

NEW YORK CITY COMMISSION ON HUMAN RIGHTS

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TRANSLATION

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COMMISSION ON HUMAN RIGHTS

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PATRICIA L. GATLING

Commissioner and Chair

Jewish Forward (Russian version), May 2-8, 2003 n388 page 2

"Neyt" to Discrimination of Immigrants!

By Leonid Zaslavsky

On April 25, 2003 Patricia Gatling, Commissioner for New York City Commission on Human Rights and Margie McHugh, Executive Director for the New York Immigration Coalition conducted a conference on Immigrants and Employment Rights. It is highly symbolic that the central office of the Commission at Rector Street, where the event took place, is located two blocks from ground zero. As we all know the events of September 11 have accelerated the economic downturn, which had a direct effect on immigrant employment.

"As a result of our initiative on immigrant rights in employment," as stated by Commissioner Gatling in her opening remarks, "those immigrants who are working or seeking employment, and who are being discriminated, are better aware of the laws that protect their rights." The presentations on overview and content of the laws were conducted by Robin Stutman, Special Litigation Council from the U.S. Department of Justice, and Terri Gerstein, Assistant Attorney General at the Office of the State Attorney General Elliot Spitzer.

After a thorough discussion of the speakers' presentations, Commissioner Gatling, in an interview with this reporter, stated that a total of 150 leaders of immigrant groups and associations, lawyers, business representatives, and government entities that deal with immigrant employment issues participated in this event. Commissioner Gatling emphasized that in the conditions of economic downturn and increased unemployment the competition for the jobs becomes fierce and anti-immigrant sentiments become more visible. This influences, in some instances, the hiring policy of employers who unfairly raise the bar on language and other requirements for immigrants.

This reporter inquired if the Commissioner is aware of employment related problems/issues that are unique to Russian speaking community. At first Ms. Gatling stated that Russian immigrants are facing the same difficulties as other immigrant groups in this difficult economic climate. However, after some reflection Ms. Gatling stated that Russian speaking immigrants are probably in a very vulnerable position since many of them were employed in computer science and other industries that were especially hard hit by the recession.

It is regrettable that out of all the Russian Immigrant groups in the City, only one organization answered the invitation and represented the community at the event. The name of the organization is the American Brotherhood of Russian Disabled (ABRUD). The organization was represented by Igor Boboshkin, Executive Director of ABRUD.

At the conference a booklet produced by the U.S. Justice Department was distributed to the participants. The publication, in a comic-book style format, explains the rights and protections the immigrants have under the law in employment. The phone number of the agency that deals with investigations regarding discrimination in employment is published in the booklet U.S. Department of Justice Office of Special Counsel for Immigration-Related Unfair Employment Practices (1-800-255-7688).

The New York City Commission on Human Rights has also produced an information flash card that explains in English and Spanish the situations in which an immigrant seeking employment might become a victim of discrimination. If you believe you have been a victim of the discrimination of employment because of your accent, because you look foreign, you are getting paid less because you are an immigrant, if your job enforces "English only" policy at work without a justifiable cause, if you are being harassed because of your national or ethnic origin call --- New York City Commission on Human Rights at (212) 306-7574.

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2 - 8 мая 2003 года

НЕТ - ДИСКРИМИНАЦИИ ИММИГРАНТОВ!

Под патронатом Патриции Гэтлинг, главы Нью-Йоркской комиссии по правам человека, и Марджи Макхью, исполнительного директора Иммигрантской коалиции Нью-Йорка, утром 25 апреля состоялась встреча в рамках "Программы защиты прав иммигрантов на работу". Символично, что штаб-квартира названной комиссии, где прошла встреча, расположена в здании на Ректор-стрит - в непосредственной близости от граунд-зиро. Ведь события 11 сентября, как известно, усугубили спад в экономике, прежде всего в Нью-Йорке, и резко обострили проблему безработицы, особенно сильно ударившую по иммигрантам.



"Благодаря нашей программе, - сказала, открывая собрание, Патриция Гэтлинг (на снимке слева), - работающие и занятые поиском работы иммигранты, против которых ныне ведется дискриминационная кампания, лучше усваивают законы, защищающие их права". С сообщениями о содержании и применении этих законов выступили Робин Статмэн, представитель отдела по гражданским правам министерства юстиции США, и Терри Герстейн из офиса генерального прокурора штата Элиота Спизера.

