



photo by Bob Pluckebaum

Contingent Workers Get Legal Help

As the economy continues to stumble, and more and more people find themselves out of work for longer periods of time, many are forced into the contingent work force. These day laborers, many of whom are immigrants, are among the most exploited people in our community. Contracted on a daily basis at pick-up stations scattered throughout poorer neighborhoods in Chelsea, Dorchester and other metro areas, they are hired, generally a day at a time, to perform a wide range of manual labor type jobs for an hourly wage. People willing to work for the day congregate in parking lots or intersections, usually beginning at 4:30 a.m., and wait for prospective employers to drive by and hire them. Often day labor agencies will hire a crew of people for such jobs as landscaping, demolition, sanitation, construction, janitorial, manufacturing, and warehouse work. Examples of a day's work include cleaning on the night shift at Fenway Park, removing asbestos, digging ditches, working in recycling, working in fish factories or cutting grass for a local corporation. Many of these

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Greater Boston Legal Services is the primary provider of free civil legal assistance to poor people living in the City of Boston and 31 surrounding cities and towns.

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Day Labor Workforce Often Exploited

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workers are easily exploited due to limited English skills, desperation for even exploitive wages, and lack of knowledge about their rights.

GBLS has recently launched a day laborer project, in which attorney Minsu Longiaru, working at GBLS under a fellowship award by the law firm of Skadden Arps, has been conducting outreach with over three hundred workers at homeless shelters, community organizations, churches, and outside of temporary agencies to learn from day laborers first-hand about the legal issues affecting them in the workplace. Ms. Longiaru provides critical legal advice, representation and education to a growing group that many consider to be the most vulnerable group of employees currently working. By providing legal assistance to a community that routinely experiences illegal employment violations including unpaid wages, hazardous working conditions, and discrimination, Ms. Longiaru furthers GBLS' Employment Unit mission of meeting the advocacy needs of the most marginalized of low-wage workers. She hears from these workers numerous stories of temporary agencies discriminating against day laborers, refusing to pay due wages, and taking illegal deductions so that workers often receive less than the minimum wage for doing backbreaking work.

At the workshops, people are often surprised to learn just how many of the abuses they experience on a daily basis are illegal, such as excessive fees for transportation, lack of safety equipment, and exorbitant fees for check cashing, which can total more than ten dollars a day. Day laborers have shared stories of being sent out on a "cleaning job," only to find out they're supposed to clean asbestos with only handkerchiefs to protect themselves. They have also told of being driven two hours and abandoned at a job-site, forced to trudge through a blizzard to find the nearest shelter. In both cases, workers faced life-threatening conditions on the job but when they complained to the temporary agencies, they were labeled as "troublemakers" and not paid the correct amount.

Unfortunately, the "blacklisting" of workers who try to enforce their legal rights is all too common a practice in the temp industry. Because of this, workers who depend on income from temporary jobs to meet their most basic needs are often reluctant to come forward. As an advocate, Minsu has begun to work with others to develop a strategy that goes beyond individual complaints. She has conducted outreach and education for community groups and social service organizations to bring greater public and political attention to the problem about workers' rights and the exploitation they face. She is also working with government agencies, including the Attorney General's office, on a class action lawsuit to be filed to bring the industry into compliance with existing wage and hour laws.

Special thanks are given to the Skadden Fellowship Foundation for funding Ms. Longiaru's work.

Social Security Letters Mis-Used by Employers

GBLS' Employment Unit is working with a coalition of community groups to raise awareness about employer abuses of Social Security No-Match letters. The Social Security Administration (SSA) sends no-match letters to employers when the name and number of an individual that the social security administration has on file do not match up. These letters are sent to benefit employees whose earnings may not be properly accredited to their SSA account, and the SSA has gone to great lengths to emphasize that a no-match letter does not mean that the social security number is invalid. There can be a number of explanations, including a name change or human error.

Unfortunately, many employers are using these no-match letters to illegally threaten, fire, or otherwise take adverse action against employees who might be trying to organize a union or otherwise have a complaint against the company. One of the largest employers in Chelsea was threatening to fire over seventy immigrant workers as a result of having received no-match letters. GBLS helped educate workers, community groups, and employers about the issue, and encouraged politicians, including Senator Ted Kennedy, to send letters to the company. After the community had mobilized, the employer withdrew its threat to fire the workers. This victory is but one example of ways GBLS' legal expertise is critical for effective community organizing efforts.

