

Shifting Agendas, Evolving Coalitions:  
Advocating For Immigrant Worker Rights in Houston

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## Abstract

This article examines how labor advocates in Houston, Texas, have moved beyond traditional union organizing and individual lawyering to create a wide menu of claims-making options for low-wage Latino immigrant workers. I examine four such moments of immigrant worker advocacy: shepherding workers through the federal bureaucracy for workplace protections, legitimating new local institutions for claims-making, deploying direct action to force employers into compliance, and lastly lobbying for municipal policy change to strengthen penalties for wage theft. Each of these options relies on a coalition that brokers the relationship between aggrieved workers and the bureaucracies entrusted with enforcing their rights. These strategic alliances, I argue, are tenuous and at times antagonistic, but exceedingly necessary in a hostile political context such as Houston. Although they are dynamic and subject to change, these partnerships endure in the short run by defining member organizations' mutual needs for material resources and symbolic legitimacy.

Keywords: immigrant, labor, bureaucracy, worker centers, coalition building, policy advocacy

## Introduction

Over the last three decades, labor unions have declined in power, just as immigrants have formed an increasingly crucial segment of the low-wage workforce (Fantasia and Voss 2004). These workers are concentrated especially in low-wage jobs, where union density is lowest, such as in farming, food service/ hospitality, residential construction, and agriculture (Passel and Cohn 2009). Immigrant workers are more likely to experience workplace violations, such as wage theft, and tend to work in the most dangerous positions (Bernhardt et al. 2009; Orrenius and Zavodny 2009). Amidst the paradox of “immigration law,” undocumented workers are subject to deportation, but nonetheless enjoy several workplace rights (Griffith 2012). Due to their demographic importance and key role in the economy, immigrant workers have become a primary labor organizing target. After decades of reticence toward immigrants, the American Federation of Labor-Congress of Industrial Organization (AFL-CIO) revoked its position on employer sanctions and embraced immigrant worker rights in 2000 (AFL-CIO 2001). Not long after, an alliance of unions in immigrant-heavy industries—the Change to Win coalition—split away from the AFL-CIO while calling for less politicking and more concrete efforts to organize immigrants (Fletcher and Gapsin 2008). Low-wage Latino immigrant workers, once dubbed “unorganizable,” have proven to perhaps be the labor movement’s best chance for revival (Milkman 2006b). In its efforts to reach out to these new workers, the labor movement has diversified its strategies and innovated a whole host of new institutions for worker representation and advocacy (Hyde 2006; Milkman 2011).

In this article, I draw on the experience of labor advocates in one of the fastest growing cities and largest immigrant destinations in the country—Houston, Texas. One of the more

challenging contexts for organized labor and immigrant rights advocacy, labor organizers in Houston have created a wide menu of strategies for immigrant worker advocacy, which includes shepherding workers through the federal bureaucracy, activating local institutions for claims-making, deploying direct action delegations, and lobbying for municipal policy change. Each of these options requires a series of institutional intermediaries who broker the relationship between aggrieved immigrant workers and the bureaucracies entrusted with enforcing their workplace rights. These alliances, I argue, are at times tenuous and antagonistic, but exceedingly necessary in a hostile political context, such as Houston.

## **Literature Review**

### *The Evolution of Immigrant Worker Rights Advocacy*

Employer sanctions under the 1986 Immigration Reform and Control Act (IRCA) are enforced through a number of worksite enforcement programs, such as I-9 audits, Social Security No Match Letters, and the increasingly popular use of the E-Verify program. Rather than effectively deter the employment of undocumented workers, immigrant and labor advocates argue that employer sanctions have become tools for employers to intimidate workers and deter them from making claims on their workplace rights (Wishnie 2007). Despite this expansive system of immigration enforcement, and the significant legal challenges stemming from the restrictive 2002 Supreme Court decision *Hoffman Plastics v. National Labor Relations Board*, undocumented workers enjoy a range of rights under federal law, including wage and hour

standards, safety and health protections, and the right to vote in union elections and participate in collective bargaining.

The extant research on immigrant worker rights enforcement has focused excessively on the role of state actors, while attending insufficiently to the wide constellation of organizations outside the formal bureaucracy that buttress the enforcement process. Although contemporary allegiances between organized labor and the immigrant rights community are widespread, traditionally, immigrants have not always found a natural ally in unions (Fine and Tichenor 2012). Hamlin (2008) reminds us that union's support of immigrant workers should not be taken for granted. Although they were once proponents of the employer sanctions provisions implemented under the 1986 IRCA, in 2002 the AFL-CIO eventually denounced them, and called for a concrete path to legalization (AFL-CIO 2001; Fine and Tichenor 2012).

These formal declarations did not erase, however, the internal union tensions around immigrant labor (Cornfield 2006). The gulf between the official position taken by labor leaders and the sentiments of the rank and file remains significant in many places, leading to persistent conflicts in many communities (Nissen 2002).<sup>1</sup> Given these challenges and the ongoing decline of union density in the U.S., unions have entered into an array of strategic alliances to reach immigrant workers (e.g., Burgoon et al. 2010; Milkman 2006a; Milkman, Bloom, and Narro 2010).

In recent years, worker centers and other migrant-serving nonprofits have emerged as important "labor market intermediaries, devising various strategies to assist migrant workers in securing work, making ends meet on low wages, and negotiating an abusive workplace" (Martin 2012, 389). These organizations can take on a range of functions, from direct service to lawyering, and political advocacy (Fine 2006; de Graauw 2008). Worker centers cannot be

recognized as formal representatives of workers under the National Labor Relations Act, and are subject to certain political restrictions as a result of their tax-exempt status as nonprofit organizations. Yet, as nonunion organizations, they also have access to a range of strategies that unions do not (Naduris-Weissman 2007).