После обсуждения этих выступлений Патриция Гэтлинг в беседе с вашим корреспондентом сообщила, что в этой загодя запланированной встрече участвовали лидеры от 150 иммигрантских групп и ассоциаций, адвокаты-правозащитники, представители бизнесов и госучреждений, связанные с наймом рабочей силы. Глава Комиссии по правам человека подчеркнула, что в условиях экономического спада и снижения занятости возрастает конкуренция на рынке труда, дают о себе знать антииммигрантские настроения. Это оказывает влияние на кадровую политику нанимателей, которые наряду с ужесточением прочих требований иногда неоправданно завышают языковые барьеры. Мы поинтересовались, известны ли г-же Гэтлинг какие-либо специфические проблемы русскоязычных иммигрантов. Вначале она утверждала, что этот контингент находится в столь же тяжелом положении, что и другие

иммигранты, но затем все-таки признала, что русскоязычные иммигранты попали в особо уязвимое положение, поскольку многие из них были заняты в сфере компьютерного программирования и других бизнесах, наиболее пострадавших в результате нынешнего спада. В этой связи достоин сожаления тот факт, что из всех многочисленных организаций русскоязычных иммигрантов интерес к этой встрече проявило лишь "Американское братство русскоязычных инвалидов", которое на собрании представлял председатель совета директоров Игорь Бабошкин (в центре).

Заслуживает внимания предложенная участникам встречи оригинальная (в виде комикса) форма популяризации способов защиты прав иммигрантов (в том числе не вполне овладевших английским языком) при найме на работу. Из его первых картинок следовало, что наниматель недоволен иностранным происхождением претендентки и уровнем ее английского языка. Он отложил решение вопроса о найме Кристины, несмотря на то что она не новичок в стране и обладает опытом, необходимым для выполнения данной работы. На следующей картинке Кристина рассказывает о своей неудаче подруге Юлии, которая характеризует этот случай как дискриминацию при найме и советует обжаловать поведение нанимателя. Она сама побывала в подобном положении и благополучно вышла из него благодаря оперативной и бесплатной помощи Специальной адвокатской конторы при министерстве юстиции США (сообщается бесплатный телефон этой конторы - (800) 255-7688). После звонка Кристины там сразу приступили к расследованию. На последней картинке Кристина с радостью сообщает о выигрыше дела: адвокаты убедили нанимателя принять ее на работу и даже оплатить срок вынужденного простоя, начиная с того дня, когда она приступила бы к работе, если бы наниматель не уклонился от принятия положительного решения.

Изданы карточки с текстами на английском и испанском языках, где указаны ситуации, которые можно рассматривать как дискриминацию при найме на работу: отказ в найме из-за "иностранного" акцента или внешности; меньшая по сравнению с коллегами, рожденными в Америке, оплата за аналогичную работу; требование говорить на работе по-английски, даже если в этом нет необходимости; насмешки по поводу имени или этнического происхождения работника. Если у иммигрантов на этой почве возникают проблемы, за помощью можно обращаться также в Нью-Йоркскую комиссию по правам человека по телефону: (212)306-7574.

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City Agency Addresses Employment Discrimination

Article and Photos by Adrienne Haywood-James
 NEW YORK: Immigrant-related employment issues were brought to the forefront as two city organizations, the New

immigrant communities today. The presentation kicked off a CCHR/NYIC collaborative program called The Immigration Employment Rights Project, a series aimed at



(From L to R) NYC Human Rights Commissioner Patricia Gatling, Terri Gerstein, Esq. and Special Litigation Counsel Robin Stutman, Esq. addressing the program.

York City Commission on Human Rights (CCHR) and the New York Immigration Coalition (NYIC) gave a presentation concerning immigrant employment rights at NYC-CCHR offices last Friday, April 25. The event, aimed at community leaders, addressed discrimination, enforcement, educational, and legal issues facing

educating immigrants regarding existing federal and city employment laws. A \$70,000 US Department of Justice grant helped get the program started. The program represents CCHR's outreach efforts to contact immigrant community groups within the five boroughs to publicize immigrants'.

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City Agency Addresses Employment Discrimination

Cont'd from Front Page

employment rights under the Immigrant and Reform Control Act of 1986 and under NYC Human Rights Law.

The 9 a.m. event got underway as Moderators CCHR Commissioner/Chairperson Patricia Gatling and NYC Executive Director Margaret McHugh made welcoming remarks. Commissioner Gatling opened by saying, "With our partnership with the NYIC, we were able to expand our campaign to educate immigrant workers and employers about federal and local protections against employment discrimination."

