Suffering from the American Dream: A Qualitative Study of Exploitation and Mistreatment Among the Latino Immigrant Population

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Abstract

Among immigrant workers, particularly those with relatively low levels of English proficiency, short-term contractual labor is a common wage earning activity. Given the often informal nature of these working relationships, workers are vulnerable to breaches in contract and exploitation including wage theft, uncompensated injury, and discrimination. Through observations, interviews, and secondary research, the following project looks at working conditions of immigrant populations in Denver, using El Centro Humanitario as the focal point of our study. This research sheds light on the nature and prevalence of wage theft and exploitation in the Latino immigrant population of Denver. Given recent state-level policy changes on immigrant rights and the rising significance of migration issues on the national political landscape, it is particularly important to better understand the unique needs and vulnerabilities of immigrants and identify shortcomings in policy that exacerbate these problems. Through this research, we identify some of the systemic issues that not only fail to adequately protect immigrants from exploitation, but also increase their vulnerabilities.

Introduction

For newly immigrated Latinos in the U.S., particularly those with relatively low levels of English proficiency or who lack legal documentation, short-term contractual labor – or day labor – is a common wage earning activity. Day laborers in the United States are almost entirely Latino males, the majority (59%) come from Mexico, and as many as three quarters are undocumented immigrants (Valenzuela 2006: 17). Given the often informal nature of these working relationships and the socio-economic
disadvantages that migrants face, such workers are vulnerable to breaches in contract and various forms of exploitation including wage theft, uncompensated injury, and discrimination. Often lacking social networks and specialized skills, recent undocumented immigrants are most likely to engage in day-labor as an informal, unregulated, and temporary means of earning income until they are able to transition into the formal economy (Valenzuela 2006: 20-21). The disadvantages resulting from lack of documentation and few marketable job skills not only severely limit the opportunities for recent migrants, but also expose them to a host of work-related abuses and types different forms of exploitation.

While exploitation of low-wage workers is not limited only to immigrants, Latino migrant workers face some of the most egregious and widespread abuses. A recent study on the pervasive exploitation of low-wage workers in America found that approximately 68% of minimum or low-wage workers experience at least one form of pay-related violations every week (Bernhardt 2008: 5). Essentially, countless millions of individuals are cheated out of some portion of their already meager earnings every year. Such violations typically amount to over $2,500 per worker in stolen or withheld income, or more than 15% of their already paltry average annual earnings of $17,616. Though all racial and ethnic groups in this study experienced pay-related violations, foreign-born Latino workers had the highest rates of exploitation by a significant margin, and this rate was even higher for women, particularly those that were undocumented (Bernhardt 2008: 5). Such egregious and widespread forms of wage-related exploitation among Latino day laborers, begs the question, why is this particular group so prone to exploitation at the hands of their employers?
Methodology

In order to explore possible answers to this question, we conducted a ten week qualitative field study using interviews, participant observations, and secondary research to examine the unique vulnerabilities of Latino day laborers to wage-related violations and labor exploitation. As our topic dealt with a vulnerable, or “hidden” population, the first concern of our research was to sensitively and ethically engage with participants to ensure that our work did not further contribute to their marginalization. LeCompte et al. identify hidden populations as those with, “significant rates of health, mental health, nutritional, social or other needs” (1999: 128). Broadly speaking, hidden populations are those who are marginalized by mainstream society due to power disparities attributable to race, gender, health, social status, behavioral stigma or immigration status. Although studying hidden populations presents many challenges, such research is invaluable to build equality and social justice to understand these groups and their vulnerabilities. It is our hope that this research on day laborers’ experiences will increase awareness and help empower organizations and individuals involved in protecting immigrant rights.

With a Hispanic or Latino population of 31.5%, Denver provides an ample study population while maintaining enough heterogeneity to make it a case study representative of dynamics in many other parts of the country (Colorado Census 2012). While the same report showed that 16.1% of Denver’s population was foreign born, many immigrants, including Latinos, remain undocumented and therefore uncounted in this figure.

This research project was conducted as part of a research methods course at the University of Denver. The professor of the course, Dr. Rebecca Galemba, arranged the
first meeting with the Denver, Colorado based organization, El Centro Humanitario. This meeting provided an entry into the organization and an opportunity to meet some of the members and speak with the staff.¹

Our preliminary meetings consisted of staff interviews and observations of El Centro and the members. These meetings in the early stage of research allowed an opportunity to build rapport and provided guidance for our field research as we gained a better understanding of current issues. We worked together with El Centro staff and professor Galemba to draft our final research proposal.² Schensul (2005) notes the importance of empowering the communities in which researchers work through the promotion, support, and strengthening of them. As such, we worked in partnership with El Centro on community outreach campaigns and shared our findings with them to provide information that may be of service to future programming.

