



The Workers' Edge

The Voice of the Tompkins County Workers' Center



Winter 2011

Challenging Workplace Bullying

by Linda Holzbaur

One of the Workers' Centers' most well-known projects is the Workers' Rights Hotline. Many of the stories we hear are very compelling: unpaid wages, tips taken by managers and unfair terminations. We try our best to support workers and empower them with the skills and knowledge to stand up for their rights but sometimes, we have to wrack our brains to figure out a way to help workers.

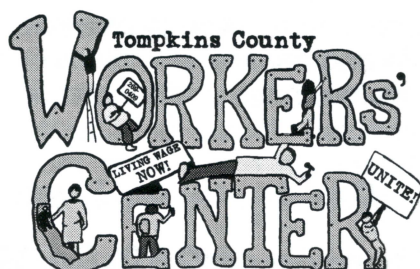
When we realized that workplace bullying is our second most common complaint, we really wanted to do something to address this problem.

According to the Workplace Bullying Institute, *'Workplace Bullying is repeated, health-harming mistreatment of one or more persons by one or more perpetrators that takes one or more of the following forms: Verbal abuse, Offensive conduct/behaviors (including nonverbal) which are threatening, humiliating, or intimidating and/or Work interference — sabotage — which prevents work from getting done.'* Bullying can cause physical and emotional illness. It is only illegal if it crosses over into discrimination or physical abuse.

At first, I thought that a support group might be a good idea; our Unemployed & Underemployed Support group has been so successful, perhaps that model would work with those who've been bullied.

But I received some feedback from people who have experienced bullying: they didn't want to sit around and talk about their problems, they wanted to learn how to cope, get stronger and move forward. Perhaps they could even help others in the future.

That's why we've designed our Challenging Workplace Bullying series. The first session, Dealing with Depressions, featured Ithaca therapist Diane Jerdan and yoga instructor Dara Silverman. Learning to address the depression caused by this psychological abuse can be a first step towards healing.



Look inside!

**Tompkins County Workers' Center
petition included in this issue**

*You can help Ithaca College dining
employees earn a living wage!*

Our second session will be led by Myra Sabir, founder and director of the Life Writing Project. Myra will show us how writing about our life can help us come to terms with the bad stuff and identify our own strengths, helping us move forward. Myra will speak on March 22nd at 7:00.

Rich Gallagher, local best-selling author of *How to Talk to a Porcupine*, will show us how to communicate in difficult work situations on April 6 at 7:00.

The Workers' Center will lead the next session, Creating a Campaign to pass the NYS Healthy Workplace Bill. This bill will allow those whose health has been affected by bullying to sue in civil court. Passed by the State Senate last legislative session, we hope to lobby the Assembly to pass this bill this year. Come on May 11 at 7:00 to learn more about getting involved in this campaign.

In June we plan a Public Narrative workshop which will teach you to tell your story in 2 minutes. Everyone is invited to join us. All sessions will be held at the Workers' Center.

We hope that this series will not only empower targets of bullying but make our community become one that has zero tolerance for bullying of any kind.

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tcworkerscenter.org 607-269-0409

TCWC's New OSHA Trainings by Carlos Gutierrez

Statistics indicate that 14 American workers die every day due to accidents at work. A high and disproportionate number of Latino workers die every year due to a lack of training and safety equipment. According to Hilda L. Solis, U.S. Secretary of Labor, "many immigrant workers are employed in dangerous and hazardous professions and are afraid of speaking up for their rights. Many work in the shadows, often in de-

trainers from the Mid-state Labor Council facilitator Tom Joyce and also attended the New York City Action Summit for Latino/Immigrant Worker Safety and Health in November of 2010, co-sponsored by OSHA and NIOSH. The main goal of the Summit was to "reduce injuries and illnesses among Latino workers by enhancing knowledge of their workplace rights and improving their ability to exercise those rights".

