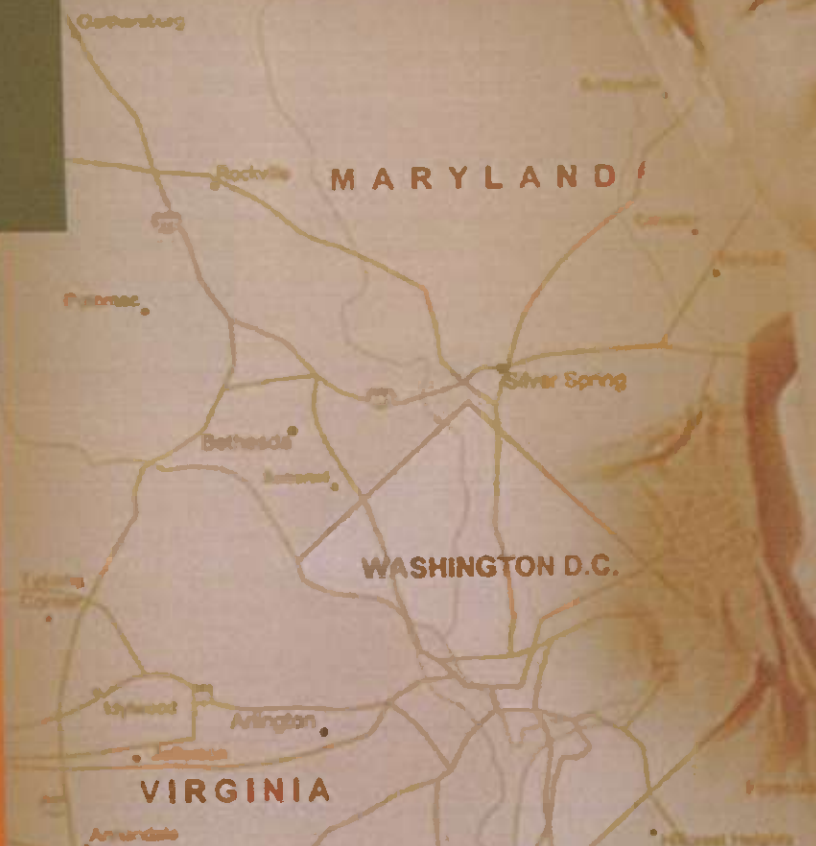


In Search of an Honest Day's Work:

*Day Labor in the Washington, DC
Metropolitan Region*



SPONSORED BY THE WASHINGTON AREA
PARTNERSHIP FOR IMMIGRANTS

This brief is the first in a series that will examine major issues affecting immigrants in the Washington, DC metropolitan region. It has been prepared for public officials, community activists, business leaders, foundations, and individuals who are seeking ways to build community and improve the quality of life in the metropolitan Washington region.

SPONSORED BY:

The Washington Area Partnership for Immigrants – A funding collaborative of The Community Foundation for the National Capital Region, the Partnership is the region's only public-private partnership focused on investing in our growing immigrant population. Through more than \$1.8 million in grants and related technical assistance over the past five years, the Partnership works to build the capacity of nonprofit organizations serving immigrants and to increase awareness among foundations, individual donors, policymakers and government about the changing demographics of our region, and the implications for funding, policies and services.

The Washington Area Partnership for Immigrants is led by representatives from:

The Morris & Gwendolyn Cafritz Foundation; The Community Foundation for the National Capital Region; The Naomi and Nehemiah Cohen Foundation; The Discount Foundation; The England Family Foundation; The Fannie Mae Foundation; The Eugene and Agnes E. Meyer Foundation; The Montgomery County Community Foundation; The United Jewish Endowment Fund; SEIU, Local 82; The Maryland State Office for New Americans; and the local governments of Fairfax County, VA; Arlington County, VA; Montgomery County, MD; Prince George's County, MD; and the City of Alexandria, VA.



The Partnership would like to thank CASA of Maryland for providing many of the resources used in this document.

INTRODUCTION

Every morning in communities across the Washington, DC region, people gather on street corners, in convenience store parking lots, and at informal meeting places looking for work. These individuals, called *jornaleros*, or day laborers, are some of our most vulnerable residents with the most to lose – their dignity, safety, and rights.

