

## Immigrant Workers, Precarious Work, and the US Labor Movement

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**ABSTRACT** *This article argues that the immigrant labor movement in the contemporary United States has three distinctive strands. The first involves traditional trade unionism. Although US unions once supported restrictive immigration policies, that has changed dramatically in the twenty-first century. Several leading US unions have recruited Latino immigrants employed in low-wage janitorial, retail, and hospitality work, and to a lesser extent in residential construction and in manufacturing. And both major union federations now support immigrant rights and a path to legalization for the undocumented. The second strand of the immigrant labor movement revolves around the advocacy and organizing efforts of labor-oriented NGOs – known in the US as ‘worker centers,’ which number well over 100 and are scattered across the country. Finally, a vibrant immigrant rights movement has taken shape in recent years, which represents a third type of immigrant labor activism. Although it uses the rhetoric of human rights and/or civil rights, its quest for legal status for the unauthorized is motivated primarily by the desire to improve immigrant employment opportunities and conditions. Despite tensions and differences that divide these three strands of immigrant labor activism, their basic goals and activities are increasingly synergistic and sometimes directly intersect.*

**Keywords:** immigration, unions, labor, precarious work

In December 2008, shortly after the historic election of Barack Obama and in the midst of the worst economic downturn since the 1930s, a small drama unfolded in a Chicago factory. Adopting a tactic that is rarely used (and illegal) in the United States, 240 blue-collar union members employed by Republic Windows and Doors occupied their workplace for six days. They did so to protest the firm’s decision to close the factory and abruptly dismiss them from their jobs without notice or compensation, in apparent violation of US law.<sup>1</sup> Planning for the sit-in had begun weeks before, when workers noticed that Republic had begun moving equipment out

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of the facility (the firm was in the process of relocating production to a nonunion facility in nearby Iowa, although this did not become clear until later).

Republic stated it was closing the plant due to a cutoff of credit by the Bank of America, a central player in the ongoing US financial meltdown. That made the workers' protest a flashpoint for growing anti-corporate anger, amplified by extensive media coverage. The president-elect (still based in Chicago at the time) opined that the workers' demand for severance pay was 'absolutely right', and unions, student groups, churches, and community organizations around the country sent money, food, and moral support. Local politicians also endorsed the sit-in and some of them helped broker a settlement, under which the workers won \$1.75 million. Finally, in a Hollywood-style happy ending, the factory was bought by a California-based energy-efficient window firm, which is reopening it with the old union contract, workforce, and wage rates intact (Dreier, 2008; Lou & Cullotta, 2008).

Such successful worker protests have been rare in recent years, with the US labor movement in a state of decline and disarray. Many elements contributed to the outcome of the Republic sit-in: the timing (just before Christmas, and as the nation wrestled with a deepening recession), the company's legally questionable actions, the president-elect's public endorsement, the strategic acumen of the workers and their union, and the linkage (via Bank of America) to the nation's ongoing financial crisis. But another critical factor was almost entirely ignored in the flurry of media reports and public commentary: the inconvenient fact that the Republic Windows workers were mostly immigrants from Mexico and Central America—a substantial proportion of them present in the country without legal authorization. The plant also employed quite a few African Americans, who joined the sit-in alongside their Latino co-workers, overcoming black–brown tensions that reportedly existed earlier on.

This case of immigrant labor protest, although unusual in some respects, exemplifies the dynamic role foreign-born Latinos have come to play in the beleaguered US labor movement, infusing it with new energy, new tactics, and new ideas. Not only are recent immigrants highly receptive to organizing opportunities, but they are able to draw on a wider repertoire of collective action than their US-born counterparts. By some accounts, indeed, the Republic workers borrowed the sit-in from the tactical arsenal of recent Latin American labor protests (Dangl, 2009; see also Brooks, 2008). At the same time, this case illustrates the problem of legitimacy with which labor struggles involving immigrants—especially the unauthorized—must contend.<sup>2</sup> It was no accident that the workers and their union downplayed the composition of the workforce, and especially the majority presence of undocumented immigrants. That remained under the radar in a narrative that focused on workplace injustice in the face of a severe economic crisis (Cepeda, 2008). Had it been otherwise, the popular animus against 'illegal aliens' might well have diverted public and media attention and undermined the success of the sit-in.

