

The Gringos' Guide to Hispanics in the Workplace

BY

Jacob M. Monty

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To my great grandfather, Ireneo Bonuelos, who left Tule, Zachatecas during the Mexican Revolution—I am grateful for his sacrifices in getting to America and making it our home.



Ireneo Bonuelos (second from the left) took a journey to better his family's life. He was a skilled mason who traveled throughout the United States building buildings. The photo was taken at a construction site in Charleston, South Carolina. My grandmother, Juila B. Carrizal, was born in Charleston in 1918.

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Contents

About the author Jacob Monty...X

Introduction: Knowledge is power: Why you, the employer, need this book now...X

Chapter 1: Don't ignore the Hispanic wave—and risk getting swamped by Hispanic-savvy competitors...X

Chapter 2: Cultural ignorance and insensitivity embarrass management and workers alike—and cost money...X

Chapter 3: Careless communication can cause crises...X

Chapter 4: How being careless about immigration regulatory compliance, workplace safety, wage and other laws can cost you plenty...X

Chapter Five: Sexual harassment as an employee benefit: Beware of Hispanic managers who see subordinates as perks...X

Chapter Six: How to find and keep good Hispanic employees...X

Chapter Seven: Unionization—sí o no? Letting workplace issues simmer can drive Hispanic workers to unions...X

About the author

Jacob Monty serves as managing partner of Houston-headquartered Monty & Ramirez LLP, an employment, labor and immigration law firm focused on representing companies with large Hispanic workforces. He has worked for companies with large Hispanic workforces for 18 years, defending them in lawsuits, investigations by Federal and state agencies, and helping them win union elections. He is passionate about defending his clients and also about the Hispanic worker. His clients range from family-owned enterprises to publicly traded companies. He brings a wealth of real-world knowledge to the reader. Professional exploits include defending employers involved in some of the largest raids and investigations by Immigration Customs and Enforcement, and successfully winning for companies some of the most contested union elections. Jacob is also a vigorous Latino advocate. He was offered the then INS Commissioner position by President George W. Bush in 2001, but chose to stay in private practice. He also organized the first Latino Safety Summit in Charlotte, North Carolina, in 2004. His expertise on Latinos has been sought after by the Bush White House and many political campaigns, both Republican and Democrat.

Introduction:

Knowledge is power: Why you, the employer, need this book now.¹

“Many of the serious errors I have seen in my two decades representing employers with large Hispanic workforces have been perpetrated by good-hearted employers who did not acknowledge the unique background features, social norms and histories of their Latino workers.”

This book is informed by my 18 years of experience on the frontlines of Hispanic labor issues and litigation. It tells employers how to hire, treat and maintain their Hispanic workers—not only to keep within the law and keep managers from making costly mistakes, but also to harvest the great competitive advantages offered by Hispanic employees.

America is changing. A great wave of Latin American immigration—which rivals that from Europe in the late 19th and early 20th centuries—continues to alter the United States politically, socially and economically. That, coupled with higher Hispanic birth rates, leads the U.S. Census Bureau to predict that by 2050 Hispanics will account for nearly a third of our population. What is more, by 2050, one half of the U.S. workforce will be Hispanic.

¹ “Hispanic” and “Latino” will be used interchangeably throughout this book.

For you, the employer, to stay on top of that wave—to remain competitive, retain good people and get the most out of them—you, too, need to change. To reap the many benefits of Hispanic power in the workplace—and to avoid legal hassles and costly litigation—the savvy employer has to learn how to listen to, talk to, and work with a wildly diverse U.S. Hispanic workforce. This group has family and cultural issues that need special awareness to effectively mine their astounding productivity. This book—coupled with effective legal counsel—can help you do that and become even more successful.

If you're not taking full advantage of the many benefits Hispanics bring to the workplace, you're falling behind. Already many industries—from restaurants to farming, from carpet installation to roofing—rely on Hispanics for knowledgeable and industrious workers. But Hispanics work well with their hearts and minds as well as their hands, and increasingly businesses depend on Hispanic managers, marketers and strategists to address a fast-growing Hispanic consumer market and buying power, both here and abroad.

Hispanic employment in the U.S. has been growing at a 16 percent annual average over the past decade, and more than a third of total U.S. job growth belongs to Hispanic applicants. But this great influx of Hispanic workers—many who are new immigrants—has brought with it new realities for their employers. Immigration issues, safety concerns, differing workplace conventions, and cultural differences all can overwhelm businesses hiring Hispanics. In addition, ever-increasing government regulation and scrutiny of the workplace—from ICE (Immigration and Customs Enforcement) to OSHA (Occupational Safety & Health Administration), the IRS and more—has complicated human resources functions for businesses. And being lax about the law has cost some employers plenty—from stiff government penalties to multimillion-dollar judgments in discrimination and harassment civil suits. Some businesses have even gone bankrupt as a result.

But forewarned is forearmed. In the following pages we strive to alert employers to some of the common missteps others have made in hiring Hispanics and to inform them of best practices to get the most out of their Hispanic workers. You'll learn about:

- the value and benefits in employing Hispanic workers.
- the extent of Hispanics in the workforce.

- pitfalls and common mistakes that undermine worker morale, productivity and retention.
- risks involved—and how to avoid sanctions and lawsuits.
- methods to keep a legally compliant workplace.
- varied Hispanic cultures, the law in their home countries, and more.

However, just reading this book alone isn't sufficient. The stakes are high—your very survival as a business could depend on doing the right thing at the right time. An ounce of prevention—that is, some competent legal advice upfront—could save you tons of costly legal cures down the road. Many of the serious errors I have seen in my years of representing employers with large Hispanic workforces have been perpetrated by good-hearted employers who did not acknowledge the unique background features, social norms and histories of their workers.

Nonetheless, the forecast for hiring Hispanics is bright. Our great melting pot is being fortified with a resilient and ambitious element—the Hispanic worker. The wise employer will recognize that and take advantage, to everyone's benefit.

Chapter 1: Don't ignore the Hispanic wave—and risk getting swamped by Hispanic-savvy competitors.

“Hispanic workers help hold America together and provide great benefits to their employers...thanks to their many skills, strong work ethic and family values.”

Understanding the varied Hispanic cultures and the law—both here and in the home countries of immigrant workers—can help employers capitalize on the great value Latinos bring to the workplace.

One of the biggest changes to hit New Orleans and the Gulf Coast a year after Hurricane Katrina hit was the greater prominence of Hispanics. Previously, New Orleans and the southernmost portions of Mississippi and Alabama were never strongly identified by their Hispanic populations—unlike Texas and Florida, which bracket the area. But in the wake of the disaster, the wave of Hispanic faces signaled a notable transformation. Early in the city's recovery, New Orleans Mayor Ray Nagin said that one of his worries was that the city was going to be "overrun by Mexican workers."

Most citizens there did not have the same worry. They recognized that the Hispanic workforce was doing much of the heavy lifting in rebuilding New Orleans and

making a visible difference. As one patron of a local coffee shop put it: "They're real hard-working. There is work to be done, and they are eager to do dirty jobs that many others shun."