Worker centers and unions too have at times enjoyed an uneasy alliance (Cesario 2011). Yet worker centers often rely on unions for material resources and leadership training (Boudin and Scholtz 2010). Immigrant rights groups too have found common cause with both worker centers and unions (Pallares and Flores-Gonzalez 2009; Voss and Bloemraad 2011). The organizing strategies that these coalitions adopt are shaped by the political context in which they emerge (Tattersall 2010), and the support of local elected and appointed officials can be crucial (Frasure and Jones-Correa 2010).

### *The Strange Bedfellows of Immigrant Worker Rights*

One of the most peculiar, yet acutely effective, coalitions in favor of immigrant worker rights has been with business leaders. Big business played an important role during the 1986 IRCA, which created this nation's last amnesty (Choe 2001). When organized labor eventually came around to join the business community's opposition to employer sanctions laws, the two interests forged a powerful alliance, despite their disparate motivations. While employers viewed employer sanctions as "burdensome and inefficient," unions eventually acknowledged that they simply furthered worker exploitation (Wishnie 2007, 201).<sup>2</sup>

Strategic alliances, such as the one between organized labor and big business, are motivated not only by a common goal for social change, but also by the practical exchange of

material resources and sometimes even symbolic legitimacy. Particularly in conservative contexts, organized business groups have access to corridors of power and influence that unions and other worker-led groups do not enjoy. In turn, grassroots worker organizations may have intimate access to marginalized communities but lack the resources needed to fund sustained mobilizing campaign.

Beyond civil society, immigrant worker advocates have entered into coalitions with the very government agencies they seek to hold accountable. For example, enforcement bureaucracies, such as the Department of Labor (DOL), may have the regulatory power and resources to enforce the rights of immigrant workers, but ultimately lack the access and legitimacy necessary to compel some of the most vulnerable workers to come forward. When these mechanisms are absent or inefficient, worker advocates have turned to *local* bureaucracies to fill the gap left by federal and state bureaucracies (Fine and Gordon 2010).<sup>3</sup>

As this research will show, strategic alliances such as these become particularly crucial in restrictive policy arenas or challenging political cultures (Van Dyke and McCammon 2010). While certain forms of labor brokerage have been shown to further immigrant worker exploitation (Lopez-Sanders 2010; Peck and Theodore 2002; Rodriguez 2010), in this article I examine how strategic alliances are able to influence the enforcement of immigrant worker rights, both by facilitating formal claims-making, and also through creative forms of direct action and efforts to effect policy change. However, as this research also shows, federal and municipal politics are ever-shifting, organizational priorities change, and these alliances must be renegotiated over time.

## Methods

This research draws on semi-structured interviews with fifty-seven community leaders and government bureaucrats between 2005 and 2012 in Houston, Texas.<sup>4</sup> Respondents include every major labor standards enforcement agency operating in Houston, municipal leaders overseeing immigrant integration, key labor leaders, immigrant rights activists, and social service providers who advocate on behalf of immigrant workers (see Appendix 1).

A city of over two million people, Houston is a booming metropolis that is home to one of the largest oil and gas industries, medical centers, and port and shipping channels. One of the fastest growing cities, helped along by its peculiar lack of zoning, Houston has the reputation of being one of the most business- friendly cities in the nation and is a major destination for immigrant workers. In addition to the many immigrant engineers and doctors who come to work in Houston, a vast legion of low-wage immigrant and undocumented workers fuel the city's economy as construction laborers, domestic workers, kitchen staff, janitors, landscapers, car washers, etc. An estimated quarter million workers in the regional Houston economy is estimated to be undocumented, or nearly one in ten of all Houston workers (Jankowski 2006).<sup>5</sup>

Its cosmopolitan demography aside, Houston is a difficult place to advance immigrant worker rights (Karson 2004). To be sure, organized labor has achieved several major victories, including the unionization of the newly constructed Hilton of the Americas hotel and the successful Justice for Janitors campaign. Nevertheless, Texas labor standards remain some of the weakest in the nation. The Texas Workforce Commission, which enforces wage and hour standards and discrimination protections, has no formal presence in Houston, and in fact runs its operations out of a sole office in Austin. Texas is also one of the twenty-four states in the

country that relegate all occupational safety and health enforcement to the federal government, and is the only state that does not require employers to carry workers' compensation. As a "Right to Work" state, Texas does not require workers covered by a union contract to pay union dues. With a private sector union representation rate of 4.2 percent, Texas has the lowest union density in the country (Hirsch and Macpherson 2012).

In Houston, weak state policies, combined with a paucity of legal aid available to help workers navigate these bureaucracies,<sup>6</sup> pose a significant challenge for workers and their advocates. In the sections that follow, I lay out the myriad of ways immigrant worker advocates have brokered the rights of immigrant workers within this hostile context.

## **Findings**

### *Brokering Claims-Making via the Federal Bureaucracy*

I begin by describing the evolution of the Justice and Equality in the Workplace Partnership (JEWP), a now decade-old alliance whose goal is to counter the abuses facing vulnerable Latino workers in Houston. The JEWP was created in 2002 with significant support from the Consul General of Mexico, the Equal Employment Opportunity Commission, the Harris County AFL- CIO central labor council, and the Mayor's Office on Immigrant and Refugee Affairs (MOIRA). The JEWP also garnered support from Latino political advocacy organizations, such as the League of United Latin American Citizens (LULAC) and the Mexican American Legal Defense and Education Fund (MALDEF), as well as several other prominent

immigrant rights organizations, such as the Central American Resource Center (CRECEN).<sup>7</sup> Signatories sign an annual accord and meet monthly to review outreach plans.

