Who is the Hispanic Worker? The question begs more definition. There is no intent here to slight or malign any person or persons from any particular ethnic origin of a Spanish speaking country. Certainly, there are those who would prefer to be identified by their country of origin, and others, depending on their geographic location in the United States, who prefer the term “Latino.” The term “Hispanic” has been generally understood and accepted to represent the peoples of many different Spanish speaking countries and is used as the term of reference in this article. We are dealing with a Spanish-speaking workforce that comes from many different countries and that includes the Hispanic American (U.S. born), those not born in their parents’ Latin American country of origin.

Hispanic Growth in the U.S.

The U.S. Census Bureau reported, in early 2003, that Hispanics were the leading minority population in the United States, totaling some 38 million strong. Of that 38 million, over 58 percent were of Mexican descent. That Census found that the Hispanic workforce grew more than 60 percent in the six years before the 2000 Census was taken and that almost one-third of the Hispanics in the United States were under the age of 18 years.

This young age group is the future workforce of America. Further, the breakout of languages spoken in the United States
was examined and although English remains as the country’s dominant language with over 215 million speakers, Spanish was the next dominant with 28 million speakers. Coming in third, with only two million speakers, is the Chinese language.

It became evident that the Hispanic workforce was becoming a formidable entity around the country. According to the 2000 census, California’s Hispanics grew 43 percent, the Texas growth rate was 54 percent and Arizona jumped by 88 percent. New Mexico only grew 32 percent. Surprisingly, the highest growth rate of Hispanics was the state of Washington with 106 percent. Other Northern and Southeastern states also grew. The move away from the Border States was purely economic in that wages are traditionally higher in the other areas.

Based upon some projections, Hispanics could comprise about half of all construction workers in the United States within the next five years or so. In addition, migrant workers in the U.S. were estimated at about 80 percent Hispanic, and the figure could go higher.

**Employer Related Issues**

Certainly, the growth of Hispanics in the workplace spurred other issues that never seemed to exist before. The immigration laws required that workers (regardless of country of origin) prove they are authorized to work in the United States. The requirement to present forms of identification to employers with the use of the I-9 Form beget the possible use of fraudulent identification and the concern that the Immigration and Naturalization Service (now the Bureau of U.S. Citizenship and Immigration Service (BCIS) could investigate, detain, and deport undocumented workers. The undocumented worker is always fearful that he would be identified and deported, and employers could be concerned that if such occurs, they could lose their workforce.

The employer’s responsibility in this regard is only to examine the identification documents and to attest on the I-9 Form that they appear to be genuine at the time of examination. It was never intended for the employer to be placed in the position of law enforcement.

Several side notes are important here. Firstly, I-9 documentation should be kept apart from the personnel folder or employee file. Should there be an audit of this document, it often is the case that these documents will be retrieved and taken to government offices for review rather than review them sitting in your offices. If they are part of the employee file, you may lose the use of those files while the audit is being done.

Secondly, there is no requirement to keep a copy of the inspected documents as some companies do.

Thirdly, employers should have new hires read and sign a document that states, “If it is determined that the
documentation provided on your submitted I-9 Form is fraudulent, your employment will be terminated.” This policy, when followed, should protect you in the event an audit turns up a fraudulent document being used as evidence or proof of their eligibility for employment.

Regardless of the employment documentation, it was found, generally, that Hispanic workers were diligent about gaining employment and keeping that employment. For the most part, they are often more than content to actually receive employment, and wages do not necessarily play a factor in that employment. Whatever they are, the wages are probably more than what was being earned in their own country.

The labor laws of today mandate a minimum wage. There is, of course, a concern whether the minimum wage represents a “fair living wage.” However, for some Hispanics who were content with receiving employment, this was not an issue unless other factors made it an issue. In some communities, the reality of a “fair living wage” is important and has even become a major issue with cities that are attempting to lure companies with tax incentives. As an example, San Antonio, Texas recently was negotiating with a major hotel chain that wanted to build in the downtown area. One factor was that the city would not relinquish any tax incentives without first gaining a commitment from the hotel chain that they would pay their service workers a “fair living wage,” which was substantially higher than the minimum wage. What is debatable is the amount of a “fair living wage.”

Employers in the late 90s and at present have been looking at a labor shortage of American workers, and, with some reservation, have begun to look at the Hispanic worker to fill that void. The reservations were based upon their unfamiliarity with the language and customs of Hispanics and their possible generalization that all were migrant workers and would leave shortly after being hired. Their worries about the migrant worker were tossed aside, when they quickly learned that “migrant” workers went where the work was on the farms, according to what needed to be harvested. Employers began to find hard working Hispanics who put in a good day’s work for their wages. Companies around the country are now looking at Hispanic workers to keep their business alive in today’s economy. The Issue of Workplace Injuries and Deaths

The growth of Hispanic workers in the United States has not gone unnoticed.

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