SEARCHING AND WORKING: CALIFORNIA'S DAY LABORERS AND WORKER CENTERS

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Each morning, at hundreds of open-air hiring sites in cities throughout California and the rest of the United States, workers and employers meet to arrange employment for the day. These sites are *day-labor markets* where workers gather in the early morning hours, eagerly awaiting prospective employers to hire them to complete short-term clean-up, gardening, painting, demolition and other manual-labor projects. The day-labor site is a spot market where workers and employers meet to negotiate the terms of employment, including job tasks, wages and length of the workday. Daily assignments are mainly for work in the construction and landscaping industries, though day laborers are also hired as farm workers, cleaners and movers. Their employers are usually residential construction contractors and homeowners who need immediate help with work projects.

Day-labor sites tend to form near home improvement stores, at busy intersections, and in parks and other public spaces. Many hiring sites are quite large, with upwards of 75 workers assembling to search for work each day, and a few sites draw more than 200 job seekers on a typical workday. The number and size of hiring sites in California and nationally has increased dramatically in recent years, raising questions regarding the driving forces behind the growth of day-labor in the United States, and what these mostly informal hiring sites mean for urban labor markets and the communities in which they are located.

Background

On any given day, approximately 117,600 workers are either looking for day labor jobs or employed as a day laborer. (Valenzuela et. al., 2006)[1] The vast majority of day laborers congregate at informal hiring sites that have formed in front of home improvement stores and gas stations, along busy thoroughfares and near expressway on-ramps, and in parks and other public spaces. A small, but growing minority, seek work through day labor worker centers that operate formalized hiring halls where employers and workers arrange the terms of employment for the day.

Day labor hiring sites are found in many communities throughout the United States, but the largest concentration of hiring sites and day laborers is found in the West, while the Midwest is the region with the fewest number of sites and workers (Table 1). California leads the nation both in number of hiring sites (both formal and informal) and workers and will be the focus of this chapter, which provides a statewide and regional portrait[2] of day labor, its working conditions, earnings, and abuses. In addition, we discuss the emergence of worker centers, a promising form of community intervention that is gaining traction across the country. Lessons from this movement are applicable for communities wishing to address the volatile and emotional issues that arise over day labor.

Table 1: Distribution of Day Laborers and Hiring Sites by Region

Region	Distribution of Workers	Percentage of Workers	Percentage of Sites
West	49,647	42	41
Midwest	5,059	4	3
Southeast	21,059	18	13
South	14,353	12	13
East	27,529	23	30
Total	117,647	99*	100*

*Total may differ from 100 percent due to rounding.
Source: National Day Labor Survey, 2005.

The reasons behind the growth of day labor in California and the rest of the United States are many, and involve the complex interaction between the forces of labor supply and demand, patterns of industrial change, and increased migration flows. On the demand side of the labor market, there has been a push for greater labor market flexibility in all sectors of the U.S. economy, and the construction industry is no exception. Cost pressures in the industry have induced construction contractors to adopt alternative hiring practices, and many have increased their use of contingent workers who are hired on an as-needed basis. Of course, outside of its unionized segments, the construction industry has always employed a large share of 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.

On the supply side of urban labor markets, workers are increasingly turning to day-labor hiring sites, and other sources of contingent work like temp agencies and labor brokers, following the deterioration of job opportunities in the local economy. Plant closings and mass layoffs continue to plague many cities, particularly old industrial centers, which have seen the widespread loss of manufacturing jobs and employment in ancillary industries. For many workers in cities with declining employment prospects, day labor provides a chance to regain a foothold in the urban economy. For others, it is a first job in the United States and an opportunity to acquire work experience, skills and employer contacts. For still others, it represents an opportunity to earn an income when

temporarily laid off from a job elsewhere in the economy. As a result of these and other factors, many workers have come to rely on day-labor hiring sites for job opportunities.

The growth of day-labor hiring sites is also related to changing patterns of immigration to the United States, particularly increased immigration flows outside of traditional port-of-entry cities like New York, Los Angeles and Chicago. New migratory circuits have developed in the South and parts of the East and Midwest, especially in small cities and towns with abundant employment opportunities, at least in low-wage occupations. There has been a dramatic increase in labor migration to these areas, and day-labor hiring sites have become one mechanism for organizing the supply of immigrant laborers for the construction industry and other sectors of the economy. Historically, U.S. employers have relied on immigrant labor to fill jobs in a range of occupations, and that demand has not abated (Massey, Durand, and Malone, 2002) . 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 cost pressures by hiring undocumented immigrants at low wage rates (see Hum, 2003; Nees, 2005; Sassen, 2005).

