

# Clearinghouse REVIEW

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# With Great Power Comes GREAT RESPONSIBILITY

## Grassroots Corporate Campaigns for Workers' Human Rights

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**G**rassroots resistance to corporate power may initially conjure up images of local residents standing down bulldozers or villagers blocking roads in struggles to protect their homes or lands. These dramatic standoffs are often the only remaining strategy available to affected communities to prevent irreversible violations of their rights. Grassroots resistance to corporate action—or to governmental complicity, acquiescence, or inaction in relation to corporate power's abuses—can take many forms, however, and often represents an innovative alternative to traditional legal approaches.

Two ongoing grassroots human rights campaigns in the United States—the Coalition of Immokalee Workers' Campaign for Fair Food and United Workers' Human Rights Zone Campaign—have organized exploited workers to demand that private corporations respect workers' human rights. Beyond traditional legal approaches to challenging employer violations, these campaigns have produced analyses of economic and political power—and of corporate responsibility—that reach past the limits of current legislation, jurisprudence, and enforcement practices (and feasible legislative or jurisprudential change) to raise the human rights obligations of private corporate actors. Perhaps most important, these campaigns allow exploited workers to confront directly the private actors who profit from their poverty and challenge head-on the power relations and business practices that offend their human dignity, in ways technical definitions of domestic legal liability rarely allow. This direct confrontation has the potential to shift power dynamics to create lasting change.

As the poverty lawyer's toolbox expands to include a human rights framework, the targets of advocacy may encompass private corporations whose obligations under domestic law do not cover the full range of human rights of concern to affected communities. Here I take up the human rights obligations of private corporations and consider the Coalition of Immokalee Workers and United Workers as two case studies of grassroots organizations that have acted to make these corporate human rights obligations meaningful for exploited workers.

### The Human Rights Obligations of Private Corporate Actors

Much discussion of the human rights framework in U.S. advocacy focuses on governmental obligations, and rightly so. International human rights law squarely addresses the question of governments' obligations to those affected by government policies, action, and inaction. Communities organizing around economic and social rights, however, may sometimes identify corporate actors—perhaps in addition to government action or negligence—as the prime violators of their rights. These corporate actors may be appropriate targets of human rights campaigns.

The choice of a corporate target for a specific campaign does not imply diminished government obligations. Instead it reflects an acknowledgment that the human rights obligations of corporate actors—who are often in a position to mitigate or eliminate human rights violations without government action—coexist alongside those of government. Similarly the government's obligation to regulate business practices in order to fulfill and protect human rights does not supplant the human rights obligations of corporate actors.

What are private corporate actors' human rights obligations? The precise contours of these obligations are the hotly debated core of the rapidly evolving “business and human rights” field. No international human rights treaty yet comprehensively addresses the obligations of private businesses, although foundational human rights documents and many human rights treaties already in force squarely address rights—such as the right to work—that are directly affected by business practices. For example, the Universal Declaration of

Human Rights prohibits slavery, requires equal pay for equal work and “just and favourable remuneration ensuring ... an existence worthy of human dignity,” protects the right to form and join unions, and provides for reasonable limits on working hours and for paid holidays.<sup>1</sup> The International Covenant on Civil and Political Rights similarly prohibits slavery and forced labor and protects the right to form and join trade unions.<sup>2</sup> The International Covenant on Economic, Social, and Cultural Rights reiterates these and adds “safe and healthy work conditions,” equal opportunity for promotion, maternity leave, and labor protections for children.<sup>3</sup> Prohibition of discrimination is an underlying principle of all international human rights law, and particularly prevalent forms of discrimination are tackled directly in treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.<sup>4</sup> And, of course, the conventions of the International Labor Organization, the United Nations agency charged with promulgating and overseeing international labor standards, address numerous business practices related to employment.

Beyond employment practices, businesses also run afoul of human rights law when they engage in activities more commonly associated with governmental abuses of power, such as torture and genocide. In the United States one avenue for pursuing international human rights concerns in relation to business actors has been the Alien Tort Claims Act, which creates a cause of action in U.S. courts for aliens with tort claims for violations of “the law of nations or a treaty of the United States.”<sup>5</sup> Under the statute, claims of genocide, war crimes, and other hu-

<sup>1</sup>Universal Declaration of Human Rights arts. 4, 23(2)–(4), 24, G.A. Res. 217 (III)A, U.N. GAOR, 3d Sess., U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

<sup>2</sup>International Covenant on Civil and Political Rights arts. 8, 22(1), G.A. Res. 2200A (XXI), 21 U.N. GAOR, 21st Sess., Supp. No. 16, 999 U.N.T.S. 171 (entered into force March 23, 1976).

