers may go unpunished as long as these women are forced to choose between enduring abuse to sustain themselves and their families or facing shame, job loss or deportation if they want to put an end to the abuse. These conditions prevent statistics from giving an accurate portrayal of the pervasiveness of sexual harassment, sexual and workplace violence in farm fields across the U.S. And as long as these attacks on women go underreported, injustice will persist.

COURAGE IN THE FACE OF INJUSTICE

LATINAS, STANDING UP SO THAT OTHER WOMEN DON'T FACE THE SAME FATE

Those who are courageous enough to report instances of sexual harassment usually **do receive justice**. Just recently, a group of Mexican women working at Cyma & Taeann Orchids – one of the largest orchid farms in the United States – came forward claiming to have been sexually harassed, inappropriately groped, humiliated by their male co-workers and discriminated based on their country of origin. The case came into the EEOC’s hands, which subsequently filed a lawsuit against the employer. The company has since agreed to pay a fine of \$240,000 and allow EEOC coordinators to educate workers about their rights and oversee production on the farm for a period of over two years.⁶² This case illustrates the importance of demanding justice in the workplace, educating workers about their rights and responsibilities on the job and creating support systems for workers who file complaints to encourage others to come forward.

William Tamayo, Regional Attorney for the EEOC’s San Francisco District office (with jurisdiction over the States of Alaska, Idaho, Montana, Oregon, and Washington, and sexual harassment cases involving immigrant workers several counties in the State of Nevada and California) has pointed out that **there is a large quantity of sexual harassment cases where the victims are immigrant workers**, highlighting EEOC lawsuits against:

- Willamette Tree Wholesale, Inc., OR- EEOC obtained \$150,000 settlement for four Latino farmworkers in a sexual harassment and retaliation case where workers were coerced to endure repeated sexual assault and threatened with termination;
- All-star Fitness in Seattle, WA- Latina janitor was allegedly raped multiple times;
- Evans Fruit Company in Eastern Washington-

charging sexual harassment of several Latina workers;

- Schiemer Farms of Nyassa, OR- two farmworker women claimed they were terminated immediately after reporting sexual harassment on their first day at work. The women received a compensation of \$14,500;
- Frenchman Hills Vineyard in Othello, WA- Latina worker was sexually abused by a manager and received \$33,000;
- Wilcox Farms based in Woodburn, OR- A sexual harassment case involving physical sexual assault of farmworker women. The plaintiffs received \$260,000 settlement in a case jointly prosecuted with the Oregon Law Center; and
- Coalinga, CA-based Harris Farms, resulting in a \$1,000,000 jury verdict for a farmworker who was repeatedly raped by a supervisor.⁶³

ABUSE IS UNDERREPORTED

Reports of sexual harassment and sexual violence do not accurately reflect the human toll exacted from these abuses. Sexual violence is one the most underreported crimes in the nation.⁶⁴ It can carry a stigma which may hinder the collection of data on its pervasiveness.⁶⁵ Among Latina and immigrant workers, the adversity is exacerbated if victims face language barriers and/or concerns about job loss or deportation if they lack legal immigration status in the U.S.⁶⁶

Based on the abuses taking place across the country, there are many reasons for which Latina women do not seek legal action against their supervisors, employers, or co-workers who have abused them. First, many workers are not properly educated about their individual rights in the workplace. Simply put, they are unaware that they are protected under the law even if they are undocumented or have a pending immigration status. Second, many reject the notion of contacting the authorities out of emotional

pain or lack of community support. Finally, sexual abuse and exploitation may go unreported out of fear of retaliation by their employers or the threat of deportation. Employers who abuse or exploit low-wage laborers, such as domestic workers, farmworkers and restaurant employees, may use immigration status as a form of leverage over them. In other words, these low-wage workers have to choose between enduring abuse and providing for their families.⁶⁷

THE HEALTH AND SAFETY STATUS OF LATINA WORKERS

Throughout the U.S. and the Commonwealth of Puerto Rico, Latinos and Latinas are laboring under conditions that expose them to health and safety hazards and result in workers being injured, maimed or dying on the job. As employers shirk their responsibility under the Occupational Safety and Health Administration (OSHA) to provide a workplace free of known hazards, workers may start the work day without the assurance that they will return home whole and unharmed.

To protect the health and safety of Latinas in the workplace, the challenge is threefold: to inform vulnerable workers about their rights, to empower them to report health and safety hazards on the job, and to educate them about the role of the Department of Labor (DOL) and its agencies in safeguarding their labor rights (regardless of one's country of origin or immigration status in the U.S.). Trainings in a language that workers understand, partnerships with organizations that have a history of conducting outreach and education to the Latino community and compliance assistance for employers are all keys to meeting this challenge. When combined, these strategies can create workplaces that safeguard the life and health of Latinas and foreign-born workers. Otherwise, more and more workers may succumb to workplace hazards.

DOMESTIC VIOLENCE

Domestic violence is a pervasive issue that affects women of all populations across the U.S. Though this epidemic is not unique to women of any specific age, race or ethnicity, **Latina women are particularly vulnerable to acts of violence for many different reasons.**

More than one-third of Latina women (37.1%) in the U.S. report that they have been a victim of domestic violence by an intimate partner in their lifetime.⁶⁸ Victims of domestic violence include those who have suffered from physical, emotional or verbal abuse, sexual assault, economic intimidation or other controlling behaviors that affected their well-being or that of their family. Though domestic violence takes place within the home, it has also become a workplace issue for many Latina women.

Physically and emotionally-battered survivors of domestic violence are particularly vulnerable to oppression both inside and outside the home. **Female workers who are abused by intimate partners carry the burden of outside stressors to the workplace that may negatively affect their efficiency and productivity on the job.** Survivors lose an estimated 8 million days of paid work annually as a direct result of domestic violence.⁶⁹ This is especially important for working mothers, whose families rely on their labor and wages for their economic security.

Domestic violence between spouses also directly affects children. According to the National Coalition Against Domestic Violence (NCADV), witnessing violence between caretakers is the strongest risk factor for transmitting violent behavior to children.⁷⁰ Adolescent boys who grow up in violent homes are reportedly 50% more likely to abuse their family members upon reaching adulthood than those who are not exposed to violence from a young age.⁷¹

This widespread issue must be brought to an end. Exposing these truths brings light to the fact that

problems in the home also affect trabajadoras on the job and throughout our communities. Through education, mobilization and support, we may help Latinas and all working women to know their rights and step away from violent situations with the resources necessary to provide a safer and healthier future for themselves and their families.

OCCUPATIONAL INJURIES AND ILLNESSES REQUIRING DAYS AWAY FROM WORK

When a Latina is injured or becomes ill due to the conditions under which she works, the gravity of the injuries that she experiences may require her to miss out on days of work to regain her health. And the harm is not limited to her body and health. The injury incurred may result in serious financial burdens that she may be unable to manage, and in the process, affect her ability to support herself and her family.

In 2010, there were 1,191,100 nonfatal occupational injuries and illnesses that required workers to miss days of work (a decrease of 4% from 2009). The number of median days away from work is used by the Bureau of Labor Statistics as a way to gauge the gravity of injuries and illnesses suffered by workers. For 2010, the median number of days away from work was eight, unchanged from 2009.

INDUSTRY BY DETAIL CODE TITLE & SUPER-SECTOR HIERARCHY	SELECTED INDUSTRIES WHERE LATINAS SUFFERED OCCUPATIONAL INJURIES AND ILLNESSES REQUIRING DAYS AWAY FROM WORK	CASES OF INJURIES AND ILLNESSES	MEDIAN DAYS AWAY FROM WORK
SP1EHS - Education & health services	SP2HSA - Health care and social assistance	12370	5
SP1LEH - Leisure and hospitality	SP2AFS - Accommodation and food services	6730	7
GP1MFG - Manufacturing	GP2MFG - Manufacturing	5240	10
SP1EHS - Education and health services	SP2EDS - Educational services	4650	8
SP1TTU - Trade, transportation, and utilities	SP2RET - Retail trade	4560	7
SP1PBS - Professional and business services	SP2ADW - Administrative and support and waste management and remediation services	2400	7
SP1PAD - Public administration	SP2PAD - Public administration	1670	7
GP1NRM - Natural resources and mining	GP2AFH - Agriculture, forestry, fishing and hunting	1520	7
SP1TTU - Trade, transportation, and utilities	SP2TRW - Transportation and warehousing	1380	14
SP1TTU - Trade, transportation, and utilities	SP2WHT - Wholesale trade	1320	10
SP1OTS - Other services	SP2OTS - Other services, except public administration	1020	5
SP1FIA - Financial activities	SP2FIN - Finance and insurance	870	57
SP1LEH - Leisure and hospitality	SP2AER - Arts, entertainment, and recreation	640	8
SP1PBS - Professional and business services	SP2PST - Professional, scientific, and technical services	620	3
SP1FIA - Financial activities	SP2RRL - Real estate and rental and leasing	550	5
GP1CON - Construction	GP2CON - Construction	350	47
SP1PBS - Professional and business services	SP2MCE - Management of companies and enterprises	320	5
SP1INF - Information	SP2INF - Information	240	5
SP1TTU - Trade, transportation, and utilities	SP2UTL - Utilities	50	83

Note: Injuries and illnesses involving Number, median days away from work by selected industries to Latinas women in all ownerships for All United States, 2010

Source: Marcus Newland, U.S. Department of Labor, Bureau of Labor Statistics, "Nonfatal Occupational Injuries and Illnesses To Latinas Women, Displayed By Industry," Unpublished tables of the Survey of Occupational Injuries and Illnesses.

In 2010, Latinas reported 46,640 cases of work-related injuries and illnesses and required a median of 7 days away from work to recover, representing 33.5% of the total days away from work cases for Latino workers. In general, there were 139,160 cases of nonfatal occupational injuries and illnesses reported for Latino workers, constituting 11.7% of cases requiring days away from work. While the incidence of injuries and illnesses decreased by seven percent for African-American and by four percent for white workers, there was no significant change in the number of cases among Latino workers. (It must be noted that in 2010, race or ethnicity was unreported in 37% of days away from work cases.)

The three industries with the highest number of reported cases in 2010 were in the health care and social assistance (176,380), retail trade (131,380), and manufacturing (127,140). The healthcare and social assistance industry is part of education and health services and in these occupations, the number of days-away-from-work cases increased by four percent for women and accounted for almost one out of five incidents in the private sector. The incidence rate in the construction industry was 50 cases per 10,000 full-time workers, surpassed by the incidence rate for the transportation and warehousing industry (92 cases per 10,000 full-time workers), more than three times the total rate in the private sector. These cases also required some of the longest absence from work (31 days or more).

The industry where Latinas experienced the highest incidences of injuries and illnesses requiring time away from work was in health care and social assistance. These occupations are part of education and health services and had 12,370 cases involving a median of five days away from work. This industry alone represented 26.5% of all cases affecting Latina workers. The industry with the second-highest incidence of cases is the accommodation and food services (part of the leisure and hospitality industry) with 6,730 cases requiring seven median days away from work. In

manufacturing alone, Latinas incurred 5,240 cases requiring a median of ten days away from work to recuperate.

The number of days away from work helps us measure the seriousness of the injuries or illnesses incurred by Latinas. Out of all the documented cases, the ones requiring the greatest amount of days away from work were 83 days in the utility industry (part of trade, transportation and utilities), 47 in construction, 57 in finance and Insurance (part of financial activities), 14 in transportation and warehousing, and ten in manufacturing.

FATAL OCCUPATIONAL INJURIES

All workers deserve the right to work in places that do not jeopardize their health and safety. However, for Latino workers, earning a living oftentimes means having to place their life and health at risk in dangerous industry sectors, and for immigrant workers, the risk is even higher. Overall, Latino workers are more likely to be killed on the job at a rate of 3.7 per 100,000 full-time equivalent (FTE) workers—higher than the national fatality rate (3.5) and the rates for white (3.6) and black (2.8) workers.⁷²

Fatalities in the workplace declined by 4% in 2010; deaths among men declined by one percent while fatalities involving women increased by 6%. Out of 682 fatal work injuries for Latino workers, 6% were women.

Among women of color, African-American women died in greater numbers than other employed women of color. Out of a total of 352 documented occupational fatalities, 71.5% of the fatalities belonged to white, black (12.2%), Latina (10.2%) and Asian women (5.9%).⁷³

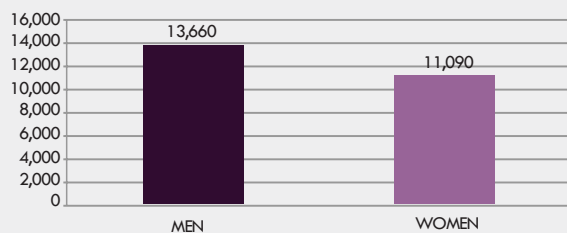
Overall, the two top causes for fatalities involving women were transportation incidents and homicides. The reverse is true for women of color. Black (20%),

Latina (18%) and Asian (17%) women are more likely to die on the job due to an assault or violent act than a transportation incident.⁷⁴

Half of all Latinas who died in the workplace were victims of assaults and violent acts. Looking at fatal occupational injuries for Latinas by type of event or exposure, out of 36 deaths, 18 died in the workplace due to an assault or violent act and among them, 17 were victims of a homicide. The assaults and violent acts category involves workplace deaths by homicides, suicide, self-inflicted injury or attacks by animals. For Latinas, 11 deaths are attributed to transportation incidents with a majority of the incidents (7 cases) involving collision between vehicles and mobile equipment and 3 cases involving falls.⁷⁵

SURVEY OF INJURIES, ILLNESSES & FATALITIES INVOLVING FEMALE WORKERS IN THE COMMONWEALTH OF PUERTO RICO

IN PUERTO RICO, 45% OF ALL INJURIES REQUIRING DAYS AWAY FROM WORK OCCURRED AMONG WOMEN



Note: Number of nonfatal occupational injuries and illnesses involving days away from work by gender, 2009 (Puerto Rico)

Source: Puerto Rico Department of Labor and Human Resources, Bureau of Labor Statistics, "Occupational Injuries and Illnesses Survey, Puerto Rico-2009," Occupational Injuries, Illnesses and Fatalities Division, 2009.

Although the Injuries, Illnesses, and Fatalities (IIF) program of the Bureau of Labor Statistics (BLS) releases annual information on the rate and number of work related injuries, illnesses, and fatal injuries,

the national totals do not include data for the Commonwealth of Puerto Rico, the Virgin Islands and Guam.

NONFATAL OCCUPATIONAL INJURIES, ILLNESSES REQUIRING DAYS AWAY FROM WORK

In 2009, female workers in Puerto Rico constituted 45% of the total number of injuries and illnesses requiring days away from work. In Puerto Rico, 34,200 occupational injuries and illnesses were reported in 2009. Of these, 24,760 required a median of 24 days away from work to recuperate, 11,090 involved women, and 13,660 cases involved men. The number of median days away from work for female workers in Puerto Rico was 30 days, more than four times longer than that for Latina workers on the U.S. mainland (7 days).

OCCUPATIONAL INJURIES AND ILLNESSES INVOLVING DAYS AWAY FROM WORK BY INDUSTRY AND GENDER

Similar to workers on the mainland, the top five occupations with the highest number of recordable days away from work cases for female workers in Puerto Rico take place within the following industries: 1) health care and social assistance, 2) retail trade, 3) accommodation and food services, 4) manufacturing, and 5) administrative, support, waste management and remediation services.⁷⁶

Out of a total of 44 fatal occupational injuries, the leading cause of death on the job in Puerto Rico were assaults and violent acts, representing 52.3% of all occupational deaths (23 out of 44), a 64% increase when compared to 2008.⁷⁷

A comparison of various reporting systems postulates that the actual number of workplace injuries and illnesses is much higher than those

reported by the Bureau of Labor Statistics (BLS).

The study took the 2009 estimate and accounted for the impact of undercounting of injuries and illnesses, finding that the actual toll may be more than three times higher than the numbers reported— suggesting that there were an estimated 11.2 million cases of nonfatal injuries and illnesses in the private industry compared to the BLS-reported figure of 3.3 million. For cases involving days away from work, the study estimates that the actual toll is 2.9 million days away from work cases compared to 965,000.⁷⁸

WORKPLACE INJURIES MORE LIKELY TO BE REPORTED IN UNIONIZED WORKPLACES

THE CASE OF THE UNIONIZED U.S. HOTEL INDUSTRY

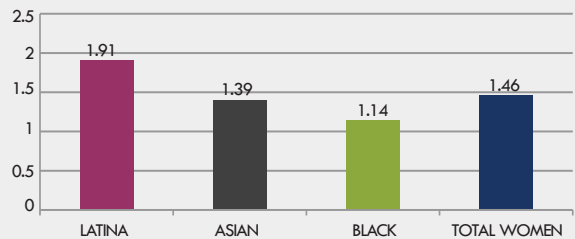
Through organizing and fighting to improve working conditions for workers across industry sectors, unions are helping workers achieve higher wages and safe and healthy workplaces. From the Fair Labor Standards Act, mine safety laws, workers' compensation laws and the Occupational Safety and Health Act (OSHA), unions have been central in the passing of crucial legislation to ensure worker safety and reparations for injured workers.

The majority of workers in the hotel industry are not unionized and a study on occupational injuries only surveyed unionized workers, who are more likely to be trained on health and safety regulations and have workplaces that adhere to OSHA standards. This makes it more likely for injuries to be reported in a unionized workplace.⁷⁹ Data shows that hotel, garment and day laborers are more likely to report injuries on the job if they know they have the right to do so and are associated with organizations that will back them if they are subjected to employer retaliation.⁸⁰

A 2010 study conducted by the University of Illinois, Division of Environmental and Occupational Health Sciences, found that women of Latino ethnicity

had a high occupational injury rate in the hotel industry. The study analyzed OSHA incidents from 5 unionized hotel companies over a period of three years and found higher injury rates.⁸¹

LATINA HOTEL WORKERS FACE HIGHEST INJURY RATES



Note: Occupational Injury Rate of Women in the U.S. Hotel Industry by race and ethnicity (2003-2005). Injury rate is the number of injuries per 100 person years. 1 person followed for 100 years is the same as 100 people followed for 1 year

Buchanan S, V. P. (2010). Occupational Injury Disparities in the US Hotel Industry. *American Journal of Industrial Medicine*, 53, 166-125.

Findings of the study included:

- 2,865 injuries reported over 3 years
- An occupational injury rate of 5.2 injuries per 100 worker-years
- Housekeepers had the highest rate of injury (7.9) and musculoskeletal disorders (3.2)
- Latina housekeepers had a higher injury rate at (10.6), being 70% more likely to be injured on the job than white female workers

The study suggests that non-unionized workers with limited English proficiency, lack of legal immigration status or knowledge of U.S. labor laws would be less likely to report injuries suffered on the job.⁸²

PREGNANT LATINAS IN THE WORKFORCE

When a working woman is pregnant, she must balance the needs of her family with those of her employer. The joy of bringing a new life into the world can be clouded by economic necessity and the pressure on the job to work as close to the delivery date and return to her post shortly after giving birth. In this situation, a parent will have to make the difficult choice to return to the workforce and transfer the care of their child to someone else. The fortunate ones may be able to rely on family for the care of their child, while others will struggle with the choice of leaving their infant in the arms of a stranger.