The JEWP coalition emerged largely as a response to abuse in the construction sector, and especially wage theft experienced by day laborers. Its main tool is a free hotline, where workers can call to get advice on their claim. A 2005 outreach document for JEWP explains the program's main objectives as follows: to "[c]onduct an education campaign aimed at employers and employees living in the Greater Houston Area to inform them about their rights and responsibilities in the workplace"; to "[i]dentify unlawful employment practices and employment discrimination against Latinos'/Hispanic workers"; and to "[p]rovid(e) referrals and case by case resolution of uses affecting Latino/Hispanic immigrant workers, *regardless of their immigration status* (emphasis added)."

Initially, the hotline was staffed by two lead agencies: the Mexican Consulate, which handled cases from Mexican nationals, and the MOIRA, whose director was a longtime leader in the Central American community. By consolidating the efforts of the major federal labor standards enforcement bureaucracies, the hotline became a one-stop shop for claimants. The following is a typical claim processed by the JEWP hotline: The caller, a Guatemalan construction worker, complained that he had been unjustly terminated after falling ill. When he presented his supervisor with a doctor's letter confirming his inability to work for the first time in ten years, he was ordered back to work. Like many coworkers before him, the caller was ultimately fired when he could not comply. The worker—now unemployed, uninsured, and in ill health—called the hotline out of desperation for help in getting his job back so he could pay his rent and crucial medications.<sup>8</sup>

In sum, the Justice and Equality in the Workplace Project represents an “an all hands on deck” approach to facilitating individual claims-making by brokering the relationship between federal agencies and Latino immigrant workers. The JEWP would eventually become the template for a binational accord signed in 2004 between the U.S. DOL and the Mexican Secretary of Foreign Affairs.<sup>9</sup> Yet, in the decade since its creation, tumultuous city politics, a changing of the guards at the Mexican Consulate, leadership turnover at federal labor standards enforcement agencies, and the evolution of civil society in Houston have led to many changes.

### *Legitimizing Alternative Bureaucratic Channels for Claims-Making*

Beyond the JEWP, one of the major changes in the landscape of immigrant worker rights in Houston has been the creation of an independent worker center. In 2005, the Houston Interfaith Worker Justice (HIWJ) center was established with support from the faith community and the Harris County AFL-CIO central labor council to address the exploitation of day laborers engaged in rebuilding following hurricanes Katrina and Rita.<sup>10</sup> Houston’s thirty- day labor corners had become targets of worker abuse, as well as flashpoints of anti-immigrant controversy.

The Houston Interfaith Worker Center became an important affiliate of the JEWP, despite being denied the opportunity to colead the hotline. In addition to informing workers about the JEWP resources and educating them about their right to file a claim with a federal or state agency, the worker center and its allies turned to local channels for claims-making. Two popular options were to file a “theft of service” claim with the Houston Police Department’s (HPD) Burglary and Theft Division, or to file a civil claim with the Harris County Justice of the

Peace (small claims court).<sup>11</sup> While each of these bureaucracies were in place long before the creation of the JEWP, the HIWJ and MOIRA had to work to activate these mechanisms as viable options for addressing wage theft.

*Houston Police Department.* The Houston Police Department's (HPD) "theft of service" mandate instructs officers to investigate any worker's claim of wage theft.<sup>12</sup> This enforcement mechanism is particularly crucial for day laborers, who commonly experience wage theft but who are not covered under the Fair Labor Standards Act.<sup>13</sup> Day laborers are frequently left with no information about their employer's identity, nor a written contract to prove their hours worked and the pay rate that was promised (Center for Social Justice 2011; HIWJ Center 2010). The advocates I spoke to even recounted instances of contractors who threatened day laborers who complained with violence.<sup>14</sup>

However, the mere presence of the HPD "theft of service" mandate did not ensure its implementation. Many police officers resented being asked to act as a "collection agency" and to direct their resources away from violent crime. "They've found that most people just want to get their money and get out, (while) their focus, as an agency, is to really prosecute criminals and get criminals off the street," explained the worker center director.<sup>15</sup> Officers were further frustrated by the fact that the district attorney's office would regularly ignore these reports. Following several shooting deaths of HPD officers at the hand of undocumented criminals, many officers instead supported increased immigration enforcement (Carroll and Lee 2009; Langford 2011).<sup>16</sup>

Consequently, ongoing efforts by advocates to build relationships with the police department proved crucial. When the worker center arrived in Houston, it set up a direct line of communication with the HPD community liaison officer, with whom it could coordinate when a claim was filed. Although many officers remained skeptical, as an institution, the HPD had an

interest in being seen as a good-faith participant in enforcing the rights of immigrant residents. This crisis of legitimacy became increasingly salient as the force attempted to promote its own community policing tactics.

*Harris County Small Claims Court.* In addition to the HPD, the HIWJ and MOIRA brokered workers' claims through the county small claims court. This process is specifically designed to help *pro se* claimants pursue small damages. Given the DOL Wage and Hour Division's arduous intake and investigative process, which the General Accounting Office has concluded leaves low-wage workers vulnerable to wage theft (Kutz and Meyer 2009), small claims court provides an attractive alternative.