<sup>3</sup>International Covenant on Economic, Social, and Cultural Rights arts. 7(b)–(c), 10(2)–(3), G.A. Res. 2200 (XXI), U.N. GAOR 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (entered into force Jan. 3, 1976).

<sup>4</sup>International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195 (entered into force Jan. 4, 1969); Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, G.A. Res. 34/180, U.N. GAOR 34th Sess., Supp. No. 46, U.N. Doc. A/34/36 (1980) (entered into force Sept. 3, 1981).

<sup>5</sup>Alien Tort Claims Act, 28 U.S.C. § 1350.

man rights violations have been brought in U.S. courts.<sup>6</sup> However, as the cause of action created by the Act is available only to aliens, and applies only to violations of treaties and of customary international law as narrowly defined by U.S. courts, its remedy for many of the human rights abuses that U.S. workers commonly face is severely limited.<sup>7</sup>

Of course, business practices also affect innumerable other areas of concern to international human rights law and to affected communities—the environment, indigenous peoples' rights, political sovereignty, and international trade, for example. On the international and regional levels, guidelines have been promulgated and mechanisms created to direct and check corporate behavior, particularly for transnational corporations.<sup>8</sup> Recently, as part of an ongoing United Nations effort, the United Nations Human Rights Council endorsed the “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect, and Remedy’ Framework.” The “protect, respect, and remedy” framework refers to a government’s duty to *protect* against human rights abuses by third parties, such as businesses; the corporation’s responsibility to *respect* human rights; and the need for more effective access to *remedies* for victims. Many nongovernmental organizations have criticized various aspects of the Guiding Principles, particularly the reliance on voluntary action by transnational corporations and the failure to recommend any binding regulations.<sup>9</sup>

Wherever the debate over corporate obligations ultimately leads, both international human rights law and private business actors now recognize that corporations must take responsibility publicly for their impact on individuals, communities, and the environment—beyond what is required of them under domestic law. The proliferation of voluntary, corporate-driven corporate social responsibility initiatives—while often aimed primarily at creating an image of “good corporate citizens” that will appear to diminish the need for regulation of business activities—demonstrates that corporations are aware that perceptions of corporate social responsibility can affect consumption patterns. Indeed, major public relations firms now have specialized corporate social responsibility practice groups.

Even in the United States, where political culture often emphasizes fidelity to principles of market competition over other social values, corporate actors acknowledge a duty to be socially responsible. Of course, this voluntary assumption of “responsibility” is not equivalent to the recognition of a legal obligation to respect human rights. Still, corporations have found it necessary to respond to public expectation that corporate actors not simply do whatever the market or (often lax) enforcement of the law allows but instead monitor the social impact of their actions. Thus communities can organize and successful advocacy can be framed around a much simpler “guiding principle” for corporate behavior, often referred to as

<sup>6</sup>For years, advocates and courts alike assumed that the Alien Tort Claims Act applied to corporations. In a surprising 2010 decision, the Second Circuit held that corporations were *not* liable under the Act because customary international law conferred jurisdiction only over natural persons (*Kiobel v. Royal Dutch Petroleum Company*, 621 F.3d 111 (2d Cir. 2010)). However, numerous subsequent decisions—such as recent decisions of the D.C. and Seventh Circuits—clarify that the Second Circuit’s holding is an outlier and that the Act’s application to corporate behavior will continue (*Doe VIII v. Exxon Mobil Corporation*, 2011 WL 2652384 (D.C. Cir. Jul. 8, 2011); *Flomo v. Firestone Natural Rubber Company*, 643 F.3d 1013 (7th Cir., 2011)).

<sup>7</sup>See *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004).

<sup>8</sup>For a comprehensive overview of these efforts at the international level, such as the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises, and at the regional level, as well as an analysis of various important subissues, such as the obligations of nongovernment actors in times of armed conflict, see ANDREW CLAPHAM, HUMAN RIGHTS OBLIGATIONS OF NON-STATE ACTORS (2006).

