



## When a Worker Falls

The shameful death of Carlos Torres.

by Patrick Whittle - August 28, 2003

After Carlos Torres fell three stories to his death at a West Hartford construction site, police officers arrived and put up caution tape, and soil covered his blood on the concrete floor. Minutes after his death on his June 13, 2002, birthday, it was like he never existed.

The 36-year-old framer, an illegal immigrant from Ecuador who lived in West Haven, had been working on a luxury condo complex for Total Interiors of North Branford. Torres didn't own a home, was not married, and had no children. Police swiftly ruled his death an accident. No arrests were made.

Alexandra Gutierrez, 27, is Torres' niece: his next of kin and closest relative in Connecticut. She feels that someone should be held responsible for her uncle's death. And she feels that police did not take the case more seriously because he was an illegal immigrant. Gutierrez is hoping that a wrongful death lawsuit filed by Torres' estate against Total Interiors and developer Pinnacle Communities of New Jersey will win justice for Torres more than a year after his death. "Even in this country when a car hits a dog, the police come. They have rights in this country. Why not my uncle?" she says.

Torres came to the U.S. from the small town of Sucua, Ecuador, about 13 years ago. Other members of their family, including Gutierrez, her mother and her father, moved to Toronto in 1997 because they believed it would be easier to get citizenship in Canada than America. Later, Gutierrez came to the U.S., but her parents stayed in Canada. Torres came here illegally, making the arduous trek from Ecuador through Central America and Mexico into the States. "For three months we didn't hear nothing from him," says Gutierrez. Torres worked hard, earned his GED and sought citizenship, she says.

A year after Torres' death, the lawsuit is still in a fetal stage. Torres did not leave a will, and West Haven Court of Probate appointed attorney Peter Barrett as his estate's administrator. Barrett retained attorney John Clifford of Hartford to file the wrongful death lawsuit, which seeks more than \$15,000 in damages, in state Superior Court in Hartford on Aug. 12.

Torres arrived in the New York area when he first moved to the U.S., and settled in Connecticut about six years ago. He bounced from town to town when he lived here, spending time with Gutierrez in Clinton, a cousin in Branford, and lastly a girlfriend in West Haven.

A West Hartford police report states that Torres died when he slipped while climbing on the interior side of an area that would eventually become staircases at the luxury Promenade at the Reservoir complex. He fell 21 feet, striking his head on the cement cellar floor. The report states that workers climbed down that way because "it was quicker and easier than to walk back to the ladder," even though it was unsafe. Police and Total Interiors did not return numerous calls for comment. Pinnacle spokesman Howard Irwin declined to comment on Torres' death.

The federal Occupational Safety and Health Administration investigated Torres' death and fined Total Interiors \$6,300 for inadequate fall protection. The company settled on a \$4,000 fine after agreeing to revise its safety standards.

PHOTO COURTESY OF ALEXANDRA GUTIERREZ



Carlos Torres' search for a better life came to an abrupt end while building homes in West Hartford.

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When he worked for Total Interiors, Torres was one of 37 workers incorrectly classified as independent contractors. Construction companies often consider individual workers--particularly immigrant workers--independent contractors. They are paid low wages and receive no benefits. In April, Total Interiors shelled out \$9,599.71 in back overtime wages to 37 workers after the state Department of Labor ordered the company to do so, agency spokeswoman Nancy Steffens says. The company paid Torres' portion of the money (\$742) to his estate, she says.

Miguel Fuentes, an organizer with the New England Regional Council of Carpenters in Wallingford, said Torres' case could be used as a starting point to legislate new construction laws. Fuentes plans to tell Torres' story to municipal officials considering bids by construction firms that exploit immigrant laborers. "These people [illegal immigrants] are as disposable as the next power tool. I want to be able to go from Town Hall to Town Hall and say, 'this is Pinnacle. This could be one of your residents. You don't need that shit in your backyard.'"

While Gutierrez is visibly shaken when she talks about losing Torres, she paid him a tribute by naming her third son after him. She learned she was pregnant with Carlos Gustavo, now 7 months old, the day of Torres' death.

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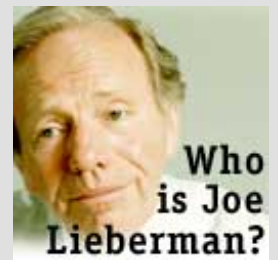
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