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Working In The Shadows: The Impact Of Wage Theft Among Undocumented Workers In El Paso, Texas

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WORKING IN THE SHADOWS: THE IMPACT OF WAGE
THEFT AMONG UNDOCUMENTED WORKERS IN
EL PASO, TEXAS

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WORKING IN THE SHADOWS: THE IMPACT OF WAGE
THEFT AMONG UNDOCUMENTED WORKERS IN
EL PASO, TEXAS

by

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THESIS

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ABSTRACT

The documentary film titled "Working in the Shadows: The Impact of Wage Theft Among Undocumented Workers in El Paso, Texas" sheds light on the pervasive issue of wage theft experienced by undocumented workers in the region. Through personal testimonies, interviews with workers, legal experts, and government officials, the film delves into the challenges faced by undocumented workers who are vulnerable to exploitation due to their legal status.

Undocumented workers in El Paso face a host of challenges, including unpaid wages, unsafe working conditions, and fear of retaliation if they assert their rights. The film highlights the critical role of community organizations, legal experts, and law enforcement in addressing wage theft and advocating for the rights of undocumented workers. Additionally, the documentary emphasizes the importance of extending legal protections to all workers, regardless of their immigration status.

Wage theft not only takes a financial toll on undocumented workers but also has significant social and psychological repercussions. The film explores the stigma, stress, and anxiety experienced by workers, who are pushed deeper into poverty by unscrupulous employers. By amplifying the voices and struggles of undocumented workers, the film aims to educate the public about the pervasive problem of wage theft and inspire empathy and understanding among viewers.

Ultimately, "Working in the Shadows" serves as a powerful educational tool that encourages viewers to act against wage theft and support the rights of undocumented workers in El Paso and beyond. By shedding light on this often-overlooked issue, the documentary strives to inspire change, promote social justice, and advocate for fair labor practices for all workers, regardless of their legal status.

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CHAPTER 1

ACCESSING THE FILM

My documentary thesis film, “Working in the Shadows: The Impact of Wage Theft on Undocumented Workers in El Paso, Texas,” can be accessed for streaming in two online locations: [YouTube \(https://youtu.be/4Dc05OqVVz4\)](https://youtu.be/4Dc05OqVVz4) and [this location](#).

CHAPTER 2

INTRODUCTION

The documentary film titled: "Working in the Shadows: The Impact of Wage Theft Among Undocumented Workers in El Paso, Texas" [Final Wage Theft Film May 2024.mov](#) sheds light on the issue of wage theft experienced by undocumented workers. This thesis film shows the added hardships endured by undocumented workers in El Paso, who are exposed to wage theft as a widespread illegal abusive labor practice. The film also shows personal testimonies from workers who have experienced wage theft as well as their actions to get back their stolen wages. The film highlights the roles that community organizations, legal experts, and law enforcement play in the call to action to end wage theft labor practices. Undocumented workers in El Paso are particularly vulnerable to wage theft due to their legal status, facing exploitation such as unpaid wages, unsafe working conditions, and fear of retaliation if they assert their rights. The film explores the challenges faced by non-profit organizations in resolving wage theft cases and includes interviews with legal experts and government officials. Undocumented workers are entitled to be protected by labor rights laws regardless of whether they are documented or undocumented. Employers know the laws. The work done by non-profits, and federal and state stakeholders is crucial. Combating wage theft takes creating awareness. Community organizations and advocacy groups play a pivotal role in educating undocumented workers. Advocacy efforts also focus on extending legal protections to all workers, regardless of their immigration status.

This film shows the impact of wage theft on undocumented workers in El Paso, Texas. The abusive practice of wage theft takes a financial toll, it is stigmatizing, and it creates a social and psychological toll on vulnerable people. Economic hardship plagues undocumented workers because they already face financial instability due to their marginalized status.

Wage theft is wrong. Workers should be paid for the work they are hired to perform. Wage theft exacerbates their economic woes, pushing undocumented workers deeper into poverty. Wage theft takes a significant toll on the mental and emotional well-being of undocumented workers, leading to stress, anxiety, and a sense of powerlessness.

