

After the Storm: *Houston's Day Labor Markets in the Aftermath of Hurricane Harvey*

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Executive Summary

On August 25, 2017 Hurricane Harvey made landfall in eastern Texas as a Category 4 storm, causing catastrophic flooding and widespread damage. It has been estimated that Harvey inflicted nearly \$200 billion in property damage, initiating a recovery that will take years to complete.

In the immediate aftermath of a hurricane, immigrant workers undertake many of the tasks that are needed to help residents and businesses deal with the damage caused to homes and other structures. In Houston, construction contractors, private households, and local businesses employ day laborers who are recruited from informal hiring sites located throughout the city. During disaster recovery, day laborers comprise a key workforce of “second responders” who take on demanding – and often dangerous – work helping residents and business owners with the removal of debris; the demolition of damaged structures; and the repair and rebuilding of houses, apartment complexes, and commercial properties.

This report examines the employment conditions of informally employed construction workers in Houston. Through a survey of 361 day laborers that was conducted a few weeks after Hurricane Harvey devastated the city, this report reveals how substandard conditions impact workers’ wages, as well as their health and safety on the job, and offers recommendations for improving working conditions during post-disaster recovery operations.

Key Findings

- Wage theft is rampant in Houston. In just the first four weeks of disaster recovery, more than one-quarter (26%) of day laborers have been victims of wage theft and the total amount of unpaid wages across this workforce in this short period exceeded \$20,000.
- A major obstacle to the reduction of wage theft and the effective recovery of unpaid wages is that day laborers do not know where to report violations. The Texas Workforce Commission (TWC) is the agency responsible for administering the Texas Payday Law, the chapter of the Texas Labor Code that assists workers in the recovery of unpaid wages. Despite the prevalence of wage nonpayment in the Houston day-labor market, not a single day laborer identified the TWC as an entity where assistance with wage claims can be obtained.
- Despite announcements from immigration authorities and elected officials that undocumented immigrants would not be at risk if they sought emergency services during the storm, nearly two-thirds (64%) of the day laborers who identified themselves as being undocumented immigrants indicated that they do not feel safe asking for help from government officials. This suggests that authorities must do more to ensure that unauthorized immigrants are able to access emergency services during natural disasters.
- Second responders are not receiving the training they need to protect themselves from hazards during post-disaster recovery. Eighty-five percent of day laborers who have worked in hurricane-affected areas report that they have not received any training for the worksites they are entering. Similarly, 87 percent have not been informed about risks related to unsafe buildings, 85 percent have not been informed about risks related to mold, 85 percent have not been informed of risks of working in contaminated water, and 83 percent have not received training for working around fallen trees or electrical lines.
- Most day laborers do not have the personal protective equipment they need. Nearly one-third (32%) do not have work gloves, 40 percent do not have protective eyewear, 41 percent do not have steel-toed boots, 61 percent do not have a respirator, and 64 percent do not have a hard hat.
- More than one-third (34%) of workers reported having been injured while employed as a day laborer in Houston. Of those who suffered an injury, 67 percent indicated that the workplace was unsafe, 63 percent said that the injury was due to lack of protective equipment, and 52 percent said that they were injured due to pressure to work faster.

Recommendations

- Because they have established trust among the workers who will play a critical role in cleanup and reconstruction, worker centers are appropriate partners for local and state governments seeking to minimize workers' exposure to health and safety hazards and avoid life-threatening, work-related accidents. Worker centers can be given a supply of personal protective equipment, and in the event of an emergency they can distribute this equipment immediately. Partnering with workers centers to ensure the speedy distribution of protective gear will reduce recovery workers' exposure to harmful conditions and likely will save lives.
- Before any relief work is started, however, federal and state agencies must assess the risks associated with prolonged exposure to post-disaster relief environments. Residents, workers, property owners, and contractors and other employers should not be left on their own to figure out how to safely and effectively deal with environmental contamination. Uniform re-occupancy standards that are protective of public health should be established based on event- and site-specific criteria, with input from experts and from representatives from impacted business, labor, and residential communities.
- Immigration enforcement has a chilling effect on workers who would, in other circumstances, report employment violations, access emergency services, and seek medical care. Assurances from government agencies and elected officials, while important, are not enough to overcome the risks faced by undocumented immigrants, nor their isolation, both during and after a natural disaster. When governments declare a "state of emergency," they suspend normal operations in order to gain control of an urgent situation. One of the operations that should be officially suspended in the aftermath of a natural disaster is immigration enforcement within disaster zones.
- Reconstruction workers are essential to rebuilding disaster-torn communities, and the completion of recovery work is measured in years, not weeks or months. To ensure that the needed labor forces are available and that workers are not subject to widespread violations of employment standards, immigration protections should be extended beyond the immediate emergency period. Given the unmet demand for construction workers that exists in every region of the country, it is no secret that immigrant workers will be necessary to complete reconstruction. Ensuring that these workers are protected from abusive labor practices by granting them work authorization will secure the supply of labor necessary for rebuilding efforts and mitigate against the erosion of employment standards that occurs when undocumented workers are excluded from labor protections. A temporary work authorization for reconstruction workers would achieve these objectives while also forcing employers to play by the rules.
- The Department of Labor and the Texas Workforce Commission has little to no name recognition among informally employed construction workers. In order to improve labor standards in the construction and landscaping sectors, enforcement agencies require increased budgets and dedicated investigators who visit informal hiring sites and worksites where day laborers are employed. In addition, by entering into strategic partnerships with worker centers, enforcement agencies can more effectively target industry segments and employers where violations are rampant.

