

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

- - -

MIGRANT WORKERS SEMINAR

- - -

OPEN SESSION

- - -

Thursday, April 21, 1993

- - -

The briefing was held in Room 2359 of the Rayburn House Office Building, Washington, D.C., at 2:00 p.m., Sam Wise, Staff Director of the Helsinki Commission, presiding.

Present:

MARIA ECHAVESTE

MIKE HANCOCK

LINDA DIANE MULL

Also Present:

LORI ROTTENBERG

BEA BOBOTEK

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

SPEAKERS

Page No.

MARIA ECHAVESTE, Head, United States Delegation Administrator, U.S. Department of Labor's Wage and Hour Division	5
MIKE HANCOCK, Executive Director, Farm Worker Justice Fund	12
LINDA DIANE MULL, Executive Director, Farm Worker Opportunity Programs	20

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

P-R-O-C-E-E-D-I-N-G-S

2:05 p.m.

1
2
3 Director Wise. I think we'll get started
4 because our afternoon time is limited, and we'll leave
5 the door open if others come in.

6 My name is Sam Wise. I'm the Staff Director
7 of the Commission on Security and Cooperation in
8 Europe, also known as the Helsinki Commission, which,
9 as some of you may know, is primarily a commission
10 associated with the Congress. Our leaders are Senator
11 DeConcini and Representative Hoyer, and we have eight
12 other members from each House and three Executive
13 Branch members, which makes us a little unusual as far
14 as U.S. government organization is concerned.

15 And, our purpose, since our foundation or
16 establishment by law in 1976, has been to promote and
17 observe the implementation of the Accords of Helsinki
18 for the CSCE, with special reference, though, to human
19 rights concerns.

20 And, in pursuit of that, we have, not only
21 joined and led in investigations of human rights
22 abuses in other CSCE countries, but we've taken a look
23 at our situation here in the United States in various
24 areas. One of the areas is the migrant labor.

25 The seminar that took place recently that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 are here to discuss was organized by the Office for
2 Democratic Institutions and Human Rights of the CSCE,
3 which is located in Warsaw, and this office has held
4 a number of seminars now on various subjects, and this
5 one focused on the question of migrant workers, which
6 is a subject which has a very definite formation in
7 Europe and somewhat different focus, I think, here for
8 us in the United States.

9 There is language pertaining to migrant
10 workers in various CSCE documents, beginning with the
11 first one, which was the Final Act in 1975. I
12 remember someone who has been involved for a long time
13 in CSCE, in the early days the United States
14 government always used to sit back when the question
15 of migrant workers came up, because in the Final Act
16 it talks about migrant workers in Europe, and we
17 always said, oh, Europeans do whatever they want to
18 about migrant workers, that doesn't apply to us.

19 Well, our Commission has taken the position
20 early on that it should and does apply to the United
21 States, and I think other countries have accepted this
22 view as well.

23 I have, fortunately, today some
24 distinguished members of the United States Delegation
25 to the meeting, which I did not attend, but two of our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 staff members here did, and I don't know whether all
2 of our panelists were on the Delegation or were public
3 members. I don't know whether there's a difference.

4 Let me make the introductions, and then
5 they'll have a few remarks to say, each of them, and
6 then we'll welcome questions from the floor.

7 The head of the Delegation is Maria
8 Echaveste, who was the head for the United States, and
9 she is currently Administrator of the United States
10 Department of Labor's Wage and Hour Division, and is
11 responsible for the management and policy direction of
12 programs related to federal wage and employment
13 standards, migrant and seasonal labor, child labor and
14 immigration-related programs.

15 So, why don't you begin then, and I'll
16 introduce the others as we come along.

17 Ms. Echaveste. Good afternoon, everyone.

18 We, I think, are going to have a fairly
19 informal, and I encourage everyone to come closer, but
20 to have a dialogue and share with you all whatever
21 information we were able to obtain when we were in
22 Warsaw.

23 Let me first explain that our Delegation
24 consisted of two representatives from the U.S.
25 Department of Labor, myself and one of our District

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Directors, Norma Adams, who is based in Albuquerque,
2 New Mexico, and I had thought that it would be useful
3 to bring someone who had more hands-on experience with
4 enforcement of laws that relate to migrant workers in
5 this country. When we say migrant workers, we are
6 usually talking about farm workers, and workers
7 traveling within this country. And so, we brought
8 Norma with us. Additionally, we had Luis Torres, who
9 is a Consultant and a researcher and had been staff on
10 the Commission on Agriculture Workers, has some
11 expertise in immigration, and Mike Hancock, with the
12 Farm Worker Justice Fund. Additionally, we had Rob
13 Williams from the Florida Rural Legal Services. We
14 also had representatives from the State Department,
15 from their Refugee and Immigration desks.

16 We went, not knowing, I confess to you, very
17 much about the Commission's interest in this issue,
18 but felt that we could at least share our experiences
19 in this country. We understood that one of the
20 motivating forces for the seminar had to do with
21 issues that were quite on the front page in Europe,
22 relating to migrant workers, and their definition,
23 which seemed to limit it to legal migrant workers,
24 temporary guest workers, but not temporary as in
25 seasonal, but rather for years at a time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 I would say that the three things that I
2 came away feeling that we had accomplished as the U.S.
3 Delegation, and learned, and was significant that I
4 think will color a lot of what, certainly, I will look
5 at in the course of my work, was first, when we got to
6 the Delegation and we made our opening statement, we
7 placed great emphasis on the fact that when you
8 discuss workers, and workers who travel, that you have
9 to speak of illegal, or as they call it in Europe,
10 irregular workers, that is, people who don't have
11 legitimate work authorization, because you can only
12 understand the impact on labor and then the subsequent
13 impact on social and community unless you take into
14 account that there is illegal.

15 And, it was interesting that the first two
16 days of the seminar, it was basically the U.S.
17 Delegation that kept making reference to illegal as
18 the component that had to be part of the discussion as
19 we looked at these issues.

20 And, it was very reassuring that by the end
21 of the seminar there were several other delegations
22 that acknowledge that it would behoove the Commission
23 to think of, when it spoke of migrant workers, to
24 think of the irregular workers, the Netherlands was
25 one that echoed and acknowledged that, in fact, it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 an issue and should be dealt with.