The Republic Windows saga is already fading from public memory, but the larger phenomenon of immigrant labor organizing is likely to endure for years to come. Latino immigrants have been the protagonists in many of the nation's most celebrated workplace organizing campaigns for decades now. Concentrated at the bottom of the labor market, where wages are minimal, employment precarious, and violations of workplace laws and regulations widespread, low-wage immigrant workers are often on the front lines of the broader effort to resist employer-driven restructuring strategies that are driving down wages, working conditions, and living standards—what recent commentators have termed 'The Big Squeeze' (Greenhouse, 2008) or 'The Gloves-Off Economy' (Bernhardt et al., 2008).

Immigrants arrive in the United States with a strong desire to improve their economic position; indeed, that is the main reason most migrate in the first place. Although scholarly

controversy continues over the extent to which the ‘selection hypothesis’ applies to Latino immigrants (i.e. whether migrants have higher skill levels than non-migrants), the recent record shows that once they are present in the US these workers regularly engage in collective struggles that aim to improve their economic position.<sup>3</sup> Moreover, insofar as the target of such struggles is employer practices that hurt US workers generally, their quest for economic justice can often win the hearts and minds of the broader public, despite the deep and ever-present reservoir of anti-immigrant sentiment.

Immigrant labor activism in the twenty-first century United States has three distinctive strands. The first involves traditional trade unionism. Although US unions have a mixed record in relation to foreign-born workers (often having supported restrictive immigration policies in the past), that has changed dramatically in recent years. As is now well-known, starting in the late 1980s, several leading US unions—most of them now affiliated with the Change to Win federation, which broke off from the AFL-CIO in 2005—began to actively organize Latino immigrants employed in such low-wage sectors as janitorial, retail, and hospitality work, and to a lesser extent in residential construction and in manufacturing plants like Republic Windows (Milkman, 2000, 2006; Ness, 2005). And in 2000, the AFL-CIO reversed its long-standing support for immigration restriction and embraced a new policy favoring immigrant rights and a path to legalization for the undocumented. Although immigrant union organizing and membership remain very uneven across industries, occupations, and types of unions, today virtually all US labor unions offer at least nominal support for immigrant workers’ rights.<sup>4</sup>

Secondly, Latino immigrants have been the primary focus of recent advocacy and organizing by labor-oriented NGOs—known in the US as ‘worker centers’ (Fine, 2006; Gordon, 2005; Milkman et al., 2010). These efforts often target casualized occupations in which conventional forms of unionization are difficult to establish—such as day labor or domestic service—or decentralized industries that unions have basically abandoned as ‘unorganizable’, like garment manufacturing or restaurants. Many worker center leaders are ambivalent about or hostile to trade union traditions, which they view not only as ill-suited to the challenges of organizing precarious or informal-sector workers, but also as overly bureaucratic, inflexible, and conservative. Unlike most US unions, worker centers regularly organize around not only workplace issues but also the social needs of low-wage immigrants, like education and housing.

Finally, a vibrant immigrant rights movement has taken shape in recent years, most dramatically manifested in the spring of 2006, when millions marched in the streets to protest against H.R. 4437, the draconian proposal for immigration restriction that was passed by the US House of Representatives in late 2005. This movement represents a third type of immigrant labor activism. Although it uses the rhetoric of human rights and/or civil rights, and has support from a broad coalition that includes churches and ethnic organizations, labor issues are central to its agenda. The majority of unauthorized immigrants in the US are low-wage workers (or have family ties to such workers), and collective mobilizations for legal status like the 2006 marches—the largest of which, not coincidentally, took place on 1 May—are motivated primarily by the desire to improve immigrant employment opportunities and conditions. In that sense they constitute a form of immigrant labor movement activism as well.<sup>5</sup>

At times, tensions and differences divide these three strands of immigrant labor activism; yet their basic goals are similar and their activities are frequently synergistic and, at times, directly intersect. The Republic Windows workers, for example, were not only union members, but also had ties to the worker center and immigrant rights movements. A few years before the 2008 sit-in, they had sought help from a Mexican immigrant leader at a local worker center, when Republic fired a group of workers because they lacked legal status. He facilitated their disaffiliation

from one union, which refused to defend the fired workers, and helped them join an independent progressive union, the United Electrical, Radio and Machine Workers of America (UE). Soon afterward, rank-and-file immigrants assumed key leadership positions in the UE local (Lydersen, 2009). In addition to this previous contact with a worker center, some of the Republic sit-in organizers reportedly were active in the Chicago immigrant rights movement (Cepeda, 2008).