The proliferation of day-labor hiring sites in the United States has occurred within the context of these shifts in labor supply and demand, and signs point to the continued growth of day-labor work. However, like many other lower-wage occupations, day labor has been characterized by routine violations of workers' rights. Reports of the nonpayment of wages and workplace safety concerns, among others, suggest that the emergence of day labor is not an entirely benign phenomenon, particularly for its workforce. These issues have attracted attention from the media, policy makers and the general public. But informed public debate on the scope and significance of day labor has been hampered by the lack of accurate information about this labor market. This chapter seeks to address this shortcoming with a particular focus on California.

Day Labor in California

With upwards of 44,000 day laborers looking for or working day labor on any given day, California has the largest total population of these temporary workers and in the total number of informal and formal hiring sites. The size of individual day-labor hiring sites varies considerably. One-third of all sites are small sites (with 25 workers or less), 37 percent are medium sites (with 26 to 50 job seekers), 23 percent are large sites (with 51 to 100 job seekers) and 7 percent are very large sites (with more than 100 job seekers).[3] In California, Los Angeles (see Table 2) is clearly the region with the largest number of day laborers and hiring sites (both informal and formal), followed by Orange, San Jose, Oakland, San Francisco, and San Diego. California also has the largest number of worker centers (20) compared to any other region of the United States. Most of the informal sites where day laborers gather are at home improvement stores (47%), followed by convenience stores (22%) and miscellaneous places (22%) such as a busy thoroughfare, a

post-office, or a popular corner. Finally, a significant but relatively small percentage (5%) of day laborers search for work at truck rental agencies (such as U-Haul or Ryder).

The day-labor hiring site is a dynamic labor market whose size and dimensions change by the season, week, day and even hour. The daily flow of workers through a site can vary dramatically as workers leave the site once they receive a job assignment and new job seekers are drawn to the site in their search for employment.

Table 2: National Day Labor Survey: California Regions (MSA) and Selected Characteristics

	San Diego	Orange	Los Angeles	San Jose	Oakland	San Francisco	TOTAL
Raw Count: Surveyed Workers	86	143	180	144	114	86	753
Weighted Count: Workers	1,756	9,966	19,540	8,436	2,172	2,068	43,838
(Percent of Total in Parenthesis)	(4)	(23)	(44)	(19)	(5)	(5)	(100)
Identified Sites	16	39	124	22	12	11	224
Surveyed Sites	12	23	23	14	11	9	92
Site Type: Regulated (Worker Ctr.)	1	4	9	2	2	2	20
Site Type: Informal	11	19	14	12	9	7	72
Home Improvement Stores	7	8	5	8	3	3	34
Convenience Stores	4	1	2	4	4	1	16
Moving (U-Haul)	0	0	4	0	0	1	5
Misc. (post-office, busy street)	0	10	3	0	2	2	17

Most day-labor sites operate year round, even in the East and Midwest where winter months bring frigid temperatures. During the spring and summer months, the size and number of markets swells as construction industry activity increases and with it, the demand for informally employed laborers. In addition to the daily fluctuations that are typical of day labor, some workers cycle through this labor market as they use the contacts developed with employers to secure longer-term assignments or to identify employment opportunities in the formal economy. When these jobs are concluded or if an unemployment spell occurs, workers return to the informal hiring sites to again search for employment.

Fluctuations in the availability of work are endemic to the day-labor market. The day-labor workforce is an entirely contingent workforce; workers are hired only when employers need them and the duration of the employment "contract" (which consists of nothing more than a verbal agreement) is unsecured and open-ended. In other words, day laborers are entirely at-will employees and employers are in no way bound to honor promises of continuing employment, whether from one day to the next or from one hour to the next. In the following section of this report, we discuss the insecurity of day-labor employment, which explains many of the occupation's defining characteristics (such as the low annual earnings of day laborers).

The very existence of the day-labor market, and the proliferation of day-labor hiring sites across the United States, is driven by employer demand. Day-labor markets have formed to supply workers to the construction and landscaping industries, and to provide help to homeowners/renters with clean-up, moving and gardening projects. The length of any given assignment is usually short, about one day. But because such a large number of employers turn to informal hiring sites as a source of workers, most day laborers are able to string together enough assignments to allow them to earn a modest income.

Working Day Labor

In California, day laborers are mainly employed by homeowners/renters (52 percent) who are looking for help with clean-up, moving and gardening projects, and by residential construction contractors (44 percent) for jobs in the construction and landscaping industries. They perform a variety of manual-labor jobs, most of which involve difficult and tedious physical labor. Top occupations include construction, moving and hauling, gardening and landscaping, and painting (Table 3). The fairly broad range of occupations performed by day laborers reflects a breadth of generalist (and some specialist) skills possessed by these workers.

