

Report of Immigrants' Rights Violations

**For La Paloma Country Club & Troon Golf
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Introduction

This report is the result of documentation completed by Border Action Network with immigrant workers at the La Paloma Country Club in Tucson, Arizona. Many of the workers have worked at the Country Club for years. They have seen changes in management and changes in practices. They have been proud of their work at the golf course and proud to be part of the La Paloma Resort and Country Club. As men with integrity and dignity, they are interested in finding ways to do their job better, to feel secure and to have good relations with their management. This report presents a number of recommendations that were developed by the workers for ways in which they can and should be treated equally and justly. Each recommendation is followed by a summary of incidents and reasons that were also documented and developed by the workers. These are not incidents and issues related to a few immigrant-employees. Rather, these incidents, issues and calls for change directly reflect the will and experience of more than 80% of the golf course's immigrant employees.

Border Action Network prepared this report based on documentation of the workers' experiences. Border Action Network is a human rights community organization based in southern Arizona that works with immigrant families and low-income border communities to ensure that their rights are upheld, human dignity respected and that their communities are safe and healthy for everyone. Border Action's priorities include comprehensive immigration reform and seeing the fulfillment of everyone's civil and constitutional rights. At the same time, Border Action believes that for effective, lasting social change, communities must have the capacity to organize, insist in their rights and prevent rights violations.

Below is a summary of the documentation of La Paloma Country Club golf course maintenance immigrant workers.

1) That the Company respect the company work ethic and fulfill the norms of respect, honesty and cooperation, as detailed in the Employee Manual.

Favoritism and Discriminatory Practices

- Many workers documented incidents of preferential treatment for American workers. Examples included non-immigrant workers being assigned the easier tasks such as using the machinery and cutting trees. It was repeatedly noted by several employees that the non-immigrant workers were less scrutinized, while the immigrant workers observed that their work was constantly monitored and commented on. Additionally, several workers noted that American workers were permitted to take breaks while the immigrant workers were required to keep working.

Psychological Harassment

- Every worker documented witnessing or being on the receiving end of extreme verbal and psychological harassment by their supervisors, Jesus Gonzales and David Stout. It was documented that Mr. Gonzales often inappropriately and aggressively yells at the workers. One outburst was particularly reflective of Mr. Gonzales' attitude towards the workers: "You have to accept my yelling. I am your boss. I have to accept the yells of my higher-ups."
- Workers commented that more attention was given to the machinery and golf carts than to the employees themselves. One worker described an accident wherein he was driving a golf cart on wet pavement (conditions that he felt were inappropriate for the task he was assigned). The brakes of the car were not fully functional. With the combination of the wet pavement, a slope and bad brakes, the cart rolled. The worker

flew out of the cart, landed on his elbow and needed prompt medical attention. When his supervisors arrived, their concern was only for the gold cart and the equipment while the worker's condition was ignored.

In another more egregious incident, one worker was working on the irrigation when he was hit in the cheek by an irrigation valve. The impact was so strong that he was knocked to the ground. When he came to, he realized his shirt was full of blood and that his cheek was bleeding profusely. He was rushed to medical care. The doctor stitched up the gashes in his cheek, but warned him permanent damage had been done to his face and that corrective surgery would be necessary. The worker paid for the bill, but was told by the doctor that they would submit insurance claims so that they worker would get reimbursed (to date the worker has not received any compensation for his medical expenses accrued from an on-the-job incident). The incident happened on a Saturday. On Monday, his supervisor insisted that he return to work in spite of the fact that his cheek was extremely inflamed, the stitches were still in, and that he would be exposing the open wound to potential infection from the reclaimed water used in irrigation. The supervisor told the worker that if he didn't come to work, that he could quit. The worker returned to work, in spite of the tremendous health risks and hazards.

- It is also well documented that Mr. Gonzales frequently uses threats to intimidate and harass the workers. Recently, the supervisors have threatened the workers that they will lose their lunch that is provided by La Paloma.

Retaliation against those that question the mistreatment

While 81% of the workers at the golf course believe that they are not treated with respect and that the company policies should be upheld and applied equally to all, not all of them are willing to speak up and question the supervisors. The lesson has already been taught to the workers: those that question the supervisors' mistreatment will face consequences. In spite of these risks, the consequences and the atmosphere of fear, many workers continue to stand up for one another and insist in that they are treated with respect and dignity.

- Workers gave many examples of retaliatory actions against those that have questioned or responded to supervisors' disrespectful communications and disregard. Workers have been reassigned to tasks and areas that are more difficult and essentially impossible for one worker to do alone. In these cases, workers believe that they their supervisors are trying to create the conditions in which they can be fired. Examples include not rotating a worker off the task of seeding the grass, a job that is difficult and normally requires a constant rotation.

