

PEOPLE'S WORLD

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May 12, 2012

Service workers use NAFTA to pressure Alabama

By Mark Gruenberg

In an unusual twist to a continuing struggle over workers' rights and "free trade," the Service Employees and a top Mexican employment lawyers group are using the pro-worker side letter - weak as it is - of the controversial North American Free Trade Agreement to go after Alabama's anti-immigrant law.

Their target: To force the U.S. government to take strong action against Alabama's racist, anti-immigrant law, HB56. The union and lawyers are submitting evidence to show it violates NAFTA, and they're asking Mexico's Labor Department to open talks with the U.S. government on solving the problem.

"Alabama has adopted legislation that violates human rights and labor rights of migrant workers and contradicts key provisions of the North American Agreement on Labor Cooperation [the labor side agreement to NAFTA]," says the complaint, filed in Mexico City by Enrique Larios, president of Mexico's National Association of Democratic Lawyers, SEIU President Mary Kay Henry, and Secretary-Treasurer Eliseo Medina.

"The Alabama law has had devastating consequences both for affected migrant workers in Alabama, and for all workers in the state entitled to protection of NAALC's labor principles," their complaint to the Mexican government adds. "Similar laws in Arizona, Utah, South Carolina, Georgia and other states have also violated human and labor rights."

The constitutionality of the Arizona law is currently pending before the U.S. Supreme Court, though the complaint about Alabama, filed two



days after the justices heard the Arizona case, did not mention that. The Mexican government has filed friend-of-the-court briefs in U.S. lower courts against both the Arizona and Alabama laws.

"The U.S. is failing to effectively enforce labor and employment laws to halt or mitigate the effects of these abusive state laws," the lawyers and SEIU told Claudia Anel Valencia Carmona, the Mexican Labor Department International Affairs Director. Her office handles the NAFTA complaints. "The U.S. has not acted effectively to assert federal power to stop the states' anti-immigrant legislation and halt labor rights abuses. Legal ambiguity

T H I S W E E K :

- **Service workers use NAFTA to pressure Alabama**
- **Editorial: The GOP is to blame on jobs crisis**
- **Austerity goes down to defeat in Europe**
- **Guthrie still lives in Minnesota**
- **No se vislumbra una recuperación en los mercados**

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abounds and lawsuits have resulted in a hodge-podge of partial injunctions, with many abusive

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provisions left standing,” they added.

“The anti-immigrant state laws intensify a climate of fear and intimidation in the workplace. They make migrant workers afraid to contact authorities or to file complaints when they suffer labor and employment law abuses. In this context, the United States is failing to protect migrants who come forward with labor and employment law complaints and to encourage migrants to do so in the future.”

All this violates the NAALC and NAFTA, the complaint says. It asks the Mexican agency to demand talks with DOL to solve the mess. And it wants Mexico to appoint an independent expert to probe Alabama.

In their own letter to the Mexican Labor Department, Medina and Henry summarized many of the complaint’s points about how workers are harmed.

“HB56 contravenes the NAALC labor principles by creating a climate of fear and intimidation that chills immigrant workers and their co-workers who seek to form trade unions, bargain col-

lectively or participate in other worker advocacy organizations,” the two SEIU leaders wrote.

Though Medina and Henry did not say so, thousands of Hispanic-named people - documented immigrants, undocumented immigrants and native-born citizens with Hispanic names - have fled Alabama to escape suspicion.

Children have been yanked from schools, as Alabama turns principals into enforcers asking kids about their, and their parents’, status. Families have been split up.

The Alabama law goes beyond other similar laws in other states, by criminalizing anyone who helps an undocumented worker, even inadvertently. It also bars anyone without documents from university enrollment, bars enforcement of contracts with them - which the complaint says could let employers get away with not paying workers - and even bars firms from deducting wages paid to undocumented workers from employers’ taxes as expenses.



Mark Gruenberg is Labor Press Associates editor.

The GOP is to blame on jobs crisis

By PW Editorial Board

The nation had its second straight month of disappointing job growth in April, according to government figures released today.

The country’s employers added 115,000 jobs, on top of 154,000 added last month, the Labor Department announced. April’s growth is less than the 130,000 jobs that must be added monthly just to keep up with population growth.

The unemployment rate dropped a tad to 8.1 percent from 8.2 percent but that was because a lot of workers dropped out of the labor force.

