

How Global Workers Can Assist Advocates with their Low-Wage Transnational Clients



Have clients who returned to Mexico for a family emergency but you need them to provide written testimonies? About to go to trial and can not obtain a visa for the client who is back home in Guatemala but needs to return to testify? Or simply trying to track down some migrant clients you represented and now you need to disburse the wages that you recovered for them, but they left the country?

These are just a few examples of the many challenges attorneys face when representing migrant workers in transnational employment litigation. Some attorneys find it cost-prohibitive to keep in contact or track clients down when the case goes to trial and forgo representing them entirely. Global Workers' principal focus is to help advocates and migrants overcome these barriers to portable justice, the right and ability of transnational migrant workers to access justice in the countries of employment even after they have departed for their home countries.

Case Facilitations

Global Workers created the Global Workers Defender Network in order to help advocates effectively and efficiently represent transnational migrant clients in employment cases. We accomplish this by teaming up advocates in the countries of employment with our Defenders to work on specific employment law cases. Because Global Workers does not provide direct representation, we call the process *case facilitations*. Once partnered with our Defender, the country of employment advocate will work directly with the Defender to execute the specific case facilitation assignment. Please note that Global Workers does *not* offer translation services. It is expected that the Advocates will have bilingual staff or arrange for third-party translation service.

Examples of Services Provided by Global Workers:

When Clients have Returned to their Home Countries

The following are common examples of services that we provide.

- ***Locating Clients:*** Defenders can locate clients with whom advocates have lost touch or find additional clients with similar claims.
- ***Questionnaires:*** Defenders can complete interrogatories or provide access to their office phones so advocates may conduct the interviews themselves.
- ***Depositions:*** Defenders can arrange for telephonic, video, or on-site depositions. When foreign rules require it, the Defenders can serve as local counsel to avoid practicing law without a license.
- ***Injured Workers:*** Defenders can help injured workers find local medical assistance.
- ***Settlement/Award Distributions:*** Defender services can range from advertising settlement announcements to completing claim forms.

When Clients are in the Country of Employment but the Need is in the Home Country

Even when a client remains in the country of employment aspects of the case may require home country assistance.

- **Witness Affidavits:** Defenders can locate and interview local witnesses for abuses that occurred before they migrated, a common issue in trafficking cases.
- **Document Collection:** Defenders can obtain birth certificates and other documents only available in the country of origin.

Litigation/Advocacy in the Migrant Home Countries

Not all legal violations your client suffers can be adequately addressed in the country of employment. Sometimes the only available remedy is in the migrants' home country. Our Defenders, experienced human rights advocates, can provide legal support to assist in abuses that occur in the home countries. Some common abuses suffered in the home countries are:

- **Threats:** Intimidating workers to drop their legal claims is unfortunately a common occurrence.
- **Retaliation:** Employers will often not rehire migrants in temporary worker programs after they have complained of abuses.
- **Trafficking:** Trafficking often starts in the home countries. Additional remedies, both civil and criminal, may be available for the trafficked person.

Geographic Coverage

Global Workers launched the Defender Network in Southern Mexico and Guatemala. Until Global Workers expands the Network to additional countries, it will provide assistance outside this geographic area on a case-by-case basis.

Additional Programs to Support Advocates

Global Workers staff frequently lectures and trains advocates on transnational litigation issues. For example, to assist United States advocates with the legal challenges they face when representing clients who have left the United States, Global Workers maintains a *Transnational Litigation Manual* that describes some of the strategies on overcoming those challenges. More information on low-wage temporary workers is available on our website, <http://www.globalworkers.org>.

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