The training is done in an interactive style, which allows participants to get to know the importance of OSHA rights for workers, OSHA Standards, employer's responsibilities under OSHA, how OSHA inspections are conducted, and Safety and Health Resources. Vulnerable workers learn to apply their rights to real personal experiences at work, and learn steps to take action when needed. It allows participants to engage in a discussion about practices at work, and to identify and prevent situations that may cause accidents and affect their health.

I started reaching out to community organizations that serve vulnerable workers and immigrants, advising them about our new program. We offer several trainings: Know your Basic Rights under OSHA, training clients and also a Train the Trainer Program for their staff. Organizations with trained staff will be able to help their vulnerable clients when they have concerns about safety and health risks at the workplace. Organizations and advocates can file complaints with OSHA on behalf of their clients when those workers are fearful of retaliation by their employers.

The first trainings I led were for

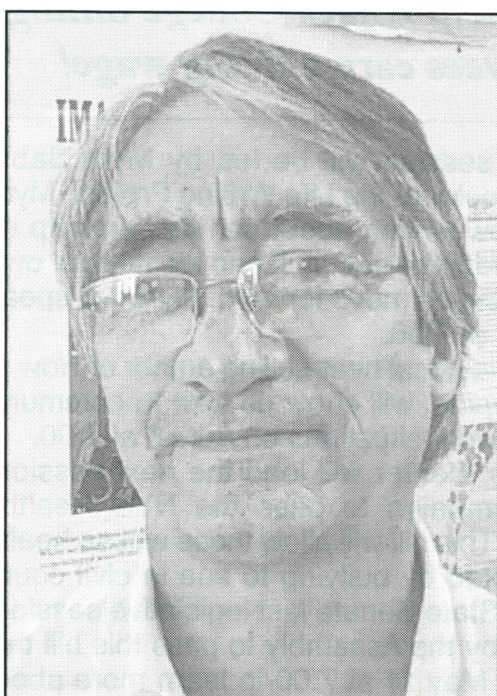
immigrant workers who work in local restaurants and farms in areas surrounding Tompkins County. One major obstacle to training is the fact that many vulnerable workers work 6 days a week and, in many cases, 12 hours a day; therefore training has been done during their days off work or late in the evening after work.

During trainings, workers have shared stories about their work practices in regards to safety and these concerns are frequently accompanied by economic concern, lack of over time pay and working for less than minimum wage.

Since our program targets vulnerable workers, this qualification covers workers beyond immigrant workers. One characteristic common to them is being afraid that bringing concerns to their employers will be met with retaliation from the employer. (They would not even think about filing a complaint with DOL.)

Even though it is against the law to retaliate against workers for exercising their rights, this practice is common. An immigrant worker was fired from a local restaurant because he complained to his manager about not being paid his wages for 3 weeks. When workers are aware of their rights they then know what can be done. One step is to bring their complaints to their community organization, which on their behalf can file a complaint. OSHA maintains confidentiality about workers who file complaints.

A trained worker is a safe worker. In addition to providing a safe and healthy workplace, employers have responsibilities



Carlos

plorable conditions, and are regularly exploited by unscrupulous employers".

In October 2010, the Tompkins County Workers' Center received the Susan Harwood grant from the Occupational Health and Safety Administration (OSHA) through the Midstate Education and Service Foundation to educate and train immigrants and vulnerable workers on occupational safety and health.

I received a training-for-

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Member Spotlight:

Diana Ceja

I came from a culturally diverse village located in the outskirts of NYC, Port Chester in Westchester County. In 2003, I came to Tompkins County at the age of 18 to attend TC3. I started studying psychology at TC3 to better understand human behavior and the way the human psyche works. After completion of my education at TC3 I attended Cortland State to attain my Bachelors Degree in Business Economics.

I realized at that time that I felt the need to be more proactive in affecting the socio-political and socio-economic injustices that I observed in my immediate and not so immediate surroundings. I switched majors once more and started studying Economics with courses that focused more on International Politics and Public Policy.

