

Jun 23, 2022 kqed.org

Immigrant Detainees Strike Over Working Conditions, California Regulators Investigate

The detainees, who are being held at two privately run facilities in the Bakersfield area as they fight deportation, have been protesting compensation well below the state's \$15/hour minimum wage for weeks. These workers, known as "housing porters," are also demanding the private operator of these facilities address alleged hazardous conditions, inedible food and other issues. Both of the U.S. Immigration and Customs Enforcement facilities facing a work stoppage - Golden State Annex in McFarland since June 6 and the Mesa Verde ICE Processing Center in Bakersfield for about 55 days - are operated by The GEO Group, one of the largest for-profit prison companies in the U.S. "We are being exploited for our labor and are being paid \$1 per day to clean the dormitories," strikers at Golden State Annex said in a statement released last week. "Meanwhile, private prison corporations like The GEO Group receive tens of millions each year to accommodate us detained in ICE custody." Many detainees participate in the volunteer working program to afford what they say are high-cost phone calls and commissary items such as dental floss and tortillas. GEO, which runs four out of seven active immigration detention centers in California, reported total revenues of \$551 million in the first quarter of 2022. The Florida-based company also operates secure facilities in the United Kingdom, Australia and South Africa. State regulators launch investigation. The labor strikes come as California's Division of Occupational Safety and Health, also known as Cal/OSHA, is investigating conditions for workers detained at Golden State Annex, in response to a complaint alleging serious violations at the facility. The complaint to Cal/OSHA, which was filed by the California Collaborative for Immigrant Justice last month on behalf of seven detainees, charges that they work and live in a toxic environment that includes black mold patches up to 10 inches wide in the showers, and black fibrous dust particles that HVAC vents spew into the dormitories. The company has also allegedly failed to provide these workers with proper protective equipment, cleaning materials and training on how to handle mold-infested areas, according to the complaint. "The environment here is very, very unsanitary," said Garcia, one of the housing porters who complained to state regulators. "The mold in the showers. is very dangerous, we shouldn't be cleaning there. We've raised the issue countless times with the administration with no result, no solution." KQED is not using the full names of complainants, who have requested anonymity from Cal/OSHA during its investigation because they fear retaliation during detention. The agency, which declined to comment on its inspection, has six months to issue citations if any violations are found. A California bill enacted last year, AB 263, clarifies that private operators of immigrant detention centers must follow all state occupational health and safety regulations and public health orders. Vladimir, who was included in the complaint, said he developed a persistent cough and shortness of breath while working at Golden State Annex. He said X-ray images revealed a dark spot in one of his lungs, but it remains undiagnosed. He fears it is connected to exposure to mold. Breathing mold spores can lead to asthma, respiratory infections, cough and difficulty breathing, according to the California Department of Public Health. "I am afraid because my lung has been impacted. I have problems breathing," the father of five said in Spanish. "The dust and mold are bad for our health and unfortunately, we are in a place where it feels that they don't care about our health." The GEO Group responds: A spokesperson for GEO said the company strongly rejects the allegations while also denying a strike is taking place. "Our ICE Processing Centers, including the Golden State Annex, are maintained in accordance with all applicable federal sanitation standards, with or without the contributions of Voluntary Work Program participants," the spokesman said in a statement. "Choosing not to participate in a voluntary program cannot constitute a labor strike." The company also rejected the allegation that Golden State Annex has not adequately implemented COVID-19 protections required by employers in the state. State rules include notifying employees within one business day if they were exposed to an infected person, and training workers on the employer's policies to protect them from virus hazards. Attorney Lisa Knox, who helped detainees submit the Cal/OSHA complaint, said GEO's health and safety record shows the company can't be trusted to fix current problems at detention centers on its own. "We want California to use its authority to protect the health and safety of these workers. And that means going in to inspect the facility," said Knox, legal director at the California Collaborative for Immigrant Justice. "And we want them to take appropriate action, be that fines, be that requiring GEO to address some of these issues." Knox and other advocates have requested that California's attorney general investigate additional potential labor issues at the detention center, such as minimum wage violations. A spokesperson for California Attorney General Rob Bonta's Office said the office is reviewing the request, but declined to comment further. "To protect its integrity, we're unable to comment on a potential or ongoing investigation," the spokesperson wrote in an email. A federal judge in

Riverside ruled earlier this year that detainees working at another GEO-run facility in Southern California are considered employees under state law, Knox said. Is it wage theft? Last fall, a federal judge in Washington state ordered GEO to pay \$23.2 million for failing to pay minimum wage to immigrant detainees who volunteered to cook and clean for \$1 a day while held at a facility in Tacoma. The lawsuit was brought by Washington state's attorney general and other plaintiffs. GEO responded to the ruling by reportedly closing its worker program at the Tacoma detention center. The company is seeking to reverse the judge's order before the 9th U.S. Circuit Court of Appeals, arguing that states lack the authority to dictate how much to pay detainees because the work program they volunteer for is established by the federal government and is paid for by federal dollars. Last month, Bonta joined more than a dozen other attorney generals to support the state of Washington in the ongoing lawsuit against GEO. "Washington's Minimum Wage Act advances the important public interest states have in protecting their workers and the broader community from the economic burdens that result from unscrupulous and exploitative employment practices," according to the brief filed with the Ninth Circuit Court of Appeals last month. Cal/OSHA has inspected at least one other immigration detention center in the state for worksite violations. After a guard at the Otay Mesa Detention Center in San Diego died of COVID-19 last year, the agency fined the facility's operator, CoreCivic Inc., more than \$23,000 for, in part, failing to meet reporting requirements about the death, according to agency records. CoreCivic contested the fines, and the case remains open. Immigrant advocates say Cal/OSHA's inspection of Golden State Annex is the first in California to be prompted by a complaint on behalf of detained workers.