

# **RESEARCH: Day Laborer Program Assessment**

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## **SUCCESSFUL STRATEGIES: REPORT ON DAY LABORER CENTERS**

### **SUMMARY**

This report identifies elements of day laborer programs that have proven successful and those that have not. In general, activities that contribute towards successful day laborer programs include:

- Conducting outreach with day laborers and the community prior to establishing a program ensures greater participation and the support and assistance of the community. Organizers should attend community meetings, hold public forums, and develop a public relations strategy.
- Maintaining open lines of communication with the community throughout operation is crucial.
- Partnering with law enforcement is especially important. Organizing day laborers helps reduce complaints to law enforcement. In most cities, law enforcement actively participates in directing day laborers to programs.
- Day laborers must feel vested in the day laborer program and their relationship to the community. Assigning responsibilities to the workers in operating the program and developing rules and regulations can accomplish this.
- And finally, organizers must plan for continued financial assistance. The greater the community support and alliances the more likelihood of continued financial assistance.

### **TYPES OF DAY LABORER PROGRAMS**

Community and day laborer needs along with the availability and nature of support will dictate the most appropriate type of program for a community.

**Organized Site** – located on the original day laborers’ gathering site. An organizer works with all parties: laborers, employers, residents, store owners, local government, and police. Pros are that there is no need to find a new site, and this type of model emphasizes workers’ civil rights. Cons are that this type of model may not eliminate complaints (such as loitering, traffic hazards) and workers are still vulnerable to exploitation. Requires staff with conflict resolution training and trash cans and restroom access.

**Unstaffed Site** – laborers are moved to a site specifically for hiring. This type of model is informal and may reduce some complaints, but with little or no staff, job distribution can be disorderly and leave laborers most vulnerable to exploitation. Requires site acquisition and trash cans and restroom access.

**Staffed Site** – laborers are formally organized at a physical center and finding work and regulating day laborers are heavily emphasized. This model is most likely to reduce complaints and provide the most orderly job distribution and protection from exploitation. Some staffed site centers also provide social services such as language classes. Cons are that this type of program is most costly, and requires building space and staff. This model may also require establishing anti-solicitation ordinances to attract the highest rate of worker participation.

## SUCCESSFUL STRATEGIES

The two major challenges to day laborer centers are 1) laborer participation and 2) community support. The following strategies have proven effective at day laborer centers for managing these challenges and building successful day laborer programs.

### **Build Alliances – prior to the program starting!**

Day Labor Centers affect all facets of a community (business owners, residents, day laborers, law enforcement, unions, local officials); it is important to acknowledge, respect, and address their concerns in order to be successful.

- Use allies to build support and gain volunteers.
- Organizers should join community boards and get local politicians' support.
- Be aware of opponents and be prepared to address their concerns.
- Police support is crucial to starting and maintaining programs; they also have a vested interest in day laborer issues.
- Have a public relations strategy.
- Have staff with conflict resolution and negotiation skills.
- Partner and learn from local non-profits with similarly served communities.
- Connect with local unions; in some cases, centers can act as feeders to local unions once workers are trained.

### **Site Acquisition**

- Choose a site as close to the original gathering location to attract maximum laborers and employers. If not--consider visibility--it should be on a main thoroughfare, away from residential neighborhoods, and near public transportation. It MUST be convenient to workers and employers or it will not work.
- Most centers are located on public land provided by a county or city, government agency, or public service company such as water or power.
- Conduct open forums to discuss possible locations. Be prepared for the "NIMBY" response (not in my backyard).
- In some cases, business may allow an organized site on their property. Some informal day laborer programs have sites located at the parking lots of home improvement stores.

### **Participation**

This is one of the most important, but challenging aspects. The key to day labor centers as a labor strategy is getting day laborers to cease street solicitation in exchange for a structured environment. The benefits must be clear to them.