In addition to soliciting participants based on staff recommendations, we also engaged in “snowball sampling” by asking participants to refer us to other individuals who might be willing to speak with us. In this sense, the sample population of this research was not randomly selected, but due to the nature of the research and the difficulty of securing participants who were willing to share such sensitive, this was the best way to gain adequate numbers of participants. While this obviously led to a selection bias, the subjects we interviewed were more forthcoming and enthusiastic, which made it easier to build rapport and obtain more in-depth and rich qualitative data.

¹ Considering one of the students in our research group, Kate, was currently involved with El Centro Humanitario by assisting with inputing data into their system, we decided to have her serve as the main contact with El Centro.
² The final draft was sent to the Institutional Review Board (IRB) at the University of Denver. As the research was designed to incorporate service, the research proposal also included the contributions that would be made to the organization.
Due to the initial hesitation of some research participants to discuss wage theft explicitly, we decided it was necessary to broaden our research question and expand the study population. As we altered our interview questions and strategy to broach the subject more indirectly and discuss working conditions and experiences more generally, we found that many individuals who had not self-identified as victims of wage theft had in fact experienced exploitative working arrangements often, including pay-related violations. It seems therefore that to many of the workers there was a stigma attached to the notion of being a victim. Similarly, it appeared there was confusion over the idea of wage theft and what exactly constituted this crime. Altering our approach proved very effective, though we still decided to expand our population. As such, we arranged to visit a well-known liebre, or informal hiring site, usually a street corner where day laborers congregate to wait for potential employers, to conduct interviews with migrant workers who do not utilize a day laborer center. To facilitate this meeting we went with El Centro’s director and used the opportunity to promote the use of El Centro and share information about its services.

At the beginning of each interview all participants were offered a copy of the consent form, which was also explained verbally in simple Spanish. Liamputtong notes “gaining consent from certain groups of vulnerable people requires special sensitivity” (2006: 33). While many researchers in our team have experience in Spanish-speaking countries and with Latin American culture, the consent forms were shared with Dr. Galemba and El Centro Humanitario’s director to ensure the language used would be understood as it was intended. Beyond sensitivity, Liamputtong states that the consent should also contain “disclosure, understanding, voluntariness and competence” (2006: 33).
They were informed that their participation was voluntary and assured that their identity would be protected as much as possible, as we would not use their name. For the members at El Centro we used member’s pre-assigned lottery number to identify participants and took special care to assure them that their consent or refusal would not affect their ability to access the organization’s services or give them preferential treatment.

We were aware of the possibility that research participants may be undocumented, but at no point asked for this information. If they volunteered this information and it was pertinent to our research, we included it in our field notes. As with all information, we took care to ensure that all data was de-identified and could not be linked to any potentially identifiable information.

We went to El Centro Humanitario at least twice a week, on Fridays and Mondays, for seven weeks. Given that our time frame was limited to the duration of the course, we decided to base our research on what Beebe identifies as Rapid Assessment Process (RAP). He notes that it “is a way to investigate complicated situations in which issues are not yet well defined and where there is not sufficient time or other resources for long-term, traditional qualitative research” (2008: 13).

According to Beebe, research using RAP involves “more than one researcher … in data collection” and “teamwork is essential for data triangulation” (2013: 15). Using this approach, we worked in pairs to conduct interviews. Using more than one researcher allowed us to cross-reference our field notes and observations for better data gathering and analysis. Within our team we were able to compile our data and examine differences and similarities. While in the field, one researcher primarily focused on asking the
questions (see appendix A for a list of sample research questions), and the other
documented the interview responses. While we had an interview guide, additional
questions were asked based on information provided. The semi-structured format allowed
for more natural conversation-like interviews and questions tailored to the individual
experience of participants to gain richer data.

As with all ethnographic research, it is important to consider how we as
researchers may have influenced the data we collected. Brewer notes the factors that can
influence research include “location of the setting, the sensitivity of the topic, power
relations in the field and the nature of the social interaction between the researcher and
the researched” (2000: 127). It is important to recognize we are all native English
speaking Caucasians and the research participants were all Latinos, many whose first
language was Spanish. We interviewed in pairs, sometimes this consisted of one male
and one female researcher and other times two females. All research participants were
males. It is possible that some information was withheld or selectively shared depending
on which group of researchers conducted the interview.