This film brings attention to a critical issue that has been underreported and often overlooked in the broader discourse on labor rights and immigration. By shining a light on wage theft among undocumented workers, this film fills a gap in scholarship where limited research and documentation currently exist. Undocumented workers are a marginalized and vulnerable population. This documentary provides a platform for undocumented workers to share their experiences, challenges, and stories, amplifying their voices and struggles. Through the power of visual storytelling, this documentary will educate the public about the pervasive problem of wage theft and its devastating effects on individuals and communities. It serves as an educational tool that can foster empathy and understanding.

My documentary aims to bridge the gap between academia and real-world issues, inform policy discussions, empower the local community, and serve as an educational tool to inspire change and support affected workers. The film employs a qualitative research approach, incorporating interviews, statistical data, and real-life stories to present a holistic view of the problem and aims to raise awareness and educate the audience.

Undocumented workers in El Paso, Texas, endure a complex web of challenges, with wage theft as a prominent issue that demands immediate attention. Recognizing the problem's extent, its root causes, and its far-reaching impact is the first step toward fostering a more equitable and just community for all residents, regardless of their immigration status. It is incumbent upon local and state authorities, advocacy groups, and concerned citizens to work

together in pursuit of fair labor practices and social justice for the undocumented workforce in El Paso.

2.1 Background/Context on Wage Theft in El Paso, Texas

The border city of El Paso, Texas, stands as a symbol of diversity and opportunity, attracting a steady flow of immigrants seeking a better life. El Paso's proximity to the U.S.- Mexico border makes it a magnet for immigrant workers, both documented and undocumented. Workers who are undocumented play a critical role in various industries, including agriculture, construction, domestic, and hospitality (Center for Public Integrity; Ferriss and Yerardi, 2021). These undocumented workers who contribute significantly to the local economy but find themselves ensnared in a web of challenges.

My film will show the added hardships endured by undocumented workers in El Paso. When I interviewed Border Workers United/Trabajadores Fronterizos Unidos Director Lupita Sanchez, she said "Wage theft is a growing nationwide problem that costs workers billions of dollars each year. National statistics show that 64% of workers experience wage theft every week, 26% are paid under the minimum wage, and 76% of overtime never get paid resulting in a loss of 15% of their annual income." In the last five years, Texas has ranked as one of the worst states in the nation when it comes to combating wage theft. Sanchez says, "Over the last five years the Texas Workforce Commission (TWC) has ordered employers to pay more than \$49 million dollars owed to Texas workers for wage theft claims." The TWC's Labor Law Department is responsible for investigating wage theft claims but suffers from a lack of funding, limited enforcement power, and inadequate staffing. Wage theft not only harms Texas workers and their families but also drains state and local governments of much-needed tax revenues and undercuts honest, local businesses that play by the rules.

Many undocumented workers are unaware of their protections under the law. According to an article in *El Paso Matters*, "In 2011, the Texas state government criminalized wage theft through Senate Bill 1024. In 2015, the Lift-Up Alliance, consisting of multiple civil society organizations, was successful in passing El Paso's City Ordinance 018370 against wage theft. The city can act, with penalties, on city and non-city contracts" (Staudt and Soto-Talavera, 2021). How does Senate Bill 1024 help undocumented workers? Filing a claim with the Texas Workers Commission takes time to see results in recovering lost wages. What makes it more difficult is proving wage theft has taken place when many undocumented workers go into non-contractual agreements; and are paid in cash. It is hard to prove theft without a paper trail. Many of these workers are owed money and need it sooner rather than later.

My interest in this topic stemmed from a desire to shed light on the struggles faced by vulnerable members of our community. This project aims to provide insight into the prevalence of wage theft among undocumented workers in El Paso, highlighting the urgent need for awareness and solutions. Delving into this issue, I hope to spark discussions and actions that can improve the lives of these individuals and promote fair labor practices in our region.

The problem concerning undocumented workers who experience wage theft in El Paso, Texas, is a deeply entrenched and widespread issue with severe consequences. Wage theft refers to the illegal practice where employers fail to pay workers the full wages they are entitled to under employment laws. The most common methods employers use to abuse their employees are to pay less than the minimum wage, not paying overtime, or classifying workers as independent contractors to avoid paying compensations, unemployment, and payroll tax contributions.

