

CALIFORNIA

Immigration crackdown could deter workers from reporting hazards, advocates warn



A farmworker ties grape vines to wires in a Kern County vineyard on Feb. 3. (Brian van der Brug / Los Angeles Times)

By Emily Alpert Reyes and Rebecca Plevin

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- Experts in workplace safety warn that increased fear among immigrants at risk of deportation could inhibit them from speaking up about health and safety threats on the job.
- All workers have the right to report unsafe working conditions, regardless of immigration status, but what happens in practice “is a completely different thing,” one expert said.

Warehouse workers were phoning Ellen Widess in a panic.

It was the summer of 2011. Workers had complained to Cal/OSHA, which Widess led at the time, about dangerous heat and other hazards at Inland Empire warehouses. Now, the workers said, higher-ups were threatening to call immigration authorities if they persisted.

Widess said she phoned federal officials and implored them to avert any immigration crackdown while workers were raising the alarm about unsafe conditions. It worked, she said.

But Widess said if that happened today, she wouldn't count on such pleas being heeded.

President Trump has vowed to carry out mass deportations and rolled back a [federal policy](#) that restricted immigration agents from arresting people in hospitals, churches and schools.

His promises — along with heavily publicized raids in New York City and Chicago — have ramped up fear among immigrants who could be at risk of deportation. Experts in workplace safety have warned that could inhibit them from speaking up about health threats on the job, hampering efforts to stop hazards and illnesses.

“Workers are the canaries,” said Debbie Berkowitz, a Georgetown University fellow and former federal Occupational Safety and Health Administration official under President Obama. “We need them to speak up if there are issues so that you prevent a pandemic. And nobody’s going to speak up because they’re scared that the company will call ICE.”

An Immigration and Customs Enforcement spokesperson referred questions about such concerns to OSHA, which did not provide comment.

The California Department of Industrial Relations, which includes Cal/OSHA, said in a statement that “no worker should feel intimidated or afraid to exercise their rights.” Labor laws in California protect all workers regardless of immigration status and California ensures confidentiality in reporting unsafe conditions, it said.

Thurka Sangaramoorthy, an American University anthropologist who has studied immigrant workers, said that all workers have the right to report unsafe working conditions, regardless of immigration status.

“But what happens in practice is a completely different thing,” she said. “The enforcement climate makes workers unwilling to exercise their rights.”

One [analysis](#) released by the W.E. Upjohn Institute for Employment Research, an independent research organization based in Michigan, found that when U.S. counties participated in an [immigration enforcement program](#) in the past, the result was “substantially reduced complaints to government safety regulators, but increased injuries, at workplaces with Hispanic workers.”

Immigrants disproportionately work in more dangerous industries such as forestry and construction and are more likely to die on the job than other workers, with fatality rates that are especially high among Mexican immigrants, researchers from Vanderbilt Law School [found](#).

In California, they work at [dairies](#) where they could be at risk of bird flu. They [build homes](#) and [harvest crops](#) in scorching heat. In Los Angeles County, they have become the face of an alarming outbreak of [silicosis](#), a deadly lung disease caused by inhaling dust loaded with crystalline silica, among young workers who cut countertops.

Maegan Ortiz, executive director of the Instituto de Educacion Popular del Sur de

California, said that “these are already workers who are extremely hard to find.” In recent weeks, she said, daily attendance has been cut in half at a Van Nuys center that the group operates for day laborers.

At a training in L.A. for workers doing cleanup after the wildfires, a discussion about wearing respirators quickly veered to “what if ICE shows up?” said Kevin Riley, director of the UCLA Labor Occupational Safety & Health program. “It is so in the forefront of these workers’ minds.”

In the Bakersfield area, where a recent [Border Patrol operation](#) lasted for days and led to dozens of arrests, Paula Flores voiced worries about deportation as she pruned a row of grapevines.

As it stands, she said, she doesn’t have complaints about her current job. But the threat of raids might make workers facing abusive supervisors think twice about reporting hazards, she said.

“Imagine if they threatened us with immigration,” Flores, a Mexican immigrant who has been in the U.S. for nearly three decades, said in Spanish. “Obviously, nobody would report anything.”

Government regulators unable to show up in every workplace rely on worker complaints to steer them to problems, experts said. One [analysis](#) by the AFL-CIO estimated that with existing staffing, it would take more than 200 years for inspectors to reach every job site in California.

The system “necessarily has to rely on workers coming forward,” said Wides, the former Cal/OSHA director.

For years, ICE has had internal guidance to avoid the agency being weaponized in employment disputes, said Jessie Hahn, senior counsel on labor and employment policy for the National Immigration Law Center. Those policies were guided by the fact that “there has long been this risk that private parties would try to use immigration enforcement to gain the upper hand in a dispute,” Hahn said.

The Department of Homeland Security has offered “discretionary protection on a case-by-case basis to victims who lack employment authorization,” it says on its [website](#). That practice helps “labor and employment agencies to more fully investigate worksite violations,” according to the department.

In Georgia, such assurances were crucial as chemical regulators investigated how a [deadly cloud](#) that arose from liquid nitrogen killed six workers in a poultry processing facility, said Shelly Anand, executive director of the immigrant and worker rights nonprofit Sur Legal Collaborative.

Obtaining [temporary protection](#) from deportation “was so, so critical in getting immigrant workers to come forward,” Anand said.

A 50-year-old Mexican immigrant who worked in the Georgia facility said in Spanish that it made her feel more protected. “We’re not afraid to talk, or that because we don’t have status, we can’t express ourselves,” she said.

Hahn stressed that such policies have been discretionary. Immigrant advocates have pushed to shore up those protections with a [federal bill](#) that would expand visa eligibility for workers cooperating with regulators to expose labor violations, so far without success.

An ICE spokesperson referred questions from The Times about whether the agency

would hold off on workplace raids amid a health or safety investigation to federal OSHA, which didn't provide comment.

Georgetown's Berkowitz said that workplace raids on poultry plants under the first Trump administration had enduring effects on laborers later, "when COVID was racing through these meat-packing plants."

"Because Trump publicized these raids and they went into workplaces, people were terrified to speak up. And it was only after the hospitals were overrun that people started paying attention."

The COVID outbreaks in meatpacking, in turn, affected people far beyond the production lines: One [analysis](#) concluded that as of July 2020, up to 8% of cases nationwide were associated with being near livestock plants and the vast majority of those cases were not among the workers themselves.

The danger of workplace illness going undetected could be exacerbated if immigrants avoid hospitals and clinics where doctors could diagnose and raise alarms about emerging threats, experts said. As it stands, undocumented immigrants face financial, legal and linguistic barriers to seeking healthcare, said Dr. Sheiphali Gandhi, a UC San Francisco assistant professor of occupational and environmental medicine.

"Anything that worsens any of those factors would make it less likely that they'll seek care ... unless it's an absolute emergency," Gandhi said.

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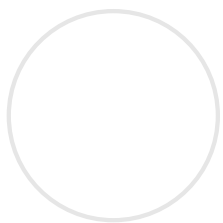
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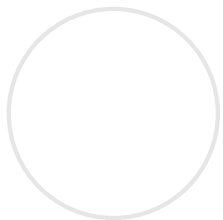
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