Precarious Claims
Shannon Gleeson

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This chapter reflects on the nature of success, and failure, for workers engaged in the claims-making process. First I examine what happens after workers come forward to exercise (what they believe are) their workplace rights. What do workers gain and lose in this process? Do they get to keep their jobs? If so, do workplace conditions improve? If they don’t, how easy is it to get another job? And are the new jobs generally a step up or a step down? For those who lose their jobs and struggle to recover, what does the social safety net have to offer, and how do workers cope in the interim period of unemployment? I also document the impacts of workplace abuse on workers’ families, in the United States and abroad. I discuss how beyond their financial effects, workplace abuse and the processes of fighting for justice also affect workers’ mental and emotional well-being, as well as their relationships. Finally I consider how the labor standards enforcement process either empowers or silences workers. What, in sum, are the lessons workers take away from the experience?

My central thesis here is not simply that workplace violations can have long-lasting effects on precarious workers. Rather, I argue that workers who attempt to contest their workplace abuse through the labor standards enforcement process are often embedded in a series of overlapping precarious structural positions that can unravel quickly and with devastating effects. This can include a struggle to find housing, fear of violence in low-income neighborhoods, the loneliness of social isolation, and, for some, physical and mental health challenges. Thus, labor exploitation, be it unlawful or not, is in part a symptom, and not simply a cause, of social stratification. The experiences of low-wage workers attempting to file a workplace violation claim therefore provide a window into the quotidian
challenges these workers face, especially in one of the most expensive housing markets in the country.

I begin with the stories of two women, Laney and Yadira, who lost their jobs after what they believed were a series of injustices. The spiral effect this had on their personal health and family well-being reveals the weight that a particular claim can hold for a worker struggling to get by.

**TWO PRECARIOUS LIVES**

_Laney’s Story_

I start with Laney, a formerly homeless woman who had struggled with addiction and was living in San Francisco when I met her. After attending rehab and searching for a place to live, she landed a job as a live-in staff member at a drug treatment center. During her ten years in this position, Laney filled a number of roles, including busser, waiter, maître d’, and front desk clerk. The job carried the much-needed benefit of room and board, but this meant that ongoing harassment from management and some coworkers ultimately affected both her work and housing situations. At one point, Laney remembers her manager, with whom she was feuding, screaming, “You’re being a problem. You know what I do with problems? I get rid of them.” Laney had few other options: “I had worked on and off at different outside jobs . . . but I didn’t have anything consistently that would support me. You get used to not paying rent, you know? . . . So I valued the housing so much that I would just keep my mouth shut.”

Laney did indeed keep quiet for months, until she learned one day that a cook with whom she worked posted her personal information on Craigslist with sexually explicit solicitations. It was here that Laney decided that this was sexual harassment that had crossed the line. Laney reported the harassment to her manager, who did nothing despite acknowledging that Laney’s allegations were likely true. Laney then filed a complaint with the San Francisco Police, who also would not pursue the case. When she finally went to the owner of the treatment facility, she was soon after fired. The reason given for her dismissal depicted her as a problematic employee, citing her recent complaints about food and her public reprimanding of a coworker who forged a supervisor’s signatures. She had also vocally denounced ongoing drug use among employees, demanded pay for unpaid hours, and had become an overall target for her manager, who was happy to be rid of her complaints.

All told, Laney sought help from a wide array of advocates, including a local shelter, the local police, the Department of Labor, the California Department of Fair Employment and Housing, and the federal Equal Employment Opportunity Commission. Coworkers, fearing retaliation, were of little help. Her aggressor was
eventually fired after harassing another resident, but Laney was still out of a job. At this point, Laney had a diabetic episode and passed out from low blood sugar, fracturing her face. It was during her three-week stay in the hospital while recovering from two surgeries that she was evicted formally from her housing at the treatment facility where she had worked.

Looking back on the ordeal, Laney wonders what she could have done differently. For one, she laments that she knew too little too late, and wished she could have advocated for herself more effectively. She also wishes she would have “taken action more quickly,” and kept more detailed records that would have allowed her to demand her full wages due at the Labor Commissioner. Despite these lessons, the price Laney has paid in the short term has been exceedingly high. She was never reinstated at her job and spent more than seven months homeless. During this time she relied on disability income, had to constantly fend off debt collectors, and had medical necessities she couldn’t afford (for instance glasses and dental work). All her belongings were placed in storage, and she couldn’t afford a truck to retrieve them. A year after first contacting the Equal Employment Opportunity Commission, Laney checked back in. They had just gotten around to assigning her claim to an investigator.

As Laney’s story attests, the impacts of workplace abuse can be long-lasting and compounding. Yet much of what workers such as her experience exists in a gray zone of unlawful abuse and everyday, perfectly legal exploitation.

_Yadira’s Story_

Workplace abuse and job loss can also set off a cascade of events for workers’ families. This was the case for Yadira, whose case I introduced in chapter 2. I spoke with Yadira at her modest duplex behind a steel fence on an unpaved road in East Palo Alto. She lived there with her disabled husband and young children, who looked on curiously while I spoke with their mother. Yadira had worked for a janitorial company for nearly five years, during most of which time she earned $8.75 per hour. By the time we met again, Yadira was tired and overwhelmed from her job and the drawn-out dispute. She cleaned four floors of a large building on her own and could barely keep up.

Yadira’s central complaint was about wages. Despite a union contract that required pay of $12 per hour, her employer dismissed this obligation, and her union concurred that Yadira had misunderstood that her work zone was not covered. This “misunderstanding” frustrated her immensely: “I just never understood what it meant that I worked in the wrong zone.” In response to her complaint, Yadira was given a one-time twenty-five-cent raise, which she later learned was supposed to have occurred annually.

Yadira’s failed demand for a wage increase was only the start of her problems. She quickly became a target for dismissal. Indeed, soon after she filed a grievance,
she was called in by her manager and accused of having used a copier without authorization: “I had been carrying a letter from my brother in the trash cart, and it fell out in one of the suites.” Earlier that day, her brother had brought her a letter confirming the $500 a month he sent her, which she had to take as proof of income into the food stamps office to reapply for benefits later that week: “[When] they told me that I had used their copier, I told them, ‘I don’t even know how to use your copier.’” Yadira insists that she was framed: “They said they found the [letter] in the copier. That was a flat lie. . . . I know very well that they were trying to get rid of me. I was about to mark five years there, and it was time for them to give me a raise, so they got another person that they could pay $9 an hour.”