In historical perspective, this mosaic of immigrant labor activism may seem familiar. The United States always has been a nation of immigrants, and from the earliest period workers born elsewhere have played a catalytic role in the nation's labor movement. The contributions of Central American and Mexican immigrants and refugees to contemporary trade unions carry many echoes of the past, with striking parallels to the experience of Southern and Eastern European immigrants a century ago. The worker centers, similarly, recapitulate many features of the settlement houses of that era. But the third element of the contemporary scene—the immigrant rights movement—does not fit this historical pattern so neatly. The existence of a large unauthorized foreign-born population—estimated at 11–12 million people—who are deprived of basic civil rights has no comparable analog to the past (although Chinese and other Asian immigrants were at many points excluded from legal status). The immigrant rights movement has more parallels to the Civil Rights Movement of the 1950s and 1960s than to any activism among previous generations of European immigrants, who could easily become US citizens and did not have to struggle for legal status.<sup>6</sup>

Today, about 15% of the US workforce, or 23 million workers, are foreign-born; among this group, about a third are unauthorized immigrants, mostly from Mexico or Central America.<sup>7</sup> Although there is also a substantial population of highly educated foreign-born professionals, the majority of employed immigrants, and even more so of unauthorized 'illegal aliens,' is concentrated in low-wage, precarious work in such industries as domestic service, agriculture, food and garment manufacturing, hotel and restaurant jobs, and construction.<sup>8</sup> This part of the immigrant population is predominantly Latino, whereas immigrant managerial and professional workers are mostly Asian in origin (although there are many exceptions to this pattern).

The Latino working-class population is also internally stratified, however, and this simple fact is a critically important driver of immigrant labor activism. Unions, worker centers, and immigrant rights groups alike have focused their energies on improving the position of the most disadvantaged migrants, a group that includes the millions of unauthorized Mexican and Central Americans laboring in low-wage, precarious jobs at the very bottom of the US labor market. The fact that other Latino immigrants have been able to secure more stable working-class jobs with somewhat better pay and conditions motivates those stuck in the worst jobs to hope that they can do the same. This aspiration for upward mobility informs much of their activism. All three strands of the immigrant labor movement share the key goal of securing access to the mainstream of the labor market where immigrants can earn a living wage and where working conditions conform to legal requirements.

Although unauthorized immigrants in the contemporary United States are denied other basic civil rights, in principle they *are* protected by nearly all laws covering wages, hours, and union representation.<sup>9</sup> However, in recent years those laws have been widely violated by employers. Payment below the minimum wage, failure to pay legally mandated overtime premiums, 'off the clock' work, outright wage theft, and retaliation against those who complain or attempt to organize their co-workers have become commonplace (Bernhardt et al., 2009; Bobo, 2009). US-born workers experience these violations at times, but immigrants, and especially the unauthorized, are particularly vulnerable. Such employer abuses—especially those that directly violate long-established law—can easily spark popular outrage; thus hard-working immigrants who face unfair exploitation can often win public sympathy and support, despite the fact that

they may lack legal status. Seeking redress for such workplace violations, as well as campaigning for a path to legal status for the unauthorized immigrant population, are central aims of all three strands of recent US immigrant labor activism.

### **Immigrants and Union Organizing**

When union organizers first began recruiting Latino immigrant workers in large numbers during the 1980s, they met with widespread skepticism both within the labor movement and among outside observers, who presumed that these newcomers—especially those without legal status—would not be responsive to opportunities to unionize. Many Latino immigrants were sojourners who intended to return to their home countries after working in *el Norte* for a few years, the argument went—so why should they bother to invest time and effort in seeking unionization? Besides, the immigrants were comparing their wages and working conditions in the United States to those they had experienced back home, and thus were not likely to be on the front lines of efforts to raise US labor standards. Furthermore, the assumption was that the unauthorized immigrants who made up a growing part of the foreign-born workforce were so fearful of apprehension and deportation that they would not be willing to assume the risks involved in actively seeking unionization.