Mayor Nagin later backed off his comment, adding that he welcomed all workers who were putting the battered city back together.

Good workers at reasonable rates

The fact is: Hispanic workers help hold America together and provide great benefits to their employers—and not just as temporary laborers—thanks to their many skills, strong work ethic and family values.

Hispanic immigrants are often eager to secure year-round, permanent full-time work rather than the itinerant jobs that they often find in the agricultural sector—and often possess surprising skills that can be a real plus for employers. For example, often hailing from rural areas where many families raise livestock, many know how to handle animals, and working with farm animals is second nature to them.

In the mid-1990s, dairy farmers found this out. Faced with high turnover and low reliability of local workers, they began to hire Hispanic immigrants and found that they were reliable and had a tremendous work ethic. As one dairy farmer put it, immigrant workers “are in the barns when it's minus 10 degrees and when it's 95 degrees and 95 percent humidity.” Today many dairy farmers can't imagine operating without them.

However, Hispanic workers aren't just hard working because they're Hispanic—they're hard working because they are immigrants. It's the immigrant attitude that built the United States, whether the immigrants were Irish, Polish, Italian, Asian, African, or Hispanic. Most immigrants today are Hispanic.

Hispanic workers often see the U.S. as a land of opportunity. Although many immigrants arrive looking for work as a means to help their families back in their native country, not having been born in the U.S. they often see other opportunities and possibilities that natives take for granted. And many play to win. The rise in Hispanic-owned businesses is well documented. Among many immigrants the prevailing point of view is; *“[p]ara triunfar en la vida, no es importante llegar primero. Para triunfar simplemente hay que llegar, levantándose cada vez que se cae en el camino.”* “To succeed in life, it is

not important to arrive first. To succeed, simply lift yourself up each time that you fall.” The English equivalent is “fail fast, learn from it and remain determined in the face of obstacles.” This attitude and a multicultural background give many immigrants a perspective and creative ideas that locals may lack.

The growing influence of Hispanic workers—and their importance in U.S. labor and consumer markets.

“Throughout the U.S., people in restaurants think they are eating French food cooked by French chefs or sushi prepared by a Japanese sushi chef, when in reality there are Mexicans in the back of the house. Over the past ten years, I have tested this out. In some of the most fancy U.S. restaurants, I ask for jalapeños to determine whether there are Mexican chefs in the back. Almost every time, the kitchen has produced jalapeños. I have only been told no twice, and in both cases, the waiter informed me that even though they had them in back, they were not allowed to serve them.”

Hispanics represent a significant part of the U.S. workforce and can be seen at all levels. And while the recent economic downturn has slowed job growth for all workers, the Hispanic workforce continues to expand.

According to the Economic Policy Institute, from 1973 through 2010 Hispanics had the highest labor force participation. This is based upon the Bureau of Labor Statistics' “Current Population Survey” of the labor force participation rate among Blacks, Whites, and Hispanics age 16 and older. Until recently, Hispanic employment had been growing at some 16 percent annually, compared to the general population's employment growth of 2 percent on average, according to HispanTelligence. Latinos represented 15 percent of the workforce in 2010. Also, eight out of ten Hispanics work in the private sec-

tor. The Pew Hispanic Center determined that the number of Hispanics counted in the 2010 Census was nearly one million more than expected, based on the most recent Census Bureau population estimates.

Mexican and Central American men here have the highest labor-force participation rates of all male work groups, including Anglos. Clearly, the stereotype of the “lazy Mexican” is a lie. According to a study by the Organization for Economic Cooperation and Development (OECD), Mexicans—women in particular—work longer hours than anyone else in the developed world. When looking at paid and unpaid labor for domestic work such as cooking and cleaning at home, Mexicans work ten hours a day. The average of all OECD countries is eight hours per day. The American workday clocks-in at eight hours and 26 minutes, while Belgians work the least at seven hours per day.

A combination of factors affects the types of jobs they hold, how much they earn, and their employment opportunities. Mexican and Central American men also have the lowest level of education of all Hispanics and are most likely to be concentrated in service jobs vulnerable to changes in the economy. Both Hispanic groups also count the foreign-born as a higher proportion of their populations, which often implies limited English fluency and poor employment networks.

From tiny towns in Iowa to the Carolinas, Hispanics seem suddenly to be everywhere—including unlikely occupations where the workforce is almost exclusively Hispanic, such as butchers and food-processing workers. The Department of Labor reports 80 to 90 percent of workers in the food-processing industry are Hispanic. Throughout the U.S., people go to restaurants thinking they are eating French food cooked by French chefs or sushi prepared by a Japanese sushi chef, when in reality there are Mexicans in the back of the house.

Perhaps more than any other industry, the restaurant industry has always welcomed Hispanics and truly values their contributions. Even people with limited proficiency in English but with a strong work ethic have an opportunity to excel. Consequently, numerous positions in the restaurant industry have become Hispanicized or Mexicanized. In the hospitality industry, Hispanics represent 25.1 percent of the workforce compared to African Americans at 10.5 percent and Asian Americans at 5.9 percent. In fact, Glen Garey, General Counsel of the Texas Restaurant Association has

said that, “[t]he Hispanic workforce is the backbone of the restaurant industry, and the industry returns the favor. Research by the National Restaurant Association shows that restaurants employ more minority managers than any other industry, and that Hispanic restaurant ownership has increased 42 percent in the past five years.”

In the construction industry—a net importer of more than 400,000 laborers over the last decade—certain jobs have become almost entirely Mexicanized or Hispanicized. For example, three out of every four new carpet-layers were Spanish speakers. In drywall hanging, two of every five workers are Hispanic. Immigrants accounted for virtually all of the 52,000 jobs added during the period. Hispanics comprise one-fourth of the U.S. construction workforce compared to African Americans at 5.5 percent and Asian Americans at 1.2 percent.

In the professional world, Hispanics account for 13 percent of the general U.S. professional workforce population while African Americans represent 5.7 percent and Asian Americans 9.8 percent.

Hispanics in the U.S.—varied and widespread

The Hispanic population residing in the United States has doubled since 1980, and Hispanics are predicted to continue as the largest minority in the United States. But that minority has its own minorities. According to the *Population Bulletin Update* “Latinos in America 2010,” two-thirds of Hispanics in the U.S. are of Mexican origin. Puerto Ricans make up the next largest group, followed by Salvadorans, then Cubans, Dominicans, Guatemalans, Columbians, Hondurans, Spaniards, and finally Ecuadorians. Together, these ten groups make up 94 percent of all Latinos.

Official 2010 U. S. census numbers show that Hispanics make up some 16 percent of the U.S. population, or one in six people (up significantly, some 43 percent, from the last census in 2000, when about one in eight people were Hispanic). That’s approximately 50.5 million Hispanics officially counted as living in the U. S. This number does not include all undocumented Hispanics, which brings the number of Hispanics in the U.S. as high as 20 percent of the population. (Experts estimate there may be over 12 million undocumented Hispanic immigrants in the U.S.) According to the U.S. Census, there are more Hispanics living in the United States than the total population of Canada (32

million). Hispanics also accounted for a bulk of the nation's population growth from 2000 to 2010: some 56 percent.

