

Worker Wins Her Rights But Loses Hope

Editor's note: The term "illegal" as it refers to those who cross the border without documents is often used in the current public debate. The editorial board for this issue opposes using this term to refer to human beings and feels it is important to question its widely accepted use. Please see the article on page 31 about word choices. Terms in the following excerpt reflect the authors original word choice.

Sonia Cano was happy to win thousands of dollars from the San Francisco taqueria that for two years had paid her less than the city's minimum wage. But she may have lost far more when someone anonymously reported her and her husband to immigration authorities.

Cano and her husband, Carlos Barrancos, illegal immigrants from Mexico, were reported to federal authorities in November. Cano was eight months pregnant at the time and gave birth to their baby in San Francisco alone, while Barrancos was in an Arizona immigration jail. . . .

Most illegal immigrants like Cano don't contest unfair working conditions because they fear retaliation. But that encourages unscrupulous employers to continue hiring illegal immigrants, some labor and immigration experts say.

"There's very well-established law that workers, documented or not, are protected by state and federal wage and hour laws, discrimination laws and by the right to organize a union," said Marci Seville, Cano's lawyer and a professor at Golden Gate University Law School

in San Francisco. "There's protection against retaliation, but people get very frightened about asserting their rights."

Cradling her four-month-old son on Wednesday, Cano said she filed a complaint with the city's Office of Labor Standards Enforcement in June after she learned that her employer, Si Señor Taqueria, wasn't paying the city's minimum wage. Days later, the Financial District restaurant fired her, she said.

The city investigated her claim and concluded that Si Señor owed Cano and 13 other employees more than \$22,000 in back wages, said Donna Levitt, who heads the labor enforcement office. She said Si Señor has paid the workers what they were owed. . . .

Then, early one morning in December, immigration agents knocked on the couple's apartment door and arrested Barrancos. . . .

Barrancos . . . has since been released from detention and will be allowed to leave the United States voluntarily rather than being forcibly deported, said [Immigration and Customs Enforcement spokeswoman, Virginia] Kice.

Cano has reached a confidential settlement with Si Señor over her termination. She said, however, that she fears that she, too, will be required to leave the country. . . .

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For very practical suggestions about how to protect yourself when filing a complaint against an employer, you can download a great publication from the National Immigration Law Center:
<www.nilc.org/immsemplymnt/IWR_Material/Worker/08-How_to_protect_yourself.pdf>.