

**RACIALIZED LATINO WORKERS AND WAGE THEFT: RESPECTING  
THE DIGNITY OF DAY LABORERS**

An Undergraduate Research Scholars Thesis

by

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## **ABSTRACT**

Racialized Latino Workers and Wage Theft: Respecting the Dignity of Day Laborers.  
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Immigration is a hotly debated issue at the national and state level. In 2011, the study “Acculturation, sexuality, and health outcomes among Latino workers in the Brazos Valley” examined health disparities within the immigrant community in the College Station/Bryan area. My project is a follow-up study to the labor component of this study to see how labor conditions have changed since 2011. The original study showed that wage theft and other abuses by employers are a common part of the day laborers’ experience, and yet day laborers find ways to resist. The current study shows that working conditions for day laborers need drastic improvement because of ongoing racism and discrimination; yet, it is important to realize the agency this group possesses as they find ways to protect themselves.

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# CHAPTER I

## INTRODUCTION

Immigration is a hotly debated issue at the national and state level. In 2011, the study “Acculturation, sexuality, and health outcomes among Latino workers in the Brazos Valley” examined health disparities within the immigrant community locally. My project is a follow-up to the labor component of this larger study on health disparities to examine if and how employment circumstances have changed since then. Besides the focus on health, the study examined the migration and work histories of immigrant day laborers on highway 21 in Bryan. Day labor is the term that is given to describe workers who gather at an informal sight (like street corners, outside home improvement establishments, and other public spaces) looking for work. As Abel Valenzuela (2003, p.308) defines it: “a type of temporary employment that is distinguished by hazards in or undesirability of the work, the absence of fringe and other typical workplace benefits (i.e., breaks, safety equipment), and the daily search for employment.” The focus of this project will be Latino day laborers and the problems of discrimination, wage theft, and the threat of deportation. The findings will help inform the community at large about the barriers and opportunities faced by these Latino workers of our community. It is my hope that such information will assist the community to better respond to the immigrants’ needs and help inform immigration policy. Furthermore, this research will not only highlight injustice, mistreatment of these day laborers, but also their humanity.

Historically, the Latino immigrant population in the United States has been a marginalized population. Whether in terms of education, health, or political representation, these migrants

have not had equal access to resources. Migration from south of the border predates the establishment of the border when Mexico became independent in 1924. By 2010 the Census Bureau notes that Hispanics in the United States reached 50.5 million (2011). It is important to see the major difference between groups people often assume are one. Citizens and noncitizens are counted in that number. The 2010 census calculation also showed that out of the total population (309,350,000), 12.9% were foreign born. Out of that number, only 7.3% were noncitizens (USCB, 2012). While a large portion of Latinos have a connection to Mexico, not all are Mexican, and not all immigrants are undocumented. According to the Pew Hispanic Center, 11.2 unauthorized immigrants were in the United States in 2012 (Pew Hispanic Center, 2014). Mexicans, at 52%, constituted a large portion of unauthorized immigrants. Texas has seen similar patterns.

The Center for Migration Studies recently cooperated with the US census to develop new statistical tools to estimate the unauthorized population in the U.S. by county and state. For 2013, they calculate that 77.3% of the unauthorized population in Texas came from North America (which includes Mexico and Canada) and 11.30% from Central America. They attributed 77% of those unauthorized to people of Mexican origin, with El Salvador coming in second (at 5.4%) followed by Honduras and Guatemala. That same report by the Center for Migration Studies looked at the unauthorized population for the Brazos County (which includes both Texan cities Bryan and College Station). For the year 2012, 60.9% of the unauthorized came from North America, while 23.7% arrived from Central America. Mexico was the country of origin for 58.1% of the people and Guatemala accounted for 17.1%. The largest period of entry reported was between the years 2005 to 2009 (Pew Research Center, 2013).

Contrary to popular belief, many immigrants speak English. In 2013, only 13% of the unauthorized population in Texas did not speak English, while 38% spoke a little, 29% spoke it well, and 20% spoke English very well. School enrollment was low for the population, with only 4.3% enrolled in 2013. One must ask what factors contribute to that picture. Many of the unauthorized are here to find work and send remittances home, therefore finding time for school is a luxury they cannot afford. The Center for Migration also found that 81.8% of the Brazos County unauthorized population was employed, while only 2.1% were unemployed but seeking work (Center for Migration Studies, 2013).