2 The second thing was an understanding that
3 when we look at the problems that are faced by workers
4 in the host country or the receiving country, which
5 often times have to do with workers being treated
6 differently or not being afforded, or put bluntly,
7 exploited by the employers in the host country, that
8 one possible response to that tendency to exploit
9 workers who come from other countries, who may not
10 know the language, who are isolated, who are thus
11 vulnerable to exploitation, is an international set of
12 worker standards.

13 And, we learned much about two, not
14 competing if you will, but two alternative sets of
15 standards, one that has been pushed by the
16 International Labor Organization, the ILO, and one
17 that has been developed through the United Nations.

18 And, I think that we understand that a
19 person response to exploitation is a minimum set of
20 working condition standards. So that, workers
21 traveling from country to country have some basic
22 rights and expectations about how we will be treated,
23 about payment, about conditions under which they will
24 work, which should, in the ideal world, reduce the
25 incentive for employers to seek out foreign workers as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 a way of minimizing their costs.

2 A third recommendation that had been
3 proposed initially by our keynote speaker, Doctor Jan
4 Neeson, was the idea of regional conferences, that is,
5 that in order to have some really sort of roll-up-
6 your-sleeves strategies that could work, how can we
7 address issues, that he advocated regional
8 conferences. And, it's certainly one that we picked
9 up on, the U.S. Delegation, and that by the end of the
10 seminar several other delegations were also quite in
11 support of, because we think that certainly for North
12 America a regional conference that would bring
13 together some of the countries and players on both
14 legal and illegal workers that come into our country,
15 and come into Canada, Canada was also a very important
16 participant in the seminar, could lead to strategies
17 as a way of really following up. You know, it's all
18 very fine and good that we have a seminar, and we all
19 have to understand that when we are looking to improve
20 things or address problems, the first thing we need to
21 do is educate ourselves, and this seminar was one of
22 those education tools.

23 The next step then is always how to use that
24 education in some way that is real and meaningful.
25 And so, we certainly came back thinking that we would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 like to work with whatever the appropriate agencies,
2 authorities, organizations to look at regional
3 questions and try to address some of those concerns.

4 So, I would say that it was an education.
5 This was a first step.

6 A theme that the U.S. Delegation was able to
7 provide to the European countries is the whole
8 question of, what do you do with workers who are
9 culturally and language different from you when
10 they've stayed many, many years in your country, and
11 it really became quite apparent that if you don't
12 have, as this country has, a culture sort of based on
13 immigrants coming to your country, you really are at
14 a loss for how to deal, how to incorporate these
15 distinct populations.

16 And, it was very interesting, I think,
17 speaking only for myself, very interesting to observe
18 the difficulties that many of the European countries
19 were having with adjusting to the fact that there are
20 people who live in their country, who speak now either
21 German, or Dutch, or French, and who consider
22 themselves, in spirit if not legally, German, or
23 French or Dutch, and the countries aren't quite able
24 to cope with that. Some countries have decided to
25 adopt a more integrationist model of really trying to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 recognize that these people live and work in that
2 country, others are struggling with it.

3 But, I think that our Delegation was able to
4 share experiences that highlighted some of the
5 pitfalls, but certainly some of the benefits, of that
6 more inclusive model.

7 I will say that given the differences among
8 our Delegation, people were quite frank in assessing
9 and explaining and sharing with other countries'
10 delegations the problems that we have in this country.
11 We did not paint a rosy picture of everything is fine
12 and dandy, and we welcome all immigrants, and we treat
13 them all, it's really more that our ideals are one to
14 treat all people without our boundaries equally, but
15 we also explained that in many ways we have fallen
16 short of that. And also, alerted them to some of the
17 things that are happening in our country regarding the
18 recent real xenophobic and anti-immigrant attitudes.

19
20 So, it was a very frank discussion, and I
21 think that sort of was the overview, and I'll close
22 with that, but certainly will be happy to answer any
23 questions.

24 Thank you.

25 Director Wise. Thank you, Ms. Echaveste.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Our next member is Mr. Mike Hancock on my
2 left, who is Executive Director of the Farm Worker
3 Justice Fund, a non-profit organization providing
4 legal assistance, public education and legislative
5 representation, an expert on international and
6 domestic law regarding migrant labor and immigration.
7 He served as a public member on the U.S. Delegation to
8 the seminar.

9 Mr. Hancock?

10 Mr. Hancock. Thank you, Mr. Wise.

11 I find myself in the unusual position of
12 agreeing with a high-level official of the
13 Administration. It's a new experience for me, and I
14 hope I get more comfortable with it. But, I think
15 Maria accurately described both, sort of the
16 atmospherics, but also the specifics of what was
17 discussed, and debated and puzzled over. So, I won't
18 go over old ground.

19 I'd like to share with you a few of my
20 thoughts on what happened in Warsaw, what I came back
21 with from that experience, and what I think we can all
22 learn from that.

23 I have to start by saying that much of the
24 work that was done, and I think most of the beneficial
25 work that was done in the context of this seminar, was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005

1 done before we ever got there by the Commission staff.
2 They worked long and hard and very fruitfully to
3 document the problems that we have in the United
4 States in our treatment of migrants. And, they,
5 compellingly, laid that out in a publication that I'd
6 recommend to everyone, because I think it paints a
7 realistic, kind of a bleak picture of the conditions
8 of farm workers in the United States, and I commend
9 the staff for all their hard work and the marvelous
10 product that came forth.

11 What I went to Warsaw to learn, and what I
12 think I came back with a better understanding about,
13 was the international dimension to migrant labor
14 issues, particularly, legal protections. Like a lot
15 of Americans, I tend to be fairly inward looking and
16 didn't ever really make a systematic effort to educate
17 myself on how other countries deal with many of the
18 issues that we wrestle with, largely unsuccessfully
19 when it comes to migrant labor.

20 And, I came back, both encourage that there
21 are solutions out there, but also chastened that there
22 are penalty choices that we have to avoid if we make
23 some of the mistakes that we've seen other countries
24 make.