Unlike women decades ago, women today have made gains in educational attainment, pursuing higher education, joining the workforce, having children later in life, working through pregnancy and returning to work shortly after childbirth. More and more women are returning to the workforce sooner; between 1961 and 1965, only 17% of women returned to work within a year of giving birth, compared to 39% between 1976 and 1980 and 64% from 2005 to 2007.⁸³

Educational attainment can serve as a tool to help women secure better jobs that offer maternity leave benefits. Hence, higher levels of education are linked to higher use of paid leave benefits. Only 19% of women with less than a high school education used paid leave benefits compared to 66% of women with a bachelor's degree or more. Women with less than high school education were also more likely to be unemployed in the year after giving birth to their first child (66%).⁸⁴

Women who were employed during pregnancy were more likely to be employed after childbirth. The employment status of women prior to the birth of their first child was a significant factor in forecasting their employment after giving birth. Women who worked full-time during pregnancy were most likely to return to work within three months of their first

childbirth. An overwhelming majority of women (80%) who re-joined the workforce within a year of giving birth returned to their pre-birth job at the same skill level, pay and working hours. Only 17% of Latinas returned to work three months after giving birth, compared to 33% of non-Latina white women.⁸⁵

Latinas were less likely to work at all during pregnancy or work in the month leading up to their first child's birth. A majority of white (68.3%), Asian (61.1) and black (52%) women worked during pregnancy compared to only 42% of Latinas. Additionally, only 50.4% of pregnant Latinas worked a month before childbirth unlike white (66.6%), Asian (59.1%) and black (53.9%) pregnant workers.⁸⁶

Latinas and black women are more likely to report being let go from a job. Out of 384,000 Latinas surveyed, 8.1% said that they had been let go while they were pregnant or within 3 months after childbirth, compared to 6.4% of black, 4.6% of white and 2.8% of Asian women.⁸⁷

Pregnant women who were between 18 and 19 years old at the time they gave birth were more likely to quit their jobs before or after giving birth than women who had their first child when they were older. Pregnant women who were older at the time they gave birth were also more likely to receive paid leave than younger pregnant females in the workforce. Women who are older and better educated have a better chance of acquiring higher-paying jobs with benefits.⁸⁸

CONCLUSION

Exploring the nexus of gender, ethnicity, immigration and labor issues allows us to see that being a Latina in the U.S. workplace can be a daily battle, one where workers are robbed of their wages, don't receive equal pay for equal work, face

dangerous or unhealthy working conditions, are subjected to sexual harassment and violence and lack the benefits needed to balance work and family life. And while this chapter discussed a range of labor issues Latinas are confronting, we cannot talk about workers' rights without discussing the role that immigration status plays in the quality of life and conditions that Latinas are exposed to in the workplace. Undocumented Latinas are at risk for egregious abuses and fear losing their livelihood if they speak up. We will not be able to raise the standard for all workers, nor will we be able to bring labor law violators to justice, as long as undocumented women are afraid of job loss and deportation, preferring to bury the injustices in their silence if they will jeopardize their ability to support their families. We will elaborate on the challenges Latina immigrants confront in chapter five.

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GREEN AND GROWING JOBS

HEALTH AND ECONOMIC BENEFITS FOR LATINAS IN A CLEAN ENERGY ECONOMY

Traditionally, Latinos have not been regarded as a community that places environmental issues among their top concerns. Despite the fact that the social and economic standing of this community increases their vulnerability to climate change impacts, their voice has been largely absent from the national dialogue on energy and the environment.

As a group that is growing as a share of the U.S. population and electorate, the environmental movement would be remiss to ignore the potential of Latinos as leaders in the fight for environment protection, clean energy and green jobs.

Environmental protection must be a top concern for Latinas since their families and children face a heightened risk to their health due to exposure to air pollution and air toxins. A report co-authored by major national environmental organizations and the National Latino Coalition on Climate Change (NLCCC) —an organization co-founded by LCLAA— highlights that in 2010, Latinos became the largest minority group in 191 metropolitan districts.¹ The threats posed by air pollution to the Latino community are clear. The numbers show that Latinos are living in some of the most polluted areas in the U.S., where pollution from vehicles, industrial operations and power plants is making their air unsafe to breathe.² One out of two Latinos lives in locations that violate National Ambient Air Quality

Standards for ground-level ozone and fine particle pollution. Ozone is a main ingredient in smog, and fine particles can be so small (smaller than the diameter of a human hair) and toxic that they have been linked to birth defects, respiratory problems, heart disease, emergency room visits, and even death.³

For Latino children and working Latinas, exposure to air pollution means missed days from school and work, visits to the emergency room and medical costs. This is increasingly problematic for a segment of the population that is less likely to have access to health insurance and preventive and regular medical care.⁴ In their lifetime, Latinos are three times more likely to die from asthma than any other racial or ethnic group. As of 2009, 5.3 million Latinos had been diagnosed with asthma in their lifetime.⁵ In this economy, as workers worry about job security, Latinas already make less than any working woman in the U.S. (\$508 in median weekly earnings compared to their black [\$592], white [\$684], and Asian [\$773] women) and their families cannot afford additional financial hardships brought upon by poor environmental quality.⁶

Every year, reductions in ozone and particle pollution mandated by the 1990 Amendments to the Clean Air Act result in significant benefits to public health. Clean air protections promote worker productivity and reduce economic hardship for families, helping

workers avoid missing days from work by preventing pollution-related illnesses. By 2020, the 1990 Clean Air Act Amendments will have prevented 120,000 emergency room visits, 2.4 million cases of asthma exacerbation, 5.4 million missed school days and 17 million lost work days due to exposure to particle pollution.⁷

Despite the health and economic benefits that several new and proposed EPA regulations can bring, the EPA's authority to protect the environment and promote public health has been facing continuous attacks from Congress. Conservative lawmakers seek to undermine the importance of the EPA, declaring its regulations as "job killers" and introducing bills to limit its ability to demand reductions in greenhouse gases and harmful pollution. Even more drastic, some have gone as far as calling for the elimination of the agency itself.^{8,9,10}

While the face of environmental protection has not traditionally been Latino, surveys show that this community is seriously concerned about air pollution and supports regulations to mitigate this problem. A 2012 poll of Latino voters in six western states (Arizona, Colorado, Montana, New Mexico, Utah and Wyoming) indicates that 81% of the respondents support the EPA in "continuing to implement the Clean Air Act by updating the standards for air quality, including for smog, dust, and emissions from power plants, factories and cars." This compares to 69% of Latinos who "strongly support" a continuation of the Act.¹¹

EMBRACING CLEAN ENERGY CREATES MORE JOBS

Experts forecast that U.S. energy consumption will increase by 49% between 2007 and 2035, raising questions about how we will meet our growing energy needs in the future.¹² Fighting climate change and protecting the environment while meeting the country's energy needs means that we must reduce

U.S. reliance on fossil fuels and make an economy-wide switch to clean energy and energy efficiency. A 2010 NLCCC poll shows a majority of Latino voters in Florida (66%), Nevada (72%) and Colorado (64%) agree that switching to a clean energy economy will create more U.S. jobs.¹³ Furthermore, a survey of voters in AZ, CO, MT, NM, UT and WY shows that Latinos are more likely to support clean energy than western voters overall (15 points higher); 80% said that to meet America's energy needs, the priority is to "reduce our need for more coal, oil and gas by expanding our use of clean, renewable energy that can be generated in the U.S." And Latinos are far from wrong. A study by the Political Economy Research Institute (PERI) and the Center for American Progress estimates that an annual investment of \$150 billion in clean energy could create approximately 1.7 million net new jobs.¹⁴ Such an investment would create many more jobs than an equivalent investment in fossil fuels (coal, oil and natural gas) and the opportunities created would be for workers across various levels of skill and educational attainment:¹⁵

- 3.2 times more jobs than fossil fuel investments¹⁶
- 3.6 times more jobs requiring high school degrees or less¹⁷
- 2.6 times more jobs requiring college degrees or more¹⁸
- 3.0 times more jobs requiring some college¹⁹

Overall, a majority of clean energy jobs will also provide opportunities for higher-paying occupations.²⁰ And if this is the case, green jobs have the potential to help Latinas and women of color fight unemployment and poverty as they earn higher wages and build economic security.

The growing demand for energy-efficient and environmentally responsible products and services is redefining our economy and contributing to growth in current and new job sectors. The U.S. Department of Labor (DOL) describes green

jobs as those that “restore, protect, or conserve the natural environment,” and it has identified growing employment opportunities in the green sector. Furthermore, according to O*NET OnLine, supporting a green economy will involve a wide range of occupations. Some current occupations will experience an increase in demand (ex: electricians, chemical engineers), others will require employees with increased skills (ex: construction managers, heating and air conditioning mechanics) and new occupations will also emerge to meet specific needs of a green economy (ex: climate change analysts, air quality control specialists, geothermal technicians, etc).²¹

However, in order for Latinas to compete in a 21st century green workforce, they must understand what green jobs are, the job opportunities that are available, the training needed to compete for those positions and how to access them. Green jobs offer positions in renewable energy, environmental protection and green building and energy efficiency.²²

A glimpse at some green jobs and estimated median annual wages as of 2009:

INDUSTRY SECTOR	OCCUPATION	OCCUPATION
Renewable Energy	Wind turbine service technician (starting salaries between \$35,000 and \$40,000)	Solar Photovoltaic Installer (median annual wage of \$33,980)
Environmental Protection	Recycling Coordinator (\$42,940)	Environmental Specialist (\$61,010)
Green Building & Energy Efficiency	Weatherization Installer and Technician (\$33,980)	Landscape Architect (\$60,560)

As workers struggle with unemployment, the Association of Energy Engineers notes that growth in renewable energy and energy efficiency is inhibited by a lack of workers with the necessary skills to fill positions in those sectors. A majority of energy professionals state that in the next five years there will be a serious shortage of qualified specialists in the energy efficiency and renewable energy industry

(67%) while 72% suggest that training programs for green jobs are necessary to tackle the deficit of adequately trained workers.²³ Although some of these green occupations may be regarded as traditionally male-dominated fields, this must not serve as a deterrent for women to access better paid jobs that can give workers the gratification of being active participants in efforts to fight climate change and protect our environment.²⁴ To further increase their job opportunities, earning potential and enhance their competitiveness in the workforce, Latinas cannot dismiss the benefits of education in Science, Technology, Engineering and Math (STEM) fields. Careers in STEM can provide Latinas and women of color with pathways to high-quality, high-paying jobs with the narrowest wage gap between minorities and white men. However, women and minorities are underrepresented in these fields. According to the Georgetown University Center on Education and the Workforce, 63% of people with associate’s degrees in STEM earn more than those with bachelor’s degrees in non-STEM fields. Additionally, 47% of those with bachelor’s degrees in STEM earn more than Ph.D.s in non-STEM occupations.²⁵ This is an astounding finding that should serve as a wake up call to women and encourage them to pursue STEM degrees.

Reducing harmful and heat-trapping emissions to curb climate change is a pressing environmental concern with job creating potential. The transition to a green economy can promote the social and economic advancement of the Latino community. For this to happen, we must ensure that they can play an integral role as the innovators and workers that help the U.S. become a leader in the research, development and deployment of a clean and energy-efficient economy.

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ESTELA JIMÉNEZ

Due to immigration status, linguistic barriers, and lack of knowledge about labor laws, Latina workers are irrefutably vulnerable to wage theft and sexual harassment on the job. This was the case for Estela Jiménez, an immigrant from Cuernavaca, Mexico who currently resides in San Diego, CA. During her tenure in the restaurant industry, Estela arduously worked her way up the restaurant hierarchy into a management position. In the process, however, she personally experienced and evidenced various forms of abuse and exploitation.

“FELLOW WORKERS WERE AFRAID TO COME FORWARD WITH ANY COMPLAINTS BECAUSE THEY DO NOT WANT TO LOSE THEIR JOBS.”

She explained with detail the vicious practice employers utilize to rob workers of their wages. Estela elaborated, stating that employers will circumvent the law by making employees work through their legally mandated breaks although they are asked to punch out and give free labor in the process. The gravity of this form of wage theft is more evident once one does the math and multiplies all of the unpaid labor time employers are gaining from each worker. Workers are required to complete their duties for the day, but were not compensated for the extra time that it took to complete them. If their work was not finished, employees were under the impression that their job was on the line. Even though they do not receive additional compensation, the unrealistic expectations they faced forced employees to stay overtime or arrive earlier before their shifts. According to Estela, workers abstained from filling any complaints because it could cost them their job.

“I KNEW THAT IF I COMPLAINED MY BOSS WOULD TELL ME THAT MAYBE I DIDN'T NEED THE JOB, SO HE WILL ASK ME TO LEAVE AND LET SOMEONE ELSE THAT REALLY WANTED TO WORK TAKE MY PLACE”

As someone who witnessed and experienced various forms of abuse in the restaurant industry, she pledged to treat workers fairly when the time came for her to serve as the manager. Under her leadership, Estela made sure that her colleagues took their proper breaks mandated by California law and directed them to work only during their designated shifts.

Although Estela made it far in the restaurant industry in comparison to some of her coworkers, she was ultimately fired for standing up for her rights. Like many of the women working in this service sector, Estela was subjected to sexual harassment. She described the advances some of the restaurant drivers had with all of the female workers. The drivers would touch, caress, and vulgarly summon them. However, women were reluctant to file complaints in fear of being asked to disclose their immigration status and provide proper documentation. Hence, the employers will evade the sexual harassment complaints. This is what happened to Estela. Shortly after reporting the sexual harassment she experienced, she was asked for her work documents, and although she complied with the employer's request, Estela was fired.

“VICTIMS OF ABUSE WERE MORE AFRAID OF LOSING THEIR JOBS THAN GETTING DEPORTED”

She currently works as an independent housekeeper, is better informed and has become an activist for immigrant rights throughout her community. Estela's experience has not discouraged her from standing up for what's right. Now more than ever, she is adamant about encouraging men and women to denounce all injustices that occur at the workplace.

CHAPTER FOUR

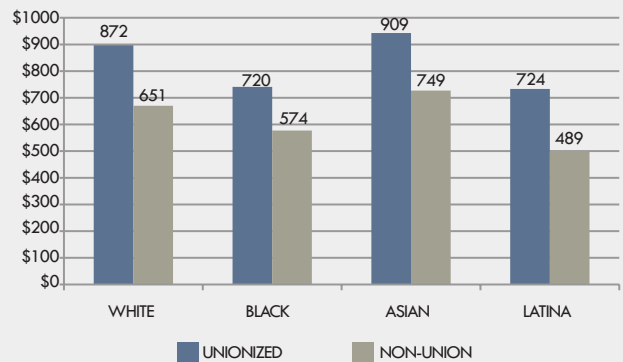
LATINAS AND THE LABOR MOVEMENT: A PATHWAY TO PROGRESS

While working women have recently made significant gains, they are still struggling in many areas. They have yet to achieve fair wages, equal pay, job security and quality employment to build economic security and provide access to health care, paid family and medical leave, and retirement plans. All women deserve dignity and justice in both their workplace and within the broader community. At the most basic level, we must foster environments where all working women can stand up against discrimination, wage injustice, sexual harassment, sexual and workplace violence, and other violations that they face.

Even so, unions are leading the way in creating change. Unions are helping Latinas close the pay gap and provide them with access to employment-based benefits through collective bargaining. As we evaluate the measures needed to reduce gender, racial and ethnic inequalities in the workforce, we must pay special attention to the role unionization and collective bargaining play in helping workers gain ground on the job and improve their quality of life.

While the freedom to join a union is a fundamental right protected by the U.S. Constitution, an increasing number of workers are deprived of it. This is particularly true for Latina and immigrant workers

THE UNION DIFFERENCE FOR WOMEN IN MEDIAN USUAL WEEKLY EARNINGS BY RACE AND ETHNICITY



Note: Median weekly earnings of full time wage and salary working women.

Source: U.S. Department of Labor, Bureau of Labor Statistics. (2012, January 27). Table 2. Median weekly earnings of full-time wage and salary workers by union affiliation and selected characteristics. Retrieved February 25, 2012, from Economics News Release: <http://www.bls.gov/news.release/union2.i02.htm>

who, due to the nature of their work, their level of education and/or their immigration status, may be confined to work in the informal economy or in low-wage and perilous job sectors that are beyond the reach of U.S. labor law enforcement.

Union representation results in key benefits for Latina workers: better wages, access to health

benefits and retirement pensions, a voice in the workplace, access to legal counsel, improved working conditions and access to education and training. However, under the National Labor Relations Act (NLRA), farmworkers, domestic workers, independent contractors, supervisors and managers, small business employees, and a majority of public employees are excluded from the right to organize and bargain collectively.¹

It gets worse. There are ongoing legislative efforts across the U.S. to erode the right to bargain collectively and diminish the power of unions to negotiate and advocate on behalf of workers. These efforts undermine the gains women have made in the workplace and make them progressively more vulnerable to harassment, discrimination and even being fired if they attempt to improve their working conditions or seek unionization.

Latinas and all women, irrespective of their racial or ethnic background, should be alarmed by attacks on unionization and collective bargaining, and must therefore work together to safeguard their labor rights. Doing so will directly affect their ability to create a better work environment, improve their economic standing and contribute more to their households and their local and state economies.

THE RELEVANCE OF LABOR UNIONS FOR WORKERS

Since their inception, labor unions have sought to address social and economic injustice, working to define a more equitable employer/employee relationship. The battles of the labor movement are not limited to negotiating tables and workplaces across the U.S. labor's fight for the well-being, security and progress of working families helps all workers, unionized and non-unionized alike. Unions bring democracy to the workplace and are leading the ongoing fight for worker rights, raising the

standard in the workplace and linking workplace issues to the quality of life of workers and the overall well-being of our communities. Through organizing, mass mobilizations and advocacy, labor unions have been behind the impetus to modernize labor laws that raise the standard for working people. The 40-hour workweek, minimum wage, occupational safety and health regulations, mandatory paid sick leave, and child labor laws are just some of the hard-fought achievements of organized labor.

From the workplace to the political sphere, unions help strengthen the voice of workers and foster participation in our communities and political system. By helping workers come together for a collective purpose—be it justice in the workplace, union representation, higher wages, or better benefits—unions play a fundamental role in strengthening our democracy. As unions empower workers and help build a strong middle class, they also educate, engage and mobilize union members to promote their participation in the political process. Unions show their advocacy and mobilization power at the local, state and national level to advance laws that promote the economic security and advancement of working families.

A study supported by the University of California at Dornsife suggests that participation in a union promotes the civic engagement of Latino immigrants, empowering them to become more involved in their communities. As the labor movement encourages them to speak up and articulate problems they are facing, Latino immigrants who participated in union activities claimed that they gained the necessary confidence to advocate, organize and hold institutions and elected officials accountable. This empowerment also fostered greater involvement in their children's schools.²

Beyond the workplace, unions have been steadfast in their efforts to strengthen Social Security, Medicare, Medicaid and unemployment insurance—vital programs that promote the economic security and

health of tens of millions of Americans and millions of Latinos.³ These programs have become the target of political attacks as right-wing lawmakers try to shred the safety nets established to keep people out of poverty and improve their quality of life.⁴

Yet, despite the vital role unions play in protecting workers and revitalizing our communities and our nation, the share of workers represented by a union is in decline and will continue to shrink if state legislatures adopt so-called “right-to-work” (RTW) legislation and work to help businesses and employers avert their responsibility to workers by weakening unions and existing collective bargaining agreements.

