



Standing Up for Dignity: Women Day Laborers in Brooklyn, NY

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SUMMARY

Every morning, a group of up to 150 women gather at a corner in Brooklyn to seek work as day laborers in housekeeping, residential construction, food processing, and other industries. There are about 34 day labor hiring sites in New York City, but this is the only site that is frequented exclusively by women.¹ Day laborers seeking work in public spaces are not a new phenomenon in the U.S. economy. Workers have sought new jobs on a daily basis in manual labor at so called shape up sites for more than two centuries (Valenzuela 2007). More recently, day labor in the U.S. gained increased visibility and attention namely because of the wave of immigration that began in the 1990s, and because of the growth of non-standard forms of employment, including casual or contingent work. According to the Government Accountability Office, the proportion of the workforce that labors under non-standard or alternative work arrangements increased from 32.2% in 1995 to 40.4% in 2010 across the U.S. economy (GAO 2015). This broader labor market trend is at the core of a national debate about the need for an overhaul of labor and employment policy to provide more effective protections for workers in non-standard forms of employment (Weil 2014, Harris & Krueger 2015).

Over the years day laborers have become one of the most visible and vulnerable groups of workers within the growing non-standard workforce in the U.S. Their vulnerability results primarily from the fact that they mostly work within the boundaries of the informal labor market, in which the labor and employment laws are more likely to be inapplicable than in other sectors of the economy. Thus, previous research found that in a period of just two months and across the U.S., 49% of day laborers experienced non-payment of wages and 48% were paid less than agreed (Valenzuela, Theodore, Melendez & Gonzalez, 2006). There is an added vulnerability that results from women day laborers being employed as domestic workers. Despite improvements in the law in certain states, policy gaps remain for providing wage and workplace safety protections for day laborers who work as domestic workers. The passage of the New York Domestic Worker Bill of Rights was an important step forward. But it does not apply to the women who work in private households on an infrequent basis for different people and are paid in cash, which is predominantly the case of the women day laborers in Brooklyn. Additionally, New York State Labor Law (Sections 200, 240 and 241(6)) apply only when the women are employed by commercial employers, such as cleaning contractors.

Most of the existing research on day labor has not focused on women (Valenzuela et al. 2006, Cordero-Guzman, Pantaleon & Chavez, 2013). This report aims to build upon previous studies and shed light on workplace issues that are specific to women day laborers. A significant

¹ Another relatively smaller site located in the Garment District in Manhattan used to be an all-women hiring site, but it now includes a small group of men.

hurdle for formulating and implementing policy to address the needs of this uniquely vulnerable workforce is the lack of data on workplace issues and on the dynamics of informal hiring sites. A goal of this case study of women day laborers is to address the gap in the existing research by examining the range of issues facing women day laborers who seek employment at the Brooklyn hiring site. Another key goal of this study is to inform further research and policy discussions that can explore win-win solutions for workers, employers and the community in which the site is located. To achieve these goals, this study not only gathered data on workplace issues and socio-economic conditions of the women, but also identified gaps in the existing legal framework for protecting women day laborers who are employed as domestic workers.

The study used a participatory action research approach, which involved the collaborative efforts of The Workers' Justice Project (WJP), Jews for Racial & Economic Justice (JFREJ), and researchers from the Worker Institute at Cornell. Between April and August 2015, WJP Organizers surveyed 80 of the approximately 150 women who frequent the Brooklyn site. They also conducted 18 individual interviews. The Worker Institute researchers provided technical assistance for survey design and analyzed the research results. As the survey effort did not involve a probability sampling approach, this study does not attempt to draw inferences about the entire population of women day laborers in the New York area or nationally. A summary of the findings and recommendations follow.

Socio Economic Characteristics

Seventy percent of the 80 women surveyed for this project reported that they were primary income earners in their homes (during the period of study), and having dependent children at home or elsewhere. The maximum number of work hours per week that women reported was 20 hours, which results in average earnings of \$893.3 per month. These below poverty level earnings are not enough to cover the average monthly expenditures of \$1,180 (as reported by study participants). Consequently, many of these women reported being forced to resort to food banks and other forms of public assistance.

The women workers on this site reported being predominantly immigrants from Latin American countries, principally Mexico. Other countries of origin include Guatemala, Honduras, El Salvador, Ecuador, Colombia, Perú, Chile, Albania, Poland, and Romania.

Conditions at the Hiring Site

Despite turnover and seasonality, the Brooklyn day labor site has a large, permanent core of job seekers. Most of the women reported that they have been coming to the site regularly for more than a year, with 21 percent of survey respondents frequenting the site for 6 or more years. Unlike a worksite, women are not required to stand at this hiring site for any period of time, but they are compelled to do so by their need for employment. Thus, 45 percent of the

surveyed women reported regularly standing four and five hours per day at the site, and 34 percent reported standing there between six and eight hours per day.

As the Brooklyn corner lacks any type of shelter from the elements and bathroom facilities, standing at this site for prolonged periods has consequences for the women's health. Seventy-one percent of survey respondents reported that they believed they have gotten sick because of conditions at the site. Fifty-one percent reported having contracted urinary tract infections since they began frequenting the site.

Workplace Issues²

Ninety nine percent of the surveyed women reported having worked as housekeepers in the local community, 36 percent also reported having worked for construction and commercial cleaning contractors, and 33 percent also reported having been hired for work in food processing (bakeries), warehousing, restaurants, and retail stores. ³

The surveyed women reported having faced a range of pay and other workplace issues while working in both private households and commercial employers. Such issues include wage theft (specifically in the case of work with commercial contractors), lower pay than agreed, and fewer work hours than agreed. Most women reported not receiving any type of breaks, and thirty-five percent reported having experienced some form of verbal abuse or humiliation. A few of the women also reported having experienced forms of sexual harassment.

The surveyed women day laborers are exposed to a range of workplace safety and health hazards, which they face without adequate protective equipment and/or training. Such hazards include exposure to toxic chemicals contained in cleaning products, risk of injury or falls, and exposure to human pathogens resulting from the lack of appropriate tools to clean bathrooms. Surveyed women reported being especially concerned about having to clean floors on their knees, which often led to knee and back injuries. Overall, the women day laborers reported suffering the effects of long-term exposure to workplace hazards, but have limited access to health care. Sixty-five percent of survey respondents had no access to health care. Some could pay for limited low-cost insurance plans, but most resort to hospital emergency rooms.