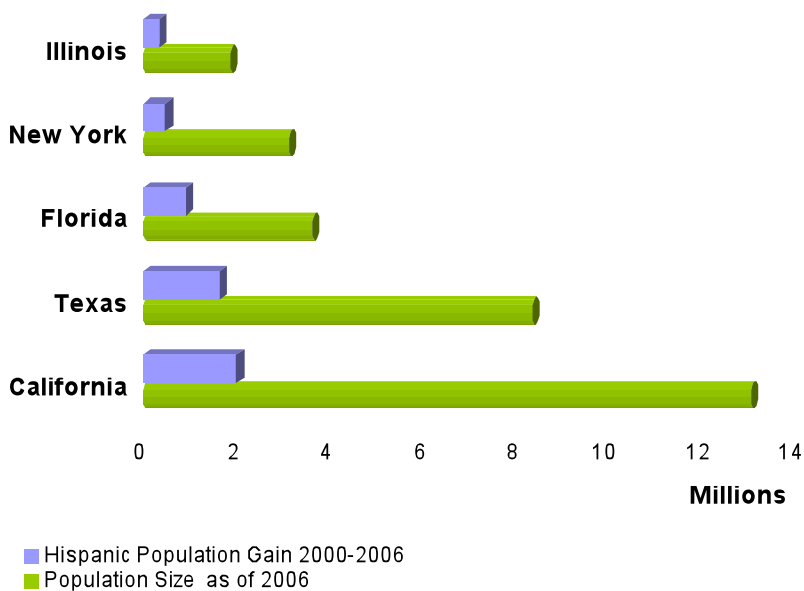
The growth of Hispanics here has not been isolated to Texas or the Sun Belt. In North Carolina, the Hispanic community has grown by almost 400 percent in recent years. Other states, like Iowa, Nebraska, Wisconsin, and Oregon have posted similar Hispanic growth rates. Even New York City, which has always had a large Hispanic population, boasts a 35 percent increase in Mexicans.

One driving force behind the Hispanic communities' growing population is its youth. In 2010, Hispanics made up 23 percent of people under the age 18, which rose from 17 percent in 2000. While the average age of the general U.S. population is 36.9 years, the average age of the U.S. Hispanic population is only 27 years, according to the U.S. Census. Hispanic youths account for 18 percent of the total U.S. population. There are five times as many children under 15 years old than persons 65 and older among Hispanics. In contrast, there are about an equal share of children and elderly in the White population. Thus, among Hispanics there is a large portion of the population that is or will be in the childbearing ages—ages 15 to 44—and a large share are young and, thus, have lower mortality. 22 percent of the U.S. population under five years of age is Hispanic. By 2030, an estimated one in every five people ages 50 to 69 in the United States will be of Hispanic origin.

Hispanics are resident in every state. However, according to 2010 U.S. Census figures, three of four Hispanics now live in the nine states with long-standing Hispanic populations: Arizona, California, Colorado, Florida, Illinois, New Mexico, New Jersey, New York, and Texas. That figure is down from 81 percent ten years earlier, indicating that Hispanics are dispersing to other parts of the country, particularly the Southeast. For example, Hispanic populations more than doubled in Kentucky, Alabama, Mississippi, Arkansas, South Carolina and North Carolina since the 2000 census. There are five states with a minority as the majority population. These include Hawaii (75 percent minority), California (57 percent), New Mexico (57 percent), Texas (52 percent), and the District of Columbia (68 percent). California, Texas and Florida lead with the largest Hispanic populations: 13.1 million, 8.4 million, and 3.6 million, respectively. And ten other states—Arizona, Colorado, Georgia, Illinois, Nevada, New Jersey, New Mexico, New

York, North Carolina, and Washington—each have at least half a million Hispanic residents. Los Angeles County is reported to have the largest Hispanic population of any county in the United States, with 4.7 million Hispanics. Indeed, as confirmed by the 2010 US Census and Mexico Census, more Mexicans live in Los Angeles County than Mexico's second largest city, Guadalajara.

Top Five States by Hispanic Population 2000-2006



Source: U.S. Census Bureau, Population estimates, July 1, 2000 to July 1, 2006

These numbers present an interesting market opportunity for businesses. Hispan-Telligence reports that purchasing power of Hispanics is growing at a rate of 7.5 percent, more than twice as fast as the 2.8 percent rate for total U.S. disposable income. At this pace, Hispanic consumer levels will have likely exceeded \$1 trillion in 2010. Savvy managers will want to tap this growing market segment to increase profits.

Great value in Hispanic workers

“Retailers, banks, and real estate and insurance companies are now seeing the wisdom of hiring Hispanics to attract and retain this coveted Hispanic customer base.”

With rising awareness of the size and staying power of the Hispanic population in the United States, businesses wishing to capture that segment have begun to move beyond just using marketing gimmicks to bring Hispanic customers to their doors.

Retailers and direct service providers, such as banks and real estate and insurance companies, are now seeing the wisdom of hiring Hispanics to attract and retain this coveted customer base. Clearly, a bilingual employee can bring down barriers (or objections to sales) almost instantly by speaking the customer's primary language. But beyond providing that comfort level to customers, it is his or her implicit understanding of Hispanic cultural values that helps keep those customers coming back.

It's no surprise that Hispanics, with many coming from a native agricultural economy and lacking in English language skills, represent 19.4 percent of the agricultural workforce in the U.S. (while African Americans represent just 2.7 percent and Asian Americans 1.2 percent.)

Currently, the average hourly wage for dairy workers in California is \$11.38. Even though the minimum wage is far lower, it's likely that a lot of homegrown 18-year-olds would prefer to work at McDonald's for minimum wage rather than milk cows. Not so with many Hispanic immigrants.

According to a recent *Wall Street Journal Online* article, “Got Workers? Dairy farms run low on labor,” farmer Ray Souza credits immigrants like Jesús Rodriguez, an employee for nearly 20 years, for saving the U.S. dairy industry. “I haven't had a non-Hispanic want to do this work in 10 years,” says Souza, himself a descendent of Portuguese immigrants, a group that helped turn California into the nation's largest dairy state.

On Souza's 250-acre farm, people occasionally drop by looking for work. “Once Americans get the job description, they lose interest real quick,” he says. So six out of the eight employees are Mexicans. They deliver calves, milk cows and scrape manure.

“There is no farm in this country that could continue without Mexican labor” said Robert Ray, a Crawford County farmer who for years led the agricultural committee in the Georgia House. He made this statement in 2011 at Legislative hearings in Georgia. In addition to Georgia, farmers in states from Florida to Indiana are putting pressure on legislators to rethink proposed legislation that would authorize crackdowns on illegal immigration.

