

CHAPTER 3: ECONOMIC OPPORTUNITY



INTRODUCTION

Many individual immigrants reported feeling that economic opportunity for immigrants in Minnesota is similar to the opportunities available to the U.S.-born population. Immigrants and refugees did report barriers to employment, including lack of employment authorization, limited opportunities due to language proficiency, lack of recognition of foreign training and credentials, and limited access to education and technology. Other barriers include the limited availability of living wage jobs, benefits, and paid time off. Despite these barriers, many immigrants and refugees report optimism about their economic opportunities due to hard work.

While immigrants and refugees often viewed their economic opportunities with optimism, service providers and advocates reported patterns that indicate a more sobering situation. Some immigrant workers face exploitation by employers who prey on fear of deportation or job loss. Serious workplace abuses including wage and hour violations and wage theft, lack of training and access to safety equipment, physical and sexual assault, false imprisonment, and human trafficking were reported in a variety of industries.

Immigrant and refugee workers in Minnesota have widely divergent experiences based on their race, religion, country of origin, education level, and immigration status. Some face employment discrimination based on these circumstances. While most individuals interviewed did not report being the victim of illegal discrimination, organizations and advocates who serve immigrant workers uniformly reported incidents of discrimination in the workplace. At the same time, some people reported willingness by their employers to remedy problems.

HUMAN RIGHTS AND ECONOMIC OPPORTUNITY

Freedom from discrimination is a core human rights standard and the foundation of worker protection. It entitles everyone to equality of treatment and opportunity in employment without distinction on the basis of race, sex, religion, politics, nationality, or social origin.³⁵⁵ Human rights law also prohibits exploitation, providing that everyone has the right to be free from slavery, servitude, and other forms of involuntary work.³⁵⁶ It also includes the right to earn wages that ensure the worker and his or her family an existence worthy of human dignity,³⁵⁷ including reasonable limits of working hours and periodic holidays with pay,³⁵⁸ and to decent working conditions once employed.³⁵⁹ Additionally, everyone has the right to form and join trade unions, to

³⁵⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR), Art. 7(a)(i).

³⁵⁶ International Covenant on Civil and Political Rights (ICCPR), Art. 8.

³⁵⁷ Universal Declaration of Human Rights (UDHR), Art. 23(3); ICESCR, Art. 7(a)(ii).

³⁵⁸ ICESCR, Art. 7(d); UDHR, Art. 24.

³⁵⁹ ICESCR, Art. 7.

bargain collectively with employers, and to strike in defense of their interests.³⁶⁰ Everyone has the right to access the employment of one's choice³⁶¹ and the right not to be unfairly deprived of employment.³⁶²

BARRIERS TO ECONOMIC OPPORTUNITY

Immigrants, refugees, and organizations working with those individuals reported barriers to employment and leaving poverty similar to those of the U.S.-born population. One career counselor described how immigrants and refugees lose their jobs as a result of general difficulties dealing with leaving home and adjusting to life in a new country.³⁶³ Others face barriers because they lack employment authorization, have limited English language ability, possess foreign credentials not recognized in Minnesota, or lack access to education or technology needed for employment. At the same time, immigrants and refugees reported positive experiences relating to economic opportunities in Minnesota and often viewed these opportunities in comparison to the lives they left in their home countries.

LACK OF EMPLOYMENT AUTHORIZATION

The most commonly reported barrier to economic opportunity for immigrants, both documented and undocumented, was the lack of employment authorization. "Without work authorization, it was hard to move around or get connected with services because I didn't have any identification," explained one man. "When I got my work authorization, I felt free. I could apply for work, a driver's license, a Social Security card. Everywhere I went, they asked for an ID. Before, I could not get a library card because I did not have anything with an address on it. When I had my work authorization card, I could feel attached to my community."³⁶⁴ Another asylee stated, "I was unable to work at first because my immigration status did not permit employment. Nobody would rent to me because I did not have a job, even though I had some money saved up. My ambiguous immigration status made it difficult for people to help me. There are so many barriers when you're in that gap."³⁶⁵

When individuals do finally receive authorization to work in the United States, some reported difficulties related to a gap in their work history, or problems related to the frequency with which the work authorization must be renewed (often yearly). "I've had my work permit for one month,"

³⁶⁰ ICCPR, Art. 22; ICESCR, Art. 8; UDHR, Art. 23(4); International Labor Organization (ILO), Conventions 87, 98.

³⁶¹ ICESCR, Art. 7; UDHR, Art. 23.

³⁶² UDHR, Art. 23; Human Rights Committee, General Comment 18, Non-discrimination (Thirty-seventh session, 1989), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 26 (1994), <http://www1.umn.edu/humanrts/gencomm/hrcom18.htm>.

³⁶³ Interview 81.

³⁶⁴ Interview 6.

³⁶⁵ Interview 9.

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one man explained. “The problem is that I didn’t work for a year. I’m living with people, they are God-sent people, but no one can share bread with you if you can’t contribute flour.”³⁶⁶ A staff member at a social service agency explained how repeated delays in renewal of employment authorization documents resulted in hardship for a client: “She got work permission and then it wouldn’t be renewed in a timely fashion, and she would lose her job, so her work history was short and spotty. She couldn’t advocate for herself to stop the firings.”³⁶⁷

Another reported problem, especially for Latino workers, is the assumption that the workers are undocumented, or that the employment authorization documents provided to the employer are fraudulent. These assumptions, particularly when based on ethnicity or country of origin, sometimes benefit one immigrant group at the expense of others. One advocate reported that, “The largest employers switched to hiring Karen refugees because they have papers. They hire fewer Latinos because they worry about whether their papers are legitimate.”³⁶⁸

Other social service providers reported that some employers misunderstand the rules about what documents employees must show to establish eligibility for employment. One service provider described how some employers improperly ask for specific immigration documents in violation of federal law, which requires the employer to allow the employee to choose from a list of acceptable documents to present.³⁶⁹ As a result, the agency now conducts “a series of orientations where we tell clients that people do not need to see their immigration documents. We try to do education with employers too. It is difficult because you want the employer on our side, but also want to advocate for our clients. Employment is where we see discrimination and/or confusion about immigrants and refugees.”³⁷⁰

Not surprisingly, undocumented workers felt that they did not have adequate economic opportunities in the United States. “Pay is low and there are no health benefits. No, I do not have the same opportunities because I do not have a green card.”³⁷¹ Another individual, when asked if she had access to economic opportunities in the United States, responded, “At the moment, no, because I can’t legally work here. The higher paid jobs ask you for documents, and the lower paying jobs do not. So, at the time no, but hopefully soon.”³⁷²

³⁶⁶ Interview 8.

³⁶⁷ Interview 109.

³⁶⁸ Interview 64.

