

Breaking Ground Breaking Silence:



American Pacific American (APA) Workers' Employment Issues Hearing



The Asian Pacific American Workers' Employment Issues Hearing was co-convened by the Asian Pacific American Labor Alliance (APALA), Restaurant Opportunities Centers United, Michigan Asian Pacific American Affairs Commission, Reform Immigration for America, Michigan Department of Civil Rights, Michigan State AFL-CIO and Metropolitan Detroit, AFL-CIO.

Asian Pacific American
Labor Alliance
(APALA)- Michigan
Chapter

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Special Thanks

**To all of the courageous individuals who shared their stories
at the Hearing**

To the Planning Committee

Meg Chandler, Stephanie Chang, Harold Core, Niaomi Debebe, Ying Gee,
John Golaszewski, Tinese Hill, Roland Hwang, Venus Jetter, Sally Kim,
Minsu Longiaru, Mark Gaffney, Dia Pearce, Kamal Rahman, Saundra Williams,
Malcolm Amado Uno, Sook Wilkinson, and Larry Williams

To the Panelists

Miguel Foster, Mark Gaffney, Senator Gilda Z. Jacobs, Daniel Krichbaum,
Sook Wilkinson and Saundra Williams

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Introduction

As a result of the first national Hearing on November 13, 2009 in Washington D.C., the National Asian Pacific American Labor Alliance (APALA) AFL-CIO decided in 2010 to take testimonies from Asian Workers in New York, Los Angeles, Las Vegas and Michigan. The purpose of the hearings is to gather testimonies from Asian Pacific American Workers on their personal triumphs and struggles in their quest for equality, social and employment rights as immigrant workers.

On September 27, 2010 the Michigan Asian Pacific American Workers' Employment Issues Hearing was co-convened by the Asian Pacific American Labor Alliance (APALA) – Michigan, Restaurant Opportunities Centers United, Michigan Asian Pacific American Affairs Commission, Reform Immigration for America, Michigan Department of Civil Rights, Michigan State AFL-CIO and Metropolitan Detroit AFL-CIO to provide a platform for Michigan Asian Workers to address the employment issues of discrimination and harassment that they experienced in the workplace.



The Hearing encouraged workers to provide testimony to a distinguished panel of labor leaders, government agencies, and elected officials. Michigan APALA Chapter President, Ying Gee moderated the session and individual panelists included UAW Civil

and Human Rights Director Miguel Foster, Michigan State AFL-CIO President Mark Gaffney, Senator Gilda Z. Jacobs, Senate District 14, Michigan Department of Civil Rights Director Daniel Krichbaum, Michigan Asian Pacific American Affairs Commission Chair Sook Wilkinson, and Metropolitan Detroit, AFL-CIO President Sandra Williams. The Hearing was designed as an opportunity to hear from the public regarding employment related issues, especially those suffered by members of the Asian Pacific American community. Minsu Longiaur explained why she supported the Hearing and why she was testifying:

When we join these stories, we are making a political choice to build a community grounded in the common language of struggle. When we connect these stories to one another, we are doing the slow and steady work of building the road to make change.

“My heart truly goes out to everyone who provided testimony here tonight because of what you have suffered through. Our Commission is designed to serve as a bridge between the community and state government or other entities which could address some of these issues. The Commission may not have all the answers, but if contacted we try our best to assist or direct people to the right place.” ~H. Sook Wilkinson, Ph.D., Chair of the Asian Pacific American Affairs Commission within the state Department of Energy, Labor and Economic Growth.

"Thank you for having the courage to share your stories with the panel today. Labor has always been at the forefront in fighting for social justice for all workers regardless of their race, sex, gender, nationality, disability, religion and your stories highlighted the urgency for labor to continue its work to organize the unorganized."
~Mark Gaffney, President, Michigan State AFL-CIO.

Both the Department of Civil Rights and the EEOC had staff on hand to hear testimony and get a better sense of any issues that may be best addressed outside of individual complaints.

"It was certainly an eye opening experience for me," said Daniel Krichbaum, Ph.D., Director of the Michigan Department of Civil Rights. "We know that in order for Michigan to move forward, all of our state must be involved in that movement. A rising tide cannot lift all boats if the anchors of segregation and discrimination are still firmly in place."

Also present was Tony Paris, Attorney for the Maurice & Jane Sugar Law Center coordinated with Ryan Bates, Director of the Reform Immigration FOR

"Your testimonies are powerful reminders of the on-going struggles that workers face every day in the workplaces. While my term is term limited, you have my pledge to work the Michigan legislators to make sure that workers know their rights and are given the same civil rights protection as all Americans."
~Senator Gilda Z. Jacobs

America - Michigan, to have law student volunteers from University of Michigan Law School to provide legal support to the APA workers at the Hearing.

The testimony collected during the Hearing will be used as part of a national report on employment discrimination against Asian Pacific Americans being issued by the Asian Pacific American Labor Alliance, AFL-CIO.

The Model Minority Myth

It is a part of human nature to stereotype. The simple act of generalizing people into categories based on certain apparent characteristics does not necessarily have to be negative. The harm comes in when those stereotypes lead to prejudice, discrimination, and ultimately racism. One common stereotype of Asian Pacific Americans is that they are a "model minority." Asian Pacific Americans have been labeled model minorities because of the perception that they have attained "success" through values of hard work, family cohesion, academic achievement and occupational success. The term model minority was introduced by William Peterson in 1966 in an article titled, "Success Story: Japanese American Style." In the article, Peterson portrays Japanese Americans

as "better than any other group in our society"¹ because Japanese culture with its family values and strong work ethic saved them from becoming a "problem minority."² Since the sixties, the term "Asian" was used to include most people of Asian ancestry. As a result, the term model minority was used to apply to all Asian Americans consisting of: Chinese, Japanese, Korean, and Southeast Asian American groups. Frank Wu in his book *Yellow: Race beyond Black and White* caricatures the model-minority myth as:

Asian Americans vindicate the American Dream... They are living proof of the power of the free market and the absence of racial discrimination. Their good fortune flows from individual self-reliance and community self-sufficiency, not civil-rights activism or government welfare benefits.

The model minority thesis is used to reprimand non-Asian American minority groups by saying, "Why can't you be like these Asian Pacific Americans?" It is the comparative educational and occupational success that pits Asian Pacific Americans against African Americans, Latino-Americans, and Native Americans. Statistics show that Asian Pacific Americans on the whole has done well socially and economically in the U.S., as shown in the following table.