Table 3: Top Occupations and Employers of Day Laborers

	CA (%)	LA (%)	OC (%)	SJ (%)	OA (%)	SD (%)	SF (%)
Occupation							
Construction laborer	91	96	87	86	92	97	91
Mover	88	84	92	83	88	93	95
Gardener/Landscaper	88	80	88	86	95	98	86
Painter	83	87	76	77	87	92	86
Roofer	68	67	68	61	74	79	65
House Cleaner	62	55	58	69	69	67	55
Carpenter	56	50	55	49	62	64	62
Drywall installer	57	63	58	52	51	64	54
Farm worker	51	52	46	51	47	67	46
Dishwasher	40	30	38	47	40	51	41
Car washer	37	33	36	35	48	38	29
Electrician	26	26	27	22	23	31	28
Cook	19	16	16	29	22	22	9
Plumber	42	44	42	39	34	56	39
Other	40	58	22	59	13	94	24
Type of Employer							
Contractor	44	47	37	32	47	51	57
Private individual	52	48	58	66	46	47	42
Company	3	5	3	1	6	1	1
Other day laborers	1	1	2	1	--	1	--

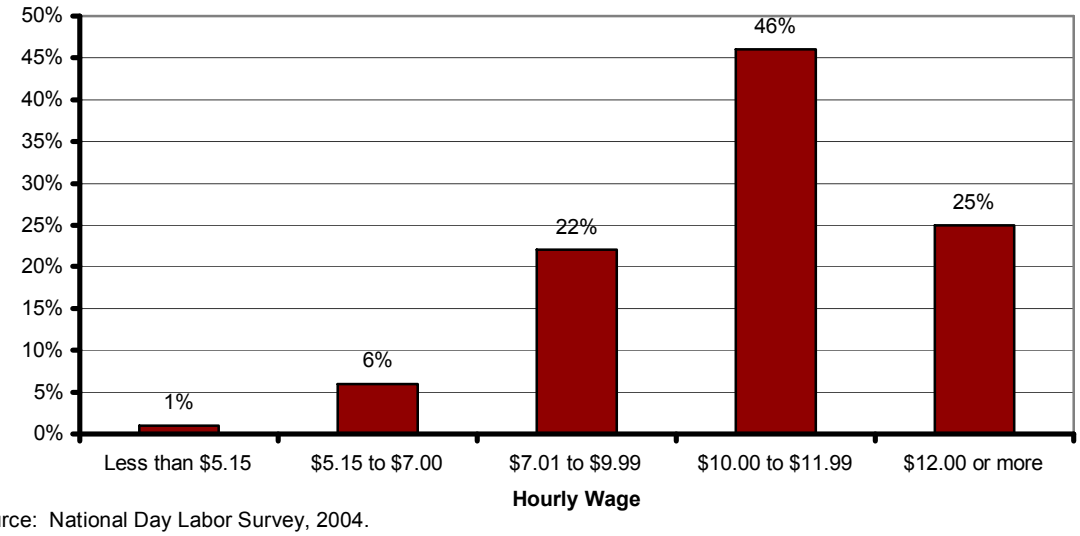
Source: National Day Labor Survey, 2004.

Wages and Earnings

Survey respondents were asked to report their wages and earnings for each job worked during the week prior to when interviews were conducted. From these responses, it is possible to ascertain the wage profile of day-labor jobs (Figure 1). The median hourly wage of day-labor assignments is $10. However, this figure masks wages at the low and high ends of the wage distribution. For example, at the low end, 1.4 percent of day-labor jobs pay less than the federal minimum wage of $5.15 an hour, slightly more than 6 percent of assignments pay between the minimum wage and $7 an hour, and 22 percent of assignments pay between $7 and $9.99 an hour. At the upper end of the wage distribution, 46 percent of day-labor jobs pay between $10 and $11.99 an hour, while one-quarter paid more than $12. In cases where hourly wages above $12 were earned, assignments tended to be highly skilled jobs, such as electrician and plumber.

Although the majority of day-labor assignments pay $10 per hour or more, the monthly and yearly earnings of most day laborers place them among the working poor. The instability of work combined with occasionally low hourly wages results in low monthly earnings for most day laborers, even during peak periods when work is relatively plentiful (See Tables 4, 5 & 6). In addition, workdays lost to job-related injuries and illness, and the underpayment of wages by some employers, contributes to the problem of low monthly earnings of day laborers.

Figure 1. Hourly Wages of Day Labor Jobs (U.S.)



Source: National Day Labor Survey, 2004.