³⁶⁹ U.S. Citizenship and Immigration Services, “I-9,” <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>.

³⁷⁰ Interview 145.

³⁷¹ Interview 45.

³⁷² Interview 44.

ENGLISH-LANGUAGE ABILITY AND FOREIGN ACCENTS

People reported that the stereotype that foreign-born individuals do not speak English hinders economic opportunity. One man blamed his accent for his difficulties at work. “The problem started now when I’m trying to find a job. My accent is different than yours. I can speak English, but I have this accent.”³⁷³ Another person said, “My past experience is like other people. At work they talk to me like I do not know anything, and I can understand clearly. They don’t have to yell in my ear.”³⁷⁴ One woman described problems with customers. “At work, the lady at the other end of the phone line said, ‘I need to talk to your supervisor because I don’t understand you.’ When people hear accents, they start to shut down.”³⁷⁵

An advocate reported that some employers use poor English skills as a pretext for refusing to hire immigrant workers. “Sometimes employers cite ‘not enough English for the job’ even when the job doesn’t require it or the person’s English is actually fine.”³⁷⁶

Individuals and service agencies agree that low-level English skills sometimes do create an actual barrier to employment. “The biggest barrier to employment still has to be the language,” said one

“At work they talk to me like I don’t know anything, and I can understand clearly. They don’t have to yell in my ear.”

chamber of commerce member. One person living in St. Paul said, “No, I do not think I have the same economic opportunities because I am not proficient at English.”³⁷⁷ One woman reported working for an insurance company for seventeen years. She believes that she has not received a promotion due

to her accent. “Because of my language I don’t get promoted. I don’t blame them because maybe sometimes they don’t understand me.”³⁷⁸

Several immigrants know that their English language abilities could hinder their job prospects and want to improve their English skills. One woman living in St. Paul said, “I want to study because my English is very, very bad. How can I find a job with this capacity?”³⁷⁹ A community reported that sometimes immigrants have all of the skills to perform a particular job, except for the ability to speak English. However, because the jobs they can perform without English-language skills are

³⁷³ Interview 8.

³⁷⁴ Interview 45.

³⁷⁵ Interview 36.

³⁷⁶ Interview 97.

³⁷⁷ Interview 54.

³⁷⁸ Interview 30.

³⁷⁹ Interview 23.

generally low paying, they often work more than one job, leaving them little or no time to take English classes.³⁸⁰

Lengthy English-language job applications are an additional barrier to employment, according to some agency representatives. According to one career counselor, “Language is a barrier for people to get jobs. They need to be able to do the basics. If they can demonstrate physical skill, they can get factory jobs. For anything beyond ‘floor’ jobs, they need the language. A major local employer requires people to fill out their own job applications. If they are not literate or don’t have enough English, they can’t do it.”³⁸¹ Staff at a social service agency agreed that job applications are a frequent barrier to employment: “In addition to the problem of skills and language, city-sponsored job corps programs have a complicated, lengthy application process that keeps our students out.”³⁸²

FOREIGN CREDENTIALS

While many immigrants and refugees come to the United States with education, experience, and credentials in a variety of fields, local and state licensing boards and individual employers often fail to recognize these credentials. In some cases, employers simply assume that immigrants and refugees are uneducated. Foreign-trained professionals described difficulty with recognition of credentials and recertification and other barriers that prevented them from working in their chosen professions. They also described the feeling of loss of status and identity that resulted from the failure to recognize their expertise.

“When I first came, people said my education wasn’t worth anything. I thought uncouth things.”

According to a health care provider, “There is a certain stereotype and tendency to believe that immigrants are uneducated, therefore not intelligent or deficient in some ways, until they prove otherwise.”³⁸³ A social service provider said, “Here there is a tendency to see refugees only as refugees, not as educated professionals.”³⁸⁴ A police cultural liaison officer in the area agreed, “The biggest problem regarding employment is the assumption that immigrants and refugees are uneducated.”³⁸⁵

One immigrant expressed frustration that her home education was not recognized in the United States. “When I first came, people said my education wasn’t worth anything. I thought uncouth things. In my old job I would have been your boss and now you say my education isn’t worth it. I’m blond and blue-eyed, I fit in the Upper Midwest, it’s not like I’m obviously sticking out, and my

³⁸⁰ Interview 137.

³⁸¹ Interview 81.

³⁸² Interview 144.

³⁸³ Interview 133.

³⁸⁴ Interview 85.

³⁸⁵ Interview 83.

English is good, so I wasn't having issues there. But still it was really disorienting."³⁸⁶ A pastor at a predominantly immigrant congregation said, "You need to know that many people are highly educated, but their degrees just aren't recognized."³⁸⁷

Not only is it emotionally difficult to not have their education and expertise recognized, it also hinders the ability of immigrants to earn a living. A labor organizer said that it is "amazing to talk to union members. Many used to be doctors, accountants in their country of origin but now are paid minimum wage."³⁸⁸ "It's hard for educated people," said a social worker. "Many end up being Personal Care Assistants or Certified Nursing Assistants, working two or three jobs to get by. This becomes cyclical: because they are always working and tired, they can't get further education or obtain recertification to move up and get out of the cycle. They can't really transition to bigger or better jobs."³⁸⁹ According to a police cultural liaison officer, "The real problem is recertification. It is difficult and costly to get businesses and schools to recognize their previous education and training. Sometime this is a result of low English skills."³⁹⁰

One social service provider recognizes this problem and is taking steps to assist immigrant workers with re-certification. "It also helps immigrant workers find employment in their fields when our clients participate in our classes and programming. We have a lot of other classes on site. We have a medical career training program and a college readiness course that provides school credits. We also have a medical career counseling program. If the client is certified in their home country, we can help them get trained and verified in the United States without starting over."³⁹¹

AVAILABILITY OF LIVING WAGE JOBS

Agencies in some geographic areas of the state reported the availability of employment opportunities. Staff at a community college indicated that, in general, jobs are available for residents in their region. "It's not too bad. We are surrounded by lots of job opportunities. Families come in and they want to stay."³⁹² A community liaison worker from another region reported, "We are seeing good living wages."³⁹³

In other area, community members indicated that there is simply a lack of jobs for any worker, not just immigrants. Individuals across the state also reported difficulties finding work. One asylee said, "I went to a lot of organizations to find a job. I found someone from church who got me a job at a

³⁸⁶ Interview 93.

³⁸⁷ Interview 5.

³⁸⁸ Interview 118.

³⁸⁹ Interview 105.

³⁹⁰ Interview 83.

³⁹¹ Interview 145.

³⁹² Interview 65.