25 On the positive side, I think I came back

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 largely confirmed in my notion that other countries
2 have found that they can protect at least the terms
3 and conditions of employment of migrant workers. With
4 all the problems that we've heard, and many of them
5 are real, with the migrant workers in Germany, it's
6 never been a strictly labor problem. Most of the
7 migrant workers that were brought into Germany in the
8 '50s and '60s found that they were brought in and
9 afforded basic protections of terms and conditions of
10 employment, much like that of German citizens. And,
11 we haven't found a way to crack that nut, either for
12 undocumented migrants who are working in the United
13 States, legal guest workers that come into the United
14 States under the H2A and the H2B programs. In those
15 cases we have not found a way to extend basic labor
16 rights to those workers.

17 And, while I'm not sure that the German
18 model or any other models that we were exposed to
19 during the course of this seminar can be imported
20 here, I think that they have found solutions that seem
21 to escape us. I think we need to redouble our effort.

22 The other thing on labor issues that I came
23 back with was that there have been a lot of energy, a
24 lot of work, and a lot of good creative thinking
25 that's gone into international conventions, both at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 the U.N. and at the International Labor Organizations,
2 directly and specifically aimed at the conditions of
3 migrant workers.

4 And, I am sad to say that despite all this
5 work the United States government has not seen fit to
6 ratify these conventions, nor have they seen fit to
7 try to conform, even short of ratification, conform
8 the laws to meet the principles set out in these
9 conventions.

10 And, while they are largely directed at
11 legal migrants, there are protections in there for
12 undocumented workers, and there are protections in
13 there for migrant workers generally, but I think if
14 enacted here would have a measurable beneficial effect
15 on migrant farm workers.

16 And, I would be interested to further
17 understand why the U.S. has felt it necessary to let
18 those conventions languish, particularly, with the new
19 stated administrative goal of trying to impose
20 international labor standards as a condition for free
21 trade and other measures. I think that there's a bit
22 of hypocrisy involved when we urge this on others and
23 aren't willing to take the step ourselves.

24 And, I hope that we, in the next two or
25 three years, can further explore whether or not we can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 move on in those areas. I happen to hold the opinion,
2 I think this is true, that one of the problems is, is
3 the H2A Foreign Labor Program for Agriculture is out
4 of conformance, and would have to be changed if the
5 conventions were ratified.

6 I don't think that any of us painted an
7 unrealistic picture of the conditions of migrant farm
8 workers in the United States, and, in fact, and to
9 Maria's credit as a representative of the U.S.
10 government, was fairly frank in acknowledging that
11 many of the problems that have persisted in a lot of
12 these many decades persist today, and a frank
13 acknowledgement that we have a long way to go and have
14 an obligation to try to solve some of those problem.

15 On the broader scale, I came back, much to
16 my surprise, with a lot of my sort of latent
17 nationalism confirmed, inasmuch as with all the
18 problems that we have here, and there are many, I
19 think in our overall treatment of immigrants we have
20 been much more and, perhaps, the current episode of
21 xenophobia which reoccurs without too much
22 predictability, but overall I think we've had a much
23 better experience in opening our society and including
24 people in this society, when compared to the European
25 countries.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 But, I also think that the Europeans offer
2 a cautionary example for us, that this xenophobic,
3 racist, anti-ethnic fervor that seems to be sweeping
4 this country runs great risks of going down a path
5 that we've seen in some of the European countries, who
6 have been unable to open their society and fully
7 integrate foreign populations into their society,
8 Germany being the most visible example, but not the
9 only example

10 And, I think that we can learn from that
11 experience and understand that if a national
12 government, either through affirmative policies or
13 through neglect, can foster a climate in which ethnic
14 and racial discrimination and violence can take root,
15 and it's very difficult to eliminate that once it
16 takes root.

17 I think that we also, frankly, can be an
18 example to the other members of the Helsinki Accords
19 on how to be a multi-racial, multi-ethnic, multi-
20 cultural society, and have much in our history that
21 leads us in that direction, but this means that we
22 have to resist the sort of cheap and easy political
23 fix that is currently in vogue, and face the real
24 problems and not scapegoat new immigrants.

25 Finally, I would like to, and I'll wrap up

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 in a moment, I would like to suggest that there are
2 three things that I came back feeling that we need to
3 do. I think we need to systematically look at the
4 international conventions and see what we can learn
5 about better protections of the social, cultural and
6 economic rights of non-citizens living and working in
7 our country. Too often, we want their labor, but are
8 not willing to extend to them the sort of protections
9 and basic human dignity that I think they are entitled
10 to. So, I think there are things we can learn from
11 the conventions, and I would hope that we embark on
12 that path.

13 The second thing, and just to reiterate
14 something that Maria raised, I think there's much to
15 be gained from a similar process on a regional basis,
16 with the countries in the regions that currently send
17 migrants to this country, Central America, Mexico, the
18 Caribbean, Canada and the United States I think would
19 benefit greatly from some effort to exchange ideas, to
20 try to come up with similar solutions to the current
21 problems of migrant workers, and would hope that
22 there's some opportunity to further examine that
23 possibility.

24 Finally, nothing changed in my long-held
25 belief that we must strictly and vigorously enforce

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 labor standards, not just for farm workers, but for
2 all low-paid immigrant industries, not simply to
3 protect the rights of those workers, documented or
4 undocumented, but also to protect the low-wage labor
5 market as a whole against the pernicious effects of
6 employers who try to take advantage of low-wage
7 immigrant workers to the detriment of everyone.

8 And, I think that's a policy that Maria is
9 pursuing at Wage and Hour. I hope that's a policy
10 that has the support of this government, and I think
11 it ought to be pursued vigorously if we have any hope
12 of ever extending basic human dignity to migrant
13 workers.

14 Thank you.

15 Director Wise. Thank you.

16 Our next speaker is Linda Diane Mull, who is
17 the Executive Director of the Association of Farm
18 Worker Opportunity Programs, which is the National
19 Federation of Organization that provides farm workers
20 with employment training and other services through
21 450 field offices. She attended the seminar as a
22 representative of a nongovernmental organization, and
23 in a sense, in the CSCE parlance, as sort of a private
24 citizen, but I think she was able to participate like
25 the other ones were as well, as the Delegation

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 members.