UNIONS, HELPING LATINAS BUILD ECONOMIC SECURITY

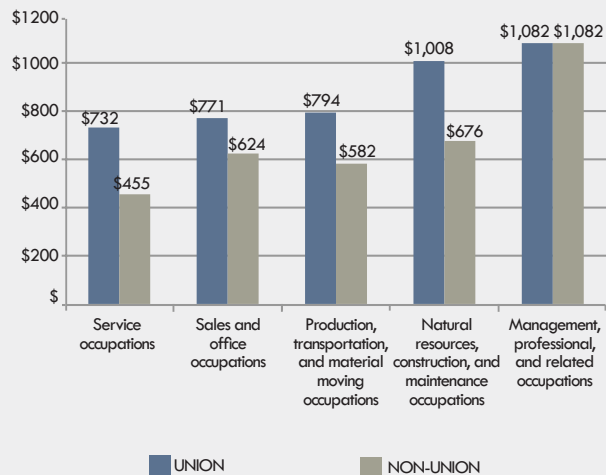
By helping workers secure higher incomes, critical benefits and workplace protections, labor unions strengthen the economy, boost the tax base and help build the middle class. Through collective bargaining, unions are helping working families obtain tangible benefits that will allow them to build economic security and a better future. Collective bargaining helps union workers earn 25% more every week than non-union workers.⁵ It also helps women fight the gender pay gap.

Unionized women earn more than their non-unionized counterparts and face a slighter gender pay gap. Unions strive for more equitable work environments where women receive equal pay for equal work where collective bargaining agreements help women secure a higher compensation for the work performed.

All female workers enjoy higher wages if they are represented by a union. Among all racial and ethnic groups, the percent difference in wages is most significant for Latinas. In 2011, white women workers represented by a union made \$897 in median weekly earnings, a 29% difference in

comparison to their non-unionized counterparts who earned \$670. Asian, black and Latina women represented by a union also enjoyed a significant difference in wages compared to their non-unionized counterparts in the workforce; 26% for Asian, 25% for black and 38% for Latinas.⁶

THE UNION DIFFERENCE IN MEDIAN WEEKLY WAGES FOR WORKERS BY OCCUPATION, 2011

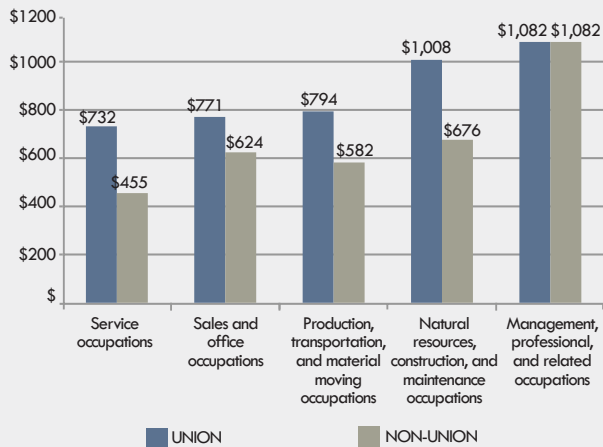


Note: Data refers to Median weekly earnings of full-time wage and salary workers by union affiliation, occupation, and industry, 2011 annual averages. All self-employed workers are excluded.

Source: Department of Labor, Bureau of Labor Statistics, Union Membership (Annual) News Release, Table 2, Economic News Release, January 27, 2012, <http://www.bls.gov/news.release/union2.htm> (accessed February 28, 2012)

Union representation means more money for workers. The percent difference in weekly wages for union workers in service occupations is 47%, and 21% for workers in sales and office occupations.⁷ These are two sectors where the majority of Latina workers are concentrated and could benefit tremendously from coverage by a union or an employee association contract.

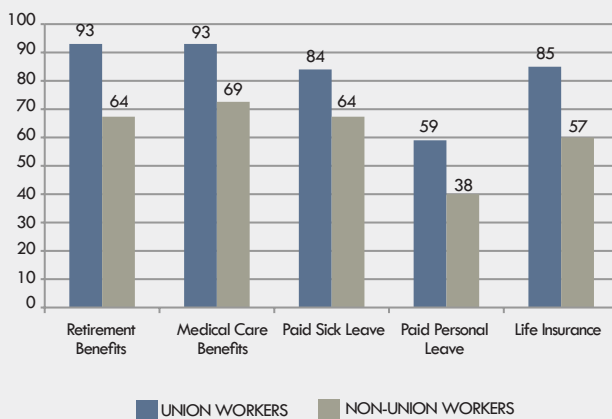
THE UNION DIFFERENCE IN MEDIAN WEEKLY WAGES FOR WORKERS BY OCCUPATION, 2011



Note: Data refers to Median weekly earnings of full-time wage and salary workers by union affiliation, occupation, and industry, 2011 annual averages. All self-employed workers are excluded.

Source: Department of Labor, Bureau of Labor Statistics, Union Membership (Annual) News Release, Table 2, Economic News Release, January 27, 2012, <http://www.bls.gov/news.release/union2.htm> (accessed February 28, 2012)

UNION MEMBERS HAVE GREATER ACCESS TO KEY BENEFITS (PERCENT)



Source: U.S. Department of Labor, Bureau of Labor Statistics. Employee Benefits in the United States-March 2011. July 26, 2011. <http://www.bls.gov/news.release/ebs2.htm> (accessed February 28, 2012).

Workers who join a union are more likely to have access to employer-provided health insurance, retirement plans, defined benefit plans and paid sick leave. In 2010, workers in unions were more likely to have access to medical care benefits than their non-unionized counterparts (93% and 69%, respectively). Eighty-eight percent of unionized workers had a retirement plan, compared to 49% of non-unionized workers. Additionally, 78% of workers in unions can count on a guaranteed pension during retirement versus 19% of non-unionized workers. Unionized workers are less likely to worry about having to choose between a paycheck and taking care of loved ones because they enjoy greater access to paid sick leave (84%) and paid personal days (59%) than non-union workers (64% and 38% respectively).⁸ Latinas in unions can enjoy greater access to benefits that allow them to balance their work and family responsibilities. As Latinas have access to health care, paid sick and personal leave, they do not have to compromise their household budget if they miss days from work. As they look into the future, jobs covered by a union contract offer Latinas the opportunity to invest in their retirement and have life insurance in the case of death. Seeing how unions help workers gain in wages and crucial benefits, it is clear that collective bargaining serves as a fundamental tool to promote the health, well-being and economic security of Latinas and their families.

THE FIGHT FOR WORKER PROTECTIONS CONTINUES:

LEARNING FROM THE TRIANGLE FACTORY FIRE

On the eve of March 25, 1911, a fire at the Triangle Waist Company became the worst workplace tragedy in the history of New York City until the September 11th, 2001 terrorist attacks. The Triangle fire took the lives of 146 immigrant workers, most of them young women. The fire broke out on the

8th floor of the building and spread quickly. When factory workers tried to get out of the burning building, there were only two exits available. Some tried running to the fire escape, which led nowhere, and collapsed under their weight. Others tried an exit on the 9th floor, only to find it locked, while those who waited at the windows for firefighters found that the ladders were too short to reach them. Left with few options, many jumped to their deaths. Following the fire, a trial let the owners go without penalty. However, many believed that the owners had deliberately locked the exits in an effort to prevent workers from stealing materials, taking breaks and limit access to union organizers. The victims of this tragedy were, in large part, young female workers who had recently emigrated from Europe, seeking greater opportunities in the United States. Quite the opposite, though, they found jobs that forced them to endure poverty, horrifying working conditions, and daily exploitation.⁹

Public outcry over the inconceivable working conditions that led to the loss of so many lives drove hundreds of thousands of workers to the streets in a procession to honor the lives lost and call for enhanced worker protections. As a result, labor, faith-based and women's organizations banded together. Their clamor and outrage was the impetus behind the enactment of crucial worker protections that would prevent this tragedy from repeating itself. Automatic sprinkler systems, multiple exits and a Fire Safety Code are just some of the reforms that unions achieved to protect workers and hold employers accountable for their safety.¹⁰

Over a century later, immigrants and Latinos are still working under conditions that result in serious injuries and fatalities despite the fact that they can be prevented. A 2004 Human Rights Watch report on workers in the U.S. meat and poultry industry shows that a labor and human rights crisis exists in a sector that is mainly supported by Latino and immigrant labor.¹¹ As of 2011, 38% of meat, poultry, and fish processing workers were Latino (27% male and

11% female).¹² Workers involved in slaughtering and meat processing are at high risk for physical injury, face union-busting efforts and/or termination if they try to organize, are let go shortly after being injured on the job, and few receive workers' compensation or report the injuries to OSHA. Safety and health specialists from the United Food and Commercial Workers (UFCW) union interviewed 63 injured workers from Smithfield Foods' hog processing plant in North Carolina. The specialists found that 50% of the injured workers suffered accidents that resulted in cuts or broken bones and, of those, 66% did not receive workers compensation. For Latino immigrants, the case was much worse—95% did not receive workers compensation for work-related injuries or illnesses.¹³ This is appalling for workers who constantly face hazardous working conditions, work at fast speeds with machinery that can cause serious injuries, and who are exposed to animal bodily fluids, strong chemicals and extreme temperatures that jeopardize their health.¹⁴

Government policy must call for strong enforcement to encourage workers to come forward and contribute to labor investigations while simultaneously deterring employers from violating the rights of their workforce.

UNION REPRESENTATION ACROSS THE U.S.

Since the government began collecting statistics on the union affiliation of the U.S. workforce in 1983, more than half of all unionized workers were white men (51.7%), few had completed college and almost one-third were in the manufacturing sector.¹⁵ Since then, the U.S. industry and workforce has shifted significantly away from manufacturing and into the service sector—an industry where the majority of Latina workers are concentrated (see Chapter 2).

DEFINITIONS

Union members: members of a labor union or an employee association similar to a union.

Union-covered workers: workers who don't report union affiliation but whose jobs are covered by a union or an employee association contract.

Union-represented workers: workers who are either union members or covered by a union or employee association contract.

Wage and salary workers: All union-affiliated workers are wage and salary workers. Wage and salary workers include workers who receive wages, salaries, commissions, tips, payment in kind, or piece rates and are employed in the private and public sectors (excluding self-employed persons, unemployed and unpaid family workers).

Unionization and collective bargaining offer a pathway to jobs with improved quality, better wages, job security and crucial benefits that help sustain families and communities. But union coverage across the U.S. has seen a dramatic decline. In 1983, 23.3% of the U.S. workforce was covered by a collective bargaining agreement.¹⁶ Almost 30 years later, union coverage continues to decline. In 2011, only 13% of the U.S. workforce was covered by a union.¹⁷

The declines in the number of workers represented by a union can be attributed to a number of factors including employment growth in sectors that are outside of organized labor's mainstay industries (manufacturing, construction and transportation) and increased union-busting efforts by employers. And as unions shrink, so does their power to demand worker-friendly policies from elected officials.¹⁸

In 2011, 16.3 million workers were represented by a union. The Bureau of Labor Statistics distinguishes between wage and salary workers that are union members (14.7 million) and workers whose jobs

are covered by a union contract but did not report union affiliation (1.6 million). **While overall union membership rates are falling, they are decreasing more among men than women.** Between 1983 and 2011, union membership rates decreased by 3.4% among women while men experienced a 12.3% drop during the same time period.¹⁹

In 2011, the union membership rate for public sector workers was 37%, significantly higher than the rate for workers in the private sector (6.9%). The union membership rate in the public sector has been steady over the past decade.²⁰

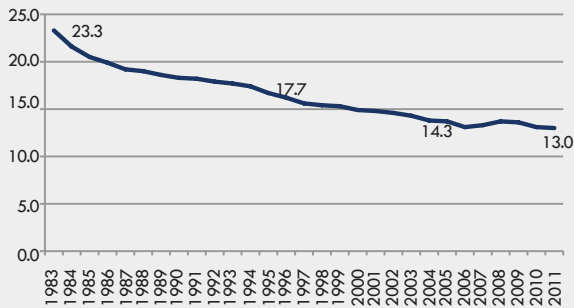
Unions must represent more young workers and women in order to revitalize the labor movement. A major challenge to expanding the labor movement is an aging base of union membership. Although in 2011, workers in the 55-64 age bracket represented a smaller share of the workforce (14%), they were more likely to be represented by a union than any other group of workers (17.2%), while young workers ages 16-24 were the least likely (5%).²¹

Latinas stand to gain the most from joining a union. Unionization can provide these vulnerable workers with a stronger voice as well as protections that will improve their working conditions and promote their prosperity. Latinas confront a multitude of unique workplace concerns that unions can play a pivotal role in addressing. But Latinas are less likely to be represented by a union than women in all other major racial and ethnic groups. **This paradox reflects the need for a surge in the unionization of Latinas in order to curtail the abuses and exploitations they face on the job.**

Although the overall unionization rate for all workers has been on the decline, the rate of Latinas represented in the labor movement has remained steady over the past decade. Between 2000 and 2011, the total number of Latinas represented by unions has been on the rise, expanding union roles as they experienced a growth of 20%.²² During the

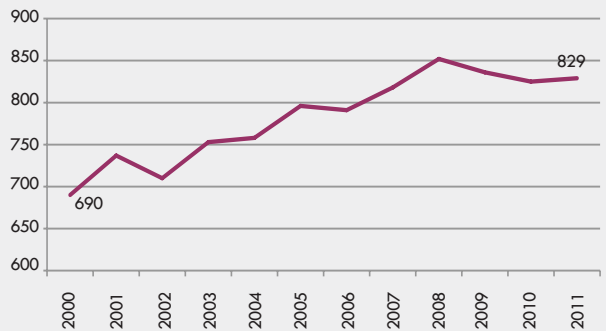
same time, the number of Asian women represented by unions grew by 14% while black women fell by 17%.²³ This is a worrisome trend for women of color, who can benefit greatly from union wages and benefits.

UNION MEMBERSHIP RATES IN THE U.S., 1983-2011 (PERCENT)



Source: Barry T. Hirsch and David A. Macpherson, "Union Membership and Coverage Database from the Census/BLS Current Population Survey (CPS)," <http://www.unionstats.com/>

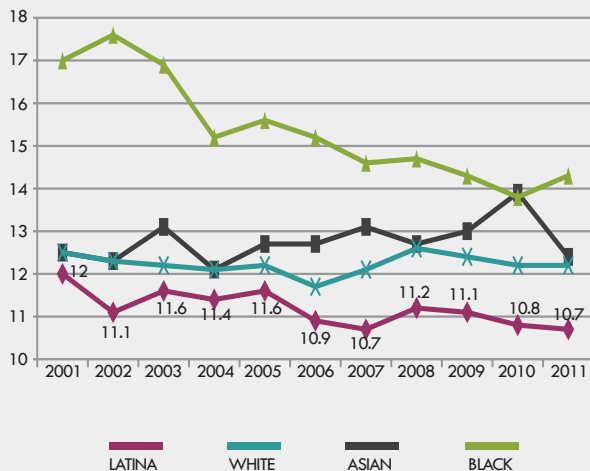
LATINAS REPRESENTED BY UNIONS, 2000-2011



Note: Employed wage and salary workers, Represented by unions, Hispanic or Latino, Women
Numbers in thousands.

Source: U.S. Bureau of Labor Statistics, Division of Labor Force Statistics. (2011, January 21). Union affiliation of employed wage and salary workers by selected characteristics. Retrieved December 19, 2011, from Data Retrieval: Labor Force Statistics (CPS): <http://www.bls.gov/webapps/legacy/cpslutab1.htm>

UNION REPRESENTATION RATES OF EMPLOYED WAGE AND SALARY WORKING WOMEN BY RACE AND ETHNICITY, 2001-2011 (PERCENT)



Note: Union representation rates for full-time workers; those who work 35 hours or more at their sole or principal job.

Source: U.S. Department of Labor, Bureau of Labor Statistics, "Union affiliation of employed wage and salary workers by selected characteristics, 2001-2011," <http://www.bls.gov/webapps/legacy/cpslutab1.htm>

THE DECLINE OF UNIONS IS A DECLINE FOR ALL

Why should we care about declining unionization in the U.S.?

A particularly troublesome trend for the Latino community is its concentration in labor sectors that offer low-wages, lack benefits and are not represented by a union. As we indicated in previous chapters, in industries like the U.S. agriculture and food service sector—ones with a high concentration of Latinas—reports indicate a human rights and civil rights crisis. If an argument were needed for the relevance of unions for working Latinas, this would be it.

The decline in union coverage in the U.S. is problematic not only for union members, but also for working families. Unions play a critical role in helping workers gain steady economic footing in a system that favors a market free of regulation. Without unions, corporations may disregard the standards demanded by workers who seek job

security, higher wages, health and retirement benefits, and at the most basic level, the ability to work in a safe and healthy environment.

Unions help rectify the inherent imbalance of power between workers and employers through collective bargaining. Apart from the labor protections that workers are entitled to under the law, collective bargaining brings employers and union representatives to the table to secure a mutual agreement on legally-binding contracts that define employee and employer rights and responsibilities, wages, working conditions and benefits. Additionally, to prevent unjust termination, discrimination or retaliation against an employee (when a workplace dispute arises), workers can turn to their union for advice and representation.²⁴

To protect workers and prevent incidents that may result in an illness, injury or fatality, unions provide workers with health and safety trainings.²⁵ Knowing that the union stands behind them, informed workers are better prepared to identify workplace risks and more likely to notify their employers of safety and health compliance issues that must be addressed. An important study showed that unionized workers were more likely to participate in OSHA inspections than non-union workers, thereby improving workplace safety for all workers.²⁶

RIGHT TO WORK

In 1947, Congress initiated the Taft-Harley Act to allow individual states the freedom to establish their own labor standard laws. Currently, there are 23 Right-to-Work states and seven of them are among the top 15 states with the highest concentration of Latinos (Texas, Florida, Arizona, Georgia, North Carolina, Nevada, and Virginia).^{27,28} These laws create lower wages and benefits, less job stability and jeopardize workers' health and safety.²⁹

The idea behind “Right-To-Work” laws is to weaken

the influence of labor unions by allowing individuals to opt out of paying union membership dues. However, these workers, also known as “free-riders,” still receive all the benefits of union representation even though they do not contribute financially to the union. This highlights how union representation raises the standard for all workers, even the ones that choose not to support them financially.

And unlike Right-to-Work States, those with Free-Bargaining laws foster the most successful work environments. Organized workers in these states utilize collective bargaining as a tool to negotiate with their employers for higher wages, increased benefits and safer workplace conditions.

In Right-to-Work states, there are many risks to workers' economic and labor stability because these workers cannot effectively bargain for higher wages and safe work environments. **Deaths in the workplace are 51% more likely to occur in Right-to-Work states than in Free-Bargaining states.**³⁰ These workers are also paid significantly lower wages. On average, workers earn \$5,333 less than their counterparts in free-bargaining states.³¹

Low wages and high workplace injury and fatality rates not only affect workers, but the entire community as well. When wages are low, the purchasing power of workers is limited and their contributions to the tax base decrease. Without adequate funding, the quality of infrastructure, education and community growth programs is endangered. Right-to-Work states do not have lower unemployment rates than free-bargaining states, nor have they experienced any significant levels of job growth.³²

Latina workers are overrepresented in low-wage labor industries where unionization is needed the most. Right-to-Work laws are not beneficial to the health, economic growth or safety of workers and their families. In reality, they intend to weaken unions by diminishing their funding sources. By

starving unions of member dues, these laws are limiting the ability of unions to promote the well being of all working families in the workplace and beyond.

WORKERS PREVAIL IN THE DEFENSE OF COLLECTIVE BARGAINING

PUERTO RICO

Unions are helping working families across the U.S. and the Commonwealth of Puerto Rico to draw a line in the sand against attacks on their livelihoods.