Introduction

On August 25 2017, Hurricane Harvey made landfall on the Texas Gulf Coast as a slow-moving Category 4 storm whose rainfall and high winds caused catastrophic flooding and widespread damage. Over the course of one week, 3,600 square miles of southeastern Texas received more than 40 inches of rain, including most of the Houston metropolitan area, and an additional 11,492 square miles received between 30 and 40 inches of rain.¹ In just a few days, 70 percent of Harris County – more than 1,240 square miles – lay under water, while in parts of the Houston metropolitan area rainfall exceed 50 inches.²

When the floodwaters receded, the full scale of the devastation was revealed. More than 80 residents perished in the storm. In Harris County at least 136,000 homes and other structures were damaged, and many were completely destroyed. In Houston, tens of thousands of residents evacuated to emergency shelters and more than 634,000 have received food assistance through the Disaster Supplemental Nutrition Assistance Program.³ Mayor Sylvester Turner has estimated that the city of Houston will require \$75 to \$100 million just to clear the debris left by the storm.⁴ After that, the rebuilding can begin.

As has been starkly revealed in the aftermath of Hurricanes Katrina, Sandy and Harvey, when extreme weather events and other natural disasters strike urban areas, the scale of destruction can be almost unimaginable. Residents living in a storm's path become displaced, and even those who are able to remain in their homes must endure long-term disruptions to their lives. The repair of homes, businesses and communities can take years to complete, but this recovery work begins right away, even as neighborhoods remain under water, power has yet to be fully restored, and health and safety hazards abound.

In the immediate aftermath of a hurricane, immigrant workers undertake many of the tasks that are needed to help residents and businesses deal with the damage caused to homes and other structures. In Houston, construction contractors, private households, and local businesses employ day laborers who are recruited from informal hiring sites located throughout the city. During disaster recovery, day laborers comprise a key workforce of “second responders” who take on demanding – and often dangerous – work helping residents and business owners with the removal of debris; the demolition of damaged structures; and the repair and rebuilding of houses, apartment complexes, and commercial properties.

The reliance on day laborers to carry out crucial cleanup, demolition and rebuilding work following a natural disaster is not unique to Houston. Hector Cordero-Guzman and colleagues have observed that in post-disaster recovery periods, the demand for day laborers' services increases sharply as residents and construction contractors seek labor for cleanup and reconstruction work. They also note, however, that during these periods “the risks and hazards associated with the additional work generated by clean up and reconstruction also increase.”⁵ There is a danger that following natural disasters, these second responders may suffer heightened exposure to health and safety risks. Day laborers are often among the first people to enter damaged buildings, and over the course of cleanup efforts they may be exposed to a range of toxins and contaminants, as well as unsafe structures and other hazards. If workers lack personal protective equipment or employers fail to provide it, the risks day laborers face in post-disaster environments multiply. Recovery periods pose other challenges to this workforce as well. Unlicensed contractors may be drawn to the area to help meet the spike in demand for construction services. These firms may fail to pay workers appropriately, as required by law. Local firms may do the same, seeing an opportunity to engage in wage theft when government enforcement agencies are overwhelmed and workers are especially vulnerable to exploitation.⁶

Through an analysis of a survey of 361 day laborers conducted a few weeks following the devastation wrought by Hurricane Harvey, this report examines the employment conditions of informally employed construction workers in Houston. It finds an array of substandard conditions that impact workers' wages, as well as their health and safety on the job, and offers recommendations for improving working conditions during post-disaster recovery operations. The report is organized as follows. Section I describes the methodology used to conduct worker surveys. Section II provides an analysis of day labor jobs, worker pay, and the problem of wage theft. Section III considers problems related to immigrants' access to emergency services and other forms of government assistance. Section IV analyzes health and safety problems facing the day labor workforce. Section V offers recommendations for improving conditions in informal labor markets.

I. Methodology

To document the employment conditions of informally employed construction workers in the Houston area, a survey of day laborers was conducted during the first week of October 2017, approximately one month after Hurricane Harvey swept through the region. Using a standardized survey instrument, the research team conducted in-person interviews with day laborers who were seeking work at the 20 informal hiring sites located in Houston and the neighboring suburb of Pasadena. Surveys were conducted in English and Spanish, and the survey was administered on five consecutive days during the early morning hours.

The survey instrument focused on workers' employment and wages, exposure to health and safety hazards, on-the-job injuries, and a small number of demographic characteristics. To determine employment rates and hourly wages by occupation, workers were asked a series of questions for each day in the previous workweek: (1) did the worker look for employment at the hiring site? (2) was a job secured? (3) if a job was secured, what was the occupation, total pay, and total hours worked? This information was used to compute hourly wage and unemployment rates.

The research team used a time-location methodology to conduct a census of workers present at the time of the survey fielding. Because of the difficulty in obtaining a probability sample due to the absence of a verified sampling frame, the methodology did not employ sampling but instead an effort was made to survey each day laborer who was looking for work on the day the survey was administered at the hiring site. In total, 361 surveys were completed with a response rate of 92 percent.⁷ The survey fielding occurred at active hiring sites, and in seven cases workers were hired before completing the survey questionnaire. Other workers departed for work before an interviewer could approach them to complete a survey. Surveys took between 15 and 20 minutes to complete. A \$10 incentive was offered to workers for their participation in the study.

