

# Preface

I began fieldwork for this book in the spring of 1995, propelled by the stark recognition of a new reality in New York City—a dramatic, decade-long increase in new, low-wage immigrant workers employed at firms of all sizes throughout the urban region. The new immigrants arriving in the city were substantially different from previous waves of migrants to the metropolis. Most newcomers were found working in positions that just twenty years ago were decent-paying jobs with good wages and working conditions. In contrast to previous waves of immigrant and native-born workers, new transnationals were often employed in the underground economy, an economy in which employers failed to honor government labor regulations concerning wages and working conditions.

This book examines three case studies of immigrant worker organizing drives: greengrocery employees, delivery workers, and black-car drivers. The information is based on fieldwork utilizing ethnographic research methods rather than on statistical surveys of workers or on government data. To understand the lives of workers, qualitative methodology better captures the highly diverse histories and experiences of new immigrants in New York City. This book refrains from structured survey instruments, instead replacing abstract and sometimes irrelevant questions with workers' oral histories and their own interpretations of the motivations that led them to mobilize to achieve dignity on the job.

From April 1998 through October 2003, eighty-three workers working in three industries were interviewed to better understand the parameters of each organizing drive. Forty-eight interviews were held with greengrocery workers, seventeen with supermarket delivery workers, and fourteen with black-car drivers. About half the interviews were set up in advance; the other half were carried out without notice at places of employment and at organizing meetings. Additionally, three group interviews with workers involved in mobilization were conducted as a means of capturing the differences

between individual and collective interpretations and explanations for social mobilization. These “focus groups” revealed ways in which individuals are transformed into organized actors pursuing collective demands. In addition, this book draws upon observations of workplaces, organizing meetings, and immigrant worker demonstrations.

My research began with participation in the Lower East Side Community Labor Coalition, a labor-rights group in Lower Manhattan seeking to call attention to and improve the poor conditions of immigrant workers in restaurants, laundries, bars, green-groceries, and supermarkets performing services at exceedingly low wages. Beyond the important objective of responding to the abject exploitation of workers, I sought to understand how immigrant workers themselves seek to improve their conditions through organizing and mobilizing against their employers. While there is a growing body of literature documenting poor wages and working conditions among new immigrant workers (Cordero-Guzmán, Smith, and Grosfoguel 2001; Hondagneu-Sotelo 2001; Kwong 1997; Sassen 1991; Stoller 2003), studies of how these workers organize and protest their conditions are only now beginning to emerge (Bronfenbrenner et al. 1998; Delgado 1993; Fink 2003; Milkman 2000; Milkman and Wong 2000; Ness 1998). Typically, new arrivals have been seen as passively consigned to their conditions of exploitation and too frightened and powerless to challenge their oppressors.

This counterintuitive propensity for new immigrants to challenge their employers is rooted in their active social networks on the job and the absence of countervailing networks that could possibly develop through greater exposure to mass society. Indeed, it is this very exclusion from mainstream organizations that causes immigrants to depend to a greater extent on narrower social networks developed on the job through interaction with fellow workers of the same ethnicity. In contrast, native-born workers are less likely to organize among themselves on the job precisely because they are atomized in the mass culture of the United States, and therefore often lack the close relationships and mutually supportive networks that new immigrants must rely upon for their survival.

# 1 Why New Immigrants Organize

**E**ast Natural, a greengrocery on the corner of Fifth Avenue and 13th Street in Lower Manhattan, was a haven for harried office workers, college students, and nearby residents foraging for salads, sandwiches, and gourmet food. One of the largest all-purpose, around-the-clock markets in the area, East Natural suddenly went dark in May 2001; newspapers draped the store windows to prevent passersby from looking in. The shuttered doors resulted from a year-long labor struggle that ended in a stalemate when management chose to close the market rather than improve their workers' wages and working conditions. In the end, thirty-five workers—mostly newcomers from Mexico—lost their jobs, jobs that had paid well below minimum wage for years. Just one month earlier the same owners, refusing to recognize workers' petitions to form a union, shuttered another greengrocery three blocks north. The labor conflict was not limited to the two stores. It had spread like wildfire through Manhattan in the spring of 2001, as thousands of Mexican workers laboring in what became popularly known as “green sweatshops” organized a series of strikes to raise wages, gain respect, and improve working conditions.