Throughout 2011, in state capitals and communities across the country, workers, students, union and faith leaders rose up by the thousands, uniting in collective actions to uphold a worker's right to join a union, and reject attempts to deprive working people of their job security, family-supporting wages, hard-earned benefits and safety protections.

Workers in Puerto Rico were among the first to suffer a colossal blow to their labor rights and economic security before residents of Wisconsin, Ohio, Indiana and other states called on lawmakers to retract their efforts to strip workers of their collective bargaining rights. In 2009, Governor Luis Fortuño declared a state of fiscal emergency with the passage of Public Law 7. The law suspended collective bargaining rights for public employees and implemented a massive lay-off plan for workers across government agencies.³³ LCLAA was part of the effort to sound the alarm in the U.S., organizing solidarity events with Puerto Rico's workers and calling on Governor Fortuño to rescind Public Law 7. Only under intense pressure from labor unions, students, workers and the broader Puerto Rican community did Gov. Fortuño sign Public Law 73. This law reinstated collective bargaining rights for public employees, extended labor contracts for two years and provided a mechanism for labor unions to negotiate economic portions of the labor agreements.

OHIO REVOKES SB 5

Ohio Republican Governor John Kasich signed State Bill 5 in late March of 2011. Following in the footsteps of Wisconsin's Governor Walker, the purpose of this new anti-worker legislation was to curb the strength of labor unions by stripping nearly 350,000 members of their collective bargaining rights.³⁴ GOP-backed Governor Kasich argued that middle-class workers were at fault for the state's financial troubles. By eliminating workers' freedoms to bargain for higher wages and better benefits, Kasich believed he could prevent the state of Ohio from falling deeper into debt. However, cutting wages for middle-class workers—the backbone of the American economy—dealt a devastating blow to workers and their families. Stripping workers of their basic labor rights incited civic unrest, leading many to fear that an anti-worker government could take away other fundamental rights in the future.³⁵

Public sector workers and allies rose steadfast in protest, declaring State Bill 5 an attack on workers, unions and the middle class. The union-funded We Are Ohio movement accrued more than \$26 million in funding and organized 17,000 people to support the repeal of the bill.³⁶ Throughout the summer of 2011, We Are Ohio collected an astonishing 1.3 million signatures petitioning to remove State Bill 5 from the November 2011 ballot.³⁷ These unwavering workers garnered enough support to defeat Kasich's legislation and successfully revoked the law by a 23% margin.

A message to lawmakers: Ignore public outrage at your own risk. Repealing SB 5 in Ohio was a huge victory for workers and the labor movement. In rejection of policies that target working families and threaten workers' rights, activists in Wisconsin filed over one million petitions calling for a recall election to unseat Governor Walker, Lieutenant Gov. Rebecca Kleefisch and four senators who supported Gov. Walker's anti-worker agenda.³⁸ The Government Accountability Board of the State of

Wisconsin is currently reviewing the recall petitions before ordering recall elections to be held.³⁹ What is happening in Wisconsin must serve as a warning sign to governors and lawmakers across the U.S., making it clear that from the streets to the ballot box, an attack on workers' rights will not go unchallenged.

EMPOWERING LATINAS THROUGH THE LABOR MOVEMENT

While we have a long way to go to achieve safe, healthy, respectful and fair workplaces for Latinas, the labor movement can serve as the launching pad for Latinas seeking justice and a voice on the job. By raising awareness about how Latinas fare in various industries and the role that gender, race, ethnicity, and immigration status play in the vulnerability of these workers to inequity and abuse, Latina workers present the labor movement with an opportunity. Unions can facilitate their pathway to progress, garnering the strength and resilience of these hardworking women and doing what the labor movement does best: educate, organize, empower and mobilize, integrating the plight of Latinas into the ongoing fight for workers' rights and a voice in the workplace.

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EVELYN CRUZ

To provide a decent quality of life for herself and her family, Evelyn Cruz has been working as a department manager in a Los Angeles-based Wal-Mart Center for eight years. Her story as a Wal-Mart employee, however, is not unique; she has experienced countless workplace injustices that must be exposed in order for positive changes to take place for hardworking people at these stores.

Employer retaliation has become a familiar trend at Wal-Mart stores across the country. Evelyn explained that she faced immediate retaliation by management anytime she requested the assistance of additional associates to complete assigned tasks. “They pull your people,” she asserted, “they will cut hours and they will ask you to produce more even though you are short on staff.” Furthermore, Evelyn described how management has left employees feeling blameworthy for filing complaints. **“They tell you unemployment is very high...and they make you feel like you’re lucky to even have a job.”** These veiled threats put workers in a position where they must choose between enduring injustices or maintaining job security. The current economic situation must not serve as a pretext to undermine labor rights and job quality for these hardworking individuals.

Access to healthcare is another crucial issue affecting Evelyn and her family. **She explains that Wal-Mart’s employer healthcare package only covers 80 percent of all medical expenses, and that the premiums have become so high that almost no employees can afford them.** Because their wages have remained the same while the cost of living has increased, she believes that a significant share of all single parent employees are currently on public assistance. Regardless of her efforts to confront the corporation about workers’ inability to afford their medical insurance plans, no significant changes have taken place.

“WITH WAL-MART THERE IS NO NEGOTIATING, YOU DEAL WITH WHAT THEY GIVE YOU, AND THAT’S IT.”

Evelyn also believes that it is of paramount importance to expose the many health and safety hazards that take place at Wal-Mart. Because management is cutting hours and pulling assistants from every department, employees have an extremely difficult, if not impossible time organizing merchandise and making products available to customers on the floor. She stated that the stock rooms are so jam-packed with merchandise that storage boxes are now blocking many of the building’s fire exits. Instead of taking responsibility for these workplace hazards, Wal-Mart blames “lazy” employees for not clearing away the stock themselves in case of an emergency. However, it is nearly impossible for the few workers who are available to complete such a task.

Evelyn described many situations in which staff has called on management for assistance moving heavy objects and witnessed in person as they simply ignored their requests over walkie-talkies. In these situations, employees often put their health and safety in jeopardy by attempting to lift merchandise themselves. She noted that supportive back belts are supposedly provided by Wal-Mart but are not easily accessible. Employees also cannot afford to take the time to go and find the belts for fear of being reprimanded by management. To get a sense of the effort a worker would have to undertake to locate protective gear, Evelyn stated, “one of the managers made fun of the fact that there is so much merchandise in the storage rooms that if they were cleared out we might find bodies in them.”

“INJURIES HAPPEN ALL THE TIME... BUT THEY AREN'T REPORTED BECAUSE THE COMPANY TELLS US THAT THERE WILL BE CONSEQUENCES.”

Evelyn believes that by taking two simple, fundamental steps, Wal-Mart could make a difference in its employees' quality of life. By providing employees with access to affordable healthcare plans, workers could afford necessary medical treatments, pay their bills on time and invest in their family's future. She explained that those who have children and cannot afford the expensive premiums usually enroll in state-funded programs, remarking that if workers could manage the costs they would not have to depend on the state to get by.

In a tone of distress, Evelyn shared how inconceivable it would be for her to afford higher education for her son in her current situation. Nevertheless, She believes that a change as simple as having respect for employees could drastically improve the well-being of all workers and the families they provide for. Through the Organization United for Respect at Wal-Mart (OUR Wal-Mart), workers have access to the support, education and resources necessary to initiate change in the workplace. **“We've gotten to know our rights,”** Evelyn pointed out, **highlighting that education is helping workers stand up for their rights on the job.** She has realized that there is strength in numbers as workers find their voice.

CHAPTER FIVE

LATINA IMMIGRANTS IN THE U.S.

The immigrant story has traditionally included a heroic journey undertaken by people who leave their homelands in the pursuit of an opportunity to utilize their labor. The dominant narrative shows these individuals nobly working multiple shifts in exchange for compensation that will enable their families to live in dignity, have food security, and perhaps, a chance at social mobility.

As women make up a larger share of immigrants in the U.S., they play a more active and leading role in the household, the workplace and throughout society as a whole. Over the past decade, the number of female immigrants has drastically increased to nearly half of all immigrants entering the U.S.¹ Considering the debasing rhetoric that keeps Latina women and their families marginalized (and out of the reach and protection of beneficial public policies), this chapter will highlight the diversity and value that immigrant *trabajadoras* bring to our economy. Here, we expose the hardships they face at home and in the workplace in order to advance an agenda that is conducive to protecting and supporting their rights.

As a result of widespread anti-immigrant sentiments, Latinos and other populations of color frequently fall victim to hate crimes. They experience countless workplace injustices and face the constant fear of being separated from their families and children as anti-immigrant, pro-deportation and inherently

anti-family policies are embraced in state legislatures across the U.S. **The wrongful scapegoating of immigrants for America's social ills has exacerbated social and economic hardships for this community and placed Latina immigrants and their families at risk.**

Comprehensive immigration reform that provides a pathway to legalization for millions of undocumented people is imperative in order to improve the social and economic standing of immigrant Latinas. The issue of undocumented immigrants in the U.S. is a hot-button issue, but as a nation that seeks to curb this problem, we must also do some self-examination to understand the role that immigrants play in meeting the needs of businesses and U.S. consumers, and how international economic policies have driven them away from their homelands to survive and build a better future. International trade policies between the U.S. and Latin American countries and a demand for cheap labor across various industry sectors intersect to stimulate an influx of undocumented and documented immigrants to the U.S. While right-wing pundits, lawmakers and civil society groups blame the country's economic plights on immigrants, they ignore businesses' demand for a workforce that is not only cheap, but also compliant and easily exploitable. It is time to stop using immigrants as scapegoats and understand that as long as we neglect

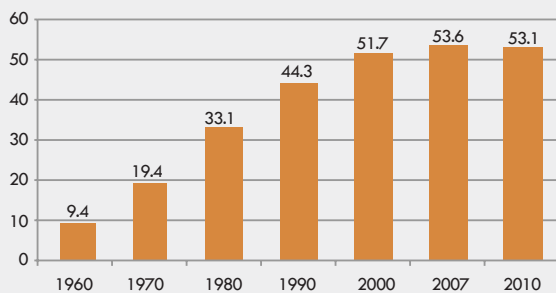
their downfall in our society because of their status, we are marginalizing and stunting the progress of millions of working women and U.S. citizen children.

DEMOGRAPHICS OF LATINA IMMIGRANTS

America draws great strength from Latina immigrants from their economic, social, and cultural contributions. This Latina foreign-born population has seen a drastic increase in the last decade.

Latinos have grown dramatically as a share of the immigrant population in the U.S. In 1960, there were less than one million immigrants in the U.S. who were born in Latin America and the Caribbean. Five decades later, the U.S. foreign-born population originating from countries in that region reached 21.2 million in 2010. In 1960, Latinos made up less than ten percent of immigrants in the U.S. They now account for more than 53% of the immigrant population.² Among them, the largest share is natives from Mexico (55%), followed by the Caribbean (18%), other Central American countries (14%) and South America (13%).³

LATINO IMMIGRANT POPULATION IN THE U.S.



Note: Percent of Latino Share of U.S. Foreign-Born Population

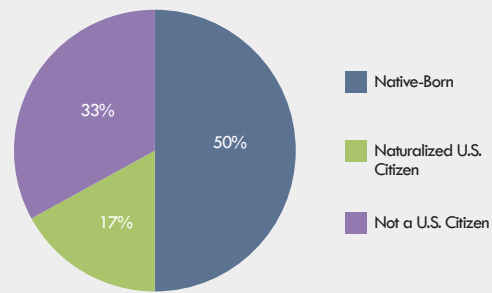
Source: Grieco, Elizabeth M. Race and Hispanic Origin of the Foreign-Born Population in the United States: 2007 and American Community Survey Report, U.S. Census Bureau, 2010.

And while in the past, the flow of the immigrant population into the U.S. primarily consisted of males, a shift has occurred. **As of 2010, an estimated**

48.8% of all immigrants from Latin America and the Caribbean were women. The percent of females within the foreign-born population, by country or region of birth, is the following: Mexico (46.3%), the Caribbean (54.1%), other Central American countries (47.1%) and South America (54%).⁴

In 2010, one-half of all adult-aged Latina women in the United States were foreign-born. Conversely, 92% of all U.S. Latina youth (less than 18 years old) were native-born.⁵

HALF OF ALL LATINA ADULTS IN THE U.S. ARE FOREIGN-BORN



Note: 2010 American Community Survey 1-Year Estimates

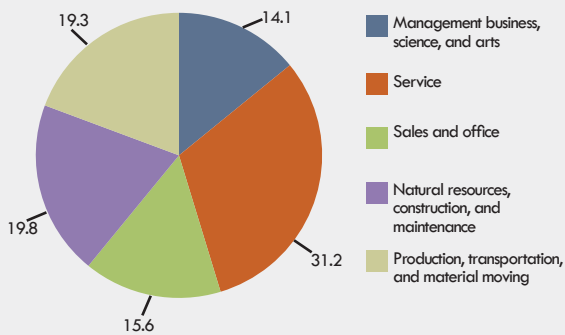
Source: U.S. Census Bureau, American Factfinder. (2010) B050031 Sex by age, citizenship status, Latino <http://factfinder2.census.gov>

A 2009 a New American Media poll of women immigrants in the U.S. illustrates these women's commitment to the family unit. Across the board, the majority of women polled from various parts of the world indicated that the primary reason for coming to the U.S. was to "join family members already in the U.S." This is the case for Latin American immigrant women who chose family unity before economic necessity. These women indicated that the primary reasons for coming to the U.S. were to join family members already here (30%), to make a better life for their children (27%) and to get a job and make money (23%).⁶

Latina Immigrants play a critical role in the U.S. as

they are intrinsically tied to the economy and are woven into the fabric of the whole U.S. workforce. Similar to their male counterparts in the workforce, the highest density of Latinas can be found in the service industry, followed by sales and office, management, production and natural resources occupations.⁷ See chapters 2 and 3 for more detailed information on Latinas in the workforce.

NEARLY ONE IN THREE LATINO IMMIGRANTS WORKS IN THE SERVICE INDUSTRY

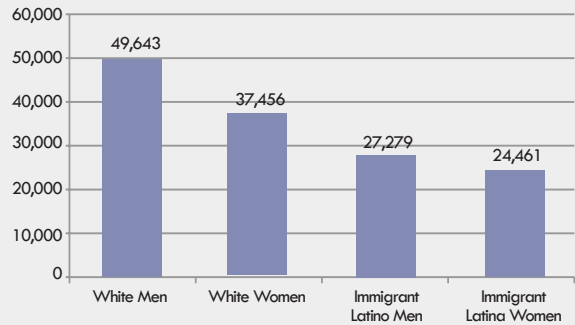


Source: U.S. Census Bureau, 2010 American Community Survey 1-Year Estimates, "S0506: Selected Characteristics Of The Foreign-Born Population By Region of Birth: Latin America."

SOCIAL AND ECONOMIC CONDITIONS OF LATINA IMMIGRANTS

In previous chapters, we discussed the wage gap and its role in diminishing the purchasing power and economic advancement of women and their families. In particular, Latinas experience the widest wage gap in the workforce (earning 40% less than white males). **The gender wage gap is even worse within the immigrant population.** Latina immigrants who worked full-time had median annual earnings of \$24,461 compared to \$27,279 for Latino immigrant men.⁸ At the same time, non-Latino white men made more than twice the annual earnings of immigrant Latina women (\$49,643).⁹

THERE IS A 68% DIFFERENCE IN EARNINGS BETWEEN WHITE MEN AND LATINA IMMIGRANTS



Note: Median annual earnings for native-born whites and immigrant Latinos, 2010

Source: U.S. Census Bureau, 2010 American Community Survey 1-Year Estimates, "S0506: Selected Characteristics Of The Foreign-Born Population By Region of Birth: Latin America." and U.S. Census Bureau, 2010 American Community Survey 1-Year Estimates. "S0201 Selected Population Profile In The United States: White Alone

Compared to U.S. born women of Latino descent, immigrant and undocumented women face a host of structural barriers to their advancement in the workforce. Without English proficiency or proper documentation, access to good quality, high-paying jobs may be out of the reach for workers. And for Latina immigrants, having a job is not enough to get by. Latina immigrants are working in low-status jobs where median annual earnings are low and do not allow them to afford basic necessities such as housing, utilities, health care and food. With low wages, paying for childcare can be out of the question for working mothers. The median annual earnings of immigrant Latinas fall below the 2010 average poverty threshold for families of five or more members (\$26,439).¹⁰ For Latinas, low-wage employment does not provide hardworking people with the opportunity to break out of poverty and have a chance at socioeconomic mobility.

The Basic Economic Security Tables (BEST) Index was developed to gauge the income working families need to meet not only short-term basic needs, but

also have emergency and retirement savings. In 2010, a worker needed to make at least \$30,012 a year in order to have economic security. Based on the BEST Index, a 2011 study by Wider Opportunities for Women found that 42% of adult women live in households that lack economic security. The situation is much more unstable for single, full-time working Latina mothers—85% have annual earnings that fall below their families' economic security requirements compared to 74% for all single women.¹¹

POVERTY

Despite the economic issues that immigrant Latinas face once they arrive to the U.S., their concerns for children and the family unit supersede all others. A New American Media poll shows that Latinas feel that the biggest challenge they face as immigrants in the U.S. is helping their children achieve success (54%), followed by being able to keep their families together (19%) and making enough money to take care of their families (17%).¹² This is happening as the number of people in poverty in the U.S. reached 46.9 million, rising for the fourth consecutive year from 37.3 million in 2007.¹³

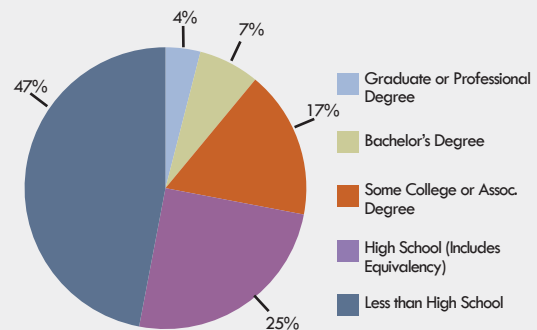
Out of an estimated 21 million Latino immigrants for whom poverty status is measured, more than 55% (11.6 million) live below the poverty level, while 44.7% (9.4 million) live at or above 200% of the poverty level.¹⁴ **Latino immigrant families headed by females (where no husband is present) have a poverty rate twice as high (38.7%) as married-couple families (18.5%).** While Latino immigrants in married-couple families were less likely to be poor, their poverty rate was higher if they had children less than 18 years old (22.8%) or under five years old (20.3%). Households headed by Latina immigrants were especially vulnerable to poverty if they had children under 18 years old (47.2%) and even more so if they had children five years old or less (48.3%).¹⁵ This raises serious concerns about the

economic security of a growing number of children.

EDUCATIONAL ATTAINMENT

Latino immigrants have a long way to go to achieve levels of educational attainment that will allow them to compete for high-paying jobs that provide a pathway to the middle class. An overwhelming majority of Latino immigrants have low levels of educational attainment. In 2010, more than 72% of Latino immigrants only had a high school education or less. Only 16.7% of Latino immigrants had some college or an Associates' degree, 7.6% had a Bachelor's degree and 3.6% had completed a graduate or professional degree.¹⁶ For non-citizen Latinas, the level of educational attainment was lower as more than three-fourths (78%) only received a high school education or less.¹⁷

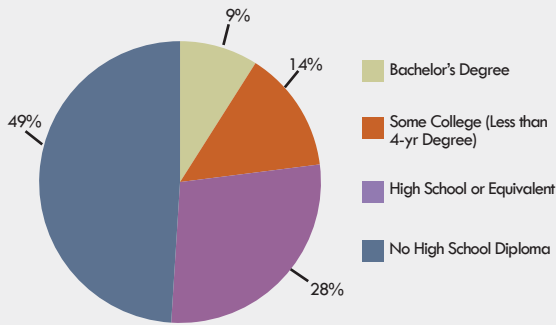
NEARLY THREE IN FOUR OF ALL LATINO IMMIGRANTS LACK POST-SECONDARY EDUCATION



Note: Distribution of the Foreign-Born Population from Latin America by level of Educational Attainment (percent)

Source: U.S. Census Bureau, 2010 American Community Survey 1-Year Estimates, "S0506: Selected Characteristics Of The Foreign-Born Population By Region of Birth: Latin America."

