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## Jornaleros Engaged in a Multidimensional Struggle: A Critical Ethnography with Day Laborers in Las Vegas

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*JORNALEROS* ENGAGED IN A MULTIDIMENSIONAL STRUGGLE: A CRITICAL  
ETHNOGRAPHY WITH DAY LABORERS IN LAS VEGAS

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A dissertation submitted in partial fulfillment of the  
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## ABSTRACT

*Jornaleros* Engaged in a Multidimensional Struggle:  
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by

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Doctor of Philosophy in Public Affairs

University of Nevada, Las Vegas, 2017

Day labor work has spread across the entire United States as part of the secondary labor market, or as Cherrie Moraga describes it- survival work. Day laborers in Las Vegas, Nevada have become a significant part of this trend in the Southwest, where the highest rate of day laborers work, and for which little community and scholarly work has been produced. The National Day Labor Survey, the most comprehensive study with day laborers, reports that the day labor market is rife with abuse and violations of worker rights. But, the exploitation of this predominantly migrant workforce would not be possible if this workforce had the same rights as U.S. citizen workers in the primary labor market, and to some extent in other sectors of the secondary labor market. Undocumented migrant workers from Mexico and Central America comprise 75% of the labor force in this labor market. Thus, this study seeks to explore the significance and role of immigration status and the ways in which it contributes to the hardships of day labor work for migrant workers. Additionally, the study examines the manner in which day laborers in Las Vegas negotiate their wages and other terms of employment and how these

terms conflict and/or coincide with labor laws. Also, this study explores employer treatment of day laborers, and when abuse and labor law violations occur, how day laborers manage and respond to the mistreatment and law violations. Furthermore, the project seeks to advocate for migrant worker rights by shedding light on other hardships associated to day labor work and on the relationship between migrant workers and employers in this unsanctioned and exploitable labor market. Lastly, this project challenges the mainstream misconception that migrant workers, especially those from Mexico and Central America, are “poorly educated” and “low-skilled” and the ways in which these deficiency frameworks sanction and contribute to the exploitation of this workforce while perpetuating xenophobia and discrimination. This study employs *testimonio* and ethnographic methodologies at an informal hiring site, *la esquina*, in Southeast Las Vegas where *jornaleros* gather daily to seek work. The National Day Labor Survey, Critical Race and Latino Critical Theory, and Chicana feminist thought inform this study.

## **DEDICATION**

*A los trabajadores que me ayudaron en este proyecto. Y a Luna y Tonalli, las amo.*

## ACKNOWLEDGEMENTS

When I first started doing this work I lacked the confidence that I thought was necessary to conduct a project like this one, but the *jornaleros* welcomed me into their space openly and willingly without reservation, which has made this journey less difficult and unforgettable. I am indebted to them, thus it is especially important to share their lives and struggles to seek a safer and healthier reality, and to join them in solidarity in their plight for dignity and justice. Their struggles are abundant and multidimensional, but I am captivated by their resilience to survive and resist. I am forever grateful to them and to all who were part of this journey in any way.

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## PREFACE

I use Chicano Spanish here as a form of resisting white Eurocentric traditions of writing in academia, particularly in the U.S. I also use the term migrant/migration to acknowledge that “immigration” is state sanctioned and rejected in my work as a legitimate concept and to stand in solidarity with the workers who are forced to *migrate*. I also use the terms Latina/o-Chicana/o in my work as chosen identities versus “Hispanic” because it is an imposed identity. In this way, I am creating a space for us, those of us who speak our home tongues, in a place where we are normally left out. And, in this way, we create bridges between academia and our community.

“For a people who are neither Spanish nor live in a country in which Spanish is the first language; for a people who live in a country in which English is the reigning tongue but who are not Anglo; for a people who cannot entirely identify with either standard Spanish nor standard English, what recourse is left to them but to create their own language? A language which they can connect their identity to, one capable of communicating the realities and values true to themselves- a language with terms that are neither *español ni inglés*, but both. We speak a patois, a forked tongue, a variation of two languages.”

Gloria Anzaldua

## CHAPTER ONE: INTRODUCTION, THEORETICAL FRAMEWORK, & RESEARCH QUESTIONS

Although Las Vegas has become a hub for many Latina/o and migrant workers in the United States very little scholarly work<sup>1</sup> has been published on the living conditions and lived experiences of this community in the Southwest. Migrant workers comprise a significant segment of the labor force in Nevada (as in the U.S.), and in Las Vegas, relying on Latina/o migrant workers has become a social and economic practice for domestic servicing and low-wage work. To situate this project it is important to recognize that although men are at the forefront of day labor work, *mujeres* in Las Vegas are at the forefront of the proliferation of labor-intensive domestic and service work: both, domestically and in the casino industry. An increase in the employment of Latina migrant workers sustains the proliferation of housekeepers, private nannies, and housecleaners; and similar to day labor work, domestic work is often not recognized as employment because it takes place in unsanctioned and informal work environments- private homes (Hondagneu-Sotelo, 2001). Additionally, as a result of U.S. policies through free trade agreements and imperialist practices workers have been displaced and forced to migrate where a high demand for cheap labor exists, as is the case in Las Vegas. The majority of immigrants come to the U.S. (and subsequently to Nevada) seeking work. Many of the jobs that migrant workers perform are in informal work environments and involve unsanctioned negotiations between employers and employees, in which employer abuse and labor law violations are common.

