

National Day Labor Study exposes exploitation of day laborers

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“On the Corner: Day Labor in the United States,” released last month is the first study of its kind to document the composition and conditions of this little-known segment of the workforce in the United States. The study provides a damning glimpse of the living and working conditions of the most vulnerable sections of the population in the United States.

The study is a joint effort by the Center for the Study of Urban Poverty at UCLA, the Center for Urban Economic Development at the University of Illinois at Chicago, and the Milano School of Management and Urban Policy at the New School University.

Day labor is a national issue. The report states that “on any given day, approximately 117,600 workers are either looking for day labor jobs or are working as day laborers. The heaviest concentration of hiring sites is in the western region of the U.S., which contains 44 percent of all hiring sites. The Midwest has the smallest percentage, with just 4 percent of all sites.

Most hiring sites are informal and are found in street corners or mini-mall parking lots in or near residential areas. These sites include businesses, home improvement stores, gas stations, parks, and busy streets. Fully 21 percent of the sites are day labor worker centers, formal hiring halls where employers and day laborers meet to work out the terms and conditions of employment.

According to the study, the number of day laborers and sites has been increasing in recent years, particularly in construction—“of course, outside of its unionized segments, the construction industry has always employed a large share of the on-call workers who are hired on short notice for short-term projects. The formation and growth of day-labor hiring sites is, in part, an outgrowth of the ongoing demand for contingent workers within the construction industry and allied activities such as landscaping and material hauling,” the study observes.

With the continuing decline of labor unions in the U.S. to the point where only 9 percent of the workforce in private industry is organized, building contractors find it increasingly easier to use non-union day laborers in the construction industry. As the globalization of the economy continues apace, the high living standards enjoyed by U.S. workers are no longer tenable; hiring day laborers part-time and with no benefits is one of the means that employers use to drive down wages and working conditions affecting the working class as a whole.

The study discusses this when stating that the declining economy is one of the reasons for the increasing population of day laborers as employers look to cut costs to remain competitive. It points out

that “[h]istorically, U.S. employers have relied on immigrant labor to fill jobs in a range of occupations, and that demand has not abated. In fact, it has grown as cost pressures remake the terms of competition in a range of industries, pushing employers to find new strategies for remaining competitive. Industries as diverse as agricultural production, textile manufacturing, child care, restaurants, food processing and construction attempt to cope with the cost pressures by hiring undocumented immigrants at low wage rates”.

The majority of day laborers are hired either by homeowners/renters (49 percent) or by the construction industry (43 percent). Also, the report states that “[m]ore than two-thirds of day laborers (69 percent) are hired repeatedly by the same employer....” Eighty-three percent of day laborers have no other source of income: 70 percent look for work five or more days a week while 74 percent have worked in this job market for less than three years.

Of those who work as day laborers, three quarters are undocumented migrants. Fifty-nine percent of all day laborers have been in the U.S. for less than five years and 11 percent for more than 20 years. The report adds that “[f]or 60 percent of day laborers, this work was the first occupation they had held in the United States, meaning that for many workers, day labor is the entry point into the U.S. labor market.” The above quote suggests a kind of steady progress from day labor to more permanent employment. In fact, many workers, including non-immigrants, shift back to day labor during periods of unemployment—the report calls it “employment of last resort,” a source of income following job loss and a pathway back into the mainstream economy. For still others, day labor is perhaps the best job that they can reasonably hope to obtain. Job opportunities in their country of origin have deteriorated badly and their qualifications place them near the bottom of the U.S. labor market providing limited choices for employment.

The report states that the overwhelming majority of day laborers are men; only 2 percent are women. Most of them are from either Mexico or Central America (59 percent and 28 percent, respectively) while 7 percent are from the United States though this number rises to 20 percent in the South and 4 percent are from South America.

Day laborers earn a median wage of \$10 an hour. Per year, it is “...unlikely that their earnings will exceed \$15,000, keeping them at or below the federal poverty threshold.” As if that weren’t bad

enough, the conditions of their working lives are among the worst of any sector of the population. Some of the things they have to endure on a daily basis include abuse by employers; threats from business owners; harassment by police and security services; non-payment or underpayment of wages; and an increased risk of on-the-job injury because of hazardous working conditions.