“Day laborers,” individuals who work and get paid on a daily or short-term basis, are becoming a growing segment of the U.S. economy’s labor force. In 2001, the Bureau of Labor Statistics estimated that there were 260,000 day laborers, yet there are undoubtedly many more. They gather in public spaces and wait for potential employers, both subcontractors and private citizens, to drive by and offer them construction, painting, gardening, or carpentry work. As the number of new immigrants in the area has grown, so too has the number of day laborers. This has created a very serious set of issues for all involved – residents, business owners, employers, day laborers, law enforcement agencies, public officials, and community and civil rights organizations.

This issue brief provides an overview of the day laborer situation in the Washington, DC metropolitan region and beyond, points to major issues, and presents opportunities and possible solutions for helping support the workers while strengthening communities.

LAND OF OPPORTUNITY

This region is now home to the seventh largest community of immigrants in the nation.

Nearly fifty percent of these immigrants have settled here in the last decade, drawn to the area by economic opportunities and the promise of a better life for their families. Skilled professionals, entrepreneurs, and hard working immigrants make up 17 percent of the region’s population and play a major role in fueling its economic growth – accounting for 76 percent of the new labor force in Maryland and 44 percent of the new labor force in Virginia. Research shows that the Washington region is one of the most diverse immigrant communities in the country, with

no single immigrant group comprising a sizeable majority. Immigrants from El Salvador constitute the largest percentage of newcomers to the region with more than 100,000 Salvadorans counted in Census 2000. Washington, DC has the second-highest concentration of Salvadorans in the U.S. behind Los Angeles. Other leading countries of origin for recent immigrants include Korea, India, Vietnam, several countries in Africa, and Mexico.



Cities with Most Immigrants

1. Los Angeles, CA	3,449,444
2. New York, NY	3,139,647
3. Chicago, IL	1,425,978
4. Miami, FL	1,147,765
5. Houston, TX	854,669
6. Orange County, CA	849,899
7. Washington, DC	832,016
8. Riverside, CA	612,359
9. San Diego, CA	606,254
10. Dallas, TX	591,169

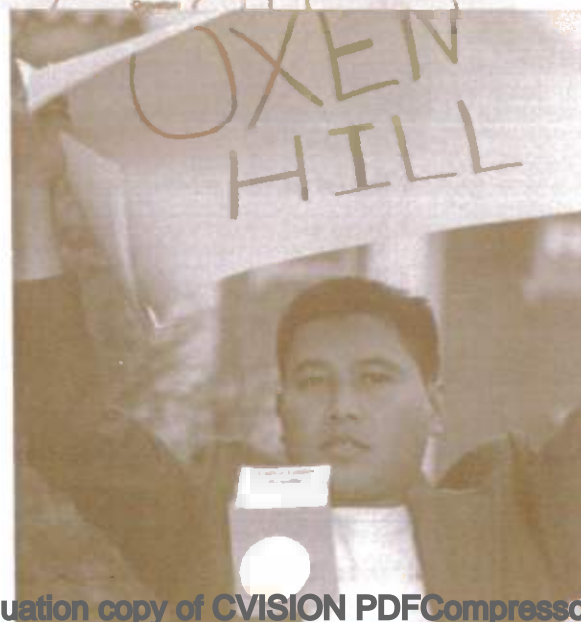
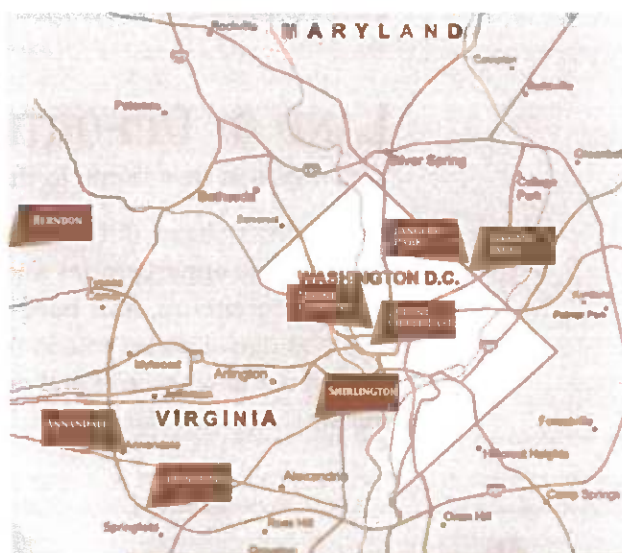
WANTING TO WORK

