

Guatemala, February 4, 2007

## “Transnational workers deserve justice”

By: [Leslie Pérez](#)



Cathleen Caron. (Photo Prensa Libre).

**Some five thousand Guatemalans work in the United States under guest worker programs. The majority work in agriculture, gardening, construction and reforestation.**

---

Cathleen Caron, executive director of the Global Workers Justice Alliance, a non-governmental organization headquartered in New York,

talks to us about the need for vigilance to ensure the rights of migrants in the United States.

She says that the guest worker program, as it has been referred to since 1986, has its benefits, but also its problems, with respect to protecting employees.

### **How does the guest worker program operate?**

American business owners ask the Department of Labor for workers, which then provides them with a certificate so that they can travel anywhere in the world to look for employees.

### **How many come from Guatemala each year?**

Five thousand. Eighty thousand come from Mexico, and in El Salvador, less than a thousand.

### **What is the program?**

The H2A visa is to work in agriculture, and the H2B is for forestry, construction, landscaping and other types of jobs. The rules are different: the H2A offers greater protection, because the business owners are responsible for covering expenses.

### **And in the other program?**

Expenses are absorbed by the worker; in some cases, they have to pay 100 Quetzals (about US\$ 13.62) to get their name on a list, then they have to pay their own transportation and visa costs, which can be anywhere from US\$ 2000 to US\$ 3000.

### **Who approves the number of people hired?**

The Department of Labor has to approve the number of laborers to be hired, as well as the wages offered for this type of work.

### **What sort of problems do these workers face?**

Because the H2B program doesn't have regulations, there are more employees in this type of job.

### **Do business owners focus on this type of employment?**

Yes, sometimes they do hiring through the H2B, and when the workers get there, they are put to work in the field. This is illegal, because they are essentially violating H2A rules. We see a lot of cases like this. For example, take the case of two brothers: one has a car wash and hires migrant workers; and when they arrive, he transfers them to his brother, who has a construction company, and the workers end up earning the same salary, although the salary for construction work should be much higher.

### **Is it common to see these types of problems?**

It is, because the Department of Labor doesn't actually inspect the sites. It relies on the good will of the employers, who in some cases are good and treat people well, but not everyone does.

### **How many are hired?**

According to 2006 statistics, 110 were hired under the H2A, and 2,605 under the H2B, but it's been three years since the law changed, which is to say, people who worked under the H2B can come back under the H2R program. In this program, there are 2,356 workers, and the labor rules are the same.

### **Why do they want to use migrant laborers?**

The big debate is whether or not there are American workers.

### **But are they programs that help the labor force in countries such as Guatemala?**

This is a major battle. Oftentimes, they want to hire people that they can exploit more and pay less. Some people say that indeed there are American workers to do the job, but no one is going to want to work harvesting tomatoes in the heat for US\$ 5.15 an hour without health insurance or any type of benefits.

### **Do they look for labor outside of the United States because they aren't required to pay more?**

If they obey the law, no. The problem is that there is no oversight to ensure that the laws are being followed. We know of one case where Americans and foreigners alike were doing the same job, but the foreigners were earning US\$ 9 an hour, which is a good wage, but the Americans earned US\$ 27. That's discrimination. The law states that everyone should receive the same wages.

### **What can Guatemalan authorities do?**

The Guatemalan consulates are doing the best they can, but they don't have the manpower to keep track of where everyone is working.

### **Ideally, what would happen?**

It would be best if programs were run between governments. Also, local laws should be required to be enforced regarding the recruitment of workers by foreigners, in which one assumes that the Ministry of Labor would have to have a record.

### **Do you think that the need for workers is so strong that it doesn't matter what sort of agreement exists?**

We are out to change this mentality and make people understand that transnational workers deserve global justice, and that these borders are meaningless. Our world is increasingly globalized, and more and more workers are migrating. There are estimates that there are 86 million migrant workers in the world today.

### **What can be done to support them?**

Our program, Global Workers Justice Alliance, promotes access to portable justice. The idea is that a migrant should have the right to access the justice system of the country where he or she works, even if they aren't actually working there anymore.

### **How successful have you been with these cases?**

We are working with employees who have had problems to provide them with the legal assistance and advocacy that they require.

### **How many cases from Guatemala have you worked on?**

We have only worked on about 10 cases, but these have involved some thousand workers, where the majority have had their employment contracts breached, for example, by not earning minimum wages.

### **• Expectations**

#### **“We could see an end to mass deportations”**

Caron believes that with the changes in the United States Senate, where the Democrats now hold a majority, we may start to see favorable changes to migration policies.

### **How long have you been involved in migrant-worker issues?**

I have been working with migrant issues since 2000. I started with a justice project for farm workers in Florida, and we represented almost exclusively undocumented agricultural workers. In Florida there are roughly 250,000 workers in the field, which is second largest, after California, in terms of people working in agriculture. Eighty percent of the labor force is undocumented, and ninety-nine percent of them were migrants.

### **What are your views on migration?**

Migrants are courageous; they risk everything to get ahead and they don't deserve to be mistreated, actually they deserve better protection.

### **What is your opinion on migrants' current situation?**

It's interesting, because for the first time, the workers are taking to the streets to demand their rights. This is an historic moment in the United States, because until now, these people were hidden. It is important and historic that the migrants are making their voices heard, because we are expecting immigration reform any time now, and they have the right to have a say in how they will be treated.

### **What could happen?**

It's still up for discussion, but they are also talking about expanding the guest worker program.

### **Do you think that other policies may arise with the shift of power in the Senate?**

The Republicans have put a great deal of pressure on President Bush, with the most conservative demanding that borders be closed, because they were out of control, and then they would discuss reforms. It's a really political decision, but I believe that we could see a slow down to mass deportations.

- **Working on behalf of migrant workers**

Cathleen Caron, an American who supports foreigners in the United States.

She is the executive director of Global Workers Justice Alliance, an American NGO.

In 2000, she worked as a lawyer for Guatemalan migrant workers in Florida, most of whom were undocumented.

She was an assistant in the legal department of the Archbishop's Human Rights Office in 1994.

She supported the displaced-persons program for the Human Rights Legal Action Center in 1995.

From 1996 to 1997, she supported the indigenous agreement in Quiché with the United Nations Verification Mission for Guatemala.

### **Quotes**

- “No one is going to want to work harvesting tomatoes in the heat for US\$ 5.15 an hour without health insurance or any type of benefits”.

- “Migrants are courageous; they risk everything to get ahead and they don't deserve to be mistreated, actually they deserve better protection”.

[Copyright](#) © 2000 - 2007 Prensa Libre, S.A.. All rights reserved.