MORE THAN THREE IN FOUR LATINA IMMIGRANTS LACK POST-SECONDARY EDUCATION



Note: Non-Citizen Latinas in the U.S. by Educational Attainment

Source: U.S. Census Bureau, Housing and Household Economic Statistics Division, 2011. Current Population Survey (CPS) Table Creator, Data Subset: Female, Hispanic & Non-citizen.

MARITAL STATUS OF THE FOREIGN BORN, HOUSEHOLD TYPE AND SIZE

In the U.S., the majority of immigrants born in Latin America are married (53.9%), about a third (30.2%) have never been married, 12.1% are divorced or separated and 3.8% are widowed. Looking at the households of this segment of the population, most (58.1%) consist of married-couple families, compared with 40.4% who live in other types of households.¹⁸

LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH

Language barriers are a recurring theme as we discuss obstacles that immigrants face in the U.S. Low English proficiency will affect a person's daily activities, interactions and long-term goals, from simple commercial transactions to receiving adequate health care, succeeding in education or advancing in the professional world. A majority

of immigrants from Latin America do not speak English at home and few speak English "very well." Out of more than 21 million Latino immigrants age 5 and over, almost 90% (19 million) speak a language other than English at home, only 10% speak only English and 63% (13 million) reported speaking English less than "very well."¹⁹

HEALTH CARE

As the U.S. female population grows, it is also becoming more diverse. In 2009, 65.2% of the U.S. female population was non-Latino white, 12.5% was non-Latino black, 15% was Latina and 4.6% was Asian. In the coming years, the share of white and black females is projected to decrease while the Latina and Asian population is expected to nearly double by 2050.²⁰ This demographic shift underscores the need to promote the health of Latina women, identifying factors that contribute to poor health outcomes for this population and reducing the barriers they face to access quality health care.

In the U.S., 31% of all Latinos are uninsured, totaling more than 15 million people who lack health care coverage.²¹ Among all women in the U.S. (age 18-64 years), Latinas were most likely to be uninsured (38.9%) compared to 24.6% of black, 19.8% of Asian and 14.7% of white women.²² This disparity in health care coverage is greater among the Latina immigrant population who not only face logistical and structural barriers to obtaining health care, but also financial, language and legal barriers. According to the Current Population Survey, 2011 Annual Social and Economic Supplement, 45% of immigrant Latinas in the U.S. are uninsured (citizen and non-citizen). This rate is even higher when looking at the non-citizen immigrant female population alone (55%).²³

Cost and health care coverage play a role in a woman's ability to meet her health needs. Almost one out of three uninsured women in the U.S. (32.4%) had an "unmet need for health care" due to

cost. Latina and black women were more likely to have experienced this situation (11-12%) than white (8.5%) and Asian women (4.1%).²⁴

Additionally, the CDC's National Health Interview Survey indicates that between 2007 and 2009, 25.3 million adults said they had delayed care due to logistical or structural barriers such as: not being able to get through on the phone, not being able to schedule an appointment soon enough, the office room wait was too long, inconvenient office hours or not having transportation. Within this population, women were more likely to delay receiving health care due to logistical barriers, especially those who lived 100% below the poverty level (18.9%), more so than men in the same group (14%), women (14.8%) and men (11.4%) within 100-199% of the poverty level and women (12.2%) and men (8.8%) at 200% of the poverty level or higher.²⁵

Working in occupations that do not offer employer-provided health care, poverty and unauthorized immigration status combine to undermine access to health care for Latina immigrants. This has detrimental implications for both documented and undocumented women in the U.S. during their childbearing and parenting years. For many immigrant Latinas, eligibility for public health programs is restricted, and even more so if they are unauthorized. Legal immigrants who are permanent residents of the U.S. face a “five year bar” from eligibility for federal public benefits.²⁶ However, through the Children's Health Insurance Program Reauthorization Act (CHIPRA) signed by President Obama on February 4, 2009, individual states have the option to disregard the “five-year bar” for pregnant women and children and make access to public benefits available to anyone who is lawfully present and resides in the U.S.²⁷

UNDOCUMENTED LATINAS

U.S. Census data segments the foreign-born population in the U.S. by naturalized citizen or non-

citizen, but it does not reveal whether the immigrants surveyed are documented or not. Nonetheless, the American Community Survey estimates that there are more than 6 million Latinas in the U.S. that are not U.S. citizens.²⁸

Many workers come to the United States in search of economic opportunities that were previously unavailable to them in their native countries. The majority of these workers enter the U.S. with little or no money in an extremely vulnerable position. Unfortunately, the system here perpetuates the cycle of their susceptibility to workplace injustices.

Undocumented workers hold the least-paid and most dangerous jobs in the workforce. **As a result of their greatest fear – being reported to Immigration – these workers are easily exploited, not having a voice to stand up for their rights and fight for workplace justice.** The leverage that employers hold over undocumented workers allows them to keep production costs low and generate large profits from their cheap labor.

In fact, it is the United States' insatiable appetite for cheap labor that perpetuates the cycle of undocumented immigration. In 1994, the United States, Canada and Mexico established the North American Free Trade Agreement (NAFTA) in order to facilitate regional trade through a free market economy. Many supporters of the treaty argued that relocating American companies to Mexico and creating job opportunities within local economies would decrease the influx of undocumented immigration into the United States. But the opposite occurred.

The treaty dealt a massive blow to Mexico's economy, which was largely based upon agriculture prior to NAFTA's establishment. As free trade increased, it became cheaper for Mexicans to purchase U.S. corporate-grown corn than to produce their own. The plummeting prices of mass-produced staple foods meant thousands of Mexican farmers

would be left without a job and unable to afford the foods they depended upon for their nourishment. In turn, the jobless from Mexico looked to the U.S. to provide them with favorable economic opportunities that were no longer available to them in their home country.

Here, NAFTA had the opposite effect on undocumented immigration trends that were anticipated to decrease, and the proof is in the numbers. Millions of Mexican farmworkers were displaced as locals fled to border cities in search of jobs where U.S. companies had transferred, opening a gateway to the U.S. border. In the years preceding NAFTA (1990-1994), approximately 260,000 undocumented immigrants entered the United States annually from Mexico. After NAFTA was ratified, annual undocumented immigration spiked by 54% to 400,000 between 1995 and 1999. This number continued increasing in the early 2000's to 485,000 annual undocumented immigrants.²⁹

NAFTA was and continues to be, a flawed economic policy that has displaced and outsourced workers, increased economic insecurity and amplified undocumented immigration into the United States. Instead of encouraging a race to the bottom we must take a more holistic approach to immigration. We must advance policies that will foster sustainable economic development, creating economic opportunities that allow both businesses and workers to prosper and build wealth.

UNDOCUMENTED LATINAS IN THE LABOR FORCE

Undocumented Latinas have unique positions as leaders within their communities, caretakers, and protectors of children. While they tend to fill conventionally undervalued roles in the home and the workforce, a growing number of immigrant women (one-third) are taking over a traditionally-male role as head of the household.³⁰ The most recent numbers show that although a majority of

undocumented women are in the labor force (62%), they are also more likely to be stay-at-home mothers than U.S. citizen women.³¹

The Department of Homeland Security estimated that there were around 10.8 million undocumented immigrants residing in the U.S. as of January 2011; over three quarters (78%) are natives of countries in Central and South America, with the largest population originating from Mexico (62%). Among the unauthorized, 43% (4.6 million) are women. The age breakdown of the undocumented immigrant population as a share of undocumented men and women is as follows:³²

- Under 18 years (13% of women and 11% of men)
- 18-24 years (10% of women and 13% of men)
- 25-34 years (32% of women and 37% of men)
- 35-44 years (28% of women and 27% of men)
- 45-54 years (13% of women and 8% of men)
- 55 years and over (4% of women and 3% of men)³³

The age distribution of undocumented women in the U.S. reveals that almost three quarters (73%) are in their prime working years between the ages of 25 and 54 years old. As this group of women seeks economic opportunities and joins the workforce, securing a job alone is not sufficient to help them build the financial capital necessary to prosper and offer their children a better future.

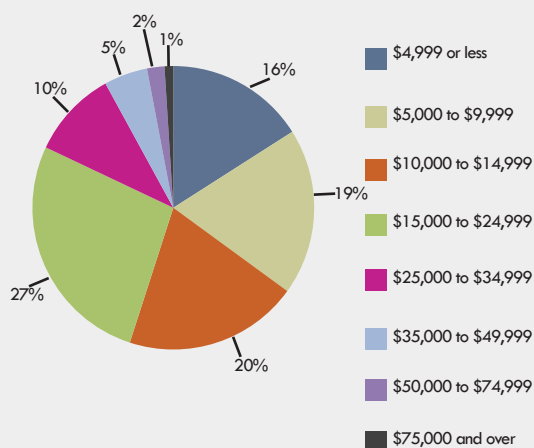
SOCIAL AND ECONOMIC CONDITIONS OF IMMIGRANT (NON-CITIZEN) LATINAS

By their nature as unauthorized immigrants in the U.S., nationwide statistics documenting the social and economic conditions of undocumented Latinas is scarce and often limited to non-specific or generalized case studies. However, the situation of

Latina immigrants in the U.S. provides us with a comparative lens to speculate about the challenges undocumented Latinas confront, many of them intensified by their immigration status.

Two million non-citizen Latinas (37%) in the U.S. live in poverty. These alarming statistics illustrate the harsh reality that trabajadoras face on a daily basis. And non-citizen Latinas earn much less than their documented counterparts. In 2010, more than 2.4 million non-citizen Latinas had no income, and the majority of those who did have personal incomes (55%), earned less than \$15,000 per year. This is a dramatic number that brings a majority of these women significantly below the 2010 poverty threshold for a family of three (\$17,474).³⁴

MORE THAN HALF OF NON-CITIZEN LATINAS EARN LESS THAN \$15,000 ANNUALLY



Note: Person Income of Non-Citizen Latinas in the U.S., 2010
 Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2011

Basic needs such as food, clothing and shelter are becoming expenses many undocumented Latinas cannot afford. Earning decent wages is of paramount importance for these women, who must provide for themselves and for their growing families.

Their poverty-level wages carry other chilling social and economic implications. Many undocumented women lack the economic resources to pay for healthcare needs or afford the costs of an education for their children. Unfortunately, the case for many undocumented working families is that children must leave school to help provide a supplemental income for their household. This means that upon reaching adulthood, children of undocumented parents may not have the necessary skills or specializations to compete for high-wage, stable jobs.

HEALTH AND WELL BEING OF UNDOCUMENTED LATINAS

The health of undocumented women across the U.S. is in jeopardy as anti-immigrant policies seek to limit the access the unauthorized have to publicly-funded health services to prevent, treat and manage poor health conditions. This presents a public health concern, not just for legal and undocumented immigrants, but for the nation as a whole. As of April 2009, states can use state funds to provide health care to “lawfully residing” immigrant children and/or pregnant women and get matching federal contributions to do so. While states are not permitted to use federal funds to provide undocumented immigrants with access to Medicaid or CHIP (except for emergency Medicaid services), state funding can be used to insure undocumented children.³⁵ However, through the “unborn child” option in the Children’s Health Insurance Program (CHIP), states can provide prenatal care to pregnant immigrant women whether they are documented or not.³⁶ Community outreach and education is necessary to ensure that Latina immigrants (especially the undocumented) and their children can access and participate in federal and state programs they are eligible for.

Employer-based health care is a key source of health coverage for working people but even when employed, non-citizen Latina immigrants lack health

care coverage more often than their naturalized citizen counterparts. According to the 2011 Annual Social and Economic Supplement to the Current Population Survey, the gap in job-based health coverage widened for adult, immigrant Latina workers when comparing non-citizen Latinas to naturalized ones. Close to two-thirds of non-citizen Latina workers (66%) were not covered by employment-based health care compared to 42% of naturalized Latinas.³⁷

Latina immigrants are more likely to count on private insurance than government insurance. Forty-seven percent of Latina immigrants had private health insurance compared to only 37% for non-citizen Latinas. At 12%, the percentage of foreign-born Latinas and non-citizen Latinas covered by government insurance was the same.³⁸

Latina immigrants are a crucial part of U.S. society and economy, yet as we imagined, access to health care for these women may either not be made available through their jobs or they may not be eligible based on their immigration status. Evidently, Latina immigrants are at high risk of being uninsured and this menace is more pronounced if they are not naturalized U.S. citizens.

VIOLENCE AGAINST UNDOCUMENTED LATINA IMMIGRANTS

The journey to the U.S. from Latin American countries is a treacherous feat in more ways than one. **For immigrant women, crossing the border means facing the risks of being traded in the human trafficking market, sexually assaulted, or even killed.**

Amnesty International estimates that as many as six in ten women are sexually assaulted on their way to the United States.³⁹ Similarly, in the Southern Poverty Law Center spoke with 150 Mexican women who currently are or at one point were undocumented workers in the fields of California's Central Valley.

Fully 80% of those trabajadoras surveyed confided that they had experienced sexual harassment on the job.⁴⁰

Many times, reports of sexual assault are not filed for fear of deportation.⁴¹ Being deported is not an option in the minds of these determined women. To report the crime against them could make their journey a fruitless attempt, and they do not want their efforts and sacrifices to be in vain.

A recent ACLU report tells the story of a young woman named Raquel who left her home country in search of refuge in the United States. After conducting an investigation into her husband's murder, Raquel and her family received death threats from the perpetrators. In an act of desperation, Raquel began the perilous journey north and left the life she knew behind. Near the U.S.-Mexico border, exhaustion overcame her and she was too weak to escape immigration officials who spotted her with a group of others. Raquel was caught and sent to the airport to return south of the border.

During her trip to the airport, Raquel testifies that the immigration official that was escorting her stopped the vehicle and instructed her to come outside and raise her arms in the air. The officer promptly began groping her against her consent. Screaming for help, Raquel was able to stop the officer from continuing the abuse. After speaking with airport officials about the incident, she was told that the officer would be detained and fired as a result of his actions. She was also given information about immigration lawyers who conducted pro-bono work for individuals like her. Unfortunately, Raquel never received justice for the actions committed against her and her dream to start a safer and more prosperous life the United States went unfulfilled.⁴²

LATINA IMMIGRANTS, VULNERABLE TO DOMESTIC VIOLENCE AND HUMAN TRAFFICKING

DOMESTIC VIOLENCE

Foreign-born workers and undocumented Latinas fare worse as targets of domestic violence. These women rarely seek justice against the perpetrators of these violent crimes. As a result of cultural and linguistic barriers, many Latina women are unaware of the laws that protect them and their families, regardless of their citizenship or legal status. **Undocumented Latinas may also opt out of reporting intimate partner violence for emotional and economic reasons.** They fear contacting the authorities may provoke the threat of deportation, lead to the separation of their families or spark further retaliation from their spouses. Underreporting may also be a result of economic insecurity. **Many Latina mothers may not be able to provide for themselves or their children without the supplemental income of a spouse.** Here, reporting domestic violence could lead to an additional loss of the household's economic capital – an alarming reality that threatens these women who already hold some of the lowest-paying and most dangerous jobs in the United States.

HUMAN TRAFFICKING

Human trafficking is a sinister, growing, and widespread, yet underreported crime that ranks in top three most profitable crimes in the world. According to the U.S. Department of Justice, human trafficking occurs when “force, fraud or coercion” is used to prompt a person to work or perform sexual acts for profit. All minors (under 18 years of age) who perform commercial sex acts are considered victims of human trafficking, whether or not the sexual exploitation involved force, fraud or coercion.⁴³

“SEXUAL EXPLOITATION OF WOMEN AND GIRLS IS ONE OF THE BIGGEST PROBLEMS WE ARE FINDING IN OUR POLICE WORK.”

DAVID BEJARANO, CHIEF OF POLICE OF CHULA VISTA, CA

In a fact-finding mission to California and the U.S.-Mexico border, LCLAA conducted interviews with Latina workers, community advocates, faith leaders, service providers, and local, state and federal officials to discuss issues that jeopardize the well being of Latina immigrants and make them vulnerable to labor and sexual exploitation.

To bring attention to this heinous crime, President Obama declared January to be National Human Trafficking Awareness month.⁴⁴ In a bi-national human trafficking forum in Chula Vista, CA, LCLAA learned that San Diego is one of the top ten cities in America for child prostitution. Experts explained that there are economically and socially vulnerable populations and people who are ready to take advantage of them.

San Diego has one of the highest incidences of child prostitution, and due to its proximity to the U.S.-Mexico border, women and girls are also being trafficked into the U.S. to be prostituted, explained David Bejarano, Chief of Police of Chula Vista, CA in a personal interview. Bejarano explained that there are gangs in the San Diego area who have traditionally been involved in drugs, but are now getting involved in child prostitution.

Like drug trafficking, human trafficking exists because there is a voracious and global demand for it. The demand for the sexual exploitation of women and children is insatiable, so much so that human trafficking will soon surpass drug trafficking in profitability.

Sexual assault is also a possibility for Latina immigrants who are detained during their crossing or years after establishing families in the U.S. The

(SB 1070) and Alabama (HB 56) are examples of laws that will push undocumented workers further into the shadows, criminalizing them and those who come into contact with them. Such laws are drafted with the intention of discouraging undocumented immigrants from settling and working in communities. The U.S. Department of Labor and its enforcement personnel cannot help workers they cannot see. And this will remain an ongoing problem as long as undocumented workers are afraid to report health and safety hazards and violations to their human, civil and labor rights.

Alabama HB 56 requires that school personnel inquire students about their immigration status and that of their parents. It also prohibits undocumented students from enrolling in public universities. Moreover, it discourages and penalizes residents for transporting or harboring undocumented immigrants, and even threatens utility companies with a felony conviction if they provide water to homes of undocumented immigrants. **Although the harshest of all provisions have been halted by various lawsuits, the passage of this legislation has created an environment in which lives are destroyed, families are ripped apart and communities are scattered.**⁴⁸

HB 56, SB 1070 and copycat policies are destabilizing various sectors of our economy. Criminalizing undocumented workers not only affects several industries that traditionally rely upon their labor (such as agriculture), but has also provoked a mass exodus of these individuals into neighboring states.

Reports on the aftermath of HB 56 highlighted that crops were rotting in the field, construction projects were left incomplete, and various small-businesses were experiencing a dramatic decrease in sales as immigrants fled the state. In the construction industry, 25% of the workers left the state of Alabama seven months after many towns were demolished by tornados.⁴⁹ The \$5.5 billion agricultural industry in Alabama alone is holding on

by a thread. In Georgia, a state that passed a similar law, 11,080 farm jobs went unfilled and the industry experienced a loss of \$140 million in the spring and summer harvest.⁵⁰

In 2010 alone, the undocumented paid \$130 million in taxes to Alabama's state coffers. After the undocumented workers fled, the state lost tax money for the 2011 fiscal year. In the farming industry, contractors have only been able to fill a meager 10% of all the farmworker jobs available. In light of the shortage of farm laborers, replacing immigrant workers is no easy feat. Studies show that undocumented immigrants were overwhelmingly more productive, producing 860% more in the tomato fields than their replacements.⁵¹ The role that immigrants play in our communities cannot be ignored. Whether they are documented or not, they make significant contributions to our tax base and as the nation works to stimulate the economy and create jobs, with their labor and spending power, hardworking Latino and Latina immigrants can play a leading role in helping revitalize the U.S. and communities nationwide.

