

# **Violacion de Un Sueno: Jornada Nocturna**

## **(Rape on the Night Shift)**

**English translation of script**

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(Music starting)

**MARIA MAGANA:** That money won't ease my pain, that filthy stain on my heart from that man who marked me (sniffs and cries) It won't change the past, or clean how dirty I feel.

**DAFFODIL:** Hello, I'm Daffodil Altan, and this is Reveal in Spanish, an investigative program from the Center for Investigative Reporting and PRX, which brings you behind the scenes of the story.

Here at Reveal we investigate injustices. We set out to look for the truth and challenge those in power. There is always more to the story, and that is what this program is about. Our first episode is about work, specifically the work that many immigrant women do in the

U.S.

And like a lot of us, when I was a kid, I didn't pay a lot of attention to what my mom, Zoila Altan, did for a living. She was a night janitor.

*Crickets chirping outside*

**DAFFODIL:** I wanted to know, what was your job like when you were a janitor? How was it? Was it hard?

**ZOILA (Daffodil's Mom):** It was from 4 to 12 at night and we saw really dirty bathrooms, offices, and all that. Yes. And also the supervisors were a bit strict, and they asked more than one could do.

**DAFFODIL:** In fact, the sometimes the supervisors asked much more than you might imagine. Women like my mother who worked at night usually work alone-isolation that left them vulnerable. For a year and a half I worked with a team of journalists to look into the problem of sexual violence that these workers face. Now, with my colleague Sasha Khokha, from the public radio station KQED, we bring you the story we're calling "Rape on the Night Shift."

[music]

**VICKY:** What time is it? It's already 8:27.

**SASHA:** The lights go out as the daytime office workers leave the building. And then, room by room, they flicker back on. Three stories of glass, light up like a shadow play. The silhouettes of janitors appear on different floors, one polishing a window, another mopping the floor. Outside, two women hide behind a palm tree, watching.

*sound traffic on street*

**VICKY:** Vero, don't run, it makes us look suspicious! And there are cameras all over...

**VERONICA:** The lights are already on

**SASHA:** These two women are keeping watch over this office park in the suburbs of Orange County, an hour south of Los Angeles. They are undercover investigators for a small organization. They're trying to eradicate abuse in the cleaning industry.

**VICKY:** Yes, it's a really big building.

**SASHA:** Sometimes they wait for the workers near garbage dumpsters or inside bathroom stalls.

**VICKY:** Look, Vero, there's the trash can. Look!

**SASHA:** Vicky Marquez is less than five feet tall, with heels on. Veronica Alvarado has tattoos and green highlights streaking through her brown hair. Getting into the building before it's locked is difficult, but tonight, they're in luck.

**VERONICA:** Magic! Magic! (Yelps!) Go in!

**SASHA:** Vicky Martinez worked as janitor for 15 years. Now she knows better than most how to find night shift workers and talk to them about their situation.

**VICKY: (talking to workers)**

And we're telling you this information because we know that there are people who are scared, and that don't have documents...

**SASHA:** On this night, they find janitors who work seven days a week without overtime, others who have to buy their own cleaning supplies. But once in awhile, they meet a woman who confides a darker secret. That she's being sexually abused on the job.

(music)

**DAFFODIL:** Our investigation found that sexual violence is a problem at janitorial companies across the nation. From tiny mom and pop shops to big corporations. From companies that operate off the books, to those with shares traded on the New York stock exchange.

Like the nation's largest janitorial company, ABM Industries. The company's nearly 65 thousand janitors clean major airports, city halls, courthouses, and towering office buildings across the country. That's the company Maria Magana used to work for.

*vacuum noise*

**MARIA:** (vacuuming) I do it like this

**SASHA:** Magana is a tiny woman in her 50's. She's practically dwarfed by the giant vacuum cleaner she straps on her back.

*sound of scrubbing*

**MAGANA:** The one thing I don't like to do is vacuum. I prefer to mop everything (giggles) because the vacuum cleaner is very heavy.

**SASHA:** She's been cleaning office buildings in California for nearly two decades.

We went on the job with her one night.

*Sounds of mopping and scraping*

**SASHA:** Magana even uses a plastic fork to scrape the dust out from the crevices in the windowsill.

**DAFFODIL:** The next day, we went to Magana's house. Even though she was tired from cleaning late the night before, she wanted us to come early in the morning before the neighbors woke up – because she didn't want them know what we were there to talk to her about.

*knocking sound*

**MARIA:** Hi, Good morning, how are you?

**SASHA AND DAFFODIL:** Hi, Maria, how are you?

**MARIA:** Come on in

**SASHA:** When we got to her house, on the rural edge of Bakersfield, we didn't know if she was going to talk with us.

**DAFFODIL:** But it wasn't like we knocked on the door suddenly and asked about her story.

**SASHA:** No, we talked for months before this visit so that she would feel comfortable enough to tell the world something very hard. How she had survived sexual abuse from her supervisor at work.