Another factor that is important to recognize which may have influenced our
research is that we are all graduate students. Many of the research participants’ highest
education completed, however, is only primary or secondary school. Therefore, the
information we gathered could have been affected by a perceived power dynamic in
regard to education level. Finally, it is critical to identify the sensitivity of the topic we
were researching. Wage theft and workplace vulnerabilities, especially for immigrants,
are highly sensitive topics and research participants may have withheld information due
to various fears or shame.
Day Labor & El Centro Humanitario

Using the methodology outlined above, we sought to collect data that would give us a better understanding of the unique vulnerabilities to wage theft and exploitation that day laborers face and the reasons for its continued prevalence. It is well documented that Latino immigrants working as day laborers frequently experience exploitation and abuse in this informal sector. In an extensive national survey of day laborers, more than half of all workers reported instances of total wage theft, or a denial of all pay for work completed, in the past two months. Moreover, in the same time period, 44% of workers reported being denied food or water breaks, 32% were compelled to work more hours than originally agreed upon and 18% were subject to physical violence at the hands of their employers (Valenzuela 2006: 14). While there are a number of factors contributing to the vulnerability of Latino day laborers to job-related violations, which subsequent sections will examine, one systemic problem is the informal and largely unregulated system by which most individual obtain work day to day.

To date, the majority (79%) of day laborers seek work at liebres, home improvement stores, or gas stations (Valenzuela 2006: 4). Such unregulated recruitment of workers increases competition and decreases bargaining power as abundant numbers of unskilled laborers clamor to obtain jobs from employers who typically seek to offer the lowest wages possible. There are alternatives to such unorganized and unregulated hiring, most notably day-laborer worker centers. Day-laborer worker centers are a fairly recent phenomenon in the U.S., with the majority only coming into existence since 2000. Such centers provide basic facilities and a formal gathering place for workers, which allows for
the establishment of basic rules and guidelines to better regulate the informal labor market. Work centers typically require job seekers and employers to register, set minimum wage rates and provide some system for monitoring labor standards in terms of worker quality as well as employer behavior (Valenzuela 2006: 6-8). Such work centers are intended to help increase the bargaining power of day-laborers and afford better protections against work-related violations. Even with the existence and utilization of such centers, however, exploitation of migrant workers continues at significant rates.

El Centro Humanitario Para Los Trabajadores (El Centro), established in 2002, provides a gathering place for indigent workers. Its mission is to protect the rights of immigrants by ensuring safe working conditions, fair wages, and equal treatment. In the words of Executive Director, Marco Nuñez, “El Centro is sort of like a modern day Ellis Island,” which draws recent immigrants to its doors in the hopes of finding work and opportunity. According to one staff member, 98% of El Centro’s population is comprised of immigrants, primarily from the bordering provinces of Mexico. Most members are middle-aged male Latino day laborers, though about 30% are female domestic workers. Many individuals immigrated on their own as adults, although some came over at a younger age with family. Those that came over earlier found it easier to obtain documentation and have been able to go back to Mexico to visit family. Those that immigrated more recently, however, have found it harder to obtain documentation and most have been unable to return home to visit or to make enough money to send to their families. This is a direct product of the increasingly stringent immigration laws of the past two decades.

Changing Immigration Policy
Since 1965, the U.S. government began to impose quotas on legal immigrants from Latin America, a policy that has since created an increasing population of undocumented and therefore “illegal” migrants (Gomberg-Muñoz 2010: 130). In the decades since, immigration policies regarding Latin America and particularly Mexico have become ever more restrictive (De Genova 2004: 160). Despite such legal barriers, the market for migrant workers in the U.S. continues to grow and as such, a labor supply continues to flow across the border, predominantly from Mexico, creating a larger and larger class of illegal immigrants (Gomberg-Muñoz 2010: 130-131). As way to counter the growth of the undocumented migrant population, deportation has been on the rise since 1996 (Fussel 2011: 593-4). The “illegalization” of migrant workers and the pervasive threat of deportation create a dynamic of fear and limited legal protection that is highly exploitable (Gomberg-Muñoz 2010: 130). In both perception and practice, undocumented immigrants are excluded from the laws that are intended to protect workers. They are further exploited by employers who capitalize upon the threat of deportation, which prevents many laborers from seeking redress.

In addition to the implications that illegal status have upon the protections and rights afforded to undocumented immigrants, the idea of illegality contributes to racist and xenophobic attitudes, which further marginalize and stigmatize migrant workers. In the past decade, debates on immigration have risen prominently in the public eye as an issue of political concern. During the same time period, negative attitudes towards Latino workers, whether documented or not, have significantly increased among Americans. National surveys of Latino workers indicate noticeably increased perceptions of discrimination and federal crime statistics confirm this trend as demonstrated by a 40%
increase in racially motivated attacks on Latinos between 2003 and 2007 (Gomberg-Muñoz 2010: 36). Moreover, the increasingly prominent view of Latino workers as “illegals” and therefore criminals has increased the sense of their “deportability” and therefore, disposability as workers (De Genova 2004: 179). This criminalization of migrant workers contributes to the vulnerabilities of this population by a process of “othering,” which leads not only to racism, but also to systematic discrimination and marginalization of the population and an increased likelihood that U.S. employers may view the exploitation of migrant workers as acceptable.