2 Ms. Mull?

3 Ms. Mull. Thank you, Mr. Wise.

4 I'd like to also thank the Commission on
5 Security and Cooperation in Europe for this
6 opportunity to allow me to speak at this briefing
7 today, but also for the receptivity that there was in
8 Warsaw from the Commission staff, from the Vienna CSCE
9 staff, from the State Department personnel, and also
10 from Maria Echaveste as the Head of the Delegation,
11 with the strong encouragement for myself as a
12 nongovernmental organization to speak openly. I think
13 that speaks of the rights that we have in the United
14 States to free speech, and to get the open
15 encouragement to do that, helped to facilitate the
16 activities that I undertook while I was there.

17 I was not an official part of the
18 Delegation, but as a representative I found myself
19 linking with many other nongovernmental organizations
20 that were in attendance.

21 I would have to say that I felt that the
22 majority of the benefits that I got from attending the
23 seminar was probably not so much in the plenary
24 sessions, but in the discussions and in the time spent
25 with other governments, talking with other government

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 officials, and with other nongovernmental
2 organizations representing migrant workers, to learn
3 of more specifics about the circumstances of migrant
4 workers, who migrant workers are in their countries,
5 what are the labor standards that are offered for the
6 workers, what are the circumstances, and the
7 conditions, and the experiences that they have within
8 their country, and then sharing that experience that
9 we have here in the United States with them.

10 I probably spent less time with the
11 Delegation than I spent with the other NGOs and the
12 other representatives from the other countries.

13 But, the thing that I found was a general
14 concern, a great concern internationally, that the
15 United States has not signed onto the conventions that
16 would offer important protections for migrant workers,
17 both within our own boundaries, and the encouragement
18 that that would offer by the U.S. signing and
19 ratifying these international conventions, the
20 encouragement that it would make for other countries
21 as part of the CSCE to also ratify and sign onto the
22 conventions.

23 While we advocate for the human rights in
24 other countries, it seems that that's an area that we
25 should focus on advocating for the human rights of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 people within the United States.

2 The thing I came away with, and I probably
3 speak more of the day-to-day, hands-on type person,
4 because that's the place that I come from, European
5 and U.S. migrants do face some similarities, and they
6 do face some differences.

7 What I found is that in my discussions U.S.
8 and European migrants both face discrimination, low
9 wages, educational deficiencies, lack of job placement
10 and training opportunities, difficulties integrating
11 into the host communities, and an inability to have a
12 voice in the political process unless they are a
13 citizen of that country.

14 We have a huge number of permanent residents
15 in the United States, permanent residents, except in
16 the State of Maryland and in the locality of Takoma
17 Park, are unable to vote in local elections. If you
18 do not have a voice in the political process, you do
19 not have a voice in the outcome of how your tax
20 dollars, or how the political process works.

21 However, in the U.S., U.S. farm workers or
22 migrant workers face something that European migrant
23 workers do not. All workers in Europe, whether they
24 are employed in agriculture or not, are protected by
25 the same level of labor standard protections as all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 other workers in the country within the European
2 Union. But, the U.S., except for civil rights, every
3 labor standard that applies to all other workers
4 allows exemptions under the federal law for
5 agricultural industry. This results in agricultural
6 workers, migrant workers, being relegated to a life of
7 cyclical poverty, and as an occupational group being
8 legally discriminated against.

9 I brought a chart here to give those of you
10 who may not be familiar, or who may suspect that this
11 isn't the case, a representation of what labor
12 standard protections are in the United States. If
13 this was a European map, the whole European map would
14 be white, because white would mean that every worker
15 was eligible for the same labor standard protections.
16 But, what we have in the United States is 73 percent
17 of the states offer less than 40 percent of the
18 coverage for migrant workers that they offer for
19 everybody else.

20 There is inequality in the labor standard
21 protections that we offer here, and that is diversely
22 different than the situation that you have in Europe.
23 In Europe, the decision was made early amongst the
24 states that participated in the European Union, that
25 they were not going to face this problem, that it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 too difficult for a worker moving from one country to
2 another country to have to figure out what are the
3 laws here versus what are the laws in another country.
4 It's too difficult for employers, and it's too
5 difficult for the workers, and it's too difficult to
6 enforce. So, the decision was made early that we
7 would uniformly apply the same labor standard
8 protections across the board.

9 But, in the United States, we set a federal
10 minimum for farm workers, which even in the best state
11 in the United States, which is California, farm
12 workers are still only eligible for 80 percent of the
13 protections that are available to all other workers.
14 And, in five states in the United States, less than 20
15 percent of the coverage is available for agricultural
16 workers. This is a stark, I think, realization. I
17 mean, it reinforced for me why equal labor standard
18 protections in the United States must occur for farm
19 workers.

20 For some reason in this country, we refuse
21 to acknowledge that farm workers are entitled to the
22 same basic job protections that other workers receive.
23 The issues supersede the interest of farm laborers,
24 actually. It reflects on how we view the rights of
25 individuals within our society.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 By failing to stand up for farm workers, we
2 risk establishing a class system that puts the rights
3 of some above the rights of others.

4 To continue to allow inequity in labor
5 standard protections speaks volumes about the
6 integrity of a civilized society. If we fail to
7 protect adequately all segments of the work force from
8 job hazards, we create a class system that defines the
9 rights of some workers as superior to those of others.

10 To know that these individuals are largely
11 minority and immigrant workers speaks to an even more
12 egregious form of discrimination.

13 Clearly, such a notion does not follow the
14 principles of our society, but unless we recognize
15 that and act appropriately to stop it, we are
16 condoning and becoming a part of the problem.

17 As a result of my participation with the
18 other nongovernmental organizations, we developed a,
19 I guess it was somewhat like a laundry list of
20 recommendations that were offered at the final plenary
21 session of the seminar. We urged the United States
22 and other countries within the CSCE states to sign
23 onto the international conventions that would
24 safeguard the human rights of migrant workers.

25 And, I thought it would be important,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005

1 because I had never heard of these until I went there,
2 and I've been working in farm worker programs since
3 1978, and I'm supposed to be, at a national level as
4 an Executive Director of a national association,
5 knowledgeable about these things to communicate it to
6 farm worker organizations throughout the country. I'm
7 acknowledging my ignorance.