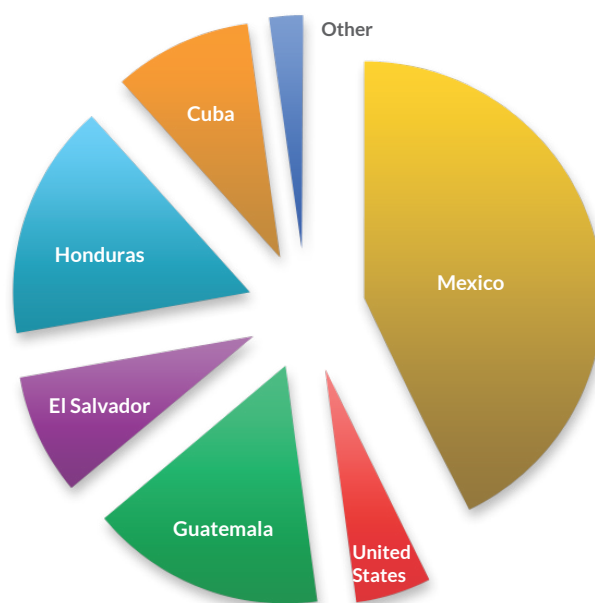
The research team began by identifying 20 informal hiring sites in the study area. An initial scan of these hiring sites was undertaken in late September. At that time 305 day laborers were identified, a figure that is roughly on par with the 361 workers who ultimately were surveyed.

II. Employment in Houston's Day Labor Markets

The day labor workforce that is engaged in post-disaster recovery efforts in Houston is primarily comprised of immigrants, mainly from Mexico and Central America, 72 percent of whom are undocumented (Figure 1). These workers are employed by construction contractors, landscaping companies, and other businesses, as well as by private households. They are hired on an as-needed basis for a range of manual-labor jobs related to construction, landscaping, loading, and moving. They are paid in cash and in most instances the terms of employment are hastily arranged at one of the approximately 20 informal hiring sites in the Houston area. These hiring sites are located outside building supply stores, near gas stations, and along busy thoroughfares. Some day laborers have employers who hire them regularly and, in a given week, some will have jobs that last for several days or longer.

Despite being a predominantly immigrant labor force, most day laborers are long-term residents

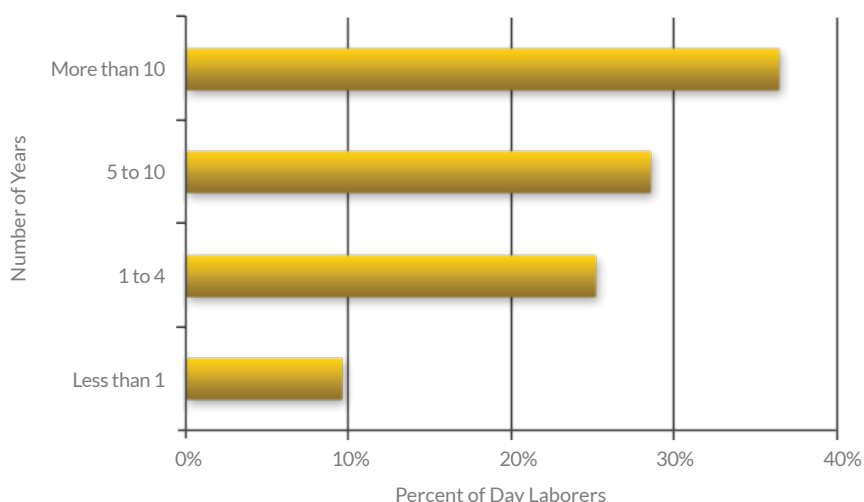
Figure 1: Country of Origin of the Houston Day Laborer Workforce



Source: Houston Day Laborer Survey, 2017

of Houston. Fewer than 10 percent have resided in Houston for less than one year, one-quarter (25%) have lived in the area for 1 to 4 years, 29 percent have lived in the area for 5 to 10 years, and 37 percent have lived in the area for more than a decade. In other recent post-disaster recovery efforts, such as the cleanup and recovery operations following Hurricane Katrina, large numbers of day laborers moved to affected areas in search of employment.⁸ This has not been the case to date in Houston where the day labor workforce is comprised mainly of long-term residents.

Figure 2: Number of Years Living in the Houston Area, Day Labor Workforce



Source: Houston Day Laborer Survey, 2017

In the weeks following Hurricane Harvey, day laborers were hired for a range of construction and cleanup-related jobs. Respondents were asked a series of questions to document the type of work they completed, the number of hours worked, and the pay received for each day in the previous week. This approach generated a dataset of workdays that can be used to analyze hourly wage rates and other aspects of employment.

In the week prior to the fielding of the survey, the day laborer workforce was employed for 858 days of work, with a daily employment rate of 48 percent. This figure suggests moderately strong demand for the services of these workers. Across the region employment rates varied significantly, with very high employment levels at some informal hiring sites and little





if any employment at others, leading to speculation that in some parts of the Houston area insurance payments have been slow to arrive, delaying recovery work. Furthermore, perhaps as much as 60 to 70 percent of residents do not have flood insurance that would cover their losses,⁹ meaning that cleanup and rebuilding will likely proceed more slowly than desirable.