Addressing the backlash that immigrant communities have been facing lately, NYC's Director McHugh addressed the need for the project. McHugh noted the attendance of Human Rights Commissioner Omar Mohammedi in stating "Looking at Omar here in the audience, we think that it is especially important to have this program in the post-9/11 context because as we all know, unfortunately there had been tremendous discrimination particularly against Muslim-Americans and South Asian immigrants after September 11." Mohammedi, who earlier on, had come under attack by critics because of his affiliation with CAIR, remains on board as a CCHR commissioner. Criticism has since died down and Mohammedi continues to work with Commissioner Gatling, advising her on immigrant affairs. NYC Councilwoman Yvette Clark, also in the audience, said, "This is taking a leadership role in addressing the number of concerns and issues jeopardizing immigrant communities following 9/11."

Following opening remarks, speakers NYS Labor Bureau's Assistant Attorney General Terri Gerstein, Esq., and U.S. Department of Justice Special Litigation Counsel Robin M. Stutman, Esq. addressed the 100-125 audience members. Both women spoke about the agency each represents, the successes they have had, and how successful cases against employment discrimination are built.

Ms. Gerstein explained that the NYState Labor Bureau oversees and implements New York labor law, including minimum wage and overtime. She mentioned that her agency was responsible for developing the "green grocer code of conduct", a law which now governs the industry's minimum wage and overtime.

Concerning tears about coming forward to make complaints, she explained: "We don't ask people about their immigration status. If we do that, we're afraid we'd chill reporting by individuals because of that fear."

OSC's Robin Stutman addressed ways that the Office of Special Counsel for Immigration Related Unfair Employment Practices protects authorized immigrant workers from employment discrimination. Federal charges can be made regarding citizenship status and national origin discrimination, document abuse, intent to discriminate, and employer retaliation. As an alternative to making a federal charge, people can also resolve disputes over the phone. "The OSC resolves over 150 cases over the phone." However, Stutman emphasized that only authorized workers are protected from discrimination under the statutes.

Questions ranging from an employer related issue such as "no-match" letters to credit card cancellation problems followed. Answering a question regarding "no-match" letters and I-9 forms (a federally required employer form that verifies employment eligibility/identity) Stutman said, "There can many reasons for no match letters such as the (social security) number is wrong or the name is misspelled. The advice that the Social Security Administration, the former INS, and we give employers is ... to have the employee go to Social Security and correct the problem. Employers should give the employee enough time to fix it."

A second question concerned alleged bootleg lists leading to credit card cancellations affecting merchants and individuals with Muslim sounding names.

South Asian INSIDER

Building Bridges Amongst South Asians

Vol: 2 Issue: 08, May 02, 2003 Every Friday New York, New Jersey & Washington D.C.



NYC Human Rights Commissioner Patricia L. Gatling (2nd from right) and NY Immigration Coalition Executive Director Margie McHugh (2nd from left)



PROGRAM ON IMMIGRANT EMPLOYMENT RIGHTS

Part of Larger Initiative to Educate Immigrants on Protections They Have Under the Law

In an April 25 press release, New York City Human Rights Commissioner Patricia L. Gatling and New York Immigration Coalition Executive Director Margie

McHugh hosted a program on Immigrant Employment Right, as a part of a collaborative initiative - The Immigrant Employment Rights Program - which educates immigrants on the Federal and City protections afforded under the

Immigration and Reform Control Act of 1986 and the NYC Human Rights Law.

"Events such as today's have helped make The Immigrant Employment Rights Program successful in reaching the City's diverse immigrant communities," Ms. Gatling said. She said.. *Contd. on page 8*

South Asian INSIDER

IMMIGRANT EMPLOYMENT

Contd. from Page 3

"The anti-immigrant climate that has developed since September 11 has made it even more important to address issues of discrimination against immigrants in the workplace and elsewhere," said New York Immigration Coalition Executive Director Margie McHugh. "Through our partnership with the Human Rights Commission, we are providing much-needed information on immigrant

and workers' rights so that New York City's hard-working immigrant communities can better protect themselves in these difficult times."

The Immigrant Employment Rights Program provides workshops, informal discussions, literature and multilingual PowerPoint presentations on discrimination in employment based on national origin, citizenship status or alienage. To schedule a workshop in your community, please call 311.