8 But, this allowed or afforded an education
9 for me that I can take back to the organizations
10 throughout the country to make them aware of the
11 situation.

12 The international conventions, and the
13 conventions that are part of the ILO that I am
14 speaking of include the International Convention on
15 the Protection of the Rights of All Migrant Workers
16 and members of the family, Convention on the
17 Participation of Foreigners in Public Life at the
18 Local Level, International Labor Organization
19 Convention No. 97, Migration for Employment
20 Convention, and, finally, the International Labor
21 Organization Convention No. 143, Migrant Workers and
22 the Supplementary Provisions.

23 We would recommend or urge the United States
24 to sign, ratify and uphold all relevant international
25 instruments that safeguard the human rights of migrant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 workers and their families, and we also encourage the
2 adoption or modification of appropriate legislation or
3 regulations to implement such protections and
4 programs.

5 We, additionally, have a whole laundry list
6 of other issues and recommendations that we made.
7 Clearly, as part of this, we also recommended that
8 there be consideration in both the European nations,
9 as part of the European Union, as well as in the
10 United States, that allows for all legal residents
11 within a country to have the opportunity to
12 participate and have a voice in the political process.
13 This would mean that the actions that have been taken
14 in Maryland, and Maryland does do something right,
15 and, particularly, to Takoma Park, would be replicated
16 throughout the United States. This would afford
17 individuals the opportunity to have a voice and to be
18 able to have an input into their destiny.

19 And, I think with that equality in both
20 labor standards, as well as in the political process,
21 can help to improve the problems of migrant farm
22 workers in the United States.

23 We do have copies of the statements and of
24 the recommendations that are out on the outside desk.

25 Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Director Wise. Well, thank all three of
2 you.

3 We do have some time now, if there are
4 questions from the audience. I ask you to use that
5 microphone, if you would please, and identify yourself
6 when asking questions, and keep them as brief as
7 possible, consistent with what you want to know.

8 Yes, in the back there.

9 Unidentified Audience Member. You may have
10 said this before I came in, if so I apologize, what
11 proportion of the migrant workers in any of the
12 countries, the CSCE countries, are farm workers?

13 Ms. Echaveste. It was one of those
14 interesting questions I think that both Mike and I
15 spent time with some of the delegations trying to
16 ascertain that, sort of what is the extent of the
17 participation of migrant workers in the agricultural
18 industry.

19 The best I could figure it out is, because
20 the European countries focus on migrant workers, and
21 those are jobs where you are temporary, a guest worker
22 if you will, it is not seasonal, therefore, the jobs
23 are mostly industrial, you really have to dig to get
24 any information. And, what we learned was, there were
25 a few countries, France for example, that had seasonal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 workers coming from other countries for agriculture,
2 but France did not participate very extensively.

3 There was also agriculture from Germany, in
4 Germany, where we had Polish workers who worked in
5 Germany, but there wasn't really very much that they
6 could share with us about that industry.

7 Mike, do you have something?

8 Mr. Hancock. One of the striking things was
9 how little they were willing to talk about,
10 particularly, undocumented workers. Very few lawful
11 migrants were working in agriculture, according to the
12 delegations.

13 One of the phenomena that Maria alluded to,
14 Poles coming over as tourists and spending a couple of
15 months working in Germany in agriculture, was one of
16 the phenomena. Another one, with a little prime, the
17 delegate from the Netherlands acknowledged that in
18 their greenhouse industry, when you are eating these
19 beautiful red peppers during the off-season here, most
20 of them are grown in Holland in greenhouses, and he
21 estimated about 60,000 undocumented workers, almost
22 all the employees in the greenhouse industry in
23 Holland were undocumented workers.

24 It was funny, after -- and I think Maria
25 said earlier, that we were sort of this incessant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 voice saying, we've got to talk about undocumented,
2 and there was a lot of resistance to do that, but once
3 you got into it, one came to realize that the
4 phenomena is not so different. Many of the same
5 industries that we see the large presence of immigrant
6 undocumented workers, agriculture, construction,
7 demolition, the low-wage service industries, maids and
8 domestics, are the same industries in Europe where
9 undocumented workers gravitate to.

10 So, I don't know what percentage of migrants
11 are working in agriculture. I think it was, again,
12 the Dutch delegate that said, he estimated that in the
13 European Union there's something on the order of 5 to
14 6 million undocumented workers, and with those
15 industries that I listed being the preponderance.
16 That was the estimate.

17 Unidentified Audience Member Not Speaking
18 From Audience Microphone. Did you say 6 million
19 undocumented workers?

20 Mr. Hancock. It was offered as an estimate,
21 and without any certainty about how accurate that
22 number was.

23 Unidentified Audience Member Not Speaking
24 From Audience Microphone. What countries?

25 Mr. Hancock. Excuse me?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Unidentified Audience Member Not Speaking
2 From Audience Microphone. What countries?

3 Mr. Hancock. He did not offer where they -
4 - their countries of origin. He did not have any good
5 idea, although he thought they were from the
6 traditional sort of sending countries, Turkey,
7 Tunisia, Morocco, Algeria, those countries.

8 Director Wise. Yes, could you introduce
9 yourself? It would help a little bit if you'd come to
10 the microphone. We are also recording, so we are
11 going to have a transcript later. Thank you.

12 Unidentified Audience Member. My first
13 question is that, whether the American Commission
14 established that by the term immigrant worker you mean
15 only undocumented, of they can be documented as well?

16 Ms. Echaveste. I think we got the
17 understanding that there were legal definitions, and
18 I think what they were trying to convey was that the
19 sense of the seminar was on the traditional European
20 definition of legal migrant worker, but what the U.S.
21 Delegation did was expand the topic that we were
22 discussing to include those who were illegal, because
23 we felt that the issues were so intertwined.

24 Unidentified Audience Member. You see, the
25 question arises here that if you want to make one

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 legal definition for the term immigrant worker, and
2 they are to include all documented and undocumented,
3 you face a profound problem which you cannot resolve
4 at the end yourself, because simply, as you know very
5 well, that the European Union, for instance, those 12
6 countries, and now the 18 countries which form the
7 European economic area, they have the right to move.
8 As you know, it's one of the four freedom of movement
9 for freedom of movements in the whole area. So, all
10 these 18 countries, the people can move and work
11 temporarily as much as they want. They keep all their
12 rights. They keep -- they take their social rights,
13 pension and et cetera, et cetera, and they are migrant
14 workers, I mean, in any definition, and then they go
15 back.