“Figures on employer abuse suggest that many employers feel free to blatantly disregard U.S. labor laws and workers’ rights. Yet these employers are able to continually hire day laborers because workers are in dire need of employment and because many day laborers believe that avenues for the enforcement of labor and employment laws are effectively closed to them. This belief is reinforced by the general climate of hostility that exists towards day laborers in many parts of the country.”

Wage theft is the most common abuse that day laborers have to suffer. “Almost half of all day-laborers experienced at least one instance of wage theft in the two months prior to being surveyed. In addition, 44 percent were denied food/water or breaks while on the job.” Employers in the Midwest are particularly egregious in denying day laborers their wages. In the Midwest, 53 percent of day laborers were underpaid and 66 percent were denied their wages altogether at least once in the two months prior to the survey. The report states that “these figures reveal that wage theft is a routine aspect of day labor work.”

“During the two months prior to being surveyed, 44 percent of day laborers were denied food, water and breaks; 32 percent worked more hours than agreed to with the employer; 28 percent were insulted or threatened by the employer; and 27 percent were abandoned at the worksite by the employer. Finally, 18 percent of day laborers were subjected to violence by their employer during this time period.”

Nationwide, 20 percent of day laborers have had an on-the-job injury, while in the Midwest the number rises to one third. “About three-quarters of day laborers nationwide find their occupations to be dangerous, while in the Midwest, where roofing jobs are undertaken at significantly higher rates than in the other regions, an astounding 92 percent find their work to be dangerous.”

“In the past year, 39 percent of injured day laborers have missed one week or less of work, another 39 percent have missed one to four weeks of work and 22 percent have missed more than one month of work (including 39 percent of day laborers in the Midwest). In addition, many day laborers continue to work despite having suffered an injury. In the past year, 68 percent of day laborers have worked while in pain, yet another indication of these workers’ dire need for employment.”

The report shows that more than half of all day laborers injured on the job for the year previous to the study did not receive medical care for their injury and that this was “mainly because the worker could not afford health care or the employer refused to cover the worker under the company’s workers’ compensation insurance.... While most of these injuries should have been covered by workers compensation just 6 percent of injured day laborers had their medical expenses covered by their employers workers’ compensation insurance. In most cases, employers evade these costs (i.e., rising workers’ compensation premiums), often by simply denying coverage to workers or by threatening workers

with nonpayment of wages or other forms of retaliation should they attempt to file a claim.”

The study also describes how police and private security firms habitually harass and persecute day laborers. In many cases, their immigration status is challenged, they are arrested, or they are forced to leave the hiring site. They also experience abuse from merchants who refuse to sell them goods and insult them on a daily basis.

Underscoring the above point, in California the release of the study coincided with a violent campaign by right-wing nativists to shut down a day laborers’ hiring office set up across from a Home Depot building supplies store in Glendale, California. The protesters denounced the hardware chain for helping fund the locale. The protest was organized by a group called Save Our State (SOS), an openly racist organization that calls for the deportation of all undocumented immigrants. SOS blames immigrants, those who hire immigrants, even those who hire Spanish-speaking natives, as part of a divide-and-conquer strategy to keep the working class from waging a united struggle in defense of its class interest. At the Glendale rally, SOS also denounced Home Depot’s practice of hiring bilingual personnel and called for a boycott of the chain.

The UCLA study points out that the conditions of life of day laborers is a function of their status as undocumented immigrants: “The high incidence of labor rights violations is directly related to the status of most day laborers as undocumented immigrants, as well as to the economic marginalization of this workforce, and both of these factors have a profound effect on the day-to-day functioning of the market for day labor.” It also states that “[t]he inescapable conclusions are that day laborers are hired to undertake some of the most dangerous jobs at a worksite and there is little, if any, meaningful enforcement of health and safety law. Day laborers continue to endure unsafe working conditions, mainly because they fear that if they speak up, complain, or otherwise challenge these conditions, they will either be fired or not paid for their work.”

The UCLA study paints a picture of labor relations reminiscent of conditions in the nineteenth and early twentieth century: an atomized section of the working class isolated by anti-immigrant legislation and media campaigns, exploited by labor brokers and contractors. With nothing to sell but its labor power, day laborers eke out an existence that in many cases is only marginally better than in their countries of origin, with no job security and with the ever-present fear of deportation hanging over their heads.

In a larger sense, day labor is a form of hidden unemployment, a mode of existence for the vast army of unemployed workers that is a ubiquitous feature of modern capitalism.



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