Socioeconomic Characteristics by Racial Groups

Numbers are in percentages, except for income

	Less Than High School	College Degree	Advanced Degree	High Skill Occupation	Married, Spouse Present	Homeowner	Median Personal Income	Median Family Income	Living in Poverty	Public Assistance
Whites	15.3	25.3	3.0	21.4	64.5	78.2	\$23,640	\$48,500	9.4	1.3
Blacks	29.1	13.6	1.2	12.3	38.0	54.4	\$16,300	\$33,300	24.9	4.5
Latinos/Hispanics	48.5	9.9	1.6	9.6	56.3	52.4	\$14,400	\$36,000	21.4	3.5
Native American Indians	27.4	10.8	0.9	11.9	50.2	64.2	\$14,500	\$32,240	25.1	6.1
Asian Americans	19.5	42.9	6.5	34.6	74.9	68.2	\$20,200	\$59,000	11.5	2.2

Source: Asian Nation, Asian American History, Demographics and Issues
<http://www.asian-nation.org/demographics.shtml>

¹ William Peterson. Success Story, Japanese-American Style. New York Times Magazine, January 9, 1966:21.

² Gary Mar, Are Asians Model Minorities? Race, Racism And The Law - Speaking Truth To Power! The University of Dayton 1993 <http://academic.udayton.edu/race/01race/model01.htm>

Although the data shows that the median income of Asian Pacific American families was higher than that of white families, the median income of individuals was found to be lower for Asians than for whites.³ The data concerning the median income of Asian Pacific American families were misleading, due to three factors.

- American families are more likely than white families to have two income earners.
- Asian children remained with their families longer and thereby contributed longer to family income.
- Asian families were larger on the average and, therefore, had more earners contributing to family income.⁴

Some of the other misconceptions regarding economic status of Asian Pacific Americans are due to the fact that the statistical data do not take into account that a large number of Asian Pacific Americans are located in the West and East Coast, where wages and salaries, along with cost-of-living, tend to be far higher than the rest of the nation.⁵ The three states with the largest Asian populations and a disproportionate share of the overall Asian population (California, New York and Hawaii), rank 13th, 4th, and 16th in terms of average income: all within the top third of states.⁶ Whereas 76 percent of Asian Americans live in the higher-income regions of the West and Northeast, only 41 percent of whites and 28 percent of blacks are in these regions. Over half of all APAs in the U.S. live in just five major U.S. cities (Honolulu, San Francisco, Los Angeles, Chicago and New York City): all of which have higher than average household incomes, and much higher costs of living than most of the U.S.⁷

³ Tim Wise, Con-Fusion Ethic: How Whites Use Asians to Further Anti-Black Racism. Published as a ZNet Commentary, October 7, 2002.

<http://www.lipmagazine.org/~timwise/confusionethic.html>

⁴ Gary Mar, Journal #4. Analyzing the Statistics about the "Model Minority" The University of Dayton 1993

<http://academic.udayton.edu/race/01race/model01.htm>

⁵ Deborah Woo, The Glass Ceiling and Asian Americans United States Glass Ceiling Commission Cornell University ILR School, 1994.

http://digitalcommons.ilr.cornell.edu/key_workplace/129

The per capita median incomes of Asian Pacific Americans will tend to be higher by virtue of their residing in high-income states and metropolitan areas. It is therefore misleading to compare these income data against a national median, as opposed to the median incomes of those residing in the same respective regions or metropolitan areas.

⁶ Wise, 2002

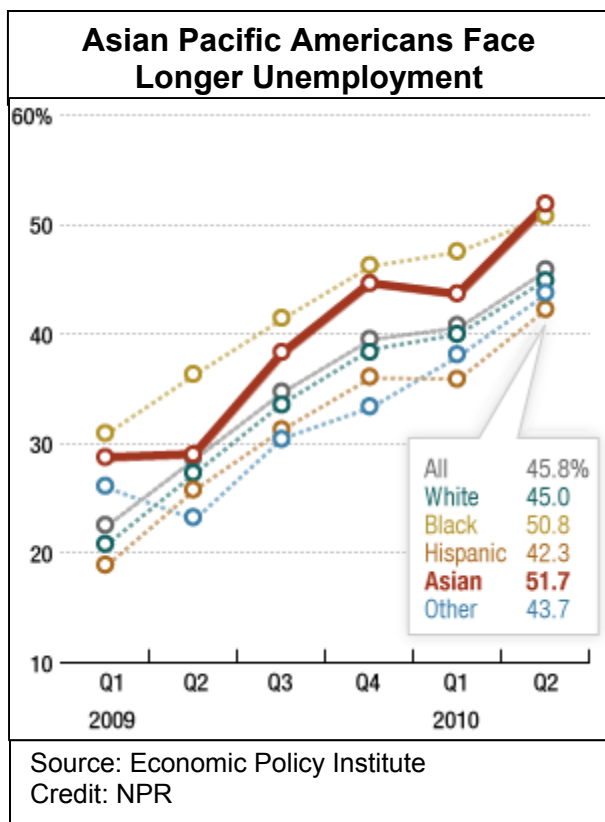
⁷ Wise, 2002

The model minority thesis belies the fact that many Asian Pacific Americans have not achieved economic success. The data does not reflect the fact that the Asian Pacific Americans are a very diverse group. They vary in their national origins, their social class background, and their status as either immigrants or the descendents of immigrants. Of the Asian Pacific American subgroups, Indian Americans, who are heavily represented in the medical and high tech industries, are the wealthiest in the U.S. While the poorest groups are the Cambodian and Hmong Americans.⁸ Depending on the specific ethnic groups educational attainment and economic status, vary widely. Among the Asian subgroups, Cambodians, Hmong, and Laotians have the highest high school dropout rate (7 percent) as compared to Indian (1 percent), Filipino (1 percent), Korean (1 percent), Chinese (3 percent), Japanese (3 percent) students.⁹ Hmong, Cambodians and Laotians students are found to have the lowest rates of having either a College Degree or an Advanced Degree.¹⁰

“Your stories and courage are powerful reminders of the challenges and work that we must do to eradicate discrimination in the workplace.”