For years, men and women have sought employment as day laborers in Takoma Park and Langley Park, Maryland and in Culmore and Shirlington in Northern Virginia. In the past year, in the wake of the economic impact of the September 11th attacks, the number of laborers gathering at these sites appears to have increased. The trend is now taking hold in Herndon, Springfield, and Annandale in Northern Virginia, and in the Dupont Circle East and Mt. Pleasant neighborhoods in the District of Columbia.

There exist very few facts about the area's day labor workforce, which is estimated at 50,000. Generally, the workers are men, Latin American or African immigrants, have limited English proficiency, and frequent the sites due to an unavailability of formal jobs and, many times, their inability to work in mainstream jobs. Many are homeless. The workers are usually paid slightly more than minimum wage, or an hourly rate that is established beforehand by the workers. The one known truth is that day laborers desperately want to work to support themselves and their families. And the reality is that the situation is intensifying.

"Day labor is a phenomenon that is not new to the United States; it has traditionally served as an informal device for bringing together employers who need workers and individuals willing to work. Both in times of economic prosperity and downturn, employers see many advantages to using day laborers—there are generally few commitments the employer must make to the day laborer, and the employer has the flexibility of using the day laborer only when work is available. Additionally, there are numerous reasons why individuals would work as day laborers—for some, it is an opportunity to earn income when temporarily laid off; for others, it is a first job in the United States; for yet others, it is the only employment option available given substance abuse or other social difficulties. In other cases, this informal relationship offers an opportunity for employers to avoid paying employment taxes and offers workers a chance to earn undetected income."

— GAO-02-925 *Protections for Day Laborers*





UNPROTECTED

Day laborers present a cheap and often new workforce that makes them prone to discrimination and exploitation. In a recent United States General Accounting Office (GAO) report, government officials report that "research has shown that the characteristics [of day laborers] make workers vulnerable to various types of workplace dangers and abuses, a fact that [the Labor Department] also acknowledges... Immigrants, especially newer ones, are more willing to accept lower wages and substandard work that offers few benefits or protections, which makes them attractive to unscrupulous employers who may exploit them as a cheap source of labor."

Many day laborers are undocumented workers. While undocumented workers are at the bottom of the employment feeding chain, they too are protected by Federal labor laws. According to the National Employment Law Project (NELP), undocumented workers have the:

- *Right to be paid:* Workers have the right to be paid minimum wage and overtime. If they do not receive all of the wages for time actually worked, they have a right to recover those wages;
- *Right to be safe on the job:* Workers have a right to a safe workplace;
- *Right to be free from discrimination:* It is illegal for an employer to discriminate against or harass workers based on: race, color, religion, age, disability, national origin or sex; and the
- *Right to organize:* It is illegal for an employer to punish or threaten workers for organizing to improve their work conditions.

Day Laborer Advocates Call For

- decent pay
- no discrimination on grounds of race, gender or national origin
- right to organize
- safe jobs and safety training
- access to formal grievance procedures
- freedom from harassment by law enforcement officials
- stop blocking worker-friendly laws

National Coalition for the Homeless

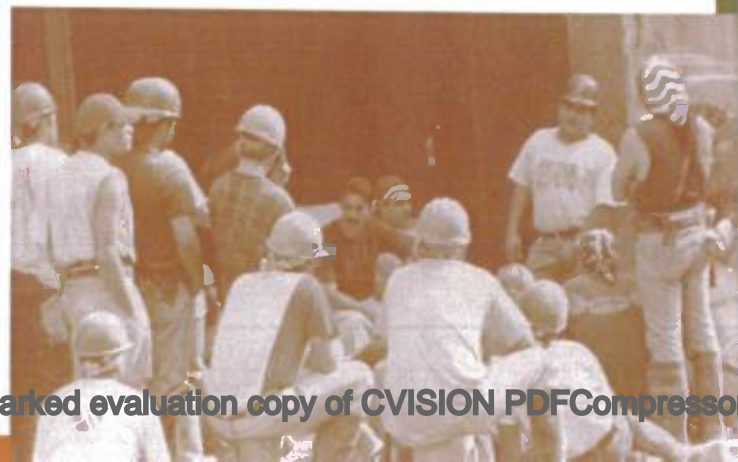
National Day Laborer Organizing Network

North American Alliance for Fair Employment

Whether or not these rights are known and understood by the workers, they are often not enforced or respected by employers. Each year, legal aid centers help workers recover millions of dollars in withheld pay, and workplace injuries are frequently cited. Basic respect for another human being is sometimes sacrificed for profit.