Most jobs in the greengrocery industry are offered to young men who have recently arrived in New York City from Mexico, pushed from their homes by declining living standards and pulled to the metropolis by the scarcity of resident workers willing to work for the low wages greengrocers offer. These Mexican peasants and workers are not unique. Immigrants of distinct social and ethnic origins staff many jobs in New York City's low-wage service industries. They are part of a new, transnational labor force in service industries and an important component of the dramatically reconstituted labor markets seen in New York City and other major

urban centers (Michael Peter Smith 2001, 1–20). These workers are also organizing themselves in ways not seen in New York for many years.

This book sheds light on their distinctive forms of organizing. It challenges the view held by many employers—and indeed some scholars—that immigrants are complacent and disinclined to fight for improved wages and working conditions (Briggs 2001). Based on conversations about and observations of immigrant organizing, it documents that the opposite is true: Today's newcomers are *more* likely to organize and protest than are their native-born counterparts. In doing so it demonstrates that these low-wage workers have an improbable willingness to take inordinate risks to build worker power, raise wages, and improve conditions in disparate workplaces.

The improbable formation of a distinct immigrant class consciousness has encouraged workers to contest power within the workplace, the community, and the state. This class-based organization of transnational workers in New York has appeared on ethnic ascriptive identity and identity imposed by objective working conditions and shared experiences on the job that are the basis for why and how immigrant workers have successfully mobilized. In the hurly-burly New York City labor market, transnational workers—without easy access to conventional paths of struggle—make use of cultural interpretations and meanings to challenge predatory employers, labor contractors, and, frequently, indifferent state actors.

The constraints faced by these transnational workers derive from employers' need for flexibility in the increasingly oppressive neoliberal economy of New York City and other international financial centers. *Neoliberalism* refers to an ideology that advocates expanding global free trade and competition and withdrawing the state from regulating economic activity; the result is the degradation of basic living standards among the poor and working class.<sup>1</sup> The growth of neoliberal global economic policies has created significant uncertainties for workers and the poor around the world, many of whom are forced to migrate to survive. In New York City, the neoliberal economy has created a growing demand for cheap

labor, and firms have been able to take advantage of the increase in low-wage migration from the Southern Hemisphere that was spurred on by neoliberal policies there.

### Immigrants and U.S. Labor

What broader constraints do transnational workers face when they seek to organize in the United States? They are viewed as essential to the profitability of U.S. business and yet reviled as “illegals” who pose a danger to the nation. Supporters consider new immigrants indispensable to the vitality of the economy because they willingly work in critical occupations that no longer attract native-born workers. And because new immigrants are paid less and work harder than their predecessors, wage costs and labor standards have been significantly lowered, with employers reaping the benefits (Castles 2002; Sassen 1991; Waldinger 1996; Waldinger and Lichter 2003).

Conversely, unions and anti-immigrant critics view the recent expansion of transnational migration as harmful to established norms regarding wages and working conditions that arose during the New Deal Era (Briggs 2001; Buchanan 2001). In the aftermath of September 11, 2001, immigrants who perform business and personal services jobs have come to be seen as potential sources of terrorism and violence (Schlosser 2003). Employers wittingly or unwittingly benefit from public xenophobia against immigrants, playing on native resentment to restrain transnational workers' efforts to mobilize and organize into unions.

These contradictory positions do not offset each other, but rather each in its own way further complicates immigrant workers' efforts to improve their conditions. The paradox facing new immigrants is manifested in the perfunctory enforcement of federal labor law covering wages and working conditions. All workers in the United States, regardless of immigration status, are entitled to protection under federal wage and hour laws first created in 1938 with the passage of the Fair Labor Standards Act (FLSA). These laws were designed to protect workers from rapacious employers

preying on destitute and impoverished workers during the Depression Era. But most new immigrant workers are unfamiliar with existing wage and hour laws, and fear that if they complain, they will lose their jobs or be reported to immigration authorities. Further, federal and state labor enforcement agencies rarely prosecute wage and hour violations against employers and individuals. In the mid-1990s, even as hundreds of thousands of new immigrants were working below the minimum wage and under poor working conditions, the State of New York City assigned only four lawyers to investigate and prosecute employer violations (interview, M. Patricia Smith, Office of New York State Attorney General Eliot Spitzer, May 6, 2003). When immigrants organize to improve their conditions, employers and contractors retaliate much as they do against organizing campaigns by native-born workers. In the wake of a March 2002 U.S. Supreme Court ruling that prohibits undocumented workers fired for union activities from pursuing back pay, the bar has been raised even further (*Hoffman Plastic Compounds v. NLRB*).<sup>2</sup>