- Gaining the trust of the workers is most important. They often feel it is easier and steadier to get work off the street. Maintaining a high rate of employment every day and enforcing a minimum wage will attract workers.
- Include day laborers in decision-making and developing rules and regulations.
- Develop leadership within day laborer ranks (perhaps hiring laborers to help run a center). Put them on community boards. Peer pressure has proven very effective in getting laborers to participate and feel vested in programs.
- An invasive registration process can often scare away workers.

- Most day labor centers require the laborers to pay dues. These are often around \$1 per day. Again, if laborers trust the organizers and see the program is designed for them, they will be more likely to pay dues and participate.
- Maintaining participation can be difficult because of the transient nature of the day laborer population. Partnering with local non-profits, and continuing outreach efforts, will reach new laborers coming to the area.
- Anti-solicitation laws are sometimes greatly helpful in getting laborers off the streets and into programs. This is highly controversial though and discussed in more depth on p. 4.

### **Attracting Employers**

- Employers need to be educated on the benefits of hiring from day laborer programs: a steady pool of workers, easier to find specific skills, women can participate, greater worker availability, and a forum for filing complaints.
- Many day laborer centers have women participation. Centers can be safe places where women can find work. Including women in day laborer programs can increase jobs since it attracts new employers.
- Most centers produce leaflets to reach employers to be distributed on street corners, businesses, and construction sites.
- Another reason for the site to be visible and located on a main thoroughfare is to reach employers. Locating the program near a construction site can be problematic in the long run because it will have to move when the site is completed. One option is to operate several organized site day laborer programs that can be easily relocated to different hot spots.

### **Job Distribution**

- It is very important that workers believe the job distribution is fair.
- Most centers use some form of a lottery system. Some last one day and others for two days so more people have a chance of working. Generally, a worker receives a ticket number each day when they register. There may be segregated lotteries for English speakers or skilled workers. Women are often on a phone-tree system to accommodate child-care needs.
- One advantage to the lottery system is that it requires a worker to be present. Other strategies involve lists, which may seem fairer, but can result in a laborer going to the street for work if they know they are at the bottom of the list. Lists can also be more time consuming. The two-day lottery can accomplish the same results.
- In some cases, participation may need to be limited to day laborers only and those living in the geographical area otherwise centers can quickly become overrun with participants (many of whom are not day laborers). The day laborers return to the streets when programs become too full and work too scarce.

### **Sustainability**

- A plan for long-term continued financial support must be developed. Key to this will be the alliances and relationships that have been built. If a day laborer program quickly disappears, it will be difficult to gain the trust of the community and day laborers for the next program.
- Develop a volunteer program and consider working with student interns.
- There are many different financial strategies for establishing and sustaining a day laborer center. Many Centers receive continuous city and federal funding. Others are non-profits that

receive community support and may also receive grants from private or public foundations, the city, state, or federal governments.

- Another source of funding is laborer dues. Most centers that do this require \$1 - \$3 dues. This is controversial though, and some laborers may take offense.

### **Anti-solicitation ordinances and laws**

A major challenge for cities with day laborer centers today is whether to evoke anti-solicitation ordinances. In some cases, these ordinances have been critical to getting day laborers off the streets and into programs. Some cities ban solicitation in the entire city and others only in specific areas, such as the original congregating site of the day laborers. According to a 2001 report by the Los Angeles Human Rights Commission, over half of the cities in the U.S. with day laborer centers have anti-solicitation ordinances, and 43% say they have definitely helped, 43% say they have somewhat helped, and 14% indicate they have not helped.

Anti-solicitation laws criminalize the day laborers search for work and are increasingly viewed as unconstitutional. Some cities that have these ordinances have been sued for violating free speech and other rights. As a result, cities are choosing to not enforce the ordinances unless there is unfavorable activity such as public drinking. Other cities have chosen to develop day labor programs that organize workers at the original street site or another street specific site eliminating the need for anti-solicitation ordinances.