Recommendations

² The data gathered under this study does not always allow for reporting on workplace issues by type of employer.

³ One day, a laborer can work in a private home, but the next day she could work at a construction site. For this reason, the percentages referenced in this paragraph exceed 100 percent.

The goal of this case study is to contribute to the public policy discussion around the need to regulate domestic work and day labor in its many forms. The analysis of the women day laborers' working conditions revealed opportunities for local and state policy makers to evaluate existing labor laws and enact needed changes to expand protections to the most vulnerable workers in the economy.

The findings support the following recommendations to address conditions that all women day laborers at the Brooklyn site face:

- A worker center (or job center) should be established at this specific site to provide basic facilities, including bathrooms and shelter from the elements; and to provide a space for both workers and employers to achieve mutually beneficial employment contracts.
- A code of conduct for private household and commercial employers should be created to promote fair employment practices and clearly outline the essential responsibilities of the employer to meet certain standards of workplace conditions for women day laborers.
- Employer educational programs should be developed in collaboration with community and religious leaders. Such programs for both private household and commercial employers will serve the purpose of increasing awareness about the need for protective equipment and safety standards for women day laborers in all types of work.
- Workforce development opportunities should be provided to help build a career path and promote more stable employment for women day laborers in housekeeping, construction, and related sectors. Local policies encouraging green cleaning practices, as well as the creation of certification or licensing programs should be explored as part of a broader educational and skill upgrading initiative.

The following recommendations are specific to women day laborers who are employed by private household employers:

- An in-depth analysis of the legal framework should be conducted to inform policymakers of the lack of legal protections for day laborers working as housekeepers in private households. The analysis should provide recommendations for amendments to existing laws and passage of new laws where appropriate. The New York State Domestic Worker Bill of Rights does not apply when domestic work is performed on a casual basis, which is the predominant form of employment for the women day laborers who seek work at the Brooklyn site.

- In order to protect both workers and private employers, safety and health regulations and enforcement mechanisms should be developed for domestic work, including housekeeping. Domestic workers are expressly excluded from coverage by the Occupational Safety and Health Act when they work in a private household. Under the current laws, the women day laborers would be protected only if an employment agency or a cleaning contractor employed them.⁴
- As part of the community code of conduct mentioned above, a registry of private household employers can be an important step towards formalizing the employee-employer relations and promoting fair labor practices. In addition, new public policy initiatives should be explored to determine how to foster formal employment relations (as opposed to informal economy employment) for the domestic work industry generally, and for domestic day laborers in particular. Such new policies should be designed such that they do not create an onerous process that would discourage private household employers from hiring day laborers.

In conclusion, there is a need for an in-depth study of current New York State labor and employment laws as well as an assessment of their implementation, to identify policy gaps and enforcement issues affecting women day laborers working for all types of employers, including commercial employers such as cleaning contractors and construction companies. This type of analysis could help to formulate new public policy, or changes in implementation processes to improve protections for day laborers (both women and men) in all the industries in which they are employed. In addition, proactive collaborations between community based organizations and state and local agencies should be explored to improve protection and enforcement against wage theft and other violations of labor and employment laws.

BACKGROUND

According to a 2005 survey, women represent only two percent of an estimated total of 120,000 day laborers in the U.S. (Valenzuela et al. 2006). This study also estimated that between 5,000 and 8,000 day laborers worked and lived in New York City. Researchers and advocates have identified 34 informal day labor hiring sites in New York City. Of these sites, only two are regularly frequented by women. The women's site which is the focus of this case study, is located in Brooklyn, and the other is in the Garment District in Manhattan. The history of the Brooklyn site began in the 1990s when immigrant women, mostly from Poland, started

⁴ The OSH Act states that its requirements do not apply to individuals "who in their own residences" hire persons to perform "domestic household tasks, such as house cleaning, cooking, and caring for children." In addition, the Act defines a covered employee as "an employee of an employer who is employed in a business of his employer which affects commerce." 29 CFR § 1975.6, and 29 USC §652.

congregating at the corner of Hooper Street and Lee Avenue. Over the years, the site moved to its current location on a highway overpass, and the number of Latina workers kept growing until becoming the overwhelming majority in the group of around 150 women. This demographic shift reflected the increased migration from Latin America and into the New York metropolitan area between 2000 and 2010 (City of New York 2013). The total number of women at the site also increased after the great recession of 2008, indicating that the new job seekers might have been previously working in industry sectors affected by the economic downturn.⁵

Women day laborers at the Brooklyn site seek employment in the domestic work industry, specifically doing housekeeping chores. Although they also get jobs with commercial cleaning contractors, and in other industries such as residential construction and food processing, the main source of employment for the women day laborers is housekeeping in private households. The Brooklyn hiring site is located near highway entrances and exits, which is convenient for potential commercial employers such as cleaning and construction contractors. It is also in the middle of an area where the demand for housekeeping workers is high. Most of the surveyed women agree that the best days for getting housekeeping work at the corner are before the weekends and holidays.

Thus, the Brooklyn corner is an important portal to housekeeping work in New York. Other points of entry to domestic work in New York City are the employment agencies, worker cooperatives, internet-based companies, and word of mouth. There are a few worker-owned cooperatives in the New York metropolitan area, including the Apple Eco-Cleaning Cooperative, which was established out of the organizing efforts at the Brooklyn site (Sussman 2011). A few internet based companies offer housekeeping and babysitting services, but they provide limited employment opportunities for immigrant workers with no authorization to work in the U.S. The U.S. Department of Labor estimates that as many as 35,000 maids and housekeepers could be working in the New York-New Jersey metropolitan area as of May 2015 (US BLS 2015). And according to earlier research that the Domestic Workers United conducted, 95 percent of domestic workers in New York are people of color, with 17 percent lacking work authorization documents (Domestic Workers United 2006).

Low-wage and immigrant workers often resort to employment agencies to seek employment in housekeeping. However, women day laborers interviewed under this study expressed a preference for the Brooklyn corner, saying: “We prefer to come here because we don’t have to pay an agency.” Underlying this preference are the high fees that agencies require, which according to the women day laborers can amount to half of their weekly earnings for two or more weeks. Also, one woman reported that in her experience, agencies encouraged short-

⁵ Information collected through individual interviews with women day laborers as part of this project confirmed this trend. Men’s day labor sites reported the same phenomenon (Bazar 2009).

term jobs to continue charging placement fees.⁶ Given the challenges that workers face in their dealings with employment agencies, it is not surprising that these low-wage workers in general prefer informal day labor hiring sites to employment agencies.