<sup>9</sup>For the text of the Guiding Principles and commentaries issued by various nongovernmental organizations after its endorsement by the Human Rights Council, see Business and Human Rights Resource Centre, UN “Protect, Respect and Remedy” Framework: Guiding Principles (n.d.), <http://bit.ly/rn10ST>.

the Spiderman principle (although sometimes also attributed to Voltaire): "With great power comes great responsibility."<sup>10</sup>

In the context of workers' human rights, this power-responsibility principle is easily transformed into an imperative that those whose power positions them to profit from others' poverty and abuse must be held accountable. Thus, although corporate social responsibility initiatives often boil down to little more than a public relations strategy, the corporate social responsibility movement is not useless. A corporation's public commitments to "sustainability" or to having a "positive impact" in "communities we touch throughout our global supply chain" create opportunities for communities affected by corporate action to highlight the discrepancies between these commitments and their experiences and to demand that corporate behavior match these promises.<sup>11</sup>

One effect is that accusations of companies' activities not matching their stated objectives are difficult for companies simply to disregard. The Coalition of Immokalee Workers' tireless campaigning against retail food corporations, discussed below, demonstrates repeatedly that, once consumer outrage is expressed, corporations feel compelled to defend their practices. Whether genuinely pursued or simply a public relations strategy, widespread acknowledgment by private corporations of their responsibility to the communities they affect creates an opportunity for advocacy outside the restrictions of domestic legal liability. The question then becomes how to push corporations beyond the rhetoric of responsibility into the realm of

genuine accountability, where their proclaimed self-policing can be replaced by authentic transparency and participatory monitoring.

Often litigation is simply unable to contend with corporate violations of human rights—e.g., in relation to the conditions of workers in a corporate supply chain—due to the limitation of legal liability. While seeking jurisprudential or legislative expansion of such liability is a laudable goal, the political landscape and fierce resistance from the industry can make short-term realization of this goal unlikely. Even where there is legal liability—such as in wage theft—lack of funding and other limits on enforcement mechanisms can undermine the likelihood of litigation leading to widespread, lasting solutions. A human rights approach therefore, while not absolving the government of its duty to fulfill human rights and to protect these rights from private actors, can offer an alternative strategy to challenge the behavior of private corporations.<sup>12</sup>

Without further ado, then, we turn to two examples of grassroots human rights organizations espousing workers' rights in the United States and successfully waging corporate campaigns to create the shift—critical to lasting change—in power relations between employers and employees.

### Coalition of Immokalee Workers

The Coalition of Immokalee Workers is a community-based organization whose members are primarily Latino, Mayan Indian, and Haitian immigrants in Immokalee, Florida, the epicenter of the

<sup>10</sup>Though later put in the mouth of Uncle Ben, a supporting character to Spiderman, the phrase in the Spiderman context first appeared in *Amazing Fantasy #15* when the narrator says, "[W]ith great power there must also come—great responsibility!"

<sup>11</sup>E.g., in the introduction to its 2010 Update to its Global Sustainability Report, Walmart stated: "At Walmart, when we talk about becoming a more sustainable company, we talk about investing our resources—people, time and money—into meeting our customers' needs and expectations to ensure their support for years to come. We're doing this by maximizing opportunities to have a positive impact on the environment and the communities we touch throughout our global supply chain" (see Walmart, *How We Define Sustainability* (n.d.), <http://bit.ly/ojezNx>). In its support of Walmart associates' Organization United for Respect at Walmart (OUR Walmart) Campaign, Jobs with Justice strategically frames its efforts in the language of Walmart's stated commitments: "In cities where Walmart is looking to expand, Jobs with Justice coalitions are working to ensure that Walmart has a positive impact in our communities. For example, some coalitions are working to get Walmart to sign community benefit agreements that ensure good jobs, and to ensure that their stores do not negatively impact local communities" (see Jobs with Justice, *Making Change at Walmart* (n.d.), <http://bit.ly/mXQIkI>).

<sup>12</sup>Grassroots organizations such as the Coalition of Immokalee Workers are careful to construct their corporate campaigns so that governmental actors inclined to help can easily do so, but governmental action or delay will not stymie the campaign's progress.

state's large tomato and citrus industries. During the growing season each year, Immokalee's population swells to meet heavy labor demands. Like farmworkers throughout the United States, farmworkers in Immokalee have historically performed back-breaking labor under conditions that, even at their best, involve subpoverty wages, exposure to dangerous pesticides, dilapidated housing, abusive treatment by crew leaders, and lack of overtime pay, sick days, health care, pensions, and holidays. At their worst, these conditions have included forced labor at gunpoint and loss of all personal liberty. In short, farmworkers faced labor conditions "somewhere along a continuum from sweatshops to actual modern-day slavery."<sup>13</sup> Indeed, the coalition has aided in the investigation of numerous federally prosecuted slavery operations in Florida agriculture.<sup>14</sup>

Although excluded from protection under the National Labor Relations Act and other federal labor laws, farmworkers do have limited rights under federal and state legislation; those rights have been the basis of litigation on farmworkers' behalf. Litigation alone, however, could not correct the deeply skewed power relations that undergird employers' abusive treatment of this large pool of poverty-stricken, mostly migrant labor.

