

**PROTECTING HUMAN RIGHTS IN A GLOBAL ECONOMY:  
THE IMPACT OF GOVERNMENT RESPONSES  
TO DAY LABOR MARKETS**

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# **PROTECTING HUMAN RIGHTS IN A GLOBAL ECONOMY: THE IMPACT OF GOVERNMENT RESPONSES TO DAY LABOR MARKETS**

## **EXECUTIVE SUMMARY**

This report combines statistical and qualitative methods to analyze the human rights impacts of different government policies upon day laborers. Day labor markets bring contractors looking for low to semi-skilled manual labor for small contracts often lasting only a day together with workers willing to provide this type of flexible labor. Although these markets are nothing new in the United States, their rapid growth in suburban areas reflects changes in the global economy. Along with restrictive immigration laws, these changes have made immigrant workers vulnerable to a range of human rights abuses. In this context, government policy responses to day labor markets play important roles in upholding our nation's commitment to human rights.

To provide a solid empirical basis for informed policy formation on this important issue, we conducted the Long Island Day Labor Survey. We surveyed one hundred and forty-six workers selected at random at major day labor sites in eight municipalities. Of these eight municipalities, three have official hiring sites, allowing for a meaningful assessment of the impact of a policy response often proposed by immigrant rights advocate. With large and highly active day labor markets located in suburban areas that vary considerably in their size, incorporated status, ethnic compositions, and socio-economic characteristics, Long Island provides important insights for a wide range of communities across the United States experiencing rapid growth in these markets. We now summarize the most important findings from our study. Our analysis of the survey data reveals a pervasive pattern of abuses that not only violates the basic human rights of day laborers, but also worsens community relations:

### **Types and Extent of Human Rights Abuses**

- Day laborers are regularly exposed to harassment, intimidation, and violence. Over 43% reported being targeted at least once for negative comments based on their nationality. Nearly 26% reported at least one instance of being threatened while looking for work or while on a job. Almost one quarter (109 times the regional rate) reported experiencing being physically assaulted while looking for work or at the work site. Over 8% (58 times the regional rate) reported being robbed while looking for work or returning from work.

- Day laborers also face a wide range of hazards that, in many cases, lead to injuries. Over half reported being required to use sharp tools without proper safety gear such as gloves or goggles as well as working at tall heights without harnessing equipment. Safety violations resulted in high levels of injuries, with over one-quarter (26.71%) of respondents reported being injured on the job. Of the respondents reporting injury, only 13.16% reported being taken by their contractor to receive medical attention. About two-fifths (39.02%) reported being pressured by their contractor to keep working after being injured.
- Contractors regularly take advantage of the vulnerable status of day laborers to maximize the revenues generated by the workers while minimizing costs in terms of payment and provision of transportation. Almost half of all respondents reported one or more instances of wage theft.. Over half (56.85%) reported having to work a full day without a break. About one-fifth (21.23%) reported six or more instances of working full days without breaks Over one-third (34.25%) reported one or more instance of being abandoned at the work site.

### **The Human Rights Impact of Repressing Day Labor Markets**

- Our research experience suggests that government repression may change the location, size, and stability of local day labor markets, but does not remove them entirely
- Our statistical analysis finds that government repression in the form of threatening, fining, and arresting day laborers significantly increases several forms of human rights abuses committed against day laborers on Long Island, including:
  - physical assaults by contractors and the police
  - robberies
  - threats made by strangers and merchants
  - ethnic slurs made by the police, by strangers, and by merchants
  - injuries on the job
  - lack of proper safety equipment
  - wage theft by contractors
  - not being given a break to rest when working eight hours or more
  - abandonment at the worksite after completing the job
- By increasing abuses that fuel inter-group tension, government repression worsens community relations. Repression increased respondents' reporting that relations had worsened with contractors, the police, strangers, and merchants. Repression also increased perceptions of unjust treatment by others in the community.

## **The Human Rights Impact of Official Hiring Sites**

- Our statistical analysis reveals that official hiring sites significantly reduce several different types of human rights violations committed against day laborers on Long Island, including:
  - physical assaults committed by strangers
  - threats made by contractors
  - ethnic slurs made by contractors, strangers, and merchants
  - use of sharp instruments without proper protection
  - working from tall heights without harnessing equipment
- By promoting respectful behavior, official hiring sites improve community relations. Respondents surveyed at official hiring sites were significantly more likely to rate treatment by contractors as improving compared to respondents at unofficial sites. Respondents at official sites also were significantly less likely to report unjust treatment by strangers than respondents surveyed at unofficial hiring sites. Levels of reported instances of intimidation by strangers were also significantly lower.

## **Policy Recommendations**

We make the following recommendations based upon our survey findings for ways that Federal, State, County and Municipal policy makers can best protect the human rights of immigrant workers in the context of a global economy.

### Federal Level Recommendations

1. Reform immigration laws to make documented status more accessible
2. Strengthen and enforce hate crimes laws protecting day laborers
3. Authorize funding to increase the number of OSHA and Department of Labor inspectors enforcing labor laws that protect the rights of all workers
4. Fund official hiring sites in communities with active day labor markets
5. Expand Federal job training programs and make them available to all workers
6. Launch a national job creation initiative
7. Promote sustainable development and protect human rights in other societies

### State-level Recommendations

1. Strengthen and enforce hate crimes laws protecting day laborers
2. Authorize funding to increase the number of Department of Labor inspectors enforcing existing labor laws that protect the rights of day laborers
3. Pass legislation regulating day labor markets so as to better protect human rights
4. Fund official hiring sites in communities with active day labor markets
5. Expand State-funded job training programs and make them available to all workers
6. Launch a state-wide job creation initiative

### County-level Recommendations

1. Refrain from ticketing and arresting day laborers for seeking employment
2. Strengthen and enforce hate crimes laws protecting day laborers
3. Create a special unit to enforce criminal penalties against wage theft by contractors
4. Distribute information about labor laws as part of the licensing process for home improvement contractors
5. Revoke the licenses of contractors who violate labor laws
6. Fund official hiring sites in communities with active day labor markets
7. Pass sanctuary resolutions in response to restrictive Federal immigration policies

### Municipal-level Recommendations

1. Refrain from ticketing and arresting day laborers for seeking employment
2. Refrain from using housing codes to exclude day laborers from communities
3. Strengthen and enforce hate crimes laws protecting day laborers
4. Assign code enforcement officers to check contractor licensing and blatant health and safety violations at homes that are under renovation or construction
5. Fund official hiring sites in their communities
6. Publicize and make more visible the location of the official hiring site to contractors
7. Pass sanctuary resolutions in response to restrictive Federal immigration policies

## INTRODUCTION: CONSTRUCTIVE RESPONSES TO GLOBALIZATION

### *Are Day Labor Markets Something New?*

Across this great nation of ours, we are witnessing growth in day labor markets. Day labor markets bring contractors looking for low to semi-skilled manual labor for small contracts often lasting only a day together with workers willing to provide this type of flexible labor. These markets are nothing new. The late 19<sup>th</sup> and early 20<sup>th</sup> centuries brought Irish, Italians, Japanese, Mexicans, Polish, Russians and other workers to the United States in search of greater opportunities.<sup>1</sup> Many of these new residents participated in day labor markets on waterfronts and warehouses. As recently as the 1960s, Italian immigrants stood on street corners in Westbury, Long Island looking for work. In building a better life for themselves and their families, these immigrants also built the infrastructure of a vibrant industrial economy.

### *What Explains the Recent Growth in Day Labor Markets?*

In recent years, the housing market boom combined with longer working hours for the average U.S. worker has led to increased demand for day labor. As in the past, poverty and persecution also play important roles in explaining why large numbers of immigrant workers participate in day labor markets. Structural adjustment, austerity and other policies related to the international debt crisis have contributed to large migrations of impoverished, low-skill workers from peripheral and semi-peripheral economies to core economies.<sup>2</sup> Mirroring national trends, U.S. Census figures show Long Island's Latino population increased 58% from 165,238 in 1990 to 282,693 in 2000. This represents over 10% of Long Island's population. Many of these 10% are first generation North Americans who have emigrated from Mexico, Central American, South American and Spanish-speaking Caribbean countries since 1970. Our research indicates that those participating in day labor markets on Long Island were born mainly in Mexico, El Salvador, Honduras, Guatemala, and Ecuador.