Recent years have witnessed a rise in the number of women who gather at day labor hiring sites in large West Coast cities such as Los Angeles (Gorman 2007), as well as in New York City. Previous studies have examined the pay levels, employment arrangements, and workplace conditions of domestic workers in large metropolitan areas in the U.S., and of women day laborers in California (Burnham & Theodore 2012, Mujeres Unidas y Activas et al. 2007, and Domestic Workers United 2006). This present study is the first attempt to examine the working conditions of the women day laborers in Brooklyn. The goal of this research is to provide new data that can invigorate the policy discussion about the need to develop laws and effective enforcement mechanisms for day labor and domestic work, and to formulate solutions that can help address the specific needs of this uniquely vulnerable population.

The Brooklyn day labor site offers a glimpse into the dynamics of the informal labor market in New York City. As such, the case of the Brooklyn women day laborers presents an opportunity for policymakers, advocates, and scholars to increase their understanding of informal labor markets and to analyze and address the effects of non-standard employment arrangements on workers and the broader society.

THE LEGAL FRAMEWORK FOR DAY LABOR AND DOMESTIC WORK

The Brooklyn women workers are uniquely vulnerable to enduring substandard working conditions and employer abuse because, as day laborers and domestic workers, they are excluded from many of the legal protections granted to most other workers in the U.S. (Kennedy 2010). Most labor and employment laws in the United States are based on a formal employment model. Specifically, federal law is based on the characteristics of the employer (interstate commerce and number of employees) and in some cases, the definition of an employee.

⁶ As of 2013 there were about 330 employment agencies licensed by the New York City Department of Consumer Affairs (DCA), the entity in charge of licensing employment agencies located within New York City. However, labor advocates estimate that many more may be operating without licenses. A survey conducted by New Immigrant Community Empowerment and the Urban Justice Center found that 81 percent of workers who did not find a job by resorting to an agency were still charged a fee, averaging \$122 (Dondiego 2014). In 2013, the New York State Attorney General's office launched an investigation of employment agencies that were charging fees for jobs that didn't exist or that paid below the minimum wage. Other violations by agencies included charging fees in excess of the permitted amount of 10 percent of the first month's wages; lacking proper licenses; or violating civil rights laws by referring clients to jobs based on their nationality or gender (Turkewitz 2013).

Day laborers who work in households as domestic workers have limited coverage under federal laws. The 1935 National Labor Relations Act (NLRA) as amended, which provides the right to form unions and bargain collectively, explicitly excludes domestic workers in its definition of “employee.” Day laborers employed as domestic workers are also fully excluded from the Occupational Safety and Health Act. Additionally, domestic workers cannot file for family and medical leave since the Family and Medical Leave Act only applies to employers with fifty or more employees and employees who have worked for at least twelve months and at least 1,250 hours during the twelve months. Title VII of the Civil Rights Act of 1964 as amended, which prohibits discrimination based on race, color, religion, sex and national origin, and the Americans with Disabilities Act, which prohibits employers from discriminating against qualified individuals with disabilities, applies to employers with fifteen or more employees. The Age Discrimination in Employment Act, which prohibits employers from discriminating against employees over the age of 40 on the basis of age, applies to employers with twenty or more employees. Day laborers who work as domestic workers will most likely work for an employer who does not meet the threshold for Title VII, ADA, and ADEA to apply. Therefore, they are excluded from these federal protections.

Domestic workers may be covered by minimum wage and overtime laws under the Fair Labor Standards Act, a federal statute providing wage and hour standards that employers must follow.⁷ However, workers employed on a casual basis to provide babysitting services or companionship services are excluded by both minimum wage and overtime protections (29 USC § 213(a)(15)).⁸ Housekeeping workers employed by an agency are not considered casual employees and are covered under the FLSA (29 CFR § 552.109(b)).

Live-in domestic workers were originally covered under minimum hourly wage laws but not overtime. But under a U.S. Department of Labor ruling, which became effective in late 2015, live-in domestic workers may also have overtime protections depending on their duties (U.S. Department of Labor. Additionally, employers must keep time and pay records of their employee(s), and agencies are no longer exempt from paying live-in domestic workers overtime.

Day laborers who work as domestic workers across the country are also excluded from most states’ labor and employment laws, but in New York, worker advocates achieved the Domestic Workers’ Bill of Rights, which became effective in 2010. The bill covers domestic workers who

⁷ Under FLSA, domestic workers are covered only if their cash wages from one employer in calendar year 2015 are at least \$1,900 (the calendar year threshold is decided by the Social Security Administration every year), or they work a total of more than 8 hours a week for one or more employers (U.S. Department of Labor, 2014).

⁸ Casual is defined by the New York State Insurance Fund as “occasionally, without regularity, without foresights, plan or method” (New York State Insurance Fund, 2002).

work in another person's home, but those workers who are related to their employer or person they are caring for, or are working on a casual basis are not covered.

The Bill of Rights represents significant progress in the regulation of employment relations and working conditions of domestic workers, but it was designed to regulate the terms of a regular full or part-time employment relationship—as opposed to the casual employment relationship faced by most female day laborers and others. These workers typically piece together a series of part-time cleaning jobs to get a week's worth of work. They may work for many different employers in a week, and often not for the same employer two weeks in a row.

New York City has a law that provides two extra days of paid sick leave to domestic workers who completed a year of work and more than 80 hours in that year for the same employer. This is in addition to the three days of paid rest that the NYS Domestic Workers Bill of Rights provides. However, neither of these laws cover employees who work on a casual basis or who are related to their employer or person for whom they care.

Table 1: Rights for Domestic Workers in New York

- Paid New York minimum wage of \$9.00 per hour
- Overtime pay rate of 1.5 after 40 hours of work for non-live-ins and 44 hours for live-ins
- At least three paid days off after completing a year of work
- At least 1 day off per 7-day week and if the worker works on that day, the worker must be paid at an overtime rate
- Workers' compensation insurance if the worker works at least 40 hours a week and statutory disability benefits if the worker works over 40 hours
- Employers who pay \$500 or more in quarterly wages, must register and pay contributions for unemployment insurance coverage
- Protection from sexual harassment if the employer has at least one employee

Source: New York State, Department of Labor.