I came to the Workers Center after finishing Cortland State because I was looking for an organization that would discuss and attempt to address the same injustices that I too was concerned with. With a focus on the proletariat, whom I believe to form the bulk and backbone of society, and the freedom to express my thoughts and ideas, the Workers Center has been the home where with the help of others I can work toward a more fair and just society.

Becoming a Community Union Organizer allowed me to attend more meetings where issues and proaction where discussed and where I was given the information and tools to deal with labor issues as I observed them.

As I cultivate relationships with other workers in the community I notice people feel comfort in voicing work-related concerns. Just last month a worker from a local restaurant felt safe enough after hearing

about the Workers Center and my involvement to express that he simply was not being given his rightfully earned wages.

The situation revealed the vulnerabilities that disenfranchised workers must face but also gave me and members of the center the opportunity to demonstrate that all workers have rights and that legal status does exclude workers from being able to exercise their rights.

Currently I am working on collaborating with the Labor Initiative for Promoting Solidarity up at Ithaca College. The goal that myself and other members and students will aim for is to make the community aware of the wage disparities that are created by public and private contractors that are employed within and by educational institutions.

The students of LIPS are willing to dedicate their time and advocate for workers who should be and could be paid more of a living wage as opposed to a minimum wage. With the help of the community and students, we will advocate for the living wages of workers that are community members themselves and begin the struggle for all workers, beginning with this campus that is part of our town and community, Ithaca, NY.



Diana

OSHA Trainings

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under OSHA to provide training to their employees and pay for safety equipment. Most immigrant workers shared that employers do not bother to train them or make them aware of possible hazards. Training and information about hazards at work must be in the language that workers understand. Ac-

cording to NYCOSH there are industries which have never received training.

Workers are interested in these OSHA trainings. It has made a difference to them to learn about safety and health issues and their rights. It helps

them to become aware and plan to protect themselves.

Please feel free to contact me, Carlos Gutierrez, at 607-269-0409 or carlos@tcworkerscenter.org to find out more information about our program.

Our Unemployed & Underemployed Support Group meets every Thursday, 4:30 to 6:00 at the Workers' Center. Please join us to build a movement to create more living wage jobs and to fight for economic justice for all!

An Exchange Program

How a Local Corporation Uses Foreign Students as a Workforce

by Pete Blanchard

American college students typically associate a semester abroad with traveling to exotic locales, eating different foods and meeting new people. For some foreign students coming to the United States, the situation is quite different.

Every year, foreign exchange programs bring more than 280,000 visitors to the United States. About 90,000 of these visitors are students who come through the Summer Work Travel Program. A growing number of foreign students are traveling to the United States on this program, typically working in hotels, resorts, restaurants and casinos. Factories can now be added to that list: Marietta Corporation, a national company based in Cortland, N.Y., that supplies hotels with cleaning products, has hired the labor of at least 50 foreign exchange students.

Welcome to America

In June, Pete Meyers, coordinator of the Tompkins County Workers' Center, received a letter from a local pastor that the Holiday Inn had just hired seven foreign students from China and Moldova as housekeepers.

"When we first heard about this situation at the Holiday Inn, we were initially concerned that they were perhaps not even being paid for the position," Meyers said.

Sarah is a Chinese pre-med student who came to America on the Summer Work Travel Program. Back in China, her parents make a modest living owning a shoe store. Here in the United States, she cleaned hotel rooms at the local Holiday Inn, making just above minimum wage and occasionally working overtime. Sarah was temporarily living at the Cortland Motel before the Holiday Inn agreed to provide rooms for her and the six other foreign students working there.

"There are students from all over the world at the motel," she said. "They work as packers for Marietta."

Over the summer, the Cortland Motel provided housing for about 50 international students who were working for Marietta. The housing situation was less than luxurious. There were at least four students per room, and all of the students had to share one kitchen, which was pretty decrepit. The majority of the students get to work by biking to the



Image by Sam Pinto

factory, which is located a few miles away from the motel. At Marietta, the students typically worked 12-hour shifts and made just above minimum wage. Work on the assembly line is pretty mundane, consisting of putting caps on shampoo bottles or packaging bottles into boxes.