The percentage of working-age Americans who are officially in the labor force, 63.3 percent, whether by working or actively searching for a job, is now lower than it has ever been since 1981.

Private companies added 130,000 jobs last month but government job losses numbering 15,000 pulled down the gains for the nation.

“Republicans in Congress have blocked President Obama’s efforts to keep propelling growth,” said AFL-CIO President Richard Trumka. “Whether it’s the American Jobs Act or routine highway infrastructure investments, even as Republicans push catastrophic budgets that threaten our economic security and break our promises to the next generation.

“Pursuing tried and failed economic policies is the definition of crazy - and exactly what Mitt Romney, Paul Ryan, John Boehner and others would do,” Trumka said. “Their austerity agenda concentrates wealth in the hands of a few, starves our nation of the funds needed to invest in our future, further deepens the wealth divide and chokes off any hope of a strong recovery.”

What the figures don’t show, observers in the labor movement note, is that the economy is producing today more goods and services than it did when the recession officially began in Dec., 2007 but with more than five million fewer workers.

Employers, that means, are making more with fewer workers to whom they are paying out less in wages and benefits. Some in big business circles say that these successes by the 1% mean that higher unemployment could well be “acceptable” for the long term. They are pushing the idea that an economy where 60 percent or less of the working age population actually works or even tries to get a job is the “new normal.”

This is completely unacceptable. Only by decisively defeating the Republicans in November will the basis be laid for passing meaningful jobs legislation and helping end the unemployment crisis.

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Austerity goes down to defeat in Europe

By John Wojcik

In France, Germany, and Greece this weekend, voters rejected political parties that have pushed for austerity, and voted in lawmakers who campaigned for policies of economic stimulus and growth.

“Europe is watching us, austerity can no longer be the only option,” declared the victorious Socialist and President-Elect Francois Hollande to cheering crowds at the Bastille in Paris. Hollande ousted the center-right incumbent Nicolas Sarkozy with a 52 to 48 percent margin in an election that saw 80 percent of the voters turn out.

The new Socialist president has promised to raise taxes on big corporations and persons earning more than 1 million euros a year. He has called for an increase in the minimum wage, hiring 60,000 more teachers, and lowering the retirement age from 62 to 60 for some categories of workers.

The conservative Sarkozy is the first French president since 1981 not to win a second term.

Jubilant Hollande supporters gathered at the Place de la Bastille in Paris - a traditional rallying place for the left - to celebrate. Hollande is the first Socialist to win the presidency since Francois Mitterand in the 1980s.

“I am the president of the youth of France,” he told the hundreds of thousands gathered at the Bastille.

In Germany, meanwhile, the parties in Chancellor Angela Merkel’s center-right government lost control of the northern German state of Schleswig-Holstein. Merkel’s Christian Democrats had 30.9 percent, the party’s worst results in the region in five decades.

The biggest gains were made by the opposition Social Democrats, who secured 30.4 percent and the Greens, who secured 13 percent. With support from the Danish-speaking minority party, which secured 4.6 percent of the vote the three may be able to put together a center-left coalition with 35 seats in the 69 seat state legislature. The new Pi-



rate Party won 8 percent so it will have seats in the parliament. No one knows for sure however, beyond unlimited access to the Internet, what the Pirates actually stand for and where they would fit in the process of forming a government.

The ballot in Schleswig-Holstein, however, was a key test for Merkel. Elections are coming May 13 in North-Rhine Westphalia, Germanys’ most populous state where polling shows the Christian Democrats could go down to defeat again.

In Greece, voters angry over more than two years of austerity measures and the misery resulting from them punished the two ruling parties associated with those measures, New Democracy and PASOK.

New Democracy won 108 seats in the 300-member parliament, far short of the 151 needed to form a government and the anti-bank bailout left-wing Syriza (Radical Coalition of the Left) won 51 seats. The former ruling party, PASOK, fell to third place, winning only 41 seats.

Syriza leader Alexis Tsipras said the pounding taken by New Democracy and PASOK, which had signed Greece’s loan agreements, meant “their signatures have lost legitimacy by the popular vote.”

But the way forward to a government is not clear. Reportedly, big banks were alarmed by both Syriza’s statement and the elections that preceded it.

The conservative Sarkozy is the first French president since 1981 not to win a second term.

Guthrie still lives in Minnesota

By Steve Share

Many grow up learning to sing “This Land Is Your Land,” written by American folksinger Woody Guthrie. You sang about the “redwood forests,” and “diamond deserts,” but you likely didn’t learn the little-known verses seething with Guthrie’s sharp critique of American inequality.