Construction trades, cleanup, and demolition were the most common types of jobs for which day laborers were employed in the post-disaster period (Table 1). Within the construction category, top occupations include sheetrock removal and repair, roofing, and general remodeling work. Cleanup jobs include a variety of tasks related to removing debris and assisting residents and business owners with the removal of unwanted items. Construction and landscaping contractors were responsible for 57 percent of the jobs worked by day laborers, while private households and non-construction-related companies accounted for 35 percent and 8 percent of the jobs, respectively.

There are several factors that account for the high levels of day-laborer employment by contractors. Day laborers help the construction and landscaping industries adjust to especially busy periods. Because they are a flexibly employed workforce the hiring of day laborers follows industry cycles and reflects the strength of industry demand. In addition, day laborers have stepped in to alleviate some of the hiring problems that have plagued the construction sector. According to industry leaders, the sector is contending with a growing

Table 1: Day Laborer Job Types following Hurricane Harvey

Job Type	Percent of days worked
Construction	26%
Cleanup	17%
Demolition	15%
Moving and hauling	10%
Landscaping and yard work	9%
Painting	9%
Excavation	4%
Flooring	4%
Miscellaneous occupations	4%
Loading and unloading	2%
Total	100%

Source: Houston Day Laborer Survey, 2017

nationwide labor shortage. Analysis of US Department of Labor data by the National Association of Home Builders found that there were 247,000 unfilled construction jobs in August 2017.¹⁰ A 2017 survey of construction firms by the Associated General Contractors of America found that 70 percent are experiencing difficulty filling craft positions, as are 70 percent of firms in the South.¹¹ Across the region, 47 percent of construction firms are having trouble filling laborer positions, 43 percent are having trouble hiring roofers, 43 percent are having trouble hiring drywall installers, and 37 percent are having trouble hiring painters.¹² Even before Hurricane Harvey made landfall, in Texas, 59 percent of construction firms reported that they were experiencing difficulties hiring concrete masons, 57 percent were having difficulties hiring carpenters, and 46 percent were having difficulties hiring laborers.¹³ Only 3 percent of Texas employers reported that they were not experiencing hiring difficulties and just 1 percent indicated that they expect it to become easier to hire craft workers in the upcoming 12 months. Without question, the scale of the destruction caused by Hurricane Harvey will exacerbate whatever labor shortages exist in the construction sector.

By helping fill vacancies for a variety of construction occupations, day laborers not only help construction contractors satisfy the demand for their services, they also increase the responsiveness of these firms as they strive to meet the immediate post-disaster recovery needs. According to the Texas Association of Builders, even before Hurricane Harvey, labor shortages were responsible for project delays of as much as one-and-a-half months.¹⁴ Delays of this sort compound the disruptions experienced by families and businesses and increase the health risks associated with major flood events.

Wages

Despite significant demand for day laborers' services, the pay for job assignments tends to be low, mirroring the low wages in that have been found in the construction sectors of Houston and other southern cities.¹⁵ The average hourly wage across all hours worked by day laborers in the week prior to the survey was \$13.41 while the median wage for all day labor jobs was \$12.50 (Table 2). Construction activities (such as roofing and sheetrock installation) had the highest average hourly wage of \$14.23. The average wages for painting (\$13.68), flooring (\$13.58), and excavation (\$13.45) were similar to one another, while average wages for demolition work (\$13.10) were somewhat lower. Landscaping jobs had the lowest average hourly wage of \$12.18.

The median number of hours worked per job assignment was eight and the median daily wage was \$100. This median daily wage equals the median daily wage that day laborers estimated they received prior to Hurricane Harvey. On average, day laborers were employed 2.5 days per week in the immediate post-recovery period.

Table 2: Hourly Wages by Occupation

Occupation	Average Wage	Median Wage
Construction	\$14.23	\$13.33
Moving	\$13.72	\$12.92
Painting	\$13.66	\$13.06
Flooring	\$13.58	\$12.50
Excavation	\$13.45	\$13.33
Loading	\$13.27	\$12.92
Demolition	\$13.10	\$12.50
Cleanup	\$12.84	\$12.50
Miscellaneous occupations	\$12.64	\$12.50
Landscaping	\$12.18	\$12.00
All Occupations	\$13.41	\$12.50

Source: Houston Day Laborer Survey, 2017

Wage Theft

Wage theft – the nonpayment of wages for work completed – is a common problem in day-labor markets.¹⁶ In Houston, day laborers report that wage theft is frequent and widespread (Table 3). Workers were asked to recall the most recent instance of wage theft, when it occurred, and the amount that went unpaid. Fifty-seven percent of day laborers stated that they have been victims of wage theft in the past year. During this period, the average amount of the most recent instance of nonpayment was \$225.59 and the maximum amount was \$3,000. In the three months prior to the survey, 44 percent of day laborers have been victims of wage theft, with the most recent instance averaging \$204.05 and the maximum amount totaling \$2,700. In just the first four weeks of disaster recovery, more than one-quarter (26%) of day laborers have been victims of wage theft. The average amount of the most recent instance of wage nonpayment was \$212.48, the maximum amount was \$2,700, and the total amount of unpaid wages across this workforce in this short period exceeded \$20,000.