I learned first hand what it's like to work day-to-day for whatever wage the employers want to pay you. To work without benefits, without bathrooms or cool drinking water, without job security, respect, or appreciation.

*- Eliseo Medina, Executive Vice President
Service Employees International Union*



NEIGHBORHOOD CONCERNS

The National Day Laborer Organizing Network (NDLON) also cites the concerns of residents and merchants near day laborer gathering sites:

- traffic safety, including traffic jams, jaywalking, obstruction of sidewalks; and
- health concerns due to lack of available trashcans and bathrooms.



A negative image of day laborers is further conveyed when there are disturbances at pick up sites, such as loitering, public consumption of alcohol, littering, harassing passerbys, and when criminal elements spill over into residential neighborhoods. Additionally, the new immigration policies implemented after September 11, 2001, have placed a negative spotlight on the workers.

66 *Yeah they affect my business. I have problems with them every day. I call the police, but most of the time when they get here the problem is gone, or the guys have walked away. We need to find a special place for them, organize them, build a center or something. I don't want to have a headache with the workers. I'm not a policeman--I'm a mechanic.*

- Gas Station Manager, Northern Virginia

LABOR AND IMMIGRATION POLICY

Across the country, immigrants are having a profound effect on the communities where they live, the sectors in which they work, and the schools where they learn and receive degrees. Immigrants are also having a major impact on the economy. In a recent study, the National Academy of Sciences found that immigrants add about \$10 billion a year to the U.S. economy, not including immigrant-owned businesses or immigrant workers' impact on overall productivity. Locally, Latino-owned firms in DC (377 in 1997) employ over 4,300 workers and generate more than \$600 million in goods and services.

IMMIGRANT WORKERS ARE ESSENTIAL TO THE U.S. ECONOMY -

During the recent unprecedented expansion in the American economy, immigrant workers were essential in filling jobs ranging from computer programmers to hotel and restaurant workers. As America's workforce ages, and the "baby boomers" retire, immigrants will again play an essential role in reducing a long-term projected labor shortage. The U.S. Department of Labor projects that between 1998 and 2008, the number of jobs will increase by 20 million, but the number of workers will increase by just 17 million. Federal Reserve Chairman Alan Greenspan has repeatedly commented that, when labor markets are tight, immigration is an important source of workers. With the U.S. labor supply projected to shrink relative to the number of jobs, Greenspan says that "there is an effective limit to new hiring, unless immigration is uncapped." - National Immigration Forum

With all of the contributions immigrants make to this country, their position and rights are often seriously compromised. In the 1990s, Congress implemented the strictest immigration legislation in history - the Personal

Responsibility and Work Opportunity Reconciliation Act, the Illegal Immigration Reform and Immigrant Responsibility Act, and the Anti-Terrorism and Effective Death Penalty Act. These laws stripped access to federal benefits, established barriers for immigrants looking to enter the country legally, and removed due process rights. The severity of this legislation has had a devastating impact on immigrant workers hoping to legalize their status, gain citizenship, be reunited with their families, and have their civil rights and civil liberties protected.

Increasingly, there is a movement to help immigrant workers gain citizenship, protect their rights, and secure safe and appropriately paid jobs. Although very limited in nature, the following developments may stimulate additional opportunities for undocumented workers:

Nicaraguan Adjustment and Central American Relief Act - passed by Congress in 1997, allows Cubans and Nicaraguan who have been in the U.S. since 1995 to become permanent residents



COMMUNITY RESPONSES

CREATING JUSTICE IN THE WORKPLACE AND RESPECT IN THE COMMUNITY

To combat the issues being experienced by both day laborers and residents, many communities across the country are partnering with their local governments, labor unions, or immigrant advocacy groups to establish standards, form networks, and create work centers for day laborers.