### **Pros:**

- forces participation in the day laborer programs or centers
- laborers may think more fair to have anti-solicitation ordinances, otherwise some laborers able to get work on the street
- reduces traffic hazards and many other problems associated with organizing in the streets

### **Cons:**

- may be seen as a violation of constitutional rights
- ordinances do not make laborers disappear; there must be another alternative
- can be costly to enforce and defend in court

### **DAY LABORER RESEARCH INSTITUTE (DLRI)**

The DLRI studies day laborers and has created centers in over 15 communities and served as a consultant to many more. Most are staffed-site models focused on finding laborers employment. The Day Laborer Research Institute organized and established day laborer centers in the cities of Glendale, Pomona, El Monte, Concord, and Alhambra, California, and Austin, Texas. The DLRI promotes the hiring hall model with the following general elements:

- Staffed site focused exclusively on finding employment and getting laborers off the street. Workers organize themselves and set a minimum wage.
- Everyone typically pays dues to use and operate the center.
- Employers are tracked by license plate numbers, a system that offers some degree of security to the workers. If an employer does not pay, laborers share the information with others and watch out for the offender.

- Cities typically justify their involvement in centers by their duty to address the number of day laborers in the streets. They are not providing jobs, but getting them off the street. Employers themselves have the responsibility to apply with laws.
- Many of these Centers focus on gaining community-based support to avoid getting state and federal monies for a program that benefits workers that may be here illegally.

### **DAY LABORER COMMON PROBLEMS/MISCONCEPTIONS AND SOLUTIONS**

There are problems and misconceptions common to most day laborer centers or projects. Here are solutions for managing them. In general, establishing a well-organized and orderly environment along with a good public relations strategy can resolve many of the problems and misconceptions of day laborers.

**Littering:** Provide trash receptacles and educational resources

**Blocking Driveways/Parking Lots/Traffic Hazards:**

Establish clearly defined organizing areas; use peer pressure if laborers are well organized; police can enforce loitering laws for those gathering outside defined areas. Designate specific area for cars to stop to eliminate traffic hazards.

**Trespassing:** Workers waiting on private property lot to be picked up for work without permission. May depend on state laws. Try to work informal agreement with property owner. Will be eliminated in case of formal day laborer center and anti-solicitation ordinances.

**Public Urination:** Make arrangements with local businesses for laborers to use restrooms or install portable restrooms.

**Drinking/Gambling:** Establish clear regulations; peer pressure; and security or police officers to pick-up offenders

**Sexual Harassment:** As with other problems such as littering, laborers need to be educated; many come from cultures where this is acceptable behavior. Laborers who continue should be removed by police or dismissed from center.

**Lowering Property Values/Unsightliness:**

Establishing rules of conduct and orderly appearance can help with this. Establishing a formal labor center is best approach. Addressing above problems can also help this negative opinion.

**Increase in Crime:**

No crime statistics support the idea that gathering day laborers contributes to crime. One report

found day laborers gathering actually deterred car thieves and other criminals. Better communication between police and day laborers can help along with Spanish-speaking police. Also important to create opportunities for community to get to know day laborers and work they are doing through inclusion of community activities. This helps reduce fear and prejudice.

### **Intimidation of Customers:**

Again, addressing all problems listed above helps to alleviate this problem. The best solution is to establish a formal center that removes laborers from business or private property.

### **Day laborer programs support illegal immigration:**

Many studies have shown that day laborers are not exclusively illegal immigrants. Day laborer programs attempt to address a variety of community and social problems. Local government and law enforcement support day laborer programs because they are responding to the requests of residents and business owners to problems related to street loitering. Local government and law enforcement are not responsible for enforcing employment laws or preventing illegal immigration.

## **CASE STUDIES**

### **Temporary Skilled Workers Center, Glendale, CA**

This program is considered successful because of its high rate of employment and day laborer participation. Several other centers in the country have been modeled after the Glendale Center.

