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Transnational Worker Justice and the Excluded Workers Movement: What's Funding Got To Do With It?

Tuesday, January 25, 2011, 1:30 – 3:00pm

Facilitator:

Sarita Gupta, Executive Director, Jobs with Justice

Panelists:

Valeria Scorza, General Coordinator, Economic, Social and Cultural Rights Projects (Prodesc)

Jill Shenker, National Organizer, National Domestic Workers Alliance (NDWA)



Sponsors: The New World Foundation; The Fund for Global Human Rights; Neighborhood Funders Group

Sarita Gupta's introduction explored the impacts of migration and new approaches to organizing and impacts on broader movement building. She emphasized the extent of corporate power, which pits workers in the U.S. and the Global South against one another, drives down wages and cuts safety protections. Additionally, there is a higher rate of women independently migrating in search of employment. There are many push and pull factors for migration including:

- Insufficient employment opportunity
- Poor medical care

- Natural disasters
- Pollution
- Political and religious freedom
- Better education and healthcare

In the U.S. national labor laws are weak and serve as tools for employers to deny worker rights. One example is that farm workers do not have collective bargaining rights. In the face of these challenges, NGOs are exploring new forms of organizing where the worker is at the center. The use of a human rights frame to address the systemic issues at play can be successful, but it has been very challenging to get people to see workers rights as human rights. Sarita Gupta then shared one example to illustrate this from 2007 where reconstruction in the Gulf Coast increased the trafficking of workers. One company hired 500 workers from India, each of whom had to pay recruiters \$20,000 each to secure the job. They were promised green cards but instead lived in extremely crowded work camps and with over \$1000 deducted from their wages every week. The workers staged a hunger strike and turned themselves into the Department of Justice (DOJ). Jobs with Justice worked closely with organizations in New Orleans, these workers and their families in India. They learned that the right to organize didn't hold much meaning to those involved and that the DOJ did not view this as labor trafficking.

Trafficking has been largely framed as violence against women and not as a labor issue. The DOJ preferred to focus on the sex industry and divert attention from forms of trafficking that could be seen as government sponsored, such as guest worker programs. They also encountered pushback from the U.S. and Indian governments, as they have invested so much into guest worker programs. As ICE agents actually acted in collusion with the company, a bi-national campaign was necessary to address this case.

Jill Shenker explained that although 2.5 million women are domestic workers in the U.S., there are no standards for domestic workers, no job security, no social benefits, and no enforcement.

In New York a seven year campaign was waged for a domestic worker bill of rights, which passed in August 2010. They found it helpful that most everyone knows a domestic worker and did not frame employers as enemies, as this work often involves so much care and love. The human rights framework has been a good lens for organizing domestic workers, as they have so many intersecting identities. Similar campaigns are launching in both California and Massachusetts.

Another campaign is happening with the International Labor Organization for a convention pertaining to domestic workers. This is an additional example of the need for transnational organizing.

At the 2010 World Social Forum, an excluded workers congress brought together farm workers, domestic workers, day laborers, tipped in wage workers, guest workers, workers in right to work states, taxi drivers, workfare workers, and formally incarcerated workers. The long term vision of this congress is to defend the human right to organize and promote workers rights as human rights. The international human rights frame is the only appropriate policy frame as in the U.S. our labor laws stemmed from manufacturing, which isn't applicable today. There will be a three day conference on this starting May 10th at CUNY in New York City. It is time to get beyond solidarity into truly strategic relationships that build power to leverage for change.

Valeria Scorza explained that Prodesc focuses on:

1. The right not to migrate. She provided an example of case in 2002 where a transnational mining company approached a small community in Mexico where most members had no employment and the community agreed to let the company use their land. After 5 years the company then asked to purchase the land and stated that if the community disagreed, they would take the land. The community contact Prodesc and they first worked together to identify the rights being violated. They then held negotiations with the company, ensuring that human rights and environmental clauses were included in the contract, as well as jobs made available for men in the community and a fund for development projects established.
2. Transnational labor organizing. They helped organize a conference in 2007 on transnational labor with groups from U.S. and Mexico. They found that while groups in Mexico often articulated labor rights and human rights, those in the U.S. did not.