**Vulnerability to Exploitation**

Regardless of legal documentation, immigrants share a host of common vulnerabilities that make them more prone to exploitation. The population of El Centro is one that suffers from numerous disadvantages that affect their ability to obtain or maintain gainful employment and improve their quality of life. The population of El Centro Humanitario is comprised primarily of middle-aged Latino men who have immigrated at different stages in their lives to the United States. Most immigrated in order to find work and improve their standard of living, often as children accompanied by their parents. Others migrated on their own as young adults, hoping to send money back to their families or eventually have them migrate to the U.S. as well. With low levels of formal education and often limited job skills, the vast majority work primarily as day laborers in the informal sector of unskilled manual labor. Moreover, since many lack legal documentation, even those with marketable job skills often cannot obtain formal employment. As such, many find themselves trapped in a cycle of poverty, unable to
secure regular work and limited to informal and capricious employment opportunities. According to one El Centro staff member, the vast majority of their constituents live below the poverty line and as many as 40% struggle with homelessness.

**Education Levels and English Proficiency**

Most members of El Centro completed less than a high school level of education as they started working at young ages to help support their families. Many have not attended school in the U.S. and therefore, have had no formal opportunity to learn English. Others attend school only briefly in the U.S. before entering the workforce. As one El Centro member, Raul³, recalls, he dropped out of high school only three months after crossing the border in order to help feed his family and pay rent. Since he had learned English at a young age, he was able to bring a higher income than his father who spoke no English. “I had to be the “caballo de batalla” (battle horse) for my family,” he explained.

Raul is an exception in regard to his English proficiency, for many immigrants their lack of education directly affects English speaking abilities, and therefore, their capacity to obtain a permanent employment. Although, most men at El Centro and the liebres can typically understand enough English to negotiate hours worked and money owed, their lack of fluency affects the types of jobs they are hired to do and the amount of pay they receive. It is also easier for an employer to pay them less and claim that they “just didn’t understand” the negotiation because they don’t speak English. Juan Pablo, an individual interviewed at the liebre, mentioned he does not speak English but can

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³ All participants whose names are mentioned have been given false names for protection and compliance with consent form. Most names were never documented and if any happenstance where names match any participants is completely coincidental.
understand enough to know how much the employer says he will pay him. However, he has often experienced employers paying him less than promised, often as much as two dollars less an hour. Without English speaking abilities he is unable to argue with the employer and typically is forced to accept the lower rate. In his expressed view, this is a normal occurrence.

Many participants expressed regret over not completing their high school education and the belief in hindsight that such a degree may have helped them obtain better work. Armodio, a member at El Centro, stated with noticeable anguish that “Education is important. Learning two languages is important. You’ll find jobs easier and get paid more.” Raul, in contrast to the lightheartedness with which he related most other stories, said with a touch of melancholy, “If you have an education, you are welcomed anywhere,” implying that otherwise, you are not.

Poverty and Homelessness

The majority of the men we interviewed at El Centro were homeless. They reported spending much of their days at El Centro or on job sites and their nights on the streets or in shelters. One member, Jose, said that he preferred the streets to the homeless shelters, stating that “people leave me alone on the streets. It’s not crowded. I have my own space.” When asked what he does in the cold Denver winter he replied excitedly, “I got five blankets! Sometimes that’s too many! In the summer time I only need three.” A significant difference we observed between the men that utilize El Centro and those at the liebres was that most men at El Centro were homeless, while those using the liebre reported having apartments or staying in hotel rooms. This could be one of the appealing aspects of El Centro and one of the reasons why the most vulnerable members of this
population are more likely to utilize the center and its services. El Centro provides a place for people to “hang out,” play cards, cook, store their things, and have a community that they don’t have otherwise. There is a sense that they are all “in this together.”

Job Skills

As both El Centro staff and its members reported, day laborers utilizing the center have a wide range of job skills. Though some are skilled laborers with specializations such as carpentry or tiling, the majority are unskilled manual laborers. The majority of jobs tend to be those requiring only low skill levels and therefore relatively low paying, such as construction, landscaping, painting, roofing or moving. The majority of such jobs are seasonal, with the summer months offering the most opportunities for employment. Many of those with more refined skills developed them through informal, on the job education. Although El Centro requires all members to undergo basic trainings in regard to professionalism and job performance, it has only limited capacity to offer more formal or in-depth skills trainings. Though the center hopes to improve upon this by offering more trainings, they are constrained by limited funds and personnel.