Challenges: The Center has recently encountered resistance to collecting dues from day laborers and the anti-solicitation ordinances.

- Center's mission is to obtain work for laborers at decent wages
- Staffed site with fenced area, located across from a Home Depot
- An anti-solicitation ordinance exists.
- 70 - 90 laborers; 95% Latino [2001 data]
- The center runs on a budget of \$100,000 a year, derived from the city of Glendale, federal funds, Catholic Charities, and the \$25-a-month fees paid by workers who use it. [*L.A. Times*, June 11, 2004]
- Additional funding comes from the police department, Catholic Church, private foundation grants, and individual donors.
- Two full time staff
- Laborers agreed upon a wage of \$7 and have a 90% employment rate [2001 data]
- Workers determine policies and job distribution models
- Center conducts ongoing surveys with laborers and employers and provides additional services such as language classes.
- Former day laborer gathering site was boycotted by center and laborers; members go to the street corners to persuade remaining day laborers to join and keep employers from hiring people on corners.

- Recently, the City was sued by day laborers, represented by the Mexican American Legal Defense and Educational Fund, for its ordinance barring them from soliciting work off city streets. As a result, the city has not been enforcing the ban and is redrafting its rules. Police have only been enforcing violations such as trespassing, littering, and public urination. Because police are no longer enforcing the law directing migrant workers to the Center, workers can get work standing on street corners or in parking lots without paying the dues the center charges. This has resulted in a decrease of participation at the Center. The Center is currently considering waiving dues to attract more laborers. The city would provide additional monies towards the Centers operation.

### **CASA de Maryland Center for Employment and Training, Silver Spring, MD**

This multi-service center is considered successful because it provides additional services to members. The Center's mission is to provide job opportunities, improve the quality of life, and equip workers with the skills to obtain meaningful employment and economic self-sufficiency.

Challenges: Job rates have not been as high as expected and Center has experienced some tension between Latino and African-American members. Staff with conflict resolution training have been helpful, along with a Spanish-speaking police person.

- Staffed-site, operated by CASA (Central American Solidarity and Assistance), established in 1993
- Provides classes and other social services
- No anti-solicitation ordinances
- 60-140 day laborers [2001 data]
- 3.5 FT staff + volunteers
- 80% central American; rest Mexican, African-American; 30% women
- \$158,000 employment budget; all programs including employment \$385,000 [1999]
- Funding from government entities, private foundations, and individual donors
- Members are required to get a photo id card and sign a contract stating will obey regulations.
- Regulations developed with input of workers and staff
- Center staff helps to negotiate higher wages and investigate employer complaints
- CASA representatives attend local community meetings

### **Monument Futures, Day Labor Center, Concord, CA**

Established in 2000 and modeled after the Glendale Center, Concord's Labor Center is city-sanctioned and provides a place for immigrant workers, mostly from Mexico, to meet potential employers. Opportunities include skilled and semi-skilled labor such as construction, landscaping, yard work, warehouse stocking, and moving. Challenges: At the time of establishment, the Center was very successful. It has recently undergone some revitalization and now includes more social services programs.

- Staffed site, operated by the Concord Community Economic Development Corporation (CCEDC) a non-profit agency.
- Funding comes from city grants, individual donors, foundations, and member fees.
- 250 men and 60 women have enrolled in casual labor programs.
- In 2004, program received \$50,000 from city to revitalize program. New initiatives included programs to involve workers more in the community and provide some social



services. Workers recently participated in several beautification projects and local businesses have allowed workers training opportunities in exchange for donations to the Center. The Center has also begun providing English, career development, and financial planning classes.