The day following the incident, Yadira was called into the office, where a human resources representative gave her a form to sign acknowledging her dismissal, which she refused to do, and gave her a final check. It was all a blur for her: “At the time, I was very sad, and felt horrible. I’m the only one who works in my house. My husband is injured, and he helps me with the kids at home. So I was the only source of income. They [management] have no idea—it didn’t even matter to them—the damage they were doing.” Yadira was rightfully indignant that after so many years with the company, she would be fired over a single alleged error: “OK, I get it, you could have given me a warning. That I would understand. But just to fire me like that didn’t seem fair. I felt so frustrated and mad and just bad.” Yadira pleaded her case to an executive in the building where she cleaned. She brought her son to translate, but was told merely that she had the tenant company’s regrets. When her subcontracting firm found out that she had visited the building, it threatened to call the police on her if she returned.

The union initially set up a meeting with human resources to attempt to mediate a solution and vowed to follow up with Yadira, but it never did. (Yadira told me that she wasn’t the first to be fired without cause and to leave bitter and disillusioned with the union.) A claim filed with the National Labor Relations Board never went anywhere, to her knowledge. To complicate matters, because she was represented by a union, private attorneys and the legal aid clinic had little to offer her: “I was desperate. I knew I wouldn’t find a job right away, and I didn’t for another two and a half months. I didn’t have the money to pay rent. It was a very difficult time for us.” With help from her three brothers, and relying on the vacation time she was paid out, Yadira made things work, though not without a toll: “It was traumatic for me. I felt very bad, horrible.” Yadira’s firing came just as the economic crisis hit, increasing her already burdensome struggles. Her family had only recently moved to the relatively safer, and more expensive, East Palo Alto; they had fled San Jose after Yadira’s son was shot in the head by a gang member. Their rent rose from $950 to $1,500: “I felt like there was no exit. I couldn’t find a solution. I didn’t know what to do.”

Despite it all, Yadira seemed hopeful: “Just because all this has happened, including at work, I’m not going to let it keep me down or hold me back. . . . That’s
my mentality. Of course I am sad at times, and think I can’t escape, but then I find courage.” Yadira has no plans to return to Mexico, although all the rest of her family still lives there: “It’s bad over there. The job situation is bad, it’s poorly paid, and they rob you.” Yadira considers one day returning to visit, but “definitely not to live, or with my kids.” After two months of searching, Yadira eventually found a lower-paid, nonunion position through her husband’s cousin. When I spoke with her, she had been in her new job for two years without a raise, so finances remained tight. But she appreciated the flexibility the new job allowed her.

In the remaining pages of this chapter, I examine the material, health, and familial impacts of the claims process for more workers like Laney and Yadira. I also consider the particular consequences for undocumented workers who either returned or were sent back to their countries of origin after initiating a claim. More broadly, I then explore what lessons low-paid workers learn from the claims process. While their stories reveal crucial moments of agency and self-determination, they also suggest that some workers emerge from the process more cautious and skeptical of the rights regime than ever.

FALLOUTS FROM EXPLOITATION

Judging one’s past actions is a fraught exercise; one views missteps with the clarity of hindsight while speculating over the alternative paths one could have taken. When I asked workers to think back on the years they spent fighting for their workplace rights, they tended to focus first and foremost on the professional and financial costs of their protests. Whatever the job, low-wage workers valued the career they had built, and were reluctant to jeopardize the reputations they had worked to establish. For those who had lost hours, jobs, and other professional opportunities as a result of their experiences, the financial consequences were often severe, especially in the Bay Area’s challenging housing market. Beyond these monetary considerations, workers also discussed the impacts on their physical and emotional health. Injuries often robbed workers of their professional identities and livelihoods; they also made them question their self-worth. Many workers described moments of despair and depression, which were often dismissed by medical professionals. Together these challenges placed enormous stress on workers’ familial and social relationships, which further compromised their health and ability to start anew. For some undocumented workers who had grown tired of being exploited and had little hope for future reform, the best option was to return to their countries of origin.

Professional and Financial Consequences

Finding a new job was the primary challenge for workers who were either fired or reached their breaking point over unsatisfactory workplace conditions. Workers
who were harassed and unfairly terminated often had an especially difficult time finding new work. Cristela, the disabled administrative assistant from chapter 4, spoke about the trickiness of answering a common question on application forms: “Have you ever been fired from a job?” Answering “yes” would potentially bias the employer against her and raise the possibility that she would have to rehash her traumatic experience: “I didn’t realize that I was scarred from [her abusive former manager], and I was emotionally distressed. I think it took almost a year to [get] that whole experience out [of me].”

When we last met, Cristela was still doggedly looking for work through a temp agency: “I bug the hell out of them.” She also continues to take classes to improve her résumé and upgrade her skills. She feels stuck, however, since the classes require her to find child care and take time away from her job search. She now also sees herself as bearing two burdens: a complicated job history that leaves her having to explain why she does not have a positive reference from her former employer, and her disability (remember that she has no use of her right arm). While she feels empowered by her years of disability rights advocacy, she has little time to devote to the social justice causes about which she is passionate. Her focus, understandably, is on finding a steady income.

For professional workers who have coveted skills and are valuable company assets, losing a particular job requires redefining one’s place in professional circles. For example, Cathy of chapter 4, a Silicon Valley professional who was pushed out of her job, felt that her professional identity was profoundly affected as a result of her speaking out. In the immediate aftermath of complaining to management, many of her coworkers turned distant: “A lot of people didn’t want to talk to me anymore. . . . People just shunned me. . . . [It was like], ‘Don’t talk to her, she’s a pariah.’ . . . If you go against [management], you are the enemy and they will treat you that way. So, yeah, you don’t feel like you are part of anything after that. That was hurtful.”

Once she was fired, Cathy also struggled to find, or ask for, support from friends and industry colleagues: “I . . . felt a little embarrassed about it. I didn’t want to tell my friends or other professional people. I really didn’t want to discuss what happened because I thought it was a bad reflection on me. . . . It seems like oftentimes when you are fired and something like that happens that there is something wrong with you, but I always felt like, no, I didn’t do anything. I had nothing to do with that thing happening. Anyway, that is just the way I felt, kind of shitty and embarrassed.”

Because Cathy had a very marketable skill in Silicon Valley, she was able to pick up more freelance work within weeks. But when she suffered a stroke a few months after being let go, she had to take time off again. When we last met, her goal was to start walking again, find a position that allowed her to work without her now-damaged left hand, and adapt her car so that she could once again drive (an imperative for any job search in the Bay Area).
Older workers face a particularly difficult time reintegrating into the labor market. This difficulty arises perhaps because employers may feel that the cost of investing in older workers is too high, or simply because of ageist discrimination. Research has found that unemployment later in life has negative long-term health consequences (despite some short-term benefits such as stress reduction). While those workers approaching Social Security and Medicare eligibility fare a little better, those who are somewhat younger are likely to experience a significant reduction in physical, emotional, and financial health (Leith 2014; Coile, Levine, and McKnight 2014). My study confirmed these findings.