Employers use various tactics to engage in wage theft. In some cases, they may flatly refuse to pay workers the agreed upon wage, instead offering a lower amount. Workers may reluctantly accept the lower wage because they fear that if they protest too vociferously they will be paid nothing at all. In cases where an entire day's pay is stolen, employers may abandon day laborers at worksites. In cases where wage theft occurs over several workdays or longer, employers may begin by paying workers a partial amount. Day laborers return to work the following day with the expectation that the previous day's wages will be paid in full along with payments for the current day's work. The longer this continues,

the greater the amount of cumulative unpaid wages and the more costly it becomes for the day laborer to walk away from a job and an employer without being paid for work completed. Under such a scenario the day laborer is in a bind; either risk the further accumulation of unpaid wages by continuing to work for an employer or count whatever wages remain unpaid as a loss and seek alternative employment. Because day labor employment, by definition, is unstable and because of the economic insecurity that accompanies this employment relationship, to say nothing about the illegality of wage theft practices themselves, workers are loath to simply refuse continued employment with a business that owes them money, even though this means that wage theft amounts may increase from hundreds to thousands of dollars.

In addition to the outright nonpayment of wages by employers, day laborers often are required to undertake tasks for which they are not paid. While the survey did not attempt to quantify these amounts, it is clear that the practice of assigning workers additional duties is widespread. Sixty-one percent of day laborers reported that while working in Houston they were required to undertake tasks beyond what was agreed to without additional pay. Workers frequently feel compelled to perform work that is beyond the scope of the tasks initially described to them because if they refuse they risk not being paid for work they have already completed.

Wage theft directly reduces the earnings of day laborers and contributes to their economic insecurity. In addition, when wage theft is not redressed through the wage-recovery activities of workers, government enforcement agencies, and workers' rights organizations it can place a drag on wages and working conditions across the construction and landscaping industry labor markets, potentially affecting a large proportion of the workforce. A major obstacle to the reduction of wage theft and the effective recovery of unpaid wages is that day laborers do not know where to report violations. The Texas Workforce Commission (TWC) is the agency responsible for administering the Texas Payday Law, the chapter of the Texas Labor Code that assists workers in the recovery of unpaid wages. Despite the prevalence of wage nonpayment in the Houston

Table 3: Wage Theft in Houston's Day Labor Markets

Occupation	Past Year	Last 3 Months	First four weeks of disaster recovery
Incidents of wage theft	170	144	90
Percent of day laborers experiencing wage theft	57%	44%	26%
Average amount (mean)	\$225.59	\$204.05	\$212.48
Median amount	\$100	\$100	\$85
Maximum amount	\$3,000	\$2,700	\$2,700
Percent of amounts \$100 or more	59%	55%	49%

Source: Houston Day Laborer Survey, 2017

day-labor market (and in day-labor markets more generally), not a single day laborer identified the TWC as an entity where assistance with wage claims can be obtained. This is an indication that the TWC needs to immediately begin outreach to workers at informal hiring sites and dedicate staff to administering wage claims from informally employed construction and landscaping workers.

Without the active involvement of the TWC in wage recovery, day laborers will not have an effective means for redressing wage theft. A small number of workers identified Fe y Justicia Worker Center as a place where assistance with wage recovery can be obtained, a few others indicated that they could contact a private attorney, and 5 percent indicated that they could contact the Houston Police Department; however, 92 percent were unable to name any organization or entity that could provide assistance with wage recovery. In the absence of a functioning system for redressing wage theft among informally employed workers, it is little surprise that the scale of the wage theft problem in Houston is as large as has been documented by this study.

III. Access to Services for Immigrant Workers

The problems associated with wage recovery suggest that governmental systems of support may not be assisting immigrants and immigrant workers who are in need. The Houston metropolitan area is home to an estimated 575,000 undocumented immigrants, the third largest population of unauthorized immigrants in the country.¹⁷ In the days following the arrival of Hurricane Harvey, government officials took steps to assure immigrants that they would not be put at risk for apprehension and deportation if they sought emergency assistance. A joint statement issued by the U.S. Immigration and Customs Enforcement (ICE) and the U.S. Customs and Border Protection (CBP) provided the following assurances:

The Department's law enforcement components will be at the ready to help anyone in need of assistance. In evacuation or response, we are committed to making sure that we can assist local authorities quickly, safely, and efficiently. Routine non-criminal immigration enforcement operations will not be conducted at evacuation sites, or assistance centers such as shelters or food banks. The laws will not be suspended, and we will be vigilant against any effort by criminals to exploit disruptions caused by the storm.¹⁸

Houston Mayor Sylvester Turner and Texas Governor Greg Abbott added their assurances as well, reiterating the ICE and CBP position regarding the suspension of some immigration enforcement efforts.¹⁹

Unfortunately, however, widespread reluctance to obtain emergency services remains. Of the day laborers who identified themselves as undocumented immigrants, 64 percent indicated that they do not feel safe asking for help from government officials. Of those who reported feeling unsafe, 94 percent indicated that their irregular immigration status was the cause for concern. Furthermore, the reluctance to seek assistance from government officials is not a problem that only affects recent immigrants. Of the undocumented immigrants who have resided in Houston for 10 years or more, 63 percent indicated that they do not feel safe asking for government assistance. These findings provide a clear indication that government officials must do more to ensure that immigrants are receiving emergency services during natural disasters, and they suggest that significant barriers exist that prevent immigrants from accessing other services as well. The barriers of trust identified here likely also account, at least in part, for the finding in the Health and Safety section of this report that fewer than one in five day laborers who have suffered a work-related injury or ailment has received medical care for their condition.