Regardless of low school enrollment, the local unauthorized populations' educational attainment also challenges popular conceptions. In 2013, 29% of this population had a high school diploma or equivalent, while 5.9% had received some college education. Within that same group, 5.6% had obtained a bachelor's degree or higher, which may come to a surprise to many (Center for Migration Studies, 2013). If some of these individuals possessed credentials, why are they leaving their country?

While the reasons for leaving one's country is often complex, a strong motive is the need to economically survive. Large swaths of the American public, according to public polls, strongly disapprove of immigrants' taking up residence in the country. However, many may be unaware of the economic benefits of Latino immigrants' formal and informal labor force participation. In 2012 the Pew Hispanic Center found that unauthorized immigrants comprise 5.1% of the U.S. labor force. As Marta Maldonado (2009) explains, "Latino/as were 13 per cent of the total US labor force in 2005, and will constitute about a quarter of the total US labor force by 2050."

Maldonado emphasizes how regardless of their significant role in the economy, Latino immigrants remain at the bottom of the labor market. She argues that they “tend to be concentrated and overrepresented in ‘bad jobs’ associated with low wages, instability, lack of benefits and poor prospects for advancement” (Maldonado, 2009). A 2015 Pew Research Center report provides clear evidence of the important yet segregated work Latino immigrants perform:

In 2012, fully a third of U.S. unauthorized immigrants in the workforce (33%) held service jobs such as janitor, childcare worker or cook, nearly double the share of U.S.-born workers (17%) in those types of occupations. An additional 15% hold construction or extraction jobs (mainly construction), triple the share of U.S.-born workers who hold that type of employment. Overall, 11%, compared with 6% of U.S.-born workers, are employed in production jobs, which include manufacturing, food processing and textile workers, among others (p.8).

Similar trends are depicted in the lives of Latino immigrant day laborers in the Brazos Valley. Like mentioned above, by day labor I am referring to the phenomenon of men and women looking for employment in open-air markets by the side of the road, at busy intersections, in parking lots and in other spaces (Valenzuela et al. 2006). They are usually known as *jornaleros* or *esquineros*.

In the Brazos Valley, Latino day laborers seek work at several intersections near Highway 21. Most day laborers on corners around the US are Latino (Valenzuela et al 2006). The same is true for Bryan. The great majority are also immigrants. Their physical features, especially their brown skin, mark them as Latinos (as perceived by many Americans). For many, this automatically means they are immigrants and specifically, an undocumented immigrant. This is

racialization, “the process by which a group begins to be treated as a race” (Golash-Boza 2014, p.156). In fact, the majority of the men standing on the street corners near Highway 21 are undocumented immigrants but there are also U.S. born citizens and legal permanent residents. The original 2011 survey also uncovered the presence of legal permanent residents (Plankey-Videla and Han 2012). Such findings are contrary to racialization that the day laborers are undocumented immigrants.

Racialization often also leads to discrimination (Feagin and Cobas, 2014). In her study of agricultural workers, Maldonado found how white owners attributed certain characteristics to things like culture; one said, “there are cultural differences...the Hispanic people...Their nature is to...do menial-type labor” (2009: 1026). Similarly, day laborers are racialized and automatically thought as being undocumented immigrants, viewed as a vulnerable group that is less likely to complain. Furthermore, when potential employers perceive them as not having proper documentation, they are more likely to take advantage of the workers, as documented in this study. Vulnerability has been connected to poor working environments, with workers seeming to have limited options. They become more attractive to low-wage employers, which has the side effect of reproducing various exploitative aspects of their work, including intensification of work through increasing workloads for the same pay (Gomberg-Muñoz 2010). Other scholars find that undocumented immigrants often take the first job they are offered, continue to work in jobs even if the pay is low, or accept exploitative or illegal work conditions out of fear that they will be exposed (Hall et al. 2010).

The realities of day labor translate into unstable work that “provide no benefits or workplace protections, pay poorly, and are characterized by workplace abuses such as instances of nonpayment, lack of regular breaks, and hazardous work” (Valenzuela, 2009:309). Wage theft, where workers are not paid the promised amount, is one of the primary foci of this project. In what ways are Latino workers racialized – whether they are U.S. born, legal permanent residents, or unauthorized – and how does that affect their likelihood of experiencing wage theft? Examining under what conditions wage theft is more likely is important in order to find — together with community organizations — solutions. It is my hope that this project will prompt citizen consciousness that will uphold the dignity of workers in the Brazos Valley and beyond. It is also the intent to add to the research on immigration that could potentially inform policy.

