

RESIST & rebuild

CALIFORNIA LABOR FEDERATION 2017

FACT SHEET AB 450 (Chiu)

PROTECTING IMMIGRANT WORKERS FROM WORKSITE RAIDS

Purpose

To provide clear guidelines for immigration-related worksite federal enforcement to protect workers and employers.

Background

In recent executive actions, the Trump Administration has clearly signaled that all undocumented immigrants are now enforcement priorities. California has already seen a jump in immigration enforcement raids and it is widely anticipated that worksite raids are next. Both workers and employers need clear rules for when immigration enforcement agents show up at the worksite. Immigrants are the backbone of so many California industries and widespread worksite raids will be disruptive and cause chaos. Employers need straightforward guidelines to know when to permit access to the worksite and to confidential employee information.

California will be greatly impacted by a policy shift toward workplace raids. Over 2.6 million undocumented immigrants reside in California. Undocumented workers make up 45 percent of California's agricultural workforce and 21 percent of construction. In fact, almost 1 in every 10 workers in California is undocumented.

Millions of union members are immigrants, many undocumented, and many more are in mixed status families. Worksite immigration raids undermine workers' rights because workers are scared to report wage violations for fear of immigration consequences. In fact, the threat of mass deportations will drive down wages and labor conditions for all workers, regardless of immigration status.

According to a study by the National Employment Law Project (NELP), many employers use threats of immigration consequences to prevent workers from reporting abuses or organizing for better conditions. Where workers are engaged in union organizing or enforcement of labor or health and safety protections, employers may suddenly claim that they must re-verify employees' I-9 forms — even when not required under federal or state law.

California must take steps to help ensure that all workers are free to exercise their California labor protections without fear of harassment, detention, or deportation. Employers should have clear rules about how to respond to worksite raids. Additionally, the Labor Commissioner must have the necessary tools to protect workers' rights in the face of increased federal enforcement.

What This Bill Will Do

AB 450 (Chiu) will implement the following policies to protect workers during worksite enforcement actions:

- Provide clear guidelines for employers during worksite raids;
- Require a judicial warrant before immigration agents can enter a worksite;
- Require a subpoena before immigration agents can access employee information;

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LEGISLATIVE AGENDA

- Require a notification of a worksite enforcement action to the Labor Commissioner, the employee, and the employee representative;
- Allow the Labor Commissioner to certify that a worker is critical to the investigation or prosecution of a labor claim.

Support

- ~ California Labor Federation (Co-Sponsor)
- ~ SEIU California (Co-Sponsor)

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