One of the most recent efforts is the Day Labor Fairness and Protection Act, introduced by Rep. Luis Gutierrez (D-Ill). The legislation recognizes the valuable contributions of all day laborers and temporary workers and ensures their basic workplace protections. The bill:

- ensures safe and healthy work environments for all day laborers;
- protects and expands the wage and hour rights of day laborers;
- guarantees the First Amendment right of day laborers;
- holds day labor service agencies and other day labor employers accountable; and
- prohibits the use of day laborers as strikebreakers.

The millions who are poor in the United States tend to become increasingly invisible. Here is a great mass of people, yet it takes an effort of the intellect and will even to see them.

- Michael Harrington, The Other America



Movement Toward Legalization of Mexican Immigrant Workers – Prior to September 11, 2001, Presidents George W. Bush and Vicente Fox had agreed to create a new framework to address migration issues, including matching willing workers with willing employers; respecting the human dignity of all migrants, regardless of their immigration status; recognizing the contribution migrants make to both societies; and shared responsibility for ensuring migration takes place through safe and legal channels. A concrete plan of action was to be presented no later than March 1, 2002. The events of September 11, 2001, hampered those intentions, and the proposed immigration accord has been put on hold. Advocates continue to push for the landmark proposals to be revisited.

AFL-CIO Calls for Legalization – In 2001, The American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) stated that undocumented workers and their families should be provided permanent legal status through a new legalization program. The Federation represents more than 13 million working women and men nationwide. More

recently, many national organizations and unions affiliated with the AFL-CIO have signed on to a statement of principles on immigration reform. The statement calls for a fair and realistic process to provide an adjustment of status for undocumented workers and opposes the expansion of existing temporary non-immigrant worker programs or creation of new programs.

Temporary Protected Status – Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries or parts of those countries. TPS may be provided to immigrants who are temporarily unable to return to their homeland due to ongoing armed conflict, environmental disasters, or other extraordinary and temporary conditions. When a country is designated under TPS, those immigrants are not required to leave the United States and may obtain work authorization. Recently, immigrants from El Salvador received an extension of TPS until March 2005 in an effort to help that coun-

REGIONAL EFFORTS

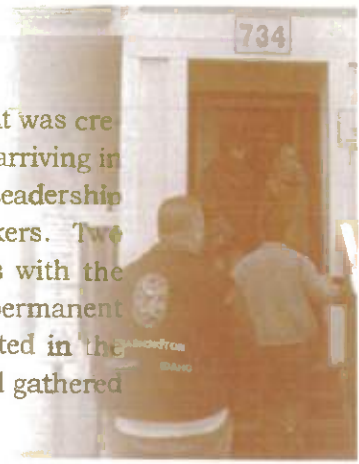
In our region, several nonprofit organizations are being recognized as leaders in their efforts to provide services to day laborers, advocate on their behalf, and strengthen relationships between communities, businesses, and day laborers.

CASA OF MARYLAND

Casa de Maryland (CASA) is a community organization in Takoma Park that was created in 1985 in response to the thousands of Central Americans refugees arriving in the DC area. In 1991, CASA established the Center for Employment and Leadership (CEL) in a trailer on an East Silver Spring parking lot to assist day workers. Two years later, CASA and the Montgomery County government began talks with the community, businesses, churches, and worker representatives to find a permanent location for CASA's employment and training activities. The effort resulted in the purchase of 1.25 acres, one block from the parking lot where workers had gathered to look for work.

The center provides comprehensive job opportunities, job placement, worker organizing initiatives, support and guidance, and equips workers with the skills to obtain meaningful employment and economic self-sufficiency. The workers partnered with CEL to make sure the hiring hall's procedures were equitable. Staff members serve as liaisons between employers and workers to ensure that workers are paid and protected from exploitation and to help employers hire individuals according to profession and skill level. Last year, CASA was able to place 250 day laborers into permanent jobs and 709 into temporary jobs. CASA has also developed complimentary programs to support the workers, such as computer and job skills classes (home improvement, carpentry, electricity, painting, and landscaping), English and Spanish literacy classes, a legal office which assists workers with non-payment of wages cases, and an HIV education and prevention program.