³⁹³ Interview 83.

school to teach French, but now I'm unemployed again."³⁹⁴ Another asylee said, "It was not easy to find a job once I got my work permit. It was the winter season and I don't think anyone was hiring. It took a long time to get a job."³⁹⁵ Another asylee reported being unable to find work in spite of a year-long job search. "So after one year preparing a resume, posting to a website, I have no experience working in this country. The problem is if you do not know what to do or where to go. I am currently living with friends. I want to regain my independence. This is the most important thing, but I need a dependable job."³⁹⁶

Sometimes, jobs are available, but they do not pay enough for the worker to rise out of poverty. One social service provider said, "There are a lot of people fighting for entry-level positions."³⁹⁷ In another region, a retired English language teacher reported, "Often people would come in initially, get a driver's license, learn the system, and then move. There was lots of secondary migration out. Some employers were always good, but they were low-wage and didn't give benefits."³⁹⁸ A career counselor at a local workforce center reported poor prospects for unskilled labor. "One grocery store is really good employer but they get around two hundred applications every time there's an open position. Another popular employer does data entry for mail donations. It is day-shift work, includes all federal holidays, and is easy seated work, but it pays minimum wage only."³⁹⁹

Another asylee described the difficulties both finding a job and earning an adequate wage: "It took me two months to get a job. I just sent in applications everywhere, ten or fifteen applications a day. Then I applied for a job at a delivery company, but buses do not go there. It was a night job, but I told the manager I could not make it because coming back in morning there were no buses. At a department store I did pretty well, but I worked for them for two years with only a \$0.15 raise."⁴⁰⁰

Employers often go to great lengths to keep wages low. A number of people reported a practice of employers avoiding pay raises by terminating employees for minor infractions, often immediately re-hiring the employee at a lower, entry-level pay grade.⁴⁰¹ Staff at a community-based organization reported instances of termination due to minor infractions, perhaps not understood by immigrant workers. "They are one, two minutes late and people get a 'point' off, which can lead to being fired."⁴⁰² Another service provider reported how employees were terminated when they took time

³⁹⁴ Interview 4.

³⁹⁵ Interview 9.

³⁹⁶ Interview 8.

³⁹⁷ Interview 97.

³⁹⁸ Interview 55.

³⁹⁹ Interview 81.

⁴⁰⁰ Interview 6.

⁴⁰¹ Interview 64.

⁴⁰² Interview 146.

off to attend to their families: “Immigrants often have larger families – more doctor visits, school conferences – but the system was designed for smaller families.”⁴⁰³

ACCESS TO NETWORKS, EDUCATION, AND TECHNOLOGY

Many immigrants view education as the way out of poverty. Some individuals and agencies, however, reported that jobs that would allow workers to get ahead require a college degree, which often seems out of reach due to lack of financial resources or of time, particularly for those working multiple jobs.⁴⁰⁴

Even when people have recognized credentials, lack of deep networks in the community hinder job searches. One man expressed the combination of hope and frustration similar to that experienced by many first-generation college students looking for employment: “Initially it will take time to get the right connections because in an industry it is not what you know, but who you know. So, if you do not have the right network it will take you a while. But once I have the right qualifications and network then I should be employed. It is hard to get the right networks when your parents are immigrants.”⁴⁰⁵

A community advocate reported that in his region college degrees often do not improve an immigrant’s chances of obtaining better paying jobs. “I have seen a good number of immigrants graduating from colleges around here and when these people graduate, one of two things happen,” he explained. “They either keep their old jobs; if they were working at Wal-Mart, they continue doing that job because there are no opportunities. Or, they move out of the area to find jobs. There are people with bachelors, associates, graduate degrees, all levels. I see this in the private sector and in government jobs. If you look at the public libraries, environmental departments, city hall, there are no immigrants. People have tried to apply and have given up.”⁴⁰⁶

Even immigrants who have significant levels of education are reportedly sometimes unable to apply for jobs due to their lack of access to technology. Many employers now only advertise and accept employment applications online. A career counselor said, “Lots of people come here to use computers to look for jobs. People often have smartphones, but for many people the phone is their only internet access. They can’t really do a job search or application from a smartphone. We can let them use our computers here at the workforce center. It’s a huge help, because there’s no time limit on usage and we let them print for free.”⁴⁰⁷

⁴⁰³ Interview 64.

⁴⁰⁴ See The Advocates for Human Rights, *A House with Two Rooms*, chapter 13.

⁴⁰⁵ Interview 21.

⁴⁰⁶ Interview 84.

⁴⁰⁷ Interview 81.

ENJOYING ECONOMIC OPPORTUNITY

Immigrants and advocacy organizations also reported positive experiences and examples of healthy, productive workplaces. One immigrant said “work is excellent. If you have the experience and you are knowledgeable then you can get a job. Opportunity is right there, it is all up to the person.”⁴⁰⁸

An asylee explained that what he “loves about America: nobody cares who you are, it’s just ‘can you do the work?’ Then ‘okay.’”⁴⁰⁹ Another immigrant, a woman who works with people with disabilities, said, “I am treated fairly at work because our jobs are based on education and experience, so promotions have come easily and on a steady basis.”⁴¹⁰

Some people were confident they were receiving the same opportunities and pay as their co-workers. “I am treated just as fairly, if not more fair than others,” said one man.⁴¹¹ “I have been with my company for three plus years and I have excelled in promotions and raises through hard work. I feel like I have the same opportunities as everyone else.”

Some individuals attributed their successful employment to strong English language skills or a high level of education. An immigrant who moved to Minnesota at age four reported “no problems on the job. I work at a fast food restaurant and my boss gave me a raise after two months and then after six months. I am now a manager. I believe that is because my English is good.”⁴¹² A refugee man with a large employer said, “I know a few other refugees, maybe six or seven, who work at [a large poultry company] in human resources or in the office. These are people who have English and a degree. A few people wait a long time to get a job but most of them get jobs quickly.” Another immigrant explained that because he is bilingual, he is an asset to his employer, “especially working with international companies. Pay, benefits, anything like that has never been an issue.”⁴¹³

For one immigrant interviewee, the simple comparison between the danger and lack of opportunity he escaped in his home country and the safety of life in the United States prevents him from complaining about his work. A refugee man who, prior to civil war in his home country, led an upper-class life and who now works as a parking attendant said, “I have no complaints. When I work, I am working towards my daughter's future. There is nothing that can make me complain about it. There are a lot of kids out there who don’t have fathers to feed them or access to health care. My job gives us that so we can’t complain.”⁴¹⁴

⁴⁰⁸ Interview 16.

⁴⁰⁹ Interview 1.

⁴¹⁰ Interview 38.

⁴¹¹ Interview 40.

⁴¹² Interview 10.

⁴¹³ Interview 46.

⁴¹⁴ Interview 34.

IMMIGRANT ENTREPRENEURSHIP

Self-employment allows immigrant workers to avoid many of the barriers to employment. Individual business owners reported successfully opening a variety of small-businesses throughout Minnesota and receiving support for their businesses and careers.