Why recruiting Hispanic workers is good for business.

Hiring Hispanic candidates can give your business a competitive advantage beyond the hard-working immigrant work ethic and reasonable wage rates.

The Hispanic community is tight-knit. Hispanic employees who are happy working for your company are likely to become a valued source for additional employees. Not to be discounted is the fact that often small businesses, suppliers and members of organizations in need of your services are likely to choose your company over your competitors simply because they trust your Hispanic employee.

In a service-oriented environment such as retail, banking or insurance, Hispanic-to-Hispanic customer relationships are valuable, if not vital. Employees who understand the needs of their customer base—partly because they were brought up with the same values and partly because they know what questions to ask—are a great asset to their employers. For instance, they can point out to employers that tableware sets for eight people may be inadequate for Hispanics, who tend to have large families and whose meals often include members of the extended family, and to market larger sets. Or, that it is important to offer a greater variety of petite sizes when Hispanic customers tend to be shorter than the average American. Or, that a different approach is needed to lend money to individuals who save considerable amounts of cash but have failed to establish a formal credit history.

In the restaurant industry, where certain back-of-the-house positions have become Mexicanized, it is not an unlawful ethnic hiring preference responsible for this trend, but instead a reflection of the fact that (1) Hispanics are the individuals applying for these positions; (2) once they apply, they intend to stay; and (3) they recruit other Hispanics to work in the same establishment.

By focusing on culturally sensitive practices, you will be well equipped to improve the effectiveness of your Hispanic hiring efforts and increase your Hispanic customer base.

Chapter 2: Cultural ignorance and insensitivity embarrass management and workers alike—and cost money.

At the time it seemed like a good idea, to the owner of an independent non-union grocery store, to organize a Friday Employee Appreciation Picnic for her mainly Hispanic workforce. Her picnic would offer the workers a chance to mingle with their families and celebrate their prosperity, while enjoying free barbecue and refreshments. But when not a single employee showed up for the catered picnic, she thought the worst: the union had gotten traction with her employees and convinced them to boycott the event.

However, the truth about what occurred was far more benign—but still damaging to employee relations: She had slated the picnic for the Friday before Easter, Good Friday, when her workers were involved in church and family rituals—and hardly inclined to be wolfing down slabs of meat, forbidden on that day for many Hispanic Catholics.

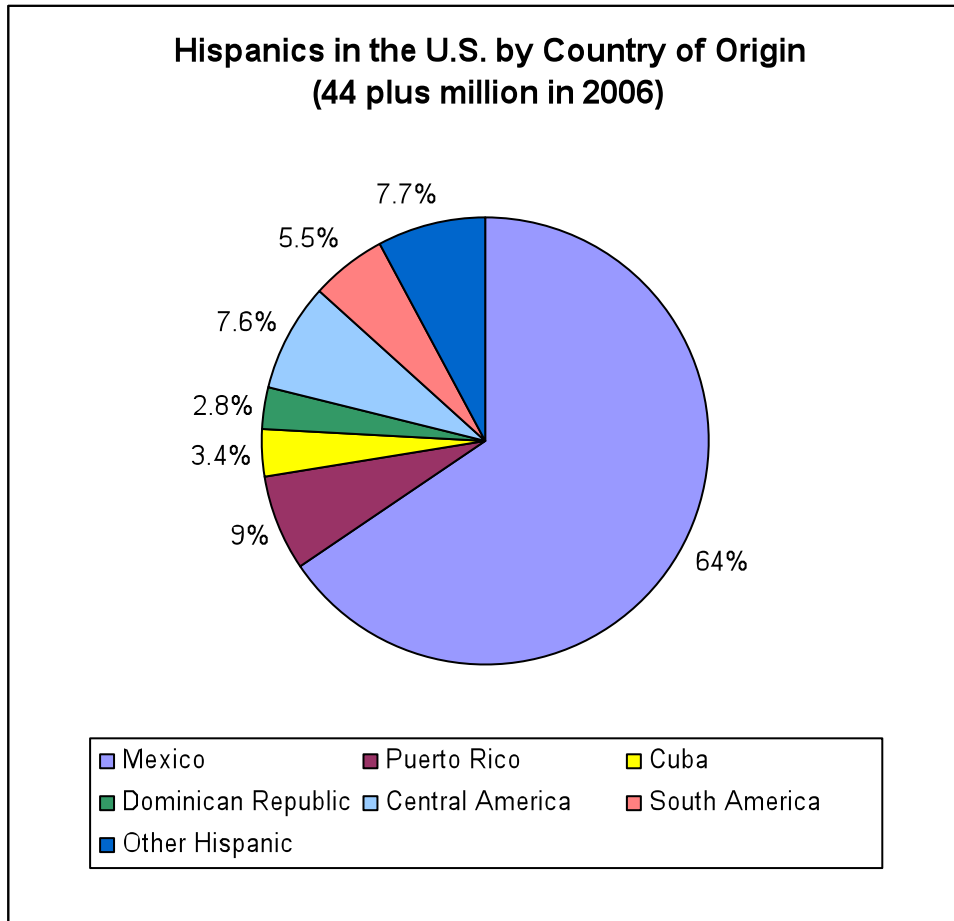
It could happen to you as well. In your well-meaning yet ill-informed efforts to improve employee relations, you could not only damage employee relations but also inadvertently break discrimination laws. Lacking familiarity with and sensitivity to your Hispanic workers' culture can cost you time, workers and money. However, with some un-

Understanding of the varying Hispanic cultures, you can find and nurture factors that will help build employee morale, loyalty, productivity and retention.

With varied Hispanic cultures, find common factors

Too many times employers treat all employees alike. After all, one of the tenets of the Civil Rights Act of 1964 is to treat everyone the same. However, this mandate has some limitations. Not all traditions and cultures, especially among the Hispanic population, are the same.

When an overwhelmingly Hispanic workforce is first generation or composed of immigrants, employers must take into consideration that Hispanics are a heterogeneous population representing many nationalities and ethnicities, including Mexicans, Cubans, Dominicans, and persons from twenty other Central and South American countries, Spain and Puerto Rico. Latin America's diversity means that U.S. employers must deal with the immigration of people from vastly different cultural and social backgrounds. The non-Hispanic employer, supervisor or manager may struggle to keep up with all of those differences.



Source: U.S. Census Bureau, 2006 American Community Survey

First, since many immigrant workers do not know English, the manager or supervisor must devise a plan to address any communication barriers. Second, attention must be paid to inherent characteristics of the Hispanic community—important characteristics that affect how you as a supervisor or manager interact with your Hispanic workers, especially first-generation Hispanic workers.

Where are your workers from? Calling them “Mexicans” when they are from El Salvador does not engender good will. Once, a supervisor who went the other way by calling his employees “Spanish,” because according to him his parents raised him proper and he would never use the term “Mexican.” The problem was two-fold. “Mexican” is not a bad word and in his case, his workers were from Guanajuato, Mexico. Calling them “Spanish” was not a compliment. Little things like knowing where your workers are from means a lot.

