

Repeal Employer Sanctions Now!

Concept Paper - 5/15/05

1. Who are we?

We are a broad coalition of grassroots organizations from worker centers, faith-based groups, academia, immigrant and legal advocates. Day-to-day, we address people's working and living conditions in our community, ranging from health issues to security, environmental, and economic issues affecting our lives. We fight to unify our communities, documented and undocumented, across race, ethnicity and nationality in a struggle against the systemic oppression and exploitation we all face.

2. Why are we coming together?

In the last twenty years, since the passage of employer sanctions, we have seen the enslavement and deterioration of our communities. People work so many hours now that they have lost control of their lives. The employer sanctions provision is not just anti-labor and anti-immigrant, but it is actually a modern day slave law. Instead of trying to repeal this slave law, the federal government is trying to reinforce it by passing legislation for a guestworker program. Now we come together not only to fight for better conditions, better enforcement of the labor law, or reform of the current immigration law, but to abolish this slave law and fight for our basic human right, the right to make a living.

3. Why do we call employer sanctions a modern day slave law?

The employer sanctions provision is a part of the Immigration Reform and Control Act (IRCA) of 1986. It was supposedly enacted to protect jobs for U.S. citizens by punishing employers with a fine for hiring undocumented workers. In reality, employer sanctions denies people our basic human right to work, turns every employer into an agent of the Immigration and Customs Enforcement (ICE), enhances their ability to violate the labor law, and drives working conditions down for all. Furthermore, employer sanctions maintains many major characteristics of old slave laws:

- It deprives workers of the right to make a living. Like slaves in the 1500-1800's, undocumented workers are criminalized and dehumanized, and cannot sell their labor freely unless they have a certificate to show that they are a free laborer. Without it, they are forced to stay in the plantation-like situation.
- It gives unconditional power to employers - just as old slave laws gave similar power to slaveowners - to establish absolute control over an underground labor force where they can freely impose dangerous conditions upon workers.
- It creates and maintains an underclass of laborers. Undocumented and documented foreign-born and citizen workers alike are forced to accept any abuse because of the absolute lack of control they have over their own labor.

4. How did this modern slave law come about?

There have always been undocumented workers in the U.S. Before 1986, undocumented workers were rarely asked to show papers, and there was much less competition and division between documented and undocumented workers. Working conditions, though not perfect, were in many industries actually much better off than they are now.

Employer sanctions was passed during the Reagan Administration when the labor movement was very weak. The government used this opportunity to launch the biggest attack of the century against all working people in order to help the rich make the maximum profit in the name of making the U.S. more competitive. The Reagan Administration's deregulation measures allowed companies to cut costs at the expense of damaging the health and safety of workers in all industries. One well-known example is the government's negligence of overworked air traffic controllers and its further disregard for the health and safety of passengers. Worst of all, the Reagan Administration passed employer sanctions in the name of "protectionism" for American labor. The effect of employer sanctions was to put many, many workers underground, expanding the underground economy, creating national insecurity, undermining everyone's civil liberties, dividing workers from one another, and driving conditions down for all.

5. What is the impact of the modern day slave law?

On working people-- By denying work authorization to undocumented workers, our government creates an underclass of laborers who are criminalized and forces them to accept the most undesirable, inhumane working conditions. "When you keep someone a slave, all become slaves." [cite] Since the passage of employer sanctions, employers are able to have tighter control of the workforce than ever. People are working longer hours than ever, and wages have plummeted, especially in the low-wage sectors. On the one hand, masses of people are overworked, and at the same time, many people are unemployed or underemployed. This has not just affected our working conditions, but it has affected our living conditions. We have lost control of our time and our lives.

On our security-- Because of employer sanctions, our community's security and safety are under siege. Employers sanctions not only gives more power to bosses to control their workers and violate labor laws but also promotes increased criminal activity, threatening the safety of both undocumented and documented workers. Employer sanctions give criminal elements free reign to take advantage of a large, vulnerable underclass that will be afraid to speak out. Smuggling and trafficking of workers in industries such as the sex trade have been increasingly on the rise. Many people, many families are trying to make an honest living but are afraid to speak out even when they face injustice, preventing law enforcement from taking place.

On our civil liberties-- Before 1986, no one was required to show documents. People were more likely to participate in society, exercise their basic civil rights and observe the laws. After this law passed, never in the history of this nation has this large a number of people been silenced and ignored.

On the community--- Because of this law, our communities are not only divided racially and ethnically, but we are being further divided into undocumented, documented, and citizens. Whereas before we had borders separating one country from another, one community from another community, now we have borders within borders in our community.

6. What are our demands?

- Free the modern slaves, abolish the modern slave law, repeal employer sanctions
- Stop the expansion of the underground economy, improve the living and working conditions by reforming and enforcing the labor law
- De-criminalize immigrants by introducing new measures to allow undocumented workers to adjust their immigration status

7. Moving Forward:

From our history, we know that legalization programs such as the amnesty program in 1986 are limited when they are not able to address the causes and effects of an increased undocumented population. In the past, legalization programs and employer sanctions have actually been encouraging the underground smuggling and trafficking of workers as cheap and forced labor. Twenty years ago, the amnesty provision of IRCA legalized 2.7 million immigrants, but it criminalized tens of millions more people who came after 1982. When immigrant rights groups traded a limited legalization program for employer sanctions, they actually endorsed a modern-day slave law kept masses of people underground, created an underclass, and destroyed labor standards for all working people in this country, regardless of other labor laws and immigration laws in place. Moreover, employer sanctions laid the groundwork for other regressive legislative measures.

The Bush Administration proposal for “temporary guestworkers,” along with enforcing Homeland Security legislation, will actually become another limited legalization program in the name of national security, and, at best, will increase tracking and control. This will not address any ill effects caused by employer sanctions in the past and in the future. In fact, it will only reinforce the enslavement and criminalization of many communities. At the same time, it will put our civil liberties, our livelihood, our personal security, our communities' security, and our homeland security all at risk.

We support new measures to allow undocumented workers to adjust their status, but we do not support criminalizing millions of undocumented workers, undermining our civil liberties, dividing our communities further, or perpetuating the modern-day slavery instituted by employer sanctions. Instead, we come together in a unified grassroots opposition to a guestworker proposal or limited legalization in exchange for strengthening employer sanctions. Together, we launch a campaign for an alternative to secure our country for all working people.