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<sup>1</sup> Professor Anita Revilla, Associate Professor and Chair of the Department of Interdisciplinary, Gender and Ethnic Studies at the University of Nevada, Las Vegas has published extensively on Chicana/o/Latina/o student activism in Las Vegas. My work seeks to expand on her work, also through a Chicana Feminist lens, to contribute to the growth of a body of literature on the experiences of Chicana/o/Latina/o people and communities in the Southwest, to acknowledge and honor migrant workers, and to advocate for migrant labor rights.

The growth of the day labor market and the increase of worker rights violations are national trends that deserve attention from the public, policy-makers, community activists, and scholars. Day labor work is a complex issue that has generated conflict and anti-immigrant sentiment against “undocumented” migrant workers. This study examines the significance of ethnicity, immigration and social status on employment outcomes for day laborers. Moreover, this study examines the manner in which day laborers in Las Vegas- the largest concentration of day laborers is in the West- 42% (National Day Labor Survey, 2006) - negotiate their wages and other terms of employment and how these terms conflict or coincide with labor laws. Also, the study explores the occurrence of employer abuse and labor law violations against day laborers, and, how day laborers respond, cope and manage employer mistreatment. Additionally, this project explores other hardships associated with day labor work. I also seek to deconstruct the deficit framework that migrant workers, specifically from Mexico and Central America, are “poorly educated” and “low-skilled,” and the implications of this rhetoric for day laborers.

This study aims to generate data on the day labor phenomenon that can promote reflective policy approaches, and foster a public and scholarly discussion on this urban issue. *Testimonio* interviews, critical race and ethnographic methodologies will be employed to conduct the study. These methodologies are the appropriate methods to explore the day labor market to describe the manner in which negotiations take place and to identify potential employer abuse and labor law violations against migrant workers; and equally important, to learn about the ways in which these workers manage labor law violations and cope with employer abuse. Critical ethnography is a qualitative method that employs an advocacy component that will be used in this project. The National Day Labor Survey (NDLS), Critical Race and Latino Critical Theory,

and Chicana feminist thought inform this study. The following is an account of the context under which this study will be conducted.

## BACKGROUND

The economy of the United States has increasingly become dependent on migrant labor. According to the 2010 U.S. census there are nearly 40 million foreign-born immigrants (13% of the total US population) who reside in the United States, and the Bureau of Labor statistics estimate that foreign-born immigrants comprise 16% of the American labor force, which translates to 25 million immigrants in the workforce (Pew Hispanic Center). Nearly half of these workers are Latino/a. Undocumented migrant workers, close to one third of the migrant workers, comprise five percent of the total U.S. workforce. More than 8 million workers work without immigration status in the U.S.; many of them work as day laborers (*jornaleros*) in the secondary labor market. The day labor market, one type of work in the secondary labor market or what Cherrie Moraga describes as survival work (2011), has spread across the entire U.S. Every day, approximately 120,000 day laborers seek work in the open-air market standing by nursery stores, home improvement stores, by the side of the road, and at busy intersections mostly in construction, landscaping, and janitorial jobs (National Day Labor Survey, 2006). More than three quarters of day laborers are undocumented migrant workers from Mexico and Central America (National Day Labor Survey, 2006).

The secondary labor market, also referred to as the segmented/dual labor market in the mainstream, departs from conventional economics and popular conceptions of the labor market theory suggesting that the jobs in the conventional “American Dream” are scarce. Only a few workers, especially those at the bottom of the labor market, have access to “good jobs” as a result of the segmentation of the different types of workers and the differences between the

different employers (Moore, 1978). In capitalist societies labor markets are divided into two segments: the primary sector and the secondary sector (Johnson-Webb, 2003). The primary sector is characterized by jobs that are well-paid, have secure tenure and fringe benefits. The secondary sector is characterized by jobs that are low-paying and “menial” (Johnson-Webb, 2003); often times arbitrarily referred to as "low-skill work" performed by “poorly educated” and “low-skilled workers,” yet crucial to the history and culture of the American fabric of society. Urban, underserved, racial minority workers are disproportionately represented at the bottom of this labor market (performing survival work). Furthermore, immigrant workers from Latin America are ubiquitous in the lower levels of the U.S. workforce (Robinson, 2008). Workers from Mexico and Central America provide much of the labor in the secondary labor market: agriculture, construction, landscaping, hotels, restaurants, janitorial and house cleaning, child care, domestic service, meat and poultry packing, food processing, light manufacturing, and retail (Valenzuela et al., 2006). Undocumented workers, the majority from Mexico and Central America, work in low paying, and unsafe jobs that are volatile and unstable (Chomsky, 2009). According to the National Day Labor Survey, the day-labor market is rife with violations of worker rights; day laborers are regularly denied payment for their work, many are subjected to dangerous jobs with little to no protection/safety, and most endure insults, violations, and abuses from their employers.