Hispanics tend to identify with the state, town, and even neighborhood they are from. For example, with regard to Mexicans, there are great differences among the 27 states in Mexico. People from Durango are generally taller, independent, and very loyal to friends. People from Mexico City—the largest city in the Western Hemisphere—are smaller, quick talking, and sophisticated. Knowing these differences is important.

Once, I was called in to take over an election for a company whose union election was going badly. The client had been using a premier mega-firm and a union consultant who was Cuban. The Cuban consultant had alienated the Mexican and Salvadorian workers, who felt lectured to during meetings. To remedy the situation, I brought in a Mexican consultant from the same Mexican state as the majority of the workers. As a result, the election was saved. The company won 42 to 21. Understanding the importance of origin is vital to understanding your Hispanic workforce.

Studies show that while Hispanics do have differences among themselves and with the non-Hispanic population, Hispanics essentially want the same things that other Americans want. The differences are important, but need not be divisive. So what can an employer do?

Find a common factor that helps compel your diverse workforce to work together for the company. Language, music, style, and cultural practices are the currencies with which people define their identities and establish social capital. Common things like food, sports, and children are a starting point. Knowing these factors and taking advantage of them appropriately can help your business deal with productivity, motivation, and participation issues. Simple things, like sharing a meal with your Hispanic workers, are a big deal. Eating their food shows you have an appreciation for them and their culture.

Once, a union organizing drive was started because the company's CEO slighted Hispanic workers by refusing to attend their Christmas party. The CEO added insult to injury by returning several bottles of tequila and tamales that were brought to him after the party. He cited the newly issued ethics policy as reason for the refusal. This kind of behavior will undoubtedly cause problems with a Hispanic workforce. Company managers and officers must be advised to be more tactful, act reasonably, and enjoy the food.

Conversely, don't let others—the Department of Labor, unions or the Equal Employment Opportunity Commission (EEOC)—define common factors for you. Inceas-

ingly, issues like immigration, labor laws and Pan Latino political power have created a sense of unity among Spanish speakers in the U.S.—often to the detriment of employers. Do not let a third party find a common factor that pits your Hispanic workforce against your company. Be proactive.

To do that effectively, you need to understand your workers. The following are some practical things to consider.

Cultural factors

“Visiting employee work areas on a regular basis and thanking them personally for their good work can go a long way toward increasing their loyalty.”

Company background. Many employee handbooks have a section that describes the company. This is an important page for many Hispanic workers. For the immigrant worker, knowing about the company—who started it, who runs it, what are its products and services, and who and where are its clients—is fundamental. Hispanic immigrants often come from countries where the identity of a company's founder is celebrated and cherished in the workplace. They tend to value knowing who the founder and key managers are so they can identify personally with them and talk about their accomplishments with family and friends. After all, Mexican and Central American cultures tend to place a great deal of importance on hierarchy and class. Informing immigrant workers about the leaders of your company will help your workers identify with the company. Merely saying that company X is owned by a private equity group out of Chicago is not enough.

Another suggestion is to take advantage of training sessions, company celebrations, and recognition ceremonies to repeat stories of successful employees who stand out because of acts of heroism, top-quality performance, and abilities that represent the company's core values. These stories can help your employees feel appreciated and encouraged to imitate high performers. Regarding giving encouragement, Mark “Smoky” Heuston, HR Director at Dakota Provisions, agrees and adds, “Caucasians get their job satisfaction or status from their job title or their amount of pay they receive whether they are

good at their job or not. Hispanics get their job satisfaction from everyone else in their area knowing that they can actually do the job better than everyone one else. This is why if you praise them in front of others you get results, but if you criticize them in front of others they will work hard while you are standing there but will get even the minute you walk away.”

Also, your visiting employee work areas on a regular basis and thanking them personally for their good work can go a long way toward increasing their loyalty. By personalizing the company to your employee, the employee will feel that they are contributing to the company's success and society in general. They will be proud to work for you and feel more connected to your company.

Diversity. A common myth suggests that diversity is simply about race, ethnicity and gender. However, government initiatives like Equal Employment Opportunity and Affirmative Action, and other efforts geared toward getting ‘them’ into the mainstream comprise an oversimplification of real issues. In practice, diversity includes such variables as education, tenure, gender, sexual orientation, language, race/cultural identity, family status, work style, appearance, religion, age, physical (dis)ability, organizational level, thought processes, personality type, and early childhood influences. Diversity training can help the bottom line by improving productivity and retention of your minority workforce. **Do realize, however, that most diversity training neglects Hispanic issues. Making use of resources such as this book ensures that you are taking active steps towards including Hispanic issues in your diversity training.**

For those Hispanics who have lived in Latin America, colonial-engendered classism, indigenous discrimination and influences, social hierarchy, and cultural and linguistic rivalries between countries define and shape the broad, diverse and nuanced immigrant population. When employers understand how heterogeneous their Hispanic workforce truly is and take all those variables into account, they can ensure a better workplace and avoid the perception that the company is simply reactive to issues of race, ethnicity and gender.

Talk to your workforce. Find out where they are from originally. Learn what soccer team they root for. Also, know whether they are watching a popular novella on television. These questions will connect you to your Hispanic workforce. Asking a worker where he is from originally is not an inappropriate immigration inquiry, but it will prevent him from calling him a Mexican when he is really from Guatemala. Also, the popularity of soccer—especially, Mexican professional soccer cannot be overstated. The most popular teams are Club America and the Chivas who are America's archrivals. It is widely known that when Chivas and America play, the games are always sold out.

Another favorite topic among Latinos is Telenovelas. More akin to mini series, they are very popular. These soap operas often have happily-ever-after themes of poor girl or guy making it rich. They end after six to eight weeks and can be very addicting. These are topics that will help you connect with your workforce. Thus, if you want to connect—embrace the culture.

Finally, try to communicate openly and directly with them (by learning a few words in Spanish or through a trusted employee who speaks Spanish), so that you discover what makes them tick and what ticks them off. These simple tactics can help you design training sessions, plan change, address problems, reduce and/or handle turnover, and, importantly, plan for expansion.

Language as a unifier. The Spanish language is the second most-commonly used language in the U.S., after English, according to the 2009 Census American Community Survey, and the primary language spoken at home by more than 35 million people in the U.S.

At first glance *Español* may seem fairly straightforward. However, that one word can have dramatically different meanings and pronunciations within one country and throughout Latin America. A Mexican sitting down to dinner with a group of Chileans or Cubans may understand little more than a non-Spanish speaker if they are using slang, colloquialisms and country- or region-specific aphorisms and dialect.

Culture cannot be pried apart from language. Language in and of itself has meaning, style, and personality. For example, Spanish speakers are expressive and often move their hands and gesture while speaking. This is more than a different way of saying

things. This is a manifestation of culture. And some things you can say in Spanish you simply cannot say in English without losing meaning or force.