When women day laborers work for cleaning or construction companies, bakeries, or in light manufacturing establishments, they may be covered by federal labor laws depending on the definition of employee, number of employees of the company, and on whether the employer engages in interstate commerce. Private sector retail, home construction, restaurants and taxi services employers fall under the National Labor Relations Board jurisdiction if their gross

annual volume of business is \$500,000 or more; manufacturing establishments fall under the Board's jurisdiction if their annual inflow or outflow is at least \$50,000.⁹

Like their male counterparts, female day laborers are also vulnerable to being misclassified as independent contractors. In practice, misclassified workers lose protections under all labor and employment laws. But, when worker advocates and policymakers promote protections for day laborers, they often limit such proposals to the construction industry and related occupations (e.g. landscaping), leaving out women day laborers who largely work as housekeepers/domestic workers. For instance, New York introduced legislation in 2007 to create "a presumption of employee status" for day laborers in the construction industry (Kennedy 2010).

Like the vast majority of domestic workers and day laborers in the U.S., the women day laborers seeking employment at the Brooklyn site are largely immigrants. Their immigration status is a key factor adding to their labor market vulnerability, since immigrant women are much more likely than the native born to work under low-wage and substandard conditions (Burnham & Theodore 2012).

FINDINGS

The following findings are the result of the participatory survey effort and in-depth interviews with women day laborers carried out by the Worker Justice Project between April and August of 2015.¹⁰ This research provides descriptive statistics and qualitative data on the socio-economic conditions of the women day laborers who participated in the study, and on the issues they face at the hiring site and the workplace.

Socio-Economic Characteristics

The number of women who congregate at the site typically ranges from 70 to 80 on any given day. But according to study participants and WJP organizers, more than 150 women can be seen at the site during the peak of the summer vacation season, as domestic employers leave for vacation and the demand for housekeeping work plunges. Most of the 80 women surveyed

⁹ The Board has jurisdiction over private employers if their interstate commerce exceeds a certain level. There are multiple categories and the criteria for each category is different (National Labor Relations Board). "Jurisdictional Standards." Retrieved from <https://www.nlr.gov/rights-we-protect/jurisdictional-standards>).

¹⁰ Survey results published in Figueroa, Gualpa, Sanchez, and Cabrera (2016). Standing Up for Dignity: Women Day Laborers in Brooklyn, NY. New York: Worker Institute at Cornell, Worker Justice Project, Jew for Racial & Economic Justice.

under this study (71 percent of them) reported that they are the primary or sole income earner in their homes. About 29 percent reported having a second income earner in the household.

About 42 percent of the surveyed women reported being between 30 and 40 years old, and 38 percent being older than 40, while only 20 percent in the 30 and younger range. This pattern is partly consistent with previous studies of domestic workers in New York City that found that this workforce tended to be in their 30s and older (Damayan 2010, Burnham & Theodore 2012).

Seventy-two percent of the women reported having dependent children, with the reported number of children ranging from one to seven. Additionally, 73 percent of the women declared that they send money to their families in their country of origin, either on a periodic basis or occasionally.

Women with young children reported average childcare expenses of \$25 per day. Some childcare centers require employment documentation, which women day laborers cannot provide because they lack steady jobs. In these cases, the women often have no choice but to hire a private babysitter for short stints at a higher hourly rate. Consequently, the lack of access to affordable childcare limits the number of hours that women can work.

Socioeconomic Conditions

Chart 1: Most Women Day Laborers are Primary Income Earners in their Homes (n=80)



Chart 2: Age Distribution, in Percentages (n=80)

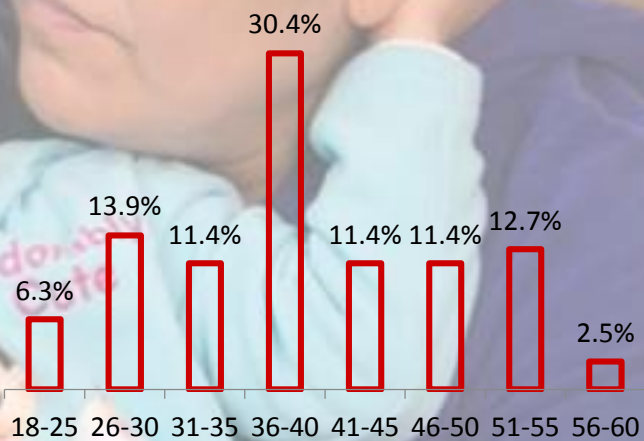


Chart 3: Completed Educational Level (n=80)

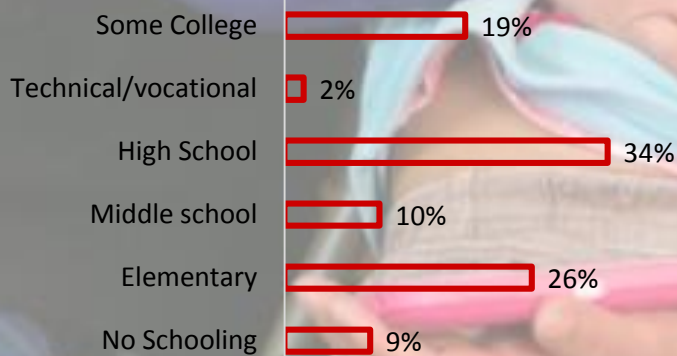
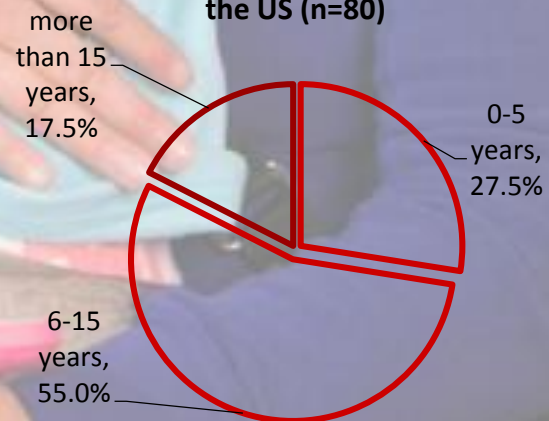


Chart 4: Years Since Migration to the US (n=80)



Estimated average monthly earnings of women day laborers who have frequented the corner on a regular basis for more than six years, and who constitute the core group of day laborers at the site, are \$893.3.¹¹ This level of earnings rarely covers basic necessities, as monthly expenditures for rent, food and transportation alone amount to an average of \$1,180, according to study participants who reported being sole income earners. These poverty-level earnings together with unstable employment have forced many of the women to resort to food banks and other forms of public assistance.