-Saundra Williams, President, Metropolitan Detroit AFL-CIO

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Asian Pacific Americans may have the lowest unemployment rate of any racial group nationwide. But the Economic Policy Institute (EPI)'s "Hidden Disadvantage: Asian American Unemployment and the Great Recession," report shows in 2009, 7.2 percent Asian Americans with bachelor's degree were unemployed, while only 4.7 percent of whites with the same education level were without work.¹¹ According to the Economic Policy Institute's 2010 second quarter report a greater percentage of Asian-Americans remained unemployed for the long term than any other major minority group — including African Americans and Hispanic

⁸ Appendix A: The Hmong Experience
http://www.advancingequality.org/files/ProjVOTE_AppA_0306.pdf

⁹National Center for Education Statistics, U.S. Department of Education (http://nces.ed.gov/pubs2010/2010015/indicator4_18.asp). However, Hmong, Cambodians and Laotians students are found to have the lowest rates of having either a College Degree or an Advanced Degree.

¹⁰ Asian Nation, Asian American History, Demographics and Issues

¹¹ Vivian Po, Educated Asian Americans Struggle to Find Jobs June 8, 201 New America Media
<http://newamericamedia.org>.

Americans.¹² More than half — 51.7 percent — of unemployed Asians 16 years old and above have been out of work for 27 weeks or longer, compared with 45.8 percent for all workers.¹³

For every Chinese American or South Asian who has a college degree, the same number of Southeast Asians are still struggling to adapt to their lives in the U.S. In addition, when factors such as age or educational level are controlled for, Asian Pacific Americans have been found to earn less than non-Hispanic whites in comparable circumstances.¹⁴ Asians are also the group that holds the highest percentage of members with a college degree of 42.4% compared with 25.9% of whites and only 15.4% of African Americans.¹⁵ Despite dramatic inroads made by Asian Pacific Americans into institutions of higher education, there has been converging evidence that education brings lower returns for APAs than other groups.¹⁶ The University of Hawaii study found that "most Asian Americans are overeducated compared to whites for the incomes they earn" -- evidence that suggests not "family values" but market discrimination.¹⁷

The "model minority" stereotype affects how mainstream society views Asian Pacific Americans, as demonstrated in Minsu Longiaur's testimony:

When I am in high-school, about to go to college and the small town newspaper is advertising my academic achievements to inflate local real estate prices, my science teacher tells me, "You're lucky you're half-Korean, if you weren't you would be lazy." If you weren't Korean, in other words, you would not be going off to high-falutin 'U'.

The new Asian immigrants who came to the United States after 1997 are mostly urban, well-educated technical and professional people. Many of them came to the United States for higher education or for their children to obtain a better education and career opportunity. Whether a student succeeds or struggles in school and the job market depends on many factors that have to do with contexts and motivations. This doesn't mean that success is easy to achieve among working-class immigrants. As immigrants, they still need to adjust to a new environment, and new cultural and social landscapes. They have to work towards economic survival, due to language barriers, and lack of better job opportunities. In some cases, the children of recent immigrants are able to find mentors or resources that can help them with their academic goals. In other cases, the children of recent immigrants feel lost and on their own in school because they lack the support system needed to help them to navigate through the cultural and language barriers. Given this mix of pressures and resources, it's no surprise that there is a lot of

¹² Yuki Noguchi, Asians Out Of Work Longest Among U.S. Minorities, October 8, 2010 NPR <http://www.npr.org/templates/story/story.php?storyId=130408243>

¹³ Ibid.

¹⁴ Woo, p.47.

¹⁵ Hannah Soeh, I could be a minority model, but am I "The Model Minority"? Global Studies Essay, February 13, 2002.

¹⁶ Woo

¹⁷ Noy Thrupkaew The Myth of the Model Minority, Page 225. Paula S. Rothenberg Race, class, and gender in the United States: an integrated study.

variation in Asian Pacific American students' experiences in school as demonstrated in Minsu Longiaur's testimony:

Except there's another Korean student at my school. In one of those quirks of fate that almost seems like the universe is trying really hard to tell you something, his name is also Minsu. He fails his classes. He is in detention every day. No one knows if he will make it to college. But the model minority myth makes the teacher unable to see him, to recognize the difficulties he faces. Seven Asian ethnic groups – Koreans, Thai, Cambodians, Hmong, Samoans, Bangladeshis, and Pakistanis have poverty rates above the national average. The model minority myth makes it harder for us as a society to understand and talk about these disparities within the Asian community. After all, one of the best strategies for perpetuating an injustice is to render it invisible.

Workplace Discrimination

In an ideal world, every person is treated equally when it comes to getting a job, advancing in their career, and being treated fairly in the workplace. In reality, we know this is not the case. Racial, religious and other forms of discrimination does still exist in hiring, firing, and promotions. Nasihah Barlaskar, a student, shares her experience on why she was denied employment:

In March 2010 I started applying for jobs in all nearby fast food restaurants so that I could save up some money for college and help my family handle every day bills and expenses. I got a call from a manager at McDonalds who asked me to come in for an interview on March 27, 2010. This McDonalds was located near Crooks and M-59 in Rochester Hills. When I got there, a white middle-aged female by the name of Natalia came out to interview me. She asked me some general questions about myself, regarding school and work schedule. She then asked me my nationality and I told her I was from Bangladesh. I didn't realize this was illegal; I thought she was trying to get to know me better by asking me that. The following question was what startled me. She pointed to my Hijab (headscarf) and asked if I "have to wear that thing" on my head. I replied "My Hijab? Yes I do, it's a part of my religion." She then had a hesitant look on her face and I asked her if there was anything wrong with that. She told me I would not be allowed to wear it on the job because of the uniform. I then told her I could wear the uniform cap on top of my Hijab and had no problem conforming to the uniform policies of the company. She then took a reference from me, told me she would contact them, and get back to me in a couple of days telling me whether or not I got the job. I waited a few days and called the reference to ask if the manager followed up with her, and the reference said no. Two days later, I called the McDonalds back and asked to speak with the manager Natalia. When I asked her why I didn't get the job, she told me she decided to go with

someone else. I asked her if there was anything wrong with my interview or something about me that she didn't like, she replied no.