Employers also force employees to work off the clock, make illegal deductions from their pay, steal tips, or not pay them at all for a job completed. For example, according to Border

Workers United, in the Rio Grande Valley and El Paso, wage theft also drives down salaries, as better-paying jobs are replaced with ones with lower hourly pay or below the minimum wage. "All kinds of industries are impacted by this phenomenon but, women, undocumented migrants, and people of color in construction, restaurants, caregiving, manufacturing, domestic work, and farming industries are our most frequent members," says Sanchez.

Two of the biggest barriers in addressing wage theft are fear and retaliation and lack of fair labor policy enforcement. "A study shows that 43% of workers who raise a complaint faced termination, suspension, wage or hour cuts, and threats to call immigration," says Sanchez. So, it is easy to understand why a person whose priority is to secure a place to live and food on the table for their family hardly documents or processes a claim. Marisol Gonzalez, El Paso Organizer with Border Workers United/Trabajadoras Fronterizos Unidos, explains: "Our communities have been historically marginalized and underrepresented. Our priority is to support suppressed industries and empower employees with labor law information to alleviate the struggles and impact that wage theft causes among low-income families in the Rio Grande Valley and in El Paso Texas."

In El Paso, wage theft affects a huge portion of the undocumented workforce. It includes various forms such as unpaid overtime, minimum wage violations, and even non-payment of wages. The exploitation of vulnerable workers puts this group at risk of becoming prey. Undocumented workers are particularly susceptible to wage theft due to their immigration status. Employers often take advantage of their legal vulnerability, knowing that these workers are less likely to report the violations out of fear of deportation or job loss. Many undocumented workers live in constant fear of retaliation if they assert their rights. They may believe that reporting wage theft will lead to their employer reporting them to immigration authorities, resulting in their deportation. Undocumented workers often face significant obstacles in seeking

legal remedies for wage theft. They are excluded from certain labor protections and may lack access to legal resources and representation. Undocumented workers may face language and cultural barriers that hinder their ability to understand their rights or navigate the legal system effectively. This can further isolate them and make it difficult to address wage theft.

Wage theft exacerbates the already precarious economic situation of undocumented workers, pushing them deeper into poverty. This not only affects the workers themselves but can also have broader negative economic implications for the community. Domestic workers across occupations in the region experienced hunger and housing insecurity and were not able to pay basic household expenses. According to a study by Latina Domestic Workers in the Texas-Mexico Border Region published in 2018, "more than 37% of domestic workers reported that someone in their household went hungry at some time in the previous 12 months of this study and 53% could not pay for medical care for someone in their household who needed it." The study also shows, "44% of domestic workers reported that they were unable to pay their rent. "Beyond the economic impact, wage theft takes a toll on the mental and emotional well-being of undocumented workers. It leads to stress, anxiety, and feelings of powerlessness. The prevalence of wage theft erodes trust in both employers and government institutions among undocumented workers. This, in turn, discourages them from seeking assistance or reporting labor violations.

Wage theft is a complex issue that intersects with immigration policy, labor law enforcement, and social justice, making it essential to work collaboratively across various sectors to find sustainable solutions. Several non-profit organizations like Border Workers United go out to educate the community. Border Workers United offers "Know Your Rights" training, leadership development, economic justice training, and presentations in communities and businesses," says Sanchez. Border Workers United advocates for workers who have

experienced wage theft by organizing protests or rallies in front of businesses to recover salaries and educate the public through social media posts about their rights as workers. "We also organize communities to advocate for their own rights through calls of action, getting communities civically organized and building infrastructure for immigrant justice movement and challenging anti migrant policies," says Gonzalez.

2.2 Employer Exploitation

Unscrupulous employers may intentionally engage in wage theft practices, knowing that the consequences are minimal and that they can continue to exploit vulnerable workers with impunity. According to the study by Latina Domestic Workers in the Texas-Mexico Border Region published in 2018 "60 % of live-in workers reported they were pressured to work more than their scheduled hours." These same workers reported being paid less than agreed to or not at all. The numbers are even worse when it comes to on-the-job abuse, with "31% of these workers also reported [being] physically hurt by an employer on the job, compared to 7% of workers who lived in their own homes."