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<sup>1</sup> See V.N. Parrillo. 2003. *Strangers to These Shores: Race and Ethnic Relations in the United States*. Boston: Allyn and Bacon.

<sup>2</sup> See S. Sassen. 1995. "Immigration and local labor markets," Pp.87-127 in *The Economic Sociology of Immigration*, edited by A. Portes. New York: Russell Sage Foundation. A. Portes, A. and R.G. Rumbaut. 1996. *Immigrant America: A Portrait*. Berkeley: University of California Press.



### *How Does Globalization Impact the Human Rights Status of Immigrant Workers?*

The conditions that encouraged mass labor immigration from Mexico and Central America have important implications for the human rights status of immigrants working in the United States. Because of high levels of poverty, restrictive U.S. immigration policies, and intensive repression of labor organizing, these immigrants often lack the resources and life options necessary to generate effective organized resistance to human rights violations encountered here. Desperate for work, they often accept low wages, long hours, and unsafe working conditions. Although unscrupulous employers often use the threat of deportation against immigrant workers whether they are documented or not, those who are undocumented feel that they have fewer options and thus are subject to even higher rates of exploitation and exposure to occupational hazards. Beyond local contractors, other residents object to not only wage competition, but also to overcrowded housing and traffic problems, all perceived to be associated with highly visible day labor markets where workers wait in parking lots, sidewalks, and corners looking for jobs. These resentments have often spilled over into ethnic slurs, threats, robberies, and even violence against day laborers.<sup>3</sup>

The various types of abuses described above constitute violations of the United Nations' Universal Declaration of Human Rights. As a powerful, founding member of the United Nations, the United States government has an obligation to protect the human rights of all those living within its borders. Article 2 of the Declaration is very clear in this regard: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 7 underscores the responsibility of the State to uphold the rights of all those living within its borders: "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

The protection of human rights has been the cornerstone of our foreign policy. We have imparted a vision of human progress that has been embraced throughout the world. Vigilantly

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<sup>3</sup> See B. Jones. July 26, 2004. "Police: Immigrants robbed after work offer," *Newsday* online. B. Jones. August 10, 2004. "Immigrants' advocates seek hiring site," *Newsday* online. J. Krivo. November 4, 2004. "Report from Long Island," WBAI online.

protecting human rights within our own borders will enhance our ability to persuade others to respect the dignity of those within their borders. Beyond leading by example, strong adherence to human rights norms also has numerous internal benefits for our nation. Research consistently indicate that those living in communities characterized by equitable, inclusive, and cooperative inter-group relations are more productive and fulfilled than those living in communities characterized by social inequalities, exclusion, and group conflict.<sup>4</sup> In other words, ensuring human rights provides the best conditions possible for life, liberty, and the pursuit of happiness.

### *What Government Policies Best Protect Human Rights?*

The idea that a government can effectively respond to a global process that swoops down upon rural plains and transplants millions of people from one country to another may appear unrealistic. Yet it is precisely the scope and magnitude of the human drama that warrants a careful examination of what Federal, State, County and local legislators across the United States can do and should do to in response to growing day labor markets and other manifestations of economic globalization. Do efforts to eliminate day labor markets and exclude immigrants from communities negatively impact human rights and community relations? Do officially recognized hiring sites administered by non-profit organizations protect the rights of workers while improving community relations?

To help answer these important questions, Dr. Gregory Maney, an Assistant Professor of Sociology at Hofstra University and the Workplace Project, a community-based immigrant advocacy organization, partnered to conduct the largest and most comprehensive human rights survey of day laborers ever administered on Long Island. With large and highly active day labor markets located in suburban areas that vary considerably in their size, incorporated status, ethnic and racial compositions, and socio-economic characteristics, Long Island provides important insights for several different types of communities across the United States experiencing rapid growth in these markets. We surveyed one hundred and forty-six workers selected at random at major day labor sites in eight municipalities on Long Island (Farmingdale, Farmingville,

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<sup>4</sup> See M. Granovetter. 1985. "Economic Action and Social Structure: The Problem of Embeddedness," *American Journal of Sociology* 91:481-510. J.S. Coleman. 1988. "Social Capital in the Creation of Human Capital," *American Journal of Sociology* 94:S95-S120. R.W. Larson. 2000. "Toward a Psychology of Positive Youth Development," *American Psychologist* 55:170-83. M. Seligman and M. Csikszentmihalyi. 2000. "Positive Psychology," *American Psychologist* 55:5-14. R.D. Putnam. 2001. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon and Schuster.

Franklin Square, Freeport, Glen Cove, Huntington Station, Roslyn Heights, and Westbury). Of these eight municipalities, three (Freeport, Glen Cove, and Huntington Station) have official hiring sites, allowing for a meaningful assessment of the impact of a policy response often proposed by immigrant rights advocate (see Appendix B for more detailed information).

Both statistical and content analyses of the survey data make it clear that different local government policy responses to day labor markets have contrasting social consequences. On the one hand, efforts to eliminate day labor markets through threatening, fining, and arresting day laborers and contractors contribute not only to multiple human rights abuses, but also to deteriorating community relations. On the other hand, establishing official hiring sites protects day laborers from a variety of human rights abuses while also improving community relations. On the basis of these findings, we conclude that any legislation that attempts to remove day laborers from communities or penalizes those who help to organize these workers will deepen human rights abuses and worsen community relations. Conversely, any legislation that facilitates legal immigration and encourages official hiring sites will protect human rights and improve community relations.

Chapter 1 presents the types and extent of human rights abuses against day laborers on Long Island. Chapter 2 examines the impact of repressing day labor markets on human rights abuses and community relations. Chapter 3 examines the impact of establishing official hiring sites on human rights abuses and community relations. The report concludes with a series of recommendations for policy makers at the Federal, State, County, and Municipal levels. An Appendix provides a breakdown of the human rights status of day laborers in each of the eight towns/villages included in our survey.

## CHAPTER 1: TYPES AND EXTENT OF HUMAN RIGHTS ABUSES

Day laborers that we surveyed reported a wide range of human rights abuses. We grouped reported abuses into three main categories: (1) violence, intimidation, and harassment; (2) reckless endangerment of health and safety; and (3) exploitation on the job. Day laborers also reported several different agents of abuse, not only from contractors, but also from police officers, strangers, and merchants. We now discuss prevalent abuses, starting with prevalent forms and sources of violence, intimidation, and harassment.

### Violence, Intimidation, and Harassment

We asked day laborers a series of questions regarding the number of instances of violence, intimidation, and harassment by other members of the community. The results indicate that these forms of human rights abuses are widespread on Long Island. Over half of respondents (54.17%) reported experiencing at least one instance of violence, intimidation, or harassment. Individual workers often noted several different instances where they were verbally and physically threatened and abused by others in the community.

Physical assaults on day laborers constitute clear and severe violations of Articles 1, 3 and 5 of the Universal Declaration of Human Rights. Article 1 states: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Articles 3 and 5 go on to discuss specific actions that violate human dignity. Article 3 states that “everyone has the right to life, liberty and security of person.” Article 5 states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Almost one in four respondents (24.14%) reported experiencing at least one instance of being pushed, hit or beaten while looking for work or at the work site. This rate of aggravated assault is over 109 times the rate for the population of the Northeast region of the United States.<sup>5</sup> The scope of the physical attacks warrant defining violence against day laborers as a serious social problem that policy makers should urgently address. Contractors were the most frequent offenders, followed by strangers, merchants, and the police. One respondent reported “when I went to work, the boss whipped me.” Another reported

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<sup>5</sup> Federal Bureau of Investigation. 2004. *Crime in the United States*. Washington, DC: USGPO.

a stranger coming up to him while he was looking for work and daring him to fight. Several respondents noted having objects such as bottles, eggs, and garbage thrown at them by strangers passing by in cars. Given that many of these attacks involve overt manifestations of prejudice on the basis of the nationality of the workers, they often constitute not only human rights violations, but also hate crimes that violate Federal and State statutes.<sup>6</sup>

Physical attacks often are part of a broader pattern of abuse. 8.33% of respondents report having been robbed while looking for work, working, or returning from work. This rate of robberies is 58 times the rate for the population of the Northeast region of the United States.<sup>7</sup> Day laborers are particularly likely to be robbed after being paid in public areas. Many of those perpetrating the crimes know that day laborers are unlikely to report the offense to the police for fear of being fined or arrested. Bystander antipathy towards day laborers may also contribute to their being targeted for robbery. One respondent spoke of one occasion where “four guys jumped out at me and stole my money. I screamed and nobody listened to me. They threw me on the ground and punched me and I couldn’t do anything.” Given the uncertainty of receiving work and being paid, being robbed makes everyday survival for day laborers even more precarious.