Despite the hard fought battle for civil rights and affirmative action, Asian Pacific Americans, along with other ethnic groups (e.g., Hispanic/Latino Americans, African Americans, Native Americans) are often prejudged by stereotypical attributes that Asians are too quiet and lack leadership qualities. Here Minsu Longiaur shares her experience in applying for a clerkship after graduating from Harvard University:

When I go into an interview for a judge for a clerkship, the judge, a person who has sworn to see all equally before the law, says to me, "I generally don't like working with Asian American women law clerks because they strike me as too quiet. What do you have say about that?"

"By sharing your stories today, we can begin the work on making sure Asian American workers know their rights and are given the same equal opportunity and social justice as all Americans."

~Miguel Foster, Director, UAW Civil and Human Rights Department

According to Dr. Algernon Austin, Director of the Race, Ethnicity and the Economy Program at EPI, "90 percent of people [who] experienced discrimination do not know they are discriminated against." Workplace discrimination and harassment can come in many forms, ranging from subtle preferential treatment to an overtly hostile workplace environment. For immigrants who don't speak English and don't know their rights, management often uses tactics such as intimidation or threats of termination to keep the workers in line. To address discrimination issues, APAs must be able to recognize the problems, understand why their civil rights have been violated, understand the remedies and not be afraid to take action. Niaomi Debebe testifies:

I did not plan to testify today. I was here to support the workers who is testifying. However, after hearing their stories, I feel compelled to testify before the panel. I too have been discriminated many, many times. It is very difficult for me to talk about it. However, I feel it is important for individuals who have been discriminated against in the workplace to speak out.

The transition from settling in and adjusting to the new culture with unfamiliar language and social norms, often leads to stress and gives rise to maladjustment for many new APA immigrants.¹⁸ Problems between new APA immigrants and their supervisors often results because of different cultures, communication styles, and language barriers. Compound this with having to learn the different societal nuances to work place

¹⁸ Carson & Arnold, 1996, p. 308 Carson, V.B., & Arnold, E.N. (1996). *Mental health nursing: The nurse-patient journey*. Philadelphia: W.B. Saunders.).

regulations' and rules is often challenging for new APA immigrant workers. As demonstrated in the testimony given by Wendy La:

A co-worker had a sexual relationship with a supervisor who was not my supervisor. Originally, I was assigned to work in the Sandwich Department. But when that other co-worker wanted to work in the Sandwich Department, I was transferred to work in the Buffet Department. However, that co-worker was not able to keep up with her work and I had to help her with her work. The supervisor would yell at me. One time the supervisor hit me on the top of my head with a gas pipe. I am angry and hurt that I got fired in 2004 and the union brought me back to work under the last chance agreement. Then in 2007, I was fired because I was accused of not putting olives in the salad, when that was not my responsibility.

Asian employees present a particular group pattern of behavior and attitude which results from their cultural backgrounds, e.g. respect for authority, saving face, self-restraint and high-context communication style. In Eastern cultures, employees are expected to show respect to those in positions of authority. Asian Pacific Americans generally value age, rank, and protocol. Westerners frequently see no difference in status, seniority, and age. In Eastern cultures, a manager or a person of authority expect their subordinates to follow established procedures without question. Subordinates do not publicly challenge their manager, as it would make the manager lose dignity and respect. Employees are expected to accept orders from their superiors or managers without questioning or challenging the order. As demonstrated in Wendy La's case, she may have tried to use indirect ways to avoid direct and open conflict. However when faced with conflict, APAs prefer to use authority to suppress it, or settle things in private. They prefer to resolve conflict through negotiation and compromise.

Another important APA attribute is "saving face". "Saving face," simply means not being disrespectful to others in public, or taking preventive actions so that we will not appear to *lose face* in the eyes of others. In Wendy La's case, she probably felt that she lost face when another supervisor confronted her about her work in front of her co-workers.

Almost all conflicts involve communication problems. Misunderstandings, resulting from cross cultural communication, can lead to conflicts in the workplace. Cross cultural communication, consists of high-context communication and low-context communication. There are times we "say what we mean, and mean what we say," leaving little to be "read in" to the explicit message. This is low-context communication. At other times, we may infer, imply, insinuate, or deliver with nonverbal cues messages that we want to have conveyed but do not speak. This is high-context communication. Generally, Western cultures tend to gravitate toward low-context starting points, while Eastern cultures tend to use high-context communication. Many of the Asian languages are more strategic in manner, whereas Americans tends to be more direct. These differences in communication style can lead to misunderstandings especially when speakers are not clear themselves about what they mean. Even when people know

what they mean, they often do not say it as clearly as they should. They may hide their true feelings or ideas intentionally or unintentionally. This often leads to misinterpretation about the meaning of the other person's messages in the workplace. This is especially common when people from different cultures try to communicate. Even if their languages are the same, culture acts like a lens through which we see and interpret the world. If their cultures are different, it is easy for the same statement to mean one thing to one person and something different to someone else¹⁹. Thus, intercultural communication is especially prone to errors.

Discrimination is based on the victim's perception and not the intent. Oftentimes, when asked, Asian Pacific Americans will not admit that they have been a victim of discrimination for fear that they may be labeled as troubled maker or they feel that if they say nothing the problem will go away by itself. Another problem that Asian Pacific Americans often encounter is what they perceive as discrimination may not be construed as discrimination by non-Asians. One of the audience members who is a teacher testified:

My students often make the ching-ching sounds, when I turn my back. It is especially offensive to me, especially when I am not even Chinese, I am Filipino.

Why Workers Need Unions

For many APA immigrant parents emigrating to the US is a sacrifice that they are willing to take in order to provide a better education and career opportunity for their children. However, it also means a loss of status and role as many of the new wave of APA immigrants come from all walks of life—teachers, businesspersons, farm workers, ex-government ministers, physicians, etc. The problem is their qualifications and credentials are not recognized in the US, so immigrants may have to resort to employment that is beneath their qualifications and incompatible with their personal values.

Many often resort to finding work in the service industry such as restaurants or hotels. For some restaurant workers, they are paid the minimum wage or lower. Workers who are paid a minimum wage often do not get raises on an annual basis. Workers in the service industry often have to work two or three jobs, nearly totaling sixty hours a week, six days a week. When APA workers in the restaurant industry complain about their working conditions, employers often arbitrarily change their work schedule as a punishment or terminate their employment.