Smaller workforce, more pressure

- Workers that have worked at La Paloma golf course for many years have watched the number of employees diminish while the workload and responsibilities of the workers increase. Workers report that they are asked to do the same work within one week that used to be done by more workers over the span of two weeks. Although the workers are taking on additional responsibilities, they are receiving the same pay.

Disregard for older workers and those with physical limitations

- Maintaining the golf course is a physically demanding job. Workers reported that there are tasks that are less strenuous than others, yet those that should have those responsibilities are assigned difficult, strenuous tasks. Workers that were older and workers that were recovering from on-the-job injuries were not given the less strenuous

tasks. Rather, the favoritism that was mentioned earlier in the report plays a factor in who receives the easier work.

2) That the company provides protective equipment and prohibits and/or avoids working under dangerous conditions.

Protective equipment and training is not available and/or not provided to workers

- Workers reported that protective glasses, gloves and masks are not available nor sufficient for the work they are assigned. One worker noted that he had been hit in the eye by a rock. Another worker was hit in the head by a golf ball and suffered a concussion. Another worker documented that their work with chemicals is dangerous: he explained that three people were trained to work with chemicals, but that the worker he actually mixes and uses the chemicals received no training and received no protective equipment.
- Workers are also concerned about their access to medication. Band-Aids, iodine, ibuprofen and other basic care is locked away inside an office that is far from the work area. Furthermore, workers avoid asking for anything because they reported that the supervisors' response was to be very skeptical and harassing.

Dangerous work conditions

- Rain and wind can make golf course maintenance very dangerous. Workers reported that they are required to work during heavy winds and worry about falling branches. The wet grass and wet pavement has proven to be treacherous for the workers. From golf cart accidents to machinery malfunctions, the workers are concerned about the increased risks to their health and safety during and after rain storms.

3) That the company respect holidays and holiday pay, vacations and sick days.

Respect holiday and holiday pay

- Several workers cited holidays in which they were required to work, but were not paid their double pay such as Labor Day of this year.

Respect for sick day and recuperation time for on-the-job injuries

- Every worker that reported an on-the-job injury also stated that they were told to return to work immediately. Workers felt that they were not given enough time to recuperate and were putting their physical health in danger. One very stark example of this is the incident previously cited, where the worker with the severe wounds to his cheek was forced to return to work and work with irrigation water that could have caused infection.

Climate that discourages use of earned vacation time

- One worker reported that when he submitted a vacation day request form to his supervisor, the secretary never received it. Next time, he submitted the form directly to the secretary. This resulted in his supervisor yelling at him. Incidents such as this one have contributed to a climate in which many workers feel like they can not and should not request vacation days.

Payment of vacation days after termination

- One worker noted that when he quit, he never received his vacation pay due him. He was told that they would not mail his check but that he would have to come get it from his supervisor. The worker had to go to the job site three to four times before he could finally receive his check from his previous supervisor.

4) That the company conduct on-site inspections without warning

- Many workers expressed frustration for the lack of regard given to the maintenance and conditions of the equipment and machinery they use. One worker reported that he had never seen an inspection conducted. While another worker documented that he had seen inspections, but that the supervisors were notified well in advance and that in preparation for the inspections they finally gave attention to the equipment. The workers would like to see regular inspections and regular maintenance to the equipment.

5) The pay rates correspond with seniority and that there be regular evaluations to discuss ways workers can improve their work and receive pay raises.

Unequal pay

- Workers reported that some of them were hired at different pay rates. Some that just started receive more than some that have worked at the golf course for more time.
- One worker has dedicated fifteen years to maintaining the golf course. His salary is only two dollars per hour more than his starting salary fifteen years ago. New hires with less experience and no seniority start at a pay scale similar to his.

Workers are not paid for the full time that they work

- Workers reported that supervisors require that the workers arrive ten to thirty minutes before the start of their shift to prepare their equipment. Yet the workers are not permitted to punch-in until the time their shift is scheduled to start. If a worker shows up at the actual time of shift start, he is yelled at and given difficult work.

Changes are made to paychecks with no explanation

- One worker reported that his supervisor has made changes to his paycheck without informing him of the reason for the changes. For example, the worker put in 40 hours but the supervisor changed the hours to thirty-five for no apparent reason.

Worker evaluations should be regular and sincere

- Workers appreciate feedback and honest evaluation of their work. The workers reported that they would like to have opportunities to learn about what they are doing well, how they have improved, and areas that they could continue to improve in. Workers would also like to be able offer suggestions as to how they could do their work better. Current evaluations, if they happen at all, are only to tell the workers what they are doing wrong. Workers reported that they also fill out a questionnaire each year, but that their suggestions have never been incorporated.