By jeopardizing security of person, verbal threats and physical acts of intimidation violate Article 3 of the Declaration. Nearly 26% of respondents reported at least one instance of being threatened while looking for work or while on a job. As with physical assaults, contractors were the most frequent offenders, followed by strangers, merchants, and the police. For example, one respondent related the following incident: “I was working for a landscaping company, leveling soil with a machine. The boss scared me with his bad intentions to harm me. I told him that if he hurt me, I would report him.” Instances of intimidation by strangers often form part of larger organized efforts to exclude day laborers from the community. 22.92% of respondents reported being intimidated at least once by strangers. Often intimidation takes the form of taking pictures of the workers and the contractors and threatening to submit the pictures to law enforcement officials. One respondent spoke of an incident where a resident called the police on them when members of a church dropped by and gave them food.

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<sup>6</sup> See E. Gootman. August 11, 2001. “Man Charged in Beatings Is Said to Have Used Racial Slurs,” *New York Times* Late Edition. Section B; Column 1; Pg. 6. E. Gootman. August 15, 2001. “Tattoos Interpreted in Day Laborer Beating Case,” *New York Times* Late Edition; Section B; Column 3; Pg. 2. Southern Poverty Law Center. Fall 2003. “Hate Crime Violence follows immigrant-bashing rhetoric,” *Intelligence Report*. Montgomery, AL: SPLC.

<sup>7</sup> Federal Bureau of Investigation. 2004. *Crime in the United States*. Washington, DC: USGPO.

Failing to respect the dignity of the individual and insulting someone on the basis of their ethnicity or nationality violates Article 1 of the Universal Declaration of Human Rights. Moreover, Article 12 of the Declaration states that “no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.” Over 43% of respondents reported being targeted at least once for negative comments based on their race or nationality. As one respondent put it, “There’s a lot of racism and at times people say offensive things to you.” Another day laborer was told “we hate Hispanics here in the United States.” Contractors were the most frequent perpetrators of ethnic slurs, followed by strangers, by merchants, and then by the police.

Collectively, the findings suggest that most day laborers on Long Island face a hostile social environment where their physical safety, financial well being, and dignity are threatened if not violated on a regular basis. Nor does Long Island appear to be exceptional in this regard. Based upon a national survey of 2,660 day laborers working in 20 states and the District of Columbia, Valenzuela et al. (2006) found that 19% of all respondents had been insulted by merchants and 16% insulted by strangers.<sup>8</sup>

#### Endangerment of Health and Safety

Article 23 Section 1 of the Universal Declaration of Human Rights states that “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” Occupational health and safety hazards not only constitute unfavorable conditions of work, but can also deprive workers of “the right to life, liberty, and security of person” guaranteed by Article 3 of the Declaration.

Our research indicates that, on a daily basis, day laborers face a wide range of hazards that, in many cases, lead to injuries. Over one-quarter (26.71%) of respondents reported being injured in an accident on the job. This rate is 5.45 times higher than the New York State rate of non-fatal occupational injuries and illnesses in the construction industry.<sup>9</sup> The high percentage reflects a lack of proper safety protections required by the Occupational Safety and Health Administration. Over half (53.42%) of respondents report being required to use sharp tools

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<sup>8</sup> A. Valenzuela, Jr., N. Theodore, E. Meléndez, and A.L. Gonzalez. 2006. *On the Corner: Day Labor in the United States*. Los Angeles: UCLA Center for the Study of Urban Poverty.

<sup>9</sup> Bureau of Labor Statistics. 2004. “State Occupational Injuries, Illnesses, and Fatalities”. [www.bls.gov/iif/oshstate.htm#NY](http://www.bls.gov/iif/oshstate.htm#NY).

without proper safety gear such as gloves or goggles. A similar percentage of respondents (56.16%) reported working at tall heights without harnessing equipment. In responses to open-ended questions, several additional types of endangerment were reported, including using jackhammers without eye or ear protection, removing and installing insulation without ventilation masks, working near walls that are about to collapse, lifting extremely heavy objects without mechanical assistance, using improper tools for the job, being rushed to finish a job, and being made to perform certain tasks that the workers indicated they were not qualified to perform.

The callous disregard of contractors for the well being and basic safety of the day laborers often continued beyond the point of injury. Of the survey respondents reporting injury, only 13.16% reported being taken by their contractor to receive medical attention. On the contrary, 39.02% reported being



pressured by their contractor to keep working after being injured. The following incident illustrates how contractors use threats and intimidation to coerce day laborers into performing hazardous work: “On one occasion the boss was treating me very badly. He yelled at me and he insulted me even though I felt I was doing good work. It was then that I broke my arm and fractured my leg.” Along with the physical injuries, reckless endangerment also threatens the economic security of day laborers as illustrated by the following incident: “I got hit in the mouth while working with cement and I split my lip open and loosened my tooth. My mouth was very swollen for 3 weeks. My boss didn't even give me \$5 and I couldn't work for 8 days.”

As with violence, intimidation, and harassment, other research suggests that the scope of the problem of reckless endangerment of immigrant workers goes far beyond Long Island. A nationwide day labor survey also found high levels of work-related injuries (20%) and a similar disregard for the medical needs of the injured, with more than half of those being injured not receiving medical attention.<sup>10</sup> A study by the Associated Press found that every day one Mexican-born worker in the United States dies in an industrial accident.<sup>11</sup> Mexican-born workers are about 80% more likely to die than US-born workers.

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<sup>10</sup> A. Valenzuela et al. 2006.

<sup>11</sup> J. Pritchard. March 3, 2004. “A Mexican Worker Dies Each Day,” *Associated Press*.

### Exploitation by Contractors

Article 23 Section 3 of the Universal Declaration of Human Rights states that “Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.” To measure the extent to which contractors were violating Article 23, we asked day laborers a series of questions related to work intensity and work compensation. The results suggest that contractors regularly take advantage of the vulnerable status of day laborers to maximize the revenues generated by the workers while minimizing costs in terms of payment and provision of transportation to the workers. Over 75% of respondents reported one or more of the following types of exploitation: (1) not being paid after a full day’s work; (2) not receiving a break during eight or more hours of work; or (3) being abandoned at a work site after completing a job. In two communities (Farmingville and Roslyn Heights), 90% of respondents reported one or more instances of these behaviors.

Contractors’ pocketing all of the wealth produced by the worker leaves day laborers with nothing to show for their efforts. Mirroring findings in the national day labor survey, almost half (49.32%) of all respondents reported one or more instances of wage theft (i.e., not being paid for work that they performed). As a measure of work intensity, we asked about whether the workers had worked for eight hours or more without receiving a break for rest, food, or water. Over half (56.85%) reported having to work one or more full days without a break. Moreover, a high percentage of respondents reported this type of abuse occurring on a regular basis. Just over one-fifth of respondents (21.23%) reported six or more instances of working long hours without a break. Instances of being overworked often had negative health effects upon the workers as the following reported incident illustrates: “I was leveling some earth and they didn’t give me food, water or anything and I vomited 2 times, and dizziness and I had to continue working.”

Many of these same workers were also abandoned at the work site by the contractor. Over one-third (34.25%) of respondents reported one or more instance of abandonment. One respondent told of having to walk “half a day to the bus stop in the middle of the summer after completing a job.” Having established the severity of human rights abuses against day laborers, we now present an analysis of the human rights and community relations impacts of different public policy responses to day labor markets on Long Island, starting with repressive responses.