Some of the important functions provided by the JEWP and HIWJ included educating workers about the court's function, providing technical assistance for filling out claims forms and sending them certified mail, and helping workers pursue a waiver for the \$104 filing fee. According to the HIWJ director, "Small claims court tends to be one that workers chose most frequently because it's fairly timely and also because there's something about the employee having to stand in front of a judge. That's both a small victory for the worker and can also put some direct pressure on the employer."<sup>17</sup>

Both of these mechanisms, the HPD "theft of service report" and the Harris small claims court, are iconic tools of what Jennifer Gordon has labeled "lawyering" (Gordon 2007). Lawyering, however, has its limits. Agency-mandated mediation may fail, employers may refuse to attend hearings, and workers may ultimately lack the evidence and witnesses necessary to convince a judge of their case.<sup>18</sup> Further, as the MOIRA director explained, "the justice of the peace sometimes take weeks to respond...employers may ignore the judge's orders...and because there are no criminal repercussions...the judge can't order the police to actually arrest

the employer. All they can do is place a lien on their property... If they never liquidate, that worker is never going to get paid.”<sup>19</sup>

### *Organizing Beyond the Formal Bureaucracy*

Given these limits, advocates commonly pair service provision with efforts to organize workers. For example, the HIWJ provides court allies as a benefit of membership. To become a member, workers must first attend an empowering workers’ rights *charla* (workshop), where they learned about the organizing philosophy of the center and pay a nominal fee that invests them in the center.<sup>20</sup> Over the long term, however, the HIWJ has prioritized grassroots worker empowerment over lawyering. Given their limited staff and funding resources, time-intensive case management services to all workers are unsustainable. Further, given that center staff are neither lawyers nor certified interpreters, their function as liaisons to the formal bureaucracy is limited.<sup>21</sup>

In a context where enforcement agencies are overburdened, and the paltry penalties attached to workplace violations remain a weak deterrent, employers remain indignant (Bobo 2008). As the worker center director explained, “Houston is a huge city and . . . employers know that the cost of doing business here is low because there are not many organizations or government agencies working to keep them in check.”<sup>22</sup> In response, a wide coalition of advocates—including the HIWJ and the Harris County AFL-CIO—have turned to direct action to advance their claims.<sup>23</sup>

The flagship direct action event for workers in Houston is the *Justice Bus*, which relies on a broad coalition of allies who go out *en masse* to publicly shame abusive employers. Recent

high-profile targets have included publicly funded contractors, a string of popular restaurants, a maid service, and a local construction contractor who pulled a gun on the delegation peacefully protesting in front of his house (Down With Wage Theft Campaign 2012b).

On a recent visit to a dry cleaner, the *Justice Bus* delegation confronted the shop owner for refusing to pay overtime to one of its employees. She regularly worked sixty hours a week, sometimes paid as little as \$4/hour, and by the time of the protest, was owed over \$1,700. When the owner denied all allegations, claimed not to know her, and asked the delegation to leave the premises, advocates in turn flyered the entire shopping center (Down With Wage Theft Campaign 2012a). Rather than replace the process of bureaucratic claims-making entirely, the HIWJ also helped the worker simultaneously pursue a claim with the DOL Wage and Hour Division.

Direct action is of course not a new tactic. Scores of labor organizers across the country engage in protests and grassroots mobilization. However, in Houston, given the dearth of on-the-ground state enforcement efforts, the lack of accessible legal counsel, and the hostile political context for labor and immigrant organizing, direct action is a particularly important strategy for addressing workplace violations, such as wage theft. These actions have garnered broad support from other labor allies in Houston, including the Service Employees International Union (SEIU)-sponsored *Good Jobs Great Houston/Fight for a Fair Economy* campaign, whose aim is to “stand united for a new way of doing business in Houston where everyone is able to get ahead and live their dream, not just struggle to get by.”<sup>24</sup>

The advocates I spoke with described a hostile political environment for organizing immigrant workers as critics pushed to repeal the city’s longstanding sanctuary policy. In turn,

political leaders provided, according to one union leader, “supportive inaction at best” for advancing workplace rights.

*Lobbying for Policy Change: The Down With Wage Theft Campaign*

Beyond shepherding workers through the formal bureaucracy, and organizing direct actions to pressure employers and empower workers, advocates in Houston have also lobbied for policy change. In 2011, Texas labor advocates won a major victory when Governor Rick Perry signed into law a bill that increased penalties for wage theft. Previously, wage theft carried about the same penalty as ditching a check at a restaurant. The new law strengthened the liability of intent and moved wage theft up the ladder of priorities for police officers and county prosecutors (Smith 2011). Despite this important change, advocates argue that existing enforcement mechanisms remain insufficient to protect Houston’s most vulnerable workers. From this, the *Down With Wage Theft Campaign* emerged.

The *Down With Wage Theft Campaign* in Houston has followed the lead of advocates in Seattle, San Francisco, and Miami-Dade to demand that their cities do more to deter wage theft (National Employment Law Project (NELP 2011). To do so, the coalition proposes a streamlined municipal process for workers to file civil complaints of wage theft, and ultimately “raise the costs for unscrupulous employers who fail to compensate their employees” (Fe y Justicia Worker Center 2012). The proposed ordinance would tie a business’ license to operate to their wage theft practices, capitalizing on existing resources through the city’s Office of Business Opportunities. Although only five cities have municipal minimum wage laws,<sup>25</sup> local wage theft ordinances have gained significant momentum across the country.