Drawing on a human rights approach grounded in popular education and leadership development models imported from workers' homelands in Latin America and the Caribbean, the Coalition of Immokalee Workers began organizing workers in 1993, and the first general strike ever seen in Immokalee led in 1995 to the reversal of a large grower's wage cut. In 1996 a 400-worker march on an abusive crew leader's home marked the demise of crew leaders' unchecked power over workers and curtailed some of the worst crew leader abuses, such as

physical violence against workers and wage theft.<sup>15</sup>

The coalition then turned its organizing efforts toward the growers themselves. The Campaign for Dignity, Dialogue, and a Living Wage began in 1997 and employed general strikes and a hunger strike to win a widespread wage increase. By 2000, however, the growers' stalwart resistance to meaningful dialogue and reform, combined with their insulation from political and consumer pressure, required an adjustment in strategy. Looking at the industry as a whole, the coalition recognized that the growers' power, while great, was dwarfed by the power of the large purchasers of produce in the increasingly consolidated retail food industry. These high-volume purchasers could demand the lowest possible prices, creating pressure on growers to reduce costs where they could—namely, labor costs—to maintain their sinking profits.

In 2000 therefore the Coalition of Immokalee Workers turned its attention to the giants of the retail food industry and in the process created long-lasting alliances with a national network of student, religious, labor, and human rights organizations. The Coalition-led Campaign for Fair Food has resulted in binding agreements with Yum Brands (parent corporation of Taco Bell, KFC, and Pizza Hut, among others), McDonald's, Burger King, Subway, major food service corporations Compass, Aramark, Sodexo, and Bon Appétit, as well as Whole Foods, which at this writing is the only supermarket chain to have signed an agreement with the coalition, although the campaign is targeting many others.<sup>16</sup>

The significance of these agreements is difficult to overstate. By obtaining commitments from large corporate buyers to use their market power to influence their suppliers' practices, these agreements

<sup>13</sup>Greg Asbed, *Coalition of Immokalee Workers: "¡Golpear a Uno Es Golpear a Todos!" To Beat One of Us Is to Beat Us All*, in 3 BRINGING HUMAN RIGHTS HOME 1–23 (Cynthia Soohoo, Catherine Albisa & Martha Davis eds., 2008).

<sup>14</sup>See Coalition of Immokalee Workers, CIW Anti-Slavery Campaign (n.d.), <http://bit.ly/rjXN7b>.

<sup>15</sup>For a more detailed description of the Coalition of Immokalee Workers' early history and use of the human rights framework, see Asbed, *supra* note 13.

<sup>16</sup>For updated information on the Campaign for Fair Food, see Coalition of Immokalee Workers, [www.ciw-online.org](http://www.ciw-online.org).

began a transformation in the power dynamics of Florida agriculture and paved the way for meaningful improvements in farmworkers' daily lives. The "zero tolerance" for forced labor in the agreements, for example, legally binds purchasers to shift their purchases away from growers when forced labor is used on their farms.<sup>17</sup> When these "zero tolerance" provisions were later triggered by federal slavery prosecutions involving Florida farmworkers and the growers felt the commercial consequences, grower resistance to dialogue was finally overcome. In 2010, following agreements with several individual growers, the Florida Tomato Growers Exchange signed a historic agreement extending the scope of the Fair Food Program to over 90 percent of Florida's tomato industry.

Under the Fair Food Code of Conduct that the agreement spells out, growers pass on to workers the additional "penny-per-pound" that participating retail corporations pay for tomatoes (an important component of the Fair Food Campaign) and, *inter alia*, implement systems to record compensable hours accurately and to protect worker health and safety, including worker participation in a Worker Health and Safety process.<sup>18</sup> The Code of Conduct establishes a hierarchy of violations, ranging from "zero tolerance" violations such as the use of forced labor to wage violations and others that must be remedied within a strict time frame. Significantly the Code of Conduct requires growers to permit third-party monitoring of their compliance. Growers must also work with the coalition to develop a worker education system to be conducted on company time and to establish a worker complaint mechanism through which workers can report violations of the Code of Conduct to the coalition or to the employer, as they prefer, without fear of retribution.