Returning to the question of police assistance in recovering unpaid wages, even if local police could be helpful in resolving wage claims, there is evidence that the involvement of police in federal immigration enforcement under the 287(g) program has made many residents reluctant to report crimes because they fear that police will use this point of contact as an opportunity to inquire about their immigration status or that of someone they know. A survey of 2,004 Latinos residing in four counties (Cook, IL; Harris, TX; Los Angeles, CA; and Maricopa, AZ) found that 44 percent of Latinos overall and 47 percent of Latinos in Harris County would be less likely to contact police officers if they have been a victim of a crime for fear police will ask them or people they know about their immigration status.²⁰ Among day laborers in Houston, including those who are US citizens and legal permanent residents, 55 percent indicated they are worried that if they reported a crime, police officers would ask about their immigration status or the status of someone they know. These figures reveal that the widely publicized involvement of some police departments in federal immigration enforcement negatively

impacts the public’s perceptions of the police, even in a city like Houston that has implemented so-called “sanctuary city” policies limiting police cooperation with federal immigration authorities. Immigration-based fears of the police undermine public safety in Houston and contribute to the climate within which the widespread disregard for workers’ rights is occurring. With immigrant workers fearful to report crimes, seek government assistance, and pursue redress for the nonpayment of wages, unscrupulous employers can engage in wage theft with impunity.

Nearly three-quarters (73%) of undocumented immigrant day laborers indicated that they have been victims of wage theft while working in Houston, and 28 percent were victimized in just the first four weeks after Hurricane Harvey. With more than nine of ten workers indicating that they do not know where to report incidents of wage theft, and with the reluctance many have expressed in accessing emergency services and the eroded trust of local police in light of potential involvement in immigration enforcement, much more needs to be done to overcome the barriers that immigrants face in accessing emergency services, receiving the aid and protection of law enforcement, and recovering unpaid wages.

IV. Workplace Health and Safety

Post-disaster cleanup operations expose second responders to a range of workplace hazards. These include dangers associated with contaminated water, downed electrical wires, damaged and unstable structures, and exposure to mold and other fungi. For those who are working at unsafe heights to repair roofs, trim trees, and replace siding, there is a danger of falling from building tops, scaffolds, or ladders. While hazards may be found at any construction site, three aspects of disaster recovery greatly increase the likelihood that workers will confront risks to health and safety: (1) the rapid pace at which recovery operations are undertaken, including working long hours and without necessary rest breaks; (2) the prevalence of multiple hazards at any given worksite; and (3) the fact that hazards may be unknown to work crews that are entering a worksite. This section assesses the training day laborers have received to minimize illness, infection, and injury; the types of protective equipment that are available to them; and their access to medical care.

Few employers have provided health and safety training to day laborers involved in cleanup operations. Eighty-five percent of day laborers who have worked in hurricane-affected areas report that they have not received any training for the worksites they are entering (Table 4). Similarly, 87 percent have not been informed about risks related to unsafe buildings, 85 percent have not been informed about risks related to mold, 85 percent have not been informed of risks of working in contaminated water, and 83 percent have not received training for working around fallen trees or electrical lines.

Table 4: Health and Safety Training

	Safety training for the worksite	Information about unsafe buildings	Information about mold	Information about contaminated water	Information about fallen trees and electrical lines
Percent who have not received	85%	87%	85%	85%	83%

Source: Houston Day Laborer Survey, 2017

Approximately one-quarter (24%) of day laborers have received health and safety training at some point. This training mainly appears to have been administered by previous employers in non-construction industries. Just 3 percent of day laborers have received the basic 10-hour training course designed by the Occupational Safety and Health Administration (OSHA) for entry-level construction workers.

The risks posed by the absence of health and safety training are compounded by the lack of personal protective equipment possessed by workers (Table 5). Nearly one-third (32%) of day laborers do not have work gloves, 40 percent do not have



protective eyewear, 41 percent do not have steel-toed boots, 61 percent do not have a respirator, and 64 percent do not have a hard hat. Given that the specific conditions encountered by second responders at a given worksite on a given day are difficult to predict, it is incumbent on employers who have accepted post-disaster recovery work to provide appropriate personal protective equipment to their work crews.

Table 5: Need for Personal Protective Equipment

	Gloves	Eyewear	Steel-toed boots	Respirator	Hard hat
Percent without equipment	32%	40%	41%	61%	64%

Source: Houston Day Laborer Survey, 2017

A substantial segment of the day labor workforce reports suffering from the types of ailments that are common during post-disaster recovery (Table 6). Furthermore, the nature of these ailments is such that their effects may not be immediately observable but instead become more noticeable over time. As a result, the incidence of ailments likely will increase. Day laborers were asked whether they had experienced various ailments due to exposure to workplace conditions while working in a hurricane-affected area. Twenty-seven percent report difficulty breathing, 28 percent skin rashes and swelling, 35 percent report recurring headaches, and 40 percent report watery eyes or eye infection.

More than one-third (34%) of workers reported having been injured while employed as a day laborer in Houston.²¹ Cuts and puncture wounds have been the most common, followed by serious falls (such as from improperly assembled scaffolding, ladders, and damaged floors and roofs), ergonomic injuries (mainly from heavy lifting), and broken bones (from falling objects or from objects crushing a limb). Of those who suffered an injury, 67 percent indicated that the workplace was unsafe, 63 percent said that the injury was due to lack of protective equipment, and 52 percent said that they were injured due to pressure to work faster.