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Immigrant Employment Rights

By Farah Affreedi

New York, April 25th, New York City Human Rights Commissioner Gatling and NY Immigration Coalition Director McHugh Host Program on Immigrant Employment Rights. Part of Larger Initiative to Educate Immigrants on Protections They Have Under the Law

The event is part of a collaborative initiative – The Immigrant Employment Rights Program – which educates immigrants on the Federal and City protections afforded under the Immigration and Reform Control Act of 1986 and the NYC Human Rights Law.

Joining Commissioner Gatling and Executive Director McHugh were Robin Stutman, Esq., Special Litigation Counsel, Office of Special Counsel for Immigration Related Unfair Employment Practices, Civil Rights Division, U.S. Department of Justice, and Terri Gerstein, Esq., Assistant New York State Attorney General.

“Events such as today’s have helped make The Immigrant Employment Rights Program successful in reaching the City’s diverse immigrant communities,” said Human Rights Commissioner Patricia L. Gatling. “Through an intensive educational campaign, immigrant workers and employers are becoming better informed of the anti-discrimination laws



From the Left: Terri Gerstein, Esq., Asst. NY State Attorney General, Margie McHugh, NY Immigration Coalition Exec. Dir., Patricia L. Gatling, Commissioner NYC Human Rights, Robin Stutman, Esq., Special Litigation Counsel, Office of Sp. Counsel for Immigration Related Unfair Employment Practices, Civil Rights Div., U.S. Dep. of Justice, and Photo by Betsy Herzog

protecting immigrant workers.”

“The anti-immigrant climate that has developed since September 11 has made it even more important to address issues of discrimination against immigrants in the workplace and elsewhere,” said NY Immigration Coalition Exec. Dir. Margie McHugh. “Through our partnership with the Human Rights Commission, we are providing much-needed information on immigrant and workers’ rights so that New York City’s hard-working immigrant communities can better protect themselves in these difficult times.”

Robin Stutman discussed different types of immigration-related employment discrimination, Federal anti-discrimination laws and protections, how to file a Federal charge, and the INS and I-9 form process. Terri Gerstein spoke about her office’s efforts

in the enforcement of immigrant workers’ rights, including the creation and implementation of the Greengrocer Code of Conduct, which brought the greengrocer industry into compliance with minimum wage and overtime laws. “People are reluctant to come to the Law Agency due to reluctance they face in their own countries”, she said. “We don’t ask people for their Immigration Status, neither is it relevant to the Labor Law.”

You may contact the Pakistan Community Center located in Brooklyn or call yourself and get more info. If you are seeking someone who speaks your language, don’t worry, they will re-direct you to a person that speaks your language. The numbers are 1-800-255-7688 for Employee’s and 1-800-255-8155 for Employer’s. Also, you may go online at www.usdoj.gov/crt/usc.

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報明

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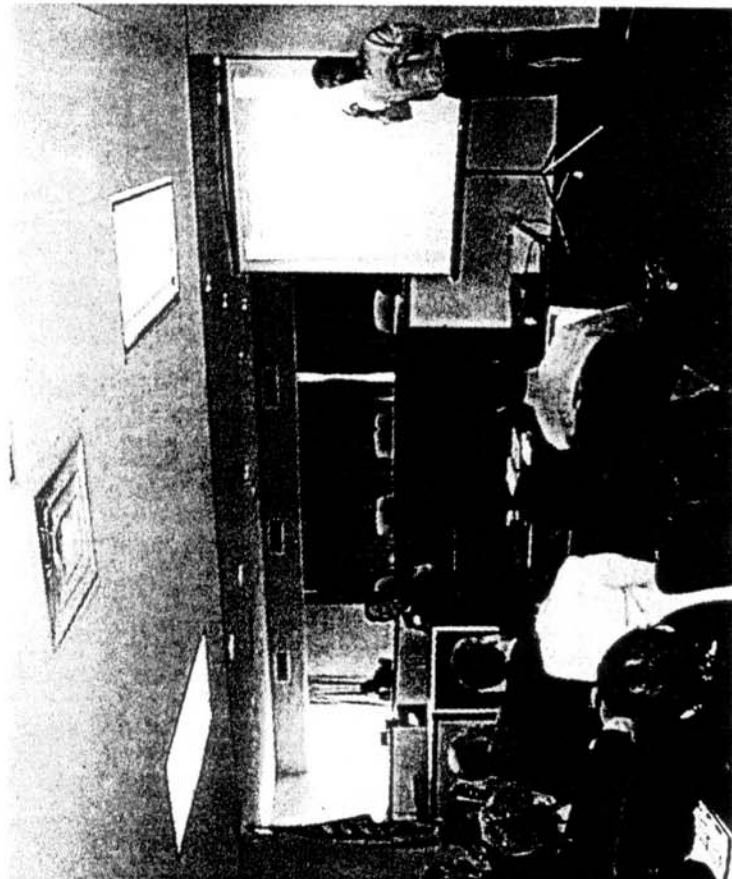
2003.04.27