In California, workers who search for day-labor jobs on a full-time basis (i.e., four or more days a week) had median monthly earnings in June/July (at Time of Survey) 2004 of $700. There is some variation on this figure in different regions. For example, San Jose, Oakland, and San Francisco registered monthly median earnings at $600, while Orange County came in at $800. However, one-third of full-time day laborers in

California earned $400 or less in that month. Monthly earnings of just $400 for one-third of full-time day laborers are disturbing given that summer months are considered the optimal time of the year to secure day-labor work. On the upper end of the earnings scale, 8 percent of day laborers earned more than $1,600 in that month.

The volatility of monthly earnings can best be observed by comparing the earnings distribution of day laborers' peak (i.e., Good Months) and slow (i.e., Bad Months) periods in tables 5 & 6 below. In California, the median earnings level in a good month rises to $1,500. However, in a bad month, median earnings fall to one-third of peak-period levels, or $500. Therefore, even in cases where day laborers have many more good months than bad months, it will be unlikely that their annual earnings will exceed $15,000, keeping most workers in this market at or below the federal poverty threshold.

Table 4: Monthly Earnings of Day Laborers (at Time of Survey), Full-Time Workers

Earnings	June/July 2004 in						
	CA (%)	LA (%)	OC (%)	SJ (%)	OA (%)	SD (%)	SF (%)
$400 or less	33	34	24	41	35	29	37
$401 to $800	31	34	29	26	31	38	33
$801 to $1,200	20	17	26	20	17	19	18
$1,201 to $1,600	8	8	9	7	10	6	5
More than $1,601	8	7	12	6	7	9	7
Median	$700	$700	$800	$600	$600	$700	$600

* Percent does not add up to 100 due to rounding.
Source: National Day Labor Survey, 2004.

Table 5: Monthly Earnings of Day Laborers (Good Month), Full-Time Workers

Earnings	Good Month in						
	CA (%)	LA (%)	OC (%)	SJ (%)	OA (%)	SD (%)	SF (%)
$400 or less	5	7	1	10	5	3	4
$401 to $800	15	17	17	13	20	7	11
$801 to $1,200	25	22	26	21	23	34	30
$1,201 to $1,600	22	17	21	23	20	31	26
More than $1,601	33	37	34	33	32	25	28
Median	$1,500	$1,500	$1,500	$1,500	$1,400	$1,500	$1,450

* Percent does not add up to 100 due to rounding.
Source: National Day Labor Survey, 2004.

Table 6: Monthly Earnings of Day Laborers (Bad Month), Full-Time Workers

Earnings	Bad Month in CA* (%)	LA (%)	OC (%)	SJ (%)	OA (%)	SD (%)	SF (%)
$400 or less	45	53	29	54	55	28	50
$401 to $800	44	34	56	43	31	63	40
$801 to $1,200	10	12	13	--	13	7	10
$1,201 to $1,600	1	2	--	3	--	2	--
More than $1,601	1	--	2	--	2	--	--
Median	$500	$400	$600	$400	$400	$500	$450

* Percent does not add up to 100 due to rounding.
Source: National Day Labor Survey, 2004.

Workplace Safety

Day laborers experience a high incidence of workplace injury. In California, one in five day laborers has suffered an injury while on the job. Rates of work-related injury are highest in Oakland where one-third of day laborers have been hurt on the job. Most day laborers are aware that their work is dangerous, but the pressing need for employment finds them returning to this market to search for work. About three-quarters (70%) of day laborers in California find their occupations to be dangerous, while in the Oakland, an astounding 82 percent find their work to be dangerous.

Lost work time due to injury is common among the day-labor workforce. In California, two-thirds (63%) of day laborers have missed work following an injury (Table 7). The incidence of lost work time due to injury is highest in Los Angeles (73%) and San Diego where 73 percent and 71 percent of workers have missed work, respectively. In many cases, work-related injuries can be severe, resulting in extended periods of time out of work. During the past year in California, slightly more than one in two (51%) injured day laborers have missed one week or less of work, another 32 percent have missed one to four weeks of work and 17 percent have missed more than one month of work (including 29 percent of day laborers in San Francisco). In addition, many day laborers continue to work despite having suffered an injury. In the past year, 63 percent of Californian day laborers have worked while in pain, yet another indication of these workers' dire need for employment.

Several factors contribute to the exceedingly high rates of on-the-job injury among the day-labor workforce. These include exposure to hazardous conditions (including exposure to chemicals, dust and toxic emissions), use of faulty equipment (including poor scaffold construction and tools that are in poor condition), lack of protective gear and safety equipment, and lack of safety training (Buchanan, 2004; Mehta and Theodore, 2006; Walter et al., 2002). To a certain extent, day laborers face potentially dangers because

many are employed in the construction industry which itself has high rates of work-related injury. But the levels of on-the-job injury experienced by day laborers cannot solely be accounted for by the industry in which they are employed. The 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 laws. 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 (Mehta and Theodore, 2006).