## CHAPTER 2: THE HUMAN RIGHTS IMPACT OF REPRESSING DAY LABOR MARKETS

Governments have three options available in responding to growing day labor markets—ignore them, repress them, or regulate them. Ignoring the presence of day labor markets is likely to be a short-lived strategy as abuses against the workers and complaints from residents force officials to address the issue. Some local governments have defined day labor markets and their participants as the problem. From this perspective, the solution is to eliminate the day labor markets from the community. Repression entails efforts by the government to penalize day laborers and contractors for market transactions. Such efforts include police disrupting the transactions, issuing tickets, jailing day laborers for loitering, reporting contractors to the Internal Revenue Service, reporting day laborers to U.S. Immigration and Customs Enforcement and using town or village housing codes to evict immigrant tenants from local dwellings.<sup>12</sup> As the following statement illustrates, day laborers are often exposed to repeated sanctioning over the course of a single day: “They told me to get off the spot where I was looking for work. When I was going home later, the police found me again and gave me a ticket.”

Our research experience suggests that government repression may change the location, size, and stability of local day labor markets, but does not remove them entirely. For instance, immediately after local authorities in Farmingville had fined and arrested several workers and contractors, we were still able to locate and survey twenty-one day laborers actively seeking work. The locations of the markets shift, but the markets remain active.

While ineffective in removing the “problem” of day labor markets, repression could exacerbate the already extensive human rights violations committed against day laborers discussed in the last chapter. To obtain hard evidence to answer this question, we created an index measure for repression that equals the sum of the number of instances that the police interrupted day laborers while they were attempting to obtain work, the number of instances that the police have threatened the day laborers with fines or arrests, and the number of instances that the police have actually fined or arrested day laborers for attempting to obtain work. We then conducted bivariate regression analyses of several different measures of human rights abuses on this composite measure of repression. The results of these analyses reported in Table 1 show that government repression significantly increases levels of human rights abuses committed against day laborers on Long Island.

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<sup>12</sup> See B. Jones. September 20, 2005. “Latino group sues over eviction issue,” *Newsday*. News Section, Pg. A15. B. Jones. November 22, 2005. “Laborers not welcome,” *Newsday*. News Section, Pg. A06.

**TABLE 1**  
**Unstandardized Coefficients for Bivariate Regressions of**  
**Selected Dependent Variables on Repression: Long Island Day Labor Markets**

<i>Independent Variable:</i>	<u>Repression</u> Reg. Coeff. (Std. Error)	t-test value	R <sup>2</sup>	N
<i>Dependent Variables:</i>				
Violence, Intimidation, and Harassment Index***	1.3983 (.323)	4.33	0.1172	143
• Physical Assaults*	.1910 (.077)	2.47	0.0412	144
• Robberies*	.0390 (.023)	1.73	0.0208	143
• Threats***	.4004 (.103)	3.87	0.0967	142
• Ethnic Slurs**	.4879 (.152)	3.20	0.0678	143
Endangerment Index**	.5244 (.166)	3.16	0.0653	145
• Injuries on Job**	.1134 (.035)	3.23	0.0681	145
• Sharp tools without protect.*	.2441 (.094)	2.61	0.0453	145
• Tall heights without harness*	.1670 (.089)	1.88	0.0241	145
Exploitation Index**	.4660 (.139)	3.36	0.0733	145
• Not paid after job*	.1054 (.054)	1.94	0.0256	145
• No breaks during 8+ hr. day*	.2042 (.083)	2.46	0.0406	145
• Abandoned at work sites**	.1565 (.055)	2.84	0.0533	144

\*  $p < .10$  \*\*  $p < .01$  \*\*\*  $p < .001$  (two-tailed test)

### Violence, Intimidation, and Harassment

Repression was positively related to the aggregate measure of violence, intimidation, and harassment reported by day laborers. In terms of the specific components of the aggregate measure, high levels of government repression were related to high levels of violence against day laborers by contractors and by the police themselves. Knowing that repression reduces the likelihood of day laborers reporting abuses to the police, contractors used physical force under

these circumstances to extract greater productivity from and/or pocket the wages owed to day laborers. Moreover, by stigmatizing day laborers as outsiders whose presence in the community is unwanted, repressive responses desensitize those in law enforcement to the rights of day laborers. As a result, police and code enforcers may be more likely to go beyond legitimate means of law enforcement. Repression not only increased levels of violence against day laborers, but also robberies committed against them. Knowing that day laborers won't go to the police if they're robbed encourages this crime by reducing its anticipated costs.

Repression also significantly increased the number of threats directed at day laborers by strangers and merchants. The policy was also related to higher levels of ethnic slurs by the police, by strangers, and by merchants. Repression of day labor markets promotes negative views towards immigrant workers by defining them as the problem. For example, in discussing appropriate policy responses to community tensions related to day labor markets, the Suffolk County Executive, Steve Levy, stated, "Many local officials have punted, saying this is a federal issue and we can't do anything about it. Well, there are some things you can do. Crack down on those contractors, crack down on illegal housing and create a better relationship with immigration officials".<sup>13</sup> Our research indicates that such repressive policies as advocated by Levy increase human rights abuses against day laborers on Long Island. Responsible governance requires policy makers to take the lead in enforcing human rights norms rather than pandering to the prejudices of certain constituencies.

### Endangerment of Health and Safety

A repressive response to day labor markets also puts the health and safety of day laborers into even greater danger. Higher levels of repression were significantly related to higher levels of reported injuries by day laborers. By reducing the use of safety equipment such as gloves, goggles, and harnessing equipment, repression contributes to injuries. Fining those looking to employ day laborers may scare off larger contractors who are often more readily identified by corporate logos on their vehicles, leaving day laborers to seek employment from smaller contractors who are less likely to have proper safety equipment. Workers fearing being ticketed or arrested for looking for work will be less choosy in selecting contractors who approach them.

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<sup>13</sup> Associated Press. August 4, 2005. "Illegal Immigrants Clash with Locals on Long Island," *USA Today Online*.

Moreover, in normal circumstances let alone a context of fear and intimidation, day laborers are highly unlikely to report OSHA violations to government officials. The consequences are more injuries on the job that could have been avoided, contributing to not only human suffering, but also high public hospital costs, costly litigation, and lost labor productivity.

### Exploitation by Contractors

Repression also makes it harder for day laborers to receive just and favorable conditions of work. Respondents reporting high levels of repression also were more likely to have suffered instances of wage theft by contractors after rendering services, not being given a break to rest when working eight hours or more, and being left stranded at the worksite after completing the job. Rather than eliminating local day labor markets, government repression of these markets simply facilitates exploitation by unscrupulous contractors who know the workers have little legal recourse in these communities.

### Community Relations

Although day laborers who have been denied their pay, robbed, and physically assaulted have recourse under the law, negative experiences with the police often results in the belief that reporting such incidents to local authorities will only make their lives worse. To the extent that contractors, merchants, and other residents know this, legal and social restraints on abusing the human rights of day laborers are removed.

Any government body committed to upholding human rights should reject a repressive response to day labor markets as a policy option. More pragmatic concerns also underscore the inadvisability of this policy option. Repression worsens community relations as growing human rights violations trigger escalating conflict between the opponents and proponents of immigrant



workers. We asked survey respondents to rate whether their relations with contractors, the police, strangers, and merchants had improved or worsened in recent years. Respondents reporting

higher levels of threats, fines, and arrests were significantly more likely to report that relations had worsened with all other segments of the community. Demonstrating the connection between human rights protection and community relations, repression was also negatively related to the perception of just treatment by others in the community. Repression, however, is not the only public response available as will be discussed in the next chapter.