One of those students, Muhammed, is a 20-year-old student from Uzbekistan studying finance and economics at the Tashkent Financial Institute. Like all of the other students staying at the motel, Muhammed came here with a non-immigrant J-1 Visa through a sponsor organization called Cultural Homestay International. CHI is one of many sponsor organizations that provide work opportunities for both students and employers, and the Summer Work Travel Program is just one of the exchange programs offered to international students.

Kidon Clyde, 20, is currently studying at the University of West Indies in Mona, Jamaica. Since flights from Jamaica to the continental U.S. run fairly cheap compared to international flights, Jamaican students like Clyde are able to save up money to bring back home.

"I was working at the Sagamore Resort in Lake George. ... I lived there," Clyde said. "I loved it. I am trying to make some money to go home and pay for tuition."

Behind the Brochures

While Clyde and other Jamaican students use

the Summer Work Travel Program to help pay for college tuition, the same cannot be said for other students. Dino Radulovic, a 20-year-old student from Bosnia, had a troubling experience in Atlantic City, N.J., before ending up in Cortland. While in New Jersey, he pulled people in chairs on the boardwalk for three days straight and ended up making less than minimum wage.

"People who do this job are either on crack or they're international students," he said. "It was a bad job. People talked shit to us. It was humiliating."

Muhammed described an incident where he flew to Ft. Lauderdale, Fla., after being promised there would be a job waiting for him there—but his employer did not accept him.

"When I came there and told him my name, he said he did not know me," Muhammed said. "I asked him, 'Are you joking?'"

The majority of the students came here for the experience, looking for the opportunity to work and travel in the United States, but many were lucky to break even financially. Between travel and visa expenses, the money they earn is barely enough to keep them going.

"We pay \$3,000 to see America and to travel," Muhammed said. "We come here, and we are just a little bit disappointed. This is America? It's a little town—there's nobody here and nothing to do. ... Our program's name is now work, sleep and cook."

A Growing Trend

It might seem peculiar that a motel would need to provide housing for 50 international students while they package shampoo products for a national corporation, but this is quickly becoming a common scenario. Victoria Cani is a regional Employment Services Manager for CHI. Founded in 1980, CHI

was set up when foreign exchange students began coming to the United States and looking for home stays. She says motels and hotels are the most common housing options for Summer Work Travel students.

"Ithaca was the most challenging area for housing," Cani said.

Samantha Wolfe, a senior sociology student at Ithaca College, interned at the Tompkins County Workers' Center over the summer. After spending a night at the Cortland Motel, she learned that these students working at Marietta are essentially temp workers. They are exempt from Social Security, unemployment and Medicare taxes.

"That's tax-free labor for them, taxes that could be used to support social services for their workers that aren't making enough to live," Wolfe said.

International students were not greeted warmly by the rest of the community. Muhammed once read a sign on the highway nearby the motel that read, "Learn English or go home!" According to Cani, an associate at Marietta slashed the tires of one student, and several lockers were broken into. Instances like these are not uncommon among Summer Work Travel participants.

"They really attack our students sometimes," Cani said. "Lockers being broken into happen nationwide on the program. We addressed right away the issue of slashing tires at Marietta, and the company fired the person who did it."

As a result of these incidents, CHI has considered discontinuing its program with Marietta.

Professor Stephen Yale-Loehr teaches immigration law at Cornell University and specializes in J-1 Visa law programs like the Summer Work Travel Program.

"You've got thousands of em-

ployers using these particular kinds of J-1 work students," he said. "We need more oversight by the state department as well as more supervision by the sponsoring organizations, such as the CHI."

In 2005, the Government Accountability Office issued a report to the State Department urging stronger action to improve oversight and assess the risks of the Summer Work Travel program. The report concluded that there is a severe lack of oversight in the management of the Summer Work Travel Program, also citing the lack of data on cases of abuse during the work period.

All of the students mentioned in this story have since returned to their home countries, but Marietta is already looking for the next cycle of student workers.