Table 7: Day Laborer Injuries

	CA (%)	LA (%)	OC (%)	SJ (%)	OA (%)	SD (%)	SF (%)
Consider jobs dangerous	70	73	68	60	82	71	64
Suffered a work-related injury	21	23	20	13	31	20	17
Suffered injury requiring medical attention	18	24	12	15	23	18	16
Missed work due to injury	63	73	48	63	63	71	54
Number of workdays missed due to injury*							
1-7 days	51	27	50	56	65	78	57
8 days – one Month	32	50	38	33	24	11	14
30+ days	17	23	13	11	12	11	29
Mean Number of Days Missed	25	22	56	16	11	24	45
Number of days working while in pain*							
None	38	31	61	28	29	40	40
1-7 days	35	28	18	50	46	47	30
8 days – One Month	16	23	14	11	18	7	10
More than one month	12	18	7	11	7	7	20
Mean Number of Days Worked in Pain	21	28	19	31	13	5	22

* Percent does not add up to 100 due to rounding.
Source: National Day Labor Survey, 2004.

Employer Abuses and Violations of Labor Standards

Employer violations of day laborers' rights and violations of basic labor standards are an all too common occurrence in the day-labor market. Wage theft is the most typical abuse experienced by day laborers (Table 8). In California, nearly half of all day laborers (45 percent) have been completely denied payment by an employer for work they completed in the two months prior to being surveyed. Similarly, one in two (48%) have been underpaid by employers during the same time period.

Wage theft is just one type of employer abuse endured by day laborers. During the two months prior to being surveyed, 48 percent of day laborers were denied food, water and breaks; 33 percent worked more hours than agreed to with the employer; 26 percent were insulted or threatened by the employer; and 29 percent were abandoned at the worksite by an employer. Finally, one in five (20%) were subjected to violence by their employer during this time period (see also Valenzuela, 2006).

The above statistics on wage theft and other violations of basic labor standards indicate that the day-labor market is rife with employer abuse. These abuses further undermine the already-low earnings of day laborers, and they add to the instability and insecurity of day-labor work. Figures on employer abuse suggest that a significant segment of the employer base feels 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.

Day laborers experience other hardships and abuses during their daily search for work, often drawing attention from law enforcement officials and store merchants. We queried day laborers in California about their encounters with police and 8 percent of day laborers in California reported having been arrested when searching for work, 10 percent reported receiving police citations while at a hiring site, 16 percent reported having had their immigration status checked and 37 percent reported having been required by law enforcement officials to leave a hiring site. Private security guards also seek to disrupt day labor hiring sites at or nearby the stores they patrol. Nine percent of day laborers have been insulted, harassed, or threatened by security guards in the two months prior to being surveyed.

Some local merchants and other businesses also attempt to deter day-labor activity by harassing workers, even though many others accommodate day laborers, largely because these workers contribute to business sales through their purchases of goods and services. Nearly one-quarter of day laborers had the police summoned by local merchants, 14 percent were refused services by local businesses, 19 percent were been insulted or verbally harassed by merchants and 9 percent were threatened by business owners in the two months prior to being surveyed.

Table 8: Day Labor Abuses, Selected Two-Month Period

	CA (%)	LA (%)	OC (%)	SJ (%)	OA (%)	SD (%)	SF (%)
Experienced at least one instance of Employer Abuse							
Non-Payment of Wage	45	46	46	36	50	49	48
Under-Payment of Wage	48	50	49	48	39	56	47
Worked Extra Hours	33	31	33	25	42	36	33
Abandoned	29	27	34	22	35	33	24
No Food/Breaks	48	45	51	44	50	54	50
Violence	20	17	21	13	30	25	18
Insulted	26	29	32	13	29	32	21
Experienced at least one instance of Merchant Abuse							
Insulted	18	18	21	19	15	18	13
Threats	9	8	13	8	6	9	7
Violence	4	6	5	2	4	4	0
Refused Services	13	15	18	13	8	11	10
Called Police	22	15	27	33	21	22	14
Experienced at least one instance of Police Abuse							
Insulted	13	17	13	12	8	12	12
Arrested	8	12	8	4	7	12	2
Cited	10	19	11	4	7	12	4
Confiscated Papers	3	4	1	3	2	6	5
Forced to Leave Site	37	33	39	41	36	44	29
Immigration Status Check	16	16	19	10	11	35	12
Photographed/Video	14	19	16	11	13	12	8
Experienced at least one instance of Security Guard abuse							
Insulted, Harassed, Threatened	9	13	11	8	3	12	5
Violence	3	4	4	5	0	1	0
Robbery	2	3	1	2	0	1	0
Called Police or immigration authorities	12	15	17	10	5	16	4
Do not know whom to report workplace abuses	71	67	77	81	67	65	65

Source: National Day Labor Survey, 2004.

