

Guestworker Whistleblowers Can Improve Conditions for Millions—If We Let Them

Proposed amendment to the Senate's immigration bill would protect non-citizens who speak out on workplace abuses from retaliation

LOS ANGELES, July 8, 2013 /EINPresswire.com/ -- In recent years, whistleblowers have proven to be a remarkably effective resource in the [fight against fraud](#). The gold standard of whistleblower statutes—the U.S. False Claims Act—has led to the recovery of more than \$30 billion for the government since 1986, and many states and federal agencies have enacted initiatives hoping to follow on its success. But fraud isn't the only scourge that whistleblowers can help reduce. They also can be a potent way to identify—and eliminate—unsafe, unfair, and illegal working conditions.

Workplace abuse is a particular problem in fields that rely heavily on guestworkers with H-2B visas. These temporary workers work in the construction, landscaping, and hospitality industries, among many others. And they work alongside some 24 million U.S. citizens employed in those same sectors. Abuses suffered by the guestworkers, then, are likely to impact U.S. workers, as well. In a 2013 poll by the Campaign for an Accountable, Moral, and Balanced Immigration Overhaul, 75 percent of respondents agreed that if employers get away with mistreating immigrant workers, it lowers wages and hurts conditions for American workers, as well.

Yet guestworkers who blow the whistle on abuses often suffer retaliation from their employers—everything from worsening conditions to outright dismissal to threats of deportation. Both immigration and whistleblower advocates have been particularly concerned by Congress's take on the matter. The Senate's current immigration bill greatly expands the H-2B program over the next four years—from 66,000 to 264,000 workers—without providing necessary protections for H-2B whistleblowers.

"One of the reasons whistleblower statutes like the False Claims Act have been so successful is that they support and protect those who speak out about improper practices," says Jeffrey F. Keller, a founding partner at Keller Grover, a nationally recognized labor and employment law firm, and a [veteran whistleblower lawyer](#). "How can we expect guestworkers to speak out—and improve conditions for millions of workers, citizens and non-citizens alike—if we don't protect them from retaliation?"

A proposed amendment to the Senate bill—brought by Senator Richard Blumenthal (D-CT)—would protect guestworker whistleblowers, providing key [protections against employer retaliation](#). While the amendment hasn't yet been incorporated into the immigration bill, supporters are hopeful.

“Every time a whistleblower speaks out, they have our back,” says Keller, whose firm has offices in Los Angeles and San Francisco. “The amendment recognizes that we need to have their back, too.”

Jeffrey Keller
Keller Grover LLP
866.486.1537
[email us here](#)

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