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# Day Laborers Build Path to More Secure Work Lives

by Shreema Mehta

**While some cities are seeking to ban or regulate day labor by immigrants, worker organizers are pushing for centers to help organize, protect and employer vulnerable workers.**

**June 20, 2006** – Each weekday in the small city of Vista, California outside of San Diego, dozens of day laborers gather outside of a local shopping center waiting for an offer of temporary work in construction, carpentry, painting or other home services. The scene is similar in cities across the country, where predominantly Latino immigrants without steady work take unreliable, low-paid and often dangerous jobs to support themselves and their families.

But residents often complain about day laborers gathering in public spaces, prompting many cities and towns to pass ordinances to limit their presence. Vista is the one of the latest cities to attempt to eliminate informal hiring sites.

The City Council is considering an ordinance requiring employers of day laborers to register with the city and provide workers with a document detailing how much they will be paid, how they will be transported to their job and other terms, a measure Assistant City Manager Rick Dudley said will reduce abuse against laborers. He added that Vista also plans to select a nonprofit organization to run a "hiring hall," where employers and workers can gather, though the city will not fund the site or provide financial support for the group running it.

Council members say the ordinance will break up informal worker gatherings, which they say causes traffic jams and intimidates residents.

"People go in [to the shopping center] for a lot of different reasons," Dudley said. "If you're not there to pick up a day laborer, it can be intimidating to have 20 people jammed around the car, particularly if you're elderly or a woman."

He also said requiring employers to register with the city will help protect laborers from abuse.

Though critics of the ordinance support efforts to provide day laborers an opportunity to report abuse, they say mandatory employer registration would hurt workers by discouraging employers from hiring them.

Dudley agreed that the ordinance might discourage employers from hiring day laborers, but argued that exploitative bosses would be deterred. "If you're going to stiff the guy," he said, "you're probably not going to want to participate in the program."

But day laborers and their advocates say the best way to stave off workplace violations is through worker organization and empowerment.

"It's clearly meant to deter employers," Chris Newman, legal programs coordinator of the National Day Labor Organizing Network, said of the city's proposal. "It's disingenuous. If they really cared about day laborers, they would fund a worker center."

Increasingly popular models for immigrant-labor organizing, worker centers often provide community spaces where employers and laborers can meet, with a staff equipped to handle workplace violations, as opposed to the kind of outdoor gathering spot the Council proposes.

Gustavo Vurate, who immigrated to the US legally from Paraguay six years ago and now lives in New York, has worked mostly as a day laborer since arriving in the United States. At first, he looked for jobs on his own. Later, he found work through the Latin American Workers' Project, a worker center in Brooklyn.

"I heard about the center from a friend of mine," said Vurate, who has been a member of the Project for four years. "I went there and checked it out. It was exactly what I was looking for... you don't have to fight to find a job because people go there and ask for the skills they need, so if you have the skills you can go to the contractor and make deals."

Vurate, who now runs a small construction business, said that when job-hunting on the street, "[contractors] ask for a carpenter or painter, and 20 people try to get in front of the car. [The employers] promise you one price. And then another day, they don't pay you," he said. Vurate said he "lost count already" of the number of times he was cheated out of pay. By contrast, incidents of wage theft are rare at the center, he said, because it provides legal counseling and requires employers to sign contracts.

More than 100,000 day laborers across the nation – mostly Latino immigrants – look for work in construction, landscaping and other sectors daily, according to a study released in January by Center for the Study of Urban Poverty at the University of California, Los Angeles. At an average \$10 an hour, the seasonal, part-time work brings most laborers less than \$15,000 a year.

Surveying more than 2,000 day laborers, the study also found evidence of widespread abuse by employers. Nearly half reported being underpaid or not receiving pay at all, and 18 percent reported incidences of violence at the hands of employers.

Day-laborer organizers and city governments across the nation are attempting address the issue, though often through diverging strategies. While some governments like Vista are attempting to regulate the market, others are banning it outright.