One man reported, “I am self-employed. I do not have any problem in getting paid by my clients. They appreciate my services. I have not applied yet for a job, but through my contacts with my friends, I feel very confident of equality of opportunity and equality of protection.”⁴¹⁵ Another man was able to open a barbershop in a friend's old business space when the friend opened a new business. He said that he has a business partner, advertises his business through flyers in the community, and hopes to hire more barbers. Still, opening a small business is not without barriers. The barber reported that although he had experience as a barber in his home country, the state of Minnesota required him to become licensed. He did receive some credit toward his licensure for his experience, and ultimately received the highest score on the licensing exam.⁴¹⁶

Most reports of barriers to starting an immigrant-owned business were relayed by organizations that assist immigrant entrepreneurs. “It’s tough to start a business,” said one advocate. “There’s red tape that people don’t know about. The chamber of commerce is trying to help. The number of immigrant-owned businesses [in our city] is low.”⁴¹⁷ Another advocate also discussed “red-tape”: “Licenses vary according to the field and services; they all have their own rules and regulations at the municipal, state, and federal level. The food service sector tends to be highly scrutinized.”⁴¹⁸ According to a legal service provider, “in [our city] it’s so difficult to open up a minority owned business – the health department is very restrictive. I had a friend who opened a restaurant but the Health Department kept dropping in. It was very restrictive and very unfair.”⁴¹⁹

Community institutions help immigrant entrepreneurs overcome these barriers. One chamber of commerce official described the type of assistance her organization provides to immigrant entrepreneurs: “Our economic development director does a lot of business counseling with them. We had a small business counselor here who would help with creating a business plan and understanding how to start a business. You often have to take a client's hand and lead them through the process of how to get permits and register with the state for sales tax. We haven’t had any issues with people not understanding regulations.”⁴²⁰

⁴¹⁵ Interview 24.

⁴¹⁶ Interview 2.

⁴¹⁷ Interview 97.

⁴¹⁸ Interview 134.

⁴¹⁹ Interview 87.

⁴²⁰ Interview 62.

Other problems reportedly experienced by immigrant entrepreneurs include cultural and language barriers, hesitancy by the native-born Minnesota population to engage with the business, and concerns about the entrepreneur's immigration status. A person from a local chamber of commerce discussed navigating language barriers related to immigrant businesses:

*One of the biggest barriers in our community is still language. A lot of Caucasians would be interested in going in the stores and buying something but they feel timid because they do not speak the language. The signs are not in English, so people do not know what things are. Immigrants are opening up some really good clothing and home furnishing stores here, and we are seeing more people patronizing them. But if I go in and they do not have their children in there to speak English, it can be hard. I am not intimidated but some people are.*⁴²¹

EMPLOYER EXPLOITATION

Advocates and service providers offered many reports of poor treatment and workplace violations against a wide variety of immigrants, primarily in positions requiring unskilled labor. By far the most egregious reports related to the treatment of undocumented workers. “Undocumented people face much bigger obstacles. Lawfully present immigrants and refugees have less fear, less overt discrimination, and less social isolation,” said a local professor.⁴²² Organizations and attorneys who work with or assist immigrants reported unscrupulous employers taking advantage of undocumented immigrants’ fear of deportation by engaging in various levels of exploitation, including everything from low wages and wage theft, to sexual assault, to outright imprisonment.⁴²³

The U.S. Department of Labor and the Minnesota Department of Labor and Industry hold primary responsibility for ensuring that workplaces are equitable, healthy, and safe, while other agencies, including the federal Occupational Safety and Health Administration (OSHA), provide oversight of workplace safety conditions. The U.S. Department of Labor enforces the Migrant and Seasonal Worker Protection Act. The U.S. Department of Agriculture holds certain enforcement authority over various aspects of farm and food production workplaces.

An official responsible for enforcing discrimination claims agreed with this assessment. According to this official, his department does see immigrants coming forward in *quid pro quo* sex harassment complaints, but very few of these compared to what they would expect, and he sees few differential wage claims. He attributes the low number of complaints directly to the fear of

⁴²¹ Interview 66.

⁴²² Interview 96.

⁴²³ Interview 188.

deportation. In his assessment, immigrant workers are more likely to “find a new job, not file a discrimination claim.”⁴²⁴

Even when deportation is not a threat, immigrant workers are still vulnerable to exploitation. “What keeps this attitude of poor treatment toward immigrant workers going,” opined a health care worker, “is that immigrant workers do not want ‘to rock the boat’ and fight. They will say, ‘Well, I have a job, and I can still send some money home,’ and they will settle for the unfair treatment.”⁴²⁵ “For a lot of immigrant workers, the concept of assimilation is extremely important,” said one labor organizer. “They often feel afraid fighting the employer.”⁴²⁶

A community organizer reported that many immigrants and refugees with whom he interacts do not know about their rights, and at the same time are afraid to lose their jobs if they do complain of unfair treatment.⁴²⁷ The threat of job loss is a potent one. Attorneys at one legal service provider reported an increase in people coming in for employment issues: “Employers are taking advantage of the economic situation. People are accepting bad working conditions because they don't want to lose their jobs in this job market.”⁴²⁸

Another advocate pointed to a climate that disregards immigrant workers’ humanity and views them as not deserving of basic rights.⁴²⁹ One community leader explained that employers will think, “This is better than what they had in their country,”⁴³⁰ rather than thinking of them as equals deserving of good treatment.

WAGE THEFT

Advocates pointed to wage theft, or the failure to pay wages that are owed to an employee, as a problem for immigrant workers in Minnesota. In describing the types of discrimination and exploitation he hears from clients, one legal service provider reported “wage theft is probably the most common.”⁴³¹

Wage theft reportedly occurred in a variety of industries. One community organizer described a restaurant in which people were working twelve hours, seven days a week, but were paid a fixed bimonthly paycheck that worked out to \$4 an hour. “Workers were threatened with a frying pan

⁴²⁴ Interview 125.

⁴²⁵ Interview 133.

⁴²⁶ Interview 118.

⁴²⁷ Interview 113.

⁴²⁸ Interview 110.

⁴²⁹ Interview 188.

⁴³⁰ Interview 106.

⁴³¹ Interview 121.

and a knife. We organized and got back wages,” he said.⁴³² A labor leader described a common restaurant industry practice in which waiters receive paychecks, while cleaning staff is paid in cash.

