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Miami-Dade immigrant workers get help when bosses refuse to pay

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Almost every morning Alberto Pérez stands on South Florida street corners looking for work -- one of thousands of day laborers hired to pick crops, fix roofs, cut grass or clean houses.

These laborers depend on quick payments to feed themselves, pay rent or send money to families in their home countries. But often the people who hire them don't pay.

Pérez, a 26-year-old immigrant from Guatemala who four weeks ago was hired to landscape gardens at homes around South Miami-Dade, said he was promised \$100 per day. Instead, he said, he got only \$50 to \$75 per day. After help from an activist group, he recouped some of the remaining money that was promised.

Pérez's story is not unique, but has become almost normal for day laborers, particularly those who are undocumented immigrants.

The issue has reached the Miami-Dade County Commission, which on Feb. 28 passed an ordinance requiring employers to pay within 14 days of contracting the work unless a consistent pay schedule has been established.

Interviews last month in South Florida with 15 foreign-born day laborers revealed how many are short-changed.

Wage theft, as the practice is known, is a form of robbery, according to immigrant-rights activists who have stepped forward to help workers recover their unpaid wages.

Undocumented immigrant workers are also targets of armed criminals who know the migrants carry cash because they cannot open bank accounts since many do not have driver's licenses or official identification.

The majority of the day laborers interviewed over a period of two days in Miami-Dade had nothing to show their immigration status.

Of the 15, four said they had always been paid. The rest said that, at least once during their time in the United States, they had not been paid.

Four weeks ago, Pérez said, a man hired him to landscape the gardens of several homes in South Miami-Dade, and promised to pay him \$100 a day for six days of work.

Pérez said he did the work but his boss did not pay the \$600.

``He paid me in small amounts, like \$50 here, \$75 there," said Pérez, interviewed at a WeCount! Community Worker Center in South Miami-Dade. ``He has yet to pay me \$400 he still owes me."

Pérez complained about the man to WeCount!, a Homestead-based immigrant-rights organization that earlier this year helped spearhead the push for the commission's wage-theft ordinance.

Pérez told The Miami Herald that the man who hired him had contacted WeCount! and promised to settle the debt at a discount.

"He said he could only pay \$80 per day instead of \$100, and I agreed to the lower wage," Pérez said. The employer promised to drop off a check for \$320 recently at WeCount!, Pérez said, and he did.

Pérez is one of the few day laborers who actually had the name, telephone number and other details about his boss. The other nine said they could not remember the names, phone numbers or addresses.

Most never filed an official complaint because they feared reprisals or arrest by immigration authorities for being in the country illegally.

A recent WeCount! study reported that over five years, about 200 workers were owed more than \$250,000.

Two years ago, recalled Juan Ramírez, a 50-year-old Guatemalan immigrant in Homestead, he fixed roofs in Palm Beach County for a man who promised to pay him \$900. The money never came.

"I didn't have a way to find him," said Ramírez.

Manuel Salgado, a 36-year-old Mexican, said he also did not track down the employer because he couldn't find her. A woman, he said, hired him three years ago to cut grass at several homes and businesses in Key Largo, promising to pay \$75 a day but never did.

"Many of us don't have immigration documents and we don't want any trouble," said Salgado.

In order for claims to be processed under the county ordinance:

- The amount owed must be at least \$60.
- The incident must have taken place in Miami-Dade County within the past year.
- The worker must have at least the name of the employer or company, the address and phone number.

Penelope Townsley, director of the Miami-Dade County Department of Small Business Development, said claims that are accepted are processed through a method called conciliation, under which an employer and worker are encouraged to settle their wage dispute.

If conciliation fails, the case could go to a hearing. If the worker wins that case, the employer could be told to pay as much as three times what he owes.

Townsley said her department has accepted 111 claims since the service began in March.

The department has settled two cases through conciliation. One involved \$450 and the other \$300.

The service has not been widely publicized, and most of the day laborers interviewed were not aware of it. WeCount! is preparing fliers for distribution to day laborers.

Workers who want to file a claim under the county ordinance can call 305-375-3146. They can request a claim form be sent by mail.

Workers can also pick up the form at County Hall, 111 NW First Street, 19th floor, Miami, or download it

from www.miamidade.gov/sba/forms.asp#wage_claim_intake_form

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