July 14, 2012, marks the 100th anniversary of Guthrie’s birth, which is being celebrated with concerts, conferences, programs, and exhibits across the U.S. So a crowd came Apr. 19 to the St. Paul, Minn. Labor Centre for the “Untold Stories” labor history series’ celebration of Woody Guthrie, sponsored by the Friends of the St. Paul Public Library.

The program featured performances by Minnesota-based folksinger Larry Long and California-based labor educator and folksinger Darryl Holter.

Long’s own life has emulated Woody Guthrie’s: Telling working people’s stories through song. “He touched my life when I was a young kid,” Long told the audience.

Long performed a couple of his own songs, then Guthrie’s “Pastures of Plenty,” a song sharing the travails of migrant farm workers in California. From that, Long moved right into “Maggie’s Farm,” a tune by another Minnesota folksinger heavily influenced by Guthrie: Bob Dylan.

Long next performed Guthrie’s “1913 Massacre,” a song about a tragic prank by “copper-boss thug-men” in Michigan’s Upper Peninsula that led to the deaths of 73 miners’ children, a true story.

Guthrie grew up in Oklahoma, performed in a cowboy band in Texas, then followed Oklahoma’s 1930s Dust Bowl exodus. Holter’s research focused on Guthrie’s time in Los Angeles from 1937-1941. Guthrie performed live on a local radio station, at first singing traditional Oklahoma hill country songs, then writing his own songs chronicling the harsh life the “Okies” found in California.

No se vislumbra una recuperación en los mercados laborales

Por Organización Internacional de Trabajo

Si bien el crecimiento económico se ha reactivado en algunas regiones, la situación global del empleo es extremadamente alarmante y no da señales de recuperación en el futuro próximo, dice la Organización Internacional del Trabajo (OIT).

Portal del Informe sobre el Trabajo en el Mundo

El “Informe sobre el Trabajo en el Mundo 2012: Mejores Empleos para una economía mejor” de la OIT señala que aún siguen faltando 50 millones de empleos a nivel mundial comparado con la situación.

Primero, esto se debe al hecho que muchos gobiernos, en particular en las economías avanzadas, le han dado prioridad a la combinación de austeridad fiscal y drásticas reformas laborales. El informe sostiene que este tipo de medidas están produciendo consecuencias devastadoras en los mercados laborales en general, y en la creación de empleo en particular. Tampoco han logrado, en general, reducir el déficit fiscal.

“La excesiva importancia que muchos países de la eurozona le están dando a la austeridad fiscal está profundizando la crisis del empleo y podría incluso conducir a otra recesión en Europa”, dijo Raymond Torres, Director del Instituto Internacional de Estudios Laborales y principal autor del informe.

“Los países que invirtieron en políticas de creación de empleo han logrado mejores resultados en términos económicos y sociales”, agregó Juan Somavia. “Muchos de estos países se han vuelto más competi-

tivos y han superado la crisis mejor que aquellos que siguieron el modelo de austeridad. Podemos estudiar detalladamente a estos países y extraer lecciones”.

Segundo, en las economías avanzadas, muchas personas que buscan trabajo están desmoralizadas y están perdiendo sus competencias, lo cual afecta sus oportunidades de encontrar trabajo. Además, las pequeñas empresas tienen un acceso muy limitado al crédito, lo cual contribuye a deprimir las inversiones e impide la creación de empleo.

Tercero, en la mayoría de los países avanzados, muchos de los nuevos empleos que surgen son precarios. Las formas no convencionales de empleo están incrementando en 26 de las 50 economías para las cuales se dispone de datos.

Sin embargo, algunos países han logrado generar empleos y al mismo tiempo mejorar la calidad del trabajo, o al menos uno de sus aspectos. Por ejemplo, en Brasil, Indonesia y Uruguay las tasas de empleo han aumentado y la incidencia de trabajo informal ha disminuido. Esto se debe a la introducción de políticas sociales y laborales adecuadas.

Cuarto, el clima social se ha deteriorado en muchas partes del mundo y podría llevar a un aumento de las tensiones sociales. Según el Índice de Tensión Social del Informe, 57 de los 106 países analizados mostraron un aumento en el riesgo de tensiones sociales en 2011 comparado con 2010. Las dos regiones con mayores incrementos son el África Subsahariana, y el Oriente Medio y África del Norte.