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ACLU: Fullerton company exploited immigrants

By Cindy Carcamo

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A Fullerton manufacturing business targeted earlier this summer by Immigration and Customs Enforcement agents on suspicion of hiring illegal workers is again under fire -- this time by a civil rights organization alleging the business exploited and discriminated against immigrant workers.

At a Tuesday morning news conference, the American Civil Liberties Union of Southern California and the Coalition for Humane Immigrant Rights of Los Angeles announced they were launching a federal lawsuit against Terra Universal in Fullerton.

"The company chiseled their wages and stretched their hours," said ACLU staff attorney Jennie Pasquarella at the press conference. "Terra Universal is a multi-million dollar company built on the back of an immigrant workforce."

Terra Universal attorney David Ross said he knew about the lawsuit but hasn't seen the actual filing.

"Terra has always treated its employees fairly and has paid top wages and unequivocally denies that it violated any laws regarding employee matters and any other matters," he said.

Pasquarella said this is the first lawsuit the ACLU of Southern California has filed against an employer they suspect of maltreatment of immigrant workers.

ACLU officials said the federal government contractor violated federal labor laws, alleging company officials required employees to work long hours without overtime. The company's owner, George Sadaghiani, and human resources officials also discriminated against workers, exploiting them based on their perceived legal status in the country, Pasquarella said.

At the time of the raid, Ross said the company complied with immigration law, hiring people it believed to be in the country legally. He also was critical of immigration officials, saying company officials were going to give employees a chance to sort out their legal status.

Tuesday's lawsuit came out of information ACLU officials gathered after the ICE workplace enforcement raid on June 29, when immigration officials served a federal search warrant at the business and nabbed 43 people on suspicion of being in the country illegally.

"The raid basically unearthed the facts of the exploitation that was going on in this factory—longstanding exploitation that had been going on for years and years in this largely immigrant workforce," Pasquarella said.

Surrounded by workers from Terra Universal, Hugo Alcantar Fernandez of Fullerton spoke about the abuses he said he endured as a polypropylene welder at the company.

"I'd regularly work more than 8 hours and they wouldn't pay me overtime. But the worse thing was that he would personally come up to you and treat you badly," Alcantar Fernandez, 28, said in Spanish about Sadaghiani. "He'd come up to your face and call us stupid to our face. He made you feel like nothing."

Alcantar Fernandez is one of 43 workers who face deportation hearings, Pasquarella said. ICE officials have said their agents detained the workers on suspicion of being in the country illegally.

Regardless of a person's legal status, labor laws protect every worker, Pasquarella said at the press conference.

She said the case is emblematic of what workers — who are in the country illegally and legally — face across the nation.

"Employers have the misperception that because of the perceived immigration status of their workers they have a license to exploit and abuse," she said. "... This case is against one company but it's directed at all businesses out there who think they can exploit the immigrant workforce."

The complaint gives a detailed account of allegations that Terra Universal created a complex hierarchy of maltreatment based on varying degrees of legal status, swindling workers out of overtime pay and required time off.

"The human resources department had a way of cataloging workers who had papers and who didn't, with red stickers on those who they believed were undocumented. One by one they told them they didn't have equal rights under employment law, or were not entitled to equal pay, not entitled to vacation and sick days and holidays," Pasquarella said. "They basically singled them out for abuse."

She said company officials discriminated against both illegal and legal immigrants who were primarily of Latino origin, treating them differently and paying them differently than their non-Latino counterparts.

Those workers suspected of being in the country illegally were required to work long hours -- anywhere from 12 to 14 hours -- on a daily basis without being paid overtime, the ACLU complaint states.

"They avoided having to pay them overtime wages by creating a scheme," Pasquarella said. "They had the worker clock in just under 8 hours and then clock back in, as if it were a second job."

In addition, the complaint describes a hostile workplace where Sadaghiani yelled at people who complained about conditions.

"The workers called him the king," Pasquarella said of Sadaghiani. "He was very present in their lives, roamed around telling them what to do and shouting at them."

ACLU officials said the case highlights a disconnect between the Department of Labor and Immigration and Customs Enforcement.

"I think there is conflicting interest there," Pasquarella said. "The Department of Labor is interested in enforcing labor laws ensuring victims -- regardless of immigration status -- can come out and report labor violations. ICE has different interests... and rather than going after unscrupulous employers they seem to have gone after the workers and possibly at a later stage — the employer. What message does that send to the workers who are the ones who are doubly victimized?"

ICE spokeswoman Virginia Kice discounted ACLU's claim of a disconnect, stating that the agency's focus on worksite enforcement is still on employers.

"ICE Homeland Security Investigations is seeking to criminally prosecute or fine employers who violate our nation's hiring laws," Kice said.

In addition, she added that ICE worked closely with the Department of Labor throughout the investigation. Kice also pointed out that the workers who were detained were released soon after they were processed.

She declined to give any more specifics about this case.

However, she said that in investigations of this kind, ICE Homeland Security Investigations also looks for evidence of worker mistreatment as well as other indications of human trafficking, smuggling, harboring, visa fraud, money laundering, and other such criminal allegations.