TESTIMONY

STATE OF WORKERS’ RIGHTS IN NEW YORK CITY

PRESENTED BEFORE:
DEPARTMENT OF CONSUMER AFFAIRS
MAYOR’S OFFICE OF IMMIGRANT AFFAIRS
NEW YORK CITY COMMISSION ON HUMAN RIGHTS

PRESENTED BY:
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(soon to be MOBILIZATION FOR JUSTICE)

April 25, 2017
MFY Legal Services, Inc. (MFY) submits this testimony to the Department of Consumer Affairs (DCA), Mayor’s Office of Immigrant Affairs, and the New York City Commission on Human Rights (Commission) regarding the state of Workers’ Rights in New York City.

MFY envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this through providing the highest quality direct civil legal assistance, providing community education, entering into partnerships, engaging in policy advocacy, and bringing impact litigation. We assist more than 20,000 New Yorkers each year. MFY will soon be changing our name to Mobilization for Justice.

MFY’s Workplace Justice Project (WJP) promotes equality among all workers, focusing on workplace health and safety, reentry to the workforce following criminal convictions, and leveling the playing field for immigrant workers.

**Workplace Safety and Health Concerns for Low Wage and Immigrant Workers**

Last year, MFY launched a Workplace Safety and Health initiative to respond to the needs of New York workers for help asserting their rights to a safe workplace, medical leave, appropriate accommodations, and, particularly, to workers’ compensation when they are injured or get sick on the job. To our knowledge, we are the only direct services nonprofit providing help in workers’ compensation cases. See [http://www.mfy.org/projects/workplace-safety-and-health/](http://www.mfy.org/projects/workplace-safety-and-health/).

For years, MFY has heard that low-wage and immigrant workers often face a terrible trade-off: they can protect their health and lose their job, or they can work through injuries and illness, forego needed medical care, and ignore unsafe conditions at work. Immigrant workers are often in a worse position because of additional crippling fears about immigration status.

**Need to Advise Workers about Workers’ Compensation Rights**

Few low-wage and immigrant workers are aware of their right to workers’ compensation. According to a national study ([https://www.dol.gov/osha/report/20150304-inequality.pdf](https://www.dol.gov/osha/report/20150304-inequality.pdf)), only 20% of the cost of workplace injuries is borne by the workers’ compensation system. Injured workers and their families bear fully half of the burden. As OSHA found: “[T]he workers’ compensation system performs even more poorly for low-wage workers. Many face additional barriers to filing, including even greater job insecurity, lack of knowledge about their rights, or a limited command of English.”

MFY applauds DCA for working to establish a centralized hotline for workers to learn about their rights. We urge DCA, the Commission, and all city agencies to include workers’ compensation in their screenings and referrals.

**In Today’s Climate, Workers Fear Immigration Consequences for Asserting Their Rights**

In today’s climate, these problems are much worse, particularly for immigrant workers: Even the limited reassurances about protection against retaliation that we as lawyers had been able to give
immigrant workers are now in serious doubt. We can no longer assure clients that immigration authorities will not be waiting for them at the courthouse or the emergency room, that a 911 call will not result in personal information sent to the FBI, that information filed with agencies will not end up in the hands of immigration authorities, that Immigrations and Customs Enforcement is unlikely to respond if an employer calls in retaliation for a worker asserting employment rights.

MFY supports workers who choose to fight back. We train workers about their rights—many of which still apply to all workers, regardless of immigration status. We explain rights for immigration raids at work. It is a particularly critical time for lawyers and other advocates to stand with workers who choose to assert their rights. We can help in large and small ways—filing big cases, but also empowering workers to speak up, get together, and even work with their employers.

For example, at neighborhood clinics, we advise workers regularly, including an immigrant construction worker. The worker’s supervisor made frequent comments about sex, told her she needed a man, told her she should have sex with one of her co-workers, and assigned her to clean up duty, saying she was the maid. We advised her that this was unlawful sexual harassment, and explained her rights, which exist regardless of immigration status, and that retaliation for speaking up is illegal. With that advice and encouragement, the worker spoke to the supervisor's boss, who commended her speaking up, and said that he would stop the harassment. The boss was true to his word: the harassment has stopped; the supervisor is keeping his distance; the worker kept her job.

**Need for Clear and Consistent Agency Policies Protecting Immigration Status and Personal Information**

Many agencies, including the Commission, have led the way in establishing clear, protective policies about handling immigration status and personal information. Our clients urgently need citywide standards for all agencies – including law enforcement – ensuring that immigration status is not collected unless essential, safeguarding all personal information to the maximum extent possible, and ceasing all voluntary provision of such information to federal authorities. The City can also set the standard for state agencies such as the Department of Labor and the Workers’ Compensation Board.

*For any questions about this testimony, please feel free to contact Maia Goodell at (212) 417-3749 or mgoodell@mfy.org.*