Employers who understand that variations exist are ahead of the curve. In Latin America, the Spanish language will have variants dependent on the geographical zone in which it is spoken. Latin America spans vast geographical and linguistic territory. For example, while Mexicans and Guatemalans are considered to have a singing tone to their accent, El Salvadorians and Hondurans pride themselves with having the most neutral Spanish accent in Latin America. Nicaraguans on the other hand, speak very directly and with an approach that makes you feel they have known you forever.

You may be able to recognize Mexican workers because of their Spanish “sing song” quality. Yet, even in Mexico, there are more than 50 native Mexican languages and they all add to the diversity of accents found throughout Mexico. Mexican dialects will also vary dependent upon education, social level, and ethnic background. Another recognizable dialect is Puerto Rican Spanish. Puerto Rico Spanish is distinct and easily recognizable by most Spanish speakers at least. The New York metro area received a large migration of Puerto Ricans, so if you have ever heard Puerto Ricans speaking in New York and Northern New Jersey—then you should certainly be able to identify a Puerto Rican dialect. If any of your workers come from Argentina, their Spanish may sound a lot like Italian. Many of the European immigrants in Argentina were Italians.

If you have workers from Chile in your workforce, beware! Chilean Spanish has an extensive amount of words and expressions used only inside the country and in a few of the neighboring countries. It is strongly advisable not to use Chilean regionalisms because it is very easy to put your foot in your mouth and say something inappropriate. Word meanings greatly depend on tone and context, and it is extremely hard without extensive practice. Chileans also have favorite swearwords that can be intended to sound like a put-down, a friendly cajole, or a term of endearment.

If these facts show anything, it is that one word really can have dramatically different meanings among Latinos due to regional and dialectic differences. Consider the case that happened in Los Angeles recently. A Mexican man was accused of theft. His court interpreter was Argentinean. The prosecutor asked the defendant why he stole. He

stated that he was “*endrogado*.” “*Endrogar*” is a common Mexican term that means “in debt.” To an Argentinean, however, “*endrogar*” translates to “on drugs.” So, while the Mexican Defendant tried to explain that he had to steal because he was in debt. The translator replied to the judge, “I stole because I was on drugs.” Thus, being culturally intelligent and aware of the language variations that exist among your Hispanic workforce is incredibly important.

[SIDEBAR:]

Hispanics in general appreciate social conversation before dealing with business matters.

Good business meeting topic starters are:

- The family and/or children
- *Fútbol* (soccer)
- *Novelas*
- Geography
- Language
- Upcoming holidays
- Food

Avoid these topics:

- Violence and politics in their native countries
- Drug trafficking
- Immigration status

[END**SIDEBAR]**

Humor. Laughter is a powerful way of connecting with Hispanics; however, they look at humor differently than do Anglo-Saxons and their cultural heirs. Hispanics may be stereotyped as a lighthearted and festive people that like to celebrate and have fun, but their humor is often based around serious subjects.

They will try to find humor in every possible situation, often as a means of coping with adversity. They may kid around or joke among themselves in ways that may seem

extremely rude, insensitive to others, and “politically incorrect.” In reality, humor is how Hispanics often deal with stressful situations.

For example, during the recent swine-flu crisis in Mexico City, people were seen wearing protective masks with funny faces painted on them. After the 1985 earthquake that devastated Mexico City, the first jokes spawned only a few days after impact.

It may surprise some employers to learn that many Hispanics often find American humor to be silly and offensive. Employers should educate *all* their managers to take into consideration these differences.

Unique social and political norms. Historically speaking, many Latin American countries have suffered not only numerous financial crises, but also political collapses, revolutions, coups, insurgencies, and war. This reality impacts an entire country's population, not just the stock market and its international reserves. It affects routines, rights and employment matters. It is these factors that have forced many Hispanics to leave their country, home and family behind in search of new opportunities in the U.S.

While these events help shape a more resilient character among Hispanics, they have also shaped their reactions to overwhelming situations. Strikes, street protests and even student demonstrations against the system, as well as other aggressive behaviors, are incidents many have experienced.

Most of us remember the immigration reform protests that took center stage in the cultural and media landscape in 2006. Millions of people, 500,000 in Los Angeles alone, participated in protests over a proposed change to U.S. immigration policy that raised penalties for illegal immigration. Key figures in Spanish-language media, like radio personality Eddie "Piolin" Sotelo, rallied listeners to attend planned protests to take a united stand.

These protests marked a kind of cultural change that reached across the diverse Hispanic population in the U.S. by uniting classes and countries of origin in taking a stand against legislation that criminalized immigrants. The Spanish-language media and the Spanish language played an important role in the protests themselves. Signs proclaiming "*Somos Americanos!*" We are Americans! and "*Justicia y Dignidad*" Justice and Dignity were critical in defining and mobilizing the movement.

The California-based researchers Barna Group reports that compared to national norms, Hispanics are somewhat less likely to describe themselves as “mostly conservative” on political and social matters, but were no more likely than others to say they are “mostly liberal” in such areas. In other words, more and more Hispanics who integrate into U.S. norms tend to gravitate toward a middle-of-the-road ideological posture on social and political issues.

Thus, unsettling and adverse circumstances have sometimes made Hispanics apprehensive of uncertainty and stress. Consequently, to reduce stress among your Hispanic workers, keep them informed of issues that affect them. This will reduce their levels of anxiety and uproot damaging rumors.

Family. The family is probably the most sacred Latino cultural institution, with most everyone raised to respect it to the fullest. For example, the Mexican family works as a unit. You have the immediate family, Mom, Dad, brothers and sisters, and then you have the extended family, which includes, but is not limited to, grandparents, aunts, uncles, cousins, friends, *compadres* and/or *comadres*, and any other person who might be at the right place at the right time. All these people help shape the family as a whole because of their differences in age, gender, training, education, work experience, friendships, and more. In a nutshell, they give the family group its strength and cohesiveness while creating a sense of solidarity. Families ensure that the correct values, proper work ethic, honesty, respect, sense of achievement, and other core values are taught and understood from the beginning.

Immigrants often come to the U.S. holding onto an idealized image of the perfect *familia*. Over the years that picture takes on a different tone and composition due to the different circumstances that Hispanics face living in this country. Often they are forced to substitute close friends for immediate family and technology (Skype and email greetings) for their beloved Sunday family meetings and meals.

However, in the U.S., Hispanic single mothers as heads-of-household continue to grow rapidly. The U.S. Census recorded that nearly 19 percent of Hispanic families are headed by a single female. This is soon expected to reach levels experienced by African American women. Employers with a primarily female Hispanic workforce will likely feel

the greatest impact and choose to accommodate special needs—such as child care or more flexible work schedules—when possible in order to hold on to valued employees.

These forces require Hispanics to balance and reconcile their definition of *familia* garnered from their country of origin, tradition, and values, with their lives in the U.S. Savvy employers who understand these challenges can make them a place of connection, not division.