For some Asian Pacific American workers, who work in a non-union setting, oftentimes do not know the resources that are available to them for filing employment

¹⁹Misinterpretation of Communication Conflict Research Consortium, University of Colorado, USA
<http://www.colorado.edu/conflict/peace/problem/misinter.htm>

discrimination violations. Many would quit their jobs or be forced to quit their jobs because the employer makes the work environment intolerable for them. Take for example in the case of Jessica Wang who testified:

I did not intend to testify today. However, after hearing the stories today, I want to share my story with you. I worked at the school as a media technician for over 15 years. When the administration changed, the principal, decided to cut my salary in half, because he didn't like me. I quit and now I am unemployed. I later found out that the school had to hire three people to do my job.

For many workers who are employed in a non-union setting, they often do not have any recourse when their employers cut their salaries, deny them of promotional or training opportunities or terminate their employment.

Immigrant Workers' Rights

Statement by Sally Kim, from Alliance for Immigrants Rights– Michigan on immigration reform.

Asian Pacific Americans struggled historically in the United States since they first began migrating here. The first large wave of APAs was Chinese, arriving in the mid 1800s.

Like other waves of immigrants arriving in the U.S. for economic reasons and hopes of better opportunities, - whether the Irish wave during the Irish Potato Famine or the relatively recent migrations from our Southern hemisphere like Mexico, the first large wave of APAs, Chinese, came to the US seeking better economic opportunities.

Thousands of Chinese migrated to the US midst ensuing economic difficulties after Britain defeated China in the Opium War of 1839 - 1842. Chinese in the US were used as a source of cheap physical labor, including as miners, to build the transcontinental railroads of 1865, and in service economy sectors like laundry and sewing. About 12,000 Chinese laborers helped build the railroads in dangerous and even deadly conditions, and were paid much less than white workers. Upwards to a thousand of these workers died during building the railroads.

In addition to prospecting for gold in California, many Chinese also came as contract laborers to Hawai'i to work in sugarcane plantations. While in California, Chinese miners experienced their first taste of discrimination in the form of the Foreign Miner Tax. This was supposed to be collected from every foreign miner but in reality, it was only collected from the Chinese, despite the multitude of miners from European countries there as well.

<http://www.asian-nation.org/first.shtml>

A growing anti-Chinese movement grew around and after this time period, as large numbers of cheap Chinese immigrants' labor was no longer needed to build the railroads. With a large pool of unemployed foreign-born workers now looking for other jobs and planning to stay in the US, tensions rose. Americans saw Chinese in direct competition with their jobs: foreign workers willing to work

Mother Jones was involved in the labor organization Knights of Labor, and their anti-Chinese agitations that thoroughly infected the labor movement during the 1880s.

http://www.historylink.org/index.cfm?DisplayPage=output.cfm&file_id=3720

for less. Established labor too, saw Chinese as rivals to their union members. Even Mary Harris "Mother" Jones, the Grandmother of Labor, who helped coordinate major strikes and co-founded the Industrial Workers

of the World, saw Chinese immigrants as cheap competition and spoke against them.

Anti-Chinese riots and lynchings happened in Tacoma, Washington and Rock Springs, Wyoming amongst other places.

Racial tensions, spurred by economic tensions and increased by racial and cultural differences, culminated in a law specifically forbidding any more Chinese from migrating to the US: the 1882 Chinese Exclusion Act. This Act also ensured that Chinese immigrants who were already living in the U.S. - or their U.S.-born children - wouldn't be able to become U.S. citizens.

One hundred and twenty-eight years later and 15 million APA immigrants later, it's interesting to note what has and what hasn't changed.

Recent immigrants are still exploited in their jobs, their immigration status held over their heads, and paid less than their non-"noticeably" immigrant counterparts. A high percentage of APA workers in the U.S. are foreign born, 79%. Whether it was Chinese laborers in the 1800s or Mexican laborers of 2010, immigrants in the U.S. have faced similar problems then and now. Whether 130

At its peak, 9,000 to 12,000 Chinese worked for the Central Pacific in some of the dirtiest and most dangerous jobs (different sources have different estimates on exact numbers). Many sources claim that up to 1,000 Chinese died during the project as a result of avalanches and explosive accidents as they carved their way through the Sierra Mountains (other sources claim much lower numbers of casualties).

Even though the Chinese workers performed virtually all of the hardest, dirtiest, and most dangerous jobs, they were only paid 60% of what European immigrant workers got paid. The Chinese workers actually went on strike for a few days and demanded that they get paid the same amount as the other ethnic groups. Officials of the Central Pacific were able to end the strike and force the Chinese workers back to work by cutting off their food supply and starving them into submission. The project was completed on May 10, 1869.

<http://www.asian-nation.org/first.shtml>

years ago or now however, during times of scarcity - different races of immigrants are scapegoated and singled out through racial or cultural characteristics and "otherized" by their nativist counterparts looking for someone to blame when jobs become scant.