### CHAPTER 3: THE HUMAN RIGHTS IMPACT OF OFFICIAL HIRING SITES

A growing number of communities in the United States are creating official hiring sites legally recognized by the local government and funded through public-private partnerships. Often referred to as worker centers, the sites usually provide sheltered facilities with bathrooms. By providing resources and a stable, physical site for organizing, regulated hiring sites can assist day laborers in building the collective capacities to effectively resist oppression.<sup>14</sup> Rather than driving down wages by competing with one another for employment as typically happens at unregulated sites, official hiring sites typically select day laborers in order of arrival and enforce minimum wage standards.<sup>15</sup> Moreover, contractors using official hiring sites are often required to produce identification or have their license plate numbers written down. This monitoring process should result in fewer instances of employers taking the wages owed to laborers for services rendered. Lastly, hiring centers run by immigrant rights groups provide education, skills training, and information on labor issues.<sup>16</sup> Because of these advantages, day laborers using official, regulated hiring sites should receive higher pay, safer working conditions, and more respectful interactions with contractors than day laborers using informal, unregulated sites.



**Official hiring site in Freeport, Long Island**

Official hiring may also improve community relations. The process of building a broad based consensus around creating official hiring sites increases the capacity of a community to respond rapidly and decisively to human rights abuses.<sup>17</sup> By signaling leadership acceptance and reducing stigma, official support for regulated hiring sites should reduce negative attitudes and abusive behaviors

towards not only day laborers, but all minority groups in the community.

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<sup>14</sup> See J.S. Calderon, S. Foster, and S. Rodriguez. 2003. "Organizing immigrant workers: action research and strategies in the Pomona day labor center," in *Communities and Political Activism*, edited by E.C. Ochoa and G.L. Ochoa. Philadelphia, PA: Temple University Press. J. Fine. 2006. *Worker Centers: Organizing Communities at the Edge of the Dream*. Ithaca, NY: Cornell University Press.

<sup>15</sup> See A. Valenzuela, Jr. 2003. "Day Labor Work," *Annual Review of Sociology* 29:307-33.

<sup>16</sup> See United States General Accounting Office. 2002. "Worker protection: Labor's efforts to enforce protections for day laborers could benefit from better data and guidance." Report GAO-02-295. Washington, DC: USGAO.

<sup>17</sup> See L.P. Love, L.P., and C.B. McDonald. 1997. "A tale of two cities: day labor and conflict resolution for communities in crisis." *Dispute Resolution Magazine* 4:8-10.

Most of these potentially positive impacts upon the human rights status of day laborers have not received large-scale systematic empirical attention. Our survey design enables us to conduct a statistical analysis of whether or not official hiring sites protect human rights. Three of the eight towns/villages included in our survey have official hiring sites (Freeport, Glen Cove, and Huntington Station). Because large numbers of day laborers in Freeport and Glen Cove sought work at other locations, we administered surveys at both official and unofficial sites in these municipalities. In total, we surveyed 49 workers at official hiring sites and 97 at unofficial sites, comprising approximately one-third and two-thirds of our sample respectively. This split enabled us to create a binary variable for whether or not the workers are being surveyed at one of the three official hiring sites on Long Island. Table 2 presents the findings of bivariate regression analyses of the same measures of human rights abuses included in Table 1 on this binary variable.

**TABLE 2**  
**Unstandardized Coefficients for Bivariate Regressions of**  
**Selected Dependent Variables on Official Hiring Site: Long Island Day Labor Markets**

<i>Independent Variable:</i>	<u>Official Site</u> Reg. Coeff. (Std. Error)	t-test value	R <sup>2</sup>	N
<i>Dependent Variables:</i> Violence, Intimidation, and Harassment Index*	-1.696 (.727)	-2.34	0.0370	144
• Physical Assaults by Strangers*	-.1467 (.086)	-1.70	0.0198	145
• Robberies*	.0902 (.048)	1.87	0.0239	144
• Threats*	-.3854 (.232)	-1.66	0.0192	143
• Ethnic Slurs**	-1.010 (.331)	-3.06	0.0617	144
Endangerment Index*	-.8224 (.364)	-2.26	0.0343	146
• Injuries on Job	.0669 (.089)	0.75	0.0039	146
• Sharp tools without protect.*	-.4612 (.203)	-2.27	0.0347	146
• Tall heights without harness*	-.4199 (.191)	-2.20	0.0326	146
Exploitation Index	-.3063 (.308)	-0.99	0.0068	146
• Not paid after job	.0044 (.118)	0.04	0.0000	146
• No breaks during 8+ hr. day	-.0404 (.038)	-1.07	0.0078	146
• Abandoned at work sites	-.1170 (.1215)	-0.96	0.0064	146

\*  $p < .10$  \*\*  $p < .01$  \*\*\*  $p < .001$  (two-tailed test)

The results indicate that official hiring sites significantly reduce several different types of human rights violations committed against day laborers on Long Island.

### Violence, Intimidation, and Harassment

Official hiring sites were negatively related to the aggregate measure of violence, intimidation, and harassment reported by day laborers. Respondents surveyed at official hiring sites were likely to report fewer instances of being physically assaulted, threatened, intimidated, and demeaned than respondents surveyed at unofficial sites.

Levels of physical assaults committed by strangers reported by respondents at official sites were significantly lower than levels reported by respondents at unofficial sites. The finding directly contradicts assertions by opponents of day labor markets that creating official hiring sites would make no difference in stopping hate crimes against day laborers. In fact, the Suffolk County Executive, Steve Levy, is on record stating that “A hiring site would do nothing to prevent outlaws from committing hate crimes”.<sup>18</sup> By offering greater legal protection and signaling acceptance by community leadership, official hiring sites do, in point of fact, reduce hate crimes against day laborers on Long Island. These sites, therefore, constitute an effective response to actions that violate the human right to life, liberty, and security of person.

Table 2 also supports the idea that physical assaults form the apex of a broader pattern of abuses. Whereas repression increases harassment, intimidation, and violence in tandem, official hiring sites reduce instances of threats and slurs that can lead to more serious hate crimes. Official sites reduce the overall number of instances that survey workers reported being threatened. In particular, the levels of threats made by contractors significantly diminished. The finding supports the assertion that systematic monitoring of contractors by site administrators and more organized workers promotes more respectful labor practices.

In terms of verbal abuse, official hiring sites significantly reduced the reported levels of ethnic slurs made by contractors, strangers, and merchants aimed at day laborers. Higher levels of worker organization and greater law enforcement raise the potential costs to those who would otherwise verbally demean day laborers at the official sites. By signaling acceptance by local leadership of immigrant workers as part of the community, official hiring sites may also help to reduce negative images of these workers.

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<sup>18</sup> B. Jones. July 26, 2004.



While the human rights impact of official hiring sites is overwhelmingly positive, there was one instance where these sites would seem to contribute to a specific abuse. Like repression, use of official hiring sites is significantly related to robberies of day laborers. Unlike repression, however, the relationship loses significance after controlling for poverty as measured by the percentage of the town or village living below the Federal poverty line according to the 2000 U.S. Census (analysis not shown here).

### Endangerment of Health and Safety

The survey findings show that official hiring sites further protect the safety of workers by reducing the occupational hazards to which they are exposed. Respondents at official hiring sites reported significantly fewer instances of using sharp instruments without proper protection as well as working from tall heights without harnessing equipment. Both monitoring of contractors by staff at the official site along with the greater ability and willingness of day laborers at official sites to report these offenses might also contribute to contractors taking greater precautions to ensure the safety of day laborers than they would otherwise. When taken together, the findings that repression and official hiring sites significantly health and safety conditions in the opposite directions underscores the human rights consequences of the policy decisions made by local leaders in responding to day labor markets.

### Exploitation by Contractors

On the whole, day laborers surveyed at official hiring sites reported fewer instances of exploitation by contractors than were reported by day laborers surveyed at unofficial sites. In particular, respondents at official sites reported fewer instances of being forced to work eight hours or more without breaks as well as fewer instances of being abandoned at the job site. All three official hiring sites ranked below the mean reported instances of exploitation, with respondents at the official site in Freeport reporting the fewest violations (see Appendix A).

None of these differences, however, were statistically significant (see Table 2). Other studies have clearly established that higher levels of organization among workers using official hiring sites translate into greater ability to secure better contracts and to collectively enforce these contracts with employers.<sup>19</sup> Our survey asked respondents to name instances of

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<sup>19</sup> See J. Fine. 2006. A. Valenzuela et al. 2006.

exploitation by contractors regardless of whether they were hired at an official site or an unofficial site. Given that some workers use both official and unofficial sites, our measure of whether or not a worker was surveyed at an official hiring site likely underestimates the positive impacts of official hiring sites on the human rights status of day laborers. Future surveys should ascertain the relative usage of official versus unofficial sites by respondents.

