



California Applicants' Attorneys Association
Affiliated with the International Brotherhood of Teamsters

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**Assembly members' Personal Experiences with
Discrimination Inform Fight for Equality**
Vow to Eliminate Discrimination in Workers' Compensation

SACRAMENTO, CA - To highlight its commitment to eliminate discrimination in all forms, including discrimination against injured workers, the California Applicants' Attorneys Association (CAAA) presented a panel of newly elected legislators and labor and civil rights leaders during its recent winter convention. The panelists related powerful stories of their personal experiences with discrimination and the fight to eliminate it: in society, in schools, in the workplace and in workers' compensation insurance.

"The most troubling thing that Gov. Schwarzenegger did was to put back into statute both racial and gender discrimination in the form of interpreting Labor Code 4663. There is ongoing application of discrimination in 'apportioning' workers' compensation cases. Insurance carriers are reducing permanent disability compensation based on racial, gender and age factors that had little or nothing to do with the injured worker's ability to do their jobs. We must look for a legislative fix to this ongoing discrimination," said CAAA Legislative Chair Adam Dombchik. "The personal experiences of many legislators with discrimination will inform their advocacy on behalf of equal treatment for all Californians, including when they are injured at work."

Here are some excerpts from the personal experiences shared by the panelists:

Assemblyman Luis Alejo

"When I decided to go to law school, it was with one thing in mind: to return to my community to represent students, farm workers and immigrants. The fire that motivated me was based on experiences I had growing up. My grandparents came to the U.S. under the *bracero* program. They were migrant farm workers, as were my parents. We would migrate with the crops, to pick strawberries in the Salinas Valley, and would work in the South Santa Clara Valley to work in the orchards, and to Fresno to work in the vineyards. As migrant farm workers, they endured many difficult situations: toxic pesticides in the workplace, work injuries, or underpayment of wages. My eleven-member family would work, but not be paid what we were entitled to. My grandparents and parents fought to make these wrongs right, and that is what I want to do as well, to improve the lives of other people.

“I think it is easier for young people from my community to be guaranteed a place in a California Youth Authority or a prison than in a college or university classroom. As a young lawyer in Salinas, I represented a group of women laundry workers just a block from my office, who were not even being paid minimum wage. They were being paid \$3.86 per hour.

“I also represented a group of fruit packing shed workers who were fired because of their age. A new supervisor came in and didn’t want any elder workers. The workers were humiliated, and still had many years of fruitful work remaining in them. The supervisor was terminated as a result of our efforts. I see the discrimination taking place in California workers’ compensation and it reminds me of what I have experienced and others in my community. I intend to help end that discrimination.”

Assemblyman Ricardo Lara

“My mother started in San Diego cleaning houses and moved to Los Angeles to work as a seamstress. My mother was proud of her job as a seamstress and produced more than anyone else on her shift. One day, her supervisor came and picked her out - the only Latina on the crew - and told her to go clean the restroom. She was humiliated. She was a seamstress, not a custodian. My mother cleaned that restroom because she had a family to support. But she told us to never let anyone make you feel less than equal.

“My father worked in a plastics factory in East Los Angeles. He lost his hearing little by little over the years from the loud noise of the machinery, and then developed vertigo. They failed to provide him with earplugs. There were times when I had to go pick him up at work, where he was lying on the factory floor, vomiting, from the vertigo. My father cannot hear at all in his left ear. I asked my father, “Why don’t you say something?” But he would not protest, because he needed his job to put his children through school.

“My father paid for his own medical care for his illness. My mother paid for her own knee replacement from so many years pumping the sewing machine pedal. This is wrong. The discrimination that my parents went through still exists and people like them deserve better.”

Assemblyman Roger Hernandez

“My father came from Mexico at age 25 after growing up on a cattle ranch in Jalisco. He knew no English when he arrived, but he knew how to work hard. He believe that if you weren’t thirty minutes early to work, you were late.

“My father became a construction laborer and carpenter in Los Angeles. He worked two jobs, also employed as a custodian, to support his family. I remember hearing my father after he came home from work frustrated, because his coworkers used racial slurs against him – and these were Chicanos, who called him a ‘wetback,’ which was humiliating to him. My father complained to his supervisors, but they did nothing.

“When my father was injured in the workplace, he was not given permission to see a doctor. After he finally saw a doctor, that doctor requested that he be given a reduced workload. He was not given the lighter duty that he needed to keep working after his injuries. He was treated unfairly. My father didn’t deserve that discrimination, and neither does any other Californian. I look forward to advocating to end all forms of discrimination in California.”

Lorena Gonzalez, Secretary-Treasurer/CEO, San Diego/Imperial Counties Central Labor Council

“I grew up in Vista, in northern San Diego County. My father came to this country as a farm worker. My mother worked as a nurse, and she worked two jobs. We moved to Vista because my mother thought it would be a safe community for her three children to grow up in. But there were people in the Vista schools who had some preconceived notions about Latino children.

“I did very well in school and got high marks. But when I entered sixth grade I was taken out of the college preparatory group and placed in a group that was being prepared for technical education. Every single school year from sixth through the twelfth grade, my mother would have to come to school with me. Even though I was identified very young as being gifted or academically talented, I would be taken out of the college preparatory class. She would come to school the way they did the class schedules, they would look at my name, see it was Latino, and stick me in the class for kids going into vocational training. My mother never gave up on that effort.

“I got straight A’s, did very well on the SATs, and was accepted at Stanford. I was the first person in my family to get a college degree. I went on to get a Master’s Degree at Georgetown, and a Law Degree at UCLA.

“My mother worked forty years as a radiology nurse, and then came down with cancer shortly after she retired. She had tumors throughout her body.

“In Vista, there were laundry workers striking for union recognition. I went to walk the picket line with them, and was invited by a clerical delegation to join them in meeting with the manager. One of the women laundry workers had told me that the bathrooms were always locked and you could not use them during your shift. The manager told the clergy that he respected his workers. So I asked him why the bathrooms were never open for the workers. The manager told us that the Mexican people take the toilet paper and throw it on the ground. He said they were trying to teach the Mexican workers to throw the toilet paper in the toilet, and once they learned that he would open up the bathrooms.

“Fighting discrimination like this is why I wanted to work to make sure people have representation and are treated equally.”

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