

La Opinión

‘We are at the mercy of God’

Port truck drivers lack labor rights and pay taxes.

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In theory, Leonardo Mejía, an independent truck driver who works for a trucking company at the port of Los Angeles, should be doing well. He is his own boss and receives a 45% commission of the freight fee on the loads he hauls. The reality, affirmed this native of Mexico, is that all those advantages are a “myth”.

“I have never been an independent contractor, since I do not have the freedom to work for another company or to negotiate the rates,” said Mejía who has worked at the world’s largest port for the past ten years.

The trucking company he works for, treats him like an employee, but denies him employment benefits such as health insurance, a retirement plan, vacations, etc., said Mejía. The term “independent contractor,” he said exists only on paper.

“We are at the mercy of God. We have nothing,” said Mejía, who yesterday delivered a container to the city of Mira Loma. The load took seven hours of his day and paid him 82 dollars. “The more we work, the more we are exploited,” lamented Mejía.

Mejía’s story is not only commonplace at the ports of Long Beach and Los Angeles, but at all the marine terminals around the country, reveals the report “Big Rig: Poverty, Pollution and the

Misclassification of Truck Drivers at America’s Ports.”

The analysis, published today, concludes that port trucking companies are burdening their drivers with the purchase and maintenance of the trucks. They evade taxes and violate major labor laws.

“Truck drivers lack labor rights, but must pay all the costs of running a business”, explained Rebecca Smith, lawyer of the National Employment Law Project and author of the report. “What these port trucking companies are doing is illegal and should be reported to the federal government.”

Based on interviews with drivers of the four main ports of the country (Los Angeles, Oakland, Seattle and New York), the study indicates that port truck drivers are subject to strict behavioral control by the trucking companies.

For example, the trucking company demanded Mejía to pay a weekly fee of \$15 for accident insurance. “If I did not pay the fee, I could not work,” said Mejía.

It is estimated that of 110,000 truckers at U.S. ports, 82% are independent contractors working on average 59 hours per week for an annual income of \$28,783.

“This policy of misclassification must be eliminated. It is unacceptable. It is a pernicious attack on our nation’s working families,” said Wade Henderson, president of the



The port, a workplace for thousands of truck drivers still without employment protection and benefits.
Ciro Cesar / La Opinión

Leadership Conference on Civil and Human Rights.

Phillip Sanfield, spokesman for the Port of Los Angeles, stressed that the report recommends trucking companies are required to hire drivers and take responsibility for the trucks they operate. “That was a key element of the Clean Truck Program, which unfortunately was enjoined by a court.”

Representatives of the Port of Long Beach, whose version of the Clean Truck Program was to maintain the system of independent contractors, did not comment on the study.

Last year, Mejía reported an income of \$23,000, but had to pay 5,000 to the Internal Revenue Service (IRS), because the company paid him by contractor hours. “They pass the buck to us and we have to pay the taxes,” he complained. “We move the commerce of this country, but we are the lowest paid,” he said.