One such older worker was Carol, a fifty-nine-year-old field organizer for a local election campaign. Hers was a part-time job, only thirty hours a week, which she spent going door to door through a wide variety of neighborhoods. One afternoon, on her way up to a house, she slipped and fell, suffering a concussion, whiplash, and an injured shoulder. Her attempts to find new employment were frustrating: “They ask, ‘Are you working now?’ and I tell them, ‘No, I’m on workers’ comp.’ That’s the end of the conversation.” Though she would legally have to be released from disability to return to work, she has found it difficult to even find viable positions for which she is not clearly overqualified. As an older worker, Carol felt that her injury, combined with her age, put her at a near-impossible disadvantage. As she was too young to draw on Medicare, she was unemployed and uninsured, leaving her wondering how she would cope in the event of another injury or illness. Carol lives alone and relies on a local senior center, where she receives hot meals. Once a week she also visits a local food bank. While she continues to drive (an imperative in San Jose), she is no longer able to pay her mortgage and thus foreclosure is a real possibility.

Shelly, an injured, fifty-nine-year-old fast food worker, described her own difficult journey back to the labor market as an older employee. During the noontime rush one afternoon, she fell on a patch of uneven tiles, sustaining a debilitating knee injury. Her manager was not present when she fell, and the lunchtime crowd was constant, so she continued to work through the busy shift. Placing her job security above her pain, Shelly showed up to her 8 a.m. shift the next day. But she did not last long: “I realized within like half an hour that I was sick to my stomach, the pain was so bad. I started crying and said [to my manager], I am sorry I can’t—I can’t do anything.”

Shelly eventually sought medical attention for her knee. She initially went to her personal doctor through her public county plan, with whom she had a long-standing and positive relationship, and the doctor diagnosed her injury as a meniscus tear. In order to file a workers’ compensation claim, Shelly had to eventually see a doctor through the approved plan. This doctor informed her that there was evidence of age-related arthritis in her knee prior to the injury, though she maintains that she had never had any knee issues up to that point. Despite her
excruciating pain, Shelly also felt that this doctor downplayed her physical limitations in evaluating her condition for the insurance company:

He didn’t listen to anything I said, he didn’t care about actually how long I could sit, [and] he didn’t care how long I could stand. . . . He filled [the evaluation form] out . . . using his generalities. I walk with a cane half the time to help because my knee fails and he knows that. I had a cane that day when I went into the office. He was the one who told me to use the cane, and he fills out the part that said, “Does the patient use a cane?” And he said, “No.” . . . I said, “How unfair, how unfair. How could you put this?”

The doctor explained to Shelly that he was removing her work restrictions so that she could go back to work even when she wasn’t ready. But how, Shelly wondered, was it fair for the doctor to fill out the form as he saw fit just so that she would be able to reenter the workforce? After all, she was filing a claim for disability. Still, the doctor wouldn’t budge: “I started crying right there in the office about it. And so he told his nurse to tell me that I’m welcome to get a second opinion.”

Injured and unemployed, Shelly worried about her future and felt like her professional and personal identity was forever changed: “I’ve always worked. I’ve always provided for my family, and I’ve always done stuff around my house . . . remodel[ing] and cleaning and all of that. I’m unable to do any of it [now], and so it’s changed who I am.” Shelly was left with a few bleak options: accepting a meager workers’ compensation settlement, continuing a discouraging search for work, or filing for Social Security disability: “Out of having to take care of my family and stuff, I figured I had to do that. . . . I went and got the [disability] forms and filled them out.”

When we last spoke, Shelly had filed the disability forms and had found an attorney in the phone book, whom she hoped to meet with soon to pursue a case against the negligent workers’ compensation insurance company. Her goal, she explained, was to patch together enough income to support her husband, and to help her son and his pregnant girlfriend (neither of whom was working). She was also exploring educational voucher options, a workers’ comp benefit that over the years has been reduced: “I’m not foolish enough to think that that’s going to get me anywhere. But . . . I’d like to have it available to me. . . . I know that it’s just a drop in the bucket—I’m fifty-nine. . . . I don’t know what I need.”

Other older workers described feeling an initial sense of despair when they realized they had to compete with younger, stronger, and more experienced workers. For example Adán, whom we met in chapters 2 and 4, described what life was like for him after he filed a wage claim, was fired, and was initially denied unemployment: “After I left that job, I couldn’t find work. . . . I don’t think it is fair. I would accept it if I had robbed [the store where I worked] and then they fired me. In that case, perfect, it’s a punishment, even if they were to send me to jail.”
Adán felt it unjust that after working so steadily for so long, he wasn’t able to find another job. He eventually found work as a landscaping assistant, starkly different from his previous job in retail. At sixty-two years old, he did not last long: “It was eight hours, going since 6:30 in the morning, picking up leaves. . . . I couldn’t take it.” He worked only seven days, the boss constantly telling him to “hurry” before leveling with him: “Look, unfortunately, you are starting very late [in life].” While Adán admits that he could look into a retraining program, he balks at the thought of starting all over at his age: “I just don’t want to study any more.”

Injured workers who had families to support felt understandably helpless when they lost their sole source of income. Undocumented workers faced especially challenging circumstances, as they had no access to the social safety net that others could at least rely on for minimal support. Macarena’s case (explained in chapter 4) demonstrates these difficulties in dramatic fashion. Following a car accident, her already precarious health status and financial situation further unraveled when she lost her job. She has applied elsewhere, most recently at a hotel, with no luck. She, her husband, and their three children try their best to make do. For example, she rents her living room out for $150 per month to her niece, a single mom of two who shares her food stamps with Macarena on occasion. Sometimes Macarena will also care for her oldest daughter’s children for $100 per week (but often taking whatever her daughter can afford). Thankfully, her children are covered by Medi-Cal, but when I spoke with her, her oldest son was about to turn eighteen, at which point this benefit would disappear, likely leaving him uninsured.

Workers like Macarena found themselves in a cycle of precarity that could not be addressed by the workers’ rights system alone. Losing one bad job seldom led to securing a good one. For example, Candelaria, a Salvadoran immigrant with legal permanent residence status, worked as a janitor for a residential care facility, as explained in chapter 2. For more than a decade she was often paid late or erratically. Over time, her hours were reduced, and one day she was simply let go. Candelaria soon found another job working as a subcontracted night janitor. She liked her new supervisor, who gave her flexibility when emergencies arose with her kids, which often did because two were special-needs children. But again in this job she was regularly asked to work unpaid overtime, which she agreed to in part to curry favor with her manager so that he would continue to be flexible. One day, however, she arrived to find that she and the entire crew had been replaced. By the time we spoke, she had been looking for work for more than a year. Because neither of her employers had reported her work on the books, Candelaria also was ineligible for unemployment.