## **CHAPTER II**

### **REVIEW OF LIERATURE**

According to the Pew Research Center, in 2013 there were 45,790,000 immigrants in the U.S. Several misconceptions welcome the new arrivals, especially for the Latino immigrant population. The misconstructions of Latino immigrants include seeing them as poor, uneducated, and fit for a certain type of work. As a consequence, discrimination against the group of immigrants arises. It affects their everyday lives, such as where they live, what work they do, who they socialize with; they're usually placed as second class citizens. The purpose of this chapter is to review scholarly work on how racialization negatively affects Latinos. This group faces situations where their working conditions are unsafe, steady jobs are unusual, wage theft is common, and inclusion into U.S. society is limited.

Recent projections estimate that Latinos will become the numerical majority in Texas by 2050. "In the United States as a whole, the white share of the population is declining as Hispanic, Asian and Black populations grow" (Pew Research Center, 2015). The United States has received more Mexican migrants than any other country. In fact, according to Maldonado (2009), they comprise the "fastest growing ethno-racial minority group in the United States". However, references to the soon-to-be-majority minority refers to dissonance between numbers and political clout. As Feagin and Cobas (2014) note, the term minority entails the lack of economic resource and political influence. Even when Latinos surpass other racial groups in Texas, they will likely still an essential component of low wage workers (Maldonado 2009).

Day labor is work performed at an unofficial job hiring site, usually a street corner or heavily transited site, where workers gather to find a job. Workers stand and wait for someone to pull up and offer a day's wage. The most common types of work are landscaping, construction, freight moving/hauling, food service, and sanitation work (Karjanen 2011). The majority of workers in these day labor sites across the nation are Hispanic and immigrants (Valenzuela 2003). This type of circumstances offer the U.S. cheap and flexible labor, which also saves the employers money since there is no need to verify employment eligibility, and avoids taxes, benefits and social security, but it does not provide steady work for the day laborers (Karjanen 2011).

When workers are racialized by employers, they become even more likely to experience exploitation. Racialization includes skin-color stratification, where tangible resources like income and intangibles ones like status are unequally distributed according to the color of one's skin (Golash-Boza 2014). This relates to day laborers in that their skin color is used as a proxy for legal status by which people construct an understanding of the individuals. Employers and passersby assume day laborer's complexion means that they are undocumented immigrants. Dark skin color is often a physical characteristic shared by the Latino day laborers.

Unequal resources accrue to individuals based on their skin color. Golash-Boza cites a 2010 study that found "after accounting for relevant differences between dark- and light-skinned Latinos, darker-skinned Latinos earn, on average, \$2,500 less per year than their lighter-skinned counterparts" (Golash-Boza 2014: 125). When Latinos look white, they are more likely to enjoy privileges of a white-skinned person (Feagin and Cobass, 2014). If this is true, then day laborers who are dark-skinned, regardless of citizen status, will be subjected to the same treatment that

dark-skinned workers undergo. Drawing from the literature on racialization I argue that if skin color is linked to an undocumented status, then individuals will be perceived as more vulnerable, which in turn leads to more likely experiencing exploitation. Employers who see day laborers as desperate for work may be more likely to have less regard for the worker and place them in a hazardous work environment, pay them less than agreed upon or not pay them at all. In addition, employers may not see their ill-treatment of workers as problematic because they favorably compare workers' conditions in the U.S. to those of the workers' native country (Maldonado 2009).

According to the 2012 survey of day laborers by Plankey-Videla and Han, day laborers experienced wage theft and ill treatment. The majority of the 2012 sample was undocumented (73.7%), which means that almost a quarter were legal permanent residents. However, legal status did not affect the likelihood of experiencing wage theft. Of the 40 day laborers interviewed, 44.7% suffered wage theft, 42.1% were paid less than promised, and 13.2% experienced violence. Another indicator of possible racialization is seen in the high levels of wage theft despite relatively high levels of English literacy and education. Plankey-Videla and others found in their surveys that 54.1% spoke a little English, 40.5% read a little English, and 35.1% of them wrote a little English. English knowledge is assumed to be low among the immigrant population. Only one person had no formal education; 43.2% of the interviewed had some or completed primary school, 37.8% had some or completed lower secondary school, 10.8% had some or completed preparatory school, and 5.4% had some or completed university. Even with the ability to read, speak, and write English, and significant levels of education, the day laborers interviewed in 2012 experienced abuses at work.