To understand immigration patterns to the U.S. it is important to understand global capitalism and free trade agreements between the U.S. (and other rich nations) and developing countries (Robinson, 2008). U.S. foreign policies foster global inequality, while domestic policies foster domestic inequality and the demand for secondary labor market workers. The exploitation of global inequalities in the U.S. has created a high-profit/cheap-labor product

model by increasing immigration (Chomsky, 2009). Global capitalism reorganizes the supply of labor to the global economy (Robinson, 2008). Rich countries have experienced an influx of transnational immigration over the past few decades as developing countries and regions have been integrated, often violently, into global capitalism through foreign invasions and occupations, free-trade agreements, neoliberal social and economic policies, and financial crises (Mora and Davila, 2009). Millions of people have been displaced from their home countries and have been forced to migrate with the upsurge of global capitalism and free trade agreements. As a result, a new pool of exploitable laborers has been created for the global economy as national labor markets have increasingly merged into a global labor market (Robinson, 2008). Migrant labor patterns in the U.S. have generated labor pools that are often drawn from ethnically and racially oppressed groups. Many of these workers participate in the day labor market.

According to Bacon (2008), trade and immigration policies are part of a system that produces displaced workers. Trade agreements among nations, such as the North American Free Trade Agreement (NAFTA), have far reaching domestic and international consequences (Mora and Davila, 2009). A close relationship exists between U.S. trade and American immigration policies since the passage of NAFTA, which freed the movement of goods and capital but not the movement of people (Robinson, 2008). NAFTA did not lead to greater freedom of movement for workers and farmers across the U.S.-Mexico Border, and did not give immigrant workers and farmers greater rights and equality in the US (Bacon, 2008). Immigration from Mexico to the U.S. was always an underlying concern during the NAFTA debates, which was further agitated because immigration from Mexico to the U.S. increased during and since the NAFTA years, which took effect in 1994. NAFTA did not relieve the human suffering of poor people; it displaced and forced the poor to immigrate to the U.S. Chomsky (2009) suggests that a new

model of global economic integration is necessary to redistribute resources more equitably, that also embraces traditional peasant lifestyles.

According to Robinson (2008) as borders have come down through trade agreements for capital and goods, they have been reinforced for displaced workers. While global capitalism creates migrant workers, these workers do not enjoy citizenship rights in their host countries. The exploitation of a migrant workforce would not be possible if that workforce had the same rights as U.S. citizens. Granting full citizenship rights to millions of undocumented immigrants in the U.S. would undermine the division of the working class into immigrants and citizens. Their division is an important component of the new class relations of global capitalism; workers who can be hired and fired at will, face unsafe work conditions, job instability, a lack of benefits, and low wages (Robinson, 2008). Undocumented immigrant workers are vulnerable to deportation, constricted to low wages, and denied basic human rights- limited access to housing, education, and healthcare. Leaving them outside of the realm of legal order fosters perverse actions against them and relieves authorities from obligations to protect them (Martinez and Valenzuela, 2006). As a result, many of the workers who participate in the day labor market lack many of the protections guaranteed by federal and state laws.

Migrant workers are disposable through deportation, which also makes them controllable. The fear of deportation assures the ability to exploit migrant workers with impunity and dispose them without consequence if these workers become “uncontrollable” or “unnecessary.” Robinson (2008) argues that denying migrant workers’ rights and absolving the state and employers of any commitment to the protection of these workers allows for maximum exploitation. The punitive approach of immigration policies in the U.S. has been combined with reforms to federal welfare law that deny migrant workers access to benefits such as

unemployment insurance, food stamps and other welfare benefits (Bacon, 2008). Consequently, migrant workers become responsible for their own maintenance and reproduction, and for their families still in their country of origin through remittances. Robinson (2008) also argues that borders and nationality are used by the powerful and the privileged to sustain control and domination over the global working class.

The methods employed to control the immigrant labor force includes: stepped-up raids on immigrant workplaces and communities, mass deportations, an increase in the number of federal immigration enforcement agents, the deputizing of local police forces as immigration enforcement agents, the further militarization of the U.S.-Mexico border, anti-immigrant rhetoric in the mass media and the introduction of discriminatory anti-immigrant legislative initiatives (Robinson, 2013). These methods are susceptible to being organized into racist, anti-immigrant discourse and legislation. Anti-immigrant efforts promote xenophobia and scapegoating of immigrant communities (Chomsky, 2009). The scapegoating of these communities was intensified by many anti-immigrant and repressive state and local legislation, among them: Arizona's SB1070 and Alabama's HB56, both of which institutionalized racial profiling and the terrorization of immigrant communities (Robinson, 2013).

Robinson (2013) argues that states assume a gatekeeper function to regulate the flow of labor for the capitalist economy. The dependence of the U.S. and the global economy on migrant labor, presents a contradictory situation. The paradox of immigration in the US can be explained by the basic economic theory of supply and demand, and the anti-immigrant efforts promoted by conservative groups. Migrant workers, especially those from Mexico and Central America and brown Asian countries, immigrate to the U.S. because there is demand for cheap labor that they provide, while simultaneously, they are isolated, marginalized, and jostled by



anti-immigrant discourse and policies. From the viewpoint of the dominant group, the objective is how to exploit migrant workers, and how to simultaneously assure their control (Shelden, 2010). The state plays a balancing act by finding a stable supply of cheap labor and a viable system of control over immigrants (Robinson, 2013). Day laborers supply a significant segment of cheap labor in the secondary labor market. The drive in the U.S., and other rich nations, has been toward the intensified criminalization of migrant communities, the militarized control of these communities, and the establishment of an immigrant detention and deportation complex (Robinson, 2008).