Men interviewed at the liebres reported that the jobs offered at El Centro tend to be lower skilled and therefore lower paid jobs. They said they would prefer to self-select for job opportunities rather than leaving it up to the random assignment of the lottery system employed by El Centro. Though the lottery is employed in order to ensure equity of employment opportunities, this system does not adequately pair the skills of workers to specific jobs. The result is a tendency towards unskilled jobs that do not require much specialization. For instance, Raul reported having an array of work experience including crabbing in Alaska, farm work in Texas, cosmetic automotive repair in California, and
factory work in the bookbinding and steel industry. He expressed the importance of specialization and job skills pairing, noting that “before you do anything, you need to be sure who you are and what you can do. I am a worker, I am no mathematician.” The system employed by El Centro does not take skill level into account while assigning workers to jobs and this may, however, actually contribute to the cycle of low paid unskilled work offered to its members.

**Documentation**

A significant vulnerability of immigrants is the lack of legal documentation. Without papers, workers are more prone to exploitation and more easily taken advantage of by employers. Members at El Centro agree that people are afraid to confront their bosses if they are underpaid or not paid at all, because they are afraid to get deported. At times, unscrupulous employers knowingly exploit this fear by attempting to intimidate undocumented workers. In cases of wage theft, after asserting that they do not owe workers money, they may threaten the laborer by saying they have the power to get them deported. Indeed, even through formal channels of the state and federal government intended to protect the rights of undocumented workers, there is still a risk that other branches of the federal government may intervene and choose to deport workers seeking redress.

Additionally, the lack of documentation makes it exceedingly difficult to obtain permanent employment. Under federal law, employers can be held liable for hiring undocumented immigrants. As such, many are reticent to hire workers who lack legal status. This is one reason why such a high percentage of undocumented immigrants are involved in day labor, as their status makes it difficult to transition from the informal
economy. This also increases their vulnerability to wage theft or exploitation on the job. Abel, who has been a member of El Centro for a few years now, states he has never experienced wage theft, but the reason is because he has his papers. He noted that those who are undocumented are at higher risk for wage theft occurrence.

**Wage Theft and Exploitation**

Wage Theft is a situation in which an employer withholds payment completely or partially, pays less than minimum wage, or fails to pay overtime (USDOL 2014). In a recent report on wage theft, the Colorado Fiscal Institute found that “more than 500,000 workers experience wage theft in Colorado, many of them in construction jobs, and in the hotel and food service industry (Stiffler 2014:1).” Indeed, according to many day laborers from El Centro, wage theft and other forms of exploitation are common work occurrences. A general conception among the laborers we spoke with was that wage theft is not getting paid at all or getting paid less than the agreed upon amount.

The Colorado state law minimum wage is eight dollars per hour (CDLE 2014). Under federal law, any job requiring a laborer to work more than twelve hours during a single workday must be rewarded with time and a half. According to The National Consumer’s League (NCL), people working minimum wage jobs are especially vulnerable to exploitation (NCL 2013). Because of the informal, and in the case of undocumented immigrants, illegal, nature of such employment, these jobs have few accountability mechanisms like contracts. As a result, dishonest employers often manipulate the system in order to reduce their own expenditures either by giving less
payment than originally agreed upon or by failing to pay workers at all, knowing that consequences are unlikely.

Similarly, another form of wage theft occurs when employers may knowingly misclassify workers. According to the U.S. Government Accountability Office, when “employers improperly classify workers as independent contractors instead of employees, those workers do not receive protections and benefits to which they are entitled, and the employers may fail to pay some taxes they would otherwise be required to pay” (USGAO 2009). Failure to properly pay laborers and their taxes not only shortchanges the worker but also the rest of society. Similar to cases of wage theft, employers often misclassify workers in order to pay them less with the belief that immigrants have few options of recourse.

Although USDOL devotes efforts to enforce labor laws and protect workers through the Fair Labor Standards Act, “regardless of immigration status,” migrant day laborers experience exploitation at significantly higher levels (NCL 2013)(USDOL 2014). Because employers overlook the legality of workers and ask for little or no information, they also provide very little of their own information. As a result, employers have little accountability, and other than returning to a job site, workers may have no way of tracking down employers to seek redress.

One research participant, Gregorio, told a story illustrating the severity of this problem. He reportedly worked construction for the same employer for three years and never had a problem with payment until one day a wall fell on him. “I was dying,” he said, as he described progressively losing feeling in his legs as a result of the injuries. Gregorio started to lose hope, but refused to for the sake of his children. As hospital
bills added up, he attempted to contact his employer in order to receive compensation, but he was unable to find him. Frustrated, he submitted a complaint to the Department of Labor. After a short investigation, the U.S. Department of Labor informed him that the employer was not in the system, meaning they did not have a city permit to be working as a contractor. Gregorio found out the employer had been working under a false name and was effectively untraceable, even for the city department of labor. Injured and abandoned by his employer, Gregorio was left to deal with the hefty hospital bills and health problems on his own. As this account shows, the lack of accountability of employers often leaves day laborers in a vulnerable position, making their exploitation even easier.