The wage theft Candelaria experienced was only the tip of the iceberg. She opened up to me about her situation: “I’m still unemployed, with no income, nothing, and no hope. I have four small children; the oldest is barely fourteen, and at the age when she needs more things than the little ones. . . . So I’m worried. I’ve
been looking but I don’t find anything. I tell [prospective employers] what hours I can work, but since I have two special-needs children . . . it’s really complicated . . . They tell me that they want me available seven days a week, twenty-four hours a day. But I can’t. I have my children to care for.”

It is important to note that many of the precarious workers I spoke with had experienced numerous instances of workplace abuse, and general life trauma, before even considering filing a claim. They had thus learned to weigh the comparative egregiousness of their workplace conditions. For example, when I asked Candelaria how she would characterize the last two positions she held, each of which subjected her to wage and hour violations and provided little to no stability, she described them as a step up from the decade she spent cleaning for her abusive husband’s business. After a year of receiving regular pay, her husband essentially stopped paying her altogether; he would still write her checks, but they would bounce. When Candelaria discovered she could cash the checks at a nearby market that would go after him directly should there prove to be insufficient funds, her husband became even more despotic. Worse, when he left her, she unknowingly signed over all their assets to him. Her recent janitorial positions, flawed though they were, provided a way out of this desperate situation. Her experience as a domestic violence victim, as well as her past economic struggles growing up in El Salvador, shaped how she viewed her current situation: “It’s better here [in the United States]. Yes, because there [in El Salvador], you kill yourself to earn only a little.”

Impact on Health and Well-Being

Losing a terrible job can certainly bring about financial and professional devastation. However, some workers reported feeling liberated from exploitation. In fact, several told me that transitioning out of a physically and mentally taxing job returned them to health, despite the initial stress it created. For example Ramon, who worked as a handyman for an apartment complex for nearly twenty years, was fired after receiving a single negative performance review.10 Pushed by his wife to “speak up and defend his rights,” he sought help from the community law center, where he learned that “he didn’t have much of a case.” He was quickly replaced by one of his new manager’s relatives, which no law prevented her from doing: “It just seemed really unjust . . . especially the way I was fired. Because I tell you, I had twenty years there . . . and the new person . . . didn’t know anything.” Given his at-will status, Ramon had no path to restitution. The whole process took a toll on him, but, looking back, he was ultimately grateful for the unwelcome career change: “Everything is fine now, but back then, my health was bad. Now I earn about half of what I earned then, but my health is better. Now I don’t have any more problems; it was so much stress back then.”

That said, more often than not, the negatives outweigh the positives in the aftermath of workplace disputes. As we saw in the previous section, injured workers in
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particular are often left without a livelihood, hobbled by permanent physical injuries and bearing emotional scars. Amalia, for example, worked at a periodontist’s office and began experiencing persistent aching in her wrist and thumb. When she alerted her employer, the periodontist sent her to her friend, an orthopedist in the same building, who suggested that Amalia seek help for a vein condition. Reluctant to burden her employer, a small business owner, she went to her primary care physician, who diagnosed Amalia with a repetitive stress injury and urged her to consider a workers’ compensation claim. She approached her employer, who was beyond supportive and helped her with the paperwork. Amalia next met with an insurance adjuster, who sent her to an occupational health clinic whose parent company is infamous for the “cattle-call” conditions Eleanor described in chapter 4. She underwent surgery, after which a series of complications arose. Throughout her procedures, Amalia went through multiple insurance adjusters and doctor referrals, and suffered long delays as her doctor awaited authorization approval. Her condition ultimately was deemed “permanent and stationary,” and she was granted a $9,000 permanent settlement with no further benefits. She now endures ongoing, severe pain.

When we spoke, Amalia was looking for positions that she could hold while coping with her pain. Aside from the financial necessity of working, she felt unsettled without a job: “I’ve been working since I was sixteen years old . . . probably much younger than that. . . . Ever since [my family] came here to the United States, it’s always just been work, work, work. . . . I was always working.” Though she is in constant pain, she is desperate to return to work: “To tell the truth, I don’t know what to do at home. My kids are at school and I’m like, you know, I miss being there with the patients and my coworkers and everything.”

She also misses being able to do the things she enjoys, like cooking, as her pain makes simple tasks such as chopping food impossible. The inability to care for her family has weighed on her heavily. Amalia has felt depressed and finds herself crying frequently. The prospect of perhaps never returning to work scares her: “I try to keep my mind busy on other things.” Moreover, she tires of having to explain to her parents and other relatives why she is not working: “It has affected me a lot emotionally. . . . I don’t like to go into very many details about it. I just don’t like talking about it.” Amalia’s case powerfully reveals the full financial, but also personal, costs of precarity.

Such prolonged experiences with pain and physical incapacitation were particularly difficult for the men who worked in manual labor. The fear of not being able to continue working, along with the challenges of adapting to a disability, could prove devastating. Sometimes a worker’s sense of pride suffered for having been hurt in an accident he was trained to avoid; more often, though, he was bitter at employers who refused to address his legitimate safety concerns. For example Merlín, the machinist from chapter 4, discussed the fallout from the injury
he sustained when manually pulling a load off a broken assembly line. At first the pain was minor, but it quickly intensified. When he approached his manager, he was curtly told that he was to blame for not following the safety rules, even though there had been many complaints about the broken equipment. Merlín received a warning for being careless, which irked him: “That bothered me a lot, because I figured I could lose my job [and] end up disabled.” This indeed would be Merlín’s fate.

Though Merlín’s doctor sent him back to the factory after six weeks with an order to work on “light duty,” when he arrived he learned that this modified option was not available to him: “[My employer] simply told me, ‘Either you do the full job or go back home.’” Merlín continued to experience pain, and his prescribed medication provided little relief. While his doctors suggested surgery, Merlín was scared: “The idea that they would open me up, cut me, and move my bones terrified me. So I didn’t submit. Then I think there was just nothing we could do.” Meanwhile he obtained a lawyer and requested a hearing to finally close his claim. Two years later, Merlín agreed to a settlement, though it was for far less than he had hoped.

Settlement in hand, Merlín returned to work, adjusting to his tasks as well as he could despite the pain. (He has had to cut back on his medication due to damage to his stomach from long-term use.) At fifty years of age, he would like to take a less physically demanding job but has few options. He does consider himself fortunate to have received a settlement with “open medical” options, which will provide treatment in the future. However, his insurer has changed company ownership, which leaves him worried about how to claim his benefits going forward, should he need to: “I wouldn’t know what to do. It’s not the same company, different owners. I don’t know. I have no idea.”