The "war on terror" also declared the war on undocumented immigrants by merging national security with immigration law enforcement (Bacon, 2008; Chomsky, 2009; Martinez and Valenzuela, 2006). The "war on terror" has also shaped immigration policy enforcement by focusing on threats to national security (Martinez and Valenzuela, 2006; Robinson, 2008). The "war on terror" provokes fear, which is used to justify racism and inhumane strategies by creating an image of undocumented immigrants as an enemy (Bonilla-Silva, 2010). The influx of migrant workers has historically been received with disapproval, particularly when they differ from the natives on cultural markers: religion, language, phenotype, and country of origin (Martinez and Valenzuela, 2006). Militarized border policies affect entire groups of brown people who don't look white regardless of their immigration status. Border militarization promotes hate and fear, and as a result the mistreatment of undocumented immigrants. It also diminishes human rights and the quality of life of migrant workers through racial profiling. The paramilitary approach also coerces the public perception of undocumented immigrants. This approach allows military equipment and paramilitary border enforcement agents to abuse and violate the rights of migrant workers. Stricter enforcement of border policies also shifts

immigration to more dangerous areas, where the death toll of undocumented immigrants has reached record numbers (Martinez and Valenzuela, 2006).

According to Martinez and Valenzuela (2006) economics has also contributed to the militarization of the border through free trade agreements and the drug trade. The “war on drugs” has also contributed to draconian border enforcement policies and practices. The militaristic model seeks to achieve a sealed border to mitigate drug smuggling. But, we also know that drug policies and enforcement have miserably failed. Criminalizing undocumented immigrants is presented as necessary to solve the problems of drug smuggling and the influx of migrant workers, however; the escalation of the criminalization process that has led to the militaristic approach has not stopped undocumented immigrants from crossing the U.S.-Mexico border without lawful permission. The economic downturn did such a job more successfully than austere immigration policies and approaches. Chomsky (2009) concludes that the \$20 billion the U.S. has spent on militarizing the border in the last decade has not reduced immigration levels, but instead has caused untold human suffering; much of this suffering is confirmed by the narratives of the day laborers who participated in this study.

The new era of mass immigration, mostly from Latin America, has coincided with an era of mass imprisonment in the U.S. (Martinez and Valenzuela, 2009). There is an economic base for the maintenance of a controlled and exploited Latino/a immigrant workforce. The American system cannot function without it. Migrant labor is extremely profitable for the corporate economy in two ways (Robinson, 2008). First, it is a workforce that is highly vulnerable and deportable, therefore exploitable. Second, the criminalization of undocumented immigrants and the militarization of the border not only produce conditions of vulnerability, but also generate vast new opportunities for profit-making; opportunities for profit-making include the criminal

justice system (Shelden, 2010). The immigrant military-prison-industrial-detention complex is one of the fastest growing sectors of the U.S. economy (Martinez and Valenzuela, 2009; Shelden, 2010). There has been a boom in new private prison construction to house undocumented immigrants detained during deportation proceedings. Shelden (2010) reveals that business has been brisk in recent years as immigration enforcement has resulted in a 65% increase in the number of undocumented immigrants in federal jails between 2002 and 2008. The Pew Hispanic Center reports that during the Obama administration, nearly two million undocumented immigrants have been apprehended and deported. The Obama administration presents itself as a friend of Latina/os and the immigrant community, yet they have deported more undocumented immigrants than any other administration in the past half a century—approximately 450,000 migrants per year, and there’s every reason to believe that this will continue under the Trump administration.

The private detention complex is a boom industry (Martinez and Valenzuela, 2009; Shelden, 2010). Undocumented immigrants constitute the fastest growing sector of the U.S. prison population, and are detained in private detention centers and deported by private companies contracted out by the U.S. (Martinez and Valenzuela, 2009). As of 2010, there were 270 immigration detention centers that incarcerated 35,000 immigrants daily (National Immigration Forum, 2012). Since detainment facilities and deportation logistics are subcontracted to private companies, capital has a vested interest in the criminalization of migrant workers and in the militarization of the border to gain control over immigrants; day laborers are ubiquitous in immigrant detention centers (Valenzuela and Martinez, 2006).

Robinson (2013) summarizes the state of the current efforts to enact immigration reform. The U.S. congress was expected to resume deliberations on comprehensive immigration reform

(CIR) legislation, but these deliberations have been delayed by mass killings that have generated gun control deliberations, economic downturn debates, healthcare debates, debt ceiling debates, and the 2013 government shutdown. The U.S. House of Representatives was scheduled to continue to debate S.744, the bill that was passed by the Senate in June 2013, but has failed to do so. This is the most significant bill introduced to congress on immigration reform since the Immigration Reform and Control Act (IRCA) of 1986. However, this bill has been criticized by immigrant rights organizations and has deeply divided advocates of CIR. Some argue that this is the only proposed legislation possible, while others criticize the proposed legislation and condemn it as selective and exclusive. Similar to IRCA, the proposed legislation appears to be an attempt to deny rights to immigrants, foster repression, validate the criminalization of migrant workers, further militarize the border, and promote the control of immigrant communities to create a system of cheap labor (Robinson, 2013).

