

MAINE VOICES

A century ago, a workplace tragedy changed the law

The Triangle Shirtwaist Fire is history, but the safety problems immigrant workers face today are not.

BRUNSWICK — Our nation, called the great melting pot, was built by immigrants. Most Americans are descendants of people who came here from other countries to escape war, famine, poverty, and to find a brighter future.

They entered our country, searched for jobs, and worked hard to create that future.

Some 235 years after our Declaration of Independence, people from all over the world continue to come here for the same reasons they came here in the 19th and 20th centuries.

They still share the same hope for a brighter future. They are still working hard towards their dreams. Unfortunately, today's immigrants also share much of the same discrimination and abuse in the workplace our ancestors faced.

Today marks the 100th anniversary of the Triangle Shirtwaist Factory fire. This event was one of the most horrific and devastating workplace tragedies in our country.

The Triangle Factory in New York City employed 500 people — mostly immigrant women and girls between the ages of 15 and 22. These workers spent 13 hours a day, five to six days a week, hunched over sewing machines in a crowded, poorly ventilated building.

They toiled away for less than 10 cents an hour. They had a half hour for lunch and for the rest of the day the exit doors remained locked to keep the workers from stealing material or taking unapproved breaks.

ABOUT THE AUTHOR

Jeffrey Neil Young is an attorney and shareholder at McTeague Higbee specializing in employment law. (Email: jyoung@mcteaguehigbee.com.)

THE FIRE STARTED

On March 25, 1911, at 4:30 p.m., a fire broke out on the eighth floor of the building. The workers on the ninth floor were trapped. The exit doors were locked, and the fire department's ladders only reached the sixth floor. Within 15 minutes, 146 workers died.

A century later, immigrant workers are still risking their lives and working for minimal pay. In fact, although immigrants only account for 11 percent of the population, they account for 20 percent of the low wage labor force.

Even more troubling is that during the period between 1992 and 2002, while the total number of workplace fatalities dropped in our country, the number of fatalities for immigrant workers increased by 46 percent!

While federal statutes have been enacted to protect low wage and immigrant workers, such as the Fair Labor Standards Act and the Migrant Seasonal Agricultural Workers Protection Act, employers evade the law and the laws are not always well enforced.

In New York in 1911, the law mandating that exit doors not be locked during work hours was routinely dismissed.

Even in Maine, we see unusual rates of fatalities and the continued exploitation of immigrant workers. In 2002, in the most deadly accident on Maine's roads, an accident killed 14 migrant workers from Guatemala and Honduras who were on their way to work commuting 170 miles each day to

and from the North Woods.

That same year, DeCoster Egg Farms paid \$3.2 million to settle a class action suit for providing Mexican immigrant workers with illegal housing and working conditions.

Three years earlier, DeCoster reportedly paid \$5 million to its largely immigrant workforce for wage and hour violations.

In a recent situation being investigated by the Farm Worker Unit at Pine Tree Legal Assistance, a crew of 12 Haitian workers claims to have been squeezed into a small, dirty 2-bedroom apartment in Ellsworth with no shower and each worker was charged \$30 a week — a monthly rent of \$1,440.

MORE FLAWS IN SYSTEM

Other migrant workers report that they have been recruited to work in Maine with misleading job information, paid less than promised and housed in deplorable conditions.

On this hundredth anniversary of the Triangle Shirtwaist Factory fire, we need to make sure the lives of those 146 workers are not forgotten. Immigrant workers everywhere should not be exploited for the profits of a company.

After the Triangle fire, new legal protections were enacted, only later to be attacked by industry and insurers as overly costly and unnecessary. In fact, right now congressional Republicans want to cut the budget of the Occupational Safety and Health Administration by 20 percent — the very agency charged with enforcing many of these protections.

We need to ensure that in the current climate of budget cutbacks and calls for deregulation, the laws enacted to protect health and safety of workers are not discarded and agencies that enforce these regulations are adequately funded to make sure that all of America's workers — native-born and immigrant — are treated fairly.

Our country stands for hope, for fairness, and for opportunity. To offer less than that to our newest workers is unfair and un-American.