The commercial cleaning industry has worked to become more organized in recent years, and as a result more complaints are surfacing. “At one maintenance company, workers had to work seven days a week but to avoid overtime pay they were forced to punch in as a ghost employee on the seventh day and get paid in cash.” said one organizer. “Another company cleaned grocery stores and would take breakages out of paychecks.”⁴³³ The same organizer also described the exploitation of hotel cleaning staff: “A hotel made cleaners come early to fill their cleaning cart off the clock, and then they assigned them more rooms than could be completed and made them finish their rooms off the clock every day. People would be fired if they did not.”⁴³⁴

In other cases, migrant workers and seasonal workers reportedly did not receive payment at all. A community leader explained that workers were told they would be sent their check when the job was finished and then never received payment. In other cases, after the job was complete the employer paid less than promised, telling the workers that they “didn't do a good job.”⁴³⁵

AVOIDING EMPLOYMENT PROTECTIONS: SUBCONTRACTORS AND TEMPORARY AGENCIES

While some organizations described situations in which immigrant workers are required to complete more work in the same amount of time and for the same amount of pay as U.S. workers,⁴³⁶ others pointed to instances of contractors working alongside employees on the same job sites receiving different wages, benefits, hours, and training.⁴³⁷

The federal Internal Revenue Service classifies workers as “employees” or “independent contractors” for federal payroll tax reporting purposes. The Minnesota Department of Labor and Industry, together with the Minnesota Department of Employment and Economic Development and the Minnesota Department of Revenue, determine specific classification of workers in the construction, trucking, courier/messenger, and other industries as employees or independent contractors for workers’ compensation purposes. The National Labor Relations Board establishes collective bargaining rights for U.S. employees.

Despite these attempts at regulation, the use of contractors in low-skilled occupations has proliferated. An advocate described a typical scenario in the construction industry: “a good Minnesota employer subcontracts with an LLC, who is basically a guy with a pickup, a ladder, and

⁴³² Interview 107.

⁴³³ Interview 107.

⁴³⁴ Interview 107.

⁴³⁵ Interview 137.

⁴³⁶ Interview 94, Interview 99.

⁴³⁷ Interview 188.

contacts in community. That guy goes out and recruits his crew. He pays them cash, with no regard to minimum wage, benefits, or breaks. Sometimes the contractor screws the crew, and sometimes he gets screwed by the employer, but this is a total cash business.”⁴³⁸

While not unique to immigrant workers, immigrant assistance organizations identified problems associated with an employers’ decision to hire workers through temporary employment agencies rather than making direct hires.⁴³⁹ They reported instances of temporary workers being paid less per hour than regular company employees or working without benefits.⁴⁴⁰

A labor leader gave an example of a temporary agency who attempted to conduct an audit of employment authorization records, but only for Latino workers. The employees had been working for the agency for ten years without a raise. The agency also made immigrant workers wait off the clock when machines were broken. As a result of a concerted effort by the workers to organize around the lack of a time clock, stolen hours, and a lack of raises, the company replaced the supervisor, installed a time clock, and gave three years of back pay and a dollar per hour wage increase across the board.⁴⁴¹

UNSAFE WORKING CONDITIONS

In several cases, immigrants reportedly faced working conditions so poor that they endangered the health and safety of immigrant workers. One community advocate described the poor working conditions provided by a food-packaging manufacturer who frequently hires members of the immigrant community. In addition to frequent firing of workers and discriminatory actions against immigrant workers, the factory is very hot and employees are required to be on their feet for long hours. Although she encourages workers to complain to the Department of Labor, they fear losing their jobs.⁴⁴²

“One worker did complain and got deported. No one else at the plant complained after that.”

Working conditions are a problem at many dairy and hog farms, according to a legal service provider. “There are many undocumented workers at dairy farms and hog farms. Many live in fear of immigration officials showing up. They will not complain because they do not want to lose their jobs. They get no breaks and work long hours. One worker did complain and got deported. No one else at the plant complained after that. When people call me with these complaints I give them the number for the Department of Labor, but I don’t know if people follow up on that.”⁴⁴³

⁴³⁸ Interview 188.

⁴³⁹ Interview 84.

⁴⁴⁰ Interview 146, Interview 81.

⁴⁴¹ Interview 107.

⁴⁴² Interview 86.

⁴⁴³ Interview 87.

A community organizer reported a case of an employee who was required to work 24 hours straight. The worker fell asleep on a skid loader, causing damages, which the employer then illegally deducted from the worker's paycheck. The organizer described another incident in which a worker administering injections to pigs accidentally shot himself in the arm. The worker was not told that he could go to the doctor and that worker's compensation would cover the cost.⁴⁴⁴

A labor organizer described the problems experienced by undocumented workers who are injured on the job and file workers' compensation claims. According to the organizer, if an injured employee files a claim, the employer will suddenly "discover" that the worker is undocumented, and will refuse to make workers' compensation payments.⁴⁴⁵

In some cases poor working conditions include sexual assault or physical assault. One community organizer reported an instance in which a supervisor at one of the largest hog farms in Minnesota physically assaulted an immigrant worker. The worker had gone to the supervisor to ask why his employment had been terminated. In response, the supervisor punched the worker, knocking him to the ground.⁴⁴⁶ A legal service provider reported one client's experience of sexual assault in the workplace. She "was undocumented, and her boss had tremendous power and leverage over her. She was extremely courageous to come forward."⁴⁴⁷

“People get locked in overnight while working at some big-box retailers.”

One attorney described particular frustration when it came to protecting his clients from deportation after they reported their employers: "I have had no success on getting EEOC or the Department of Labor to sign off on U-visas (protecting crime victims from removal). In one case, the employee was raped multiple times by her supervisor. When the victim asked for U-visa certification, the EEOC refused to sign."⁴⁴⁸

Advocates also reported cases of false imprisonment of immigrant workers. "People get locked in overnight while working at some big-box retailers," said one community organizer.⁴⁴⁹ Another organizer gave an example of false imprisonment at a large dairy. The employer has a dormitory on the farm where workers live. The workers are not allowed to go into town more than two at a time.⁴⁵⁰

⁴⁴⁴ Interview 91.

⁴⁴⁵ Interview 117.

⁴⁴⁶ Interview 91.

⁴⁴⁷ Interview 121.

⁴⁴⁸ Interview 188 .

⁴⁴⁹ Interview 94.

⁴⁵⁰ Interview 91.