As I have documented in detail elsewhere, this conventional wisdom has been falsified repeatedly over the past few decades (Milkman, 2006, chapter 3). The real and imagined barriers to recruiting foreign-born workers into unions are in practice counteracted by a series of factors that actually make it easier to organize Latino immigrant workers than their US-born counterparts. One such factor is the strength of working-class immigrant social networks, which typically help recently arrived newcomers establish a foothold in the host society—not least by helping them find jobs. Indeed, these social networks are embedded in many workplaces, where they can become an important resource for union organizing drives.

In addition, Mexican and Central American immigrant workers have more favorable attitudes toward unions than do US-born workers, as survey data show. Latino immigrants generally understand their fate not so much as determined by their individual attributes or achievements, but rather as bound up with the fate of other members of the immigrant community. That worldview can facilitate collective action like union organizing, when the opportunity arises. And although the evidence for this is largely anecdotal, some Latino immigrant union recruits have a background of political and/or union activism in their home countries, still another resource facilitating their engagement with US trade unions.

Another factor that often makes Mexican- and Central American-born workers highly receptive to unionization efforts is the ordeal of immigration itself and the stigmatization and hostility they experience—whether or not they are undocumented—within the host society. The shared stigma and the related experience of racialization reinforce the collectivist worldview as well as the social networks that link immigrant workers together. Finally, in regard to the issue of fear: while participation in union drives in the contemporary United States does involve the risk of job loss and other forms of employer retaliation, these hazards are relatively minor when compared to, for example, crossing the US border without authorization. Perhaps this is why fear does not seem to stop immigrants from participating in union organizing efforts, when they are given the opportunity to do so.

For all these reasons, those unions that have actively recruited immigrant workers into their ranks in recent years have been welcomed enthusiastically on the ground. In fact, union efforts to organize and represent low-wage workers have been among the most successful labor movement campaigns in recent years. Although public sympathy is often in short supply for union struggles

on behalf of high-wage industrial workers in declining industries like auto or steel, who are often perceived as unfairly advantaged over other US workers, precisely the opposite is true for organizing efforts targeting poorly paid, precarious immigrants—even if they are unauthorized. Campaigns like the Service Employees International Union (SEIU) ‘Justice for Janitors’ drives have been highly effective in this regard, captivating widespread public support.

Yet even with a low-wage workforce that is ripe for organizing and capable of winning popular sympathies, union representation drives must overcome daunting challenges. Intense opposition from private-sector employers is virtually ubiquitous in the United States; and until very recently, organized labor faced an extremely hostile political environment as well. Given these formidable obstacles, it is not surprising that relatively few unions have been actively engaged in organizing unorganized workers, whether immigrant or native-born. In most unions, available resources are typically devoted instead to servicing the existing membership and to defending past gains, and to political efforts.

Union density has declined dramatically in the United States over recent decades. In 2008, only 7.6% of all workers in the private sector were union members, down from 24.2% in 1973.<sup>10</sup> Public-sector rates are higher, largely because employer opposition to unionism is far weaker. In the highly contested private sector, immigrant organizing is one of the few bright spots in the bleak record of union organizing over this period. The unionization rate for foreign-born workers still lags behind that for the US-born, but the gap has narrowed in recent years. In 2008, indeed, private-sector union membership rates were almost identical for US-born workers (7.7%) and the foreign-born (7.6%). And the private-sector unionization rates for foreign-born US citizens, and for immigrants who arrived in the country before 1990, actually were *higher* in 2008 (10.0% and 10.3%, respectively) than the rate for US-born workers (Milkman & Kye, 2008).

Like other unionized workers, unionized immigrants typically enjoy higher wages, better working conditions, and more job security than their nonunion counterparts. The main reason unionization remains limited among foreign-born workers is not any lack of interest on the part of immigrant workers themselves, but rather the limited union investment in organizing. There are success stories (Justice for Janitors is the iconic case, and many others exist as well) demonstrating that immigrants are indeed ‘organizable’, but they involve relatively small numbers of workers and have yet to be reproduced on a significant scale. Immigrant workers seeking to improve their labor market position thus are turning to other channels of activism as well.