As implementation of the Code of Conduct has begun, workers report profound consequences. Rapid and effective responses to worker complaints, unimaginable previously, are becoming routine. Equally significant improvements in workers' personal lives are evident. One farmworker couple noted the profound impact of the requirement that all compensable hours be recorded. Instead of needing to awaken their sleeping son at 4:00 a.m. to drop him at daycare before boarding labor buses at 5:00 a.m., only to sit waiting for unpaid hours for the fields to dry before starting work, the couple can eat breakfast with their son and walk him to school in the morning before reporting to the labor buses at 8:30 or 9:00 a.m. The full impact of the Code of Conduct's implementation promises to be nothing short of a profound transformation of labor relations in Florida agriculture.

By offering an alternative to litigation, the Coalition of Immokalee Workers' Campaign does not reject use of the law or of legal mechanisms. Indeed, the Fair Food Program is structured around the legal obligations created by agreements signed by the corporate purchasers of tomatoes and now by the growers themselves. However, those agreements would never have been negotiated without the long-term organizing, coalition building, and collective action focused on workers' human rights that created the public pressure sufficient to motivate corporate participation. Legal advocacy in the campaign therefore involves using legal training and tools to (1) create space for the organizing work (e.g., obtaining parade permits, screening communications for libel, liaising with federal and state politicians); (2) negotiate enforceable agreements that memorialize the gains made by the organizing (contracts that are similar to consent decrees but

<sup>17</sup>Interestingly the agreements add teeth to the approach to human rights abuses in corporate supply chains recommended by the United Nations Guiding Principles mentioned earlier. Guiding Principle 19 requires corporations that find human rights abuses in their supply chains to exercise their leverage to change these practices and, if their efforts fail, to take steps to end their relationships with those suppliers (Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises: Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, Human Rights Council, U.N. Doc. A/HRC/17/31 (March 21, 2011) (by John Ruggie), <http://bit.ly/nMTm11>; see also Special Representative of the United Nations Secretary-General on Human Rights and Transnational Corporations and other Business Enterprises, The Corporate Responsibility to Respect Human Rights in Supply Chains: 10th OECD Roundtable on Corporate Responsibility: Discussion Paper (June 30, 2010), <http://bit.ly/nqExen>).

<sup>18</sup>Workers actually receive 1.3 cents per pound of tomatoes of the premium paid by participating corporations.

enforceable in the court of public opinion as well as in a court of law); and (3) help develop protocols to ensure the implementation of the Code of Conduct (essentially setting up a private regulatory system under the private law established in the agreements to compensate for the lack of sufficient public regulation). Important characteristics of this advocacy are that furthering the campaign is always the primary goal and that the grassroots organization, not the lawyer, decides what is likely to further the campaign.

### United Workers

United Workers is a multiracial, bilingual human rights organization of low-wage workers founded by homeless day laborers in Baltimore in 2002. With a focus on human rights education, leadership development, and reflective action, United Workers has grown to a membership of over 2,500. In 2004 United Workers launched a living-wage campaign at Camden Yards, Baltimore's new baseball stadium. The campaign focused on the poverty wages—an average of less than \$4.50 an hour—paid to the day laborers who cleaned the stadium. Three years of organizing and action, followed by the announcement of a hunger strike by workers and allies, led to a shift in stadium policy and to a raise in hourly wages to the state's living-wage rate of \$11.30 an hour.

Following this victory, United Workers turned its attention to another premier attraction in Baltimore where workers reported systematic abuses—the Inner Harbor. In 2008 United Workers declared the Inner Harbor a Human Rights Zone and began to organize the 1,500 restaurant and retail workers laboring at the harbor around the principle that all people have the human right to decent jobs that allow them to live in dignity and to provide an adequate standard of living for their families. Surveying workers at the Inner Harbor exposed widespread violations of

this right, such as systematic failure to pay workers a living wage, chronic wage theft, verbal abuse and bribery by supervisors, and sexual harassment, as well as violations of workers' human right to health through widespread lack of health insurance benefits or sick days and failure to respond adequately to injuries, including pressure to work while ill or severely injured under threat of termination.<sup>19</sup> Of course, some of these human rights violations—such as wage theft and sexual harassment—also violate local law. Some—such as the failure to provide health insurance—may not violate local law but severely limit workers' access to health care in the context of poverty wages.<sup>20</sup>

Other practices undermined workers' dignity by diminishing their quality of life and limiting their ability to work their way out of poverty. For example, employers refused to accommodate the scheduling needs of parents and scheduled work hours in ways that unnecessarily and arbitrarily impeded workers from obtaining further training or education.