"How can it be, in a country as strong and rich as this one, that tens of thousands are turned away every year because their government won't support the very progra

- Senator Ron Wyden (D-Oregon)

Mac McCreight Wins David Bryson Award

Congratulations are due to GBLS Housing Attorney Mac McCreight, who was awarded the David Bryson Award by the National Housing Law Project in February. The award celebrates "someone from the legal services community who has shown long and exemplary commitment and dedication to solving the housing problems of extremely low-income persons, who has had marked successes in a variety of forums and who has unselfishly supported colleagues and others working in the housing com-



photo courtesy of Annette Duke

munity." The award was named after David Bryson who worked for the National Housing Law Project for nearly 25 years during which he dedicated his exceptional legal and personal talents to improving the housing conditions of extremely low-income persons. Mac embodies these characteristics in his work, having earned the respect of all of his colleagues locally and nationally. He is known in every Boston Housing Authority public housing development and is loved and respected by the diverse public housing community in Boston. Congratulations, Mac!

GBLS Access to Justice Committee Meets Phase I Goal, raises \$2 million

The Access to Justice Fund was established to guarantee the permanent availability of legal assistance for the poor by endowing attorney positions at GBLS. The long term goal is to raise \$6 million with \$2 million set as the target for Phase I. In 2001, GBLS was offered a \$500,000 challenge grant by a local foundation with the requirement that GBLS raise \$1.5 million in cash and pledges to receive these funds. Spearheaded by a committee of dedicated Board members and long-time supporters, this enormous challenge was met. Despite a turbulent economy, GBLS Board members and supporters contributed generously, with GBLS reaching the goal amount in December, 2002, which resulted in full payment of the \$500,000 matching grant. Two GBLS attorneys, Zenobia Lai and Halim Morris, have been named the first Access to Justice Fellows. Reaching this benchmark, GBLS and its supporters have taken another step to help ensure access to justice for the poor.

Legal Services Clients Face Worst Budget Crisis in Decades; Governor Proposes to Slash Funding for Legal Aid

Low-income people face the greatest threat to their access to justice in decades. As the statewide budget crisis looms, Massachusetts' poor face a dramatic decrease in access to basic human needs. In 2002, GBLS served more than 18,600 people, 73% of whom were women, and more than 30% of whom were elders. All of these people are poor. For a family of four this means having less than \$1,700 a month to pay the rent, buy food, clothes and all the other necessities of life. And all of these people depend on legal services as their last resort before becoming homeless, losing custody of their children, or being illegally denied medical benefits.

The Governor's proposal to cut 33% of current legal aid funding is fiscally unsound and will exacerbate the current crisis our poor people face. The costs of providing a lawyer to protect the tenancy of a low-wage worker and her family is far cheaper than providing shelter for her and her children if she is evicted. The cost of an advocate to obtain federally warranted Medicare benefits for an eligible elder is far less than covering the cost of that person's care. And we can put no price tag on the life of a battered woman and her children who get protection from her batterer. GBLS already turns away close to 60% of eligible callers-people with meritorious cases who need legal representation in order to access the promise of justice our legal system represents. Many of the people calling for legal help are the working poor - people working for minimum wage, sometimes at more than one job, and still living at or below poverty level. Budget cuts like those currently proposed will translate into fewer advocates helping people with the most basic of needs - health, shelter, safety.

GBLS is working to encourage the legislature to restore legal aid funding in the House and Senate budgets. Equal justice for all is the basis of our democracy. Without legal advice and representation for the poor, equal justice is a mirage. For information on what you can do, please call 617-603-1606, or e-mail webmaster@gbls.org.

You can help sustain a secure financial future for GBLS by naming us in your will.

For further information on how to establish a bequest contact your attorney, financial adviser, or Jack Ward at GBLS.

617-603-1604

Americans who need legal representation designed to help them?"

Suffolk Court Project Saves Lives

“Carmen” was desperate, terrified and living in poverty. Her husband had abused her for several years, with his attacks becoming increasingly aggressive and violent. When she informed him she was filing for divorce, he threatened to kill her and their daughter. Seeking a protective restraining order, she went to the Suffolk Probate Court, expecting to represent herself. Fortunately, at the Courthouse she found the GBLS Suffolk Probate and Family Court Domestic Violence Center, where GBLS Family Law attorneys are on hand daily to assist women seeking to

represent themselves. Supported by a grant from the U.S. Department of Justice, the project was established to increase access and availability of civil legal assistance for victims of domestic violence. During Carmen’s screening process, the GBLS attorney working at the clinic learned of the substantial history of domestic violence, and, recognizing the warning signs, became convinced that Carmen was in dire danger. She assisted Carmen to obtain a 209A protective order, and arranged for her to go to a battered women’s shelter

for protection. Before she was able to reach the shelter, her abuser found her, threatened to kill her, and locked her in the trunk of his car while he went to obtain a weapon. Fortunately, she was released by a passerby, and got herself to the shelter before he returned. GBLS’ Family Law Unit is now representing her in divorce proceedings and custody negotiations. She has successfully obtained a permanent restraining order, has relocated to a safe address, and expects to be awarded full custody of her child.



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