Merlín laments the physical toll of this injury: “Even though my [lawyers] said we could fight [on] . . . to tell you the truth, all I wanted was to keep my job, regain my health—that’s what I wanted the most—go on working, and stay healthy.” The claims process has taken an emotional toll on him as well: “I never thought this would happen to me, that I would ever be caught up in all this, fighting with attorneys, and, well, it’s affected me psychologically. I became depressed, but I’m fighting it, and adjusting.” Merlín tries to remain positive, and feels that this experience has helped him become an ambassador of sorts to his coworkers, whom he implores to put their health and safety first. He admits that when his injury occurred, he could have stopped, rested, or asked for help, but he felt pressure and a “responsibility” to continue. Now he advises coworkers not to let that attitude compromise their well-being.

The stress of working in high-pressure, low-wage work environments can prove just as debilitating as workplace injuries. A case in point is Rogelio from chapter 2, the print shop employee who lost his health insurance when his employer cut his
benefits. Since then he has relied on county services for diabetes care and to address his chronic knee injury. The policy covers minimal care, and while his doctor has recommended him for surgery, his insurance does not cover the procedure. These health complications have slowed him down significantly at work, and the pressure is building: “It’s going really bad. . . . I’m not even done with a given [print] job, and they’re just sitting there watching me to see how long it’s going to take me, while another job is waiting. I think this is damaging [my health] even more, you know? Because I am not afraid to work hard. I can still work [hard], but the pressure is unbearable. . . . I’ve already told her [my boss], and [management] just say[s], ‘OK, we won’t pressure you,’ but then another job comes along and there they are telling me angrily to work faster, hurry up.”

The very process of filing a claim also took a toll on workers’ emotional well-being. After Eliana was injured, her hours (and hence her pay) were lowered. After she complained, she had the sense that her bosses were trying to push her out: “I felt like they were persecuting me. . . . The stress was horrible. In the morning I had no desire to go to work, I didn’t even want to get up. I did get up because I have two children to maintain, and unfortunately their father doesn’t help me as he should. . . . My children are my life . . . but the stress was crushing.” Often, workers, and especially parents, have no other choice but to continue on in situations made more acrimonious by their claim.

Families and Relationships Disrupted

As described above, not all workers lamented not being able to return to the job. For some, respite from an otherwise unpleasant job was a welcome break and opportunity to spend more time with their families, especially if they had alternative sources of financial support. Doris, whose termination was described in chapter 4, was one such case. She characterized the aftermath of losing her job as a positive period for her family: “It brought us closer together. I’m more engaged. My relationships I think are better because I’m not distracted by work. . . . Financially it’s been difficult, but the things that we have experienced now together as a family, I don’t think money can buy that. . . . Like right now, I’m at home with my kids during spring break. I was never able to do that when I was working. . . . We can’t buy a lot of stuff, but again, I’m more engaged, and I’m more involved with my family.”

Yet these benefits were often overshadowed by the stress that accompanied the long process of filing a legal claim, which in turn adversely affected family relationships. This was especially the case for women contending with sexual harassment, which created emotionally charged dynamics at home. For example Susana from chapter 4, who filed a claim against her manager’s ongoing lewd behavior, also had to manage her husband’s rage: “I knew he wouldn’t just stand by and let it happen. And when he found out, he was very upset with me. In fact, today we got in a fight about it again.” Susana’s husband was angry with her for not telling him
sooner, which she didn’t do precisely because she feared his reaction: “Honestly, I felt stuck in the middle. Either I tell him, and he marches up to the company and ‘takes care of it,’ and I’m now lost, without a job and a husband who has landed in jail. Or, I stay quiet.” As the details of her claim gradually emerged throughout the process, the marital tension only increased.

Other workers had their home lives negatively impacted by work troubles. Jonatán, a truck driver, described the effect his debilitating workplace injury has had on his marriage: “I’ve had problems with my wife. . . . I’m stressed, irritated, in a bad mood.” Before losing his job, Jonatán earned $27 per hour at the company where he had worked for seventeen years. But by the time I spoke with him, the years of prosperity were far behind him. After suffering a back injury, he was unable to find work, and his disability payments were running out: “I keep looking for work and sending the reports they ask for. In the month and a half to come, I will run out of money and my savings, because my costs are serious, house payments . . . four kids, . . . insurance, cars, . . . daily costs, food, electricity, water, all of that, next month. I don’t know how I’m going to do it.” Naturally these worries add incredible stress that makes itself felt in the home.

Other workers, such as Juvenal, faced severe depression that ultimately led to the dissolution of their marriages. Juvenal began to see a psychologist, who attributed his emotional turmoil to a workplace accident. He told me: “I fell into a depression [after the accident]. Because I didn’t have money, things changed. Before, we would go out to restaurants on the weekend, we took vacations . . . to Disney, to the beach. [Then] there [were] no more toys. We no longer went to Monterey, and so much changed. Everything changed.” His daughter was affected as well, falling into a period of rebellion and refusing to go to school. In time Juvenal was able to return to school at a local community college, and has ambitious plans for the future. But he ultimately separated from his wife.

As these cases demonstrate all too clearly, the financial stress of a sudden job loss can roil family dynamics. Cristela, a single mother described in chapter 4, devastatingly explained to me how her oldest child started stealing in an effort to support her and his siblings through lean times. He ended up in juvenile hall. Cristela’s two older children are now working, and she has had to ask them to pay rent. She feels torn as she watches them try to build their own lives: “I was [the] sole supporter of my three kids. . . . I feel helpless because I used to be [a] provider [to my] kids. Now they can’t even leave [because I need them to help pay rent], so I think I became more of a problem than the solution to [their] issues.”

The families of injured workers faced a special challenge in that they had to learn to cope with their changed loved one. As for the workers filing claims against their employers, they often felt torn between company loyalty and their responsibility to provide for their families. Take Joaquin, a skilled welder who by severely injuring his hand lost his livelihood, his professional identity, and his role as family
provider. Joaquin described how before his injury, his life was dedicated almost exclusively to his demanding job. He missed many important moments in his children's lives, and as a result a rift grew between him and his wife. His son got into trouble, and he blamed himself. Nonetheless he could always support his family. After his injury, however, Joaquin's wife and children were forced to move in with family hundreds of miles away to make ends meet. His psychological health has since deteriorated, impacting the family dynamics: “Since I stopped working, everything has changed for me. . . . It's affected me. . . . There are moments when I am depressed, I get angry easily, but I'm taking medication to deal with it because I can't handle it anymore. I can't live without that pill. I have to take it every day. But I'm telling you, before [this injury], I didn't live this way.”