16 So, if you want to say undocumented workers
17 are the same as these, how did you explain that, you
18 can't do that. That's one thing.

19 And second, is that when you talk about the
20 payment to these so-called "undocument" workers, which
21 I understand they exist, no doubt about it, then you
22 have to study this issue country by country.

23 Let's take Sweden, for instance, Sweden
24 doesn't have any minimum wage, it is the agreement
25 between the union, in general terms, with the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Association of Employers, okay, and nobody is paying
2 less to anybody except what you call "black
3 employment." What they mean by black, it's not the
4 color, it's just that means you don't pay taxes.

5 So, they do not pay to these individual
6 workers less than they pay the documented workers,
7 except that they don't pay the social fees.

8 So, by avoiding social fees, they don't pay
9 taxes, the workers don't pay taxes, so whatever they
10 get they collect.

11 If they were documented, they would get the
12 same money, or a little more, but they have to pay so
13 much taxes and the employers have to pay so much
14 taxes.

15 You see, when one studies these issues, one
16 has to put all these things together, and then you
17 accomplish a conclusion.

18 So, did you, during your stay in Warsaw, did
19 you come to this point to study the question of hiring
20 black, what you call workers undocumented, for
21 instance, or did it occur to you that such categories
22 exist?:

23 Director Wise. Thank you very much. That's
24 all the questions right now.

25 Ms. Echaveste. I think that, let me make a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 couple of responses, I think that the U.S.
2 Delegation's insistence on talking about undocumented
3 workers was to get to this point of what you are
4 calling the sort of "black employment," because that
5 is where the abuses take place for at least all
6 immigrants in the United States.

7 Second, the question of, I don't think
8 there's a suggestion, at least I'm not suggesting,
9 that there be equivalent sort of legal workers,
10 illegal, what I want to say is that what I'm coming
11 away with is that there needed to be some basic set of
12 working conditions, that whether you were there
13 legally or illegally, there was some common
14 international set of basic conditions that any worker
15 would be entitled to. That's what I came away with.

16 And, I understand that, obviously, there are
17 differences between, every country has the right to
18 make decisions about who, and what, and how people
19 come to work, but that at least I feel that there is
20 some humane reason, I guess, or a desire for some
21 basic set of universal working conditions that one can
22 say, I may not be here legally, but I'm certainly not
23 -- I certainly ought not to be treated in the
24 following ways.

25 So, does anybody else have any other

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 response?

2 Ms. Mull. I would like to agree with Maria
3 on that. I think that, and I hope that it wasn't
4 taken that any of my comments would say, we strongly
5 feel that undocumented workers' rights should be
6 protected, that they should not be exploited. That
7 should not hold back applying equal labor standard
8 protections across the board.

9 But, I did want to clarify one thing. In my
10 discussions with the nongovernmental organizations,
11 all agricultural workers in Europe, whom they call
12 seasonal workers, are not undocumented. There are a
13 large number of documented workers in Europe who are
14 agricultural, and they are migrants, and they do
15 migrate from one country to another, according to the
16 nongovernmental organizations I was in contact with.

17 Additionally, understand that in European
18 countries, the way that they do production in
19 agriculture can be different. For example, a grocery
20 store may own their own fields and hire local workers
21 to work those fields. Those are agricultural workers,
22 but they may be citizens of that country.

23 And so, there are some similarities amongst
24 agricultural workers, and I just wanted to make sure
25 that I clarified.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Mr. Hancock. If I could address, and I
2 think that there's another way to view this labor
3 standards question, it's not -- the humanitarian
4 concerns are paramount and are reason enough, but
5 there's another reason why I think the black market
6 has to be addressed. You cannot allow employers to
7 take advantage of undermining and allow them to
8 undermine the whole labor market by taking advantage
9 of vulnerable, exploitable, undocumented workers, that
10 if you allow them to play at the margins, whether it's
11 not paying their taxes, or not paying minimum wage, or
12 not providing the social benefits that other employers
13 have to provide, you are at the risk of undermining
14 the entire labor market. And so, it's not simply
15 humanitarian concerns that lead, at least, me to
16 believe that you have to enforce a minimum set of
17 labor standards, regardless of the immigration status
18 of the worker.

19 And, I think that's -- another reason is to
20 protect the labor market.

21 Director Wise. The gentleman in the back.

22 Mr. Harrison. Hi, I'm Mark Harrison with
23 the United Methodist Church Board of Church and
24 society, how are you doing this afternoon?

25 Mike, you mentioned a report that the staff

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 did from the Commission, is that on the table outside?
2 I didn't see it.

3 Mr. Hancock. Yes, there were volumes out
4 there. It's a thick, it's a compilation of their
5 hearings, of their investigations, it's out on the
6 table out front.

7 Ms. Mull. And, if they are not out there,
8 we have about 50 or 60 in our office. We'd be glad to
9 share those.

10 Mr. Harrison. My main question is, what
11 happens next? Mike and Linda, what do you hope to --
12 where do you want to carry this now? And, Maria, do
13 you see -- what do you see from, let's say the Labor
14 Department, and if the State Department is here, what
15 are we expecting from the State Department?

16 Mr. Hancock. If I can address the first
17 part of that, Mark. I think serendipitously the
18 Administration has given us an opening to further
19 argue for the sort of minimum set of labor standards,
20 international conventions, that I think are an
21 important new tool.

22 When Clinton announced this intention to
23 look at a set of international labor standards in the
24 trade context, I think that's an opportunity for
25 everybody who is concerned about the conditions of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 farm workers to use that as a platform and a vehicle
2 to argue that, in fact, we have fallen short in
3 agriculture to the goals that we hope to hold others
4 to.

5 And so, I think we do have an opportunity,
6 and I think that we all should work to take advantage
7 of that.

8 Ms. Mull. We, as far as the Association,
9 have been working on trying to get a movement forward
10 on equalizing labor standard protections probably for
11 the last three or four years with agricultural
12 workers.