UNIONS ARE A SOURCE OF PROTECTION FOR DOCUMENTED AND UNDOCUMENTED IMMIGRANT WORKERS

The decision for a worker to join a labor union should not be a difficult one. In gaining coverage by a union contract, workers receive a series of key benefits that they would otherwise have limited access to. The union advantage is crucial for immigrant workers who face legal and structural obstacles to securing good jobs that offer family supporting wages, health care and retirement benefits. According to a 2010 report by the Center for Economic and Policy Research (CEPR), there are large wage and benefit advantages for unionized immigrant workers when compared to their non-unionized counterparts. In comparison to immigrant workers who were not covered by a

union, unionized immigrant workers: earned 17% more, making \$2.00 more per hour; enjoyed greater access to health care (73.4% compared to 43.6%); and retirement plans (61% compared to 28.7%). Furthermore, female immigrants enjoyed higher pay per hour (\$16.98) in comparison to non-unionized female immigrants (\$11.59). Similarly, unionized female immigrants are more likely to have health insurance (72.4%) and a retirement plan (62.7%) than non-union female immigrants (44.6% and 31.1%, respectively).⁵²

For immigrant workers in low-wage occupations, being represented by a union provided a significant advantage. Immigrant workers in 15 of the lowest-paying jobs earned almost 20% more per hour than those workers who were not unionized.⁵³ Unions are a fundamental mechanism to uphold the rights of immigrants and all workers on the job, engaging their members on a range of issues that affect their quality of life and promote their civic participation.

Union representation can help improve the social and economic conditions of all workers, especially the immigrant workforce. By uplifting working people and improving job quality, unions are helping male and female workers secure wages and benefits that allow them to provide for their family, safeguard their health and build financial security for retirement. This not only strengthens working families but also the communities they live in. Clearly, unions raise the bar for all workers and in doing so they help pave the way to an America with shared prosperity for all.

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A HELPING HAND FOR FORGOTTEN WOMEN SOUTH OF THE U.S. BORDER

MICAELA SAUCEDO

Micaela Saucedo, an immigrant rights activist, leads “La Casa Refugio Elvira de Tijuana,” a shelter for deported women and victims of domestic violence and human trafficking. The shelter is named after Elvira Arellano, a Chicago-based undocumented activist who became an icon for the immigrant rights movement as she fought deportation and continued her activism in the sanctuary of a church.

Casa Refugio Elvira provides food, shelter, clothing and advice for deported men and women, mostly women who have been repatriated. In an interview with LCLAA, Saucedo explained that many of the women she sees are victims of domestic violence, women whose spouses or partners have reported them to immigration authorities to prevent them from reporting the violence at home.

Saucedo reports that many of the deported women are separated from their children in the U.S. and they are willing to risk everything to see their children again. “Many women will try to cross to the U.S. again to be reunited with their children, but as soon as their partners find out that they are back in the States, they run the risk of being reported to immigration once again,” adds Saucedo.

NO WAY HOME FOR VICTIMS OF HUMAN TRAFFICKING

Casa Refugio Elvira also serves as a refuge for human trafficking victims, many of them trafficked within Mexico. **Kidnappings, beatings, rapes, and threats of violence and even death** are just some of the cases that attorneys, law enforcement and service providers recounted. Authorities highlight similarities in the pimps’ strategy to lure in and capture minors and sexually exploit them for profit. Some children were either placed in hotels or on the streets, pressured to meet daily quotas of clients and profits.

A recurring theme hindering efforts to expose and punish human traffickers is the climate of fear that the victims endure. Victims are afraid to report their captors and escape sexual exploitation, mainly because their pimps or traffickers threaten them and promise to retaliate against them and their families, pointing out vivid details about their home towns and places where their loved ones live and work. Authorities explained that the pimps can make detailed threats about the consequences of escaping, providing enough information to make anyone feel helpless and trapped.

If the women do manage to escape and denounce the perpetrators, they often don’t feel safe returning home. Emigration to the U.S. can be the only option for women that fear for their safety in the country of origin.

“Most of the women I receive in Tijuana are Mexican and between 19 and 24 years old. They (the pimps) bring them from the south of Mexico, from small towns where they are easily deceived and taken to Tijuana to be sexually exploited,” **Micaela Saucedo, Director, Casa Refugio Elvira, Tijuana, Mexico.**

As part of the Victims of Trafficking and Violence Protection Act of 2000, U and T nonimmigrant visas are available for noncitizen victims of crimes involving labor and sexual exploitation. The visas provide victims with the opportunity to stay in the U.S., acquire a work authorization, and eventually become permanent residents if they are willing to assist authorities on crime investigations.

While the protections and resources provided under the Victims of Trafficking and Violence Protection Act of 2000 are crucial for human trafficking victims in the U.S., Saucedo explained that the women she has helped would prefer to escape or migrate to the U.S. than to leave it up to Mexican authorities to ensure their safety. These women recognize police corruption and the inability of law enforcement to guarantee their security in Mexico.

REBUILDING AND RENEWING IN THE AFTERMATH OF ABUSE

REVEREND MARY MORENO RICHARDSON

"So many Latinas...they've been raped, they've been threatened, they've been fired...so much abuse," stated Reverend Mary Moreno-Richardson, Coordinator for Hispanic Ministry at St. Paul's Cathedral in San Diego, CA.

In the aftermath of abuse, recovering from the trauma and becoming a healthy and productive member of society sounds like a colossal task. How to rebuild and regain your inherent human dignity when years of abuse and exploitation have diminished your sense of worth is a task that Reverend Mary Moreno Richardson is helping women undertake in holistic and creative ways. She is the first Latina priest ordained in the Diocese of San Diego, Coordinator for Hispanic Ministry at St. Paul's Cathedral and creator of the Guadalupe Art Program.

Rev. Moreno is making a difference in the lives of detained undocumented youth, victims of violence, trafficking and substance abuse.

Through the Guadalupe Art Program, Reverend Moreno utilizes art as a tool to help victims of abuse and violence heal as they embark on a path to spiritual empowerment. She explains that the program intends to "heal the part of the soul that has been completely destroyed by the abuse and the rape." But "it is very difficult," she adds, noting that some victims feel there is nothing left inside on which to build.

She shared numerous stories of despair and hope, remarking the experience of a young girl who left her home country of Guatemala for Miami, where she hoped to be reunited with her family. She was intercepted in Tijuana, Mexico, where her traffickers separated her from the rest of the crowd that was headed for the U.S. border. Her traffickers took her to a place where they sexually abused and sold her.

One night, her captors were heading out to a party, leaving her alone in the house. They threatened her, warning that escaping was out of the question because the residence was surrounded by vicious dogs that would devour her if she stepped outside.

"She wondered, if I stay here they'll continue to abuse me and if I leave the dogs will bite me. As she turned the door knob she heard the dogs growling and she pleaded, "God! Walk with me!" She opened the door ready to escape, walked out and the dogs just stared, lay down and watched her walk by."

Tears flooded the Reverend's eyes as she described the girl's escape, adding with the conviction that, "The stories of these children are the stories of the Gospel!" She explained that the girl ran for the U.S. border where she was detained by U.S. Customs and Border Protection agents and transported to a detention center for undocumented and unaccompanied minors where she was given the attention and care she needed to recover from the trauma, and the legal protections to stay in the country legally. The Reverend shared that this survivor of human trafficking and sexual violence is returning to life, as evidenced by the beautiful artwork she is producing.

Reverend Moreno maintains frequent communication with the minor, providing her with supplies so she can continue to heal, rebuild and express herself through art. "She texted me recently saying: Reverenda, I am on my way to Disney World! And I told her, oh my God! You are with the princesses just like you!"

How do we save our children and heal them again?

Reverend Moreno discussed the role that society, culture, television and the consumption of pornography plays in desensitizing the public to the insidious existence of sexual abuse, violence and human trafficking.

“How do we save our children and heal them again? It’s evil, it’s horrible and it’s sexism and it’s been around for a long time. Women have been the property of men and there is such a need to educate and empower women and victims and boys as well. The same thing is happening to boys but they are too ashamed to come forward and expose sexual abuse. They are so humiliated by it that they’d rather keep it quiet. It’s too much for them.”

She explained that through the workshops and sessions she conducts with women and children she finds that the messages that individuals receive throughout generations influence the way that we see ourselves and the behavior that we exhibit throughout our lifetime.

“ACT LIKE A MAN”

Speaking about the sexual violence and exploitation of boys, the Reverend underscored that in many cases, Latino culture does not create an environment where boys and men can express their feelings and reveal that they have been abused.

“Latino culture increasingly sets up men to believe that “You are either macho or a “maricon” (a derogatory term for homosexual) and there is no gray area,” Reverend Mary Moreno Richardson

She explained that the boys feel shame and humiliation and a “desperate need for healing,” sharing that some of the victims she has dealt with have been exploited and gang raped.

Reverend Moreno continues to provide spiritual renewal, helping women, men and children overcome traumatic experiences, discover themselves and regain respect for their bodies and their existence. She reminds her congregation and victims of abuse to leave behind the shame that culture and a grim past has cultivated in them.

CHAPTER SIX

LATINO CHILDREN AND YOUTH, THE FACE OF AMERICA'S FUTURE

DEMOGRAPHICS

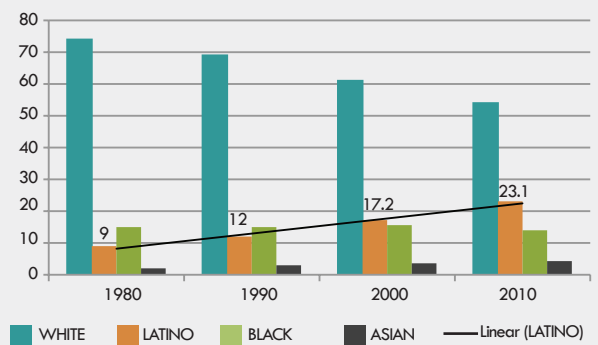
Throughout this report, we have referred to the growth of a young community that is expanding rapidly and changing the demographic composition of the United States. The human faces comprising a major demographic shift in the country are increasingly Latino and many of them are children.

Over the past three decades, the number of Latino children in the U.S. has been rising. In 1980, Latino children represented nine percent of the total child population. More than 30 years later, 17.1 million Latino children represent 23% of the 74.2 million children in the U.S.¹ More than half of all children in the U.S. live in nine states: California, Florida, Georgia, Illinois, Michigan, New York, Ohio, Pennsylvania and Texas. Of the total child population, 44 % are minority children, and they are in the midst of outgrowing the white non-Latino children population.²

Latino children's social and economic status is directly linked to the future of the United States. They will command attention as they grow and prepare to compete in educational attainment and in the workforce. Furthermore, Latino youth will contribute to local economies and the tax base while providing a voice to the broader Latino and

immigrant communities at the ballot box and as elected officials. High levels of poverty, barriers to education, a broken immigration system and institutionalized exclusion from access to key services are all issues that stand between Latino children and youth and their prospects for securing a prosperous future.

NUMBER OF LATINO CHILDREN IN THE U.S.
GREW BY 156% FROM 1980 TO 2010



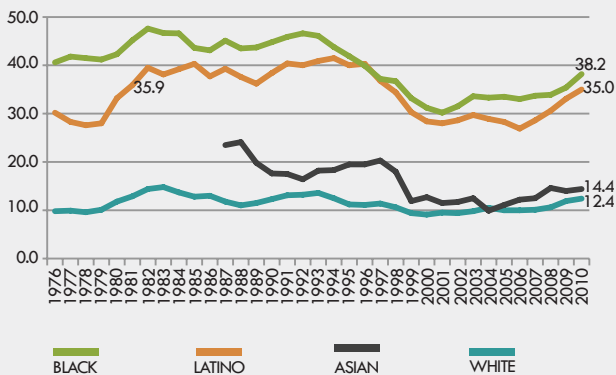
Source: Federal Interagency Forum on Child and Family Statistics, "America's Children: Key National Indicators of Well-Being, 2011: POP3 Racial and ethnic composition: Percentage of U.S. children ages 0-17 by race and Hispanic origin, selected years 1980-2010 and projected 2030-2050," <http://childstats.gov/americaschildren/tables/pop3.asp?popup=true> (Accessed February 16, 2012)

POVERTY

The U.S. ranks first among nations in gross domestic product (GDP), yet the wealth gap between the rich and poor has been widening and the nation's children are experiencing high levels of destitution. Currently, the U.S. holds the highest levels of relative child poverty among developed nations. With one in five living in poverty, children in the U.S. represent the poorest of all age groups.^{3,4}

It is impossible to reflect on issues affecting Latina workers without focusing on their children. Latino kids confront **the same issues that affect Latina working mothers**. They experience barriers to their upward mobility within society and obstacles derived from their gender, ethnic identity and immigration status. For many families that are in a systematic cycle of oppression, even the full-time work of both parents does not provide enough income to make ends meet. Children are often compelled to go to work in order to supplement their parents' income.

POVERTY LEVELS OF LATINO CHILDREN REGRESS TO THOSE REACHED MORE THAN 20 YEARS AGO



Note: Percentage of all children living in poverty by race and ethnicity.

Source: U.S. Census Bureau, Social, Economic, and Housing Statistics Division, "Historical Poverty Tables, Poverty, Table 3. Poverty Status of People, by Age, Race, and Hispanic Origin: 1959 to 2010," <http://www.census.gov/hhes/www/poverty/data/historical/people.html> (Accessed February 19, 2012)

In today's economic crisis, the national poverty rate (15.1%) is the highest it has been in the last 28 years.⁵ Appallingly, children constitute more than one-third (34.1%) of the 46.2 million people living below the poverty threshold.⁶ In particular, Latino children account for the single largest number of children in poverty (6.1 million) when compared to all other ethnic or racial groups.⁷ **Thirty-five percent of children living in poverty are Latino**, followed by 30.5% non-Latino whites and 26.6% non-Latino blacks.⁸ This statistic highlights society's inability to help its children secure safe, healthy and promising futures.

The child poverty rates refer to the percentages of poverty among the total number of children within each race or ethnic group. The percentage outcomes are proportional to the number of the child population in each group. **With that said, Latino children have a poverty rate almost three times higher than non-Latino white children.** In 2010, 38% of black children, 35% of Latino children and 12% of non-Latino white children lived in poverty. The numbers point out a shameful and staggering statistic as they illustrate that child poverty in the U.S. is regressing to levels witnessed close to two decades ago.⁹

This sounds an alarm for the economic circumstances of the nation's children and brings to light a grave issue associated with poverty—food insecurity. Food security refers to a household's ability to meet the nutritional needs of adults or children through access to adequate food. Households that experienced food insecurity were unable to obtain adequate food for active, healthy living because they lacked the resources to do so. In 2009, children in poverty, as well as kids whose parents were not high school graduates, or those who lived with a single mother were significantly more likely to live in "food insecure" households than the nation as a whole.¹⁰

Poverty rates among all Latino children have increased, but Latino children with parents who

only have a high school diploma or less experienced the most dramatic increases in poverty levels (9.7 percentage points) since the beginning of the recession in 2007. On the other hand, the recession was less drastic for Latino children who had at least one of the parents with a college degree. Their poverty rate only increased by 0.6 points since 2007, the smallest growth in poverty rates among all Latinos. Latino children that lived with families headed by single mothers had the highest overall increase in poverty rate with a 57.3%, while Latino children with one unemployed parent had a 43.5% poverty rate in 2010.¹¹ This raises a dialogue about the need to identify effective community-based alternatives to fight poverty, starting with our education system. By allocating resources that will improve our schools, attract and retain quality teachers and increase parental engagement, we can help build an educated workforce that sustains families and communities.

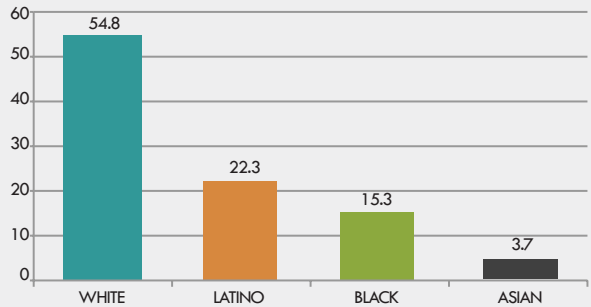
LATINO YOUTH AND EDUCATION

Projections show that Latino youth, ages 18 and under, will represent nearly one-third of all children in the United States by the year 2030.¹² It is crucial to address the challenges Latino children experience in educational attainment because they represent a large and vital portion of our future labor force. Latino youth have made great strides in increasing their educational attainment at the primary and secondary level over the last two decades. Between 1989 and 2009, Latino enrollment in the public education system has increased by nearly 6.6 million people. In 2009, Latinos represented 22% of the total enrollment by ethnicity – an 11% increase within the past 20 years.¹³ Latino children are second only to non-Latino whites in public education enrollment, but they have continued to surpass blacks since the early 2000's.

If education is a tool that can serve as a social equalizer, then the high school drop out rates for

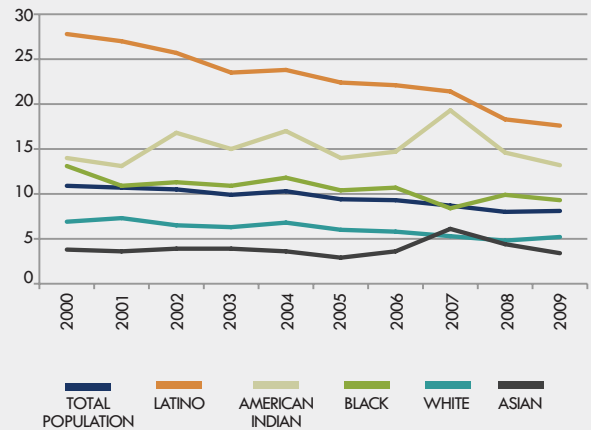
Latinos in the U.S. should sound the alarm for our youth, parents, educators, employers and policy makers across the country. Overall, high school dropout rates have decreased for white, black and Latino youth (ages 16-24) between 2000 and 2009. But at 17.6%, Latinos have a high school drop out rate that is not only the highest of any group, but also more than two times higher than the national rate.¹⁴

PERCENT ENROLLED IN PUBLIC SCHOOLS BY RACE/ETHNICITY (PREKINDERGARTEN-12TH GRADE)



Source: Susan Aud, William Hussar, Grace Kena, Kevin Bianco, Lauren Frohlich, Jana Kemp, Kim Tahan, "The Condition of Education ." U.S. Department of Education, National Center for Education Statistics (NCES). May 2011. <http://nces.ed.gov/pubs2011/2011033.pdf> (accessed March 5, 2012).