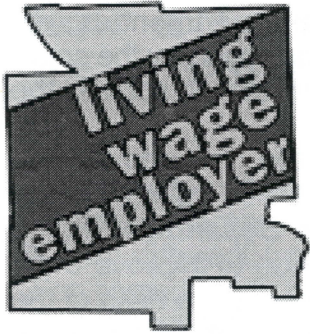
"Marietta is taking spring students, too," Cani said. "There is a rotation."

If Marietta is capable of having a year-round student workforce, then this program is being seriously abused. With the nation's unemployment rate hovering just below 10 percent—in Cortland it is at 7.5 percent—some local residents feel that Marietta is taking potential jobs away from Cortland citizens. For a four-month period, these students made up about half of the assembly line workers.

"This is in effect creating a permanent workforce out of these temporary student workers," said Ron Powell, a retired labor activist from Cortland who volunteered with the Cortland Workers' Rights Board. Powell has dealt with labor violations at Marietta for much of his career. "I would have to say that in those 12 years, we received more calls from workers at the Marietta Cor-

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Town of Ithaca

TRC Energy Services (Ithaca)

United Auto Workers Local 2300

Upscale Remodeling Corporation

Ward & Murphy (Law Firm)

*The Tompkins County Workers' Center is a
Project Partner with the
Center for Transformative Action*

J1 Visas

Continued from Page 5

poration than the next five largest employers combined."

Carlos Gutierrez is a volunteer at the Workers' Center who works with members of the community on immigration and local labor issues. He said these students are basically doing a job that anybody else here in the United States could do.

"Employers have to prove they need foreign workers and that there are none available in the local market," Gutierrez said. "I understand the main principle of the program, and I think it's under good principles, but when you have a lot of unskilled workers who would take those jobs locally, there's conflict there."

Benefits and Struggles

Meyers of the Tompkins County Workers' Center said he

thinks this program is catered to corporate interests rather than to the students. Many companies have come to depend on this program to stay afloat, especially casinos, hotels and resorts that rely on seasonal employment in the summer months.

Meyers said one solution is to change the conditions and social stigma of these jobs in the first place.

"If these were jobs people could take pride in, you'd have a different feeling," he said.

This is a localized example of a much bigger issue. There have been more serious cases of abuse in bigger cities like New York and Miami, where communication between the sponsor organizations and employers is minimal at best.

Furthermore, cases of exploitation go undocumented, so there is no way of calculating

how many of these 90,000 students have suffered on-the-job abuse, or how many students like Dino and Muhammed were promised a job but left to fend for themselves. Unless there is increased oversight by the State Department and sponsor organizations like the CHI, then corporations nationwide, not just Marietta, will continue to abuse this program. While Marietta has not violated any law, many people like Powell question the ethics of the program.

"When you bring these kids to work 10, 12, 14 hours a day, and you put them up in a motel where they mingle only with each other and not with members of the community, where is the cultural exchange of that program?"

Pete Blanchard is a journalism major who wants to study abroad in Djibouti. E-mail him at pblanch1@ithaca.edu.

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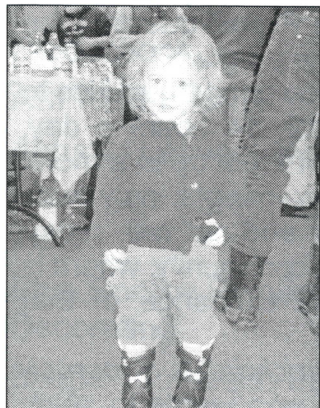
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Our Vision Statement Celebration

In January, we celebrated our new Vision Statement with a Wine & Cheese, Beer & Pretzel party. After reading the vision statement aloud, we all got down to the important work of getting to know each other better. Please join us at our next potluck, Saturday February 26th, 5:30-7:30pm @ the Workers' Center.

Need Help? Try the Workers' Rights Hotline! 607 269-0409 

TC Workers' Center

115 The Commons
Ithaca NY 14850
TCWorkersCenter.org

