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Construction Labor

REPORT

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News

Temporary Workers

Researches Urge Administration, States To Do More to Protect Day Laborers

States and the federal government should take action against employers that violate the labor and safety rights of day laborers, including those in construction, according to a study of day laborers released Jan. 23.

Employers frequently exploit and abuse day laborers who often work in a unsafe working environment, according to the report *On The Corner: Day Labor in the United States*. "Employer violations of day laborers' rights and violations of basic labor standards are an all too common occurrence in the day-labor market," the authors said.

The report authors recommended that all levels of government must ensure that the agencies charged with enforcing existing labor and employment laws are staffed appropriately and have the necessary resources to protect low-wage workers. The authors also suggested that state and federal labor departments must target enforcement to ensure that all workers, regardless of immigration status, are paid by employers.

In addition, the authors recommended that agencies responsible for enforcing labor and employment laws should hire bilingual staff and improve their capacity to serve low-wage immigrant workers. Federal and state agencies charged with enforcing health and safety laws were urged to prioritize targeted inspections and enforcement of high-risk workplaces for low-wage workers.

The authors said the study was drawn from a survey of 2,660 day laborers at 264 hiring sites in 139 municipalities in 20 states and the District of Columbia. It was conducted by Abel Venezuela Jr., University of California Los Angeles associate professor of Chicana/o studies and urban planning; Nik Theodore, University of

Illinois at Chicago director of the Center for Urban Economic Development; Edwin Melendez, professor of Management and Urban Policy at New School University in New York City; and Ana Luz Gonzalez, UCLA Ph.D. student in urban planning.

Cheating on Wages Alleged

The study alleged that wage theft is the most pervasive abuse that day laborers suffer. Nearly half, 49 percent, of those workers have been denied payment by an employer for work they performed, the authors said.

Another 48 percent were underpaid during the same period. In particular, the nonpayment and underpayment of wages is a problem in the Midwest where 66 percent of day laborers were denied their wages two months before being surveyed, and 53 percent were underpaid.

"In fact, in every region of the country with the exception of the West (where the figure is still disturbingly high) at least half of day laborers have been denied their wages for work completed during the two months before being surveyed," the report said. The researchers added that "these figures reveal that wage theft is routine aspect of day-labor work."

Demand for Day Laborers Growing

Demand for day laborers is strong and growing, particularly in the construction industry, the researchers said. Construction plays a significant role in the day laborer market because employment in the industry provides a means for workers to "connect to the mainstream economy."

The report said that construction laborer is the number one occupation that day laborers perform. Other top occupations include moving and hauling, gardening and landscaping, and painting.

Construction contractors, which have always employed a large share of on-call workers on short notice for short-term projects, have increased their use of contingent workers, the report said.

As a result, this workforce is a growing phenomenon in cities throughout the United States. Day laborers are predominantly immigrant and Latino people who were born in Mexico (59 percent) or Central America (28 percent). The third largest group (7 percent) was born in the United States.

Other recommendations suggested:

- Existing labor and employment laws must be amended to reflect the changing economic structure, which has resulted in an increased number of contingent workers being left without protection.
- Congress must enact realistic immigration reform that normalizes the immigration status of undocumented migrants.
- Immigration reform must address the family visa backlog and provide a path to citizenship to the undocumented migrants currently working in the United States.

Text of the report, "On the Corner: Day Labor in the United States," is available at <http://www.sscnet.ucla.edu/issr/csup/pubs/papers/item.php?id=31>.

By Kenneth Talley

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