Immigrant Workers

The day-labor workforce in California is predominantly male (just 2 percent are female) and largely comprised of migrants from Mexico (72%), the rest of Latin American (25%), and the United States (3%). Four in five workers are undocumented migrants, which is slightly higher than the national figure of 75 percent.

Table 9: Immigrant Characteristics

Country of Birth	United States	California	Other States
U.S.	6.4	2.7	8.7
Mexico	59.2	72	51.2
Latin America	33.8	25.1	39.2
Europe	.10	.10	.60
Legal Status			
U.S. Citizen	9.4	6.3	11.3
Permanent Resident	8.8	8.8	8.7
Temporary Resident	6.3	4.6	7.4
Undocumented	75.5	80.3	72.5

Source: National Day Labor Survey, 2004.

Clearly a substantial segment of this workforce is marginalized and in a vulnerable position. Lacking legal immigration status yet in urgent need of earning an income to support themselves and their families, many day laborers find themselves exposed to the vagaries of a labor market that is rife with violations of basic labor standards. In many respects, then, the day-labor market bears a strong resemblance to the wider informal economy of which it is apart. Workers are paid in cash, employment is insecure, and government regulation of wages and working conditions is weak or nonexistent. At the same time, the day labor market provides limited pathways for some workers to enter the formal, mainstream economy.

Through their participation in day labor, many workers are able to accumulate experience, develop skills and enhance their job-search networks, thus improving their chances of leaving this market for more stable employment. Other workers use day labor as a buffer for eventualities like the temporary or permanent layoffs that are exceedingly common in the low-wage segments of the U.S. economy. In this respect, day labor is simultaneously the 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. Perhaps the best chance for these workers to escape poverty-level wages is to improve their qualifications through on-the-job training in the day-labor market, thereby increasing their job opportunities over the long run.

The day-labor market is something of a paradox. On the one hand, it is characterized by routine violations of basic labor standards, the workforce endures the hardships associated with low earnings levels and public opinion in some parts of the country has turned against day laborers. On the other hand, employer demand for the services of day laborers is strong and growing, and a substantial share of the day-labor workforce has made the transition to other areas of the economy where they are employed as construction workers and factory production workers, among other occupations.

Seen in the light of the findings of this study, day labor occupies an unusual position in California's economy. It is, at the same time, both *disconnected* from the mainstream economy given the rampant violations of employment and workplace safety laws that are found in this labor market, and *connected* to the mainstream economy by virtue of the role it plays in a dominant industry (construction) and the pathways between employment in the day-labor market and jobs in other parts of the economy. The final section of this chapter considers the role of worker centers in placing a floor under wages and working conditions in the day-labor market.

Worker Centers: Safeguarding Labor Rights in the Day Labor Market

As highlighted in this chapter, day labor is a nationwide phenomenon but particularly relevant in California. The sheer number of hiring sites, combined with their presence in almost every urban region of the state reflects the scope of this labor market. The growth of day-labor hiring sites is a national trend that warrants attention from policy makers at all levels of government.

The top policy priority is clear: safeguarding, improving and enforcing labor standards in the day-labor market. Our findings reveal that the day-labor market is rife with violations of worker' rights (see also U.S. General Accounting Office, 2002). Day laborers regularly are denied payment for their work, many are subjected to demonstrably hazardous job sites, and most endure insults and abuses by employers. These employer practices prevail because the day-labor market is largely unregulated and because workers believe that they do not have an effective means of seeking recourse against abusive employers. This belief that formal legal channels through which wage theft and other illegal employer behavior can be challenged are closed to day laborers stems from the interaction between U.S. immigration law, employer practices and the economic deprivation of much of the day-labor workforce. 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.

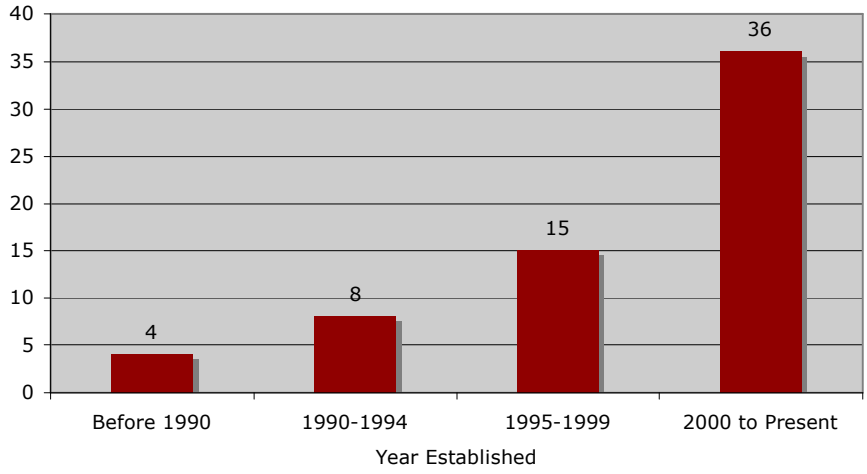
Day laborers are primarily workers who have migrated to the United States to search for work in response to economic hardships in their country of origin. With the need to immediately earn an income, they find themselves in a vulnerable position, and are forced to accept most any job. The high incidence of wage theft, exposure to unsafe