To lobby their cause, the HIWJ and their advocates have pushed back against the singular mantra of job creation at all costs by highlighting the need to hold city contractors accountable. The campaign has exposed rampant wage theft at high-profile city establishments, such as schools, the convention center, and Bush Intercontinental Airport (City of Houston 2011). During the city's last drought, advocates reached a major milestone when they uncovered rampant wage theft at the hands of a city-funded company *Reytec*, which had been awarded over \$21 million in emergency funds to repair a string of burst water mains. When two subcontracted *Reytec* workers sought help from the HIWJ to recover their unpaid wages, they also revealed a string of health and safety abuses, including being asked to cut through asbestos-laden pipe. After the HIWJ had the pipe tested, and the main contractor stepped in to pay the workers, a local news station did an investigative report that pushed the case into the public eye and unraveled a string of corruption between the company and prominent city councilors. Despite the fact that one of the company's leaders had gone to federal prison for embezzlement, and that the company was one of only 300 companies on the Occupational Safety and Health Administration's (OSHA) list of "severe violators," they had nonetheless received municipal funds for this project (Down With Wage Theft Campaign 2012c; Rogalski 2012).<sup>26</sup>

The fact that *Reytec* was awarded a city contract even after these transgressions highlighted the dire need for a municipal wage theft ordinance, according to the HIWJ director.<sup>27</sup> The coalition has received some promises from the mayor *pro tem*, but they are still awaiting action by the mayor, who has the unique power to move the proposal onto the council's agenda. Although she is a tacit supporter of the proposal, Mayor Annise Parker seems to be proceeding cautiously.<sup>28</sup>

Yet Houston's past record of labor policy is not encouraging. A previous attempt to raise Houston's living wage from \$4.75 to \$6.50 was roundly defeated during the mid-1990s (Dyer 1996; Dyer, Feldstein, and Bryant 1997). Opponents, such as the National Restaurant Association, and other local business groups invested heavily to defeat the measure by backing a powerfully messaged campaign dubbed Save Jobs for Houston (Luce 2007). In addition to calling on employers to stop putting "greed over the needs of their communities," the current *Down With Wage Theft* Campaign has foregrounded the business case for combating wage theft. In its open letter to businesses, advocates argue that wage theft creates an unfair advantage for unethical employers who steal wages, decreases productivity and product and service quality, and impacts the region's local economy by reducing consumer spending (HIWJ Center 2010, 2012).

Several business owners in Houston have echoed this position. Led by a flank of prominent leaders from the construction industry, these supporters argue that when contractors evade compensating their workers, and do not pay taxes, or provide worker's compensation or overtime pay, they engage in unfair business competition.<sup>29</sup> In a city advertised as being "business-ready," with an excellent "business climate" and "pro-business culture" (Greater Houston Partnership 2010), the support of the business community is key to the *Down With Wage Theft* Campaign. As one business owner explained, "Companies like mine who pay by the hour, have benefits [and taxes and workman's comp], and have a seventy year history of taking care of their people, we can't compete."<sup>30</sup>

Similar alliances among labor and immigrant advocates, conservative Christians, and business elites have also proven crucial in statewide efforts to enact immigration reform, through initiatives such as *Americans for Immigration Reform* (a project of the Greater Houston

Partnership, Houston's largest chamber of commerce) and *Texans for a Sensible Immigration Policy*, which have pushed a free market rationale to reject mass deportation proposals and the expansion of E-Verify and employer audits. In the absence of federal immigration reform, these business leaders are also pressuring Governor Rick Perry to enact a state-level solution for reform (American Jewish Committee 2012; Texans for Sensible Immigration Policy 2011).

This alliance between immigrant labor advocates and employers is at times uneasy. Reflecting on frequent tensions, one organizer explained: "In a lot of cases, they're great, (but then)...things come up where you really realize hey, you're coming from two totally different perspectives." For example, several business advocates have suggested that the campaign pursue an alternative proposal that would largely address business needs and improve their industry, but not fully address workers' quality of life or reduce wage theft. "They're both worthy goals, but they're two totally different places," she conceded.<sup>31</sup> Another longtime immigrant rights leader described the coalition with business leaders in pragmatic terms: "Even though we don't really like their plan, they are targeting conservative congressional districts around the country, getting a lot of publicity...AND they have a lot of resources."<sup>32</sup>

Comparing the paltry attention that low-wage workers garner from city council, the high profile of business leaders is an important resource for the campaign, which nevertheless generates tension. "When we go to city council, if we have some business leader speaking, all of a sudden, the council members will kind of perk their heads up," described the HIWJ director. "They really want to hear what the business leaders have to say." Consequently, the worker center continues to ally with business leaders, but does so strategically. "We've chosen to not even include the business leaders in our wage theft coalition meetings because we want them to

support, but we don't really want to give them decision-making power in the campaign. We really want to make sure that belongs to the workers themselves.”<sup>33</sup>

### *Evolving Organizations, Shifting Alliances*

Thus far, I have highlighted a variety of ways in which Houston labor advocates are brokering the rights of Latino immigrant workers. Going beyond traditional union organizing and individual lawyering, advocates have created a wide menu of claims-making options to navigate a political context that is hostile to immigrant and worker rights. However, these strategic alliances are dynamic, and are subject to change and shifting allegiances.

The MOIRA, once a proactive and vocal advocate of immigrant worker rights, has become depoliticized and reconfigured. In its early days, MOIRA sponsored the early Day Labor Taskforce and used community development block grants to fund several day labor centers. MOIRA also worked closely alongside the Mayor's Advisory Council on Immigrant and Refugee Affairs, which was often the voice of dissent in the face of anti-immigrant proposals to repudiate Houston's sanctuary city policies.<sup>34</sup>

However, in 2009, in the midst of Mayor Bill White's campaign for state senate and then the governorship, MOIRA fell under intense public scrutiny. During this time, Mayor White asked MOIRA to cease its participation in the JEWP. In 2010, the office radically revised its mission statement, removing its promise to serve immigrants “*regardless of their immigration status.*” By 2012, the office became subsumed under Mayor Annise Parker's newly created Office of International Communities (OIC), which today focuses more broadly on foreign trade

and international students. Recalling the days of the Day Labor Task Force, compared with its current function, the director noted, “no one touches this issue anymore.”<sup>35</sup>

As MOIRA/OIC backed away from JEWP, the Mexican Consulate began to play a more central role in the coalition. Since its inauguration, the binational accord between the DOL and the Mexican Secretary of Foreign Affairs has proliferated similar alliances throughout the country, and a newly created Labor Rights Week is today supported by several other Latin American consular offices. The Mexican Consulate—bolstered by its national profile—has taken a more prominent role in the JEWP, and today is the sole hotline coordinator.