### **Immigrants and Worker Centers**

Recent surveys indicate that a majority of nonunion US workers would vote to be union members if they had the opportunity to do so, and Latino immigrants express this preference even more strongly than most US-born workers.<sup>11</sup> For those immigrant workers who are unionized, there may be no better form of protection from employer abuse. But the option of union membership simply is not available to the vast majority of workers (whether US- or foreign-born), given the winner-take-all exclusive representation system that exists in the United States. In the face of this unmet need, various non-union forms of organizing and advocacy among and on behalf of low-wage workers have taken shape in recent years, led by NGOs called worker centers, which today can be found all over the country. In 2005, there were 137 such centers in the United States (Fine, 2006). Some of them organize on the basis of ethnic or national identities; others adopt a geographic or neighborhood focus; still others target specific occupations or industries—typically those where unions are entirely absent.

Worker centers are an organizing form sharply differentiated from the traditional union model, both structurally and culturally. Yet like unions they are extremely appealing to immigrant workers striving to improve their economic situation. The centers are hybrid organizations with multiple functions. Sometimes they organize low-wage workers at the grassroots level to campaign against workplace injustices. Most regularly provide assistance to workers experiencing labor law violations. Some offer social and educational services as well. Many worker centers also engage in policy and legislative advocacy to improve labor law enforcement, and they often work to expose employer abuses to the public through media outreach as well as direct appeals to consumers (Fine, 2006, 2007).

Worker centers routinely provide basic information—both in written form and through educational workshops—to low-wage immigrant workers about their rights under US labor and immigration law, assistance that is much needed and highly prized by recipients. Many centers also offer direct services to workers, especially by filing legal claims to remedy labor law violations. However, the demand for legal assistance is so vast relative to the modest staff and financial resources available that most worker centers that start out with a service provision mission tend to limit this aspect of their work early in their organizational development. Not only are they fearful that service provision could rapidly absorb their limited resources, but they tend to view it as incompatible with the goal of long-term institutional change—as treating the symptoms rather than the root causes of the problems facing low-wage immigrant workers.

Worker centers therefore also devote considerable energy to grassroots organizing and education, and to leadership development. But they lack the resources to mount large-scale popular mobilizations (though many do encourage participation in mobilizations organized by others). And only rarely do they attempt to establish long-term collective bargaining relationships with employers in the way unions traditionally have done. Often this reflects practical considerations—for example, if employers are geographically dispersed or constantly shifting (as for day laborers or domestic workers); in other instances it reflects worker center leaders' political disillusion with trade unionism. But some worker centers have tried (usually unsuccessfully) to launch unionization drives, and many have alliances with established unions to whom they refer interested workers.

Fundamentally, the worker centers are small NGOs, most of which find that they can deploy their limited resources to maximum effect by focusing on staff-driven research, media outreach, and legal and political campaigns to win concessions from employers and governments. As a group, they closely resemble the transnational advocacy networks (TANs) that Margaret Keck and Kathryn Sikkink (1998) have so insightfully analyzed. Like TANs, worker centers are 'nonstate actors . . . [that] mobilize information strategically to help create new issues and categories and to persuade, pressure and gain leverage over much more powerful organizations and governments'. Of course, worker centers are locally rather than transnationally oriented (unless one considers immigrant issues to be inherently transnational); but apart from that the parallels between their mode of operation and that of TANs are striking. Worker centers are professionally led and staffed by advocates—typically young lawyers or individuals with other specialized training, often women—who 'introduce new ideas, provide information, and lobby for policy changes'. Like their TAN-based counterparts, too, worker center staff and activists frequently circulate from one center to another: the 'political entrepreneurs who become the core networkers for a new campaign have often gained experience in earlier ones' (Keck & Sikkink, 1998, pp. 1–2, 9, 14). Moreover, TANs and worker centers employ a similar repertoire of political strategies and tactics.

Many worker centers do engage in grassroots, community-based organizing, in addition to their service and advocacy efforts. In her analysis of this aspect of their activities, Fine distinguishes between 'economic action organizing' and 'public policy organizing' depending on whether

employers are the target of a campaign or, alternatively, if the goal is to seek new legislation or some other type of policy initiative. Economic action organizing typically aims to pressure employers for concessions directly, or through legal avenues, without seeking to build permanent membership-based organizations. Such efforts often succeed in winning settlements from employers, under which individuals or small groups of workers receive back pay or other types of remedial compensation, and which also may include employer promises to refrain from future labor law violations. The centers have also launched many successful public policy organizing campaigns, winning passage of new legislation or regulations that provide concrete benefits for low-wage and immigrant workers—although ensuring adequate enforcement has often proven difficult (Fine, 2006, p. 101).

