

OUR OPINIONS: SUPREME COURT: Worker protections diminished

The Atlanta Journal-Constitution
April 1, 2002 Monday,, Home Edition

Copyright 2002 The Atlanta Journal-Constitution

The Atlanta Journal-Constitution
ajc.com

Section: Editorial;

Length: 305 words

Body

In rejecting back pay for an illegal immigrant who was among a group of workers wrongfully fired for their unionization efforts, the U.S. Supreme Court did not discourage illegal immigration; it made illegal immigrants even more attractive as employees.

The high court ruled 5-4 that Jose Castro, an undocumented Mexican who had used a friend's ID to get his job, was not entitled to the back pay awarded to three other laid-off workers because Castro had violated the Immigration Reform and Control Act of 1986 by using fraudulent documents to get a job.
AJC

In other words, since Castro was working here without legal authorization, he was not entitled to the legal protections that are the right of American workers.

Writing for the majority, Chief Justice William Rehnquist remarked: "Indeed, awarding back pay in a case like this not only trivializes the immigration laws, it also condones and encourages future violations."

Hardly.

Desperate undocumented workers will continue to seek employment here, and there will always be someone willing to look the other way when work authorization documents are produced. Companies now have an additional incentive to hire undocumented workers, given that the ruling is tantamount to immunity from universal fair labor practices. Expect more reports of employers shorting earnings, ignoring work-site hazards and occupational injuries, sexually harassing female workers and thwarting unionization without fear of reprisal --- all abuses from which U.S. workers are protected by law.

The court has placed the ball squarely in Congress' court, where legislation needs to be expedited to ensure there is no loophole in workers' rights. Congress designed the immigration laws to protect our borders, not to allow employers to abuse and exploit undocumented immigrants.

Classification

Language: ENGLISH

Subject: IMMIGRATION (92%); ILLEGAL IMMIGRANTS (92%); BACK PAY (90%); IMMIGRATION LAW (90%);

OUR OPINIONS: SUPREME COURT: Worker protections diminished

FOREIGN LABOR (90%); LAW COURTS & TRIBUNALS (89%); LEGISLATION (89%); SUPREME COURTS (89%); WOMEN WORKERS (78%); LABOR UNIONS (78%); DECISIONS & RULINGS (78%); LITIGATION (78%); SEXUAL HARASSMENT IN EMPLOYMENT (78%); LABOR & EMPLOYMENT LAW (77%); WORKPLACE HEALTH & SAFETY (73%); BORDER CONTROL (73%); WRONGFUL TERMINATION (73%); OCCUPATIONAL ILLNESS & INJURY (73%); RECRUITMENT & HIRING (73%); EMPLOYMENT SEARCH (72%); SEXUAL HARASSMENT (65%); EDITORIALS & OPINIONS (50%)

Company: SUPREME COURT OF THE UNITED STATES (91%); SUPREME COURT OF THE UNITED STATES (91%)

Organization: SUPREME COURT OF THE UNITED STATES (91%); SUPREME COURT OF THE UNITED STATES (91%)

Geographic: UNITED STATES (92%)

Load-Date: April 1, 2002

End of Document