Meanwhile, many municipalities across the country, from large cities to small towns, have provided funding for worker centers. National Day Labor Organizing Network's Chris Newman said that about 75 percent of the Network's member organizations receive some form of government funding. Los Angeles operates eight day-labor centers, and Burbank recently required Home Depot to build a center if it wanted to open a store in the city.

The UCLA study found that there are at least 63 worker centers serving day laborers currently operating across the United States. But while that number is on the rise, 79 percent of hiring sites are still informal gathering spots in front of home-improvement stores or on busy streets.

The Vista City Council has not found a location for the planned hiring hall, or a group to run it, though Dudley said it could be in a "vacant lot" with benches. But advocates for day laborers say that worker centers should be more than just an abandoned space, and that it should provide other services, such as job training or information on civil rights, that ultimately benefit the community at large.

The Humanitarian Center for Workers in Denver, Colorado, for instance, started as a way for day laborers to organize themselves, but its English classes and the indoor space it makes available to other groups have also allowed them to connect with their community, said Executive Director Minsun Ji.

The center now sees 600 people coming in to look for work a month. Ji, who helped to organize laborers prior to the center's opening four years ago, said that before workers had their own space, "the biggest problem these people faced were unscrupulous employers." She added, "Their presence bothered residents and it was really chaotic," and laborers would regularly get arrested for loitering.

"Everybody needs to be protected," she said, adding that the idea for the Center arose from the workers themselves.

Ji said workers attend weekly meetings and make operating decisions. They recently raised their minimum wage, for instance, deciding to demand at least \$10 an hour from employers, up from \$8. She said the space has also grown into a public center that offers classes in English as a secondary language, and it houses a women's cleaning cooperative, employing many of the day-laborers' wives.

Ji said that the center has also built relationships with local advocates and activists by sharing its downtown space, where immigrants' rights groups have held gatherings and protesters built puppets during an antiwar rally in 2004. The center also agreed to allow unionized janitors to meet at their space as they planned a strike.

"We build coalitions with other groups to create collective power," she said. "When we need help from them, they help us too," she said, noting that when about a dozen anti-

immigrant activists recently rallied in front of the center, it was able to organize a counter-rally of 200.

Antonio Bernabe, who has been organizing workers in Los Angeles for 12 years, said that to build new centers and strengthen existing ones, centers should market themselves toward employers. "You can have a beautiful center with English classes," he said, "but if they have no work, the people will say, 'Well, this is nice but I have to go to work.'"

While billboards or other messages advertising worker centers help, many advocates said it was important to build trust by having workers recruit others to look for work in the center instead of on the street.

Amy Sugimori, an attorney with the immigrants' rights branch of the National Employment Law Project, said that if workers lead the organizing, they can alleviate any fears that undocumented day laborers may harbor that staff members of a formal worker center will report their status to authorities.

Some politicians, however, have reacted to increasingly visible day-labor centers by banning them. Last year, Arizona Governor Janet Napolitano passed a bill that banned local governments from funding day-labor centers. "Citizens' tax dollars should never be used to support an illegal act," Napolitano wrote in a previous weekly public message published on her website.

The controversial immigration bill that passed in the House of Representatives last year, now in conference with the Senate, also attempts to curb day-laborer activity by adding provisions to ban local governments from funding day-labor centers and requiring centers to check the immigration status of their patrons.

Newman was confident that day laborers could overcome these legislative hurdles, noting that his Network has won several court victories on the ordinances, including a recent court ruling that struck down a ban on day laborers soliciting work in Redondo Beach, California. Newman said they sued the city when police officers arrested day laborers for soliciting work.

While organizer Bernabe wants workers to be able to seek temporary jobs, he said the ultimate goal is to not have day laborers at all.

"People are looking for permanent work and that's our struggle," he said. "That's why we're finding them a way to go to school, to learn English or [get job] training. That's why they go to the corners."