The term ‘organizing’ has a different meaning in this context than in the union world, however. Some worker centers actively recruit ‘members,’ but most find it difficult to forge long-term relationships with workers once the immediate need for services has been met. Low-wage workers often work long hours, commute great distances, and have families to care for, leaving little time for membership activities inside the centers, particularly without the incentive of ongoing representation of the sort unions can provide. As a result, whether focused on extracting concessions from employers or on public policy advocacy, worker center campaigns are usually staff-driven efforts in which relatively few workers participate.

The centers do successfully engage some rank-and-file workers in campaigns, often for extended periods of time, and sometimes even as paid staff. Just as immigrants are highly responsive to union organizing efforts, worker centers find many willing participants among immigrants in their target industries. When those involved are undocumented, as is often the case, their participation in worker center campaigns may draw them into a type of activism Jennifer Gordon (2005, ch. 6) calls ‘noncitizen citizenship’. Although they lack voting and citizenship rights, undocumented immigrants can nevertheless testify at public hearings, make personal appeals to legislators, and engage in street protests. These are core worker center activities, and indeed the centers’ campaigns vitally depend on the willingness of ordinary workers to tell their stories. Those stories—strategically disseminated via the mass media—fuel the symbolic politics that are the signature feature of most worker center campaigns.

Considering the modest resources at their disposal, the centers have accomplished a great deal in recent years. But their advocacy-centered model does have some inherent limitations, even relative to union organizing. As Steve Jenkins (2002) has observed, ‘unlike union campaigns where workers can potentially demand higher wages, vacation days, and health insurance’, worker centers rarely if ever extend their efforts beyond seeking remedies for illegal employer practices. Moreover, even the most successful worker center campaigns typically yield improvements in pay and conditions for very small groups of workers. They have achieved much more on the moral and discursive level, gaining publicity for labor law violations and other problems affecting low-wage workers. And crucially, the centers have perfected the skill of framing their campaigns as struggles for economic justice for low-wage workers, despite the fact that unauthorized immigrants are their primary constituency.

### **The Immigrant Rights Movement**

If the worker centers ultimately look more like advocacy groups than channels for grassroots immigrant protest, the third strand of immigrant labor activism is at the other end of the spectrum: its public face more closely resembles a social movement than any recognizable type of labor protest. The broad-based effort to win a path to legalization for the millions of undocumented immigrants in the United States has been taking shape quietly for many years, but burst into

public view in the spring of 2006, when millions of immigrant workers and their supporters marched in cities across the US to protest the punitive H.R. 4437 legislation that threatened to criminalize their presence in the country. The burgeoning immigrant rights movement uses the language of human and civil rights, but its underlying thrust is to improve the economic opportunities available to immigrants, especially the unauthorized. In that sense the immigrant rights movement can be understood as a form of labor activism—one reason it is energetically supported by the unions and worker centers described above.

In the past, when enforcement of immigrants' legal eligibility for employment was minimal and jobs were easily secured by the unauthorized, the struggle for legal status was a less pressing concern than it has become in the twenty-first century. The 1986 Immigration Reform and Control Act (IRCA) was explicitly designed to resolve the problem of unauthorized migration, but friend and foe alike agree that in most respects it proved an abject failure. For one thing, the intensification of border enforcement and militarization that followed IRCA's passage (continually reinforced in the years that followed thanks to political pressure from advocates of immigration restriction) had the unintended consequence of stimulating dramatic *growth* in the influx of undocumented immigrants. The unauthorized population swelled to an estimated 11–12 million people by 2006 (Passell, 2006), as the previous pattern of circular migration of individual wage-earners was replaced by a more permanent migration, not only of workers but also their family members (Massey et al., 2002).