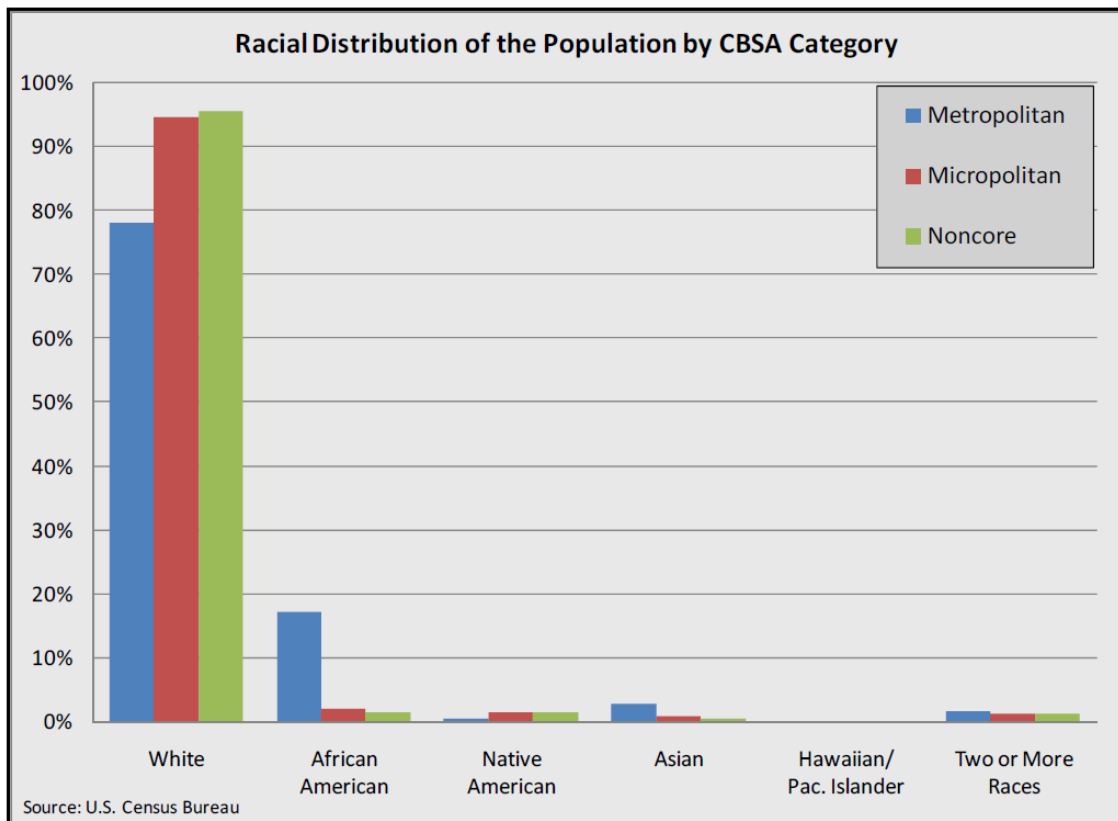
One hundred and twenty-eight years later, this nativists are again looking for another group to target to deny citizenship to: this time around, it's Latino immigrants. This time around, certain groups are trying to repeal birthright citizenship protected in the 14th Amendment. Last time around, it was the Chinese Exclusion Act. Either way, it's the same deal with a different face being targeted.

What we need is Comprehensive Immigration Reform (CIR) now. That way, the one out of five Korean immigrants in the U.S. can earn a pathway to citizenship. That way, the remaining population of APA immigrants, 20% of that being Chinese, can also have greater ease in legalizing family members. APA undocumented workers don't need to be afraid to report labor or other violations because they will be on a pathway to citizenship. And all other immigrant workers and their families will benefit too from CIR.

Demographic Snapshot: Asian Pacific American Workers

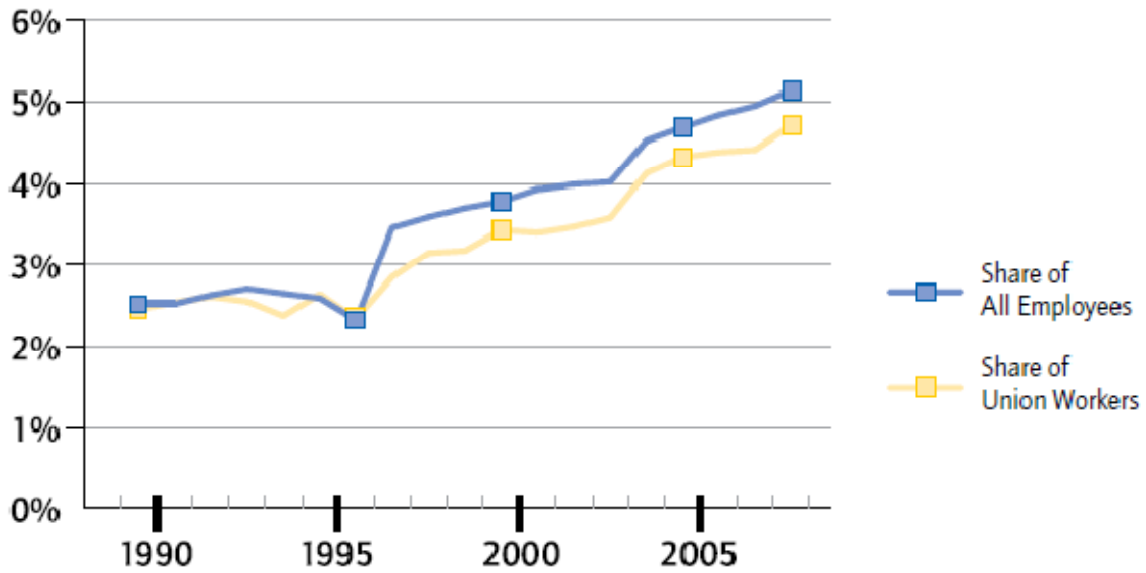
Executive Summary:

The U.S. population is projected to increase to 392 million by 2050 -- more than a 50 percent increase from the 1990 population size. The fastest growing race groups will continue to be the Asian Pacific American and Hispanic/Latino American population. According to the 2000 U.S. Census, 14.12 million people identified themselves as individuals of Asian descent representing about 4.6% of the U.S. population and will triple by 2020, and increase to more than 5 times its current size, to 41 million by 2050. According to the U.S. Census Bureau, 1.45 million or 11.34% of the national APA population resides in the Midwest region (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin). With 229,223 APA residents, Michigan has the second largest population of APAs in the Midwest and the 13th largest such population in the nation. The APA population comprises 2.4% of Michigan's population.



Asian Pacific Americans, along with Latinos, represent the fastest growing segment of the U.S. workforce. Additionally, these same groups also represent the fastest growing group in organized labor. Of the 750,000 APA union members in the United States, approximately two-thirds are immigrants. The gender composition of APA union members is fairly equal with men representing 51.5 percent and women accounting for the remaining 48.5 percent. Finally, over three-quarters of APA union members are concentrated in Pacific and Northeast states.