The new proposed legislation, S.744, allegedly provides a "pathway to citizenship" for undocumented immigrants (many must go to "the back of the line," which for some it means 20 year wait times), but the conditions under which undocumented immigrants can adjust their status are very exclusive. It is estimated that between one-third and two-thirds of undocumented immigrants will not meet the criteria set by the new proposed legislation (National Immigration Forum, 2013). These criteria include having an income of 125% of the federal poverty guideline, which would make millions of migrants who work for minimum wage ineligible; it requires paying hefty fees and fines; applicants must pass a criminal background check; and learn English, U.S. civics and history (National Immigration Forum, 2013). The proposed legislation also denies migrants access to public services. The bill introduces biometric ID for migrant workers and mandates a universal E-verify system, by which applicants must prove they

are eligible for employment; and sets up a "guest worker" program with provisions that would drive wage levels and bargaining power down for migrant workers (National Immigration Forum, 2013). The bill also requests unprecedented collaboration between local and state police agencies and the Department of Homeland Security for database sharing, arrest, detention, and deportation of detainees (Robinson, 2013).

The bill also promotes heightened border security. It proposes to increase spending by almost \$50 billion on the militarization of the U.S.-Mexico border. The proposed legislation doubles the number of border patrol agents to 40,000 (from 20,000); adds another 700 miles of fencing (for a total of 1,400 of fencing across the 2,000 miles of the U.S.-Mexico border); it installs sensors, and deploys drones, Blackhawk helicopters, and former army soldiers to the border (National Immigration Forum, 2013). The bill meets the interests of the immigrant-military-prison-industrial-detention complex (Robinson, 2013). The corporate sector will continue to exploit a vulnerable labor force that is relegated to second-class status and to the secondary labor market, especially among the millions of undocumented immigrants of color who will be unable to adjust their immigration status; thus I use critical race theory to examine race, ethnicity and racism against migrant workers of color in the day labor market.

#### CRITICAL RACE AND LATINO CRITICAL THEORY, AND CHICANA FEMINIST THOUGHT

Critical race theory (CRT) and Latino critical theory (LatCrit), as well as queer critical theory and critical race feminist theory, seek to reveal and challenge the practices of subordination facilitated and sanctioned by legal discourse, legal institutions, and systematic and structural racism that targets people of color, women, the poor, the LGBTQIAP2+ community, immigrants, and all non-conformists to patriarchal, heteronormative, Christian, Euro-centric

norms (Delgado, 2012). In this project I use CRT and LatCrit to expose the bias and discrimination from employers and law enforcement against day labor workers based on their immigration and social status, and their ethnicity. Additionally, I use Chicana feminist thought to inform their *testimonios* (*jornalero* counterstories of survival and resistance).

CRT was founded on previous scholarship related to race and ethnic studies, but primarily it was a response to critical legal scholarship that focused on socio-economic struggles that often undermined the significance of race regarding structural and systematic discrimination, subordination, and exploitation (Revilla, 2004). At the same time, LatCrit theorists argue that CRT exclusively focused on a black-white paradigm. As a result, LatCrit theory has extended critical race thought to issues specific to Latina/os and examines the intersectionality of race, class, gender, sexuality, immigration, and other social categories that shape the lived experiences of struggle and hardship for Latina/os (Revilla, 2012). Although, there is a defined distinction between race and ethnicity, here I use both terms interchangeably because for Latina/os the distinction is not acknowledged in policy as it pertains to brown migrant workers. In this project, CRT focuses on the oppression and discrimination of migrant workers of color; LatCrit focuses on an overwhelmingly brown, exploitable and marginalized community- *jornaleros*; and Chicana feminist thought informs their *testimonios*.

**Diagram 1.1. Areas of Focus in Theoretical Framework**



Although race and racism are at the forefront of critical race theory, other forms of subordination intersect with CRT (Delgado Bernal, 1998) - including immigration and social status and their intersectionality with race and ethnicity. For *jornaleros* all three social markers (immigration status, socioeconomic status, and ethnicity) account for the oppression and discrimination they experience as an exploitable labor force of color. These complex social categories are contested here because they are interconnected with other complex political and social issues that establish and sanction the exploitation of displaced migrant workers. These issues often have been sidelined and neglected politically, but also by mainstream research. In this project, the *jornaleros* offer their *testimonios* as counterstories outlined by CRT and LatCrit in which their voices are represented, but more importantly where their stories are told by them.

I use social status, social class, and socio economic status interchangeably to demonstrate that class, beyond being an identity, is central to the day laborers inability to engage in work that allows upward mobility, but instead they perform work that relegates them to a second-class status in the labor force and subsequently in the community. Class as a form of oppression encompasses relations of power in social processes that reproduce structural inequality: "...class is tied intrinsically to material conditions within society and how we understand the manner in which relations of production and asymmetrical structures of power are at work in very concrete ways within the daily life [Latina/o migrant workers]" (Darder and Torres, 2003, pg. 310). Thus, I argue that the relationship between social status and Latino ethnicity impact the inability of day laborers to contend with ideologies of power and structures of racialized inequalities that persist in anti-immigrant rhetoric and efforts to negate their immigration status. Social status is central to our understanding and advocacy for Latina/o migrant working communities in our effort to emancipate marginalized, exploitable workers- *jornaleros*.