Most of the women had received formal education in their countries of origin and a few in the U.S. Only 9 percent of respondents reported not having received any schooling, and 19 percent completed one or more years of college. However, most of the women have limited English skills.

The majority of the women who seek work at the Brooklyn corner reported being immigrants from Latin American countries, primarily from Mexico. Other countries of origin include Guatemala, Honduras, El Salvador, Ecuador, Colombia, Perú, Chile and Puerto Rico. Only a small group of women reported being from Eastern European countries such as Albania, Poland, and Romania. Most of the surveyed women (72.5 percent of respondents) reported having been in the U.S. for six or more years; and 27.5 percent for five years or less.

Forty-nine percent of respondents live in Queens, about 33 percent in Brooklyn, 13 percent in the Bronx, and just 5 percent in Manhattan. All of the surveyed women have to commute to the hiring site in Brooklyn, with some spending over an hour on one-way subway rides from the Bronx or Queens.

Dynamics and Conditions of the Women Day Laborer's Site

The Brooklyn hiring site reflects the dynamics of most day labor markets, with new workers entering the market and others leaving it each day (Kennedy 2010). According to Valenzuela et al. (2006), day laborers search for work on a full-time basis, and the vast majority rely on day labor as their sole source of income. The dynamics observed of those surveyed at the Brooklyn site indicates that despite some turnover, the Brooklyn corner has become a regular hiring site for women workers and for private household employers, along with cleaning, light manufacturers, bakeries, and construction contractors seeking to hire day labor.

¹¹ There is a lot of variability in the number of hours that the women work per week and over the year, which makes it difficult to estimate monthly earnings. Nonetheless, information obtained through individual interviews indicates that women who are in the core group of women day laborers at the site (or permanent group of job seekers) work 20 hours per week on average over the course of a year. Average hourly pay of these workers is \$10.39, which multiplied by 20 hours of work per week, and by 4.3 weeks per month yields monthly earnings of \$893.3.

Most of the women surveyed have been coming to the Brooklyn site regularly for more than a year, including 21 percent of the survey respondents who have been coming to the site for six years or more. Some of them return after varying periods of steady employment (the shortest reported being two months and the longest two years). Some interviewees preferred the Brooklyn corner to the employment agencies, which charge high fees that can amount to even more than half of a week's earnings for the first four weeks of employment.

Although the majority of respondents said they considered the corner a temporary stopgap, at least one out of three of the surveyed women perceived the site as a permanent method for obtaining employment, making statements such as “this is my job;” “this is a permanent situation... I don't know how to do anything else;” and “I like it because we don't have to pay an agency.”

Twenty-six percent of the surveyed women reported going to the corner almost every day of the week throughout the year, particularly if they were not able to get steady employment elsewhere (See Chart 6). Some of the women standing at the site have two days per week of steady employment working for clients in Brooklyn that they obtained at the corner.

Women start arriving at the site at around 7:00 a.m., with the peak hour being 9:30 a.m. Those who have children to pick up from school or day care aim to leave work—or leave the corner— before 3:00 p.m. The majority of the women leave between 2:30 and 3:00 p.m. Twenty-one percent of the surveyed women reported regularly standing at the corner between two and three hours, 45 percent reported standing four and five hours, and 34 percent reported standing between six and up to eight hours.

Conditions at the Brooklyn site are particularly harsh due to its location atop a highway overpass. The women who frequent the corner are exposed to a steady stream of automobile emissions and relentless traffic noise hour after hour, and day after day. Standing at the site for prolonged periods involves exposure to the elements and lack of access to a bathroom. Consequently, many women at the site get sick with colds, respiratory diseases, and urinary tract infections. Seventy-one percent of survey respondents reported that they believed they got ill because of conditions at the site, and 51 percent of those surveyed reported having contracted urinary tract infections resulting from the lack of bathroom facilities. In conclusion, despite turnover and seasonality, the Brooklyn site has become a permanent hiring site, but it lacks basic facilities and shelter for workers.

Conditions at the Corner

Chart 5: Years at the Site (n=80)

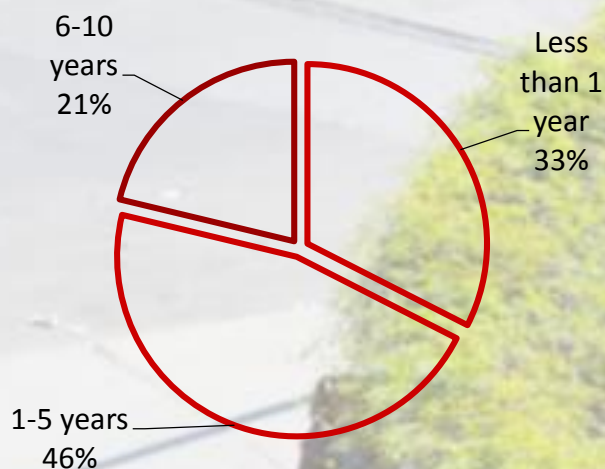


Chart 6: Surveyed Women Showing Up at the Site by Number of Days per Week (n=80)

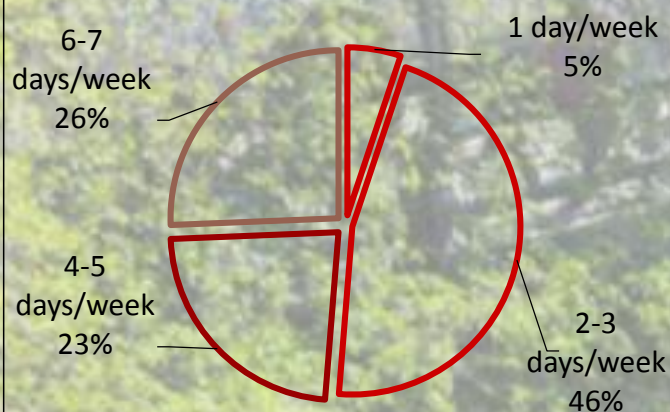


Chart 7: Incidence of Illness Reported as Related to Corner Conditions (exposure to elements and lack of facilities) (n=80)