### Community Relations

Official hiring sites increase the likelihood that day laborers will report instances of violence, intimidation, harassment, and reckless endangerment to local authorities. To the extent that contractors, merchants, and other residents know this, legal sanctions discourage these types of human rights abuses against day laborers.

Any government body committed to upholding human rights should support the establishment of official hiring sites. More pragmatic concerns also underscore the advisability of this policy option. Official hiring sites improve community relations as a pattern of respectful interaction between all segments of the community is established. We asked survey respondents to rate whether their relations with contractors, the police, strangers, and merchants had improved or worsened in recent years. Respondents surveyed at official hiring sites were significantly more likely to rate treatment by contractors as improving compared to respondents at unofficial sites. Respondents at official sites more frequently related incidents where contractors paid them more than promised, complemented them on their job performances, and provided training on how to properly use equipment. In the words of one respondent, “I learned new things and made a new friend.”

Official sites also improve relations with other residents of the community not participating in day labor markets as contractors. Respondents at official sites also were significantly less likely to report unjust treatment by strangers than respondents surveyed at unofficial hiring sites. Levels of reported instances of intimidation by strangers were also significantly lower. Whereas repression encourages grassroots efforts to intimidate immigrant workers into leaving the community, the establishment of official hiring sites discourages these behaviors. In responses to an open-ended question, workers surveyed at official sites frequently spoke of strangers providing food, money, clothes, and job leads.

The contrasting effects of repression and regulation in our data can not be stronger. Repression fuels human rights violations that result in a rapid deterioration of community relations. Establishing official hiring sites promote respect for human rights laying the foundation for positive community relations. We now turn our attention to more specific policy recommendations based upon our findings.

## **CONCLUSIONS: FACING THE CHALLENGES OF A NEW ERA**

On December 9, 2001, President Bush proclaimed the following day to be officially known as Human Rights Day. His words eloquently emphasize the importance of maintaining our country's reputation internationally as a leader in promoting human rights:

The heinous acts of terrorism committed on September 11 were an attack against civilization itself, and they have caused the world to join together in a coalition that is now waging war on terrorism and defending international human rights. Americans have looked beyond our borders and found encouragement as the world has rallied to join the American-led coalition. Civilized people everywhere have recognized that terrorists threaten every nation that loves liberty and cherishes the protection of individual rights. Respect for human dignity and individual freedoms reaffirms a core tenet of civilized people everywhere. This important observance honoring our Bill of Rights and advocating human rights around the world allows all Americans to celebrate the universal principles of liberty and justice that define our dreams and shape our hopes as we face the challenges of a new era.<sup>20</sup>

The President concluded his remarks by calling upon the people of the United States to “honor the legacy of human rights passed down to us from previous generations and to resolve that such liberties will prevail in our Nation and throughout the world as we move into the 21st century.” To this end, we make the following recommendations based upon our survey findings for ways that Federal, State, County and Municipal policy makers can best protect the human rights of immigrant workers in the context of a global economy.

### Federal-level Recommendations

Before we present our recommendations for federal-level action, it is important to place policy responses to day labor markets in a global perspective. Instead of framing day laborers as an invading force of "aliens" who "invade" the body politic, the phenomenon should be recognized as a social dimension of globalization, which is a multifaceted process that poses many political

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<sup>20</sup> “President Proclaims Human Rights Day & Bill of Rights Week Human Rights Day, Bill of Rights Day, and Human Rights Week, 2001 by the President of the United States of America a Proclamation.” Speech delivered 12/09/01. Downloaded from <http://www.whitehouse.gov/news/releases/2001/12/20011209.html>.

and economic challenges to our nation. The day laborer phenomenon in its current manifestation is merely another element of globalization in need of creative management. Based upon our survey findings, we recommend that Congress enact the following policies:

**1. Reform immigration laws to make documented status more accessible**

Repressive policies aimed at removing immigrant workers from local communities are ineffective. The same can be said of the country as a whole. So long as the national economy generates a high demand for temporary, contingent labor at the same time as the global economy generates a high supply of low-skilled labor desperate for employment, day labor markets will persist. The main social consequences of official efforts to eliminate day labor markets are to contribute directly and indirectly to a range of serious human rights violations against day laborers. Any Act of Congress that further restricts opportunities for legal immigration from Mexico and Central America or penalizes those who help organize undocumented workers will increase human rights abuses in the United States. Conversely, making legal immigration more accessible by reducing application fees, simplifying instructions, and reducing processing time not only helps those facing starvation and oppression to live the American dream, but also helps to ensure that the American dream of human rights protection for all is a living reality.

**2. Strengthen and enforce hate crimes laws protecting day laborers**

Recognizing the negative human rights implications of repressive policies discussed in Chapter 2, we recommend that Congress instruct all relevant agencies (e.g., U.S.I.C.E, IRS, FBI) to refuse cooperation with State, County, or Local governments in repressing day labor markets. Instead, whenever possible, these agencies should educate their counterparts about more constructive responses. Moreover, Congress should enact legislation authorizing the FBI to make the enforcement of hate crime laws against those targeting day laborers on the basis of their national origin or ethnicity a top priority. Relevant statutes include Title 18, U.S.C, Section 241 (Conspiracy Against Rights); Title 18, U.S.C., Section 245 (Interference with Federally Protected Activities); and Title 42, U.S.C., Section 3631 (Criminal Interference with Right to Fair Housing). Stiffer penalties for hate crimes against day laborers should accompany stricter enforcement of existing hate crimes laws.

### **3. Authorize funding to increase the number of OSHA and Department of Labor inspectors enforcing labor laws that protect the rights of all workers**

Our research revealed alarmingly high rates of violations of labor laws governing work conditions, wages, and work hours. A major expansion of enforcement capacities is necessary to ensure favorable conditions of work and security of person.

### **4. Fund official hiring sites in communities with active day labor markets**

Recognizing the positive human rights implications of official hiring sites discussed in Chapter 3, we further recommend that Congress authorize matching Federal funding for official hiring sites established by State, County, and Municipal legislative bodies. Federal funding will not only ease the financial burden of regulating day labor markets, but will also legitimate the positions of officials attempting to engage in constructive responses to the ethnic diversification of their communities.

### **5. Expand Federal job training programs and make them available to all workers**

Survey respondents expressed interest in acquiring a wide range of occupational skills. Educating low-income workers of all nationalities provides the key to unleashing the productive potential of our economy. Congress should restore and augment previous levels of funding to job training programs and college financial aid cut by the Bush Administration. In doing so, they will satisfy Article 26 Section 1 of the Universal Declaration of Human Rights which declares that “Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”

### **6. Launch a national job creation initiative**

Survey respondents also regularly noted their desire to obtain steady work with steady pay. By creating employment providing living wages and decent benefits, Congress will satisfy Article 25 Section 1 and its call for “a standard of living for the health and well-being of himself and of his family.” Moreover, by reducing employment competition, job creation initiatives will help to improve community relations in municipalities with active day labor markets.

## **7. Promote sustainable development and protect human rights in other societies**

In a global economy, abiding by the laws of supply and demand optimizes productivity. Recent economic research has documented the net positive impacts of immigration upon productivity in the United States.<sup>21</sup> As long as there is a high demand for flexible, low- to semi-skilled labor, the Federal government should facilitate the entrance to our country of this type of labor from Mexico and Central America. Respondents to our survey repeatedly expressed the desire to receive legal work permits and to work on the books. Just as our government has consistently promoted the free flow of capital and goods across borders in successive international negotiations over investment and trade, so it must also promote the free flow of labor as a factor of production. The benefits of the free flow of labor to the United States to economic development in Mexico and Central American countries also should not be overlooked. A study by the Inter-American Development Bank Multilateral Investment Fund concludes that remittances from immigrant workers are “now central to the social and economic stability of many countries throughout the hemisphere”.<sup>22</sup>

The high demand for day labor, however, may not last. A greater degree of prosperity and political freedoms in other societies will reduce the supply of day labor in the United States. Therefore, we recommend that Congress take meaningful steps to promote sustainable development and human rights in Mexico and Central American countries. Specifically, the Bush Administration should be called upon to advocate the following positions in international monetary negotiations:

- Forgive outstanding international debts owed by sovereign states; debts whose principals have been paid several times over in interest
- End structural adjustment in favor of supporting local entrepreneurial initiatives and balanced economies
- End austerity programs that deny essential health and educational services necessary for the development of human capital

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<sup>21</sup> See National Research Council. 1997. *The New Americans: Economic, Demographic and Fiscal Effects of Immigration*. New York: National Academy Press.