13 We are trying to form a coalition of farm
14 worker organizations and people who are supportive of
15 the needs of farm workers within the United States to
16 help us in that effort. And, I think as part of that
17 would be undertaking the amendments to the Fair Labor
18 Standards Act that are being discussed to take place
19 next year, during the next congressional session.

20 Additionally, as Mike has indicated, to move
21 on determining and getting a clarification as to why
22 the United States has withheld from signing, and
23 ratifying and enforcing, or, I guess, implementing the
24 international conventions. And, we would call upon
25 all nongovernmental organizations, and even

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 governmental organizations, who, you know, would like
2 to see an equalization of labor standard protections,
3 an increase in the equality of the rights of migrant
4 workers and seasonal farm workers here in the United
5 States, to join us in that effort.

6 Ms. Echaveste. I think, Mark, what happens
7 next, as I said that the challenge was, we'd started
8 the education process, the individuals who
9 participated in the Delegation, I feel, are, having
10 been advocates before, continue to see this as
11 opportunities for furthering the goals and progress or
12 improvements, vis-à-vis workers, and farm workers in
13 particular.

14 As for the Labor Department, as it turns
15 out, the Bureau of International Labor Affairs is
16 having a one-day seminar next week on international
17 labor standards, which was sort of a surprise, but we
18 consider to be a very useful, I'm not quite sure where
19 the end goal, you know, the end goal, it could be in
20 preparation for the ILO Congress in June or whenever
21 it is, but still, that's another opportunity.

22 I don't know, the public is invited, but I
23 think there's a limit of something like 270, and for
24 information on that, that would be the Bureau of
25 International Affairs within the Department of Labor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 But, as for what happens next, I think that
2 I don't want to spend this whole time telling you Wage
3 and Hour is doing, because we have a lot to do, but,
4 just briefly, we have made a concerted effort within
5 the Department of Labor to target to industries in
6 which we think there is significant exploitation, or
7 a high rate of violations. One is garment, and the
8 other is agriculture. We are exploring ways to push
9 the envelope, if you will, in our legal
10 interpretations, to try to get as many responsible
11 parties on the hook for violations of those laws that
12 do apply, and I think that Linda's chart, in terms of
13 what laws apply to the industry, or to agricultural
14 employees, was very useful.

15 I am of the view that, I keep saying to our
16 staff or as issues come up, why do we keep treating
17 agriculture differently than other industries, it's a
18 business just like everything else.

19 And, maybe if enough of us start thinking
20 that way, we won't so quickly be willing to carve out
21 the exceptions for agriculture.

22 On the other hand, let's make sure we
23 understand quite clearly how strong the forces on the
24 other side are. So, they are strong, but we are
25 enforcing the law and there are strike forces in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 various parts of the country that have developed
2 plans. We are getting some attention from the
3 industry, and I think that's positive. It's a
4 question of, let's see how far we can go with that.

5 Director Wise. Yes, here.

6 Ms. Rottenberg. Thanks. I'm Lori
7 Rottenberg, and I work with Diane Mull at AFOP.

8 Maria, I had a question for you. You
9 mentioned the possibility of a regional conference
10 similar to the one that was held in Warsaw. I was
11 interested if anything had been generated on that to
12 this point, in terms of either what countries are
13 envisioned to participate or how that might -- you
14 know, what plans might be underway to do that.

15 Ms. Echaveste. I think that's a question,
16 really, for the Commission to explore avenues, but,
17 certainly, those of us who participated were really
18 intrigued with the idea.

19 It's like any good idea, it sort of just
20 takes a few people to sort of reach a critical mass to
21 make it happen.

22 A very important question is, can it be
23 under the auspices of the CSCE, when other countries
24 that we'd be interested in participating with are not
25 members. Should we work with OAS? Should we -- you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 know, should we work in the context of NAFTA, if you
2 think about. I mean, there are lots of opportunities,
3 and I think that it's going to require some -- we are
4 all intrigued with the idea, we just need to achieve,
5 try to get some other interested parties.

6 Director Wise. Others?

7 This gives me a chance then to ask a couple
8 questions that I had. In the meeting, was the
9 discussion primarily in abstract terms about migrant
10 labor problems, or were there specific countries
11 mentioned, and specific minorities? In other words,
12 how was the discussion cast?

13 Ms. Echaveste. Do you want to take this?

14 Mr. Hancock. I'll try, because the
15 discussion was dominated by discussions of specific
16 countries, specific populations, and there was some
17 struggle involved in getting the conversation
18 broadened so that some of our issues were debated.

19 The primary issue was the treatment of
20 migrant workers largely of Turkish origin in Germany.
21 And, it's a very important, and certainly current and
22 critical issue, and so that the early part of the
23 discussion was dominated by that.

24 It was interesting, however, as it went on,
25 other issues arose, and one of the things that struck

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 me was, finding some of the former Soviet Union
2 members, some of the Newly Independent States came
3 forward and started talking about some of the concerns
4 they have. And, it struck me how they the ticking
5 time bomb, if you will, with the Newly Independent
6 States with huge populations of people with no real
7 prospects for meaningful employment in their homes.

8 And, while we haven't seen to date,
9 apparently, significant migration out, I think that
10 you can see down the road five-six years, the sort of
11 building demand in these countries, and I would be
12 surprised if by the end of the century we don't see
13 significant movements, documented or not, of those
14 people towards Western European countries with more
15 vigorous economies.

16 That's sort of how -- it started out as
17 largely a Turk/German debate, but then evolved into
18 these other regions.

19 Director Wise. Did you find that there was
20 much interest in the U.S. experience?

21 Ms. Echaveste. Well, I think that what Mike
22 was referring -- I mean, it took a while, I think that
23 the emphasis was partly to do with two of the three
24 moderators were interested specifically in the
25 Turkish/German question, but we were able to, I think,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 open up other issues.

2 I want to stress what Mike was talking
3 about, it was very interesting to have the
4 representative from Slovakia suggest that, you know,
5 a possible program that he would be in favor of is
6 sending workers from Slovakia to Sweden, or the
7 Netherlands, where they wouldn't have to pay the same
8 wages that they'd have to pay their citizens, you
9 know, reduced insurance benefits. And, those of us
10 are sort of going, no, you really don't want to do
11 that, it's going to lead -- so clearly, that's a
12 ticking time bomb.

