

The POWER Act

Protect Our Workers from Exploitation and Retaliation

On June 14, 2011, U.S. Senator Robert Menendez re-introduced to the Senate the Protect Our Workers from Exploitation and Retaliation (POWER) Act, while a House version was introduced by Reps. George Miller and Judy Chu. [The POWER Act](#) is designed to protect the right of immigrant workers to expose labor abuses without fear of retaliation—which will secure job opportunities, wages, and working conditions for U.S.-born workers as well.

Too often, when immigrant workers attempt to organize to combat exploitation, employers use immigration enforcement as a weapon to quash organizing efforts and trump labor law. The POWER Act ensures that immigrant workers who try to exercise their basic civil and labor rights are protected from retaliation. Simultaneously, the bill ensures that American workers' wages and conditions are not undermined by employers who pit them against a captive workforce of exploited immigrant workers.

The POWER Act provides the following protections to workers who defend their rights:

- **Provides protections so worker protection laws are equally enforced in all workplaces.** The bill helps all workers and all businesses who respect and follow local, state, and federal worker protection laws. When some employers operate outside these laws, this disadvantages those employers who follow the rules and those workers who expect basic minimum standards at work. With this bill, all workers will be able to work together to make sure worker protection laws are followed in every workplace.
- **Provides U visa eligibility for workers suffering serious labor violations.** The bill provides alternative eligibility for U visa relief for workers suffering serious labor violations who are cooperating with local, state, or federal worker protection agencies and who have suffered substantial abuse or harm related to the workplace claim or would face extreme hardship upon removal. While U visas have been granted in some cases for trafficking victims, the regulations do not cover other criminal worker exploitation. Additionally, U visas are limited to specified criminal violations, and offer limited protections in the employment context.
- **Provides temporary protection for victims of crime and labor retaliation.** The bill allows federal, state or local law enforcement officials and federal labor officials law enforcement and worker protection agencies to ask DHS for temporary status with employment authorization to victims of crime and workers who have filed a workplace claim or are material witnesses in any pending or anticipated workplace claim.

- **Preserves labor law enforcement opportunities.** The bill mandates that when DHS conducts a worksite enforcement action and 1) there is a labor dispute in progress or 2) the agency received information as a means to retaliate against workers for enforcing their labor rights, DHS must ensure that workers arrested or detained aren't deported before the appropriate labor agency is notified and has a chance to interview the workers.
- **Holds employers responsible for labor law violations.** The bill provides grounds for a stay of removal in immigration proceedings for three years with employment authorization if workers are pursuing a workplace claim in a local, state, or federal worker protection agency or court. To be eligible for the stay, the workers must agree to work with the government to pursue labor claims against their employer.

The POWER Act will protect the rights of **all** workers. When employers use threats of immigration to enforce a lower standard for some workers, then all workers suffer in the race to the bottom. U.S.-born workers find their job opportunities, wages and working conditions undermined because employers have a captive immigrant workforce that has no choice but to work for less at lower standards. Current law deters immigrant workers from reporting labor violations because it fails to protect them when employers report them to immigration authorities for asserting their rights.

For more information on how you can support the POWER Act and the right to organize for all workers, visit <http://www.thepoweract.com>, or contact Jacob Horwitz, lead organizer with the National Guestworker Alliance, jacob@guestworkeralliance.org, (504) 452- 9159.