The lack of immigration status for undocumented migrant workers sanctions the exploitation of this growing labor force. The mainstream claim that the immigration system in the U.S. is broken focuses on the barriers for undocumented immigrants to adjust their immigration status, but ignores the elements of current immigration laws that govern undocumented migrant workers of color and their exploitation. Policymakers and other stakeholders that benefit from the cheap labor of these workers would stop profiting if immigration reform that protects workers is enacted. Immigrations laws and the agencies that comprise the immigration system are in place to ensure the existence of an exploitable workforce; therefore, the immigration system is not broken. Only, through the critical lens that CRT and LatCrit offer this phenomenon can be explained and deconstructed. Daniel Solorzano and Tara Yosso (2001) developed five principles in CRT and LatCrit for education research that I extend to my work with brown migrant workers. Of particular importance to my work is the centrality of race and racism and their intersection with other forms of subordination (in this case: immigration status and social class).

First, CRT examines multiple forms of oppression in addition to racism, such as anti-immigrant discriminations and worker exploitation. Solorzano and Yosso (2001) argue that racial and class oppression alone cannot account for oppression based on immigration status. It is at the intersection of race, class, and immigration status that we may better understand theoretical, conceptual, and methodological issues related to the multidimensional struggle of day laborers. Second, CRT challenges the dominant ideologies of meritocracy and equal opportunity in the education system, but also challenges the deficiency frameworks used to explain the achievement gap of students of color (Solorzano and Yosso, 2001)- and in this case the deficiency framework that migrant workers are “poorly educated” and “low skilled.” I use

CRT and LatCrit to challenge these traditional claims of objectivity, meritocracy, color-blindness, race neutrality, and equal opportunity. These traditional paradigms intentionally disregard the self-interest, power, and privilege of dominant groups (Solorzano and Delgado Bernal, 2001). In this project I aim to demonstrate that *jornaleros* are “agents of transformational resistance” (Revilla and Covarrubias, 2003)- that challenge the serious abuse and exploitation that is ubiquitous in the day labor market and on other forms of survival work.

Third, according to Solorzano and Yosso (2001) CRT commitment to social justice embraces a social justice research agenda that seeks to dismantle multiple forms of oppression (here worker exploitation) while empowering marginalized groups (*jornaleros*). CRT also reveals that the self-interest, power, and privilege of dominant groups operate to exploit a poor, migrant labor force of color, but also offers an emancipatory and transformative response to ethnic, class, and immigration discrimination (Solorzano and Yosso, 2001; Solorzano and Delgado Bernal, 2001). In this project, CRT demonstrates that multidimensional forms of oppression and discrimination are challenged by multidimensional forms of resistance that seek the emancipation and empowerment of day laborers. Thus, my research agenda seeks the elimination of racism and ethnic discrimination, classism and poverty, and the exploitation of undocumented migrant workers.

Fourth, CRT centers its focus on the centrality of experiential knowledge to recognize the value of lived experiences of marginalized communities to give them a voice and to acknowledge the consequences of racism (Solorzano and Yosso, 2001)- in this project on migrant workers of color. CRT recognizes this knowledge as legitimate, appropriate, and critical to understand racial subordination (Solorzano and Delgado Bernal, 2001). Furthermore, Solorzano and Delgado Bernal describe this knowledge as strength and argue that it is crucial to

the lived experiences of students of color. In this project, this knowledge informs the analysis of the counterstories of resistance and survival. Lastly, CRT adopts an interdisciplinary perspective to challenge ahistoricism and the unidisciplinary focus of most analysis of race and racism, and deconstructs race/ethnicity and racism in a historical and contemporary context using interdisciplinary methodologies: critical race, *testimonio*, and ethnographic methods (Solorzano and Yosso, 2001, Solorzano and Delgado Bernal, 2003).

In this project, I use these principles where applicable to the challenges and hardships associated to day labor work, and also to the resistance of day laborers in their search for survival work. These principles also challenge existing modes of scholarship of communities of color, but more importantly challenge mainstream claims that day laborers are “poorly educated” and “low-skilled.” In fact, I borrow and adopt CRT and LatCrit theoretical frameworks of education scholarship as frameworks that can be used in theorizing about the ways in which racist structures, political processes, and legal discourse support and promote deficiency frameworks against day laborers to benefit and profit from their exploitation and subordination as a cheap labor force. Moreover, CRT and LatCrit can be used to theorize about the ways in which traditional claims that the immigration system is “broken” sanction the exploitation of a migrant labor force of color by shifting the attention from the ways in which current immigration laws permit the exploitation of migrant workers to the hardships of adjusting the immigration status for undocumented immigrants. CRT and LatCrit differ from other theoretical frameworks because they challenge traditional paradigms on race, class status and immigrations status by implementing the five principles to our understanding of resistance and survival, and transformative and interdisciplinary knowledge (Solorzano and Delgado Bernal, 2001)- to examine the working conditions for day laborers.

According to Daniel Solorzano and Dolores Delgado Bernal (2001) LatCrit is a theory that highlights the multidimensional identities of Latina/os to address the intersectionality of racism and other forms of oppression. They conceive LatCrit theory as a project that seeks to connect theory with practice, scholarship with teaching, and academy with the community; thus LatCrit is not incompatible or competitive with CRT. Instead, Francisco Valdes (1997) maintains that LatCrit theory is supplementary and complementary to CRT and defines the goals and principles of LatCrit as “intergroup justice, anti-subordination, anti-essentialism, multi-dimensionality, praxis/solidarity, community-building, critical/self-critical, ethical, transnational, interdisciplinary” (135). The *jornaleros* in this project engage in this praxis through counterstory-telling in which they reveal their multidimensional struggles parallel to their multidimensional identities. In this way, the counterstories of the *jornaleros* in this project embody what Anita Revilla and Alejandro Covarrubias (2003) conceptualize as “rebellious knowledge production” in which their voices are represented through storytelling.