Community support for the new hotline model is mixed. Some labor leaders are optimistic that the consulate is a preferred venue that immigrants feel comfortable approaching. The local SEIU chapter, for example, expressed interest in working more closely with the consulate during upcoming Labor Rights Week events.<sup>36</sup> Other labor leaders were more reticent. Citing a recent community survey, one immigrant rights leader countered that only 2 percent of respondents said they would go to the Mexican Consulate for help with a complaint. “I think they *do* have lines of people, but they have lines of people doing the paperwork that people need...*matriculas*, passports, you know, other types of things, but I don’t think people think of the Mexican Consulate as a source for the solution of any actual problem.” She and others cited concerns about bureaucratic backlogs and distrust of corruption within the Mexican Consulate as key factors keeping many people away.<sup>37</sup>

Shifts in leadership at the various federal labor standards enforcement agencies have also proven consequential for the JEWP partnership. The Equal Employment Opportunity Commission’s former director—who had a deep dedication to the partnership—was transferred to head the district office in San Francisco.<sup>38</sup> While the interim director in Houston remained

supportive of the partnership, the new permanent director was less so, according to staff I spoke to. Changeover at the DOL Wage and Hour Division Houston office has had a more positive impact on the coalition. While the former director was not particularly enthusiastic for supporting immigrant workers rights, the new director has radically changed the agency's course toward a more proactive involvement. The appointment of Secretary of Labor Hilda Solis during President Obama's first term further reaffirmed the DOL's commitment to immigrant worker rights through an infusion of much-needed resources.

The OSHA has also taken a stronger leadership role in the JEWP. Although the Harris County AFL-CIO Secretary-Treasurer had been the chairman of the JEWP through its first decade, the OSHA coordinator for Hispanic Outreach in Houston has since stepped into the post. Latino immigrants, who have disproportionately high levels of occupational illnesses and injuries, are a top outreach priority for OSHA.<sup>39</sup> However, the new chairman clarified that his role was simply to facilitate the JEWP, while "everything else is driven by the consulate."<sup>40</sup> Similarly, the DOL Wage and Hour Division director expressed reticence against working with other community-based organizations due largely to confidentiality concerns.<sup>41</sup>

The institutionalization of the partnership has become a major setback for the partnership, according to one signatory I spoke with. In addition to repeated complaints that the hotline was being neglected, and as phone calls went unanswered and messages unreturned, he also described territoriality between various agencies and what he felt was "a 180" from service provision to "drafting reports." He explained, "I can't put my finger on when it happened, and can't even figure out how to challenge it to make it go back to the (original) intent, but, there's (now) just a level of frustration."<sup>42</sup>

The current partnership has created a website whose headline reads “We Can Help Houston,” and bills itself as a “collaborative effort between government agencies, consulates, nonprofit, faith-based, and labor (advocates) who work together to provide outreach to the Hispanic community in the Greater Houston area.”<sup>43</sup> As the landscape of civil society in Houston evolves, the coalition has cycled in new partners. Key legal advocates, such as LULAC and MALDEF no longer play as big a role as they once did, and the Central American advocacy organization, CRECEN, ceased its formal support as a signatory. Yet, as human trafficking and forced prostitution have gained ground as a national issue, the Houston Rescue and Restore collaborative and the Harris County Human Trafficking Rescue Alliance have joined the coalition.

Despite its various permutations and challenges, the ultimate strength of the JEWP, according to the HIWJ director, is the opportunity it provides to build relationships among advocates.<sup>44</sup> Today, the HIWJ remains a key JEWP ally as it continues to build its own autonomous membership. In 2012, the center became an independent 501(c)3 organization and changed its name to the *Fe y Justicia Worker Center*. With continued moral support from the national Interfaith Worker Justice network (which had previously acted as the HIWJ’s fiscal agent), this shift to independent status has allowed the group to exert greater control over their own fund-raising and budgeting. The new name reflects both the continued commitment to a faith-based approach, as well as a more subtle reference to worker empowerment and “faith in ourselves” to make change.<sup>45</sup> The eventual goal for the HIWJ is to have a completely worker-led board.

## Conclusion

Throughout this article, I have highlighted four strategies that labor advocates in Houston have used to advance the rights of Latino immigrant workers. First, the JEWPA has created an important channel of communication between federal labor standards enforcement agencies and workers. To help workers navigate the daunting labor standards enforcement bureaucracy, the Mexican Consulate and MOIRA have been crucial to making these agencies accessible to the community.

Second, advocates have activated two important local bureaucracies—the Harris County Policy Department and the Harris County small claims court—which allow workers to process their claims in a more timely and efficient manner than either the federal or absent state government can provide. To do so, labor advocates cultivated relationships with key gatekeepers, and invested substantial time and energy in providing technical assistance and guidance to claimants who came to them for help. Rather than simply help individuals advance their claim, the HIWJ was also able to use lawyering as a springboard for organizing and empowering workers, and ultimately building their own membership base.

Direct action has also emerged as a crucial form of legal mobilization for workers in Houston. Union and immigrant organizers have joined forces with faith leaders to promote the rights of immigrant workers as moral imperatives. Through the *Justice Bus* and related actions, these delegations are complementing the bureaucracy of labor standards enforcement with intense public pressure.

