

Workers and Labor Advocates File Charges for Wrongful Firings *Employers Disregard State Law Directing Proper Use of Employee Verification Tools*

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Chicago – Former employees of Red Roof Inn, Chicago were fired on May 31, 2009 without justification because their personal information did not match the records in an employee verification tool which was improperly and illegally used by the Company. The Company did not follow proper protocols when using the tool which is estimated by an independent study to be riddled with over 17.5 million errors. In Illinois, to re-verify existing employees' employment records is in violation a new state law according to the Right to Privacy in the Workplace (IRPWA). An employee of Randstad, an Illinois temporary staffing agency, was similarly fired on September 15, 2009 by his employer after they misused the E-Verify system.

Public Act 096-0623 was enacted into law August 24, 2009 and strengthens the current IRPWA by addressing various aspects of employee privacy protections. These protections include prohibitions on employers misusing the system to check the social security numbers of current employees; prohibiting discriminatory use of the E-Verify or *other federal employment eligibility verification systems* (EEVS); making employees aware that the employer is participating in the federal program which relies on the Social Security Administration's seriously flawed database; and requiring employers to affirm that they have been trained on proper use of the EEVS system. The limits imposed on the use of E-Verify and other federal EEVS in the workplace are the result of an independent study which found the systems were substantially unreliable in determining an employee's immigration status, particularly for foreign born citizens and legal residents. See Westat, *Findings of the Web Basic Pilot Evaluation*, available at <http://www.uscis.gov/files/article/WebBasicPilotRprtSept2007.pdf>

"We are here today filing charges with the Department of Labor for being fired after our information was not matched against an internal system after having already worked at the Red Roof Inn for 14 years," said Margarita Sanchez, former Red Roof Inn Worker. "We were given no opportunity to clarify our status and get an explanation by the Company."

The Chicago Workers Collaborative, Working Hands Legal Clinic, Warehouse Workers for Justice, and UFCW Local 881 have come in support of worker rights in a demonstration to support charges being filed with the Illinois Department of Labor by the workers. Employers are increasingly using these EEVS's against employees to achieve cost savings, eliminate permanent positions in favor of temporary staffing workers, or break workers efforts to organize a labor union. Though the rules of the EEVSs limit employer checks of work-eligibility to only new-hires, companies, or third-party vendors hired by the companies, illegally access these databases to check the names and numbers of employees, find discrepancies and then suspend or fire the employees. Firings are often coated in the pretext that the employers are

adhering to immigration laws, but the reality is that the companies are either getting rid of higher-paid workers with accrued benefits and replacing them with new employees at the bottom of the benefit/wage scale or retaliating against workers who attempt to organize for representation through a labor union with the goal to break the organizing campaign.

“It is incredibly important that employees know their rights and employers understand their obligations when employment verification tools are used” said State Representative Lisa Hernandez. “Employers must put in place proper protocols to ensure they do not have charges filed against them because they were not aware of the new state laws. Employers would be better served to make note of PA Public Act 096-0623 to ensure they are not wrongfully or mistakenly firing employees.”

“Day in and day out we come across cases where workers are being fired because the employer did not follow proper protocol. Protections under the Right to Privacy and the Workplace Act and the Human Rights Act that were championed by organized labor, specifically the United Food and Commercial Workers Local 881 because of the need to ensure that employees have recourse in this environment ” said Tim Bell, Chicago Workers Collaborative. We are thankful for their support and vision to protect all workers.

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