<sup>22</sup> P. De Vasconcelos. 2004. *Sending Money Home: Remittance to Latin America and the Caribbean*. Washington, DC: IADB Multilateral Investment Fund. Pg.10.

We further recommend that Congress make its authorization of military and economic aid contingent upon strict adherence to the United Nations Declaration of Human Rights. Too often in Mexico, El Salvador, Guatemala, and Honduras, weaponry, training, and intelligence provided by the U.S. government has gone towards repressing labor organizers and human rights activists. We can hardly be surprised when the low wages and hazardous work conditions that result from these practices propel large numbers of people in these societies to flee to the United States. Ensuring that our tax dollars do not promote human rights abuses in other societies abides by the mandate set forth in Article 28 that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.”

#### State-level Recommendations

Full protection of the human rights of immigrant workers requires not only Federal intervention, but also proactive policies by State, County, and Municipal legislatures. We recommend that State legislators take the following policy initiatives:

- 1. Strengthen and enforce hate crimes laws protecting day laborers**
- 2. Authorize funding to increase the number of Department of Labor inspectors enforcing labor laws that protect the rights of day laborers**
- 3. Pass laws regulating day labor markets to better protect the rights of day laborers**
- 4. Fund official hiring sites in communities with active day labor markets**
- 5. Expand State-funded job training programs and make them available to all workers**
- 6. Launch a state-wide job creation initiative**

#### County-level Recommendations

We recommend that County-level policy makers do the following:

- 1. Refrain from ticketing and arresting day laborers for seeking employment**
- 2. Strengthen and enforce hate crimes laws protecting day laborers**
- 3. Create a special unit to enforce criminal penalties against wage theft by contractors**
- 4. Distribute information about labor laws as part of the licensing process for home improvement contractors**
- 5. Revoke the licenses of contractors who violate labor laws**
- 6. Fund official hiring sites in communities with active day labor markets**
- 7. Pass sanctuary resolutions in response to restrictive Federal immigration policies**



### Municipal-level Recommendations

On the municipal level, we recommend that officials enact the following policies:

- 1. Refrain from ticketing and arresting day laborers for seeking employment**
- 2. Refrain from using housing codes to exclude day laborers from communities**
- 3. Strengthen and enforce hate crimes laws protecting day laborers**
- 4. Assign code enforcement officers to check contractor licensing and blatant health and safety violations at homes that are under renovation or construction**
- 5. Fund official hiring sites in their communities**
- 6. Publicize and make more visible the location of the official hiring site to contractors**
- 7. Pass sanctuary resolutions in response to restrictive Federal immigration policies**

In an era of global interdependence, the universal protection of human rights becomes indispensable to the well-being of all nations, including our own. This report has shown that even local governments have the power to enact policies that improve the human rights status of the most marginalized and vulnerable workers within the global economy. We call upon policy makers to use good sense and to act in good conscience by exercising this power.

## **APPENDIX A: RANKING THE HUMAN RIGHTS PERFORMANCES OF LONG ISLAND MUNICIPALITIES**

Our survey revealed significant local variations in levels and types of human rights abuses against day laborers on Long Island. To assist State, County, and Municipal officials in identifying areas in need of immediate attention, we rank each of the eight towns and villages in our survey in terms of most reported human rights abuses as well as three specific areas of concern: violence, intimidation, and harassment; reckless endangerment; and exploitation. The worst offenders are ranked highest on the list (i.e., being #1 in this case is not something to be proud of). Due to often significant variations in levels of human rights abuses reported at official hiring sites versus unofficial hiring sites in Freeport, we have subdivided the ranking for this particular community.

### Overall Human Rights Abuses

Below are the rankings and scores for most reported instances of all forms of human rights abuses measured in the survey (in descending order, with the town/village with the most average abuses reported per respondent ranked #1 and the town/village with the fewest average abuses per respondent reported ranked #8): #1. Roslyn Heights; #2. Farmingville; #3. Franklin Square; #4. Freeport—unofficial site; #5. Westbury; #6. Freeport—official site; #7. Glen Cove; #8. Huntington Station; and #9. Farmingdale.

*Discussion:* Our survey indicates that Roslyn Heights has the worst overall human rights record of the eight communities covered by our survey. The finding illustrates that intensive abuses against day laborers on Long Island are not just confined to Farmingville which has received the most media coverage on the issue. We call upon local officials in Roslyn Heights, Farmingville, and Franklin Square to immediately address the situation. Freeport officials should also address high levels of human rights abuses reported by day laborers surveyed at unofficial sites (being mindful that repressive responses will only make matters worse). Publicizing the official hiring site and providing better sign posting will encourage its greater use by both contractors and day laborers alike. The other two communities with official hiring sites (Huntington Station and Glen Cove) both scored below the average (i.e., were among the best protectors of human rights). Only one community without an official site was below the average (Farmingdale). This is not to say that a community with below average scores on overall abuses

does not have major problems in terms of specific areas. For example, along with respondents in Westbury, respondents in Farmingdale were most likely to rate treatment by the police as unjust.

### Violence, Intimidation, and Harassment

Below are the rankings and scores for levels of violence, intimidation, and harassment in each town/village included in our survey (in descending order, with the town/village with the highest average abuses per respondent ranked #1 and the town/village with the lowest average abuses per respondent ranked #8): #1. Farmingville; #2. Franklin Square; #3. Roslyn Heights; #4. Westbury; #5. Freeport—unofficial site; #6. Freeport—official site; #7. Glen Cove; #8. Huntington Station; and #9. Farmingdale.

*Discussion:* Farmingville has the worst record when it comes to violence, intimidation, and harassment against day laborers. While the media may disproportionately focus upon day labor markets in Farmingville, its portrayals of widespread and severe abuses against day laborers there are accurate. Franklin Square and Roslyn Heights were also considerably above the average score of reported abuses. We call upon local officials in these three communities to immediately take measures to protect the physical safety and dignity of day laborers. All three official hiring sites had below average abuse scores, illustrating the protection that these sites provide to day laborers who use them to search for employment.

Looking at physical attacks against day laborers alone, Roslyn Heights and Franklin Square had the highest percentages of respondents reporting being attacked. Half of Roslyn Heights respondents reported experiencing violence, mainly at the hands of contractors. In Farmingville and Franklin Square, respondents reported high percentages of physical attacks by contractors, strangers, and merchants. Even when limiting violence to strangers, a higher percentage of workers in Franklin Square reported being targeted for violence than in Farmingville. The findings offer an important corrective to an impression that violence against day laborers only happens in Farmingville and is only committed by strangers. Given the severity of this form of human rights abuse, official initiatives to stop the violence against day laborers in these three communities are badly needed.

### Endangerment of Health and Safety

To measure the reckless endangerment of day laborers by contractors, we created an aggregate measure of the sum of the number of instances of day laborers reporting using sharp instruments without proper safety gear such as gloves and goggles, working from tall heights without harnessing equipment, and being injured while working on the job. Below are the rankings and scores for each town/village included in our survey (in descending order, with the town/village with the highest average abuses per respondent ranked #1 and the town/village with the lowest average abuses per respondent ranked #8): #1. Freeport—unofficial site; #2. Roslyn Heights; #3. Freeport—official site; #4. Westbury; #5. Franklin Square; #6. Farmingville; #7. Farmingdale; #8. Glen Cove; #9. Huntington Station.

