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Understanding Barriers to Legal Action: The Discrimination of Immigrant Workers in Alameda County

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The state of California experiences exceptionally high rates of discrimination cases by immigrants and foreign-born workers. Approximately [5.9 million immigrants](#) are employed in California, contributing 43% of the total workforce in the state. [Nearly half](#) of this working migrant population in California has experienced discrimination in the workplace, ranging from wage theft to employer harassment. This includes [70% of Asian and Hispanic California immigrants](#) who have reported experiencing work discrimination.

Over decades and at present, political leaders have passed policies to protect immigrant workers from discrimination across California businesses, such as the California Fair Employment and Housing Act, which requires employers to follow anti-discrimination policies throughout the housing and employment process.

Despite existing state laws, worker exploitation among foreign-born immigrants is still prevalent. This issue is a problem reflected in the fourth-largest county in the San Francisco Bay Area, with the highest immigrant population: [Alameda County](#). Of nearly 1.6 million residents, [one in three \(34%\) of the county's population are immigrants](#). The county's two largest ethnic groups, compared to the total population, consist of 31.9% Asian and 22.2% Hispanic.

[Previous studies](#) have shown disproportionate disparities, particularly among Latinx-immigrants working in the San Francisco Bay Area, finding that workers don't feel treated humanely and struggle to access basic needs like healthcare and proper treatment by superiors.

Due to the high rates of discrimination cases, [thousands of employees](#) annually report to government agencies, seeking authorities to legally investigate discrimination cases in the workplace, including the federal Equal Employment and Opportunities Commission (EEOC) and the California state Civil Rights Department (CRD). However, settling cases with the aid of these agencies can take nearly ten [months](#) to [over a year](#) in investigations alone. In 2017, [only 1% of workers](#) who reported work discrimination through the EEOC successfully settled their cases

¹ Based at UC Berkeley's Institute of Governmental Studies, the Cal-in-Sacramento Fellowship Program sends approximately 30 Cal students to the state's capital every summer for eight-week public service internships. The Golden State Fellowship supports Cal-in-Sac Fellows who secure a summer placement interning in an organization related to civic and political advocacy and who have demonstrated a commitment to diversity.

through trial. One year later, [only 30% of all reports](#), not limited to work discrimination investigations, were settled or mediated. In many cases, employees who face discrimination cases opt to avoid filing complaints with government agencies and file lawsuits separately *or take no legal action at all*.

Methods

This research seeks to determine what influences frequently discriminated migrant workers to dismiss or pursue legal action during employment. To investigate potential influences, three immigrant employees from warehousing, health, and professional services volunteered to share their experiences working in Alameda County.² Their narratives provide valuable insights into challenges they have faced, including health issues, workload, wage compensation, and relationships with superiors and clients.

Results

All immigrant workers interviewed perceived frequent acts of racial discrimination and shared at least one experience of racial discrimination in their workplace by either their superiors, clients, or both. Similarly, all interviewees experienced stress from consistent burnout and felt under-compensated for their work.

One student worker, Reina,³ is a Mexican immigrant working in health research. She experienced being overloaded with projects to support clients managing their non-profit healthcare organizations with zero compensation or pay. Most of her clients and supervisors had set unrealistic expectations and deadlines for Reina to complete her projects, and they were often condescending to her team primarily composed of low-income women of color. This experience, coupled with the disappointment of not working with a diverse support system that the job advertised, led to significant stress and feelings of being undervalued. She questioned the acceptability of such treatment:

“[We are] people of color, and mostly women of color, so I just felt like there was something there... I was like, ‘Do you feel like it's okay to treat us like this?’”

-Reina, Mexican Immigrant Public Health Researcher

Joseph, a Filipino immigrant, similarly shared his experience of being under-compensated as a full-time turned part-time warehouse employee of a major office supply chain company. After the pandemic, the company lost many of its employees, primarily seniors, to retirement and long-term health issues developed from the physically demanding nature of the job. Now, Joseph covers the workload of nearly three people in his Filipino-dominated department while being

² Note that this sample size is limited, and that all participants were not randomly selected, making it difficult to draw significant conclusions that can be used to generalize Alameda County's immigrant workers.

³ To protect the identities of the interviewees, all names presented in this study are aliases.

given reduced working hours after the pandemic, which has impacted company productivity. He suspected that many of his supervisors were discriminating against Filipino workers in and outside of his department due to the disrespectful and demanding behavior of supervisors outside of this ethnic group.

“Because we are Filipino, we are treated like slaves.”
-Joseph, Filipino Immigrant Warehouse Employee

Another Filipino immigrant worker interviewed, Marie, expressed similar sentiments of feeling discriminated against and taken advantage of as a minority in her workplace: a Filipino woman working as a project manager at a technology supply office. She quit after the pressure of work began to clash with external physical health issues.

“There’s a stereotype that Filipinos work hard, and they take advantage of you.”
-Marie, Filipino Immigrant Information and Technology Employee

Two interviewees, Joseph and Reina, reported to their superiors multiple times feeling discriminated against because of their socio-economic and ethnic backgrounds, in addition to having expressed feeling overloaded with work and under-compensated. In both cases, their supervisors did nothing. Neither worker decided to legally move forward in speaking out against their employers after multiple reports to HR and other supervising bodies after perceiving racial discrimination in the workplace. Joseph shared that he had considered taking legal action but was not familiar with the legal process of filing charges against his company. Ultimately, both participants quit or waited out their contract shortly after their attempts to address unfavorable working conditions.

Policy Recommendations

- Implement Required Report Training
 - Require all employees to provide training sessions on reporting discrimination incidents to company HR, the state (CRD), and federal agencies (EEOC). This will allow all employees to receive comprehensive education identifying discrimination in the workplace, understanding the labor laws that protect them, and using these resources to report discrimination cases.
- Incentivize Reporting Discrimination Incidents
 - Implement a minimum penalty for employers or clients found guilty of discrimination, such as setting a minimum fine paid to the affected employee(s). This policy may effectively reduce discriminatory action by the employer(s) when repeated reports have been filed against them.
- Improve EEOC and CRD Performance

- Provide adequate funding, staffing, and training for existing state and federal agencies that oversee Title VII discrimination cases in employment and housing. This can improve the speed of processing discrimination reports and settlements.