The primary challenges they see are:

- Much of workforce in Mexico flees to bigger cities
- Women have little opportunity to organize as they take the most excluded work
- Transnational companies have a lot of power and shape policy
- Human rights defenders working on these issues are being targeted

Q: What can funders do about violence against human rights defenders?

A: Urgent action. Help to hold state and companies responsible for actions. Send letters to the state level. Provide funding for NGOs to assess risks, better understand corporations, build alliances with unions, and to work transnationally.

Q: In India there is a cultural practice where families send young girls to families in big cities with the trust that that second family will care for their daughters. There is a tension between the freedom of movement of the girls, and the parents' desire for safety, as well child labor. Can you provide any examples of how tensions like this are being addressed?

A: In Nepal a child domestic worker organization has formed, which partners with an adult domestic worker organization. This organization provides educational opportunities and space for children to discuss their experiences. The ILO frequently discusses this – if we include stipulations concerning child domestic workers does that mean that we are condoning child labor?

Q: Can you explain the challenges you encounter organizing domestic workers as they have so many employers?

A: Domestic workers cannot collectively bargain because they do not have the legal right, but it is also difficult in terms of feasibility. The New York governor has commissioned a feasibility study on this very question. A few possibilities:

- Multiparty collective bargaining agreements between residences, tenants who employ domestic workers and domestic workers;

- In Belgium they use a check system where anyone who wants to hire a domestic worker has to register with the state and purchase checks that represent hours of work and use those checks to pay their employee. This is a way to set standards vis-à-vis the state and workers and establish a way to access benefits;
- In Germany there is a domestic worker association and an employer association that bargain and establish a contract;
- There is a movement now to set a floor wage in factories throughout Asia to stop the race to the bottom;
- Are these practices possible to implement in the U.S. on a local level?

Q: What is the relationship between other informal sector workers and domestic workers? Are there mechanisms to pool assets and savings?

A: This is an example where funding silos become problematic. One example is that a group in Thailand is organizing a transnational convening of domestic workers but is not allowed to spend its funding on bringing a group from the U.S. and the U.S.-based group cannot afford to attend. There are a number of established coops in this movement, which can have both positive and negative effects. Sometimes coops suck the life out of organizing because running a business takes so much time and resources and the women themselves have found dignified work. Their lives have changed for the better, but there has been no structural change.

Q: NGOs seem to be way beyond funders on these issues. What advice do you have for funders to move past silos with transnational economic justice work?

A: The capacity building and infrastructure side to this work is often invisible. How can you increase general support money so that it reflects the kind of infrastructure building that is happening internationally? Support International meeting and convening spaces? Look at your grantees and rethink combining your program support money with general support money and discuss ways to pool funding across programs. In grant reports NGOs are often only asked to write about a narrow slice of their work, which means that funders are not getting the full picture. Use your grantees to help make the case within your own institutions. Perhaps one solution is having grantees that work collaboratively file a joint report. All of this relates to the question of “within philanthropy how do you do cross-cutting funding?”

Comment: There are a group of funders talking about how to fund the excluded workers congress based at the Neighborhood Funders Group. If interested, speak with Mary Estrin.

Comment: Grassroots Global Justice Alliance is conducting a study on transnational organizing and documenting case studies.

What’s funding got to do with it?

- U.S. NGOs still seen and siloed as domestic organizations or international organizations. In which docket are they included as their work crosses both?

- This is evolving movement without a linear trajectory, funders have to be prepared to partner in the long term via multi-year general support and be open to learning. Without a multi-year commitment, NGOs cannot take risks.
- Fund someone to do research on the “silo-ization” of philanthropy.

Q: How can we ensure that alliances have sufficient resources but that they aren't taken from grassroots groups?

A: By its definition, the international human rights framework does not allow silos, it embraces the intersectionality of identity.