

# La Opinión

THURSDAY

February 18, 2010  
Los Angeles, California

www.laopinion.com

## EDITORIAL OPINION

### *Paying To Work*

*Angelica Salas & Marvin Andrade*

Our economic situation is pretty bad right now, but are we so bad-off that workers should have to pay to work?

That is exactly what is happening to the mostly Latino immigrant truck drivers at the LA and Long Beach ports. To keep their jobs, the workers have to pay for the new trucks that belong to the company. Each week the companies mercilessly deduct the truck payment, insurance, registration and fuel from the workers paychecks, leaving them nothing but a pittance to take home.

Today more than ever, this equipment is essential in the port industry, since every company owner, whether they have one or one-hundred trucks, is required to buy new trucks in order to comply with the regulations imposed by the California Air Resources Board (CARB).

No one questions the need to clean the air and protect public health; however, there is disagreement over who should pay for the much needed environmental clean up. Companies want to wash their hands of all responsibility in order to avoid paying for the new trucks and in the end keep enjoying big profits at the expense of their workers. And they are getting away with it!

Years ago, the owners of the trucking companies figured out that they could increase their profits if they shifted their business expenses onto their workers. They did it by misclassifying their employees as "Independent Contractors" and in this way they were also able to get around labor laws, workers compensation and state and federal taxes.

The illegal practice of classifying employees as "micro businesses" or "Independent Contractors" has become so commonplace at the ports that in February of 2008 the California Attorney General's office launched an investigation. And just a week ago (on February 4, 2010) the attorney general announced judgment against five port companies who deprived their workers of the benefits to which they are entitled under state law.

And the Attorney General is not the only one interested in the "Independent Contractor" schemes inside and outside of the ports. President Obama recently announced the budget for the 2011 fiscal year which includes a measure requiring the reclassification of employees currently categorized as contractors. This measure would require companies to pay the appropriate taxes, resulting in the collection of \$7.3 billion in revenue.

Although employee misclassification is a costly scheme to our federal and state governments, it is without question the workers who are paying the heaviest price. Without labor laws to protect them they are forced to work longer hours than are allowed by the Department of Transportation, they are forced to work without pay, and they are unfairly terminated if they speak up against these injustices.

The solution to these injustices is the Los Angeles Port's Clean Truck program which from the beginning has recognized that the cost of clean trucks cannot – and should not – fall on the

shoulders of the workers. The plan requires the company owners to recognize truck drivers as employees and to assume complete responsibility for the purchase and maintenance of the new trucks.

But the American Trucking Association filed a lawsuit against the Port of Los Angeles, which has temporarily blocked some sections of the plan. This temporary block has left thousands of truck drivers - who are unable to purchase new trucks - unemployed. While thousands more find themselves paying to work. Those who are forced to pay for the company trucks are working double shifts - the day shift to pay for the truck, and the night shift to support their families.

In spite of the lawsuit brought by the companies, hope has arrived in Washington, DC, where the Port of Los Angeles is seeking changes at the federal level to clarify authority over the ports once and for all. The goal is simple: the Port of Los Angeles seeks to finally implement its Clean Truck Program in its entirety, which requires the companies to assume responsibility for the new trucks and for their employees.

*Angelica Salas, Executive Director - Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA). Marvin Andrade, Executive Director - Central American Resource Center (CARECEN).*