It is remarkable that despite these seemingly insurmountable obstacles, transnational workers in New York City are engaged in substantial organizing efforts that connect their sense of exploitation on the job to their status as members of an immigrant underclass. In every case presented in this book, the research demonstrates that workers themselves—not unions—have originated organizing drives. Once the organizing is already underway, however, established unions almost always see such efforts as an opportunity, though sometimes they also consider them a threat as will become clear in the analysis of greengrocer organizing in Chapter 4. Viewing immigrants' organizing efforts as a way to increase their membership, unions have sometimes expended resources with the ultimate goal of strengthening their own organizing campaigns. But the three case studies presented here show that unions do not always succeed in recruiting transnational workers as new members in the conventional sense, even though these organizing efforts usually significantly improve working conditions. In these cases, and indeed in all questions of union organizing, the success of these efforts should be measured by improvements in working conditions

and the degree to which workers are organized into stronger social networks capable of challenging employer and state power rather than being measured solely by membership gains or greater union density.

The organized labor movement only began to focus substantial attention on immigrants in the late 1990s. Understanding *why* immigrant workers tend to organize among themselves outside of the union context, and why and when they are responsive to union-organizing efforts is vital to a complete understanding of the formal labor movement. The unions' standard explanation is that new immigrants are amenable to recruitment efforts because they tend to fill the low-wage jobs that have traditionally formed the bedrock of organized labor (Bronfenbrenner et al. 1998; Foner 2001; Milkman 2000; Waldinger 1996). But evidence from immigrant and native-born organizing efforts reveals that low wages and poor conditions alone are not enough to rouse workers to action.

If local and national unions want to cultivate a stronger labor movement and help consolidate this surprising collective action among immigrant workers, they must provide resources and support while respecting the independence and autonomy of emerging worker organizations. A labor movement cannot establish power exclusively through disparate local organizing or through organizing directed by remote bureaucratic union leaders who do not respect the autonomy of worker self-organization. A stronger labor movement can only grow through rank-and-file campaigns supported by the power and resources of unions.

### Transnational Workers in a Neoliberal Union City

This study of transnational labor struggles in New York City takes place thirty years after a global process of corporate restructuring transformed the labor market from one dominated by manufacturing firms to one dominated by services. Since the 1970s, the expanding service sector has come to rely increasingly on new immigrant labor employed in nonstandard jobs that, by and large,

replaced workers employed in the old manufacturing workforce with its standardized wages and working conditions.

Thus, during the past fifteen years, New Yorkers have become increasingly dependent on immigrants to perform business tasks, personal services, and even household chores. Yet throughout the city, most people seem oblivious to their reliance on new immigrants to perform menial service jobs such as setting and clearing tables, cooking, washing dishes, delivering meals, cleaning and folding clothing, cutting and preparing ready-to-eat fruit and vegetables, delivering groceries, housecleaning, and caring for children and the elderly. The ready availability of low-wage immigrant service workers has enabled more New Yorkers to forego routine domestic work—tasks that traditionally have been performed by women. Today, immigrant women and men are increasingly providing these workaday services for New York City households and businesses in exchange for low wages.

Within this context of rapid economic change and shifts in the labor market, we begin to understand the recent social history of new immigration to New York City and the development of its postindustrial economy. During the past several decades, perhaps the most well-known form of worker abuse in New York City could be found in the apparel industry, in which new immigrants regularly worked twelve hours a day, six days a week, for piece rates that rarely exceeded \$2 an hour. In today's garment factories in the Manhattan Fashion District and in Sunset Park, Brooklyn, nearly every worker in the industry is a recent immigrant. The majority of immigrant workers in the city's apparel industry is subject to discrimination and faces safety and health hazards on a daily basis. Moreover, more than 40 percent of these workers complain that their employers have withheld money from them or that they currently are owed back wages. Research shows that more immigrants in the city today are transient workers who intend to return to their home countries or are sending remittances back to families in their home countries. Thus, unlike previous generations, new immigrants make up part of what is now being called a *transnational division of labor*, as the global market replaces the nation-state as the dominant organizing force in the lives of migrant workers (Basch, Glick Schiller, and Szanton Blanc 1993).



