

Two cases reveal wretched conditions for immigrant laborers in New York City

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Two recent cases in New York City demonstrate the plight of immigrant workers, many of whom are barely eking out an existence serving the city's well-to-do.

Two lawsuits were filed over the past week against several grocery stores, drug chains and delivery service companies charging them with violation of minimum wage laws. The suits, one by the New York State Attorney General Eliot Spitzer and the other by the National Employment Law Project (NELP), a nonprofit group, were brought about after the discovery of conditions faced by a number of West African immigrants working as deliverymen.

The workers, paid \$1.25 per delivery, regularly received the equivalent of as little as \$.87 to \$1.74 an hour, plus tips. The suits allege that their total wages per week ranged from \$60 to \$120, and that the average hours worked totaled 69 a week. When translated into hourly wages—the per-delivery compensation, coupled with the low number of deliveries per hour and the hours taken out of the deliverymen's work time to perform other services in the stores—the workers earned well below the New York State minimum wage of \$3.20 an hour for jobs where tips are customary.

The suit filed by the state attorney general specifically charges Food Emporium and its parent company, the Great Atlantic and Pacific Tea Company, as well Hudson Delivery Service, Chelsea Trucking and S&S Services. NELP's parallel suit also names Griestede's, Duane Reade, B&B Delivery Service and Citi Express. Officials believe that the illegal practices may be widespread; Spitzer has subpoenaed other companies suspected of exploitation. Because the deliverymen are employed by the delivery services, the grocery companies have denied responsibility for their wages, while the owners of the delivery services have denied that they are underpaid, claiming that the

workers receive \$7 to \$8 an hour.

Directly involved with the lawsuits are nine deliverymen who participated in a picket protesting the work conditions against one of the stores in October. Many were fired shortly afterward. The chief organizer of the picket, Mamadou Camara, said that delivery workers are generally afraid to complain for fear of losing their jobs. These fears are compounded by the fact that many of the workers are illegal immigrants and face the likely threat of deportation if discovered. "Our clients," said NELP litigation director Catherine K. Ruckelshaus, "are working in a walking sweatshop" while servicing some of the richest residents of Manhattan.

In the second case, a suit against a high-ranking diplomat from the Middle-Eastern country Bahrain, Mohammed Saleh, was filed in December, accusing the second secretary at the Bahrani Mission to the United Nations and his wife of violations of state and federal labor laws, false imprisonment, and of keeping an individual in indentured servitude. The accusations were brought against Mr. and Mrs. Saleh by Shamela Begum of Bangladesh, who worked as a live-in maid in their East Side Manhattan apartment for nine months. Ms. Begum says that she was forced to work seven days a week for meager wages while being confined to the apartment.

Ms. Begum was contracted by an employment agency in Bangladesh to work abroad, where she hoped to earn enough money to support her family. She was eventually sent to New York, where she earned an estimated \$100 dollars a month, all of which was sent to her husband in Bangladesh. The suit claims that she was allowed to leave the apartment only three times during her nine-month stay with the Salehs, and never unaccompanied.

According to Martha Honey of the Institute of Policy Studies, a Washington research organization, many maids working for members of foreign embassies receive below-minimum wage pay, while being denied contact with friends and having their passports taken away. While foreign officials must abide by domestic laws, they are immune from prosecution, which means that workers such as Ms. Begum generally have little legal recourse. Past lawsuits, when not settled outside of court, have been dismissed on the basis of diplomatic immunity.

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Immigrant Issues

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