For immigrant workers, the obligation to support families in their countries of origin can weigh heavily. The undocumented workers in my sample, 76 percent of whom sent money back to their countries of origin, especially felt this burden, compared to only 45 percent of foreign-born citizens who supported families overseas. One such worker was Octavio, the undocumented Peruvian truck driver whom I introduced in chapter 2 and who worried constantly about how to support his family back home. Octavio's family obligations led him to push through his pain after he slipped and fell while loading a truck at his job delivering seafood sixty hours a week. He continued working until the pain became too severe. When he finally went to file a claim, the human resources department delayed sending Octavio to the hospital, likely in hopes that he would not file a claim. When he finally visited the assigned occupational health clinic, they dismissed his claim. A year later, he had struggled with the workers' compensation system, was running out of disability payments, and was unable to return to work. He feared that he would no longer be able to sustain the $1,000 to $1,200 he had been sending monthly to support his children's university education: “While I was working, it was no problem. . . . So for me it is very hard. . . . Even though I don't have family here, my economic obligations to my kids are strong. . . . Since I got injured, I practically don't sleep.”

Financial woes, health challenges, and family stress can collide following job loss. Berta struggles to balance her obligations to her own children and to her husband's parents, who live in Mexico and to whom she feels responsible: “Since we're the only ones who are over here [in the United States] . . . I send them money.” This struggle almost cost her her life. As her alcoholic husband does not consistently send support, it falls on Berta to do so. Meeting these obligations has been difficult, especially after she lost her job: “Imagine, you're depressed, you get a bill [and] you think, oh god, I want to kill myself.” In fact Berta did attempt suicide and spent time recuperating in a hospital after her economic obligations left her feeling isolated and hopeless. For workers with transnational obligations, the familial and financial anxiety seemed compounded by an added responsibility to succeed; after all, they had
left their loved ones behind in search of a better life. Failing to meet expectations naturally weighed heavily on workers; sometimes the stakes were life or death, and workers often blamed themselves when tragedy struck. For example Consuela regretfully recounted not being able to help her grandmother with her medical bills after she was fired: “It affected me considerably. . . . I was the one who sent her money to help her survive, and when I stopped working, her cancer advanced because I didn’t send her money for the medicine. That affected me so much, and affected my pregnancy because of how depressed I became. I was so depressed that I couldn’t send my grandmother money, and she died.”

While workers like Consuela often felt crippled by their responsibility to their families in the United States and in their countries of origin, few actually shared their anxieties with their loved ones. Gloria, the undocumented victim of sexual assault whom we met in chapter 2, had endured a long, painful, and ultimately draining process of pursuing justice against her aggressor. As our emotional conversation was concluding, she received a call from her family in Mexico. She answered the phone cheerfully but quickly hung up in order to see me out the door. When I asked if she had told her family about everything she had been through, she laughed: “I don’t tell them what I’m going through. They think I have it good, that I live in the United States, and that everything is great. But I can’t bring myself to tell them anything.” Rather than seek support, Gloria felt no choice by to shoulder the burden herself and shield her family from the truth.

### Deciding to Return

Thus far, this book has focused on the experience of low-wage workers in the United States who have chosen to fight for their workplace rights. A third of the workers I surveyed were undocumented, and most were able to continue to live in the Bay Area cities where we had first met. But it is impossible to know exactly how many of those workers whom I was unable to reach ultimately left the country. The prospect of return migration, whether by choice or by force, is a fact of life for undocumented immigrants. Administrative data reveal that in the year 2013, deportations reached a record high of 438,421 unauthorized immigrants (Gonzalez-Barrera and Krogstad 2014). In 83 percent of these cases, individuals “did not have a hearing, never saw an immigration judge, and were deported through cursory administrative processes where the same presiding immigration officer acted as the prosecutor, judge, and jailor” (ACLU Foundation 2014, 2).

Among those “voluntary returnees,” an unknown number of undocumented individuals leave because the strain of living a clandestine life in the United States became too much to bear. Famously advocated by conservative politicians such as Kris Kobach (Kobach 2007) and Mitt Romney (Le 2015), “self-deportation” describes this supposedly voluntary process. The idea is to “make it as difficult as possible for illegal aliens to live a normal life here,” according to the anti-immigrant
Center for Immigration Studies. Although the extent of and reasons for “self-deportation” are not clear from administrative data, the vast majority of unauthorized migrants are not fleeing back to their countries of origin. Even in restrictive contexts, such as Oklahoma, where anti-immigrant legislation has been passed, “most Latinos and immigrants—with the possible exception of unattached Latinos—have stayed” (Pedroza, Casas, and Santo 2012, 27). Mexican survey data also suggest that on the whole, rates of return migration have actually decreased (Rendall, Brownell, and Kups 2011).

Yet many undocumented and documented migrants still do return (despite the added border security) for a whole host of economic or social reasons (Massey, Durand, and Pren 2015). While this book focuses on those who have remained in the United States, many of the immigrant workers I initially surveyed undoubtedly eventually returned, propelled in large part by the failed promise of economic success and the exhaustion of dealing with ongoing labor exploitation and pervasive immigration enforcement. One such respondent with whom I kept in contact was Raúl, who had worked a series of low-wage service positions before becoming a skilled artisan for a company that churned out important cultural projects. He was also an avid runner and cyclist, and was taking English classes when we met. Above all, Raúl is an artist. His artist statement, which he shared with me, detailed his childhood growing up in a peri-urban industrial zone outside of Mexico City, not far from the pyramids of Teotihuacan. Raúl finished his education only through the ninth grade, though he became self-taught in a range of subjects. He began working at fifteen. Four years later, he took off to seek work north of the border.

Raúl counted himself among the lucky ones. He loved his job and was proud of his work, but there were issues. He was always aware that his position was uncertain. He had been one of the first to be let go when the company’s contracts dried up, even though he had more experience than others, then was rehired when new work came in. And Raúl grew tired of being exploited over the years: “[They] demand that I finish jobs in a certain amount of time, even if they added certain details to the plan at the end. If I didn’t finish, they would use it as an excuse to not grant me a raise.” For four years Raúl never received a raise, and his managers drove him and his other immigrant coworkers hard. Unlike his American-born counterparts, he never received guidance or consultation to plan pieces. Because he had talent, and spoke English, he was able to confront management more readily than the others. But his legal status kept him from pushing back too much. During his time at the company, his hours were cut permanently, his raise never materialized, and he suffered countless injuries that went unreported. Raúl stuck it out, however, because the job allowed him time after hours to work on his own art.