This book documents changes in the global and local economy that have increased the demand for low-wage immigrant workers. The root of these changes is the restructuring of corporations through subcontracting and outsourcing, with the effect of undermining established geographic labor market standards.

Chapter 2 examines national and local factors that advance or hinder the immigrant-worker organization in New York City. What are the characteristics of organized labor that reduce worker participation and stymie immigrant union organizing? How does the long legacy of unions in New York City crowd out possibilities for the creation of new labor organizations representing immigrant workers? How does the city's inter-union competition advance or hinder the interests of immigrant workers? How can unions forge a supportive relationship with immigrant (and native-born) rank-and-file workers, and what is the potential for building alliances that benefit both? Critical considerations include unions' positions on defending and advancing immigrant rights, and how unions have responded to attacks against immigrants in the post-September 11 era.

To understand the political forces beyond economics that motivate worker organizing, this book examines three main themes: (1) the new transnational character of immigrant workers in New York City, (2) the formation of independent labor organizations outside of traditional unions that help workers to contest power on the job, and (3) the response of unions to immigrant-worker action and the potential for national unions to assist this rank-and-file organizing to build a stronger labor movement. The book examines several important questions:

- How have unions responded to the changing economy and workforce?
- How and why is immigrant-worker organizing different from the native-born-worker?
- What are the primary social networks immigrants use to improve their conditions?
- How have less-formalized, independent workers' organizations contributed to immigrant-worker mobilization?

- What lessons can the labor movement draw from transnational workers' organizing efforts inside and outside unions?
- What lessons can unions draw from the camaraderie and risk-taking new immigrants share when they go into battle with more than just their jobs on the line?
- Bearing in mind the substantial barriers they face, why do immigrant workers have such a propensity to challenge employer domination? What distinguishes immigrant workers from native-born workers—besides their low wages—and why are immigrant workers more likely to organize?

To answer these questions, Chapter 3 examines the crucial factors that create solidarity among transnational workers in the informal economy, particularly the class relations that emerge in the restructured workplace in advanced urban centers. The term *informal economy* refers to the exchange of goods and services in the black market not regulated or taxed by state authorities, typically found in the private transportation, domestic, and food service industries. In the informal economy, minimum wage and workplace standards are obviously not enforced by the state. The status of transnational workers in New York City today and the demographic forces that encourage class solidarity among them are explored.

Three case studies of union-organizing drives are presented in Chapters 4, 5, and 6, each resulting in a different outcome for workers. These case studies primarily focus on the unexplored territory of new, low-wage immigrant-workers' independent organizing efforts in New York City. The case studies provide details about the activities of three groups of workers—Mexican, West African, and South Asian. This diversity allows for more accurate theorizing about the many aspects of transnational workers' lives and organizing activities, including the roles of immigrant social structures, changing labor markets, new industries, economic restructuring, legal developments, and union policy. The case studies provide new insights into how organized labor responds to economic change, an increasingly multinational workforce, and the overall decline of union power. These case studies also shed light on the

present day phenomenon of independent worker organizing outside traditional union boundaries—and how unions are adapting to, encouraging, or retarding such activity. Each case has a different outcome related to the nature of the industry, the labor market, and the support (or lack thereof) of established unions in the sector.

Chapter 4 examines how the growth of an informal labor market in New York City has lowered wages and workplace standards. The chapter chronicles and analyzes the struggle for unionization among greengrocery workers in New York City from 1997 to 2003. Most workers in this industry are undocumented Mexican immigrants who entered the local labor market during the previous ten years. In this case, a union rapidly losing members to globalization decided to reach out to Mexican workers employed at greengroceries and delis owned mostly by Koreans. In the preceding decade, this union—UNITE Local 169—had lost thousands of members once employed in the metropolitan region's men's garment industry. By 1998, the union's membership had dropped to less than one thousand. During a period of three years, the union expended considerable resources on the effort, which was condemned by the United Food and Commercial Workers (UFCW) as an encroachment on its jurisdiction, even though the UFCW had not initiated an organizing campaign in the local food industry for more than thirty years.