華人就業工作屢遭歧視 投訴僅占全市6% 人權委員會籲舉報不公僱主

【明報紐約訊】紐約市人權委員會 (Commission on Human Rights) 官員表示，華裔移民在申請就業和工作時，受到歧視的案件時有發生，但由於華裔(華裔)生性內歛多慮，歧視投訴只佔全部投訴的百分之六。人權委員會呼籲華裔人勇於舉報不公僱主，討回公道和經濟損失。

市人權委員會和紐約移民聯盟日前在曼哈頓下城舉行研討會，討論廣泛存在的移民勞工在申請就業或工作時受到歧視和不公平待遇的情況。研討會由人權委員會主席蓋特琳 (Patricia Galling) 和移民聯盟行政總監麥克胡夫 (Margie McHugh) 主持。紐約州總檢察長辦公室移民工作組、聯邦司法部公民權利司等政府機構代表介紹了保護移民工作權利的有關法規。他們表示，歧視和刁難移民勞工的現象長期存在，「九一一」以後尤其明顯，最明顯的做法是僱主強迫移民提供額外的工作許可證明，即使已經加入美國籍的移民，也被要求提供不合理文件，否則就會失去工作機會。

紐約市人權委員會專員陳欣琳表示



紐約市人權委員會和移民聯盟昨日舉行公平就業研討會，討論移民求職、工作中所受到的歧視問題。(郭森攝)

，華人受到歧視的現象更加普遍，但由於華人內向、不爭，尤其擔心個人資料會被政府逐級上報，最終對自己不利，因此委員會接獲的華人投訴比較少。二〇〇一和二〇〇二兩年中，亞裔投訴案只有七十一起，僅佔全部投訴的百分之六。事實上，華人的這些擔心都沒有必要，人權委員會就事論事，調查投訴案，如果確屬僱主歧視，僱主將受到罰款，而投訴者可以得到相應經濟賠償(如被歧視解僱後損失的薪金等)。投訴者可以致電人權委員會(212)306-7500)預約時間，到該委員會設在各區的辦公室正式提出投訴，也可以在預約前與該局人權專員通話，簡單介紹被歧視情況，不會英文者可要求中文翻譯。此外，移民不公平就業待遇問題特別法律顧問處 (OSC) 也設有投訴熱線 1 (800) 255-7688，接受投訴的案件包括：(一) 因為原籍、外貌或口音而被拒絕工作或被解僱；(二) 僱主不承認移民的就業許可證件實在美國享有合法工作權的證據，並因此拒絕僱用或解僱，或僅僅僱用美國公民或永久居民，或者僱主堅持要申請人提供某一種證件。

GothamGazette.com



Internet resources for what you need to know on NYC Civil Rights

by Andy Humm
May, 2003

Posting The Human Rights Law

Intro 353 would require that the city's human rights law be posted in all places of employment and public accommodation.

Tom Smith, president of the Stonewall Democratic Club, developed the bill with former Council Member Kathryn Freed, and now sees real hope for passage. "The original human rights law didn't contain an education section," he said. "It is just as important for people to be able to understand and access the law as it is having the law in the first place."

The recently revitalized City Commission on Human Rights has been engaged in more education and outreach under Commissioner Patricia Gatling. Last month they launched a campaign to educate the public about the meaning of the latest addition to the human rights law, the category of "gender identity and _expression" protecting people of transgender experience. And on April 25, the commission and the New York Immigration Coalition offered a program on Immigrant Employment Rights, part of a new effort to educate immigrants on the "federal and city protections afforded under the Immigration and Reform Control Act of 1986 and the New York City Human Rights Law."

NEW YORK CITY

COMMISSION ON
HUMAN RIGHTS

PRESS CLIPPINGS

IMMIGRANT EMPLOYMENT RIGHTS PROGRAM
APRIL 25, 2003