Ramiro gave an additional account that illustrates manipulative employer-worker relations. He had worked on a construction site for eight days for a promised wage of twelve dollars per hour. Upon finishing the project, the employer claimed he did not have to pay Ramiro because he was not using his own identification card. It is not uncommon for contractors to withhold payment until completion of a project, which only further increases their power to exploit laborers and is indicative of the highly imbalanced power dynamic of informal contractual labor.

Ramiro relentlessly continued to confront the employer about his pay until finally the employer acquiesced, and he received the full amount promised. Ramiro’s case is unique in that the employer eventually consented to pay the full amount. Most day laborers, however, rarely receive back wages. Employer excuses for not paying workers include unsatisfactory worker performance, lack of proper work authorization, and promises to pay in the future. In most cases, wage theft occurs primarily because of workers’ inability to hold employers accountable.
Throughout our research, we encountered many day laborers who had experienced absolute wage theft, in which an employer withholds all wages. Ramiro also recounted the wage theft experience of a friend working on a roofing job. After his friend climbed up the ladder, his boss said he would be right up. Instead of returning, the boss took off with the ladder, leaving him stranded, and ultimately without pay. Workers are robbed not only for a single day’s wages, as seen in this example, but at times are denied wages for multiple days of work. Ramon, another day laborer, was working a temporary construction job in El Paso, Texas. Ramon, among others, worked three consecutive days on the site. When they showed up for work on the fourth day, their boss was gone and never to be seen again. Needless to say, none of the men received their paychecks. Again, wage theft was the product of a lack of a formal working agreement and therefore a lack of accountability.

Both members of El Centro and men soliciting work on the liebres alike, recounted wage theft experiences. Porfirio, one of the 15 or so men we met while at a liebre, told a story in which he was owed 160 dollars for a construction job. He reported his employers, but he never received a penny for his hard work. Workers may submit complaints through legal clinics, such as the one at El Centro, or directly through the Department of Labor. Although some workers have avoided absolute wage theft experiences, many still suffer from under-compensation. Failed attempts to obtain lost wages by day laborers or their peers exemplify the ineffectiveness of the system and further discourage them to seek legal recourse.

Benardo has been using the liebre regularly for 4 years to find work. He told us that oftentimes when employers pick laborers up, “they say ten dollars per hour but at the
end of the day they only pay you eight”. Similar to other workers, he expressed that this was more or less a typical and frequent occurrence. Those we interviewed at El Centro conveyed similar levels of resigned acceptance of lower wages. Gregorio has utilized El Centro’s services for seven years. He was previously employed at the Greeley Meat Packaging Company and moved to Denver after his divorce. Gregorio takes advantage of the computers at the center to look for jobs on Craigslist when he is not out on a job. Previously he worked in Longmont operating government trucks for $20 dollars an hour. Although this was the amount agreed upon, he states, “It’s a government job, so it should pay $40 dollars, but I did it for 20.” Regardless of Gregorio’s knowledge that he is being underpaid, he is willing to accept the amount, claiming he needed the money to support his children. Wage theft and under-compensation often go unresolved and unreported. Each year over 5,200 wage-related claims occur in Colorado and the Colorado Fiscal Institute reports an estimated $750 million are lost each year from withheld wages (Johansson 2014, Stiffler 2014:1). This leads to the question of why these claims are not being won, or in many cases, why such abuse is left unchallenged.

**Recourse by Exploited Workers**

The question of why workers seldom seek redress for wage theft and other types of exploitation is the result of a complex interplay of education, immigration laws, racism, poverty and systemic problems within the day labor market. The fear of deportation among undocumented workers is one significant cause, as addressed in the previous section. Another reason for the lack of recourse sought by workers is simple ignorance of their rights as workers and of the laws intended to protect them. Nationally,
nearly two thirds of day laborers report not knowing their rights as workers or immigrants in the US, while 70% do not even know where to report workplace violations or exploitation (Valenzuela 2006: 23). Although a lawyer comes to El Centro twice weekly to offer free counseling on wage theft and other issues, many of the members of El Centro who we interviewed expressed having no knowledge that this service is even offered. This is clearly reflected in the dismal rates of intake that clinic experiences. Between January and May of this year, the lawyer only met with seven immigrant laborers. It is clear that a lack of awareness of the resources available contributes to the belief that there is nowhere to go after being a victim of wage theft. This inevitably breeds a feeling of hopelessness and the tacit acceptance that being exploited is an unavoidable risk of seeking informal labor.