Some common types of employer exploitation that fall under wage theft that are highlighted in my film include giving no overtime pay and misclassifying undocumented workers as independent contractors or underreporting their earnings to evade tax and labor law requirements. Undocumented workers may be subjected to unsafe working conditions, as they may be less likely to report safety violations out of fear of retaliation. In Texas, employers will bypass worker laws by not registering their employees to avoid paying minimum wage and overtime wages according to state laws. "Employers frequently attempt to circumvent their responsibilities to pay workers minimum wage or overtime by classifying them as independent contractors. Employers do this either by providing Workers with an IRS form 1099, instead of

the legally required W-2, or by paying them wages, without proper state and federal withholdings" (Morales and Morales, The Labor Justice Committee, 2011). Employers use misclassification tactics to avoid "unemployment, compensation, and health insurance benefits they make the tax burden of the working relationship the employees' responsibility" (Morales, Morales, The Labor Justice Committee, 2011).

Employers know that undocumented workers are part of a vulnerable community, and they take advantage of this group of workers: "Marginalization is directly related to the social economic conditions migrants face in their communities of origins, many times, causing migration vulnerability a social condition of powerlessness" (Martínez, Daniel E, 2013). Employers know that undocumented workers will take less pay and work excessive hours without proper payment. Employers will use unlawful tactics such as threats and intimidation. Some employers may use threats and intimidation tactics to keep undocumented workers compliant, making them afraid to speak out or report exploitation. Some employers may confiscate important documents, such as identification or work permits, as a means of control over undocumented workers: "There is reason to believe that undocumented day laborers are the most vulnerable workers because they are desperate to hang onto any job in a tough market" (Sung, Hung-En, 2013). These forms of exploitation contribute to the economic vulnerability and social isolation experienced by undocumented workers in El Paso and can have a profound impact on their overall well-being. Combating these exploitative practices requires a combination of legal protections, community support, and efforts to raise awareness about labor rights.

What undocumented workers need to know about their rights is that the U.S. Department of Labor, which operates in all states, does not ask victims of suspected wage theft if they're immigrants. Work violations continue against undocumented workers without any real

consequences for employers. It is hard to protect undocumented workers in situations where there is no written contract or written statement of employment or when the work is being done in private homes. The lack of enforcement is prevalent. In some cases, there may be insufficient enforcement of labor laws and regulations related to wage theft, allowing unscrupulous employers to continue these practices without consequences. Undocumented workers are hesitant to speak out for fear of retaliation. Recognizing and addressing these contributing factors is essential to protecting the rights and dignity of undocumented workers in the labor force.

2.3 The Impact of Wage Theft

The impact of wage theft is insurmountable to undocumented workers. The abusive practice of wage theft takes a financial toll, it is stigmatizing, and it creates a social and psychological toll on vulnerable people: "A large percentage of our workers are still leaving at the end of the day frustrated because they didn't get compensated fairly for the work they've done," says Tom Power, Economic Justice Advocate with the Paso del Norte Civil Rights Project. Iborkowski writes, "This isn't only happening to low-wage workers; it's happening everywhere. It has become part of the culture here in El Paso and it's getting out of control" (Iborkowski, 2012). Tom Power is also an organizer with El Paso's Labor Justice Committee. Economic hardship plagues undocumented workers because they already face financial instability due to their marginalized status. Wage theft exacerbates their economic woes, pushing them deeper into poverty. The prevalence of wage theft erodes trust in both employers and government institutions, discouraging undocumented workers from seeking assistance. Wage theft takes a significant toll on the mental and emotional well-being of undocumented workers, leading to stress, anxiety, and a sense of powerlessness.

Wage theft is wrong. Workers should be paid for the work they are hired to perform. Federal, state, and local agencies are working to combat wage theft, but there is much work left to do. "Let's not forget that one of the reasons the United States became the most important economy in the world is because of (immigrant) labor," says Ricardo Hernandez, deputy consul of Mexico in El Paso. He continues: "Therefore, they have the right to a decent salary, to be paid on time, to have (safe) labor condition and receive attention for (medical) problems or injuries on the worksite." In the El Paso and New Mexico area, most cases of wage theft include not being paid for work completed for the terms agreed upon or for completed work during overtime hours. "Let us say you are a farmworker working in Hatch, then you are transported to another farm in Deming, that is travel time that should be compensated. Once you are at a worksite and travel for the benefit of the employer, that is paid time," says Ismael L. Camacho, a staff attorney at New Mexico Legal Aid.

