

## PALERMO'S FIRES 89 IMMIGRANT WORKERS, SAYS FEDERAL GUIDELINES FORCED THEIR HAND



Hundreds of Palermo's workers have been on strike for, well over a month, protesting an immigration clampdown and, what they claim, were poor wages and working conditions. A spokesperson said that it all started when, on May 27, around 150 workers, almost 75 percent of the production workers, from Pizza factory here, gathered to sign a petition expressing their desire to form a union. This signed petition, the spokesman says, was handed over to the management two days later. As if on cue, Palermo's sent letters to 89 immigrant workers, questioning their legitimacy and asking them to provide documentation authenticating that they had the authorization to work in the United States. Within ten days, almost all the 89 were sacked from their jobs. Labor organizations insist and avow that Palermo's, by sacking the workers, was trying to strong arm the workers into not forming a union and nip it in the bud. The company, however, refuted the allegations and said that they were reacting to federal immigration authorities cautioning, that if advertently or inadvertently, they were found employing unapproved workers they would face hefty penalties. Sacking them, they say, was just following immigration authority guidelines. Since then hundreds of workers have been on strike, not only against the suppression, but also against poor wages and poor working conditions. Day after day, they picket, often in searing 90-degree heat, chanting "No justice, no pizza." Palermo's is one of America's leading producers of frozen pizzas. Their plight is finding support with labor unions across the country and they have called for a boycott of Palermo's products. The conflict is attention-grabbing given that currently labor leaders see immigrants as a group that is now ready for unionization. It shows that it can be very hard to unionize workplaces that embrace unauthorized workers, even though notwithstanding, that they are working illegally, are entitled to certain labor protections. It also shows how the Obama administration's campaign to fortify and harden immigration enforcement in workplaces can actually empower employers' to unsettle unionization efforts. Following complaints by several labor leaders the enforcement action at Palermo's was intended to destabilize the unionization effort, the United States Immigration and Customs Enforcement, in an unprecedented move, announced on June 7 that it was staying the enforcement. Ana Avendano, the A.F.L.-C.I.O.'s director of immigration affairs, said ICE's suspension of its enforcement action was the first time it had made such a move. However, the government's move may have come too late to help the sacked workers. "There has been a history of the federal government not understanding how its enforcement can undermine union organizing drives," said Janice Fine, a labor relations professor at Rutgers. "There is no question that this is a new moment." The Obama administration, responding to the strong public outcry for more immigration enforcement, has told employers not to hire illegal immigrants and dismiss them if they have them on their rolls, or face stiff penalties. Over the last four years, federal inspectors have audited 8,079 companies, who they suspected of employing illegal immigrants. Tens of thousands of immigrant workers quit or were dismissed. Employers often hire illegal immigrants intentionally, not only do they work harder and are willing to work for longer hours and at lower wages, they can always be made to bend to the employers will, upon threats of being exposed to immigration officials. It is alleged that employers often scuttle unionization efforts by calling in the immigration officials. Unions say that Smithfield's huge pork processing plant in Tar Heel, N.C., and the Agriprocessors meatpacking plant in Postville, Iowa, resorted to such arm-twisting, unethical tactics. However, both employers said that the accusations of asking immigration enforcers to intervene are fallacious. It is indeed ironical for a company that prides itself in the fact that it was set up by immigrants finds itself in battle with its immigrant employees. "It's simple why we're on strike: We want better pay and benefits, a safer work environment, and we want to be listened to on the job," said Orlando Sosa, a Palermo's worker since 2002. "What we really want is to be able to work hard to achieve our dreams." Palermo's insists that they are being wrongly pilloried and facing unmerited criticism for merely carrying out their legal obligations. "We were put in an impossible situation," said Palermo's marketing director, Chris Dresselhuys. "ICE said these people can't work in the United States unless they prove otherwise." Dresselhuys further said that they were not too happy to fire the workers and were reluctant to see them go, but says that their hands were forced, by an agency letter which unequivocally stated that Palermo's could face criminal penalties and fines for each unauthorized worker it employed. Dresselhuys said that ICE wrote to Palermo's as early as February 2011, expressing apprehension that some of their employees could be illegal. This was followed by another letter, a couple of months later, demanding to seek reverification from 90 immigrant workers, and either confirm the lawfulness or terminate them. Voces de la Frontera, an immigrant workers' center based in Milwaukee, that is has asked the National Labor Relations Board to decree that Palermo's unlawfully intimidated and retaliated against employees for seeking to unionize. "This wasn't really about immigration enforcement — it's all about union-busting," said Christine Neumann-Ortiz, Voces' executive director. National Labor Relations Board has called for a vote to see whether a majority of Palermo's workers wanted a union. However, for a variety of reasons, the election scheduled for July 6 was put off twice. Palermo's says that Voces too advantage of the situation and manipulated it to their advantage and twisted it to appear that the company was retaliating against the proposed unionization. They alleged that Voces got workers to sign the petition in late May, when feelings were running high and Voces realized that an immigration crackdown was forthcoming. The company issued a statement saying that, Voces "has manufactured the controversy where none existed in a shameful attempt to manipulate our employees into hurting the company." Voces said that the workers decision to unionize was made in November, following complaints about poor wages, cold uncaring managers and workplace injuries. Negotiations on how to proceed were ongoing with steelworkers and A.F.L.-C.I.O. Voces has asked the NLRB for a rare solution and has asked it to order Palermo's to recall the fired immigrants, at least until ICE decides to "un-suspend" its enforcement action. Voces says that the sacked workers immigration status was yet to be determined. Palermo's says that it would be uncomfortable and unlawful to reinstate the fired workers. The Supreme Court has ruled that even if illegal immigrants were inappropriately fired for seeking to unionize, the NLRB cannot order reinstatement or back pay for them. Meanwhile to ensure that work is not hindered, it has hired dozens of replacement workers, 28 of them refugees from Myanmar. Palermo's contrary to allegations of poor pay and an uncaring management, they were remarkably good employers, providing health, dental and vision coverage, disability insurance, free meals and a 3 percent contribution to 401(k)'s." However, Esperanza Garza, a production line worker on strike, had a different story to tell. She said that the health insurance was expensive and hard to afford, workplace injuries were frequent and many workers got injured and managers often disparaged and humiliated them. "We want something better," she said. Want to see which Production Assistant jobs are available near you? [Click here](#) to see.