Then, in the year before his departure, Raúl and several of his also-unauthorized coworkers received one of the notorious No-Match Letters from the Internal
Revenue Service. The letter directed him to resubmit his paperwork through his employer and threatened the company with a fine if he didn’t and they continued to employ him. He and others had worked for years paying taxes with a valid Individual Taxpayer Identification Number (ITIN), but worked with Social Security numbers that were chueco (fake). The IRS had picked up on the discrepancy. Raúl’s boss knew about each worker’s status, and offered whatever support he could. Meanwhile, however, an overzealous human resources staff member held Raúl to account, at one point even aggressively approaching him to demand he pay the company’s tax penalty. Raúl sought help from a local legal aid clinic, who advised him about the gray area of responding to such employer/employee audits. There was simply no good solution to his dilemma.

Raúl considered his options, recalling the times he had spent homeless and hungry following various clandestine crossings, once in the trunk of a car along with three immigrants. He thought also of his brother, now a US citizen, who lived nearby with his wife and US-born children. He also considered the deadlock in Congress, which he cynically felt was unlikely to actually pass the immigration reform rumored to be on the horizon. Raúl’s friends told him to find another job, to wait it out, to consider the twenty years he had invested in this country. Surely there would be a political opening soon. Yet he didn’t want to stick around and suffer the same fate as his friend, who lived nearby and had been picked up in an immigration raid in a Bay Area city that was otherwise known for its fervent immigrant activism and community policing.

Ultimately, Raúl decided to return to Mexico. His parents were ailing, and he had grown frustrated with the challenges of undocumented life. He had grown bitter about the way his job had treated him, despite years of loyalty and ongoing sacrifice. He longed now to live in a country that, despite its problems, was his. I had seen the public works projects to which the talented Raúl had dedicated countless hours. Looking on these impressive works, and the million-dollar contracts behind them, I reflected on the injustice of Raúl’s case. Here were public monuments built by a taxpaying, underpaid worker who would never see a dime from the system he paid into. And still he was harassed by his employer and the federal government.

Nearly three years after our last meeting, I stood against the rail surrounding the massive cathedral in Mexico City’s central square. The Mexican flag flew in the distance, throngs of faithful poured into mass, and laborers and people asking for charity mingled with the tourists, residents, and federal police. Eventually, Raúl emerged from the subway station, both of us ecstatic to meet again. As Raúl aptly described the long wait between our encounters: “The weeks and months had gone by so quick, but the days dragged on forever.” Since his return, he had opened a store on his family’s property, which he single-handedly managed and later had to close down. Life was not easy. He worked fourteen-hour shifts in a working-class
neighborhood plagued with gang violence. Though the security situation was iffy, and he had recently witnessed a shooting, he had thus far managed to avoid paying extortion by doing his best to remain on good terms with all the various actors in the community. He would eventually go on to take a job as a truck driver.

Despite his struggles, Raúl was happy to be back and working for himself. He bemoaned his government’s antiquated bureaucracy and corruption, but delighted in being a free citizen in a country that would never expel him. He had recently buried his father, and was now caring for his ill mother along with his siblings, who lived nearby. The United States would always have a special place in his heart. He told me that he longed for the Bay Area’s running trails and the vibrant artist community he left behind. Weeks after we met, I would learn that he had closed the store, and eventually he picked up a truck route navigating the country’s dangerous highway routes that he nonetheless enjoyed traversing.

Before he left the Bay Area, Raúl gave me a bronze triptych, which still hangs in my kitchen. The piece, titled *3 Days*, depicts a peasant, belongings in tow, walking toward, or perhaps away from, the iconic Aztec pyramids near Teotihuacan. The piece was inspired by an attempt to build a Walmart near Teotihuacan, a sacred site. The store was ultimately built, thanks in part to secret bribes made to shift zoning boundaries (Barstow and Bertrab 2012). The Bodega Aurrera, as Walmart stores are known in Mexico, is now the busiest store in town, displacing throngs of small shopkeepers and vendors and causing a spike in already-congested traffic. Raúl’s work speaks to the connection between displacing these cultural and economic mainstays and workers like himself moving north to feed an insatiable global economy, as he had, and many others continue to do.

THE PURSUIT OF JUSTICE AND LESSONS LEARNED

As we have seen, the administrative procedure of rights enforcement is not cost-neutral and can lead to unintended consequences that compound the harms of the original injury. Given this, what are the lessons that workers learn from the claims process, and how can their experiences aid them in future claims? While research has long confirmed that individuals with previous claims experiences are more likely to claim again (Galanter 1974), it is not necessarily the case that those who file a claim walk away satisfied with the legal system or even see formally engaging the law as ultimately beneficial.

Indeed, the process of claiming itself can shape claimants’ understanding of justice. Ellen Berrey, Steve G. Hoffman, and Laura Beth Nielsen (2012) refer to this contextual effect as “situated justice,” highlighting the importance of both material and institutional contexts. Individual conceptions of justice vary and depend a great deal on claimants’ age and social location within the polity and labor market. Many workers confess their “dashed hopes for fairness” (15) as well as
their disappointment in certain government agencies, in the legal aid lawyers who counseled them against filing a claim, and/or in the for-profit attorneys who refused to take their cases. Incompetent lawyers, steep financial costs, the challenges of pro se litigation, the toll the claims process took on their personal lives, and the employee-employer power imbalances all irritated claimants.

In brief, standing up for one’s rights can be simultaneously frustrating and empowering. Workers offered complex retrospective analyses of their experiences—positive and negative—with job loss and with the labor standards enforcement bureaucracy.

Enlightened and Empowered

On the positive side, there are workers who look back on their experience with pride for the grit and determination they showed. Many learned lessons about how to engage in their next job search, how to set boundaries with future employers from the start, and what mistakes to avoid if they ever found themselves engaging the legal bureaucracy again.

Consider Doris from chapter 4, who has taken away some valuable lessons despite admitting that the claims experience was emotionally trying. In fact, she still harbors significant resentment toward her previous employer, who dismissed her after she took an extended lunch: “I think I’m more hurt than anything, that I don’t feel that I did anything that wrong to get fired, and in my mind I still try to get... how... somebody... [can] just get rid of you like that. Especially in this economy... to fire you abruptly like that, and then to deny your unemployment, it almost seems cruel, and so I’m still trying to get through that.”

However, she feels that she has learned to discern more carefully what she wants from her next job: “I want to work around people who are friendly and kind. I want to have flexibility with my schedule and hours, so I’m making up a list of things that I definitely want out of a job, and if I get into a situation, and it doesn’t have those things, then I’ll get out.” She contrasts this ideal work environment to how she felt “trapped” in her previous position: “You go to work every day, you can only take a thirty-minute lunch, [and] some people can treat you any way they want because they’re your bosses. You’re a salaried employee, you’re not exempt, so therefore you’re in this box, and the people who are exempt get to be treated [differently] or have longer lunches.” Having realized that “there is no loyalty anymore,” she vows to be on guard with her future employers.