Workers are entitled to be protected by labor rights laws regardless of whether they are documented or undocumented. Employers know the laws. The work done by non-profits and federal and state stakeholders is crucial. Combating wage theft takes creating awareness. Community organizations and advocacy groups can play a pivotal role in educating undocumented workers. Advocacy efforts should focus on extending legal protections to all workers, regardless of their immigration status. Collaboration with local and state governments is crucial in achieving this goal. Stricter enforcement measures and penalties for employers engaging in wage theft can act as a deterrent and protect the rights of undocumented workers.

Undocumented workers in El Paso, Texas, endure a complex web of challenges, with wage theft being a prominent issue that demands immediate attention. Recognizing the problem's extent, its root causes, and its far-reaching impact is the first step toward fostering a more equitable and just community for all residents, regardless of one's immigration status. It is

incumbent upon local and state authorities, advocacy groups, and concerned citizens to work together in pursuit of fair labor practices and social justice for the undocumented workforce in El Paso.

2.4 Film Approach

My film approach entails showing narratives from individuals who experienced wage theft as undocumented workers. It is important to hear the voices of the voiceless. Each person I interviewed had the same outcome: non-payment for completed work and/or non-payment of overtime hours. In all these interviews, the lack of immigration status was the common factor. I wanted the audience to understand the common occurrence of wage theft here in the El Paso community. The interviews with community stakeholders, non-profit leaders, law enforcement, and attorneys helped to frame the issue. Some films and media on the topics of undocumented immigrant workers and labor issues that have inspired me for my own film include: *24-Hour Workday* which closely aligns with my goal of telling the stories of undocumented workers; *Building the American Dream: A Documentary* and *The Hand that Feeds*, both of which explore the fight for civil and equal rights and shed light on the outreach and advocacy work that non-profits do to support undocumented workers and their families; the Vice News story, “Wine Country's Undocumented Workers Can't Get Federal Aid,” which depicts how undocumented workers are ineligible for aid in the event of a natural disaster. This story directly correlates with my mission to dispel myths about the aid available to undocumented workers. In many cases, undocumented workers do not qualify for aid, food stamps, or any financial assistance, debunking misconceptions about their impact on the economy.

CHAPTER 3

CONCLUSION

By presenting a comprehensive view of the issue, my documentary film, “Working in the Shadows,” can inform policymakers, advocacy groups, and legal experts about the urgent need for reforms and better enforcement mechanisms to protect the rights of undocumented workers. My film will empower the local community in El Paso, Texas, by shedding light on an issue that affects undocumented workers directly. It can inspire grassroots efforts and community initiatives to address wage theft and support affected workers.

This film will bridge the gap between academia and the real world. It takes academic research and transforms it into a medium that is accessible and engaging for a broader audience, contributing to a more informed and socially conscious society. By addressing the questions and gaps in scholarship, this project may inspire further research and investigation into the

complexities of wage theft, immigration, and labor rights, not only in El Paso but in other regions facing similar challenges.

In summary, this documentary film is important because it serves as a powerful tool for social awareness, advocacy, and change. It brings attention to critical issues, empowers marginalized communities, informs policy discussions, and contributes to both academic scholarship and public understanding. By doing so, it aims to make a tangible impact on the lives of undocumented workers and the broader community in El Paso, Texas, while inspiring a wider conversation about labor rights and immigration on a national scale.

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VITA

Christe Lattimore-Staple is a professional multi-media journalist and filmmaker. Christe has a Bachelor of Arts degree in Communication from Columbus State University. She is a certified filmmaker from the Georgia Film Academy. Christe is a graduate of the Latin American Border Studies Program from the University of Texas at El Paso. Christe's current role is the Public Affairs Officer for the El Paso Veterans Affairs Department. Christe is a published journalist and TV news broadcast professional. She has reported news for the Department of Defense in Europe, covering the U.S. Army. She has also covered mission training for the United States Army Sergeants Major Academy at Fort Bliss, Texas, and the United States Military Academy at West Point.

In the U. S. Virgin Islands, Christe produced and directed documentaries, special programming and worked as an on-air correspondent for PBS. Christe has worked as a reporter and producer for several news stations. She has covered stories on immigration, food insecurity, Veterans' issues, economic disparities in communities of color, economic relief for small business owners, equal pay for women, voting rights, and education issues.