### **Austin Labor Solutions, Austin, TX**

Labor Solutions refers to itself as a “One Stop Labor Center.” Lynn Svensson (developer of the Concord, CA and other centers) was the consultant for redeveloping the Austin program. Moving away from the homeless shelter made a huge impact on the success of the program. Austin's rapid growth and booming construction industry have increased the demand for day laborers willing to work for modest wages. Challenge: Program continues to find it difficult to get laborers off the streets. The organizers were considering the need for an ordinance to limit day labor exchange to the specific site. As opposed to creating a new ordinance, the city has decided to step up enforcement of existing traffic-related ordinances to prevent street solicitation. Many workers do not trust the labor centers and think it is easier and faster to get work on the streets. The center has been working closely with local non-profits to conduct outreach with the day laborers to increase participation.

- Informal, staffed site located on city property
- Site is fenced in and provides restrooms and covered shelter for laborers waiting for employment.
- Maintenance and security are contracted through Austin Travis County Mental Health Mental Retardation.
- Though the city provides funding, it does not assume liability or provide assurances regarding payment of wages, compliance with compensation and benefits standards, documentation of citizenship or any guarantees regarding business transacted at Labor Connections.
- Program staff survey laborers and employers to make matches.
- Workers must register and participate in the administration of the site. The workers themselves have collaborated to write the set of rules to which they voluntarily subject themselves.
- Workers also patrol the neighborhood in crossing guard-orange safety vests to make sure nobody is loitering about in the neighborhood or soliciting work outside the day labor site.

### **Macehualli Work Centre, Phoenix, AZ**

Built by the city of Phoenix with \$120,000 in funds. The center has come under significant opposition by anti-immigrant activists.

- Minimally staffed site with canopies and misting facilities for day laborers
- Organizers ensure that everyone is paid at an agreed rate-currently averaging \$8 an hour.
- Approximately 150 laborers look for work there each day. 75% workers gain employment daily.
- City of Phoenix fines employers that do not pay day laborers. Punishments could start at up to 180 days in jail, a \$2,500 fine and three years probation.

## **SOURCES**

*Note: this report was compiled with data from the following sources along with numerous additional sources resulting from general internet searches that are not included in this list because of their high number, and in many, cases the minute amounts of data taken from them.*

**Arizona Republic**, June 14, 2004

“Phoenix willing to prosecute those who bilk day laborers”

<http://www.azcentral.com/arizonarepublic/>

### **Austin Labor Solutions**

<http://www.ci.austin.tx.us/downtown/0199/labor0199.htm>

### **CASA de Maryland Center for Employment and Training, Silver Spring, MD**

[http://www.casademaryland.org/Employment\\_md.htm](http://www.casademaryland.org/Employment_md.htm)

### ***Centers or Streets?: Achieving Economic Justice for Undocumented Day Laborers***

This paper examines the effectiveness of day labor centers as a labor strategy.

Michelle Camou, Ph.D. Candidate, University of Colorado, Boulder

<http://216.239.41.104/search?q=cache:F99xjl6AnGgJ:www.marquette.edu/polisci/Friman/conference/camoupaper.doc+%2BComparison+%2B%22Day+Labor+Centers%22&hl=en>

### ***Day Laborer Hiring Sites: Constructive Approaches to Community Conflict***

Los Angeles Human Rights Commission, 2001

### **Day Laborer Research Institute**

<http://www.daylabor.org>

### **National Day Labor Organizing Network**

<http://www.ndlon.org/>

Activists across the country recently formed the National Day Labor Organizing Network. And church groups and nonprofits have opened about 75 day-labor centers that offer a variety of services to poor immigrant workers.

### **National Employment Law Project**

Day Labor Fairness and Protection Act

<http://www.nelp.org/docUploads/pub170%2Epdf>

### ***Organizing Immigrant Workers***

(Paper on Pomona Center)

<http://www.sscnet.ucla.edu/soc/groups/ccsa/calderon.pdf>

### **Public Welfare Foundation**

Reports on grants to day labor centers

[http://www.publicwelfare.org/grants/evaluations/humanrights\\_reports.asp](http://www.publicwelfare.org/grants/evaluations/humanrights_reports.asp)