

Testimony of Eric W. Gjede
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Before the Committee on Labor and Public Employees
Hartford, CT
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Testifying in opposition of SB 371: AAC Retaliation Against Immigrant Workers

Good afternoon Senator Holder-Winfield, Representative Tercyak, Senator Markley, Representative Smith and members of the Labor and Public Employees Committee. My name is Eric Gjede and I am assistant counsel at the Connecticut Business and Industry Association (CBIA), which represents more than 10,000 large and small companies throughout the state of Connecticut.

CBIA opposes SB 371.

This bill creates a presumption that any immigration-related practice engaged in by an employer within 90 days of an employee exercising virtually any right under title 31 was in retaliation for the employee exercising that right. The penalties for this presumed retaliation are severe – including fines, the suspension of business licenses, and other relief the labor commissioner deems appropriate. SB 371 creates a scheme whereby a business is guilty of retaliation until they prove themselves innocent. When presumptions like this are written into law, it creates a risk that businesses could be forced to expend considerable financial resources defending meritless claims.

CBIA also opposes this bill because it is preempted by the federal Immigration Reform and Control Act of 1986 (IRCA). The IRCA prohibits job discrimination based on citizenship or immigration status, intimidation against those who exercise rights under the IRCA, and requiring documents beyond what federal law permits for the purposes of employment eligibility verification. The IRCA is a comprehensive law that regulates every aspect of immigrant employment, and typically, the states may not regulate an area already occupied by federal law. SB 371 creates new state sanctions against employers that violate sections of the IRCA. When the Supreme Court ruled on Arizona's immigration enforcement law in 2012, it found that it was preempted because "permitting the state to impose its own penalties for the federal offenses here would conflict with the careful framework Congress adopted". Arizona v. United States, 132 S.Ct. 2492, 2502 (2012).

Additionally, the discrimination and retaliation protections SB 371 seeks to provide can already be found in existing law. Title VII of the Civil Rights Act and the Connecticut Fair Employment Practices Act prohibit discrimination and retaliation based on race, national origin and ancestry. Thus, there are already remedies available in existing law for the practices SB 371 seeks to sanction.

We urge the committee to take no action on SB 371.

Dear Members of the Labor and Public Employees Committee,

I am writing to you today about Senate Bill #371, An Act Concerning Retaliation Against Immigrant Workers. This bill should pass the committee and be put up for consideration on the CT General Assembly. As an immigrant worker and social work student, I believe that all individuals working in the state should be treated equally as based under Title 31 of the general statutes.

Unfair immigration related practices that are meant to castigate employees who have migrated to this country and be caste as second class citizens should have no place in the State of Connecticut. Many immigrant workers have come to this country for better working opportunities and they should not be discriminated against because of their appearance, lack of the English language and their unfamiliarity with local customs and laws.

If the worker provides the necessary documentation under Title 8 of the United States Code to work in the country, then all laws under Title 31 in particular chapters 557 to 559, 561, 563a, 566a, 567, 568 or 571 should be adhered to by employers working under CT statutes.

Coming from a family of working immigrants, I appreciate the State of Connecticut for giving my family the opportunity to come to the state and be able to work here and contribute to the local economy and provide the taxes that the state relies on for public programs and services. The experience has allowed my family to grow over the past 3 decades in the state and it has contributed to the development of our family and our members in attaining higher education and higher wage jobs.

Every immigrant worker that comes to the state comes with a vision to lift their family out of poverty and ameliorate their social status. Immigrant workers want to take advantage of the opportunities not provided back in their homeland; but being discriminated and marginalized here in CT puts them back in the same situation they were in back at home. We are a country and a state of opportunities; we need to switch our frame of mind from taking advantage and discriminating immigrants to have them be an inclusive part of society that can contribute to our local economy and our communities.

Members of the Committee, I thank you for your time and urge you to support Senate Bill #371.

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