

April 15, 2006

For Immigrants And Business, Rift on Protests

By MONICA DAVEY; GRETCHEN RUETHLING CONTRIBUTED REPORTING FROM CHICAGO FOR THIS ARTICLE.

In Bonita Springs, Fla., 10 restaurant workers were fired this week after skipping their shifts to attend a rally against legislation in Congress cracking down on illegal immigrants. In Tyler, Tex., 22 welders lost their jobs making parts for air-conditioners after missing work for a similar demonstration in that city.

And so it went for employees of an asbestos removal firm in Indianapolis, a restaurant in Milwaukee, a meatpacking company in Detroit, a factory in Bellwood, Ill.

In the last month, as hundreds of thousands of people around the country have held demonstrations pressing for legal status and citizenship for illegal immigrants, companies, particularly those that employ large numbers of immigrants, have found themselves wrestling with difficult and uncharted terrain.

They worry about how to keep their businesses operating, fully staffed, but also not to appear insensitive to a growing political movement that in many cases sustains their work force.

Some fired workers have complained that they were being singled out for their political views, and a few have filed formal complaints with the National Labor Relations Board. Other protesters have cut deals with their employers to work extra shifts in exchange for time off, or to close down their small businesses entirely, in deference to the sentiment behind the demonstrations.

In at least one instance, nearly 200 fired workers in Wisconsin were reinstated, demonstration leaders said, after the leaders met with employers, discussed the significance of the protests and threatened to identify the companies publicly.

"I have no problem with the demonstration, but this is a business," said Charley Bohley, an owner of Rodes restaurant and fishmarket in Bonita Springs, who fired the 10 workers there after posting a note warning employees that they could not miss work for a rally on Monday. "Couldn't they have protested in the morning before work? Couldn't they have protested in their hearts?"

Though the number of workers who have lost their jobs across the country, estimated in the hundreds, is small compared with the numbers marching in the streets, some protest organizers say word of the firings spread rapidly and might have a chilling effect on many more workers and on students, some of whom also say they have faced discipline for missing school for rallies.

The firings have also forced some organizers to rethink how best to plan future demonstrations, and some are considering opting out of events now in the works.

In Washington, Jaime Contreras, the president of the National Capital Immigration Coalition, said his coalition voted on Thursday night not to take part in a proposed national boycott or strike set for May 1. Jose I. Sanchez, an organizer in Texas, said his group was considering holding a rally on the Sunday before May 1 instead, just to avoid such strains.

"We shouldn't put our progress in jeopardy," Mr. Contreras said. "That is a tool you use when you have to, but you have to be completely prepared for backlash and repercussions."

In many cities, rally organizers said, plenty of businesses, many of which have pushed for efforts to give legal status to immigrants, cooperated with the demonstrations and allowed workers time off. In Indianapolis, one company went so far as to let 2,000 people leave their jobs for Monday's demonstration downtown, said Ken Moran, an organizer.

"The firings we've seen were an anomaly," Mr. Moran said, "but it's a sad situation."

In complaints filed with the government in one case, Mark A. Sweet, a lawyer for two fired restaurant workers in Milwaukee, said the restaurant had violated the National Labor Relations Act by firing the workers for what he considered legally protected activities: efforts to assist in the mutual aid and protection of themselves and other immigrant workers.

Other legal experts, however, questioned whether such a provision would apply to a public rally, and suggested that the workers had few remedies. For the most part, "at-will" employees may be fired at any time, for any reason, said Charles B. Craver, a professor at The George Washington University Law School.

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