HUMAN TRAFFICKING

Federal and state laws criminalize human trafficking.⁴⁵¹ Federal law enforcement agencies including the U.S. Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security investigate human trafficking cases.⁴⁵² Minnesota's eighty-seven county attorneys are charged with enforcing state laws prohibiting human trafficking, slavery, forced labor, and sex trafficking.⁴⁵³

While Minnesota law prohibits labor trafficking, no cases have been prosecuted since the law's enactment in 2005.⁴⁵⁴ A small number of labor trafficking cases have been prosecuted by the U.S. Attorney's Office for the District of Minnesota.⁴⁵⁵ Despite this lack of prosecution, advocates have identified human trafficking victims who have been granted protection from deportation under the T-visa program.⁴⁵⁶

One attorney, describing traveling work crews where the employees are taken to different sites around the region and are dependent on the crew leader, observed that "It's a situation of 'take it or leave it – this is what you get.' There's not a gun to their heads, but there is coercion."⁴⁵⁷

Another attorney described a case involving an undocumented worker who was employed by a small Minnesota landscaper.⁴⁵⁸ The employer variously failed to pay him, pay him on time, or pay overtime. The housing the employer provided for workers was a retrofitted barn with limited access to water. The worker had trouble getting food because he depended on the employer for transportation to town to buy groceries. The employer became increasingly threatening, displaying guns and threatening to beat him up if he continued to demand the wages he was owed. After the employer found out that the worker was stopped by the police while driving and told the police

⁴⁵¹ 18 U.S.C. § 1591(a) (2012); MN Stat. 609.321, subd. 7a (2012).

⁴⁵² U.S. Department of Homeland Security, "Human Trafficking," <http://www.dhs.gov/topic/human-trafficking>, (accessed Mar. 20, 2014).

⁴⁵³ Minn. Stat. §§609.281 - 609.284, 609.321-609.322 (2013).

⁴⁵⁴ Minnesota Office of Justice Programs and Minnesota Statistical Analysis Center, *Human Trafficking in Minnesota: A Report to the Minnesota Legislature*, (Sept. 2010), <https://dps.mn.gov/divisions/ojp/forms-documents/documents/2010%20human%20trafficking%20report-%20final.pdf>, p. 5-6 (indicating that there was one charge brought under Minn. Stat. 609.282 in 2006, but to date no convictions). As of March 2014, a search of Minnesota filings indicates that one case, *Nugra v. Lewis*, 27-CV-14-32, District Court, Hennepin County (Filed: Jan. 2, 2014) (complaint available at 2014 WL 30190), involving both sex and labor trafficking has been filed in Minnesota courts.

⁴⁵⁵ *United States v. Chappell*, CRIM09-139 JNE/JJK, 2010 WL 1131474 (D. Minn. Jan. 12, 2010) report and recommendation adopted, CRIM09-139 JNE/JJK, 2010 WL 1131473 (D. Minn. Mar. 22, 2010); *United States v. Rivera-Miranda*, CRIM.07-166(2)JNE/AJB, 2009 WL 605812 (D. Minn. Mar. 9, 2009).

⁴⁵⁶ 8 U.S.C. §1101(a)(15)(T) (T-visas provide temporary relief from deportation to victims of severe forms of human trafficking).

⁴⁵⁷ Interview 188.

⁴⁵⁸ Interview 140.

where he was living, the employer threatened to kill the employee. The employee attempted to make a complaint with the federal Department of Labor and subsequently sought help from a worker center. Federal immigration officials determined that the worker was a victim of labor trafficking and issued a T-visa protecting him from deportation and permitting him to work lawfully in the United States.⁴⁵⁹

Another attorney pointed out the particular vulnerability of domestic workers to trafficking. “Nine out of ten cases we handle involve domestic servitude.”⁴⁶⁰ Another attorney cited one example where the employer of a live-in nanny took the employee’s documents, effectively imprisoning her in her employ.⁴⁶¹ While that case remains ongoing, it illustrates one of the employment sectors cited by service providers as particularly vulnerable to exploitation.⁴⁶²

People interviewed agreed that the benefits of seeking redress from exploitative conditions often are outweighed by fear of deportation.⁴⁶³ One advocate noted that enforcement mechanisms do not adequately account for the risk of deportation the employee faces when weighing the possibility of seeking assistance and bringing a case.⁴⁶⁴

One attorney described the barriers to prosecution: “Trafficking is inherently a hidden type of crime. The person is scared and isolated and is being threatened.”⁴⁶⁵ Labor trafficking victims may not come forward because of threats or because the victims may see the situation as one in which they voluntarily placed themselves, so they do not self-identify as crime victims.⁴⁶⁶ “Some are not aware that there is help out there for them.”⁴⁶⁷

EMPLOYMENT DISCRIMINATION

Immigrants and service providers reported a wide variety of perceived employment discrimination. While some individuals and organizations reported outright refusal to hire, differential treatment, or employment termination on account of race, religion, national origin, or citizenship, others reported that discrimination, or perceived discrimination, was a result of language and cultural barriers. Some subjects reported that even though differential treatment had occurred at some point, the employers were willing to remedy the unfair treatment.

⁴⁵⁹ Interview 140.

⁴⁶⁰ Interview 145.

⁴⁶¹ Interview 140.

⁴⁶² Notes on file with author.

⁴⁶³ Interview 125; Interview 133.

⁴⁶⁴ Interview 140.

⁴⁶⁵ Interview 145.

⁴⁶⁶ Interview 145.

⁴⁶⁷ Interview 145.

State, federal, and international law prohibit discrimination in employment. Agencies including the federal Equal Employment Opportunity Commission, the Minnesota Department of Human Rights, municipal civil rights enforcement agencies in Minneapolis and Saint Paul, and various federal offices including the U.S. Department of Justice Civil Rights Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices, protect against prohibited discrimination. While mechanisms are available, immigrants who experience discrimination often do not complain, either because they are unaware of their rights under the law, because it is easier to leave the employer than to pursue a complaint, or for undocumented workers, because fear of deportation keeps them silent.⁴⁶⁸

Employment discrimination cases in Minnesota in recent years frequently have involved religious discrimination, some of which have garnered significant media attention.⁴⁶⁹ According to the U.S. Department of Justice, "people should be hired or not hired because of their skills and merit, not because of their faith. And people should not be forced to choose between their faiths and their jobs."⁴⁷⁰ Title VII of the Civil Rights Act of 1964 requires employers to make reasonable accommodation of employees' religious observances and practices, unless doing so would cause the employer undue hardship.⁴⁷¹ Determining what constituted undue hardship in the face of religious accommodation can be further complicated by issues of workplace safety.⁴⁷²

INSTITUTIONAL DISCRIMINATION

While few individuals reported egregious discriminatory treatment by employers, many people reporting feeling discriminated against in more subtle ways.

One immigrant reported that she worked as a department manager at a big-box retailer. She believes she was treated poorly by subordinates because she was a Latina in a "white male environment." She also reported that her supervisor told her, "no one wants you here. You're going to have to find another department." After seeking support from supervisors without success, she

⁴⁶⁸ Interview 125.

⁴⁶⁹ Roger Yu, *Airport Check-in: Fare refusals in Minnesota*, USA Today, Sept. 18, 2006 (noting the decision of some Muslim taxi drivers from Somalia, citing religious beliefs, to refuse to transport customers carrying or suspected of carrying alcohol), http://usatoday30.usatoday.com/money/biztravel/2006-09-17-airport-check-in-usat_x.htm.