HIGH SCHOOL DROPOUT RATES HIGHEST FOR LATINOS, BUT IN DECLINE, 2000-2009

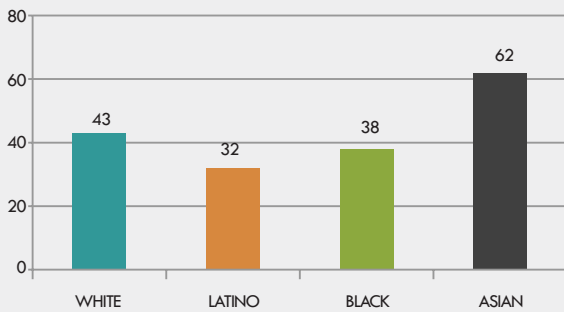


Note: Data represents status dropout rates of 16- through 24-year-olds in the civilian, noninstitutionalized population, by race/ethnicity: Selected years, 2009-2009

Source: U.S. Department of Education, National Center for Education Statistics. (2011). The Condition of Education 2011 (NCES 2011-033), Indicator 20. http://nces.ed.gov/programs/coe/pdf/coe_sde.pdf

Despite elevated high school dropout rates, the number of Latino youth (ages 18-24) that are enrolling in post-secondary education has steadily increased in proportion to the number of those who have graduated from high school. **Latinos experienced a 24% increase in undergraduate enrollment between 2009 and 2010—the highest among any minority group.**¹⁵ This marks the first time that Latinos have exceeded the total number of both black and Asian students attending college. According to the Pew Hispanic Center, Latinos accounted for 15% of the total number of young adults enrolled in a 2 or 4 year college in 2010.¹⁶

COLLEGE ENROLLMENT IS LOWEST AMONG LATINOS (PERCENT)



Note: Share of 18- to 24-Year-Olds Enrolled in College, 1967-2010, by Race and Ethnicity

Source: Hispanic Center. Hispanic College enrollment Spikes, Narrowing Gaps with Other Groups. Washington, D.C.: Pew Research Center, 2011, 1-29.

But enrollment does not always result in graduation. Even though Latino enrollment rates increased more significantly than whites, blacks or Asians, Latinos continue to be least likely to attend college or a university and complete their degree. **In 2010, only a meager 13% of Latinos ages 25-29 had received a Bachelor’s degree.**¹⁷

Earning a high-paying job in today’s economy is often contingent upon having received a formal education. As employment levels see a slow recovery,

individuals are looking to continue their education with the hope of improving their competitiveness in the workforce. According to the Bureau of Labor Statistics, there were 4.3 unemployed persons per job opening in October of 2011.¹⁸ Limited job opportunities and the increased educational requirements for good jobs may explain the large increase in college enrollment among Latinos.¹⁹ Nevertheless, it is important to illustrate and analyze the many obstacles that Latino youth face with regard to educational opportunities.

The numbers are up, but the quality of the education Latino children receive remains low. When a child is born into a family of unemployed or under-paid parents, he or she may have to sacrifice education for work. In extreme conditions, children turn to farm labor to supplement their family’s income. **One in three children involved in the agriculture industry will drop out of high school.** This leaves them in a vulnerable position, limiting their upward socioeconomic mobility in the future.²⁰

Language barriers also hinder the educational attainment of Latino children. Limited English proficiency presents a major hurdle to children who want to succeed in the classrooms and parents who wish to be more involved in their children’s education. In 2009, 73% of all children who had difficulty speaking English in school spoke Spanish at home.²¹ In the absence of educators, advisors and mentors with an understanding of the needs of Latino and immigrant children, their educational attainment will be limited as will their prospects for success in the workforce.

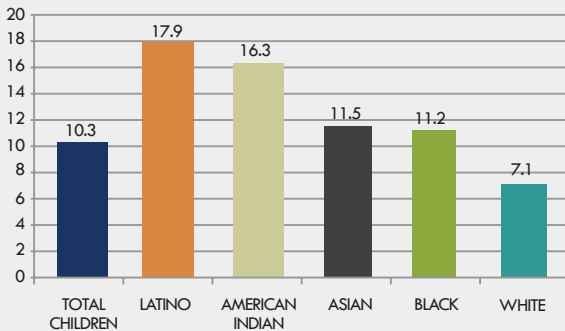
LATINO YOUTH, STATUS & HEALTH CARE COVERAGE

Latino children lack health care coverage at higher rates than any other children in the nation. One out of four children in the U.S. are Latinos, and one out six are uninsured. Many working families

lack access to employer-provided health care or they simply cannot afford it. This affects the health care coverage they can offer their children. Sadly, 90% of these uninsured children are under the care of working families, making them 45% less likely to have private health coverage than their non-Latino white counterparts.²² Furthermore, largely due to cost and lack of health care coverage, Latino children are more likely to have gone without regular doctor visits, preventive care and have unmet medical and dental needs than white children. Compared to white children, Latino children are:

- 60% more likely to not see a doctor for more than two years
- 50% more likely to have an unmet medical need
- 50% more likely to have an unmet dental need
- 30% more likely to go without a visit to the dentist
- 66% more likely to lack a regular clinic where they receive health care
- Almost twice as likely to have unmet medical needs due to cost²³

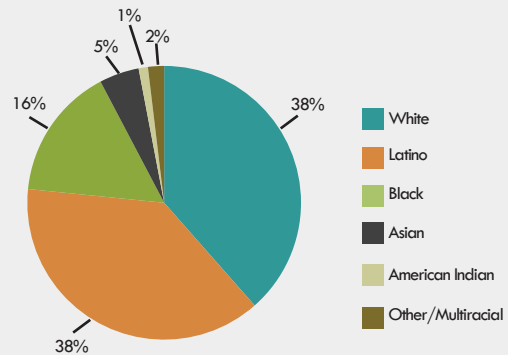
LATINOS HAVE THE HIGHEST SHARE OF UNINSURED CHILDREN WITHIN THEIR RACIAL/ETHNIC GROUP



Note: Share of Uninsured Children Under the Age of 19 by Race and Hispanic origin

Source: U.S. Department of Commerce, Bureau of the Census, 2009 Annual Social and Economic Supplement to the Current Population Survey. Calculations by the Children's Defense Fund.

38% OF ALL UNINSURED CHILDREN ARE LATINO



Source: U.S. Department of Commerce, Bureau of the Census, 2009 Annual Social and Economic Supplement to the Current Population Survey; and Federal Register, Vol. 74, No. 14 (January 23, 2009), pp 4199-4201. Calculations by Children's Defense Fund October, 2009.

These are circumstances that can lead to poor health outcomes for children and affect their chances of developing into healthy adulthood. The problems of uninsured Latino children are aggravated the longer they remain without coverage. Studies show that uninsured children between the ages of one and five run the risk of having chronic health conditions remain undetected. These include, but are not limited to: attention deficit disorder, poor vision and hearing, asthma and heart disease.²⁴

A few of the top health issues that concern Latinas regarding their children are childhood obesity, drug abuse, smoking and teen pregnancy.²⁵ In a study that surveyed the health of pregnant women, research showed that despite socioeconomic disadvantages and poor access to healthcare, **Mexican-American babies are born healthy, but face health risks and developmental deficiencies between the ages of three and five.**²⁶ Immigrant children that are new to the U.S. are on average healthier and less at risk to serious health issues than 2nd and 3rd generation Latino youth.²⁷

TEEN PREGNANCY

A top concern affecting the health and economic status of Latinas is the issue of teen pregnancy. In comparison to teenagers of all major racial and ethnic groups in the U.S., the teen pregnancy rate for Latinas is the highest (126.6 per 1,000 Latina teens compared to 126.3 per 1,000 black teens and 44 per 1,000 white teens). Many factors come into play when analyzing the elevated number of unintended pregnancies among Latina teenagers, including: low-income status, limited access to health care and family planning services, and higher contraception failure rates among Latina teenagers.²⁸

Once pregnant, these teens may have to forego advancing their education. They become susceptible to poverty and often lack health care coverage for themselves and their children. While teen pregnancy rates have decreased significantly between 1998 and 2006, the decline has been less pronounced for Latina teens. With the exception of the period after 2006, the rate of teenage pregnancies has been on the decline for all races since 1990.²⁹ The increase in 2006 raised an alarm for organizations that feared the trend was reversing. The Center for Disease Control (CDC) attributes the decline to teenagers making better informed decisions, postponing childbirth and thinking about their futures. Although the overall teenage pregnancy rate is decreasing, the U.S. teen pregnancy rate and births surpass all others when looking at similar countries.³⁰

CHILDHOOD OBESITY

Childhood obesity is a serious health problem that places countless children at risk for chronic diseases and has received national attention as government officials declare it an epidemic.³¹ According to the Centers for Disease Control and Prevention (CDC), 17% of children in the U.S. are obese. This is a startling and growing statistic that further

indicates that while obesity rates for adults doubled from 1980 to 2008, the trend was much worse for children whose rates tripled during the same time.³²

Latino teenagers are 32% more likely than white youth to be overweight or obese. Children in poverty face similar odds.³³ There is a direct association between childhood poverty and childhood obesity rates. Childhood obesity can lead to, or obscure, more serious health issues. A study on prevalence rates of obesity among Latino and African-American children showed that 70% of obese Latino children lived in homes with incomes 150% below the poverty level.³⁴

Childhood obesity has also been linked to more serious health issues, including type 2 diabetes mellitus, heart disease, as well as asthma and psychosocial disorders.³⁵

THE ROLE OF THE ELDERLY IN THE WELL-BEING OF LATINO CHILDREN

There are 2.7 million children in the U.S. who live with their grandparents. These elders represent their main financial supporters and primary caretakers. More than one-third of the children living with their grandparents have no parents present.³⁶ Of all the grandparents who are taking care of their grandchildren, 61% are in the labor force and over 20% live in poverty.³⁷

The poverty status and health of los abuelos y abuelas (grandfathers and grandmothers) affects the well being of Latino children who rely on them. As of 2009, a significant share of grandparents that lived with their grandchildren were also their primary caregivers (40%) and most of them were female (62.9%). Among them, 63.3% were white, 23.3% were black and 20.1% were Latino.³⁸ **The economic struggles of these grandparents can intensify the hardships of children living within this family structure.** Half a million of these

grandparents live below the poverty line.³⁹ This reality underscores the importance of strengthening Social Security, Medicaid and Medicare to promote the health and economic security of Latinas who, as mothers and grandmothers, help raise, nourish, nurture and support younger generations.

LATINO YOUTH IN THE WORKFORCE AND LABOR ISSUES

In light of economic hardship, children and youth may be compelled to join the labor force to help relieve some economic burdens on their families. Many of these children will end up in poor-quality jobs where they will face strenuous working hours and perilous working conditions that may be out of the reach of federal labor law enforcement. This is particularly true for Latino youth. Ultimately, these “push factors” have forced many Latino children into job sectors where they represent the lowest class of workers with no protected rights from the federal government.

The month of July is usually the time when employment of young workers (ages 16-24) peaks; in 2011, youth employment rates reached record lows (48.8%) since the Bureau of Labor Statistics began recording such data. Nonetheless, out of all minority groups, Latino youth held the highest employment to population ratios (42.9%), trailed by Asians (40.5%) and blacks (34.6%).⁴⁰

Although Latino children and youth represented 17.5% of all workers (age 16-24) during July 2011, they are the second largest group of workers in all but one industry (education and health services) in the private and non-agricultural sector, and are overrepresented in some of the most dangerous jobs in the country: construction (36%), agriculture (32%), mining, quarrying, oil and gas extraction (24%), transportation and utilities (21%).⁴¹

LATINO CHILD LABOR IN AGRICULTURE

There are still an alarming number of working children in the U.S. It is a myth that the exploitation of children and youth workers is a thing of the past. In fact, Somalia and the U.S. are the only two members of the United Nations that have failed to ratify the Convention on the Rights of the Child.

The vulnerability of minor farmworkers, many of them Latino, is further exacerbated by federal laws, which fail to establish a minimum age requirement for children to work on farms. The only requirement for a child to engage in farm work is having his or her parental consent.⁴² Along these lines, the inaction from the federal government to establish laws that prevent child labor on farms violates the Fair Labor Standards Act of 1938 (FLSA), which prohibits “oppressive child labor.”⁴³ Usually, the minimum age established by the FLSA is 16, but the agricultural industry benefits from an exception. Under these circumstances, by the age of 12, children qualify to be hired as farmworkers independently of their work hours, dangerous workplace conditions or the size of the farm they work on.⁴⁴ Nonetheless, even if FLSA regulations were extended to children farmworkers, the protections they offer would remain inadequate. If they labor on a farm that employs less than 11 individuals, they will not be protected under the National Labor Relations Act, and therefore do not have the right to organize and secure improvements on the job.⁴⁵

Farmworkers have twice the unemployment and poverty rates of all paid workers.⁴⁶ The median annual wage for farmworkers is \$18,690 or less per year. Female farmworkers can expect to make significantly less due to the gender and race/ethnicity-based wage gap.⁴⁷ Farmworker wages are above the 2010 poverty thresholds for a family of three (\$17,374) but below the poverty threshold for a family of four (\$22,314).⁴⁸

Additionally, farmworkers are more susceptible

to exposure to harmful chemicals and residues via inhalation and ingestion/absorption.⁴⁹ The continuous exposure of farmworkers to pesticides causes an array of health complications such as headaches, fatigue, nausea, skin rashes, systematic poisoning, eye irritation, burns, paralysis and even death.⁵⁰ Over the long run, exposure to pesticides can lead to neuropsychological disorders and fatal types of cancer.⁵¹ All of these health complications can affect the performance of farmworkers on the job, leading to lower salaries and deepening levels of poverty.

Farmworkers’ lack of access to adequate nutrition correlates with low food security.⁵²

Low food security comes as a result of poverty. Unemployment and low-wage labor for parents furthers a vicious cycle of poverty that affects the whole family unit and increases child poverty across the board.⁵³

AGRICULTURE

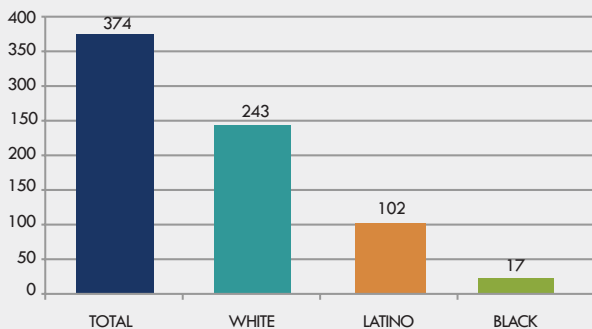
Between 1998 and 2007, 5,719 young workers (ages 15-24) died from occupational injuries, and among them, seven percent were deaths of minors ages 15-17. The highest rates of fatal injuries for youth are found in mining (36.5 per 100,000 Full-Time Equivalent (FTE) workers), agriculture (21.3 per 100,000 and construction (10.9 per 100,000 FTE).⁵⁴ When taking into account the ethnicity of children in agriculture, Latino youth workers had a fatality rate of 5.6 per 100,000 full time employees in comparison to non-Latino workers (3.3 for non-Latino white workers per 100,000 and 2.3 for non-Latino black workers per 100,000).⁵⁵

Because of the unique legal loopholes that are characteristic of the agricultural industry, children within its workforce are not only unprotected, but may also be undetectable. In 2009, there were 1.03 million children and adolescents (under 20 years old) who lived on farms, while approximately 50%

(519,000) were also employed on them. In the same year, U.S. farms hired an additional 230,000 children and adolescents to work.⁵⁶

Latino minors ages 15-17 are overrepresented in the number of deaths on the job occurring among young workers; they comprised 27% of all deaths on the job occurring among young workers in this age group compared to 4.5% of their black counterparts. The rate of nonfatal occupational injuries treated in U.S. hospital emergency departments was lower for young Latino workers, 1.8 versus 3.9 for black, and 4.0 for non-Latino white young workers (per 100 FTE workers).⁵⁷

LATINOS REPRESENT 27% OF CHILDREN WHO DIED ON THE JOB, 1998-2007



Note: Fatal Occupational Injuries Among Children (age 15-17) by Race/Ethnicity, 1998-2007

Source: Centers for Disease Control and Prevention (CDC). Occupational Injuries and Deaths Among Younger Workers- United States, 1998-2007. April 23, 2010. <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5915a2.htm#tab1> (accessed March 4, 2012).

CHILDREN AND THE IMMIGRATION SYSTEM

The economic situation of parents plays an important role in the poverty status of their children. The two million, or 37%, non-citizen Latinas in the U.S. who live in systematically-induced poverty have a strong effect on the socio-economic opportunities of their offspring. While Latino immigrants in married-couple families were

less likely to be poor, their poverty rate was higher if they had children less than 18 years old (22.8%) or under five years old (20.3%).⁵⁸

One of the factors that affect the economic opportunities of children is the number of working adults in their household. With that in mind, it is critical to look at the number of households headed by Latina immigrants. **Latino immigrant families headed by females have a poverty rate twice as high (38.7%) as married-couple families (18.5%)** and they are significantly more likely to live in poverty if they have children under 18 years old (47.2%), and even more so with children under the age of five (48.3%).⁵⁹

The intersection of poverty, ethnicity and immigration status is of extreme importance considering 68% of poor Latino children have at least one immigrant parent.⁶⁰ Current demographic trends portray a more multicultural America in which children of immigrants comprise one in every four born in the U.S.⁶¹ Looking at the gender and age breakdown of the Latino population in the U.S. by nativity, 48.9% of Latino children are female and an overwhelming majority of them are U.S. born (92.1%). In comparison, only one-half of Latina adults (age 18 and older) are U.S. natives.^{62,63}

It is estimated that more than five million of these children live in mixed-status families with one or more undocumented parent.⁶⁴ In today's hostile political climate, policymakers and government officials have neglected to include this group of citizen children in the immigration debate.⁶⁵ U.S. citizen minors of one or two immigrant parents represent America's most vulnerable children.⁶⁶ The inaction of Congress to pass immigration reform and the ongoing anti-immigration enforcement measures are pushing these U.S. citizen children into severe forms of poverty, foster care, and emotional/psychological distress.⁶⁷

These conditions establish barriers to education and better careers, trapping children in an underclass.

The detriment to children of undocumented immigrants cannot be easily quantified in numbers. It includes temporary or permanent separation from one or both parents that are either detained or deported, interruptions in schooling, emotional trauma and economic hardship.⁶⁸ Under these circumstances, it is clear that the immigration debate does not currently have the best interests of U.S. citizen children in mind when they are left behind after the detention or deportation of one or both parents. The separation of U.S. citizen children from their immigrant parents puts their well-being at risk, destabilizing their development and economic security.⁶⁹ Altogether, this distinct group of U.S. citizen children may be forced to face life-changing decisions regarding their futures. Reuniting with their parents could mean relocating to a country they may not know, and staying in the U.S. could force them into the foster care system. Our current immigration system has unintended consequences on family unity among immigrants and their families. Family separation due to deportation leaves U.S. citizen children of immigrant parents experiencing not only the loss of a provider, but also puts their housing and food security in jeopardy.⁷⁰

BUILDING A BETTER FUTURE FOR YOUNG WORKERS

Latino children and youth (under 24 years old) are the largest group within the U.S. Latino population (46.2%).⁷¹ Young Latinos are the face of a changing America and they will be the future of the U.S. workforce, economy and society as a whole. The potential of this young and growing demographic cannot be squandered. To shape the politics and policies that will promote the social and economic advancement of the Latino community, it is crucial for young Latinos to be civically-engaged. Promoting a prosperous future for Latino working families starts with addressing the needs of children

and youth so that they may become healthy and productive adults that lead in education, the workforce, create businesses and job opportunities, stimulate economic growth and help the U.S. compete on a global scale.

LCLAA has launched the Young Workers Campaign to attract and engage young Latinos on issues that affect the advancement of working families. This campaign will serve as a vehicle to educate them about the labor movement and its role in safeguarding workers' rights, enhancing job quality, and empowering and raising the standard for Latino and immigrant workers.