working conditions, and other worker abuses highlighted in our study indicate that employers often take advantage of day laborers' pressing need for work. Because most day laborers are working without immigration documents, exploitative employers are emboldened to withhold wage payments, abandon workers at job sites and subject workers to other abuses, including physical violence. Employers are often able to deter workers from contesting these violations by threatening to turn them over to federal immigration authorities. Even when employers do not make these threats overtly, day laborers, mindful of their status, are reluctant to seek recourse through government channels.

As a result, violations of basic labor standards have become a taken-for-granted feature of day-labor markets. One of the most important ways that workers in the informal economy take legal action against abusive employers is through workers' rights advocates employed by community-based organizations. However, a 2002 survey of day laborers in the New York metropolitan area found that only about 10 percent of day laborers have turned to community organizations to assist them in addressing workplace concerns or in taking action against an abusive employer (Theodore, Valenzuela, and Melendez, 2006). This disconnect between day laborers and civil society organizations is exceedingly problematic for day laborers since nearly two-thirds reported that they do not know their rights as a worker or as an immigrant residing in the United States. Furthermore, 70 percent of day laborers nationwide do not even know where to report a workplace violation. As a result, abusive employers are often able to continue to violate workers' rights with impunity.

But this is changing. A growing cadre of day-labor worker centers has begun to challenge employment abuses in cities across the United States and especially in California. There are at least 63 day-labor worker centers operating in 17 states, as well as another 15 community-based organizations that work closely with day laborers that seek work at informal hiring sites. The creation of day-labor worker centers is a relatively recent phenomenon, with most having been established since 2000 (Figure 2).

Figure 2: Formation of Day Labor Worker Centers



Source: National Day Labor Survey, 2004.

Worker centers formalize day-labor employment by allowing workers to safely search for jobs and encouraging employers to hire day laborers from their premises. By monitoring working conditions and informing day laborers of their rights, worker centers serve, in the words of one director, as a "safe haven for workers to negotiate their job and not be on the street." In some cases, these sites are no more than an enclosed, open-air venue with seats or benches. But many others are located in commercial buildings where they coordinate workers' rights activities, provide emergency services and sponsor community events. In short, they function as full-service community organizations.

Because they intervene effectively in the day-labor market, worker centers have emerged as the most comprehensive response to the workplace abuses that day laborers endure as well as to address community tensions that have arisen as a result of workers gathering near residential areas. Fundamental to their value is the ability of worker centers to intervene on both the demand and supply sides of the day-labor market. On the demand side, worker centers monitor the actions of employers, increase the transparency of the hiring process and provide an institutional foundation for holding employers accountable for workplace abuses. On the supply side, they organize and normalize the hiring of day laborers, monitor worker quality and provide opportunities for worker incorporation into the mainstream economy through employment assistance and, in some cases, skills training. The contributions of worker centers go beyond the day-labor market itself. In the communities in which day laborers work and live, these centers participate as key stakeholders in the resolution of neighborhood conflicts over day labor.

This portrait of worker centers may come as a surprise to those familiar with the negative attention received by worker centers in Herndon, Va.; Phoenix, Ariz.; and Farmingville, N.Y. Media accounts in those cities and others have misrepresented the functions and activities of worker centers by labeling them as "magnets" for undocumented immigration (even though 83 percent of day laborers learned of this market after migrating to the U.S.), as illegal gathering places, or as a waste of public resources. The ensuing controversy has obscured the important role of worker centers in establishing a floor under wages and working conditions in the day-labor market. Lost in the rancorous debate that is underway in some cities is that investment in day-labor worker centers is a prudent, practical and fiscally responsible policy that communities across the United States should carefully consider. Indeed, the vast majority of worker centers were opened with little fanfare or controversy because various stakeholders, including day laborers, employers and community groups, came together to proffer thoughtful and pragmatic solutions to local concerns.

This fact leads to the question of how worker centers should be established, and how they can be linked to existing community institutions. The variety of existing models suggests that the worker center strategy can successfully be adapted to local conditions, and that these centers can be effective in a wide range of local contexts including operating in central business districts, residential neighborhoods and suburban locations. Many communities have entered negotiations with home improvement stores to support the

opening of worker centers (e.g., Burbank, Calif.). Others have worked closely with city planning departments and elected officials to secure resources to create sanctioned hiring sites.

