

Conclusion and Recommendations

This report seeks to advise advocates on the steps they can take to ensure that all immigrant workers have equal access to work-related benefits and the services of state agencies that can protect their rights. Unless state laws clearly protect undocumented immigrant workers, unless state agencies understand that they must enforce the laws for the benefit of these workers, and unless immigrant workers can be served in a language they understand, immigrant workers, and especially the undocumented, will continue to suffer the most egregious forms of workplace abuse without recourse.

The five areas for advocacy selected in this report have several things in common: they are each the subject of ongoing advocacy from which advocates can learn. They each concentrate on changes that can be made at the state, rather than federal, level. Finally, each involves protection of a fundamental workplace right or a right central to a worker's ability to continue at a job. The authors urge advocates across the country to learn from each other and use this report as a tool to continue their advocacy.

This section summarizes our conclusions and recommendations:

1) Provide language access to state agency services, such as state anti-discrimination laws that protect immigrant workers and anti-English only workplace rules.

Advocates should work to ensure that their state law contains express provisions for language access to vital work-related benefits and services, such as unemployment compensation, workers' compensation, and the assistance of state labor agencies. Advocates should also review the practices of state agencies that are assigned the task of protecting the labor rights of all workers, to make certain that they are accessible to the limited English proficient. Advocates should consider specific state and local legislation and litigation under state statutes that protect language access or, more broadly, guard against national origin discrimination by state agencies. In particular, states should provide in-person access to interpreters in locations with large immigrant populations. Advocates should also consider specialized laws that require employers and state agencies to communicate information about labor rights in a workers' primary language.

2) Create state and local amnesty and sanctuary or confidentiality rules and oppose police enforcement of immigration laws.

Advocates should review the practices of their state and local government entities, including social services and policy agencies, to be certain that they assist immigrants regardless of their legal status (where permitted by federal law), and that they make no reports regarding status to the DHS. Using the models outlined here, advocates can work for better assurances from these agencies, and help them to publicize their policies in immigrant communities, for the safety of all our communities.

3) Promote state rules expanding access to drivers' licenses.

Using the all-state charts referenced here, advocates should make certain that their state does not discriminate against immigrants based on their lack of social security numbers, legal status, or the length of their visa in its provision of drivers' licenses. State laws expanding access to drivers' licenses make us all safer. Advocates should join together to defeat restrictive licensing policies and to expand access to licenses, using reliable alternative forms of identification, such as the Individual Taxpayer Identification Number (ITIN), and the *matricula consular*.

4) Post-Hoffman – look to the states to enforce labor and employment rights.

Using the model language here, advocates should work with labor agencies to adopt policies protecting the labor rights of all workers, including those who may be undocumented. Advocates should stress with state labor agencies that, in order to protect all workers, they must have a firewall between their agencies and the INS, and they must publicize their policies in immigrant communities.

5) Preserve immigrant workers' access to workers' compensation.

Advocates can work to ensure that undocumented immigrants retain their right to be compensated for injuries sustained on the job by either working for a specific state policy on the issue or an amendment to state law. Should undocumented workers be left uncovered by certain aspects of the workers' compensation system, employers seeking to cut costs will have a powerful incentive to hire undocumented workers and subject them to sub-par workplace conditions. Employers will be encouraged to hire undocumented workers, neglect their workplace safety needs, and take a "free pass" on workers' compensation when these workers are injured on the job.