Young workers are currently caught in an economy with scarce job opportunities and this reality is reflected in alarming unemployment rates for workers ages 16-19 years old. As of January 2012, unemployment rates for young workers in this age group were: 22.1% for whites, 24.9% for Latinos and 40.3% for blacks.^{72,73} (Note: only not seasonally adjusted data available for comparison among racial and ethnic groups). The Economic Policy Institute notes that young people entering the workforce during an economic downturn will be severely impacted, as they are more likely to be jobless and less likely to find job stability or to secure a job that offers opportunities for advancement. Hence, their earning potential will be limited in the labor market and could result in lower earnings for up to 15 years.⁷⁴ The numbers indicate how the current economic environment threatens to set working youth back for years. But as we educate, organize and mobilize young Latinos, we are empowering them to recognize their potential as catalysts for change that can drive their communities and the nation forward.

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AN UNSWEET DEAL

Sophia was five years old when her parents decided to immigrate to the United States from Mexico. Fast-forward sixteen years and she has become an accomplished student working towards finishing a college degree, but it hasn't been easy.

For the time being, Sophia has had to place her education on the back burner in order to pay for school and help contribute to her family's income. When the opportunity was presented to her, she took a managerial position at a popular ice cream shop where she sometimes worked up to 70 hours a week.

What initially she thought would be a sweet deal ended up becoming quite bitter. It was common for Sophia to go months without receiving payment for her work. When she took her concerns to the owners, she was told that hard financial times had taken a toll on the shop and that they simply didn't have enough money to pay her.

However, as the manager, it was part of her responsibility to oversee the company's expenses and knew that there was, in fact, enough money for her to be remunerated.

Sophia began to witness her coworkers reaping the fruits of their labor, as they were regularly paid while she still hadn't received a cent. "They were doing me the favor by paying cash," she stated, "but they would hold it for months."

Sophia was finally paid, but realized that she had been robbed of her wages. Compared to the hours she worked, her salary ended up being a meager \$4.00 an hour – a figure far below the minimum wage requirement for any state in the nation.

After deciding to stop working at the ice cream shop, Sophia had a great deal of difficulty landing another job. "With my status, it's like a big chain," she explained, "it's really hard to explain to people how difficult it is to get papers or a work permit."

Sophia's experience, like that of so many others, tells the story of our country's immigrant youth whose ambition of achieving the American Dream is being shattered.

"It's normal for people like me to be mistreated, it's part of being an undocumented worker—we just have to deal with it," she confessed, "but the truth is that we don't have to deal with it. We don't have to be mistreated at work."

Sophia's story highlights how the politicized debate on immigration reform is squandering the potential of undocumented youth and leaves their aspirations in limbo. Furthermore, this underscores the importance of passing the DREAM Act to bring ambitious, intelligent and determined youth out of the shadows and allow them to be full participants in our society.

DREAMers

2011 marked ten years in the struggle for DREAMers—undocumented youth who have boldly stepped out of the shadows to challenge Congress to take a crucial first step toward immigration reform and pass the Development and Relief and Education for Alien Minors (DREAM) Act. The DREAM Act is a bill that would provide a pathway to legalization for 2.1 undocumented youth that have lived in the U.S. for five or more years and were 16 years old or younger when they were brought to the U.S. by their parents. Eligibility for citizenship would be contingent upon completing two years of post-secondary education or through serving in the military.

The 5% of these students – 114,000-- that have successfully pursued higher education only have a few moments to celebrate their success; the years of maneuvering their way through the education system, working odd jobs to pay for books, and all the while promising their families that the sacrifices they have made are a worthwhile investment. They

have earned the one thing no one can take away from them- an education. Unavoidable, is the “what-now?” question.

The other 95%

Also unavoidable, are the remaining students that are estimated to have yet to fulfill the education requirements to be eligible for citizenship under DREAM Act. The only option left would be to serve in the military.

- 48% are under the age of 18 and have yet to complete high school or obtain a GED.
- 28% have a high school diploma, GED or have some, though uncompleted, college work
- 23% are the young adults that need to complete high school or try for their GED

In general, Latino youth trail in the education ranks. Only 33% of Latinas that enroll in college between the ages of 19-24 complete an associate's degree or higher by 25 or 26, an alarming statistic compared to the 51% of white women who do the same. Higher education can pave the path to a better quality of life but it is out of the reach of many Latinas as a result of facing legal and/or financial barriers.

Beyond the 2.1 million:

Immigrant youth that came to the country after the age of 16 are the most vulnerable group. Seven out of every ten are undocumented and not eligible to change their status through the DREAM Act. This segment of undocumented youth face major barriers to their education which include a lack of English proficiency and taking care of younger children at home.

The DREAM is Still Alive

Still, the few that are eligible for the DREAM Act are full of hope and continue to lobby for its passage. It has been nearly a decade since many of these young Americans have come out of the shadows. On Capitol hill they are “motivated, dedicated, down-right educated” and chant “up, up with education. Down down with deportation”. But for some, their plight and the wait for legalization is simply too much to endure. Joaquin Luna, a DREAMer from Texas, writes his last good byes before taking his life:

“I've realized that I have no chance in becoming a civil engineer the way I've always dreamed of here...so I'm planning on going to you and helping you construct the new temple in heaven.”¹

The Luna family insists that if the DREAM Act had passed, Joaquin would still be with us today.

Support for the DREAM Act

The DREAM act is an issue that elected officials cannot ignore. Polls of Latino voters estimate that 93% of the President's Latino voter base supports the DREAM Act and among undecided voters, 85% support the measure. Also noteworthy is the fact that 75% of Latinos who plan to vote for a Republican candidate also approve the bill.²

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CHAPTER SEVEN

POLICY RECOMMENDATIONS

Latinas are facing an array of social, economic, legal and structural hardships that impede their advancement within U.S. society and limit their prospects for social mobility. From education to environmental quality, Latinas are affected by a range of issues and we cannot separate their needs and aspirations from what is essential to the future of the nation. Therefore, we call on Congress and the President to support policies that protect, uplift and increase opportunities for Latinas in our workplaces, our economy and the broader society. The following recommendations will bring our nation one step closer to improving the social and economic well-being of Latinas and bridge the gap in the inequities that they face.

PROTECT AMERICAN WORKERS ACT (PAWA)

It is critical that the Administration creates and enforces workplace laws to reduce safety, health and wage violations. As a vital first step, Congress must pass the Protect American Workers Act (PAWA). PAWA would modernize the Occupational Safety and Health Act of 1970 (OSH Act) to strengthen OSHA's ability to protect American workers. To deter employers from turning a blind eye to violations of the OSH Act, PAWA would increase whistleblower protection for workers who report safety and health hazards and who refuse to work in unsafe conditions. Moreover, the passage of PAWA

would also increase the severity of civil and criminal penalties for every type of violation. OSHA's current penalties are not sufficiently heavy to compel employers to maintain a safer work environment.

EMPLOYEE FREE CHOICE ACT (EFCA)

At a minimum, democracy involves freedom of speech and freedom to organize collectively around issues. Democratic principles harmoniously strengthen the ability for workers to discuss and organize among themselves without any harassment from their employers. For Latinos, union membership means higher wages, job security and access to benefits such as health care and pensions. To remove barriers that impede Latino workers from forming a union, passage of the Employee Free Choice Act is critical. EFCA would allow for a democratic decision-making process that provides workers room to be on equal footing with management, so they bargain collectively for wages, hours, benefits and working conditions. In this manner, LCLAA urges Congress to pass the EFCA to level the playing field for all workers.

PAID SICK DAYS

When more than half of all Latino workers—5.6 million—are not offered paid time off from work in

times of illness, Latinas and their families are forced to decide between seeking treatment and covering other basic needs. The “health or paycheck” decision should not be the case for anyone. Therefore, LCLAA suggests that federal law guarantees access to paid leave for all workers. In this way, LCLAA pushes for the passage of **The Healthy Families Act**, which provides paid sick days to a total of 30 million workers. This would be particularly beneficial to trabajadoras given that only 46% were granted access to paid sick days by their employers in 2010—the lowest percentage in comparison to women from all other races and ethnicities.

WAGE JUSTICE

Wage theft is a pervasive issue that takes place across all industries in our economy. This injustice occurs when employers pay their workers less than minimum wage, refuse overtime pay and/ or force employees to work off the clock. Latinas are especially vulnerable to wage theft, as they are overrepresented in low-status, low-wage industries that often exploit their workers. Therefore, LCLAA supports wage theft legislation such as the **Wage Theft Prevention Act**. This type of legislation will fight wage theft by providing workers with annual pay notices, proper wage statements, and protecting them from retaliation for complaining about potential Labor law violations.

MISCLASSIFICATION OF WORKERS

By law, employers are required to pay payroll and unemployment taxes, provide workers' compensation for their employees and deduct Social Security contributions. However, by misclassifying workers as "independent contractors," employers can avert these responsibilities and in doing so, deny workers access to health care, vacations, sick days and workers' compensation if they get injured. To combat this

unethical practice, LCLAA endorses the Fair Playing Field Act of 2012. This bill would limit the use of a federal “safe harbor” which protects employers from the liability of misclassifying workers. It would also direct the Secretary of the Treasury to issue guidance and regulations explaining who qualifies as an independent contractor, requiring employers to provide independent contractors with information regarding their federal tax obligations, labor protections that do not apply to independent contractors, and the right of independent contractors to pursue a status determination from the IRS.

CREATE OPPORTUNITIES FOR LATINOS IN CLEAN-ENERGY AND ENERGY EFFICIENCY SECTORS

To meet the global challenge of climate change with a vision for economic opportunity, the Administration and Congress must invest in the development of clean energy sources that will create well-paid “green jobs” for America’s workers. The challenge will be to ensure that Latinas are an integral part of the emerging clean energy economy and are trained to compete for the jobs that will be created within this sector. For this reason, adequate funding must be made available for apprenticeship programs that will actively recruit Latinas, as well as all other women of color, youth, and the unemployed. As we push for the creation of green jobs to fight climate change, curb unemployment and increase the purchasing power of communities of color, Latina workers deserve jobs that pay family-sustaining wages. In accordance with the Davis-Bacon Act, prevailing wages must be part of any public works project that helps our nation transition to a clean and more efficient energy economy. The opportunities created during this transition must be equitably distributed. To ensure this, federal agencies must see to it that worker adjustment assistance reaches all workers in carbon-intensive sectors and all industries vulnerable to climate change legislation. These categories include

“secondary” workers as defined in the 2002 reforms to the Trade Adjustment Assistance Act.

PROTECTING LATINO COMMUNITIES FROM AIR POLLUTION

Air pollution threatens the health and well-being of the Latino community as one out of every two Latinos reside in areas that frequently violate clean air rules. To promote a cleaner environment and safeguard public health, we must defend the authority of the Environmental Protection Agency (EPA) to assess and update air pollution standards under the Clean Air Act. By improving air quality, the Clean Air Act has saved hundreds of thousands of lives for over 40 years. With that said, LCLAA fully supports the Clean Air Act and calls on our elected leaders to oppose any attempts to weaken or dismantle it.

IMMIGRATION REFORM

Our current immigration system fails working people. The nation’s addiction to cheap labor, in combination with flawed regional economic policies (NAFTA and CAFTA) that have displaced workers and their families from their land, have engendered millions of disposable workers whose rights are constantly violated. We oppose similar free trade agreements that are unfair and detrimental to most workers. The 111th Congress was unwilling to pass immigration reform that would provide a clear process for legal migration, address the inequities of our current immigration laws, and create a coherent strategy for addressing the labor and economic needs of our country. The President should announce a new approach to restructuring our immigration administrative infrastructure, which will facilitate venues and define channels for immigrants to naturalize themselves. This approach should include: reducing the backlog of

current applicants for legal permanent residency (LPR) status; providing relief for those currently in the country without documentation until our immigration laws conform with the country’s current economic needs; and continuing to pursue bad-actor employers who exploit undocumented immigrants and their families and perpetuate an underground economy of indentured workers. This limited package of immigration reforms should include bipartisan proposals that include the passage of the Defense, Relief, and Education for Alien Minors Act (DREAM Act) and AgJobs legislation.

Furthermore, LCLAA stands in opposition to anti-immigration policies such as Arizona’s SB 1070 and Alabama’s HB 56. These pieces of legislation have increased vulnerability among Latinos and incited hostility and tension within their communities.

FAMILIES AND EQUALITY

WOMEN AND THEIR CHILDREN

The **Humane Enforcement and Legal Protections (HELP) for Separated Children Act** safeguards a detained mother’s ability to make arrangements for their families before they are admitted to the immigration detention system. Currently, there are no requirements in place that allow parents the control to ensure that their children are taken care of in their absence. Besides the economic benefits that stem from decreasing the number of children that are needlessly placed in the foster care system, the HELP for Separated Children Act offers the structure necessary for this to take place. It includes providing detained parents with regular contact with their children until further arrangements are made as well as daily phone access, in-person visits and the ability to fully participate in family court proceedings.

VIOLENCE AGAINST WOMEN

The Violence Against Women Act (VAWA) offers a source of relief for victims of sexual assault and domestic violence. Through VAWA, Latinas will have the tools they need to unchain themselves from their dangerous partners and unhealthy relationships. It is important to continue to reauthorize VAWA, not only for the women who live in these terrible conditions, but also for their children who are being exposed to such violence. LCLAA suggests that the government extends this protection to documented and undocumented Latinas alike. Through a more thorough and less quota-based approach, LCLAA strongly believes that preventative measures will ensure Latinas' health and safety in the public and private spheres.

ACCESS TO BIRTH CONTROL ACT/ EMERGENCY CONTRACEPTION EDUCATION ACT

LCLAA believes in promoting women's health throughout our communities and calls for the renewal of the Surgeon General's "action to promote sexual health and responsible sexual behavior." LCLAA supports the passage of the **Access to Birth Control Act** and the **Emergency Contraception Education Act** in hopes that through educating women they will know their options and be able to make independent and well-informed decisions about their reproductive health.

GENDER EQUALITY

LCLAA finds the need to pass the Equal Rights Amendment to the U.S. Constitution since it will provide a fundamental legal remedy against sex-based discrimination for both women and men, helping Latinas overcome biases based in their female identity or sexual orientation. This constitutional amendment will guarantee that

all citizens regardless of their sex are equally protected by the U.S. Constitution. Furthermore, the Equal Rights Amendment will clarify the legal status of sex discrimination for the courts, which are still approaching sex discrimination claims in an irregular and inconsistent basis. In September 2010, Supreme Court Justice Antonin Scalia stated his belief that the U.S. Constitution does not protect against sex discrimination, which urgently necessitates the incorporation of the Equal Rights Amendment. As it is, a simple majority in Congress could easily reverse Titles VII and IX of the 1964 Civil Rights Act. Furthermore, LCLAA fully supports the passage of the Employment Non-Discrimination Act, which will end all discrimination based on gender identity. This act will prohibit discrimination against employees on the bases of sexual orientation and gender expression, enforcing equality among all Latinos regardless of their status as sexual minorities.

WAGE GAP

Immigrant Latina workers make only 60 cents for every dollar that a white man earns. The gender wage gap increases the income disparity between men and women and pushes low-wage workers into poverty. **The Paycheck Fairness Act** allows workers the right to discuss salary information and facilitate class action equal pay act claims. With 40% of mothers as primary breadwinners across the country, it is essential that we close the gender wage gap, which amounts to \$10,000 in lost wages per year for the average female worker.

PROTECT AND STRENGTHEN OUR NATION'S SAFETY NETS

PROTECT SOCIAL SECURITY

Social Security is central to the economic security of all Latinos, young and old alike. For 75 years, it has

played a vital role in providing a safety net for the protection of millions of retirees, disabled workers and aged widowers. Social Security has mitigated economic hardship for vulnerable communities, serving as one of the most successful government programs whose benefits can be credited in part with alleviating poverty among the elderly. Without Social Security, the poverty rate among Latino elderly would triple. To prevent an exacerbation of financial hardship in the Latino community, Congress and the President must protect Social Security and oppose privatization, benefit cuts and any raise in the retirement age. To ensure that our elderly can live out the sunset years of their lives in dignity, we oppose deficit-reduction measures that target Social Security and exacerbate financial hardship on Latinos and the families they support. Social Security has never contributed to the deficit of the nation.

HEALTH CARE

Passage of the **Affordable Care Act (ACA)** was a historic step to increase access to health care for nine million Latinos in the country. Ensuring that the Affordable Care Act is implemented and fully funded is critical to reduce disparities in health care coverage among Latinos and other communities of color. Eliminating the five-year bar would increase access to health care to the Latino population by making legal immigrants eligible to join federal and state funded programs such as Medicare and Medicaid. To increase health care access for undocumented immigrants, LCLAA believes it is sensible and necessary for the undocumented to be able to purchase their own insurance through the insurance exchanges created by the ACA. In order to provide Latinas and their families with quality care that is linguistically and culturally relevant, action is needed at the federal level to: fund programs that work with community based organizations to increase outreach to hard-to-serve and Limited English Proficient (LEP) populations,

provide cultural competency training for health care providers and increase diversity in the pool of health care professionals that serve Latino communities.

CARE ACT

Passage of the Children's Act for Responsible Employment (CARE Act) is urgently needed to eliminate unconscionable disparities in federal protection for child farmworkers. There are serious loopholes in U.S. child labor laws that permit an estimated 500,000 children to work in agriculture at very young ages where they are exposed to pesticides and severe working conditions. The CARE Act would fight child labor by amending the Fair Labor Standards Act of 1938 (FLSA) to eliminate the exceptions in age and wage and hour standards for children in agriculture, and raise the bar to the standards set for all other forms of child labor.

CONCLUSION

For Latinas, the pathway to social and economic advancement is lined with hurdles. Most Latinas are concentrated in low-skilled, low-status jobs that fail to provide wages and benefits that allow working families to rise above poverty, meet basic needs and build long-term financial security. From wage theft to sexual violence, Latinas are becoming increasingly susceptible to a wide range of attacks on their labor, human and civil rights. Furthermore, to provide for their families and maintain a job, they endure abuses that go unreported and thus prevent labor law enforcement from safeguarding their rights.

It is evident that labor law cannot protect workers who hide abuses with their silence. Protecting trabajadoras in the workplace necessitates the collaboration of workers, community organizations, government agencies and elected officials to help workers understand the importance of denouncing abuses and bringing the perpetrators to justice. Concurrently, through community outreach and partnerships with Latino organizations, government agencies must work to build trust and credibility in their capacity to meet the needs of Latina workers and enforce their rights on the job. Gaining access to union representation will be an essential step for Latinas towards creating a safer and more equitable work environment. Through union representation, Latina workers can achieve higher wages that will help them reduce the wage gap, fight poverty and gain access to health and retirement benefits.

Fundamentally, offering Latinas and their children a brighter future entails advancing policies that will: reform our federal labor laws to expand and strengthen protections; revamp our immigration laws to prevent the criminalization and deportation of workers and the separation of families; eliminate barriers to health care access to reduce health disparities; and promote the educational attainment of Latino and immigrant youth. When we have made progress in these key policy areas, we will be moving forward with an agenda that has the well-being and economic security of Latinas in mind.

Uniting with the labor movement to improve job quality and advocating for reform of our immigration policies will not only raise the standards for Latina workers, but also for the American workforce as a whole. As Latinas represent the mothers of the largest and fastest-growing population in the U.S., the environment and opportunities that we offer them today will define the progress of our nation for years to come.



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