MFY’s Workplace Justice Project Adds Legal Muscle to Campaign to End Janitor Lock-ins

On March 25, the 94th anniversary of the Triangle Shirtwaist Factory fire that killed 146 women locked in their sweatshop, MFY filed suit in Bronx Supreme Court on behalf of three janitors who were routinely locked in two supermarkets overnight while they stripped, waxed and buffed the floors. The suit charges the stores with false imprisonment and negligence and demands compensatory and punitive damages.

“These stores are potential deathtraps,” said MFY Attorney Amy Carroll at a press conference announcing the suit. “Workers have no way out if there’s a fire, and generally no access to a phone if there’s an emergency. This lawsuit may be the first of many, because we will not wait for a disaster to happen.”

Antonio, one of the plaintiffs, described the fear he felt being locked in overnight, especially when he cut his hand and could not summon help. “I thought I would bleed to death before the manager came and unlocked the door,” he said.

The decision to file suit came after a year-long effort by Fifth Avenue Committee, a Brooklyn-based advocacy organization, to get the Fire Department and Occupational Health & Safety Administration (OSHA) to inspect the supermarkets and enforce the law. The Committee approached MFY’s Workplace Justice Project for help after there was no improvement in the 36 supermarkets that the Fifth Avenue Committee had identified as routinely locking in workers. Staff Attorney Chaumtoli Huq did extensive research on the issue and worked with the Committee to develop a litigation strategy.

Amy Carroll, an Equal Justice America fellow who joined MFY’s staff in January, worked closely with Artemio Guerra, Director of Organizing at the Fifth Avenue Committee, to document the abuses at two Bronx supermarkets and craft the complaint. “The beauty of this lawsuit is it’s a vehicle where the workers can say I’m entitled to a safe work environment,” she said. “The goal isn’t just to benefit the plaintiffs, but to protect anyone who holds these jobs in the future.”

Patterson Belknap Webb and Tyler, LLP is serving as co-counsel on the case. The Workplace Justice Project is supported by the Bernard A. and Alva F. Gimbel Foundation, New York Community Trust, New York Foundation, JPMorgan Chase, and the Altria Employees’ Fund.

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Record Numbers of Workers Seek Help from Workplace Justice Project

Since opening its doors three years ago, MFY’s Workplace Justice Project has helped bridge the gap in employment-related legal services for low-wage workers who had little access to justice. Demand for the Project’s services has soared, especially among the city’s large population of immigrant workers.

The Project is now the largest provider of free employment-related legal services in the city. In 2004, the Project handled over 400 cases and provided meaningful advice and referral to another 300 callers to the Project’s helpline. Each month, some 50 workers attend the Project’s Employment Clinics, where they meet with an attorney or paralegal and get immediate help. Last fall, students from New York Law School assisted clients at the clinic and handled cases, along with several volunteer attorneys.

Across the city, immigrant workers are often denied minimum wage and overtime compensation. In many cases, employers pay only a small portion of the agreed-upon wages, promising to pay the rest ‘next week.’ ‘Next week’ can turn into months of unpaid wages. Day laborers are particularly vulnerable to receiving nothing after a day’s labor. Workers who demand their wages often face retaliation. MFY and Make the Road by Walking, a Brooklyn community organization, filed suit on April 6 on behalf of four garment workers whose employer threatened to contact immigration authorities when they demanded their pay.

MFY’s docket also includes many workers who have been denied unemployment insurance, have been fired from their jobs because of a prior criminal record despite good job performance, and have faced age discrimination.

Lawyer/Organizer Model Extends Workplace Justice Project’s Reach

“LSNY recommended you as the first stop for workplace justice cases for the undocument- ed,” Shirley Lin, an organizer for New Immigrant Community Empowerment in Jackson Heights, told MFY Staff Attorney Chaumtoli Huq recently. Ms. Lin reported that MFY’s advice enabled her to help an immigrant worker settle a back wage claim on his own, with two days’ salary paid on the spot.

For over a year, Ms. Huq has been reaching out to neighborhood organizations and social service providers that help immigrants and low wage workers. In January, Ms. Huq led a workshop in Queens for South Asian workers and advocates on how to resolve the most common problems faced by immigrant workers. Ms. Huq is helping to build the Legal Aid Network for South Asians (LANSA), a group founded by Anamika Samanta, a former extern at MFY from Wilkie Farr & Gallagher.

Working side by side with organizers is the hallmark of the Workplace Justice Project, which has handled cases for the Latin American Workers Project, Chinese Methodist Church, National Mobilization Against Sweatshops, Fifth Avenue Committee, and co-counseled with Make the Road by Walking. Ms. Huq also has trained staff on the employment rights of domestic violence victims at Sakhi for Asian Women, Dwa Fanm (Haitian women), Safe Horizon, Project Safe, Catholic Charities, Beth Israel Medical Center, Food First, Safe Space, and Harlem Hospital. In May, job counselors and staff members from over 15 organizations that serve ex-offenders came to MFY for a workshop on Overcoming Barriers: Criminal Records and Employment, which reviewed the law and offered practical guidance on ways to address discrimination.
Fellowship Honors Patterson Belknap’s Pro Bono Work

A new, two-year fellowship in honor of Patterson Belknap Webb & Tyler’s pro bono service to MFY’s clients will begin in September 2005. The fellow will work closely with MFY’s community-based partners on law reform issues, such as nursing homes, education, diminished capacity, aging in place, and immigrants’ rights. Patterson Belknap Webb & Tyler LLP has been long recognized for its substantial pro bono contributions in New York City. The firm has contributed pro bono resources to MFY for more than a decade. Patterson Belknap partner Lisa E. Cleary served as Board Chair of MFY for five years and, along with other firm lawyers, continues to work with MFY on adult home reform litigation, disability advocacy, and workers’ rights.

City Bar to Honor Jeanette Zelhof

The Association of the Bar of the City of New York has named Jeanette Zelhof, MFY’s Deputy Director and Supervising Attorney for the Adult Home Advocacy Project, a recipient of its 16th Annual Legal Services Award, which recognizes attorneys and others who provide outstanding civil legal assistance to New York’s poor. The award, which will be presented on May 23 at 4 pm at the Association, recognizes Jeanette’s leadership in efforts to reform New York State’s adult homes.

Thank You!

We wish to thank the following agencies and foundations for their generous support in 2005:

- NYC Department for the Aging
- Manhattan Legal Aid for Seniors Project
- vanAmeringen Foundation
- Adult Home Advocacy Project
- Bernard A. and Alva F. Gimbel Foundation
- Workplace Justice Project
- Rhodebeck Charitable Trust
- General Operating
- New York Bar Foundation
- Adult Home Advocacy Project
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Cocktails at 6:00 pm
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