⁴⁷⁰ U.S. Department of Justice, "Religious Discrimination in Employment," http://www.justice.gov/crt/spec_topics/religiousdiscrimination/ff_employment.php.

⁴⁷¹ U.S. Department of Justice, "Religious Discrimination in Employment," http://www.justice.gov/crt/spec_topics/religiousdiscrimination/ff_employment.php.

⁴⁷² Rebecca Rodenburg, *Somali workers, Dianne's Fine Desserts argue over unemployment eligibility in Le Center*, Fairbault Daily News, Aug. 1, 2012 (reporting that nearly 40 Somali employees were terminated when they refused to comply with a new dress code that was implemented following an incident when an employee's long skirts became entangled in factory equipment and resulted in minor injury to the employee), http://www.southernminn.com/fairbault_daily_news/news/local/article_2d1c701c-bd8c-50d8-b367-fce105e0223f.html.

claims she was forced to take a position in a different department with a dollar-per-hour cut in pay.⁴⁷³ Another immigrant reported that he was fired from his job at a gas-station chain after three months, allegedly for failing to write down the license plate numbers from three vehicles when the drivers left without paying for gasoline. One manager told him that many employees had similar incidents, but were not disciplined as a result. The man was awarded unemployment compensation, and won his case after the company appealed the decision.⁴⁷⁴

Several individuals reported more general feelings of discrimination, which they attributed to their citizenship, or lack of lawful permanent resident status. According to one woman, “if I have the same qualifications as the other candidate, then they will most likely hire the U.S. citizen. It’s just the way it is.”⁴⁷⁵ Another woman reported that her ability to find employment changed once she became a U.S. citizen, and that immigrants who do not have at least permanent residency in the United States are treated differently. “I think I’m treated the same way as U.S. citizens, mainly because I am an American now. Before I became a permanent resident, things were very touchy.”⁴⁷⁶

“A Karen teacher applied for a school position. They said she was qualified, but that they didn’t have any Karen students for her to work with – they couldn’t envision that she could teach anyone else.”

While two other women interviewed felt they were being treated fairly at their current jobs, one described feeling discriminated against because of her race or ethnicity at previous jobs. One of the women said, “It felt as if I wasn’t an equal to my peers because of my ethnicity.”⁴⁷⁷ The other woman did not believe that her good fortune would necessarily continue. “If we lived in an ideal world, then yes, I would have the same opportunities to be hired and succeed at my job, but I am clearly aware of the blunt racism, prejudice, and stereotypes that will affect me.”⁴⁷⁸

During a conversation with several refugee community leaders, one leader expressed a common view: “It seems like refugees are either under- or over-qualified for every job. The town is not retaining its skilled immigrant workforce. They are going to the Cities for jobs because they can’t be hired in positions here that they have degrees for.”⁴⁷⁹ The group further reported that the local

⁴⁷³ Interview 17.

⁴⁷⁴ Interview 6.

⁴⁷⁵ Interview 31.

⁴⁷⁶ Interview 50.

⁴⁷⁷ Interview 37.

⁴⁷⁸ Interview 43.

⁴⁷⁹ Interview 98.

public school district has hired no teachers from the predominant refugee group, and that when the district wanted to hire a cultural navigator, the position paid a very low wage.⁴⁸⁰ They also described their perception that refugees with graduate degrees are placed in positions with the least educational requirements, while U.S.-born workers without degrees are promoted into positions that do require a degree.⁴⁸¹

Some immigrants reported their belief that, although they had found employment, they did not receive raises or promotions at work due to their status as immigrants. One man reported that he had not received a single raise in ten years.⁴⁸² Another man reported the following: “My employer did not give me that opportunity to be promoted. Maybe because of my accent but they did not give me that opportunity.”⁴⁸³

Individuals of different backgrounds and ethnic groups believed that they had to work harder than their co-workers as a result of their status as immigrants. One man confided, “My workplace can do better, but I feel like we have to work much harder to even get a decent pay increase, which will only be a ten cent raise.”⁴⁸⁴ On the other hand, at least one refugee expressed her concern that as a woman and minority, she may have gotten an opportunity for a certain position to make the board or office appear more “diverse.”⁴⁸⁵

Organizations that work with immigrant communities also reported that the immigrants they serve face discrimination in the workplace. A service provider offered a specific example of how refugees are often considered only for positions related to their refugee status or language skills, rather than for their expertise or training: “A Karen teacher applied for a school position. They said she was qualified, but that they did not have any Karen students for her to work with – they could not envision that she could teach anyone else.”⁴⁸⁶

Immigrant workers often do not understand their legal rights in the workplace, a problem exacerbated by immigrants’ distrust of the legal system. “If you are hurt at work, there is legal help with workers compensation, but immigrants don’t know who to talk to, who to trust. They say ‘I think the lawyer is corrupt or bought by the company.’”⁴⁸⁷

⁴⁸⁰ Interview 98.

⁴⁸¹ Interview 98.

⁴⁸² Interview 20.

⁴⁸³ Interview 30.

⁴⁸⁴ Interview 47.

⁴⁸⁵ Interview 51.

⁴⁸⁶ Interview 85.

⁴⁸⁷ Interview 64.

One attorney reported that, in his experience litigating employment discrimination claims, defense counsel acts more aggressively in cases where the worker is undocumented than in cases of U.S. workers. “Employers go after immigration status in discovery even though the law is really clear that it is irrelevant and even though presumably the employer had checked the employee’s immigration status, in a deliberate effort to scare the plaintiffs.”⁴⁸⁸

Relying on private enforcement of discrimination claims can serve as a barrier to low-wage workers’ ability to enforce their rights. An attorney described improper defense tactics, such as exaggerating the time needed for a deposition with interpretation, that create unnecessary costs for low-wage employees. Employers often use other tactics, such as bringing in additional parties to complicate the litigation, driving up costs and making it less likely that individual workers pursue complaints.⁴⁸⁹

DISCRIMINATION BY INDIVIDUAL MANAGERS, CO-WORKERS, AND PATIENTS

Some workers reported fair treatment by employer institutions, but discriminatory actions and comments by individual managers or co-workers. Staff at a legal service provider reported that while a large employer in the area allowed for prayer breaks for Muslim workers, “sometimes there are supervisors who don’t allow it – they say some people have to stay on the line to keep it running.”⁴⁹⁰

According to a labor organizer, unions have been helpful in combating discrimination against immigrants by co-workers, individual supervisors, and patients. The organizer recounted an incident involving a group of refugee women who “were very expressive with their hands.” The women’s direct supervisor told them to stop “talking with” their hands because, “This is not your country. There are no bugs around here.” The women felt he was suggesting that their hand movements were the result of swatting flies. When the women complained to human resources, the employer conducted an investigation that resulted in a warning to the supervisor. Not satisfied with that result, the workers started a petition against the supervisor, which ultimately led to the termination of that supervisor’s employment.⁴⁹¹

This organizer also reported cases of hospital patients who claim they “don’t want to be touched” by immigrant personal care and nursing staff. The patients tell immigrant workers to “go back to your country,” or say “I can’t understand a word she’s saying. I don’t want her to touch me.” The organizer said that initially, hospitals would comply with patient requests, saying that compliance was needed to ensure employees’ “personal safety.” When the union intervened, the hospitals

⁴⁸⁸ Interview 188.