Another major reason for immigrant workers to avoid seeking to recoup lost wages is the notion that the legal system simply does not work for them. In more than one instance, we were given accounts of workers who actually brought employers to court and won, although to they have still never received their back pay. Gregorio’s previously mentioned story of being unable to track his employer after being injured on the job is a prime example of how employers can avoid compensating workers. While it is entirely possible that the legal system could offer support for some laborers, accounts like these have a large potential to circulate throughout a small community, spreading the perception that the legal system is not a tool within their means.

Guided by the perception that seeking restitution from employers is often hopeless, many workers view avoiding redress as a calculated loss. Essentially, a day pursuing lost wages is a day that could be better spent earning more wages. As has been
mentioned, many of the workers of El Centro are homeless, living day to day with limited savings. A long stretch without work could mean days without food, and so when weighing the chances of recovering lost wages with the very real possibility of going hungry, it is hardly surprising that many workers continue to accept wage theft as an unfortunate inevitability.

However, immigrant workers are not completely powerless against wage theft. When visiting a *liebre*, we witnessed the power of negotiation between employer and day laborer. Not more than one block after being picked up by an employer, a worker got out of the truck and returned to the street corner. He did not agree with the terms of the work, and so he refused this job. Often this is the case when employers offer terms like paying at the end of the week opposed to daily, or paying with checks rather than cash. The day laborers have learned ways in which to avoid being exploited by taking fewer risks, even at the expense of forgoing possible work. Similarly, when an employer who had been known to pay workers less than he initially promised arrived at the *liebre*, the workers ignored his truck and waited for other potential employers to arrive. The power of communication throughout the community, while perhaps deterring some workers from seeking to recover lost wages, has the value of preventing exploitation by avoiding certain employers and payment practices. At the end of the day however, the negotiation power that immigrant day laborers have is essentially to take it or leave it. In desperate circumstances, saying “no” may simply not be perceived as an option, and it is easy to see how workers may find themselves in risky and vulnerable situations.

Immigrant workers also have shown their ability to work through political channels to promote their cause. In 2012, a group of undocumented immigrants came
through Denver to promote the “No Papers, No Fear Ride for Justice” which is a campaign fighting against anti-immigrant policies on both the local and national level. Law SB-90, also known as the, “show me your papers” law, insights racial profiling, violations of civil rights, and distrust in authorities of the law. One of the activists stated, “When we fear those who want to attack us for who we are, we give them more power. When we lose our fear, that's when they lose their power as well” (No Papers No Rear Ride For Justice 2012). By spreading advocacy and promoting solidarity, immigrant workers have the ability to collectively strengthen their cause and bring attention to the need for societal and legislative change.

**Conclusion**

The high prevalence of wage theft among the immigrant day laborer community is a pressing, yet commonly overlooked issue. Our research sought to identify the causes of wage theft and the opportunities available for workers to seek recourse. Conditions which enable wage theft can be attributed to the vulnerabilities of workers, primarily their lack of legal documentation, education, and income. Often, the fear of being deported, in addition to the perception that restitution is highly unlikely, prevent workers from taking legal action to recoup owed pay. With little opportunity to seek education or higher-skilled work, immigrant day laborers find themselves trapped in a cycle of poverty in which they continue to be exposed to unscrupulous employers with little option to improve their quality of work and life.

As a vulnerable and “hidden” population, the immigrant day labor community is underrepresented politically and academically. Our research addresses this issue and
contributes to building the base of knowledge with which momentum towards political and societal change can be generated. Our qualitative research methods show the immense value in collaboration between academia and vulnerable populations. Building and expanding these types of partnerships has the potential to influence policy and reduce the root causes of workers’ vulnerabilities. Recent reforms of immigration laws have shown a shift towards supporting the right of immigrant workers, however the protection and rights afforded to this population are still far from adequate. Only with further investigation and increased public awareness will genuine change be possible.
Bibliography

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Appendix A

Day Laborer Interview Questions (English Version)

(*Note: these questions were used as a guide- some participants voluntarily offered additional information they thought to be important for our research)