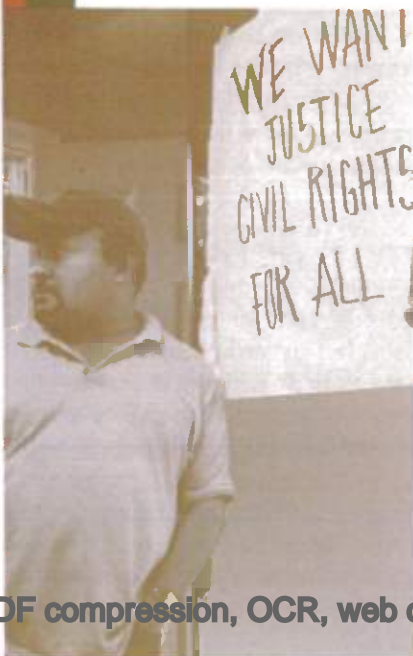
CASA is also a strong advocate for day laborers, both at the state and national level. The organization has pushed for legislation to allow undocumented immigrants to obtain driver's licenses and undocumented workers completing high school in Maryland to pay in-state tuition rates at the college level. To contact CASA of Maryland, please call 301.270.3609 or go to www.casade-maryland.org.



HERNDON EMPLOYMENT PROJECT

The Herndon Employment Project is a program of Reston Interfaith that offers support to day laborers in Herndon, Virginia, and is working to obtain and operate a formal day labor site in the area. Many services are provided including food, clothing, referrals to health and social services, job training, and citizenship and ESL classes. The Herndon Employment Project also advocates on behalf of day laborers and strives to create positive relationships with local officials and others.

Currently, the project is dealing with community conflict around immigration and day laborers as well as opposition to a formal employment site. Additionally, the project struggles with maintaining the integrity of Reston Interfaith's other programs while engaging in a controversial political struggle around day labor. The project is seeking objective leaders to speak before Herndon residents about the legal, economic, and civic issues surrounding day laborers. It is also hoping to provide advocacy training for workers. To contact the Herndon Employment Project, please call 703.787.3141 or go to www.restoninterfaith.org.





VIRGINIA JUSTICE CENTER

The Virginia Justice Center is a nonprofit legal services organization that supports low-wage immigrant workers in their efforts to find justice and fair treatment in the workplace. It uses a multi-pronged strategy of litigation, organization, education, advocacy, and public awareness building. The center's five bilingual attorneys and a community organizer educate workers regarding their rights, and assist them in maintaining those rights through litigation, negotiation, and community organization. The Virginia Justice Center's clients have won judgments and settlements totaling more than one million dollars.

The center is currently focused on the challenge of reducing the unemployment rate and exploitation of day laborers in the Culmore neighborhood of Fairfax County, Virginia. With the assistance of the Virginia Justice Center, the day laborers there have formed the Centro de Trabajadores de Culmore (Culmore Workers' Center) with the goal of establishing a permanent, physical site. The center believes that establishment of a workers' center in the Culmore neighborhood will lead to a higher employment rate of day laborers and improve their image in the community. Of equal importance, a workers' center will diminish the current tensions between the workers and other community stakeholders, and dramatically reduce worker exploitation. **To contact the Virginia Justice Center, please call 703.778.3450 or go to www.justice4all.org.**

D.C. EMPLOYMENT JUSTICE CENTER

The mission of the D.C. Employment Justice Center (EJC) is to secure and enforce dignified employment for low-income workers in the Washington, DC metropolitan area. The EJC provides employment-related legal assistance, education, advocacy, and leadership development to low-wage workers in the area.

The EJC offers various services to day laborers in the region, including weekly legal aid clinics. Additionally, each semester the EJC hires at least one Spanish-speaking law clerk to assist Spanish-speaking clients in-house. The EJC also has a part-time translator who assists with various client-related tasks, such as writing demand letters, conducting office intakes, returning calls to Spanish-speaking clients, and translating "know your rights" sheets into Spanish. Day laborers are also invited to attend the EJC's worker organizing committee targeted at Latino immigrants, El Comité de Defensa de Los Trabajadores (CDT). CDT seeks to improve wage payment enforcement for Latino workers and trains members on media skills, leadership techniques, and legislative advocacy. As part of EJC's outreach strategy, the center presents workers' rights performances by workers themselves. Called *El Teatro de Los Trabajadores*, many of the performers are day laborers, and one of the most popular skits concerns the plight of day laborers.