The point is not that there is a single best-practice model or strategy for opening a worker center, but rather that the process should bring together day laborers, employers, merchants, residents and other community stakeholders, and the public sector to devise appropriate strategies. Above all, the creation of worker centers is a pragmatic solution. Day labor continues to grow in California, and implementing programs that can ensure that safeguards are in place to protect workers is now an urgent matter demanding attention.

Conclusions: The Worker Centers Model

From our observations and interviews of coordinators of worker centers across the United States,[4] we have found that several key elements should be in place for a worker center to be effective. First, worker centers should be visible and centrally located near where day laborers search for jobs and where employers look for workers. Second, when worker centers are discussed as a local policy response, day laborers and employers should be involved in those conversations. Third, most worker centers operate on minimal budgets; efforts should be made to generate creative cost-sharing streams, that include public-sector resources, contributions from local businesses, private donations and foundation grants to ensure the sustainability of centers.

Fourth and finally, the creation of worker centers often occurs in conjunction with the passing of anti-day-labor solicitation ordinances that require workers to vacate open-air hiring sites in favor of workers centers. Such measures usually are enforced through aggressive policing. However, these policies are counterproductive; they ignore issues of labor demand, misallocate police resources as law enforcement officers are tasked to issue citations or arrest day laborers who are simply looking for work, and their main impact is to penalize day laborers who search for work in public spaces. Ultimately, expectations for worker centers must be realistic. We have observed that the most successful worker centers have existed for many years, and that the incubation period for employer, worker, merchant and resident buy-in should not be underestimated. Time and resources are necessary if worker centers are to develop the capacity to effectively intervene in the day-labor market.

Many worker centers were created through partnerships between community organizations, local governments, faith-based organizations and law-enforcement agencies. Other partners may include local businesses and labor unions. Typically, community organizations, municipal governments or faith-based organizations assume the responsibilities of lead partner, and each of the worker centers surveyed is operated by one of these entities. Community organizations operate 43 day-labor worker centers (68 percent), while city government agencies and church groups each operate 10 centers (16 percent, respectively).

Most day-labor worker centers provide fairly basic accommodations to workers and employers. All operate as hiring halls where employers and day laborers can arrange work for the day. Available amenities and services typically include restrooms, drinking water, places to sit, telephones, classrooms, outreach to employers and parking facilities. But even such simple provisions are a marked improvement over informal hiring sites. Moreover, they serve to establish a worker center's presence in the day-labor market. The primary purpose of day-labor worker centers is to regulate the day-labor market by intervening in the market and establishing rules governing the search for work and the hiring of laborers.

We find that most worker centers:

1. Provide a defined space for workers to assemble, as well as a job-allocation system (either a lottery, list of available workers or some other selection mechanism) that imposes order or a hiring queue on the day-labor hiring process.
2. Require job seekers and employers to register with center staff.
3. Set minimum wage rates.
4. Monitor labor standards, employer behavior and worker quality.

Day labor is a complex issue, and there is no single solution to the conflicts it has generated. A practical approach to many of the problems highlighted in this chapter is offered by worker centers. We recommend the creation of additional worker centers in cities across California because we believe they can dramatically and immediately improve conditions in the day-labor market.

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Endnotes:

[1] The dimensions of the day labor market are very fluid; on a daily basis new workers enter this market while others leave it. Similarly, some hiring sites diminish in size or disappear, while new ones emerge. The national count of the day labor workforce represents a snapshot of this workforce in the United States. This snapshot does not consider workers who might enter or leave the market through the course of a year. Nor does it estimate the growth of the market from when the survey was taken (2004) and the printing of this report. Therefore, the number reported is likely to be higher if we were to replicate the survey today or if we were to adjust to measure workers who participate in this market during a one-year period.

[2] The data for this chapter are drawn from the National Day Labor Survey (NDLS) which randomly surveyed 2,660 workers across 20 states (+ the District of Columbia) at over 250 hiring sites in 2004. The author of this report was the lead Principal Investigator for the NDLS.

[3] These workforce estimates consider only the number of job seekers present at hiring sites on the day worker interviews were conducted (though additional counts were taken weeks prior to the fielding of the survey). Point-in-time counts were taken each hour for five hours. Therefore, these figures undercount the total size of the day-labor workforce since they do not account for workers who were hired prior to the time when the count was taken or workers who regularly use the hiring site but for some reason did not search for work on the day when we surveyed.

[4] As part of our national study, we surveyed all 63 day-labor worker centers that were in operation in 2005, as well as 15 community-based organizations that work with day laborers. The findings from this component of our study will be released as a separate report.