13 But, there was eventually some receptivity
14 to expanding the discussion beyond the Turkish/German
15 question.

16 Director Wise. Let me ask just one more,
17 and then I'll see if there's any other questions out
18 there. Were there any examples mentioned or cited of
19 a host country which handled the issue of migrant
20 workers in a particularly positive way?

21 Ms. Echaveste. I think that the experience
22 of the Netherlands are some interesting lessons, I
23 would say. I think they are further down the road in
24 sort of providing opportunities for political
25 participation for their migrant worker population, of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 really attempting to address head on questions of how
2 you deal with a multi-cultural society. And so, I
3 mean, it was a pretty good model, at least an attempt
4 to deal with these issues in a positive manner, rather
5 than reacting in a negative of slamming the door kind
6 of approach.

7 Sweden, too, I think, was attempting to deal
8 with these issues of the culture.

9 Director Wise. Were they Turkish workers in
10 both cases, or were they Indonesian?:

11 Ms. Echaveste. They were Indonesian, but
12 some Turkish, yes.

13 Ms. Mull. There also were some educational
14 programs that I went to some of the delegations from
15 the other governments, when they would talk about
16 educational programs, or training programs that they
17 were offering.

18 Our neighbors in Canada had some innovative
19 approaches that they were undertaking. Norway had
20 done a very progressive effort in one of their
21 educational programs to develop culturally sensitive
22 materials for the migrant workers who came to their
23 country.

24 And, there were, I think, a number of the
25 other countries that you've mentioned, but there was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 some unique programs that the governments had
2 initiated, but the NGOs, the nongovernmental
3 organizations, too, have on their own developed quite
4 a bit, and that was discussed at some of our meetings,
5 but not part of the plenary session, that they had
6 some innovative activities that they were undertaking,
7 and were trying to get support from the governments to
8 help finance some of this to expand it.

9 We have quite a different situation in the
10 United States. We have really government funded
11 private organizations. You know, a lot of
12 nongovernmental organizations receive federal funding
13 from the U.S. government to help resolve the problems
14 of special populations. That's not necessarily the
15 case in a number of the other CSCE countries. There's
16 not government funding that's provided to the
17 nongovernmental organizations for them to undertake
18 serving the needs, and that was one of the
19 recommendations that came forward from the NGOs, is
20 encouraging the governments to utilize the NGOs to be
21 a response mechanism to serve the needs of special
22 populations like migrant workers.

23 Director Wise. Okay.

24 Are there any further questions? Yes, would
25 you, please go to the microphone? Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Ms. Bobotek. I'm Bea Bobotek from the
2 Migrant Legal Action Program. And, Lori and Mark took
3 the first questions I had about where do we go from
4 here, but I do have one subject to ask about, and I
5 don't know if it came up. I doubt that it did, since
6 you haven't mentioned it, and that is the subject of
7 child labor. Was child labor discussed at all in the
8 context of international labor standards?

9 Ms. Mull. Not in the general plenary
10 session, but as part of the NGOs, in asking about what
11 are the labor standard protections that are afforded,
12 child labor is covered under for migrant workers in
13 Europe.

14 And, in my comments, there is a laundry list
15 of the types of coverage that are offered within the
16 European Union, equal pay, health and safety at work,
17 unemployment compensation, minimum wage, overtime,
18 worker's compensation, protection for children as
19 hired workers, the right to organize and collectively
20 bargain, deferred pay and grievance, weekly rest,
21 which is a new term for having your weekends off, or
22 at least two days out of the week that you don't have
23 to work, dispute and settlement procedures, and
24 holiday pay. Those are the labor standard protections
25 that are afforded to hired workers, migrant workers in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 Europe.

2 Director Wise. Well, do you have another
3 question in the back?

4 Unidentified Audience Member Not Speaking
5 From Audience Microphone. I have what I guess is a
6 correction. When you say Europe, particularly Diane,
7 when you say Europe you mean Western Europe, you don't
8 mean Europe, am I correct?

9 Ms. Mull. I'm talking about the member
10 states within the European Union, okay?

11 Mr. Hancock. Bea, this is at least in part
12 responsive, I think. There wasn't a lot of discussion
13 in the formal procedures about child labor or a whole
14 range of other issues, although, the NGOs raised a
15 host of other things, white slavery, for instance,
16 which is, I guess, a growing problem in Western Europe
17 with desperate people from the former Soviet Union and
18 others finding that one of their only outlets. So,
19 there was some frustration, I think rightfully so,
20 that a lot of issues that the NGOs thought should be
21 part of this discussion were sort of off limits and
22 never made it to the table. And, there was
23 significant frustration expressed because of that.

24 So, this seminar really did sort of proceed
25 down fairly well-confined lines and a lot of these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

1 other issues just never got fully aired.

2 Director Wise. Any further questions?

3 Any final things our panel would like to
4 say?

5 Ms. Echaveste. Other than, really, to
6 express a real appreciation to the staff, both Mike
7 and Jamie, and Christian, who came over from the State
8 Department to help us, really made us at least appear
9 to be somewhat knowledgeable and be able to engage in
10 some very thoughtful discussions, so I really want to
11 thank them.

12 Director Wise. Okay.

13 We want to thank you, all of you, for
14 participating, and a final word, a transcript of this
15 briefing, various seminar documents, and a Commission
16 report on the seminar, will be published by the
17 Commission in the near future.

18 So, if you want additional information on
19 it, there will be some things coming out from us.

20 Thank you all for coming.

21 [Whereupon, the briefing was concluded at
22 3:12 p.m.]

23

24

25

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D.C. 20005

C E R T I F I C A T E

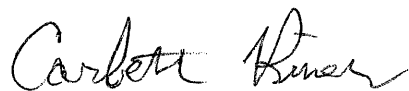
This is to certify that the foregoing transcript
in the matter of: COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
MIGRANT WORKERS SEMINAR
OPEN SESSION

Before: SAM WISE, STAFF DIRECTOR OF
THE HELSINKI COMMISSION

Date: APRIL 21, 1994

Place: WASHINGTON, D.C.

represents the full and complete proceedings of the
aforementioned matter, as reported and reduced to type-
writing.



NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005