To serve day laborers more effectively, EJC hopes to increase its organizational capacity and hire more translators and outreach workers, as well as secure funds for a "know your rights" guide for day laborers and a public relations campaign about the plight of day laborers. **To contact the D.C. Employment Justice Center, please call 202.828.9675 or go to www.dcejc.org.**

It works like this:

The day laborers do the work for a contractor.

The honest employer pays the contractor for the work.

The contractor pockets the money and doesn't pay the workers.

This happens all the time. Everyone knows that this is happening....don't

see it as a community leadership opportunity.

--Tim Freilich, Virginia Justice Center



SHIRLINGTON EMPLOYMENT AND EDUCATION CENTER

Founded in February 2000, the Shirlington Employment and Education Center's (SEEC) bilingual staff and volunteers match day laborers with employers who have need of temporary labor, by the hour or by the day. Job applicants who have the skills and background required are referred to employers who then negotiate the working conditions and wages directly with the workers they hire. SEEC registers both workers seeking employment and employers seeking workers. To assist workers and improve their skills, SEEC offers employment counseling, skills training, English and Spanish classes, computer training, arbitration and wage claims or working condition problems, and a tool bank to loan necessary equipment for worker use.

To address the concerns of residents and business owners in the South Arlington community, SEEC will begin operating a Jobs Pavilion at the corner of Shirlington Road and 27th Street. The pavilion, funded by Arlington County, will help day laborers secure work and reduce the presence of job seekers gathering in various locations in the community. The Shirlington Employment and Education Center will continue to manage employment services at the pavilion and encourage permanent employment opportunities. **To contact the Shirlington Employment and Education Center, please call 703.933.1363.**

CULTIVATING LEADERS

In June, 2003, The Community Foundation for the National Capital Region awarded a Linowes Leadership Award to Roberto Villarroel, president of the Culmore Worker's Center in Fairfax County, Virginia, for his work on behalf of day laborers and the community. For the past few years, Roberto and other day labor leaders have served as the voice representing day laborers with the Fairfax County government, the Mason District police, and the business community in the Culmore neighborhood where he and hundreds of others gather at the local 7-11 every morning to wait for work. Roberto's efforts to communicate across barriers of race, socio-economic class, and language have been excep-

tional, particularly for a new member of this country. Through the leadership of Roberto and other day labor leaders, the Fairfax County government has begun to seek out constructive responses to the challenges and opportunities presented by the increasingly large day laborer population in the county. Roberto is also an active participant in cooperative efforts with the Mason District Police station to find safe hiring sites for day laborers in Culmore, and he has served as the direct communication link to ease tensions between police, local businesses, and day laborers.

Proven Community Approaches

- Identify advocates to negotiate with police regarding law enforcement and public relations issues;
- Have a committee of workers to communicate and negotiate rules with the police department and residents;
- Award grants to community groups, day labor groups, and unions to set up workers' centers;
- Allow day laborers to use designated bathrooms in a particular business
- Encourage politicians to collaborate with day laborers to solve community problems; and
- Coordinate services with other nonprofits to offer free literacy, ESOL, job training, health education, and services for women.

I have three children and my wife living in El Salvador. What I earn hardly covers my childrens' school expenses at home, let alone my rent and food here. I need to be paid for my work.

We need more work to support our families. I wish that there were more worker centers or other places we could seek work where employers could easily find us.



