

The 'reindeer' exploited by Santa: the Hispanics who transport Christmas gifts from Amazon and the big chains

Around 12,000 truckers who transport merchandise from the large commercial chains that arrive at the Port of Los Angeles have fought for years for cargo companies to stop "exploiting" them, even charging them for the insurance of the products they move.

By: Isaias Alvarado, Univision Los Angeles

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<https://www.univision.com/los-angeles/kmex/noticias/hispanos/los-renos-explotados-de-santa-los-hispanos-que-transPortan-regalos-navidenos-de-amazon-y-las-grandes-cadenas> *Translated with Google Translate*

LOS ANGELES, CA - At age 62, Nicaraguan Napoleon Gaitán believes he will only endure three more years driving a heavy cargo truck "from moon to moon". From Monday to Saturday, this man spends up to 14 hours a day transporting containers arriving from Asia and the east coast of the country to retail stores in California. This week he looks exhausted by the distribution of Christmas gifts that await customers Amazon, Target, Best Buy, Walmart and other companies.

Gaitán is a professional of the steering wheel and it seems that he receives a good salary, but when the \$900 that he gains are divided among the 78 hours that he handles each week, his pay is reduced to \$11.50 per hour, barely above the minimum wage and excluding time extra and labor benefits. This gray-haired man has no health insurance to take care of any injury; neither does a retirement plan await him.

"While all these CEOs are becoming more and more millionaires, we are suffering, sacrificing our families," claims this Central American at the end of another strenuous working day. He says that both the XPO carrier, which considers him an "independent contractor," and the large commercial chains that make agreements with it, are accomplices in its exploitation.

"Almost all of my check is in the truck payment, diesel, administration fees, insurance and other things that I do not know; in the end they keep almost everything I earn," says Gaitán, one of the thousands of drivers Port of Los Angeles still struggling for a fair labor reclassification. They ask that they stop considering them "independent operators," which means to cover all the expenses of the truck and that they only pay them by freight, to become employees that enjoy all the benefits.

This battle has taken almost a decade, since the Ports of Los Angeles and Long Beach approved an ecological plan that prohibited the entry of old trucks to their terminals, leaving many drivers without their old vehicles and indebted to the carriers. Most of these companies reduce their total earnings from trailer payment, insurance, parking, fuel and other expenses.

Mr. Gaitán and many other truck drivers even require insurance for the goods they carry. "They pay insurance for the Amazon cargo," says Santos Castañeda, organizer of the Teamsters union, which tries to join more Port drivers. He also believes that carriers and retailers are reducing their costs at the expense of truck drivers.

"Amazon and XPO have found a way to put the cost of their business on the drivers to get more profits, Amazon knows that the company steals the workers," Castañeda emphasizes.

'Employees' without rights

The Teamsters union estimates that 100,000 truckers who work in US Ports are unfairly considered "contractors." Of these, 12,000 (12%) are located in Los Angeles, where is the largest Port complex in the country and the main recipient of the Asian giant trade.

This organization notes that corporations incorrectly classify workers as independent contractors to pay them lower wages, not offer them work benefits and evade laws that provide them with protections: minimum wage, overtime, health coverage, unemployment program and workers' compensation laws. The formula also means that on the shoulders of employees weigh the risks and commercial expenses (for example, workers pay taxes to the payroll of companies, such as social insurance, unemployment insurance, etc.).

Gaitán says that XPO treats him as an employee when it suits him. For example, it does not allow you to negotiate the cost of freight, it offers you the charges at will and punishes you by "erasing your seniority" if you miss work for more than a month. "I'm his employee, that's why we're in the fight, to stop these abuses that are too many," he says.

This year, Gaitán stopped working for a month but not to rest, but to travel to his native Nicaragua to have his left eye operated. His vision had diminished. Since he does not have health insurance here, he took advantage of a free health campaign. Upon returning, he had accumulated a debt of almost \$6,000, because he did not pay for the truck or insurance.

"In the company they offered me insurance (medical), but it's very expensive, if I grab it, it's my turn to live under a bridge, that's how ugly," he says.

Two weeks ago a doctor who performed a routine exam, a requirement to renew his license as a commercial driver, gave him bad news: he is herniated. He thinks he got hurt at work. "I used the cranks to lift the trailer (the box of the truck), but the company frees itself from everything, that's why every day they become more millionaires," he claims.

For the past six years, California Port drivers have filed at least 875 claims with the state Department of Labor Standards Enforcement (DLSE). Meanwhile, the Office of the Labor Commissioner has issued determinations in at least 376 cases, finding that drivers owed more than \$ 40 million in stolen wages and fines. The agency ruled in favor of being employees, not contractors.

In April, that commission decided that XPO had to pay almost a million dollars to four drivers, including the reimbursement of "unproductive time" dedicated to the inspection of the truck, waiting for the load or scanning the paperwork for the freight charges of the day.

XPO, with a presence in 32 countries and a staff of more than 91,000 employees, did not comment on the claims of these drivers.

Univision News also solicited comments from companies Amazon, Walmart, Target and Best Buy, but did not respond immediately.

José Portillo, a 46 year old Salvadoran, has worked for almost eight years for the transporter IBT (Intermodal Bridge Transport), which moves goods from Amazon, Target and Walmart. He also feels exploited, because he drives for long hours, he rents the truck for 60 dollars a day, he pays little and has no benefits.

"I pay for them to give me work, they are becoming millionaires with my sweat and that of my colleagues," says this man who has a trailer license for 13 years.

José Portillo in a protest to ask that the transporter IBT accept him on his payroll. This father of three children is uncomfortable knowing that he takes home a stingy salary carrying the merchandise sold by the richest man in the world, Jeff Bezos, owner of Amazon and whose fortune was raised to \$100 million during the purchases of the Past Black Friday.

"I would tell the Amazon owner to put his hand on his heart and think that all his merchandise is driven by a driver who is exploited," says Portillo, who says that IBT discounts 11% of his salary to pay insurance, included in the products it transports.

"When I divide the hours I work between what I earn, sometimes I get to 15 dollars an hour, without paying overtime, I feel powerless to be fighting against a company that does not want to change their system," he said.

IBT, with six offices in the US, including one in the Port of Los Angeles, did not comment on it either.

The Mexican Domingo Ávalos almost do not know him at home. There are weeks that he has added more than 80 hours - "if not more" - on top of his truck. He has been driving for the XPO company for six years and says that he does not know about breaks or vacations since then.

"To get a good check, I leave my house when my family is asleep and I return when my family is already asleep, sometimes I'm in the truck for up to 20 hours a day, but most of the time I have to wait (to collect the container)," he says.

In this period of the end of the year it has not stopped. He takes advantage of it, he says, because the rest of the year he takes it sitting in the truck, but without handling it. He compares that for freight from the Port of Los Angeles to an Amazon warehouse in Moreno Valley, he is only paid \$150 (of which several payments remain).

"How much do you think a taxi or an Uber charges for that distance? More than us, and we still have to pay for the truck, fuel and our salary," said Avalos, 53.

This man is sorry to say that the office only gives to live humbly, recognizing that trailers only have the reputation of well paid. "We are professional drivers but most of my colleagues live in garages or in trailitas (mobile homes)," he laments.

XPO owes this Mexican \$170,000 for stolen wages, but the company appealed the decision of the California Labor Commission. The payment is still in suspense. His Christmas, he says, will not be so happy.

"These companies take advantage of us because we do not speak English, we do not study and we have the need to work," Ávalos concludes.