*Discussion:* Freeport, Roslyn Heights, and Westbury all score above average in terms of reported instances of reckless endangerment by contractors. While the official site in Freeport reported lower levels of endangerment than those surveyed at unofficial sites in the town, the official site score remained significantly above the average abuse score. We call upon local officials in both of these communities to immediately take measures to ensure compliance with OSHA standards for the construction trades.

### Exploitation by Contractors

We created an aggregate measure of the sum of the number of instances of day laborers not being paid, being made to work long hours without breaks, and being abandoned at a job site. Below are the rankings and scores for each town/village included in our survey (in descending order, with the town/village with the highest average abuses per respondent ranked #1 and the town/village with the lowest average abuses per respondent ranked #8): #1. Roslyn Heights, #2. Franklin Square, #3. Freeport—unofficial site, #4. Farmingville; #5 Huntington Station; #6. Glen Cove; #7. Westbury; #8. Farmingdale; #9. Freeport—official site.

*Discussion:* Roslyn Heights has the worst record when it comes to contractors exploiting day laborers. Franklin Square was also considerably above the average score of reported abuses. We call upon local officials in both of these communities to immediately take measures to ensure just and favorable conditions of employment for day laborers. All three official hiring sites had below average abuse scores, illustrating the protection that these centers provide day laborers who use them to search for employment. Freeport, however, must address the high levels of

exploitation reported by day laborers surveyed at the unofficial sites (being mindful that repressive responses will only make matters worse). We recommend that, in cooperation with the Workplace Project, the Freeport police indicate to day laborers at unofficial sites that they will not be fined or arrested if they report contractors who have committed these types of abuses. Farmingville's below average scores for endangerment and exploitation suggest that government officials should prioritize the reduction of violence, intimidation, and harassment of day laborers by other residents of the community not actively participating in day labor markets.

We urge County and Municipal Officials to contact us to receive more detailed information on specific types of human rights abuses that are prevalent within their communities. Contact information can be found on the back cover of this report.

## APPENDIX B: SURVEY METHODOLOGY

The design of the study involved randomly selecting day laborers at the eight major day labor sites identified by the national day labor survey (herein NDLS) conducted in 2004.<sup>23</sup> These sites include Farmingdale, Farmingville, Franklin Square, Freeport, Glen Cove, Huntington Station, Roslyn Heights, and Westbury. Three of these communities have official sites (Freeport, Glenn Cove, and Huntington Station) allowing for assessment of the human rights impact of a policy response often proposed by immigrant rights advocates. Figures for the maximum number of workers recorded at sites counted by the NDLS were combined with our survey findings for the number of days workers were hired in the last 30 days to estimate the population. We estimate that 1,600 persons actively participate in Long Island day labor markets. The estimate may be on the low side given the recent emergence of large hiring sites in other municipalities along with the likelihood that the maximum number of workers observed at a site is less than the total number of workers who sought work at a particular site. On the other hand, the estimate may be on the high side given that the NDLS was conducted during July and August—the peak months for day labor demand. Moreover, rather than increasing the day laborer population, the establishment of new hiring sites in other municipalities may simply result in workers from established sites shifting to the new hiring sites in search of better employment opportunities. The overall sample size of 146 respondents achieves a 95% confidence level with a confidence interval of +/-7.73.

Unlike the national day labor survey which over-sampled municipalities on Long Island with official hiring sites, we sampled these municipalities in proportion to their percentage of the overall active day labor market. Based on NDLS counts, there are roughly twice as many day laborers seeking employment at unofficial sites. Accordingly, two-thirds of our sample were surveyed at unofficial hiring sites, with the remaining third being surveyed at official hiring sites. A proportionate sample better supports statistical generalizations regarding not only day labor markets in specific municipalities, but also the impacts of official hiring sites on the human rights status of day laborers on Long Island.

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<sup>23</sup> See Valenzuela et al. 2006.

Following the strategy of the New York day labor survey,<sup>24</sup> day laborers on the site were counted and arbitrarily assigned numbers. Day laborers were then selected for interviews based upon whether their arbitrarily assigned number matched the first randomized number appearing in the table. If a person with an assigned number was no longer at the site or refuses to participate, we moved on to the next highest number in the order to be interviewed column.

Past surveys in the New York area have not asked detailed questions regarding multiple forms and agents of human rights abuses experienced by day laborers. Our survey instrument introduces several new questions regarding abuses not covered by previous surveys such as abandonment at the job site, use of sharp tools without gloves or goggles, working at tall heights without a harness, and threats and acts of intimidation. To gauge community relations, our survey, for the first time, asked respondents to rate the fairness of their treatment as well as whether relations with other parts of the community had improved or worsened. In addition, for several types of abuses, we asked respondents to separately report levels of abuse perpetrated by contractors, by the police, by strangers, and by merchants. By disaggregating abuses by source, the findings should assist policy makers in formulating intervention strategies.

The nine-page questionnaire was painstakingly constructed together with not only the staff of the Workplace Project—a nonprofit organization advocating for the rights of immigrant workers on Long Island—but also two current day laborers. Two pilot administrations of the survey in Hempstead and Freeport led to further substantial revisions of the instrument. All those administering the survey received formal training. Along with two the co-authors, twelve individuals administered the survey after extensive training. Among the twelve were day laborers, community organizers, and students at Hofstra University. The three-hour-long training session stressed the importance of sensitivity to the rights of human subjects as well as the importance of objectivity. Each survey question, including standard prompts to further clarify each question, was covered in detail. Role plays were conducted prior to the administrator entering the field. The average time for completion of the survey was 30 minutes. Respondents received \$8 for a fully completed survey.

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<sup>24</sup> See A. Valenzuela, Jr. and E. Melendez. 2003. “Day labor in New York: Findings from the NYDL Survey.” Working Paper. New York: Community Development Research Center of the Milano Graduate Schools of Management at New School for Social Research.

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GREGORY M. MANEY, PhD in Sociology (University of Wisconsin-Madison, 2001); MSc in Labor Studies (University of Massachusetts at Amherst, 1994); Assistant Professor of Sociology, Hofstra University (2001– ). His research has appeared in leading peer-reviewed academic journals, including the *American Journal of Sociology*; *International Journal of Conflict Management*; *Mobilization*; *Research in Social Movements, Conflicts, and Change*; *Sociological Perspectives*; and *Social Problems*.

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NADIA MARIN MOLINA, Executive Director of the Workplace Project (1995-). She designed and founded the Cooperatives Program, helping Project members establish cooperatives in landscaping and housecleaning. She graduated from the New York University School of Law where she was a recipient of a Public Service Scholarship in recognition of her work with the Latino community. In 2001, she received the prestigious Gloria Steinem Award for building the leadership and advocacy skills of Latino immigrant domestic workers, empowering them to challenge exploitative employers, on-the-job abuse, and substandard pay.

CARLOS CANALES, Day Labor Organizer of the Workplace Project (1999- ). After graduating from college with a B.Sc. in Agronomy, he organized agrarian workers in El Salvador. Fleeing El Salvador's civil war in 1986, he has become well known and highly respected among day laborers on Long Island. He played a key role in the formation of the Freeport Community Worklink Center, an official hiring site administered by, in part, by day laborers. He also helped found La Casa Communal in Farmingdale, providing support services for immigrants. He has assisted in organizing successful campaigns to secure unpaid wages owed by contractors.

*The Workplace Project/Centro de Derechos Laborales* was founded in 1992. It is the only nonprofit organization on Long Island, and one of a few in the country that organizes low-wage Latino immigrants to fight for better working and living conditions. The Workplace Project's mission is to fight the exploitation of Latino immigrant workers on Long Island through organizing, supported by community education, development of worker-owned cooperatives, leadership training and labor-related legal support. We currently have worker committees in the areas of Day Labor, Factory, Building Maintenance, and Domestic work.

*The Center for the Study of Labor and Democracy (CLD)* is a nonprofit research institute that aims to expand public understanding and discussion of important issues facing working people. CLD pursues a distinctive interdisciplinary research approach designed to produce policy-relevant studies of labor problems and institutions, extending from the local Long Island and New York City labor markets to national and global labor issues. The Center conducts original research, designs and implements surveys, organizes lectures, workshops, seminars and conferences, and publishes periodic reports and working papers.

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