Revilla and Covarrubias (2003) describe Latina/o communities as “agencies of transformational resistance.” The authors created a model that defines communities of advocacy (through counter-storytelling *jornaleros* become their own advocates) that foster a commitment to transformative resistance, and one which promotes and nurtures a commitment to social justice through a multidimensional consciousness to enable participants to engage and to empower them to create change. Gloria Anzaldúa’s (1987) conceptualization of *la facultad* is reflected in the multidimensional consciousness that the *jornaleros* reveal through their counterstories: “*La facultad* is an instant perception and acute awareness arrived at without conscious reasoning. ...The one possessing this sensitivity is excruciatingly alive to the world. ...Those who are pushed out for being different are likely to become more sensitized; those who

do not feel safe in this world are more apt to develop it; those who are pounced on the most have it the strongest- women, queer folk, the dark-skinned, the outcast, the persecuted, the marginalized, the foreign” (37). My research and this project are directly aligned with the objectives outlined by Revilla and Covarrubias, and other LatCrit scholars.

## QUESTIONS

*Street Corner Society* (Whyte, 1943) and *Tally's Corner* (Liebow, 1967) highlight the steady growth of the poor and their problems since World War II which was prompted by a combination of swift population growth, technological advancements, and immigration. This trend was proliferated by a growth in U.S. imperialist practices that have resulted on forced migration, and has a damaging impact on migrant workers, especially those in informal and unsanctioned work sites. Furthermore, U.S. foreign and domestic policies foster inequalities that have spurred massive immigration patterns, but these policies are often overlooked as one of the major causes of immigration (Bacon, 2008; Chomsky, 2009; Robinson, 2008)- specifically of undocumented migrant workers. Chomsky (2009) concludes that the immigration debate is based on dangerous misconceptions and myths about society, the economy, the history of immigration, immigration laws and policy, and the reasons for migration. At the same time migrant workers are deprived of rights, marginalized, punished, and discriminated against with no repercussion (Ibid, p. xi). Widespread misconceptions about immigration are associated to the economy: migrant workers are accused of aggravating low employment rates, low wages, and government services (Ibid, p. 1).

At the same time, undocumented migrant workers are rarely considered by policymakers in the legislative process. Subsequently, Valenzuela (2000) argues that we know very little about the day labor market. This study explores the daily life of day laborers to expand the literature

on migrant workers in Las Vegas, and seeks to advocate for these migrant worker rights by shedding light on the hardships associated to day labor work and on the relationship between migrant workers and employers in a “secondary labor market.” The study also seeks to highlight the plight for more rights and protections for migrant workers; and advocates for a more inclusive discussion and legislative process of undocumented immigrants. Similar to *Tally’s Corner* the study also seeks to identify ways to emancipate lower-class male workers *en la esquina* by challenging the mainstream misconception that migrant workers, especially those from Mexico and Central America, come “poorly educated” and are “low-skilled” and the ways in which this misconception sanctions the exploitation of this workforce and perpetuates discrimination against undocumented immigrants. A critical ethnography will be conducted to address the issues discussed above and to answer the following research questions in this study:

1. In what ways do day laborers in Las Vegas, Nevada negotiate their wages and determine other terms of employment?
2. How do these terms conflict and/or coincide with employment and labor laws in Nevada and in the United States?
3. How do employers treat day laborers and what is the role of immigration status, social status, and ethnicity during this interaction?
4. What other hardships are associated to day labor work?
5. How do day laborers respond to employer abuse and labor law violations, and other hardships associated with day labor work?
6. How does the mainstream misconception that undocumented migrant workers are “poorly educated” and “low skilled” impact day laborers, and what are the implications of this rhetoric on the day labor workforce?

7. In what ways do day laborers respond to and counter the mainstream rhetoric that undocumented migrant workers are “poorly educated” and “low skilled”?

## CHAPTER TWO: *JORNALEROS* IN THE U.S.

Another aspect of this study is to humanize and give visibility to the complexities and hardships in the lives of day laborers in Las Vegas. *Jornaleros*<sup>2</sup> have become integral and essential to the U.S. economy, yet they are regarded as “illegals,” uneducated, unskilled, and a threat to the social and economic order of the U.S. and perceived as cheap, disposable laborers by anti-immigrant rhetoric and efforts from both sides of the political spectrum. But, what we may learn here is that these workers bring with them varying backgrounds, skills, knowledge, and experiences that contribute to the social and economic well-being of the communities in which they work and bring life to while building from the dark and bottom up with their skills and knowledge. The following is an account of the findings of the National Day Labor Survey, the legal landscape for day laborers in Nevada and the U.S., and a literature review of similar studies conducted across the U.S.

Although little is known about day laborers, recently there has been a surge in scholarly work that highlights this workforce in major cities across the U.S. Two prominent projects were conducted in Brooklyn, New York and Berkley, California in recent years; and the NDLS visited Las Vegas during the data gathering process of the project in the early 2000s. Yet, Las Vegas has gained little attention to a growing body of scholarly literature on Latina/o migrant workers in the Southwest. My work seeks to bring attention to this exploitable workforce in a city that is highly dependent on this labor force, but is not recognized as such. According to Valenzuela (2003), day labor is the practice of searching for work in open-air and informal markets (i.e.