Lastly, these coalitions have come together with business leaders in a policy campaign to lobby the city of Houston to enact a municipal ordinance to address the wage theft epidemic. In a

largely conservative city where religion, conservative leaders, and big business dominate a good deal of the political landscape, these two alliances have been crucial to the advancement of the *Down With Wage Theft* Campaign.

In each of these efforts, coalition partners share a commitment to advancing the rights of immigrant workers. However, each organization is also driven by its own organizational needs. The ability of federal bureaucracies to carry out their regulatory function is tied to their relationships with consular representatives and community allies that can provide crucial linguistic and cultural access. Similarly, business leaders who have allied with the *Down With Wage Theft* Campaign are also keenly interested in reducing what they view as unfair contract competition from their unscrupulous counterparts in the industry. Each of these alliances, as I have shown, is not static, and must be renegotiated over time as bureaucratic priorities shift, municipal politics change, and organizational leadership turns over.

In sum, this research has provided a comprehensive assessment of immigrant worker advocacy in this rapidly growing immigrant destination. Future research should examine the evolution of immigrant worker advocacy in new destinations where civil society remains nascent, and anti-immigrant and anti-labor forces are ever more potent. Particularly in regions where alternatives for worker power are limited, alliances such as these will prove crucial. In an era of plummeting union membership, worker centers are an encouraging development. However, critics argue that their power to enact lasting change for workers should not be overestimated (Early 2011; Rosenfeld 2006).

## Notes

1. Glimpses of this tension are reflected in reports of the largest raid in U.S. history, which took place in 2008 in Laurel, Mississippi. As suspected undocumented immigrants were taken into custody by Immigration Customs and Enforcement, amidst tears of desperation and fear of what would come next, many coworkers were reported to erupt in applause. The initial tip for the raid in fact reportedly came from a fellow union member years earlier (Bacon 2008).
2. Organized labor and business interests have played an important role in immigration reform outside the U.S. as well. In Spain, both argued in favor of the 1996 immigration reform laws (Watts 1998). Similarly, nongovernmental organizations and business groups coordinate efforts during the creation of an European Union immigration policy that supported a neoliberal agenda of European integration (Guiraudon 2003).
3. The national movement to stop wage theft is aimed at providing worker advocates a “concrete menu of innovative policies to strengthen enforcement of minimum wage and overtime laws—as well as strategic guidance on identifying which policies make sense in a given community” (NELP 2011, 7).
4. A first wave of thirty-three interviews were conducted during Fall 2005 and Spring 2006, followed by twelve targeted follow-ups in Summer 2009, and twelve further follow-ups in Winter 2011/2012. The majority of these interviews were conducted in person, with the exception of nine interviews in September 2011, which took place over the phone.
5. This estimate refers to the Houston-Sugar Land-Baytown Metropolitan Statistical Area.

6. At the time of this study, there was only one legal aid clinic in Houston: Lone Star Legal Aid, which did not handle any labor/employment cases, and due to its federal funding restrictions, with few exceptions, was unable to serve any undocumented claimants.
7. Other early allies included the Catholic Diocese of Galveston-Houston, the U.S. Department of Justice Office of Special Council, the local Committee on Occupational Safety and Health (Houston COSH), and the Consulates of Colombia, El Salvador, and Guatemala. Notably absent from any regular participation in the partnership were representatives from the Texas Workforce Commission, who were all centralized in Austin.
8. Source: Completed referral form dated Spring 2005.
9. Based on data provided by the MOIRA, from November 2004 to November 2005, out of 123 cases where action was taken by a signatory agency, the vast majority were assigned to the Equal Employment Opportunity Commission (35), the Houston Police Department (34), and the Department of Labor (32). From October 2003 to September 2005, the Mexican Consulate received 548 complaints; 424 of which were referred to the Department of Labor Wage and Hour Division.
10. While immigrants are a central constituency for the center, HIWJ has made concerted efforts to also reach out to other low-wage worker populations, including Houston's large African-American population. Another target for HIWJ includes felons who were often recruited subsequent to their release, then subjected to systematic abuse by unscrupulous employers.
11. The small claims court process allows for civil claims up to \$10,000 and does not require the presence of a lawyer.

12. If sufficient evidence is uncovered, an officer should then send a certified demand letter to the charged employer, which the Harris County District Attorney's Office uses to file formal charges. See 2008 Circular, "Theft of Service Involving Failure to Document Day Laborers" Houston Police Department and HPD General Order 800-07 (copy of internal memorandum obtained via a public records request by author).
13. The Fair Labor Standards Act (FLSA) requires all covered employees to be paid the minimum wage and overtime. However, the FLSA applies to businesses that gross over \$500,000 annually, and/or those who engage in interstate commerce (Department of Labor 2009). Consequently, most day laborers do not qualify for protections under the FLSA.
14. Interview, Centro de Recursos Centroamericanos (CRECEN), March 10, 2006.
15. Interview, HIWJ/Fe y Justicia Worker Center, January 11, 2012.
16. The ensuing controversy led then-Mayor Bill White to submit an application to the Department of Homeland Security's controversial 287(g) program. The effort was eventually dropped due to lack of funding and under heavy pressure from the immigrant rights community in Houston.
17. Interview, HIWJ/Fe y Justicia Worker Center, September 16, 2011.
18. Interview, HIWJ/Fe y Justicia Worker Center, December 13, 2012.
19. Interview, Mayor's Office of Immigrant and Refugee Affairs, March 6, 2006.
20. While only 15-20 percent of workers who seek help from HIWJ ultimately become members, their participation is considered central to the group's work. HIWJ members attend monthly assemblies where they discuss strategies for immigrant empowerment (such as what to do in the event of a raid at home or work, or if they are pulled over by

the police), as well as broader strategies to transform the legal and political landscape. Short-term goals have included creating an ID for worker center members, as well as long-term aspirations for legalization and national health care. In 2009, HIWJ members attended a wage theft conference in New Orleans, and in 2011 participated in the National Days of Action Against Wage Theft by visiting police stations *en masse* with wage claims to pressure officers to enforce Texas' wage theft laws. (Interview, HIWJ/Fe y Justicia Worker Center, September 16, 2011 and December 13, 2012).