Day laborers in the Brazos Valley are not a homogenous group. Similar to sites around the country, day labor sites included U.S. citizens, permanent residents, less documented, and undocumented migrants (Karjanen 2011). Karjanen refers to immigrants with a broader spectrum of employment barriers as less documented, emphasizing that there is a greater complexity in what being undocumented involves. Just as there is variation in legal status, there is a varying degree of English language knowledge. Because knowing English and having documentation should serve as beneficial assets, further interrogation of why the dignity of the worker is not being upheld will be explored in this study. This project will describe the complexities of what day laborers from the Brazos County have experienced. It is my aim to shed light to how these workers have integrated (or not) into the community given their marginalized status.

## **CHAPTER III**

### **METHODS**

Latino day laborers have been a disadvantaged group because of the informality of the hiring process, the lack of protections for the worker, and the instability of the work. The study closely followed the IRB protocol. Completing IRB ethics in research training and following IRB protocols, I conducted surveys with 15 men on the corners near Highway 21 in Bryan. The survey was a modified version of the 2007 Mexican Mobile Consulate Survey by Elizabeth Fussell. Per the IRB protocol, I was always accompanied by other people approved to conduct this survey, Dr. Plankey-Videla and two Sociology graduate students who participated in the first wave of the survey. We arrived between 7:00 and 11:00 in the morning, approached men standing in groups on corners waiting for work, and asked if they would be interested in participating in a study on the experiences of day laborers in the Brazos Valley. We had no particular selection method; we asked every man that was standing there; about 98% agreed to be surveyed. Once approval was obtained, we asked the day laborer to move with us away from the group in order to provide confidentiality. After reading the assent document and making sure the participant understood the study and their participation in it, we proceeded with the survey. At the end, we thanked the participant and gave them a \$20 HEB gift card. Interviews took on average 35 minutes. The data was transcribed, entered into software STATA/SE 13.1 and analyzed.

## **CHAPTER IV**

### **RESULTS**

Referring to past scholarly work on day laborers, I expect that most if not all day laborers would be immigrants. I expect to have an increased number of Central Americans compared to Mexico immigrants given that immigration from Latin America has seen in an increase of immigrant flows from Central America. Structural vulnerabilities of day laborers have not changed since 2012 and therefore wage theft was anticipated.

#### **Sociodemographic characteristics**

I interviewed a total of 15 day laborers. All the interviewees were male. The average age was 45, with the youngest being 19 and the oldest being 63. The majority of the sample came from Mexico (53%) with 13% coming from Central America (Table 1). Table 2 provides a look at gender and table 3 a look at the age groups. For this particular site, all the laborers were male. No women were found standing looking for work; the same was true for the 2012 study. In terms of age, Highway 21 has seen older men working instead of workers falling under the age of 30. The largest age group in 2012 was from age 51 and older (31.6 % of the group). In this study, the largest group is made up of day laborers that are between the ages of 41-50 (40% of the day laborers).

**Table 1. Nativity of Day Laborers**

<b>Country of birth</b>	<b>Number</b>	<b>Percent</b>
Mexico	8	53.33
Guatemala	1	6.67
El Salvador	1	6.67
Honduras	3	20.00
United States	2	13.33
<b>Total</b>	<b>15</b>	<b>100.00</b>

**Table 2. Gender**

<b>Sex</b>	<b>Number</b>	<b>Percent</b>
Male	15	100.00

**Table 3. Age**

<b>Age</b>	<b>Number</b>	<b>Percent</b>
<20	1	6.67
21-30	1	6.67
31-40	2	13.33
41-50	6	40.00
51 +	5	33.33
<b>Total</b>	<b>15</b>	<b>100.00</b>

An unexpected finding was the presence of two US-born interviewees. While legal permanent residents were present in 2012, in this 2015 sample there are two US citizens. Table 4 shows the legal status, which was ascertained by several questions that asked the participant's legal status at time of entry to the US and last trip to the US. Most day laborers, however, divulged their legal status independently of the closed ended survey questions in their responses to open ended inquiries into their experiences at work and with law enforcement.