IRCA did provide amnesty to a few million undocumented immigrants. It also (with support from organized labor at the time) institutionalized 'employer sanctions' that were intended to penalize those who hired undocumented immigrants. However, this too had some unanticipated consequences. Employers were rarely prosecuted under IRCA, which merely required them to affirm that the documents that immigrants present to them appear genuine. In practice, any penalties are borne by unauthorized workers themselves. They lose their jobs if they are apprehended in a workplace by government enforcement agents, and may even be detained or deported. As for the employer, he or she simply replaces them with new recruits—an inconvenience to be sure, but one that is widely seen simply as a 'cost of doing business'. In recent years, and especially since 2000, immigrant workers have been subjected to increased scrutiny through 'social security no-match' inquiries, workplace raids, and even mass deportations. Employers often resent this disruption to their operations and the costs it imposes, although they seldom complain publicly. But for immigrant workers, intensified workplace enforcement is a direct threat to their livelihoods.

Escalating political pressure from advocates of immigration restriction was unable to stop the continuing influx of new migrants, even if it made the journey more arduous and the stigma attached to Latino immigrants increasingly powerful. But restrictionist efforts did make the process of securing and maintaining decent employment increasingly tenuous, so that unauthorized migrants found it more difficult to climb out of the precarious entry-level jobs at the bottom of the labor market, as their predecessors had done. Their desire for a path to legalization thus became increasingly urgent.

In response, immigrant rights groups—together with worker centers and labor unions with significant immigrant memberships—began organizing a grassroots protest movement. Street protests demanding immigrant rights became a regular May Day ritual from the turn of the twenty-first century on. The choice of May Day, a labor holiday in Latino immigrants' countries of origin (but one seldom observed in the post-World War II United States), is itself significant in that immigrant rights and labor justice were inextricably intertwined in the movement from the outset. Another signal initiative was the 2003 Immigrant Worker Freedom Ride. Organized by labor unions, it prefigured the broad coalition of religious, student, ethnic, and community groups that led the massive street marches three years later.

In the political arena, meanwhile, conflict escalated between immigrant rights advocates, on one side, and the equally well-organized supporters of immigration restriction, on the other. Even with support from the business wing of the Republican Party and from the Bush administration, repeated efforts to pass comprehensive immigration reform legislation foundered, intensifying the growing frustration within immigrant communities. Many households included both individuals with legal status and others who were unauthorized, and legal immigrants from Mexico and Central America regularly experienced the stigma attached to ‘illegal aliens’ despite their status, so that support for the immigrant rights movement rapidly spread far beyond the unauthorized population.

This movement surfaced publicly in the spring of 2006, after the US House of Representatives passed H.R. 4437 in December 2005. This legislation would have made living in the United States without documents a criminal felony (in addition to the civil offense it already was), and also would have criminalized anyone who assisted unauthorized immigrants in any way. H.R. 4437 was the greatest threat yet to the working-class immigrant community, and rapidly galvanized the embryonic immigrant rights movement to mount a series of well-organized protests. In Chicago, Los Angeles, and other cities and towns across the nation, millions of immigrants and their supporters took to the streets in a huge outpouring that culminated on 1 May 2006. On a scale that surprised even the organizers themselves, thanks largely to enormous publicity by the Spanish-language media for the marches, the vast but hitherto invisible Latino immigrant working class peacefully rallied to protest H.R. 4437. Many carried signs declaring, ‘We Are Workers, Not Criminals’ (see Bloemraad et al., 2011).

H.R. 4437 never became law, and in that sense the 2006 protests were successful, but their larger purpose remains unfulfilled. Immediately after the marches, the Bush administration dramatically stepped up its workplace raids and deportations, which only served to deepen the existing sense of economic threat in immigrant communities. Although no more mass demonstrations have taken place since, the immigrant rights movement remains very much alive. One manifestation of its influence was the overwhelming pro-Democratic political tilt among Latino voters—many of them newly naturalized citizens—in the 2008 election, following a concerted campaign by the coalition that sponsored the 2006 marches encouraging naturalization and voting among those eligible. Indeed, the surge of Latino voting fulfilled the promise of a slogan that had been prominently displayed in the 2006 street demonstrations: ‘Today We March, Tomorrow We Vote’ (Milkman, 2011; Nadler, 2009).