21. Interview, HIWJ/Fe y Justicia Worker Center, December 13, 2012.
22. Interview, HIWJ/Fe y Justicia Worker Center, July 1, 2009.
23. Similarly, in Austin, the Texas State Building and Construction Trades Council has collaborated with the Workers Defense Project, one of the state's oldest workers center (interview, Harris County AFL-CIO, September 14, 2011).
24. Together with the central labor council, the Texas Organizing Project (the result of the reconfigured Association of Community Organizations for Reform Now), and several other progressive groups such as MoveOn and Code Pink, Good Jobs Great Houston has staged dramatic actions at the office of congressional representatives Culberson and Cornyn. <http://goodjobshouston.org/about/>.
25. These cities include Washington, DC (1993), San Francisco (2003), Santa Fe (2003), Albuquerque (2006), and San Jose (2012) (Sonn 2006).
26. A response from Reytec Construction Resources, Inc. to this investigative report can be found here: <http://images.bimedia.net/documents/reytec+response+letter.pdf>
27. Interview, HIWJ/Fe y Justicia Worker Center, December 13, 2012.
28. Interview, HIWJ/Fe y Justicia Worker Center, December 13, 2012.

29. Interview, owner of a major construction company in Houston, September 20, 2011.
30. Interview, business leader, September 20, 2011.
31. Interview, December 13, 2012.
32. Interview, immigrant rights leader, July 1, 2009.
33. Interview, HIWJ/Fe y Justicia Worker Center, December 13, 2012.
34. While the 287(g) memorandum with the City of Houston was eventually rescinded, the jail program continued in Harris County (Carroll and Morris 2012; Immigration and Customs Enforcement 2008). Secure Communities, which purports to focus on criminal elements within the undocumented population, has become the new focus for critics concerned about the effects of increased local surveillance on community trust and safety.
35. Interview, City of Houston, Office of International Communities, January 11, 2012.
36. Interview, SEIU, Local 1, September 21, 2011.
37. Interview, July 1, 2009.
38. Harriet Joan Ehrlich was a highly respected advocate for worker rights, who passed away in 2008 after serving twenty-four years as the district director for the Equal Employment Opportunity Commission in Houston, before moving to head the San Francisco EEOC District Office (Sixel 2008).
39. Following the first Hispanic Health and Safety Summit in 2004, a 2010 National Action Summit for Latino Worker Health & Safety re-bolstered the administration's commitment to working with consulates and other community-based partners (OSHA 2010).
40. Interview, OSHA, South Houston Office, January 12, 2012.

41. Conversely, the binational accord with Mexico provided a legal framework that allowed the two bureaucracies to work together.
42. Interview, June 30, 2009.
43. <http://www.wecanhelphouston.org/>.
44. Interview, HIWJ/Fe y Justicia Worker Center, December 13, 2012.
45. Interview, HIWJ/Fe y Justicia Worker Center, December 13, 2012.

## Appendix 1

## Appendix 1. Overview of Study Organizations

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CBO	ACORN (Association of Community Organizations for Reform Now)
CBO	Alianza Mexicano
CBO	America Para Todos
CBO	Casa Juan Diego
CBO	Centro de Recursos Centroamericanos
CBO	GANO/CARECEN Central American Refugee Center
CBO	Houston Interfaith Worker Justice/Fe y Justicia Worker Center
CBO	Houston Partnership—America for Immigration Reform
CBO	Leadership Houston
CBO	Lone Star Legal Aid
CBO	Neighborhood Centers
CBO	Organización Latinoamericana Pro-Derecho del Inmigrante
CBO	Social & Cultural RDI
CBO	The Metropolitan Organization
Labor union	Harris County AFL–CIO Council
Labor union	Carpenter’s LU 551
Labor union	Laborers LU 154
Labor union	SEIU LU 100
Labor union	Sheet Metal Workers, LU 54
Labor union	UNITE-HERE LU 251
Coalition	Good Jobs, Great Houston, United for a Fair Economy
Coalition	Houston Coalition for Immigration Reform
Coalition	Houston United/Houston Unido
Coalition	Houston Interfaith Committee for Worker Justice/Houston COSH
Coalition	Houston Rescue and Restore
Coalition	Justice for Janitors campaign
Coalition	Justice and Equality in the Workplace Project
Coalition	TIGAAR (The Information Group for Asian American Rights)
Federal LSEA	Department of Labor Wage and Hour Division
Federal LSEA	Equal Employment Opportunity Commission
Federal LSEA	National Labor Relations Board
Federal LSEA	Occupational Safety and Health Administration
State LSEA	Texas Department of Insurance, Division of Workers’ Compensation
State LSEA	Texas Workplace Commission, Civil Rights Division
State LSEA	Texas Workplace Commission, Payday Law
City Government	Houston Police Department
City Government.	MACIRA (Mayor’s Advisory Council on Immigrant and Refugee Affairs)
City Government	MOIRA (Mayor’s Office for Immigrant and Refugee Affairs)
County Government	Dispute Resolution Center- Houston Bar Association
Foreign Government	Mexican Consulate

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CBO = community-based organization; LSEA = labor standards enforcement agency.

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