Wages and Hours¹²

There are two main forms of employment that women day laborers obtain at the Brooklyn site: cleaning for private households, and working for employers in industries such as commercial cleaning, construction, retail, and food processing. While most surveyed women (99%) reported having obtained jobs for housekeeping work in private homes, 36 percent of them also reported having worked for construction and cleaning contractors in the last year. Those working in construction jobs generally cleaned newly built or remodeled residences, or performed cleanup work in apartments that have been damaged by fire. In addition, 33 percent of the surveyed women reported having been recruited for work in food processing establishments (bakeries), as well as in restaurants, catering companies, and retail stores.¹³

A significant number of the surveyed women reported wage concerns. Forty-two percent of the surveyed women reported having been paid less than agreed, and 75 percent reported having worked fewer hours than agreed. Information obtained from the survey and individual interviews indicates that it is common for employers to offer four hours of work, but once on site to hurry workers through their tasks in two or three hours. In some instances, the women reported not being paid by their private household employers. Thus, a woman said that she received no pay for her work after she was asked to clean the outside front of the house and was subsequently not allowed to reenter. In another case, a worker reported that she was asked to wait in the apartment for the employer to return from the bank, but the employer never came back.¹⁴

Health and Safety Hazards

The survey and anecdotal evidence revealed that the women day laborers who participated in this study are exposed to a range of workplace safety and health hazards, which they face without adequate protective equipment or training. In fact, 82 percent of the surveyed women consider their work dangerous or hazardous.

Ninety-four percent of the women reported exposure to toxic chemicals contained in housecleaning products that they use without protective equipment and ventilation. Several women reported suffering from skin irritations resulting from long-term exposure to these

¹² This section describes terms of employment that the women day laborers face in all types of employment. It is important to note that it is not possible to report the data separately by type of employer.

¹³ One day, a laborer can work in a private home, but the next day she could work at a construction site. For this reason, the percentages referenced in this paragraph exceed 100 percent.

¹⁴ Tools such as the day laborer mobile phone app that the Workers Institute at Cornell is helping to develop, in collaboration with the National Day Laborer Organizing Network (NDLON) and its member organizations, can be a means by which the women day laborers could share information about bad employers and prevent wage-theft.

chemicals. Seventy-seven percent reported risk of injury or falls from cleaning hard-to-reach places such as outside window surfaces and light fixtures. Examples include having cleaned windows on 2nd, 3rd, and even 6th floor while standing on the fire escape or leaning outwards. Thirty-two percent of the women cited exposure to human pathogens resulting from a lack of tools for cleaning bathrooms, as most employers do not provide gloves or other protective equipment. Only a few of the women bring their own latex gloves, which do not provide adequate protection against all hazards, particularly from the use of toxic chemicals.

The most common source of concern and frustration for the women day laborers is having to clean floors on their knees on a regular basis. As most private household employers do not provide mops, the majority of the women day laborers reported having been cleaning on their knees over long periods. As a result, the women report that many of them have developed knee injuries. In the case of three women interviewed, their knees are so severely injured that they can no longer kneel down.

The Brooklyn women day laborers reported that they are suffering the effects of long-term exposure to workplace hazards and to standing at the hiring site. However, they have limited access to health care when they get sick or injured. Sixty five percent of the surveyed women reported a lack of access to health care, saying: “I take over-the-counter medications and I get better”; “I use home remedies”; “If I get sick I don’t do anything about it because I don’t have documents.” Those with some access to health care pay for limited low-cost insurance plans, but most resort to hospital emergency rooms.

Employer Abuse and Other Workplace Issues

Survey respondents reported not receiving adequate meal and work breaks. Fifty-five percent of the surveyed women reported not receiving 15-minute breaks after four hours of work, and 89 percent reported not receiving meal breaks after five hours of work for a day. Thirty-five percent of the surveyed women reported having experienced some form of verbal abuse or humiliation. In two cases, women were unjustifiably accused of stealing and, in one such case, the accused worker was arrested. Describing her experience, she said: “I was unjustifiably accused of stealing a suitcase, and I had to spend one night in jail despite being innocent and being a mother of young children. I felt horrible, humiliated, and extremely stressed emotionally.” In other cases, the reported verbal abuse involved references to the women’s immigration status and even threats of deportation.

In individual interviews, the study participants also reported experiencing forms of sexual harassment when recruited by male individuals—both domestic employers and construction/cleaning contractors. Harassment has typically involved unwanted attention, including touching, and proposals to engage in sexual activity. The women report that these incidents sometimes involve men ordering them to give a massage and not to clean. One

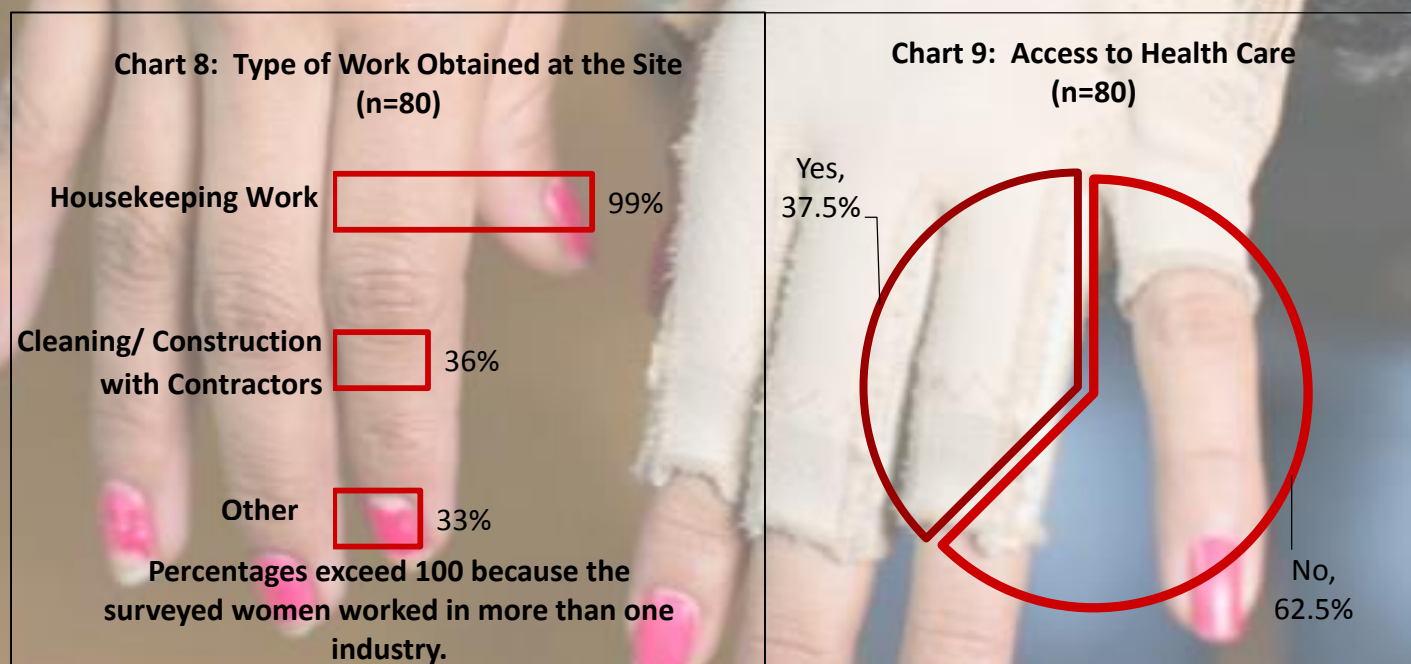
woman said: “This type of harassment occurs more often than it is reported...women just feel ashamed and don’t want to talk about it.”