AAPI Workers Represent Fastest Growing Group



Demographic Composition of Asian Pacific American Workers, 2003-2007

	Asians		All		Unionization Rate	
	Unions	All	Unions	All	Asians	All
	(Thousands, Annual Average)				(Percent)	
All	755,420	6,350,019	17,172,531	131,364,743	12.5	13.6
	(Percent)				(Percent)	
Male	51.5	53.1	55.8	52.8	12.3	14.7
Female	48.5	46.9	44.2	47.2	12.8	12.5
Age						
16-24	6.0	11.8	6.1	14.7	6.1	5.4
25-34	22.9	27.8	19.4	22.3	10.1	11.7
35-44	25.5	26.9	26.3	24.4	12.0	14.8
45-54	27.1	20.7	30.2	23.1	16.8	18.1
55-64	16.2	10.5	16.0	12.4	19.9	18.0
65+	2.4	2.4	2.0	3.1	13.3	9.4
Region						
Northeast	21.3	19.3	27.5	18.8	13.9	19.9
Midwest	8.5	12.2	27.4	23.3	8.7	16.0
South	7.0	20.3	19.4	35.5	4.4	7.5
West	3.2	4.3	4.8	6.9	9.3	9.6
Pacific	60.0	43.9	20.9	15.5	16.9	18.3
State						
CA	40.5	32.5	15.1	11.5	15.5	17.8
NY	13.3	9.2	12.2	6.3	18	26.2
HI	13.5	6.3	0.8	0.4	26.4	25.3
TX	1.1	5.7	3.4	7.4	2.5	6.2
NJ	4.9	4.8	4.8	3.1	13.2	21.3
WA	4.6	3.7	3.3	2.2	15.4	20.8
NV	1.9	1.4	1.0	0.8	17.4	16.0
Education						
Less Than HS	4.6	7.0	5.4	10.3	8.1	7
HS	20.5	19.9	31.1	30.8	12.8	13.6
Some college	25.1	21.4	28.6	28.9	14.5	13.5
College	34.3	31.6	20.2	19.9	13.6	14.1
Advanced	15.4	20.0	14.7	10.0	9.8	20.7
Immigrants	66.1	71.2	11.9	15.0	11.7	10.8
Full-time	89.2	84.3	90.4	82.2	13.3	15
Part-time	10.8	15.7	9.6	17.8	8.5	7.3
Non-Manufacturing	91.9	86.1	87.4	87.3	13.4	13.7
Manufacturing	8.1	13.9	12.6	12.7	7.1	13.3
Private Sector	56.8	87.2	52.1	84.6	8.2	8.5
Public Sector	43.2	12.8	47.9	15.5	40	40.5

Notes: Based on Analysis from Center for Economic and Policy Research Report: "Benefits of Unionization for Asian

APA Workers: The Union Advantage

If there's an injustice out there, I think we all have a responsibility, especially those of us that are so blessed to live in America and have freedom of speech and freedom of organization. We have a responsibility to those who are less fortunate than us, then to reach out and to help them. And it really is in our own self-interest long term. The more just we make the world, the more justice is protected for everybody.

~Bob King, President
International Union, UAW

The union advantage for Asian Pacific American (APA) workers is clear. Even after controlling for age, education level, industry and state, APA union members earn about 9 percent more than their nonunion counterparts, which equates to about \$2.00 per hour more. The union advantage also encompasses health insurance and pension. APA union members are 19 percent more likely to have health insurance and 25 percent more likely to have a pension than their non-union counterparts.

The union advantage is greatest in the 15 lowest-paying occupations. In these low-wage occupations, APA union members earn about 12 percent more, are 24 percent more likely to have employer-provided health insurance and 31 percent more likely to have a pension.

Wages, Health, and Pension Coverage for Union and Non-Union Asian Pacific American Workers, 2003-2007

	Union share	Median hourly wage		Health-insurance		Pension	
		Union	Non-union	Union	Non-union	Union	Non-union
All	12.5%	\$21.66	\$17.93	76.8%	55.5%	69.0%	40.1%
Men	12.3%	\$22.06	\$20.54	81.2%	59.8%	65.0%	41.6%
Women	12.8%	\$21.36	\$15.58	71.9%	51.0%	73.4%	38.5%
In low-wage occupations	14.1%	\$13.35	\$10.39	66.7%	37.0%	60.8%	22.0%

APA Workers: A Demographic Snapshot

- Two-thirds (66.1 percent) of APA union members are immigrants.
- Women represent nearly half (48.5 percent) of all APA union members.
- Over 40 (43.2 percent) percent of APA union members work in the public sector, a much higher share than the overall APA workforce (12.8 percent), but slightly lower than the overall union workforce (47.9 percent).
- More APA workers work in the public sector (815,000) and are unionized workers (755,000) than are self-employed (477,000).
- Asian countries comprise five out of the top 10 countries of birth of immigrant workers: Philippines (4.9 percent), India (4.9 percent), China/Hong Kong (4.2 percent), Vietnam (2.8 percent) and Korea (2.2 percent).

Recommendations: Moving Forward

The workers who testified at the Michigan Asian Pacific Americans Employment Issues Hearing represent the voices of APA workers regarding issues such as barriers to employment, career advancement and discrimination. Their inspirational stories reflect personal courage and conviction, and their struggle also demonstrates the need for significant labor law reform and a concerted effort to provide education and training to Asian Pacific American workers on their civil and human rights in the workplace. Based on the testimony received, we have identified a number of important legislative and administrative goals to support the rights of APA workers.

Pass the Employee Free Choice Act

Union members enjoy higher wages, and are more likely to have employer-provided health insurance and a pension.²⁰ In particular, APA union members earn nine percent more, are 19 percent more likely to have employer-provided health insurance and 25 percent more likely to have an employer-provided pension. However, workers seeking to join unions are beset by employers who suppress workplace democracy through illegal intimidation and firing as well as prolonging first contract negotiations.

The Employee Free Choice Act would ensure workers have the freedom to unite on the job and bargain collectively with their employers for better wages, benefits, and working conditions. The three fundamental elements of the Employee Free Choice Act include: 1) Allowing workers the choice to organize a union through a simple majority sign-up process; 2) Increasing penalties against unscrupulous employers who violate the law; and 3) Promoting a mediation and arbitration process to guarantee productive first contract negotiations. In addition to federal legislation, states can also take action to allow workers to join unions through majority sign-up. State legislatures can enact bills and governors can sign executive orders allowing a particular class of worker to gain card check neutrality. A good example is Hawaii's HB 952 (2009), which allows certain agricultural workers to join unions through majority sign-up. There are now 22 laws in 12 states that grant certain public and private employees the right to form unions through the majority sign-up process.

Next Steps:

1. Request Members of Congress to co-sponsor the Employee Free Choice Act (H R 1409/S 560).

²⁰ Bronfenbrenner, Kate. No Holds Barred: The Intensification of Employer Opposition to Organizing. Washington, D.C.: Economic Policy Institute, 2009.