⁴⁸⁹ Interview 188.

⁴⁹⁰ Interview 75.

⁴⁹¹ Interview 118.

“The women's direct supervisor told them to stop “talking with” their hands because, “This is not your country. There are no bugs around here to swat.”

changed their position. Now, if a patient complaint is based on the race or national origin of the worker, the hospital does not honor the patient's request for care from a different employee.⁴⁹²

While generalized complaints of differential treatment were reported by organizations working

on behalf of individuals from a variety of countries, those organizations assisting Somali and Muslim workers reported higher numbers of specific incidents of discrimination. A large number of those complaints came from organizations in greater Minnesota. One social service provider reported a story about a Somali woman who speaks with an U.S. accent being enthusiastically received during a phone job interview, “but when she showed up in person everything changed.”⁴⁹³

Other agencies also report overt discrimination against refugees and immigrants. Several employers are reported to have initially discriminated against Muslim women, but were open to making changes to accommodate the workers when confronted by outside agencies. An advocate described a case in which a Muslim woman was fired because she wore a headscarf for religious reasons. The employer claimed that because the headscarf created a safety hazard, it was not required to accommodate the woman's religious need to wear the scarf. The advocate was able to negotiate with the employer to allow the woman to continue working by wearing a lab coat with her clothing tucked in.⁴⁹⁴ In another case, the advocate worked with an employer to accommodate a Muslim woman by allowing her to wear a required hair net over her headscarf.

There were also a higher number of specific complaints by organizations working largely with Latino populations. One community leader expressed his view that negative ethnic stereotypes are the biggest barrier to employment for Hispanic immigrants. He reported on a presentation he made to a group of tourism sector employers where he hoped that once these experts learned about the strong emphasis on hospitality in Mexican culture, they would understand the benefit to the hospitality industry of hiring Mexican immigrants. In response to his presentation, one of the tourism experts said, “Oh, you want us to take siestas.” In relaying his story, he said, “this stereotypical, ignorant understanding of immigrants is the biggest problem in employment. People try to change the program and not the mindset, and it doesn't work.”⁴⁹⁵

A Latino man who has worked as a cook at a major chain restaurant since 2008 said that he does not feel that he has the same opportunities at his job because he is Latino, and “stereotypes and

⁴⁹² Interview 118.

⁴⁹³ Interview 97.

⁴⁹⁴ Interview 127.

⁴⁹⁵ Interview 114.

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judgmental people will create issues and formulate wrongful opinions.”⁴⁹⁶ He blames this largely on the media, which “has not done a good job at squashing the stereotypes, instead it just reiterates them.”⁴⁹⁷

POSITIVE RESPONSES

Some advocates did report that, when an employer was made aware of the discriminatory behavior, the employer promptly took action to remedy the problem. One refugee reported a positive experience. “At the beginning the pay range was not correct, but I told them to change it and they changed it because they did not know the scope and responsibility of the position.”⁴⁹⁸

In a few cases, individuals reported cases of employers stepping up to fix differential treatment on an employee's behalf without request. One man said, “I made less money than other people with education like me, with an engineering degree. I noticed that. My employer noticed himself; my boss apologized and said he was paying me less money. Then they promoted me and paid more money.”⁴⁹⁹ Similarly, a refugee woman said that she “feels no discrimination.” She reported that when she was working as an “account clerk class one” at a bank, she was doing more work than she was being paid for. Her supervisor then approached her, saying that she wanted to reclassify the woman as “account clerk two” so that she would be paid for the level of work she was actually performing. The woman told us that her supervisor then wrote the promotion application on behalf of the woman.⁵⁰⁰

⁴⁹⁶ Interview 49.

⁴⁹⁷ Interview 49.

⁴⁹⁸ Interview 36.

⁴⁹⁹ Interview 30.

⁵⁰⁰ Interview 22.

RECOMMENDATIONS

Finding: Immigrant and refugee workers face barriers to economic opportunity, due to lack of employment authorization, limited English language ability, lack of recognition of foreign credentials, and lack of access to education or technology needed for employment.

Recommendations

- Municipal and state licensing boards should review policies regarding acceptance of foreign credentials and ensure that foreign training is licensed when appropriate.
- Employers should review recruitment and hiring practices that rely on lengthy applications or require applicants to apply online to ensure that these practices do not unnecessarily create barriers to immigrant and refugee workers.
- The minimum wage should be raised to ensure that all full-time workers earn a sufficient income to move out of poverty.
- Local chambers of commerce, community economic development initiatives, and local governments should actively engage immigrant business owners.

Finding: Immigrant workers face exploitation in the workplace, such as low wages and wage theft, sexual assault, and outright imprisonment.

Recommendations

- Increase resources devoted to enforcement of workplace exploitation, including resources for training, investigation, and prosecution under state and federal laws.
- Ensure that victims of exploitative employment practices are protected from retaliation and deportation when they come forward.
- The IRS and Minnesota Department of Revenue should increase oversight of subcontractors in construction, retail cleaning, and other industries to ensure that their workers are not misclassified as contractors to avoid wage, hour, and other workplace protections.
- In light of increasing reliance on temporary workers to fill permanent positions, Minnesota should consider whether standards for employee protections need to be expanded.
- OSHA and the Minnesota Department of Labor and Industry should increase oversight of subcontractors in construction, retail cleaning, and other industries to

ensure that workers receive health and safety information, equipment, and training, and are not subject to unsafe working conditions.

- Recognizing that workers are often isolated, government agencies and labor rights organizations should take creative measures to ensure that agricultural and horticultural workers have access to information about their rights under U.S. and Minnesota civil rights and workplace safety laws.

Finding: Immigrant and refugee workers face employment discrimination based on race, religion, national origin, and citizenship.

Recommendations

- Expand anti-discrimination enforcement mechanisms to decrease the reliance on individual complaints.
- Ensure that low-wage workers who experience discrimination in the workplace are not effectively barred from prosecuting complaints because of litigation costs.
- Ensure that newcomers to the workforce have clear, accessible information about non-discrimination standards and means of enforcement.