Workplace Issues

Table 2	
Workplace Issues Reported	% of total surveyed (n=80)
Pay and Hour Issues	
Paid less than agreed	42%
Worked fewer hours than agreed	75%
Work and Meal Breaks	
No work breaks (paid or unpaid)	55%*
No meal breaks (paid or unpaid) after 5 hours of work	89%**
Employer Abuse	
Verbal abuse	35%

*This percent included only individuals who worked at least four hours in a day.

**This percent included only individuals who worked at least five hours in a day.



ADVOCACY EFFORTS

In New York City and across the country, new models of organizing and representation have emerged to address the needs of workers such as day laborers, who have historically been neglected by unions (Fine 2006). Such new formations include organizations known as worker centers, which assist both men and women day laborers with legal cases, labor rights education, and provide hiring sites with basic facilities such as bathrooms and shelter from the elements. For women day laborers, the Hollywood Community Job Center in Los Angeles provides marketing services and ESL classes. There, women day laborers engage in the creation and distribution of flyers and business cards advertising services such as babysitting, dog-walking, and housecleaning (Kennedy 2010, Gorman 2007). In San Francisco, the Women's Collective of the San Francisco Day Labor Program (SF-DLP) runs a worker center where employers directly hire domestic workers at a guaranteed hourly wage between \$11 and \$17 an hour, with a minimum charge of \$42 for 3 hours of work (Kennedy 2010, Shekar 2007).

In the case of the women day laborers in Brooklyn, New York, the Workers' Justice Project has been providing legal assistance with wage theft cases, and in collaboration with the United Steel Workers and New Labor (a New Jersey-based worker center) it has conducted train-the-trainer workshops on workplace safety and health. The organization has also partnered with the Center for Urban Pedagogy to produce a small booklet in English, Spanish, and Polish, providing basic guidelines for better working conditions. The women can use the booklet—titled *Stand Up to Clean Up*—to guide their communications with their employers (Center for Urban Pedagogy 2014). With the assistance of the Workers' Justice Project, some of the women started a worker-owned cooperative, Apple Eco-Cleaning, which offers environment-friendly housecleaning services (Sussman 2011).

The Worker's Justice Project partnered with New York City day laborer organizations and the Federation of Protestant Welfare Agencies (FPWA) to lead the Day Laborer Workforce Initiative, which obtained funding from the New York City Council to support the expansion and development of day laborer centers throughout New York City (Durkin 2015). This new initiative offers the Workers' Justice Project the opportunity to replicate at the women's site the worker center model it runs successfully for construction day laborers in Bay Parkway, Brooklyn.¹⁵

Labor scholars and legal experts have noted that day labor centers can help bring a degree of regulation to the informal labor markets where day laborers are hired; but they also argue that

¹⁵ WJP has been running a worker center in Bay Parkway, Brooklyn, for day laborers in the residential construction industry. At the center, workers receive training in OSHA regulations and assistance in establishing contracts with employers specifying wages and working conditions.

worker centers alone cannot address the lack of legal protections for women day laborers in the housekeeping industry. An overhaul of labor and employment laws as well as of immigration policies remain persistent needs (Kennedy 2010, Burnham & Theodore 2012).

CONCLUSION AND RECOMMENDATIONS

The findings of this case study of the Brooklyn women day laborers reveal the need for local and state policymakers to evaluate existing labor and employment laws and enact needed changes to expand protections to the most vulnerable workers in the economy. The findings of this study support state and local level policy recommendations, which focus on the relevant industries. Federal laws will not always apply to the Brooklyn women day laborers because sometimes their employers may not meet the interstate commerce requirement (as in the case of some private household employers), or may not reach the threshold for number of employees covered (as it might be the case for both commercial and private household employers).

The following are general recommendations to address conditions that all women day laborers at the Brooklyn hiring site face:

- A job center is needed to provide a fixed, permanent hiring site to: a) assist both workers and employers in achieving mutually beneficial employment contracts; b) inform workers about applicable labor rights and safety standards; and c) provide bathroom facilities and much needed shelter from the weather.
- A community code of conduct should be created to promote uniform employer practices in private households and commercial employers. Currently, workers need to negotiate these issues on a case-by-case basis with each individual employer. Key priorities for the women who participated in the study included a minimum wage of \$15, work hours regulations, adequate lunch hour and breaks, access to water, and a written agreement on work to be performed.
- Educational programs should be developed in collaboration with community and religious leaders for both domestic and commercial employers to promote fair employment practices and to increase awareness about the need for protective equipment and safety standards for day laborers in all occupations.
- Workforce development opportunities should be offered to help build a career path for women day laborers in housekeeping, construction, and related sectors. Local policies encouraging green cleaning practices, as well as the creation of certification or

licensing programs should be explored as part of a broader educational and skill upgrading initiative.

- Further research should be conducted to differentiate working and employment conditions in private households from those resulting when the women day laborers are employed by cleaning contractors, construction contractors, light manufacturers, bakeries, and other commercial employers.
- An in-depth analysis of the relevant laws and regulations should be conducted to inform public policy with respect to enforcement of current federal, state, and local law, as well as the passage of new laws or amendment of current laws to apply to day laborers employed in households as well as by staffing agencies and other commercial employers.

