



## WSBA World Peace through Law Section

March 2010

“For it is written:

*'It is not right to keep the ox from taking the grain when he is grinding it'*

and

*'The worker has a right to his reward.'*”

-1 Timothy 5:18

### March 23:

#### Low-Wage Workers, Migration and Human Rights

The Section's meeting on March 23, 2010, is a general introduction to international labor rights featuring Rebecca Smith, the coordinator of the Immigrant Worker Justice Project of the National Employment Law Project (<http://www.nelp.org>).

We'll focus on specific standards applicable to low-wage and migrant workers and discussion of litigation and other means of enforcement of rights in international fora.

**Time/Place:** Noon – 1 p.m. at the WSBA office, 1325 4th Ave., Ste. 600, Seattle. Approved for 1 general CLE credit.

**Cost:** Free for Section members and law students; \$25 for others. Register now: <https://pro.wsba.org/forms/cle/M100323.asp>.

*We hope to see you there!*

### 2010 Upcoming Events

- **April 27:** “*Building Peace Through Environmental Justice*” is our program in honor of **Earth Day**, focused on the rapidly developing field of human rights and the environment. Carmen Gonzalez, Professor, Seattle University Law School, will speak on “*NAFTA, Biodiversity and Human Rights*,” followed by Jim Puckett speaking on “*The Case of the International Trade in Electronic Waste: Justice and Poisons Adrift on a Tide of Globalization*.” Join us for a mini-CLE on building peace through environmental justice, from noon-1:30 p.m.! Approved for 1.5 general CLE credits.
- **May 25:** Professor and attorney Rick Lorenz speaks on “*The Legal Obligations of an Occupying Power under International Humanitarian Law*.”
- **June – December:** Programs tbd. Let's hear your ideas!

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Please note that the events listed above are free to Section members, and the cost of Section membership is only \$25 a year (\$12 for students). Non-lawyers may join as a “subscriber,” entitled to all benefits except voting on Section matters.

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WSBA Service Center  
800-945-WSBA (9722)  
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## March Program Preview ...

### UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

#### Articles Pertaining to Migrant Workers

##### Article 23.

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

##### Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

##### Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

### Advisory Opinion of Inter-American Court of Human Rights on the Rights of Migrant Workers

The OAS Inter-American Court of Human Rights has issued its strongest statement identifying the labor rights of migrants as fundamental human rights in its advisory opinion *Juridical Condition and Rights of the Undocumented Migrants*.

In the context of a discussion of the principle of non-discrimination and the rights of migrant workers in “irregular” or undocumented status, the Court said, “the migratory status of a person can never be a justification for depriving him of the enjoyment and exercise of his human rights, including those related to employment.” The Court’s advisory opinion, issued at Mexico’s behest in 2003 after the U.S. Supreme Court’s decision in *Hoffman Plastic Compounds, Inc.*, made clear that while countries have the right to decide the conditions under which foreigners may enter their borders, once a worker enters into an employment relationship, “the migrant acquires rights as a worker, which must be recognized and guaranteed, irrespective of his regular or irregular status in the State of employment.” It then outlined the different labor rights which it said were fundamental and must be respected by member countries under the principle of non-discrimination, including the core rights to freedom of association, protection against forced labor, fair wages, and safety and health protection.

For the full opinion see: [http://www1.umn.edu/humanrts/iachr/series\\_A\\_OC-18.html](http://www1.umn.edu/humanrts/iachr/series_A_OC-18.html).