The prospects for meaningful immigration reform under Obama remain uncertain, and the current economic crisis has made the already severe challenge of earning a livelihood even more fraught for immigrant workers. But the draconian workplace raids and mass deportations launched by the previous administration have virtually stopped, and the Obama Labor Department (now headed by a Mexican-American woman with a strong pro-labor record, Hilda Solis) has promised to step up enforcement of employment and labor laws, a move that would especially benefit immigrant workers.

## **Conclusion**

All three strands of immigrant labor activism—trade unionism, worker center advocacy and organizing, and the immigrant rights movement itself—constitute efforts to advance the economic interests of Latino immigrant workers, especially those employed in the nation’s most precarious jobs. Although there are tensions among the three strands, they have increasingly begun to cooperate with one another, and at times their activities directly overlap. All three offer vital avenues for confronting the extreme forms of workplace exploitation that have proliferated in the low-wage labor market, disproportionately affecting unauthorized immigrant workers, and all have willing and energetic constituencies.

The continuing discursive dilemma these three strands of activism face is the need to avoid highlighting the ‘foreignness’ of immigrant workers, much less their lack of legal status. Insofar as immigrant workers’ demands are framed as claims of economic justice—appealing to cherished ‘American’ values of hard work and family as the primary drivers of immigration, and invoking the rule of law in challenging employer violations of workplace laws and regulations, all three of types of immigrant labor activism can win public sympathy. Over the years, immigrant labor activists and advocates have become increasingly adept at navigating this narrow channel of legitimacy, often with impressive results—as the 2008 Republic Windows sit-in illustrates. The irony is that, even as their origins often must remain hidden from view, today’s immigrants have infused the troubled US labor movement with new energy and vision, much as their predecessors did a century ago.

## Notes

- 1 The 1988 Worker Adjustment and Retraining Notification (WARN) Act requires employers to give 60 days’ advance notice of a plant closing or mass layoff. There is an exception, however, for ‘faltering’ businesses, a category to which Republic arguably belongs. See <http://www.doleta.gov/programs/factsht/warn.htm>.
- 2 On popular support for restrictive policies (in contrast to the more liberal preferences of elites), see Schuck (2007).
- 3 For access to the debate over the selection hypothesis, and a finding that among non-college-educated Mexicans, immigrants on average have more schooling than non-migrants, see Chiquiar and Hanson (2005).
- 4 For the history of US unions’ immigration policies, see Fine and Tichenor (2009). A recent example of the post-2000 consensus is the April 2009 announcement by the nation’s two large labor federations of a unified stance on immigration policy reform (Preston & Greenhouse, 2009).
- 5 Natasha Iskander (2007) makes a similar claim about the ‘sans papiers’ protests in France.
- 6 The definitive historical account is Ngai (2004). The 2003 Immigrant Workers Freedom Ride explicitly linked the 1960s’ civil rights movement to today’s immigrant rights movement: <http://www.iwfr.org/default3.asp>. Although African Americans were never subject to threats of deportation, they were concentrated in the same employment sectors (agriculture, domestic service, hospitality, and low-wage manufacturing) that unauthorized immigrants occupy today, and they were routinely deprived of many basic civil rights, including the franchise.
- 7 Another 3.5 million unauthorized immigrants reside in the country but are not in the labor force. These are 2005 figures; by most accounts the unauthorized population has declined slightly since that time, however these are the most recent available estimates for the workforce. See Passel (2006).
- 8 Passel (2006) estimates that unauthorized immigrants make up at least 10% of the workforce in all these industries.
- 9 The one exception is that unauthorized immigrants may not receive back pay if they are found to have been illegally fired for union organizing, according to the US Supreme Court’s decision in the 2002 *Hoffman Plastics* case. Although this case was strictly limited in scope, some employers have sought to extend its rationale to other issues. See [http://nelp.3cdn.net/a75b641b31d4771945\\_h8m6bnvev.pdf](http://nelp.3cdn.net/a75b641b31d4771945_h8m6bnvev.pdf).
- 10 For current and historical data, see <http://unionstats.gsu.edu/>. The 7.6% figure is for union members employed in the private sector; a slightly higher proportion (8.4%) of such workers were covered by union agreements in 2008, and if public sector workers are included, 12.4% of US wage and salary workers were union members in 2008.
- 11 For recent data, see Freeman (2007). For a summary of evidence regarding immigrant pro-union preferences, see Milkman (2006, pp. 128–129).

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