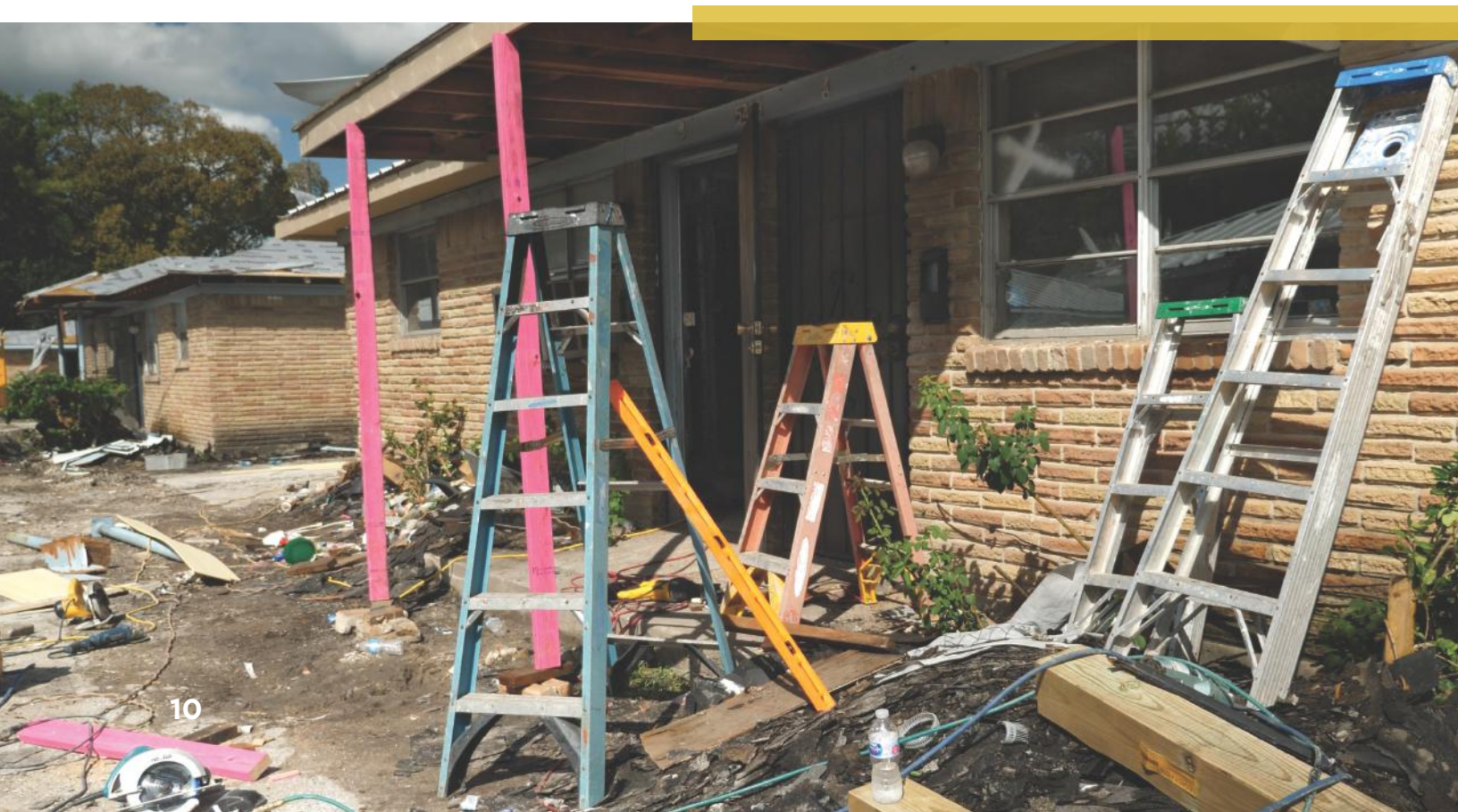
Table 6: Day laborers suffering from ailments common in post-disaster recovery settings

	Difficulty breathing	Skin rashes and swelling	Recurring headaches	Watery eyes or eye infection
Percent experiencing ailment	27%	28%	35%	40%

Source: Houston Day Laborer Survey, 2017

Despite the high levels of exposure to health and safety hazards while conducting post-disaster recovery work and the prevalence of workplace injuries more generally, day laborers rarely access medical care. Just 16 percent reported that they had received medical attention for any job-related health problems they may have experienced. Of those who received medical care, 70 percent covered medical expenses through insurance or, more commonly, paying these expenses directly themselves.

As Delp, Poldolsky, and Aguilar have explained with reference to disaster-recovery efforts by day laborers in the Gulf Coast following Hurricane Katrina, “a combination of factors ... – the changing and sometimes unpredictable hazards at disaster sites, the social and legal status of day laborers, and the potential for exploitation by unscrupulous or uneducated employers – increase[s] the risk of exposure to workplace hazards beyond those faced in nondisaster site....”²³ Day laborers in disaster areas must be deemed a priority workforce for workplace health and safety training, as well as for the distribution of personal protective equipment. With regard to the latter, some of the day laborers who were surveyed reported access to key types of protective equipment, such as respirators. But in many cases these devices were being used long after the effective use period had ended. In other cases, workers reported trying to protect themselves by tying a tee shirt over their mouths and noses or devising other similar ways of safeguarding against exposure to health hazards. In short, the needs for both equipment and training are great. Developing effective and appropriate responses to the health and safety hazards faced by day laborers, as well as the other employment-related problems identified in this report, will require addressing the combination of factors identified by Delp and colleagues: workplace hazards must be identified, acknowledged and remedied; problems arising from workers’ irregular immigration status must be resolved, and enforcement of labor standards must be strengthened and extended to informally employed workers. The final section of this report presents recommendations for raising standards in job markets supplying workers for post-disaster cleanup and recovery.



