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Trafficking Case Ends For 48 Thai Welders

A firm settles claims of immigrants who arrived on work visas and were forced into near-slavery

By Teresa Watanabe, Times Staff Writer
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The immigrant welder thought he was coming to America, the “fairy tale place,” to work on the San Francisco-Oakland Bay Bridge for wages six times higher than he could earn in his native Thailand.

Instead, he found himself trapped in near-slavery, working 13-hour days at a Long Beach restaurant. For three months of full-time work, he said, he was paid a total of \$220.

The labor recruiter, he said, confiscated his passport, housed him in a shabby apartment with no gas, electricity or furniture and threatened to send him back to Thailand to face crushing debts if he complained.

But the ordeal of Sathaporn Pornsririsak, 43, will end today when federal authorities are scheduled to announce a \$1.4-million settlement in a case involving him and 47 other Thai welders brought to California four years ago.

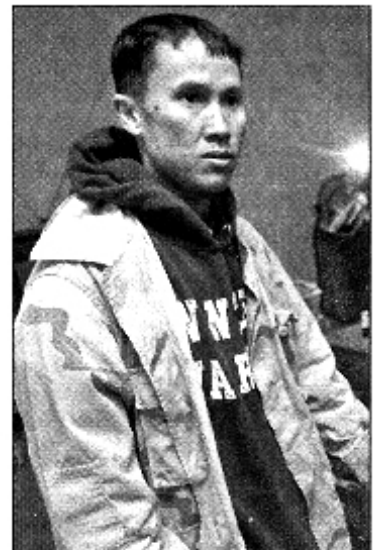
The case, settled by the U.S. Equal Employment Opportunity Commission and Trans Bay Steel Corp. of Napa, represents what experts call the hidden face of human trafficking: migrant laborers legally recruited — largely from Asia and Latin America — but exploited and abused while here.

Though most public attention about human trafficking has focused on women and children in the sex trade, experts say laborers constitute at least half of the approximately 16,000 people trafficked into the United States annually.

In particular, the Thai welders represent bonded laborers: those forced into servitude to repay enormous loans in a scheme that the U.S. Department of Health and Human Services calls the least known but most widely used method of enslaving people today.

“This case defies the stereotypical perception of what a trafficking case should be: women and children for the purposes of sex work,” said Chancee Martorell, executive director of the Thai Community Development Center in Los Angeles, which was first contacted by the welders. “It’s important for the general public to bear in mind that trafficking can occur any time, anyplace, to anyone.”

Trans Bay denies any wrongdoing, saying it was “duped” by an employment agency into sponsoring more workers than needed, who then were diverted to the Long Beach restaurant and one in L.A. without the steel company’s knowledge or permission.



ROBERT DURELL *Los Angeles Times*
NEED: Sathaporn Pornsririsak said he began seeking work overseas when his Bangkok employer folded.

Trans Bay attorney Doug Smith said the company agreed to the settlement to help the victims and warned other businesses to thoroughly investigate any potential employment agencies. Trans Bay is suing the agency — Kota Manpower Inc. of Thailand and Los Angeles — for alleged fraud.

“Trans Bay views itself as a victim,” Smith said, “but they feel they need to step up and accept the responsibility of trying to help the people who were damaged.”

Anna Park, a lawyer for the Equal Employment Opportunity Commission, said her agency is trying to pursue charges against Kota, which has closed its L.A. office, but has not been able to locate company President Yoo Taik Kim.

The settlement gives most of the workers between \$5,000 and \$7,500 in personal injury damages, along with financial assistance for housing, relocation, education and other expenses. Trans Bay also has hired 22 welders and offered jobs to the others to start after they get work visas, according to Park.

And 17 of the workers have won an even greater prize: a special visa for victims of trafficking granted under a 2000 federal law that allows them to stay in the United States for three years and apply for legal permanent residency after that. Thanks to the visa, Pornsririsak was able to bring his wife and 10-year-old daughter to California in February. Trafficking visa applications are pending for 22 other workers.

“It is exhilarating to be free,” Pornsririsak said in a telephone interview this week.

According to Trans Bay’s Smith, the steel firm approached Kota to recruit 10 welders from Thailand to help manufacture piles and hinge beams for the Oakland Bay Bridge. Smith said the Napa steel firm agreed to pay Kota a compensation package that amounted to \$18.80 per hour for each worker, and that the employment agency was supposed to pay the welders directly.

When the workers began complaining that Kota was not paying them as the contract required, Trans Bay terminated the relationship, Smith said. Meanwhile, Smith alleged, Kota improperly used Trans Bay documents to bring in additional workers under the nation’s legal guest worker program.

That group included Pornsririsak. The soft-spoken laborer said he began seeking work overseas when his construction firm went belly-up in Bangkok. For the privilege of a coveted job in the United States, he was required to pay a \$12,500 “recruitment fee” — money far beyond his capacity to pay with his \$200 monthly wage. But he said he was desperate to provide for his family, so he borrowed the money from a bank and loan shark at exorbitant interest rates.

That, according to trafficking experts, is precisely the trap that many victims enter, rendering them vulnerable to threats of retaliation against their families back home if they don’t stay on the job and work off the crushing debt.

Pornsririsak said he and several other men were taken to Long Beach in December 2002 and forced to renovate a Thai restaurant — stripping floors, fixing toilets, cleaning walls. After it opened, he said, he was made to work there daily as a waiter from 9 a.m. to 10 p.m.

A Kota employee confiscated workers’ passports, drove them to and from the job and threatened them with deportation if they complained.

“It was unbelievable,” Pornsririsak said. “I couldn’t imagine that anything like this could take place in a country like America, which everyone believes is a perfect place, a fairy tale place.”

After three months, Pornsririsak said, he and the others plotted an escape with a Thai patron of the restaurant who drove them to a Thai temple. The group eventually hooked up with the Thai community center in Los Angeles.

Martorell of the Thai center said the workers in the complex case were aided by various other agencies.

The Department of Labor obtained \$61,000 in back wages from Trans Bay for the original 10 welders. The Legal Aid Foundation of Los Angeles helped the workers win their special visas, in what attorney Nancy J. Reyes-Rubi said was initially a challenge to convince immigration officials that male laborers also can be trafficking victims.

The L.A.-based Coalition to Abolish Slavery and Trafficking helped the victims secure housing, jobs, healthcare, public benefits and, most important, permission for their families in Thailand to come here.

And after the Department of Justice declined to file criminal trafficking charges in the case, the Thai community center approached the Equal Employment Opportunity Commission to pursue the case with civil charges of national origin discrimination.

Pornsririsak, who now works at Trans Bay, said he hopes to make the United States his permanent home.

"This is the greatest country in the world, where justice can prevail," he said.