

For Immediate Release

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Charlotte-Metrolina Labor Council, Labor Unions, Community Allies, and The Surviving Families and Workers Urge NC Department of Labor to Utilize Available Tools to Thoroughly Encourage Vulnerable Workers to Assist as Agency Investigates January 2nd Deaths at Friends Masonry & Old North State Masonry Construction Site

Charlotte, NC – On January 2nd, 2023, three Masonry workers, [Jesus "Chuy" Olivares](#), [Gilberto Mónico Fernández](#), and [Jose Canaca Bonilla](#), were tragically killed when the scaffold system on which they worked failed, causing them to fall 70 feet to their deaths. The families of the deceased, the community, and allies demand that The Department of Labor of North Carolina (NCDOL) and NC OSHA utilize all tools available to them to ensure that avoidable deaths are prevented.

Since the untimely deaths of the victims the Charlotte-Metrolina Labor Council (CMLC), and allies have been working with the families and friends of the three victims in order to provide support. Through our collaboration with families, we have grown concerned that the OSHA investigation has not spoken to all workers who witnessed the accident. Today we are formally encouraging the Department of Labor to utilize Deferred Action, a new protection for noncitizen workers, to encourage them to speak out without fear of retaliation under the threat of immigration.

"Workers have reported fear of retaliation from their employers for speaking to authorities, although NC DOL offers workers the ability to report anonymously, workers fear being identified through their statement and becoming targets of retaliation by employers," says Hawkins President of Charlotte Metrolina Labor Council

As of January 13, 2023, it is in the state agency's ability to request Deferred Action from The Department of Homeland Security (DHS) for workers involved in OSHA Investigations to encourage fearful workers to speak up about safety conditions, lack of training, and other issues related to their employment without fear of retribution from their employer. Furthermore, on said date, DHS, which oversees immigration enforcement, has committed to exercising prosecutorial discretion to ensure victims of work-related violations and exploitative labor practices can access justice without fear of immigration enforcement.

These threats of immigration enforcement are often deployed by unscrupulous employers who cheat the system, and whose victims are not faceless statistics, but dignified people seeking the American Dream. In this case, their names are Jesus, Jose & Gilberto.

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Charlotte-Metrolina Labor Council | El Vinculo Hispano / Hispanic Liaison | It's Our Future | Student Action with Farmworkers |

National Day Laborer Organizing Network | Western North Carolina Workers' Center | Charlotte Area Local 375 APWU |

NC State AFL-CIO | IATSE 322 | UA Local 421 | Carolina Migrant Network | International Brotherhood of Electrical Workers LU 379 |

Immigrant Justice Coalition | Fayetteville Pact | National Employment Law Project (NELP) | Bricklayers and Allied Craftworkers 8 Southeast