Wanting to confront the full range of human rights violations that workers faced, United Workers stepped back from the innumerable employer violations, the "trees," to examine the "forest" of the Inner Harbor as a "poverty zone development" where low-quality insecure jobs and poverty wages prevailed. The history of the Inner Harbor's development offered an alternative understanding of workers' experiences, beyond being simply a by-product of the grievously underregulated restaurant and retail industries. Like similar projects elsewhere, the Inner Harbor's development was buoyed by public financial and political support secured by the private developers' promises of local economic growth and particularly of new jobs for Baltimore's working class.

As in other developments, the private developers and their investors ensured their profits through access to public subsidies and advantageous leases with the vendors

<sup>19</sup>United Workers & National Economic and Social Rights Initiative, *Hidden in Plain Sight: Workers at Baltimore's Inner Harbor and the Struggle for Fair Development* 10–15 (2011), <http://bit.ly/oVN4gf>.

<sup>20</sup>When underpaid, uninsured workers need health care, as most eventually do, they are forced into debt. United Workers documented this reality by surveying wage garnishment cases brought against Inner Harbor employees for unpaid medical bills (*id.* at 16). Garnishing workers' poverty wages for necessary health care costs clearly aggravates their struggle for survival.



who run businesses in the development. The vendors, many of them powerful and wealthy companies themselves, in turn maximize their profits by minimizing their unfixed costs, particularly labor. This creates downward pressure on wages and working conditions for employees at the bottom of the economic ladder, and vendors' treatment of workers goes largely unchecked. Profits, rather than trickling down, are squeezed upward from the workers.<sup>21</sup>

Seeing this bigger picture allowed United Workers to identify the private developers—the large corporations that have controlled and profited from the Inner Harbor development—as critical to the creation of a Human Rights Zone at the harbor. United Workers therefore called upon the developers to enter into Fair Development agreements that require all the development's vendors to meet basic human rights standards in their treatment of workers. Drawing from the precedents of living-wage ordinances and community benefit agreements, these agreements require that workers receive a living wage and be treated with respect and dignity at work and that a fund be established to meet workers' health care and educational needs.<sup>22</sup>

This human rights-based model requires measuring a development's success by concrete outcomes in workers' lives rather than simply by the number of jobs created or the "cleaning up" of a city neighborhood. The human rights approach also reflects democratic ideals of public participation and informed decision making by demanding transparency, accountability, and the participation of the affected community.<sup>23</sup>

As with the Coalition of Immokalee Workers, legal advocacy in support of the Hu-

man Rights Zone Campaign involves supporting organizing efforts, negotiating human rights-based agreements, and developing methods for their implementation. Lawyers can also provide advice and drafting assistance on human rights documentation projects, such as the *Hidden in Plain Sight* report.<sup>24</sup> Also, while human rights framing has clearly expanded the Human Rights Zone Campaign's scope beyond what was feasible to take on through local litigation, this human rights approach is not antithetical to litigation strategies. For example, Inner Harbor workers lost their jobs when the restaurant ESPN Zone closed without giving the notice required by the federal Worker Adjustment and Retraining Notification Act; the workers filed a lawsuit that is pending.<sup>25</sup> In this instance litigation bolsters human rights-based organizing and actions, just as human rights-based strategies enhance litigation efforts.



One element that these two grassroots human rights campaigns share is an analysis of the economic and political power at play beyond any domestic legal liability. This analysis allows for collective action directed at the private interests that profit from their members' poverty. Starting with private corporations' obligation to respect workers' human rights—as opposed to whatever the law as currently applied provides or prohibits—has allowed these workers to identify new targets and strategies for organizing and action. A human rights framework in the lawyer's toolbox can thus identify corporate targets for community organizing and other advocacy where legal obligations under federal, state, or local law may not cover the human rights violations inflicted on communities.

<sup>21</sup>*Id.* at i.

<sup>22</sup>Community benefit agreements bind developers and community organizations and ensure that publicly supported private development projects benefit the local community. Such agreements require living-wage jobs, health care, educational opportunities, affordable housing, and mitigation of adverse environmental effects (*id.* at 20).

<sup>23</sup>For further discussion of the human rights principles undergirding United Workers' approach, see *id.* at 20–25.

<sup>24</sup>*Id.*

<sup>25</sup>*Gray v. Walt Disney Company*, Civ. No. CCB-10-3000, 2011 WL 2115659 (D. Md. May 27, 2011).



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