IV. Recommendations

As Houston recovers from the catastrophic damage caused by Hurricane Harvey, day laborers have been called upon to undertake the vital, though hazardous, work of debris removal, demolition, repair, and rebuilding. This study has found that in completing this work, day laborers are unduly exposed to dangerous conditions and subject to widespread violations of employment standards. The following recommendations are aimed at improving conditions in post-disaster labor markets and strengthening the responses of government agencies to the substandard conditions that have been following natural disasters.²³

Develop Worker Centers as “Disaster Recovery Hubs”

Day labor worker centers, labor unions, and other organizations that directly engage informally employed workers need to be prepared to equip second responders with personal protective equipment and provide health and safety training tailored to the types of hazards found in disaster relief zones. Worker centers, in particular, have been found to substantially improve conditions in day-labor markets. Because they have established trust among the workers who will play a critical role in cleanup and reconstruction, worker centers are appropriate partners for local and state governments seeking to minimize workers’ exposure to health and safety hazards and avoid life-threatening, work-related accidents. Worker centers can be given a supply of personal protective equipment, and in the event of an emergency they can distribute this equipment immediately. Partnering with workers centers to ensure the speedy distribution of protective gear will reduce recovery workers’ exposure to harmful conditions and likely will save lives.

Before any relief work is started, however, federal and state agencies must assess the risks associated with prolonged exposure to post-disaster relief environments. Residents, workers, property owners, and contractors and other employers should not be left on their own to figure out how to safely and effectively deal with environmental contamination. To that end, uniform re-occupancy standards that are protective of public health should be established for impacted workplaces and residences. These should be based on event- and site-specific criteria, with input from experts and from representatives from impacted business, labor, and residential communities.

Returning to the matter of strengthening worker protections, the Occupational Safety and Health Administration (OSHA) can continue to make inroads with vulnerable workers by authorizing staff to administer training through worker center networks. The infrastructure to reach at-risk day laborers already exists within these community organizations. By partnering with worker centers, OSHA can benefit from the trust they have developed with relief workers. This model has proven effective in New York and New Jersey. Following Hurricane Sandy, worker center staff became authorized OSHA-10 trainers, and by using worker centers as hubs for the delivery of training, OSHA’s regional impact has grown substantially over the past five years. Other worker centers also have capitalized on increasing concerns among immigrant workers regarding workplace health and safety by administering training programs that have been shown to increase workers’ knowledge of workplace safety issues.²⁵ However, in Houston, as this study has revealed, OSHA is rarely recognized by entry-level construction workers. As workers continue their recovery and rebuilding efforts, the agency has the opportunity to increase its influence by partnering with local organizations to provide critical safety training.

Day labor worker centers can also be publicized as locations where workers knowledgeable about disaster preparedness can be hired. Day laborers, once trained, can disseminate important information both before and after natural disasters to help residents and businesses cope with recovery operations. This was the case after Hurricane Sandy. Residents were in Brighton Beach were, for all intents and purposes, isolated yet they were able to receive important notices and referrals to essential services from day laborer second responders working in the area.

Suspend Immigration Enforcement

Immigration enforcement has a chilling effect on workers who would, in other circumstances, report employment violations, access emergency services, and seek medical care. Assurances from government agencies and elected officials, while important, are not enough to overcome the risks faced by undocumented immigrants, nor their isolation, both during and after a natural disaster. When governments declare a “state of emergency,” they suspend normal operations in order to gain control of an urgent situation. One of the operations that should be officially suspended in the aftermath of a natural disaster is immigration enforcement within disaster zones. This was done after Hurricane Katrina, when the Bush administration suspended employer sanctions in affected regions for 45 days after the storm.²⁶ The fear of detention and

deportation is an insurmountable barrier for undocumented immigrants, and it contributes to rampant labor violations and untreated work injuries. Officially suspending immigration operations will send a clear message to the immigrants that their safety is paramount and the government's primary objective during catastrophic emergencies is the safety of everyone.

Grant Work Authorization to Reconstruction Workers

Reconstruction workers are essential to rebuilding disaster-torn communities, and the completion of recovery work is measured in years, not weeks or months. To ensure that the needed labor forces are available and that workers are not subject to widespread violations of employment standards, immigration protections should be extended beyond the immediate emergency period. Given the unmet demand for construction workers that exists in every region of the country, it is no secret that immigrant workers will be necessary to complete reconstruction. Ensuring that these workers are protected from abusive labor practices by granting them work authorization will secure the supply of labor necessary for rebuilding efforts and mitigate against the erosion of employment standards that occurs when undocumented workers are excluded from labor protections. A temporary work authorization for reconstruction workers would achieve these objectives while also forcing employers to play by the rules.

Dedicate Resources for Workplace Enforcement Dedicated to Informal Labor Markets

The Department of Labor and the Texas Workforce Commission has little to no name recognition among informally employed construction workers. In order to improve labor standards in the construction and landscaping sectors, enforcement agencies require increased budgets and dedicated investigators who visit informal hiring sites and worksites where day laborers are employed. In addition, by entering into strategic partnerships with worker centers, enforcement agencies can more effectively target industry segments and employers where violations are rampant.

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