**Table 4.** Nativity of Day Laborers

Status	Number	Percent
Documented	1	6.67
Undocumented	11	73.33
Unknown	1	6.67
Citizen	2	13.33
<b>Total</b>	<b>15</b>	<b>100.00</b>

In order to delve into the issue of racialization, I analyzed the educational attainment and English fluency of participants and regressed them on legal status and wage theft variables. Table 5 shows education attainment. All the day laborers here have at least some primary education. Table 6 shows English speaking ability in relation to legal status. Day laborers are English proficient although they are not documented. Table 7 shows the relation between legal status and wage theft. Undocumented laborers were not the only ones to have been robbed of their pay. A United States citizen has also suffered wage theft.

**Table 5.** Education Attainment

Educational Attainment	Number	Percent
No education	0	0.00
Some or complete primary school	8	53.33
Some or complete lower secondary school	2	13.33
Some or complete preparatory school	4	26.67
Some or complete university	1	6.67

**Table 6.** English Speaking Proficiency and Legal Status

Legal Status	None	A little	I get by	Well	Total
Documented	0	0	0	1	1
Undocumented	3	6	1	1	11
Unknown	0	1	0	0	1
Citizen	0	0	1	1	2
<b>Total</b>	<b>3</b>	<b>7</b>	<b>2</b>	<b>3</b>	<b>15</b>

**Table 5. Wage Theft and Legal Status**

<b>Legal Status</b>	<b>Experienced Wage Theft</b>		<b>Total</b>
	<b>No</b>	<b>Yes</b>	
Documented	0	1	1
Undocumented	5	6	11
Unknown	0	1	1
Citizen	1	1	2
<b>Total</b>	<b>6</b>	<b>9</b>	<b>15</b>

*Abuses*

Out of 15 day laborers, 60% have been paid less than the agreed amount, two have suffered violence, two have been abandoned at the work site, five have been forced to work more hours, and eight workers have not been allowed a break during the job time.

## **CHAPTER V**

### **CONCLUSION**

The results show that working conditions have not improved since 2012 and still remain dangerous. In 2012, the researchers found permanent residents at the site, but no American citizens. It was surprising, however, to find that there were two American citizens present at the day labor site in 2015. This suggests that some citizens may face such difficult labor market conditions that seeking work as racialized Latino day laborers. Research of day laborers in Chicago, Peck and Theodore (2008) found that African American men with criminal records had such difficulty finding employment that they joined Latino men at day labor sites. One of the US-born participants was an African American man which, by his own report, had several past convictions, which would make finding formal employment very difficult. While the small number of surveys do not allow me to ascertain if the same issue is occurring here, it raises important questions for further research.

Evidence for racialization was also found in that education and language had good numbers amongst the day laborers, but with that background, they were experiencing abuse at work. Therefore, the study speaks to the misconception that 1) all Latinos are immigrants and 2) all the Latinos at the day labor site are undocumented immigrants. It is important to mention that this survey only interviewed a total number of 15 workers. It cannot be used to generalize explanations for other day labor sites across the nation.

Racialization likely contributed to the labor exploitation of day laborers. Many times the day laborers mentioned racism and discrimination, without being prompted, when answering questions about their work experiences. One worker said, “When they pay less, one doesn't take it (demand the money) or they will hit you or call the police; 54 years (his age), don't fight, no papers, no problems.” Another day laborer said, “Here, they hit one. They pay, but a little.” Another laborer added, “One time I found out after I had been working that they would pay me \$6 dollars the hour, so I left. They almost beat me. Insults and hits. A lot of times they don't give breaks; they tell me to drink from the water hose. They do threaten. The police. I don't have social security, I don't want problems.”

There is a lot to be done in order to improve conditions. However, it is important to note that these workers also have come to defend themselves and each other. They tell each other of the abusive owners, some will not go for jobs under \$10 the hour, and others are improving their English in order to improve their own situations. The current study shows that working conditions for day laborers need drastic improvement because of ongoing racism and discrimination; yet, it is important to realize the agency this group possesses as they find ways to protect themselves.

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