BUILDING OUR REGION'S FUTURE

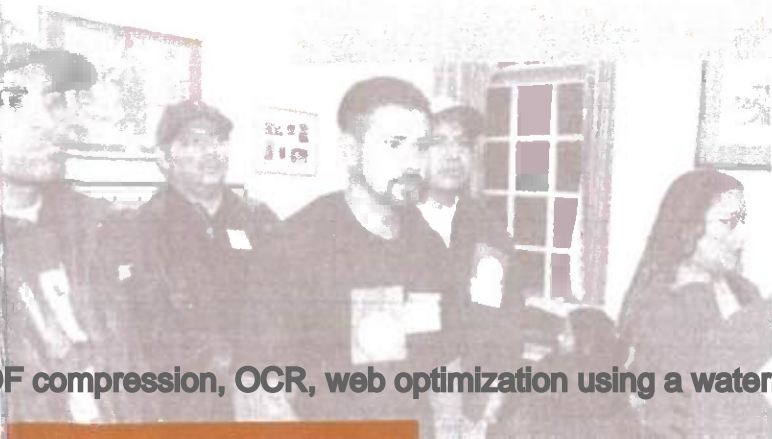
While decisions about the country's immigration policies are being made at the federal level, it is imperative that programs and policies, which can help communities and their immigrants, be created and implemented at the local level.

The Washington Area Partnership for Immigrants and The Community Foundation for the National Capital Region are committed to identifying solutions to help day laborers in our region, and working with communities, advocates, and local governments to implement new practices and approaches. We call on area leaders, funders, donors, and concerned citizens to:

- Create programs that connect day laborers with employers and prevent exploitation;
- Urge elected officials to address the mistreatment of day laborers and to provide strong leadership for effective solutions;
- Encourage the business sector to assume an active role in defining solutions that strengthen the region's labor force;
- Cultivate leadership among day laborers;
- Support widespread participation of all residents at community forums; ensuring that each stakeholder is represented and heard;
- Value day laborers as a labor resource;
- Support programs that help workers access health and basic services;
- Support programs that teach day laborers their legal rights; and
- Support and encourage research efforts that provide a greater understanding of the social and economic factors surrounding the region's immigrant workers.

The current situation with workers on the street just isn't working. It's not good for the community. It's not good for the workers. Something has to be done.

- Police Officer



SOURCES AND RESOURCES

PAPERS AND PRESENTATIONS

Medina, Eliseo, Service Employees International Union, *The Changing Face of Labor: A National Perspective on a Regional Phenomenon*, speech given at "Building a Community Strategy: Day Labor in the Washington, D.C. Metropolitan Region," March 20, 2003

Singer, Audrey, *At Home in the Nation's Capital: Immigrant Trends in Metropolitan Washington*, The Brookings Institution, June 2003

Valenzuela, Abel Jr., *Day Laborers in Southern California: Preliminary Findings from the Day Labor Survey*, Center for the Study of Urban Poverty, Institute for Social Science Research, University of California, Los Angeles, May 1999

Valenzuela, Abel Jr. and Edwin Meléndez, *Day Labor in New York: Findings from the NYDL Survey*, Center for the Study of Urban Poverty, Institute for Social Science Research, University of California, Los Angeles, April 2003

Building Community: An Integral Approach to Addressing Day Laborer Related Concerns, National Day Laborer Organizing Network

The State of Latinos in the District of Columbia: Trends, Consequences and Recommendations, Council of Latino Agencies, September 2002

Worker Protection: Labor's Efforts to Enforce Protections for Day Laborers Could Benefit from Better Data and Guidance, United States General Accounting Office Report GAO-02-925 September, 2002

NATIONAL ORGANIZATIONS ADDRESSING DAY LABOR

AFL-CIO

www.aflcio.org

American Immigration Law Forum

www.aifl.org

Mexican American Legal Defense and Education Fund

www.maldef.org

National Council of La Raza

www.nclr.org

National Employment Law Project

www.nelp.org

National Immigration Forum

www.immigrationforum.org

North American Alliance for Fair Employment

www.fairjobs.org

Since 1973, The Community Foundation has helped people invest their charitable dollars in the metropolitan Washington region. The mission of The Community Foundation is to facilitate individual, family, and organizational giving at all levels to create a permanent source of philanthropic capital to improve the quality of life in the metropolitan Washington region. It accomplishes this by providing expertise and services to donors on how to realize their goals in philanthropy, connecting its donors to organizations providing effective programs, serving as a convener and catalyst on emerging issues, and providing sound financial management of assets.



**THE
COMMUNITY
FOUNDATION**
for the National Capital Region

1201 15th Street, NW
Suite 420
Washington, DC 20005
Phone: 202.955.5895
www.cfnr.org