1. Age?
2. Gender?
3. Time coming to El Centro Humanitario?
4. How did you hear about El Centro Humanitario?
5. Why did you first decide to become a member of El Centro Humanitario?
6. Have you shared about the services offered at El Centro Humanitario with your network (friends, family, etc.)?
7. What services do you use at El Centro Humanitario?
8. Can you tell me about other services offered here?
9. Do you know about/have you used services at other organizations?
10. Can you tell me about your experience of securing work through El Centro Humanitario?
11. Do you ever secure work outside of El Centro? Why or why not?
12. How did you secure work before coming to this center?
13. Why did you decide to leave that work?
14. What is your work day like currently?
15. How much do you work in a typical week?
16. How much do you typically make in a day?
17. How does that differ with what you have made in previous jobs?
18. What has been the process for agreeing on your work contract/salary? At El Centro Humanitario? Previous jobs?
19. Have you ever had an issue with an employer not upholding the written/verbal salary promised?
20. Has an employer ever paid you less than he said he would or less than expected or agreed? If so, what were the employers reason? What did you do? How did you react? How did it make you feel?
21. Has an employer ever asked you to work more hours or do more work than you had agreed? Were you paid for that extra work? How did you negotiate with your employer about doing extra work?
22. Were the working conditions as they were described to you when you accepted the job?
23. Can you tell me about immigrant workers’ rights? How do they differ from citizen’s rights? (this question might be difficult to answer as it requires participants to differentiate themselves and their experiences from non-immigrant workers. Also asking about citizen’s rights might be problematic since it implies citizenship. I put a possible rewording below.)
24. Do you believe you have rights as a worker in the US? How are your rights as a worker different from your rights in everyday life?
Day Laborer Interview Questions (Spanish Version)

1. Edad?
2. Genero
3. Desde cuando eres/es miembro del Centro Humanitario?
4. Como te/le informaste/informó del Centro Humanitario?
5. Por que decidiste/decidió ser un miembro del Centro Humanitario
6. Has/ha compartido información sobre los servicios que ofrece El Centro Humanitario con sus amigos, familia, y otros inmigrantes?
7. Que servicios utilizas/utiliza en El Centro Humanitario?
8. Puedes/puede decirme otros servicios que se ofrece aquí?
9. Sabes/sabe o has/ha usado servicios de otras organizaciones como El Centro?
10. Puedes/puede decirme sobre tu experiencia de conseguir trabajo por El Centro Humanitario?
11. Consigues/consigue trabajo fuera del Centro Humanitario? Por que o por que no?
12. Cómo conseguías/consiguia trabajo antes de usar los servicios del Centro Humanitario?
13. Por que decidiste/decidió salir de ese trabajo? O porque dejaste dejó de buscar tu trabajo en esa manera?
14. Puedes/puede explicarme como es un día normal en tu día de trabajo?
15. Cuantos días (o horas) trabajas/trabaja en una semana?
16. Cuanto te/le pagan por día normalmente?
17. Ese salario es igual o diferente a trabajos anteriores? Has/ha ganado mas anteriormente o menos?
18. Cual es el proceso para llegar a un acuerdo entre tu y el jefe (dueño) de un trabajo sobre el salario, cuánto te/le pagará (o el contrato) en el centro? Y en otros trabajos afuera del centro?
19. Has/ha tenido un problema cuando el dueño de un trabajo no te/le ha pagado la plata (salario) que te/le prometió en el contrato (acuerdo) oral/escrito?
20. Te/le han pagado menos de lo que te/le prometieron en un trabajo? Te/le dijeron razones porque no te/le pagaban lo que te/le prometieron? Que hiciste/hizo cuando eso paso? Cómo reaccionaste/reaccionó? Como te sentiste/le sentio?
21. Una vez en el trabajo, te/le han pedido trabajar tiempo extra a lo acordado anteriormente? Te/le pagaron el tiempo extra por el trabajo que hiciste/hizo Negociaste/negocio con tu jefe sobre eso?
22. Las condiciones del trabajo eran las mismas o diferentes a las que te/le explicaron? En que sentido?
23. Puedes explicarme sobre los derecho de los trabajadores inmigrantes? Son diferentes a los derechos de los ciudadanos (o los gringos!) de los estados unidos? ?Y Cuales son las diferencias?
24. Piensas/piensa que tienes/tiene los mismos derechos como un trabajador a los de un ciudadano estadounidense? Como son tus/sus derechos como un trabajador diferente que los derechos que tienes/tiene en la vida normal (diariamente)?
Appendix B

Sample Staff Member Questions

(*Note: these questions were used as a guide- some staff members voluntarily offered additional information they thought to be important for our research)

1. Time involved with El Centro Humanitario?
2. Describe the population served at El Centro Humanitario?
3. What services are offered at El Centro Humanitario?
4. Do participants know about services available to them outside of El Centro Humanitario?
5. How do most of the participants at El Centro Humanitario learn about the organization?
6. What does networking look like for many of the people who access the services offered at El Centro Humanitario?
7. Why do most of the individuals who access services at El Centro Humanitario come to the organization?
8. What are the main jobs employers request?
9. What types of feedback do you get from employers, negative, positive?
10. What types of skills do workers have when they come to El Centro?
11. What trainings are provided at El Centro?
12. What are services or trainings you would like to provide but have been unable or difficult to provide?
13. What are the main obstacles for those at El Centro seeking permanent employment?
14. Why do numerous day laborers choose to stand outside on the corner a block away rather than become a member at El Centro?
15. If you were a student researcher with 4 weeks to do a qualitative research study with an organization like El Centro, what might you research?