**MARIA:** So I hit him with my broom, and he said, “Maria, why are you so mad? What am I doing wrong? It’s just a caress. I’m just being affectionate.” I told him, “You get any closer, and I’ll hit you with the handle right now.” I told him, “I’m going to spray this cleaner in your eyes.”

**SASHA:** One of the sites where he attacked her was a bank.



*Maria unbuckles seatbelt in her car, car door opens*

**MARIA:** Here it is. Every time I pass by this bank, I remember what happened.

That's why I try not to go down this street. I agreed to let you tape me, so I could help remind women they should work in places that are well-lit, that they shouldn't work alone, that they should work with other women.

**SASHA:** The building was closed, but she peered in through the tinted glass door.

**MARIA:** Behind the stairs is the conference room where that man tricked me, got me into that room. He shoved me as soon as I walked in, and raped me.

**SASHA:** Maria Magaña says that that night, Jose Vásquez raped her. After the attack Magaña says she went to the bathroom, cleaned herself up, and finished her shift.

**DAFFODIL:** María Magaña didn't report what happened to her until some lawyers contacted her from the Equal Employment Opportunity Commission, or the EEOC. It's the only federal agency that investigates and prosecutes sexual assaults in the workplace.

Magaña and 20 other women brought a class action lawsuit, alleging that ABM failed to protect them from harassment and assaults at work. 12 of the plaintiffs pointed to one man, supervisor José Vásquez.

***DEPOSITION VIDEOTAPE:***

**ATTORNEY:** Did you have sex with Maria Magana against her will at the ABM worksite?

**VASQUEZ:** No.

**DAFFODIL:** In 2008 prosecutors questioned José Vásquez. He said he never raped any of the women under his supervision at ABM.

**ATTORNEY: Did you rape Maria Magana at the ABM worksite?**

**VASQUEZ: No.**

**SASHA:** A few months after Maria Magana says she was raped, the company got two anonymous letters alleging that Vasquez was touching and harassing women, and that he had a criminal record. “Help us,” pleaded one letter. “Please send someone to investigate.” In fact, Vasquez had been sentenced years before, for raping the daughter of his former employer.

*Vasquez clears his throat and sighs*

**SASHA:** But at his deposition, Vasquez testified that ABM ignored those warnings.

*Desposition videotape:*

**ATTORNEY:** Nobody from ABM talked to you about sexual harassment allegations in or around September of 2005, correct?

**VASQUEZ:** No, sir, nobody did.

**DAFFODIL:** The letters also mention a female worker named Érika and say that she had also been accosted by Vásquez. The company never contacted her to ask about it.

**ÉRIKA:** This person tried to rape me. He hit me. (crying) I don't know how I defended myself. No, he knew that there weren't cameras, I screamed and nobody could hear me. I don't know how I can clean myself of him.

**DAFFODIL:** Érika Morales says that time she was able to escape, but she withstood his harassment for months before finally deciding to speak.

**ÉRIKA:** I went to the office to turn in my keys. And I told them, I said to his supervisor, “There is going to be someone, someone is going to open their mouth and say that what you all are doing is bad.” I never imagined it would be me that would speak up.

**DAFFODIL:** ABM settled the case in 2010. The 21 women, including Maria Magana, were awarded a total of nearly six million dollars. ABM didn’t admit wrongdoing.

*Sound of Maria Magana in her kitchen.*

**MARIA:** Do you want your coffee Ma, with cream? Take it, look look...

**SASHA:** Five years later Magana still lives in a cramped house in Bakersfield, taking care of her elderly mother and teenaged son.

**MARIA:** mom, it's McDonald's coffee! Look

**SASHA:** Magana's the only income-earner, and says that's a big reason why she kept working at ABM so long after her attack. She still works as a full-time janitor and says she's uncomfortable spending the settlement money from the case.

**MARIA:** (crying) They can give me thousands and thousands of dollars, but to this day, I can't spend the money with joy, because I see it as dirty. That money won't ease my pain, that filthy stain on my heart from that man who marked me. It won't change the past, or clean how dirty I feel.

*Music from radio show*

**ÉRIKA:**  
**announcing her radio show:** And so friends, good morning, yes, yes, yes and here I am with you, your amiga Bunny.

**DAFFODIL:** Today Érika Morales doesn't work as a janitor anymore. She's an announcer for La Ligerera - an online radio station.

**ERIKA:** *(announcing on radio)* Sending you all best wishes, and remember, you have to smile at life so that life doesn't laugh at us...