Chapter 5 recounts the self-organization of New York City supermarket deliverymen<sup>3</sup> hired by labor contractors in 1998 and 1999—a sector in which a union already represented workers and had negotiated collective bargaining agreements. The deliverymen, who were nearly all recent immigrants from Francophone West Africa, were not covered by unionization; they had been outsourced to independent labor contractors as self-employed businessmen earning less than \$100 per week. A critical element in this organizing drive was the racial and class solidarity created through the development of distinct social networks in the labor market—their shared African heritage certainly influenced their shared sense of exploitation.

Chapter 6 discusses the organization of workers in the for-hire car industry, a segment of the service economy that emerged twenty years ago after a new local labor law redefined drivers as independent contractors. These workers, primarily from South Asia, suffered particularly onerous working conditions. Though service standards were largely unchanged, new labor policies contributed to deunionization of the industry, leading to a downward spiral of wages and working standards. A segment of these workers—black-car drivers—beginning in 1995 and continuing today, successfully organized to improve conditions, thereby forcing industry operators to change their status from independent contractors to employees. This new identity allowed drivers to join a union and improve their wages, working conditions, and due process rights on the job through direct actions and a political campaign.

The three different outcomes in the three case studies of immigrant-worker self-organizing show how unions exert negative and positive influences on campaigns. Chapters 4 and 5 (covering the greengrocer and delivery campaigns) demonstrate that unions both assist and interfere with organizing. In the case of greengrocer organizing, the first union to support workers was undermined by its national after the death of the local's president, leading to the fatal weakening of the campaign. The deliveryman campaign reveals a bureaucratic union's failure to represent important groups in the shops where they have an organized presence. The campaign also shows that many immigrants will act in solidarity without unions to overcome oppressive conditions in spite of the obvious obstacles and risks. Each of the two organizing drives discussed in Chapters 4 and 5 ended with mixed results. Workers organized to improve conditions but bureaucratic unions intervened to squash the autonomous voices of workers.

The black-car campaign examined in Chapter 6 demonstrates the best of all worlds. The Machinists union gave the drivers an independent immigrant union and financial and logistical support to mobilize workers seeking improved wages and conditions. The campaign succeeded in changing the law so that drivers could exercise their rights as workers rather than as independent contractors.

Chapter 7 explores the ramifications of the September 11 terrorist attacks on all three immigrant-organizing campaigns. Each campaign suffered setbacks resulting from the deepening recession and the federal government's crackdown on undocumented immigrants. In particular, the USA PATRIOT Act program of surveillance, detention, and deportation has targeted South Asians, Arabs, and other Muslims who are predominant in the black-car and taxi industries.

Chapter 8 assesses the soundness of this book's arguments in light of the three case studies of immigrant-worker organizing. After nearly half a century of dormancy, American unions have again taken up the organizing banner, attempting to build a larger and stronger labor movement through mobilizing disparate workers struggling to improve their conditions. Achieving this goal, however, requires organizing efforts appropriate to a workforce very different from the workers organized in the heyday of the U.S. labor movement some sixty-five years ago. Today's workforce is significantly more diverse than it was in the 1930s and 1940s when white male workers in manufacturing dominated the employment landscape. Thus, there is a need for strategies that adapt to a changing, corporate-led global economy.

Each case study in the book supports the claim that immigrant-worker organizing emerges directly from the newly reconstituted workplace of neoliberal capitalism. A key factor in understanding worker struggles in New York City is the development of an informal economy through the creation of substandard jobs filled by recent transnational workers. The three case studies demonstrate that isolation and limited social networks are critical factors advancing immigrant solidarity. The fact that transnational workers often spend virtually all their waking hours at work tends to create a convergence at the workplace and enhances the development of class consciousness and mobilization. Moreover, the fact that labor markets are typically structured on the basis of color, gender, language, religion, and nationality creates a strong basis for the expression of worker militancy.

To advance the labor movement today, unions must understand the characteristics and conditions of immigrants in their workplaces

and in their communities. The emergence and growth of a large class of transnational workers in New York City and other cities in the past two decades should compel unions to respond both by protecting old jobs that have not yet been restructured and by improving conditions for immigrant workers in the new informal economy.