The following recommendations are specific to women day laborers who are employed by private household employers:

- An in-depth analysis of the legal framework should be conducted to inform the New York State Legislature of the lack of legal protections for day laborers working as housekeepers in private households. The New York State Domestic Worker Bill of Rights does not apply when domestic work is performed on a casual basis, which is the prevalent form of employment for the women day laborers who seek work at the Brooklyn site.
- Safety and health regulations and enforcement mechanisms should be developed for the housekeeping industry similar to the passage of the Domestic Workers Bill of Rights with respect to contingent employment. Domestic workers are expressly excluded from coverage by the Occupational Safety and Health Act when they work in a private household. Under the current laws, the women day laborers would be protected only if an employment agency or a cleaning contractor employed them.
- As part of the community code of conduct (mentioned above), a registry of employers hiring in their homes should be established. The registry will be an important step towards formalizing the employee-employer relations and promoting fair labor practices. In addition, new public policy initiatives should be explored to determine how to foster formal employment relations (as opposed to informal economy employment) for the domestic work industry generally, and for domestic day laborers in particular. Such new policies should be designed such that they do not create an onerous process that would discourage private household employers from hiring day laborers.

The following recommendations apply to day laborers who are employed by cleaning contractors, construction companies, light manufacturers, bakeries, or other commercial employers:

- Further research should be conducted to review the applicability of the General Duty Clause of OSHA to these employers in order for them to provide a safe workplace for their employees, including temporary and casual employees.
- A comprehensive study should be conducted to inform public policy with respect to enforcement, coverage, and amendment of New York State's labor law, which would be needed to provide protections for women and men day laborers in all the industries in which they are employed.

In conclusion, an in-depth assessment of current labor and employment laws, as well as of their implementation, will help to identify policy gaps and enforcement issues affecting women and men day laborers working for all types of employers. Proactive collaborations between community based organizations and state and local agencies should be explored to improve protections and enforcement against wage theft and other labor violations experienced by day laborers and low wage workers in general.

APPENDIX: RESEARCH METHODS

This research utilizes a participatory action research approach via a joint effort between Workers' Justice Project (WJP) and Jews for Racial & Economic Justice (JFREJ). Researchers, from the Worker Institute at Cornell University's ILR School provided technical assistance in survey design and analysis. WJP organizers collected 80 surveys and conducted 18 individual interviews. Surveyors collected the surveys at the hiring site or in its vicinity over a period of three months, from May through July 2015. All but two surveys and all interviews were conducted in Spanish, focusing on working conditions, living expenses, demographic information, and potential hazards facing the women at the workplace and at the hiring site.

The survey combined a convenience sample approach with a modified snowball design, as worker leaders referred surveyors to women day laborers, who in their turn provided connections to other women day laborers who were in their network of friends at the hiring site. As the survey effort did not involve a probability sampling approach, this study does not attempt to draw inferences about the entire population of women day laborers in the New York area or nationally. This case study offers a snapshot of the working conditions and dynamics of this specific hiring site; thus, it is not generalizable to the broader population and does not capture medium- or long-term trends.

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ABOUT THE REPORT

Since the spring of 2015, the Worker Institute at Cornell in partnership with community-based worker organizations has formed a Research Collaborative on Day Laborers. This initiative involves research and technical assistance efforts to collect data on working conditions of day laborers in the New York metropolitan area, and to develop innovative social media tools for the prevention of wage theft and other labor rights violations. As part of this broader initiative, the Worker Institute, Workers' Justice Project, and Jews for Racial and Economic Justice partnered to produce this report focused on the working conditions and unique vulnerabilities of women day laborers.

This initiative is possible because of the support of the State of New York and funding from the Worker Institute at Cornell, and from Workers' Justice Project. The opinions, findings and/or interpretations of data contained herein are the responsibility of the authors and do not necessarily represent the opinions, interpretations or policy of the State of New York or of the ILR School, Cornell University.

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Ligia Guallpa, the daughter of a former day laborer and garment worker, is the Executive Director of Workers Justice Project. At WJP, Ms. Guallpa has spearheaded efforts to ensure safe and dignified jobs for NYC's day laborers, construction workers, and domestic workers. Through her leadership, WJP played a key role in the creation of a new union, built an alternative economic model to transform the conditions for women day laborers in the house cleaning industry, and enforced higher wages and safety standards in the post Hurricane Sandy reconstruction. Ms. Guallpa's work has been covered on Univision and in publications like *The Nation*, *New York Daily News*, and *The New York Times*.

Yadira Sanchez

Yadira Sanchez is a Co-Founder of the Worker's Justice Project and Cooperative Developer. This organization works to address the racial and economic disparity that low-wage immigrant workers face by building collective power to win institutional change that advances economic, racial, and workplace justice. Yadira is committed to social and economic justice for all and believes that real change is only possible when it is led by those who have experienced oppression first-hand.

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ABOUT THE ORGANIZATIONS

Worker's Justice Project

The Worker's Justice Project (WJP) is a Brooklyn-based worker center that addresses the racial and economic injustice that day laborers and domestic workers face by building collective power and creating solutions to the problems its members experience at work and in the communities where they live. The organization's mission is to empower low-wage immigrant workers to gain a voice in the workplace and build strong and economically sustainable communities through education, organizing, leadership development, and the growth of grassroots economic alternatives. The main goals of the organization are to change the conditions that lead to exploitation, to strengthen the grassroots base of the labor movement, and to create grassroots economic alternatives.

Jews For Racial & Economic Justice

For 25 years, Jews For Racial & Economic Justice (JFREJ) has pursued racial and economic justice in New York City by advancing systemic changes that result in concrete improvements in people's everyday lives. The organization is guided by Jewish tradition to fight for a sustainable world with an equitable distribution of economic and cultural resources and political power. The movement to dismantle racism and economic exploitation will be led by those most directly targeted by oppression. The organization believes that Jews have a vital role to play in this movement. The future we hope for depends on Jews forging deep and lasting ties with our partners in struggle.

The Worker Institute

The Worker Institute at Cornell, an institute of the ILR School, engages in research and education on contemporary labor issues, to generate innovative thinking and solutions to problems related to work, economy and society. The institute brings together researchers, educators and students with practitioners in labor, business, and policymaking to confront growing economic and social inequalities, in the interests of working people and their families. A core value of The Worker Institute is that worker rights and collective representation are vital to a fair economy, robust democracy and just society.



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