Similarly, when Lisette, a day care provider, lost her job after filing a claim for missed breaks, she looked past the financial and emotional burdens of the process to glean a valuable lesson: “I was pregnant, and it affected me a lot when they fired me. I became depressed, I didn’t want to even get up or deal with the children I cared for.” Her employer refused her breaks, and as a result she developed severe back pain, wasn’t eating regularly, and developed anemia: “The doctor said it was
I was not resting well. . . . It was very painful. Emotionally and physically, it was very hard.” She ultimately ran out of money and had to rely on support from her child’s father, and a meager $160 biweekly unemployment check. Financial impacts aside, Lisette values her decision to file the claim: “I think it made me stronger. If I were to return to work in day care, I would not let them abuse me for so long. I’d put a stop to it right away. That is what I have learned. I don’t want to wait any longer.”

Even when a claim was an utter failure, some workers, such as Maite, found solace in their fight for justice. Maite taught at a preschool that her daughter attended. She eventually left that position when, a week before school was set to resume in the fall, she was told that she would be required to work eight-hour shifts. When Maite first signed on, she had made an agreement with the director that she could work a shortened day in order to see to her own child care needs. Maite had in fact left a higher-paying teaching position in exchange for the convenience. Though Maite had a litany of complaints about the unprofessional way the preschool was run, she had not had any direct confrontations with the director up to this point. She was given two options: work the schedule the director was requesting or don’t come back. Maite felt that she had no choice but to resign.

Maite thought it unjust that she was pushed out of her job and subsequently ignored when she tried to reason with management. As her calls went unanswered, and her efforts to communicate with management when she would go to pick up her child from the preschool were rebuffed, Maite filed a claim with the licensing agency. She sought help from the legal aid clinic, who asked to see her employment contract. Despite an uncooperative human resources department, she eventually secured a copy, at which point Maite discovered that her contract listed her position as a “temporary substitute” rather than a “permanent employee.” Thanks in part to her husband’s keen eye, Maite realized that her signature on this peculiar contract had been forged. The legal aid clinic immediately counseled her to get a private lawyer who specialized in fraud. Sadly, she quickly discovered that the retainer and fees required were far more than what she could pay: “[The lawyer] told me that he didn’t know how much it would ultimately cost . . . that it would depend on how much time he had to put in. . . . He said it would take time to prove it wasn’t my signature. So I decided to just leave it alone.”

Maite ultimately summoned an apology from the company’s president, who begged her not to prosecute the case further. “I know we violated your rights,” Maite recalls him saying, “that it was unjust, but please just let me take care of this within the company.” A slew of firings resulted, but Maite received no compensation. After considering all the costs she would have incurred had she pursued her claim, however, Maite is proud of her decision to first stand up for herself, then move on.
Resigned and Regretful

Other workers were left with a bitter taste in their mouths after their ordeals. Even some of those able to recover financially and physically or who had won a sizable settlement felt that the system had treated them unfairly.

For example Jose (from chapter 2), a cook who had worked in a kitchen for more than a decade, viewed his victory in the claims process as a hollow one. He admitted to clashing often with his abusive manager, who eventually had him fired after a series of increasingly tense encounters. Jose sought help from the community law center as well as from the Mexican Consulate. In both cases, he was told that there was nothing to be done, given that managers have the right to reprimand, even harshly, their employees as they see fit. He complained to company higher-ups as well, to no avail. Eventually Jose found a private attorney through an ad, who told him to wait until he was fired, and that only then would they be able to build a viable case. All along the way, Jose kept detailed notes of his experiences and interactions, and on the day he was fired, he called his lawyer and filed a claim for his unjust termination and for a lingering workplace injury he had never reported. Though he won some compensation, he was unhappy with his final settlement, as he was struggling to live on his disability payments, which were only a third of his regular wages. Despite his best efforts to chronicle the abuse, he came away in a weaker position than before.

Workers placed an especially high premium on respect, lamenting the perceived humiliations they endured when they were merely trying to maintain their dignity (Lamont 2002). Take the case of Ben, a white male who returned to work at a national thrift store chain after retirement through a program designed for veterans. After three years of employment, his manager accused him of stealing a laptop. Though the surveillance tape and inventory records showed no evidence of theft, and he produced a receipt for the computer, Ben was fired. When we met, Ben was pursuing an appeal for an unemployment claim, which his company was contesting. Because the local legal aid center was unable to offer assistance, Ben sought help from a law student friend and another who was an attorney. Four months after filing his initial claim, Ben eventually received his first unemployment check. At sixty-eight, Ben feels lucky to have achieved that support, followed eventually by a new job. Yet he still wishes he had the money to have an attorney review his case again. Above all, he wants to be formally cleared of any wrongdoing: “I want my good name back and not to be accused of something [I didn’t do].” Overall, he felt “humiliated,” not empowered, by the whole ordeal, despite his access to several legally savvy friends.

If filing a claim empowered some workers to one day do it again, for others, the lessons learned from their claims experience made them more cautious. Yet for some, this newfound vigilance is itself empowering. Marcia was one such case,
described in the previous chapter. She was fired after four years despite never having received a write-up or warning. Worse, during these four years, Marcia regularly had to endure harassing comments from her male supervisor. Unlike Gloria, the woman who was sexually assaulted repeatedly at work, and Susana, whose manager exposed his genitals to her and her sister on a regular basis, the harassing behavior Marcia experienced was subtler and harder to prove. She directly confronted her supervisor and complained to her human resources representative on more than one occasion, to no avail. When she was ultimately fired, she attempted to file a claim. With no hard proof, though, she was told she had no case. Nonetheless, Marcia’s family and friends encouraged her to fight. She eloquently recounts grappling with the decision: “We’re really good at saying you should fight. . . . It’s really easy to tell someone else to fight. But . . . when it came to me, I didn’t know what to do. . . . At the end of the day, I decided it’s my life. I was afraid of not having another job for the rest of my life.” In this decision to not mobilize her rights, Marcia found her own sense of empowerment.

In sum, time and opportunity costs, the ability to reenter the labor market, and the impact on family and social networks all shape how workers reflect on their claims experience. For some, the lesson to be learned is: always speak up and defend your rights. For many others, the lesson is less inspiring: keep quiet or risk losing everything.

The gap between legal and lay justice is partly responsible for these divergent views of the worker mobilization process. The law defines a workplace violation differently than a worker might and gives wide latitude to employers. Moreover, while the bureaucrats and officers running the system see themselves as merely performing their duties, workers can be stressed and humiliated by the whole process. Aggrieved claimants and their attorneys don’t always agree. Thus, ultimately for these respondents, in few cases does the destination seem worth the journey—an arduous trek through the claims-making process.