2. Request the White House Initiative on Asian Pacific Americans to include workers' rights into program priorities.
3. Request state representatives and elected officials to enact state bills incorporating the main provisions of the Employee Free Choice Act.

Pass Comprehensive Immigration Reform

Our immigration system is broken and needs to be fixed. The current system allows employer intimidation of undocumented workers, abusive conditions for temporary workers and long backlogs in the family immigration system. APALA believes that comprehensive immigration reform should avoid xenophobic enforcement only proposals. Instead, immigration reform should seek solutions that advance the rights of all workers; respect civil rights and liberties, and promote the full participation of immigrants in our society. Thus, APALA supports comprehensive immigration that promotes protections for all workers, family reunification, immigrant integration, a path to legalization for undocumented immigrants and due process.

Next Steps:

1. Request that Members of Congress support the Principles of Immigration Reform.
2. Overturn or reverse *Hoff man vs. Plastics* to protect the rights of all workers to file complaints with the U S Department of Labor without fear of deportation.
3. Improve oversight of recruitment agencies for temporary workers.

End Wage Theft Abuse

Immigrant workers, due to immigration status, lack of educational attainment or English proficiency, face the potential of additional abuses in the workplace. A 2009 study by the National Employment Law Project found that an overwhelming 68 percent of low-wage workers, regardless of their citizenship status, reported millions of dollars lost to wage theft each year.²¹ This epidemic is prevalent amongst APA workers who are cheated out of minimum wage, overtime, misclassification as independent contractors, and in the most egregious cases, not paid at all.

²¹ Bernhardt, Annettem, et. al. Broken Laws, Unprotected Workers: Violations of Employment and Labor Law in America's Cities. New York: National Employment Law Project, 2009.

Such employers decrease general labor standards and violate workers' rights. There is a need for increased resources to ensure that enforcement of wage and hour violations, and prevailing wage infractions, are enforced by the Department of Labor Government must end the pervasive problem of wage theft by increasing penalties for violators and increasing resources for inspections. For example, in 2004, California recovered over \$104 million for workers and taxpayers through a statewide program to combat these abusive practices. States including New York, Washington, and New Mexico already have strong laws or government agencies that investigate and penalize employers who cheat their employees, ensuring a level playing field for all employers.

Next Steps:

1. Request Members of Congress to co-sponsor the Wage Theft Prevention Act (H R 3303), which proposes extending the statute of limitations while the Wage and Hour Division of the Department of Labor investigates the claim of wage theft.
2. Request Members of Congress to co-sponsor the Employee Misclassification Prevention Act (S 3648) to increase penalties under the Fair Labor Standards Act (FLSA) against unscrupulous employers who misclassify workers as independent contractors and deprive them of minimum wage, overtime and labor protections.
3. Encourage the Department of Labor to use all sanctions available under the FLSA against employers who commit wage theft, including criminal prosecutions for employers who do so willfully.
4. Increase protection for workers who speak up, and add tools that the Department of Labor and courts can use to investigate cases and recoup money that workers are owed.

Protect Domestic Workers

Domestic workers, many of whom are Asian immigrants, are excluded from the National Labor Relations Act, leaving them vulnerable to exploitation and abuse from current labor laws. Inclusion in the National Labor Relations Act will provide workers with the right to organize to combat the myriad of workplace abuses, include wage theft and domestic violence. Additionally, the Occupational Safety and Health Act, Fair Labor Standards Act, Title VII of the Civil Rights Act, Americans with Disabilities Act, and the Age Discrimination in Employment Act exclude an overwhelming majority of domestic workers APALA supports including domestic workers in the National Labor Relations Act, which would allow this classification of workers to form or join unions.

Next Steps:

1. Amend the National Labor Relations Act to include domestic workers to guarantee basic workplace protections and workplace standards for currently excluded workforce.
2. Amend regulations pertaining to meal and lodging credits to ensure that employers do not reduce a worker's salary without proof that the deduction does not vastly exceed the benefit.
3. Improve the structural response to domestic worker concerns by creating a specialized.
4. Domestic Worker Bureau within the Department of labor.

Promote Language Access and Data Collection and Dis-Aggregation

Asian Pacific Americans are an extremely diverse group, encompassing many ethnicities and languages. Thus, it is imperative that government agencies at the local, state, and federal levels ensure that government services and resources are available in a variety of languages. Without resources and programs specific to different ethnicities, APAs will not receive adequate care at hospitals, have equal access to the voting booth, or receive an equal education. Just as necessary is the need to gather information for each sub-ethnic group to get an accurate portrayal of a wide range of critical data related to the economic health and well being of these diverse groups. Without this data, it is difficult to measure community needs along a host of issues like unemployment, unionization and other issues. These two sides of the same issue – community access and measurement – form the basis of how APAs are served by public and private institutions, as well as how they function within the workplace.

Next Steps:

1. Request all Federal Agencies implement Office of Management and Budget Directive that further promotes the collection of data.
2. Request all Federal Agencies to collect and disaggregate Asian Pacific American sub-populations.
3. Request all federal, state, and local agencies to promote language access.

Strengthen OSHA Protections and Enforcement

Immigrant workers often face hazardous and unsafe working conditions. Thus, providing additional resources for the Department of Labor can provide increased oversight of health and safety violations on the job. Additionally, part of the reason that employers persist in allowing harmful workplaces is because the fines for violating Occupational Safety and Health Act (OSHA) law are minimal⁴⁰, and can be further reduced by the company through the appeals process. The ultimate fines may result in no more than a slap on the wrist, leaving employers little incentive to adhere to current labor laws. APALA is encouraged by Secretary of Labor Hilda Solis' pledge to focus on worker safety during her tenure.

Next Steps:

1. Request Members of Congress to co-sponsor the Protecting America's Workers Act (H R 2067, S 1580), that would strengthen OSHA civil and criminal penalties, expand OSHA coverage, and strengthen anti-discrimination protections and workers' rights.
2. Provide increased resources to Department of Labor to hire more compliance officers to enforce health and safety laws.
3. Provide increased resources to Department of Labor to hire increased numbers of culturally competent officers to work with APA communities.



The Asian Pacific American Labor Alliance (APALA), AFL-CIO was founded in 1992 as the first and only national organization for Asian Pacific American union members to advance worker, immigrant and civil rights.

APALA
Asian Pacific American Labor Alliance, AFL-CIO