**DAFFODIL:** And we were here when she shared for the first time the story of what happened to her at ABM.

**ERIKA:** *(announcing on radio)* In just a moment, we'll start the rock and roll hour.

We're here with Officer Eric Rivera. And we're talking about a very sensitive topic: sexual harassment at work.

This has touched me personally. I've never talked about this part of my life on the air. A group of women, including myself - we didn't have the strength to report it to the police.

Always, always, you have to speak up, and you must take the first step and report it.



**DAFFODIL:** ABM and its officials refused our repeated requests for an interview. Instead of talking to us directly, they sent us videotaped statement.

**TOLAR:** Hi, My name is Miranda Tolar, and I'm ABM's Deputy General Counsel for Employment law.

**DAFFODIL:** Tolar outlined ABM's commitment to a safe work environment, including sexual harassment training for employees, and a hotline where they can report concerns or complaints in 100 languages.

**TOLAR:** We take these issues very seriously. We believe that our policies and procedures are the gold standard in the industry.

**DAFFODIL:** But we found more lawsuits, some filed as recently as this year, in which janitors allege that ABM is not following its own protocols to investigate complaints. In some cases women say they were fired for complaining.

**SASHA:** But how can this kind of assault and harassment be stopped? What does the federal agency in charge of ensuring workplace health and safety say? Jordan Barab is an official with the Occupational Health and Safety Administration.

**SASHA:** Has OSHA ever taken on a case involving rape in the workplace?

**BARAB:** Not that I'm aware of

**DAFFODIL:** According to estimates from the Justice Department, about 50 workers a day are sexually assaulted or raped on the job. But Osha doesn't recognize rape as a widespread hazard in the workplace.

But ask yourself, if the government doesn't investigate these cases, then who does? Many of these cleaning companies are underground and don't follow the law.

**LILIA:** They don't pay taxes, they don't pay the minimum wage.

**SASHA:** Lilia Garcia has worked for more than a decade keeping an eye on janitorial companies. She heads a small organization in California - the Maintenance Cooperation Trust Fund or MCTF - that sends investigators to the companies that operate in the underground economy.

**LILIA:** Janitors are invisible, they work at night when most of the world is asleep, and unfortunately the government has not made enough of an effort to educate them, to bring them the message that they do have rights.

*talking on walkie talkies*

**VICKY:** Hello?

**VERO:** Hi Vicky.

**VICKY:** I'm headed to the Presidio right now.

**SASHA:** Vicky Marquez and Veronica Alvarado signal each other with their

headlights as they drive around office building parking lots at night, looking out for janitors. They don't know if tonight they will find a victim of sexual violence.

**VICKY:** I'm headed to building # 905. I'll let you know

**SASHA:** And what happened to José Vasquez? The supervisor of Érika Morales and María Magaña?

**DAFFODIL:** Well, he was never brought to trial for his criminal charges related to the case with ABM. But we wanted to give him the chance to tell his side of the story.

*Barking dogs -- hi pooch, hi puppy - OK I'm not walking into that(fade under)*

**SASHA:** But we didn't find him in the house where he lived when he registered with the state of California as a sex offender. He had moved, without notifying authorities.

*Roosters, knocking at door*

**DAFFODIL:** We just want your response, Mr. Vasquez, to these allegations

**DAFFODIL:** We finally found him at a new house, but he didn't want to be recorded. He's started his own cleaning company, and said he wanted to put the case behind him.

**SASHA:** He also told us "Some of those women, they were just money hungry."

*(music)*

**DAFFODIL:** Sexual assault in the workplace continues to be a reality, and something that we don't talk about much within our communities. In fact, I didn't know that my own mother had experienced sexual harassment at work until I started this investigation.

**ZOILA:** The man watched me and he always got mad, and he would say things to me but I would ignore him.

**DAFFODIL:** Turns out that when she worked as a janitor for an airline at the airport, a supervisor would pursue her and harass her. When she rejected him, he

would punish her with more work - sometimes he would make her clean 30 airplane bathrooms in just one night.

**ZOILA:** There were many many thing that happened there. A lot of women gave into the pressure from their supervisors because they needed to keep their jobs.

**DAFFODIL:** So I asked her, what did you do?

**ZOILA:** Well so, I was tired of it, and I went to tell the supervisor to put me in another work group. I told him that I didn't want to work in this group anymore because he was so hard on me. That I couldn't take it anymore. And if he wouldn't then I would quit and go to the union to see what could be done. And my husband always told me that I had rights to go talk to the supervisors and fix the situation.

**DAFFODIL:** But there are women who don't tell their partners about it, and don't know that they have rights. The women that we talked to want to create a less dangerous environment for women janitors.

**SASHA:** Like working during the day...working in pairs...or promoting more women to be supervisors.

**DAFFODIL:** So that they aren't so invisible, the women who work the night shift.

(music)

I'm Sasha Khokha

And I'm Daffodil Altan.