Faith and religion. Traditional Christian tenets have defined the Hispanic people as a whole for centuries. Latin America is overwhelmingly Catholic. For many immigrant Hispanics this faith is often centered on fatalism: *dios proveera*—it's in God's hands. However, it may be hard to believe this fatalism as the predominant mindset in Hispanic people when you consider their willingness to move to a new country and advance in a new culture.

Even more significant is the departure of many second- and third-generation Hispanic Americans from their Catholic tradition. Hispanics in the U.S. are becoming a more mainstream population in various ways – politically, economically, relationally, and culturally – and they are assimilating in their faith perspectives and practices as well. A 2009 study by The Barna Group revealed what demographers have long speculated: that with each passing generation, more Hispanics become Protestant.

That Hispanic culture and society are deeply intertwined with faith, and that more and more Hispanics are becoming Protestant, can best be illustrated by the example of Reverend Luis Cortés, Jr. Reverend Cortés, located in Philadelphia, is the CEO of Esperanza USA, one of the largest Hispanic faith-based Evangelical networks of Hispanic Christians, churches, and ministries in the U.S. Esperanza is committed to raising awareness and identifying resources that strengthen the Hispanic community. Reverend Cortés also serves as the founder and president of Nueva Esperanza, Inc., the largest Hispanic faith-based community development corporation in the country. With a national network of 12,000 faith and community-based agencies, Esperanza is one of the leading voices for Hispanics in America. “Part of integrating is understanding power,” says Cortés. “Our people have power, but they have never used it.” With Rev. Cortés initiatives and strong faith base, he is taking steps to ensure Hispanics harness their cultural and faith-based

power. What is more, this large, Evangelical Hispanic network also shows that more and more Hispanics are becoming Protestant. The notion that all Hispanics are Catholic is clearly a myth. Thus, the influence of a dominant culture and its traditions has a powerful effect on people's lives. Although Hispanics in the U.S. may be changing their faith perspectives and practices, the energy they devote to their spirituality remains.

Holidays. Many of the norms and policies that are innocuous to a non-Hispanic workforce can prove very unsettling to an immigrant Hispanic workforce. For example, prior to the recent militarization of the U.S.-Mexican border, it was quite common for employers with large Hispanic first-generation workforces to be faced with a seasonal exodus of many of their best employees from December 1 to February 1. The reason: the desire of many immigrant Mexicans to spend Christmas and the associated holidays—the Feast of the Virgin of Guadalupe, Posadas, New Year's Day, and Three King's Day—in Mexico with their families.

Steady, reliable workers are a necessity to every company. Employers should explain to employees the company's policy regarding leaves of absence and emphasize the requirement that employees seek approval for leaves of absence in advance. Some companies have taken a very aggressive approach to leaves of absence, with unauthorized leaves resulting in termination. Explaining this to an employee is fundamental. A no-rehire policy may also be advisable.

To a great extent, the seasonal exodus of workers has abated somewhat, as it is now much more difficult to cross back and forth if one does not have the appropriate documents. Still, some employers continue to struggle with this seasonal exodus. Many employees seeking leaves of absence will not depart unless the leaves are approved. However, others have become so accustomed to spending this time in Mexico that they depart regardless of their employer's needs and desires. This puts an employer with a rigid no-rehire policy in a predicament. If your best employee departed for Mexico during your busiest time of the year without a leave of absence, do you rehire him when he returns in February? Often that's a tough call, for it can impact the behavior of other workers as well.

Another important holiday distinction is to be aware that for many Hispanics, December 24th is the day that they celebrate Christmas—not the 25th. There was a recent case in which the union tried to make an employer look insensitive because it had not given the 24th off to its Hispanic workers. Yet, the workers were given Super Bowl Sunday off. To these Hispanic workers, Super Bowl Sunday did not come close to the importance of December 24th. Thus, without knowledge of these cultural differences, employers can make mistakes that will make them appear insensitive.

You may want to consult with your legal counsel to address some of the particular issues affecting the immigrant workforce. Your attorney can analyze certain standard policies and practices and offer much insight.

“Acceptable behavior in Latin America may constitute sexual harassment in the U.S. and violate the protections afforded by U.S. laws.”

Music, machismo and more. Dancing and singing are common in a family gathering, bringing the old and young together, no matter what kind of music is being played—*cumbia*, *salsa*, *merengue* or Mexican *banda*. Whatever the Latin American culture, music is almost always a strong part of that culture. Understanding that can often help you better accommodate your workers and cater to them in ways that help build loyalty.

Likewise, *machismo* is a common aspect of most Latino cultures. The male's machismo attitude can range from a personal sense of virility to a more extreme male chauvinism, exhibited as excessive masculinity. Among many Hispanics, machismo is acceptable and even expected. The tough guy stereotype—alpha male, socially and physically dominating and imposing his will upon his wife and her sister—is common.

The English word “machismo” originates in identical Spanish and Portuguese words, but has a somewhat different meaning. Spanish and Portuguese *machismo* refers exclusively to the belief in the superiority of males over females, that is, it means sexism or male chauvinism.

Acceptable behavior in Latin America may constitute sexual harassment in the U.S. and violate the protections afforded by U.S. laws. It is very important to educate Hispanics in the workforce as to what is acceptable and unacceptable behavior. In some

Latin American countries, men may find it socially acceptable to sexually harass women in the workplace. However, that practice is beginning to be addressed by businesses through self-regulation and laws enacted in some countries. Unfortunately, there is still loose enforcement. (See more on *machismo* and sexual harassment in the workplace in Chapters 3 and 5.)

Workplace issues

Undeniably, varying worker cultural norms need to be understood to address them in a proactive fashion. Beyond the cultural considerations that help employers and their Hispanic workforces find common ground, there are other critical workplace issues that employers of predominantly Hispanic workforces should address:

Company loans. Many employers rightfully frown on loaning money to employees, realizing that it may cause the employee to overextend him or her self and create a paperwork nightmare for the payroll department. However, as noted earlier, many Hispanic immigrant employees view their employers paternalistically, and look to them for help during cash-flow crunches or real-life emergencies that may arise.

If you chose to allow for company loans—as many employers of immigrant Hispanics do—you should set preliminary standards regarding the maximum amount of money you will loan, the payment terms, and the justifications for a loan.

We recommend that employers allow for the loans only in an emergency to help build mutual trust and loyalty. Set reasonable limits for the amount of any single loan and have the employee sign a written acknowledgement authorizing the company to deduct payments on the loan from future paychecks.

Health insurance/retirement benefits. Hispanic immigrant workers are skeptical about insurance, savings and retirement schemes because they often come from countries where banks, economies and political systems have collapsed. This accounts for lower Hispanic participation rates in health insurance and retirement benefits. However, there are actions you can take to counter that inclination and help build greater involvement, trust and em-

ployee loyalty. For a fuller discussion—and tactics that work to address the problem—see Chapter 4.

Uniforms. Work uniforms are uncommon in many Latin American locales, so it is worth your while to educate your workers on what's required and why. Many employee handbooks include a detailed description of the company uniform—what is mandatory, what is permissible, and why uniforms are necessary to the business's success.

The handbook should show the employee what the uniform looks like, how to wear it, care for it, and where they can purchase it. Also, note that some common English terms “work shoes,” “sport shoes” and “polo shirts” often do not translate well to workers of different Hispanic origins. For example, in a Beverly Hills, California case, an employer told his Hispanic workforce to wear Polo shirts. The union got word of the issue and organized a protest against the employer because they felt it was unreasonable to make employees buy expensive Polo brand shirts. However, the employer was referring to the style of shirt and not the brand. Had the employer been more concise and correct in the instructions, all misunderstandings could have been avoided. For example, a “sports shirt with a collar” in Spanish is a *camisa deportiva con cuellar*. The employer should have made sure that the employees knew designer Polo shirts were not required.

To help short-circuit such misunderstandings and embarrassment, it is beneficial to be specific and supply illustrations of your required uniform.

Overtime. Generally, Hispanic immigrant workers relish overtime work. They tend to be the first to volunteer for overtime and may even come to expect it on a weekly basis. What management should not do, however, is fall for the pitch often made by immigrant workers: “I need to work as many hours as possible. I don't care about the overtime premium or time-and-a-half, just pay me straight time.” While the immigrant is perfectly willing to make this deal with the employer, this arrangement is not sanctioned by federal or state law and can land you in serious trouble.

Explaining this to the employee is important, because often the immigrant believes that if the employer and the employee are in agreement, then any deal can be ar-

ranged. Alert your workers that federal and state laws prohibit this type of arrangement so they understand that the company has no choice regarding overtime pay.

Paycheck deductions, tips. It is important to explain to the immigrant worker—particularly those workers accustomed to cash payments—the nature of the required deductions on his or her payroll check. Telling employees when they are hired the nature and amount of normal deductions goes a long way towards making them feel that they are receiving all that they are entitled to. In other words, it helps build trust and worker satisfaction.

Similarly, tips and American tipping conventions may be new concepts for Hispanic workers, and should be explained to them in detail. If the company has rules regarding tip pooling, that too should be explained and demonstrated. It is also important to stress to workers that federal and state law govern this area of the employment relationship and that agreements between the employer and employee regarding tips need to fit within the established legal framework.

“Make sure your employees understand not only the policies, but their justifications, underscoring that the company does not intend to offend anyone by their application.”

Gifts/ethics policies. Companies that have established strict ethics guidelines that prohibit any gifts made by employees to their supervisors, or by vendors to supervisors or workers, must ensure that these guidelines be not only communicated in writing or orally, but also understood. Most preferable, however, is to be flexible on this issue. As I mentioned previously, a union organizer's campaign once got started because a company's executive declined his workers' Christmas party invitation then sent back their gifts of tequila and tamales citing the company ethics policy. It all comes down to being reasonable. Ethics policies are intended to prevent bribery of company officials—not gifts meant to convey respect and friendship. While these policies are in place for valid business reasons, many immigrant Hispanics view the custom of giving gifts to supervisors at Christmas as a time-honored tradition. Refusing such gifts is a sign of disrespect to the employee.

Some companies have established policies that allow gifts of nominal value, say, not to exceed \$10. Of course, other companies have no gift policy at all. In those companies without such policies, managers can enjoy the tequila, rum and tamales given them by the immigrant workers during Christmastime. Further, company-sponsored Christmas parties and holiday bonuses tend to be the norm in Latin America. With that in mind, you should address whether your company will offer a holiday party and/or holiday bonuses.

Vacations. Timing of vacations may be something that employers need to address with all employees. One thing is certain: If the company places restrictions on vacation time, then it is important to communicate this clearly to the immigrant worker.

Keep in mind the religious, cultural, and family expectations and demands of your workers, such as the numerous events they may wish to attend at Christmastime and Holy Week (Easter). To illustrate, people in some countries take all of Easter week off to observe religious traditions in their hometowns. In other countries, they take time off to commemorate patron saints.

However, Hispanic workers understand that religious observances in their countries generally are not practiced in the United States. Nonetheless, if your leave policy allows it, they may want to take vacation during those times of the year to observe their traditions.

Nepotism and anti-nepotism policies. For a variety of business reasons, many companies have developed policies that forbid nepotism. Certainly, justifications for such policies exist. However, despite economic decline, in certain industries employers continue to seek capable, reliable and trustworthy employees. Having incumbent employees refer relatives can be an excellent way to recruit new staff members. Embracing nepotism can serve as an effective way to help you meet your staffing needs through an informal but powerful employee network. A company that has not adopted an anti-nepotism policy should still take steps to place some limits on nepotism. Suggestions include:

- Family members should not supervise other family members, if at all possible.
- Company policies that prohibit harassment and horseplay as well as other important policies should apply equally at the workplace to all employees.

- Arrange vacation schedules rationally, in advance, so that family members do not take their vacation at the same time and cause a hardship for the company.
- Be aware that firing one Lopez may require termination of all Lopezes with familial connections, whether due to lack of work authorization or for violation of company policy.

To encourage referrals, you may want to consider:

- Implementing an employee referral bonus of anywhere from \$300 to \$1,000 for each successful referred candidate who stays with the company at least six months.
- Instituting flexible scheduling to allow family members to work similar shifts, if possible, to ease their transportation concerns.

Safety and security. Many of your immigrant employees may have worked at previous establishments where safety and security have not been a priority. It is important to indoctrinate these employees into your company's safety policies and procedures. Safety and security measures should be written *and* communicated orally in Spanish so that the employee has a better opportunity to understand them. Issues such as food handling, safety requirements, OSHA regulations, and other industry-specific concerns are vital—and your negligence in overseeing them could result in costly litigation. Merely handing employees a manual, even if it is in Spanish, is not sufficient to ensure that the message resonates with them. Thorough training on all critical business topics is essential.

To address the fact that safety and security are not made priorities among Hispanic workers, I organized the first Hispanic Safety & Health Summit in 2004. At the summit representatives from government, industry, academia, community organizations, non-profits, and other labor entities discussed gaps in communication, training and outreach for Hispanic workers in the United States. The event included workshops offering information on initiatives to reduce injuries, illnesses, and fatalities among Hispanic workers in the workforce. In the U.S., the Hispanic workforce experiences a high number of injuries and fatalities on the job. In 2010, people of Hispanic / Latino ethnicity represented 15 percent of the U.S. labor force. It is projected that in

2018, Hispanics are expected to comprise 18 percent of the labor force. Yet each year, Hispanic workers are killed and suffer workplace injuries at higher rates than all other workers. More than 600 Latino workers die each year, with an average of two Latino workers dying each day. In 2009, 32 percent of all U.S. occupational fatalities involving Latino workers occurred in the construction industry. Latinos often take on some of the most dangerous jobs, and they do so with the least amount of schooling regarding workplace hazards and workplace safety. Couple this with a language barrier, which makes effective communication a challenge and discrimination common. Of all demographics in our labor force, Hispanic workers are among the least protected and the least aware of the laws that protect them.