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<sup>2</sup> Day laborers use different terms to refer to themselves and to describe their work. The most common term used is *jornalero* (shares the same etymology as “journeyman”), which originates from the word *jornada* meaning working day shift. Hence, *jornaleros* are laborers who work during the day or “day laborers.” I use the terms workers, day laborers, *jornaleros*, and *esquineros* (“men in the corner”) interchangeably to highlight the multiple struggles in their experience as migrant workers in the U.S. as *jornaleros* to some and day laborers to others.



street corners, temp agencies, home improvement stores, nurseries, etc.) Day labor has become an increasingly visible and important means of securing employment for a broad segment of immigrant, male, displaced workers; and is a burgeoning market in immigrant filled cities and regions. Valenzuela (2003) also reports that very little is known about the day labor market and the employers who seek this type of labor.

## DAY LABOR MARKET

No formal definition of day labor exists, but non-standard employment is inclusive of day labor. Non-standard employment- in the form of part-time work, temp agencies, contract company employment, short-term and contingent work, and independent contracting- has transformed work and the economy in significant ways. In the past four decades non-standard employment has grown rapidly and has become an important component of the U.S. economy (Valenzuela, 2003). At the same time, it is an important employer for migrant workers and other marginalized workers in large and mid-sized cities, like Las Vegas. Here, it is important to recognize that although these attempts to define day labor work (and other similar work in which migrant workers are forced into and exploited) are important in efforts to advocate for more labor rights and for more policies that protect vulnerable workers, the work that day laborers engage in is survival work. In *A Xicana Codex of Changing Consciousness*, Cherrie Moraga (2011) situates displaced indigenous workers in the U.S. that illustrates day labor work. “And it’s all indigenous workers now. All. Washing our cars and cleaning our houses and pulling our weeds and pouring our patios and building our fences. And yet, *they* are the criminals, as are the other twelve million undocumented migrants living in the United States...” (p. 139).

Nonetheless, Valenzuela (2003) identifies two types of day labor: formal and informal. Formal day labor is work connected to for-profit temp agencies that places day laborers in

manual work assignments for low pay to maximize profit. Informal day labor consists of men (and sometimes women) who muster in visible markets to solicit daily, temporary (short-term), and part-time work. Both types of day labor are unstable, do not provide workplace protections, pay poorly, and are characterized by workplace abuses and violations (e.g. non-payment, no breaks, dangerous work). Formal day labor hiring sites are characterized by long days, low wages, and dangerous jobs. As a result, employment is unstable and work is seldom secured on a regular basis. Formal hiring sites are highly structured, and have clear rules regarding favored workers and the qualities and skills required for this type of work. At the same time, informal day labor hiring sites operate under similar chaotic and unstructured characteristics. In informal hiring sites no formal rules or regulations are enforced, and workers and employers come and go freely. The supply of workers is highly volatile, and competition is severe and aggressive (Valenzuela, 2003).

The day labor market in the U.S. remains relatively unexplored. According to Valenzuela (2000) very little is known about day labor work, the workers who participate in this secondary labor market and the employers who seek to hire day laborers. The most comprehensive study on day labor work and life is comprised of four major data collection efforts. The National Day Labor Study was conducted in collaboration between UCLA's Center for the Study of Urban Poverty and the Center for Urban Economic Development at the University of Illinois at Chicago. The first is the day labor survey that is comprised of over 200 questions; it is the first survey of day laborers in the U.S. The second component of the study is comprised of 45 in-depth interviews of day laborers through oral histories to collect information about the workers themselves that cannot be collected through traditional survey methods. The third component includes 25 in-depth interviews of employers of day laborers to collect

important information on the demand side of this secondary labor market. Lastly, 10 case studies were conducted of different hiring sites.

The day labor survey sought to provide empirical data on this secondary labor market to promote public discussion and provide policy approaches to the immigration debate. The authors argue that the expansion of day labor hiring sites and the rise of worker violations merit the attention of policymakers. In some cities, the growth of day labor has also been accompanied by community tensions because of inaccurate and unsubstantiated portrayals of day laborers. Additionally, the findings of the NDLS suggest that violations of worker rights are ubiquitous in the day labor market. Regularly, day laborers are refused payment for their work, are subjected to unsafe job sites, and most suffer insults and abuse from their employers (Valenzuela et al., 2006). The survey consisted of 2,660 participants, most of whom were immigrants from Mexico and Central America.

#### MIGRANT WORKERS AS DAY LABORERS

The vast majority of immigrants who come to the U.S. do so to seek employment (Bacon, 2008; Chomsky, 2009; Johnson-Webb, 2003). But, recent federal immigration policies have also contributed to the influx of migrant labor; these same policies have had an effect on the supply of migrant labor both historically and in recent decades. According to Johnson-Webb (2003) employer recruitment is viewed as the most salient factor in immigration. She also suggests that once migration patterns start this way it is impossible to renege. Also, jobs tend to be low-paying, resulting in low social status, and often involve hard and dangerous working conditions. Furthermore, jobs to which migrant workers are constrained to seldom offer advancement, happen in unstructured work environments, and involve informal negotiations between employer and employee (Johnson-Webb, 2003).

According to Gomberg-Munoz (2011) there is a misconception that labor migration, particularly from Mexico to the U.S., is fueled by a lack of economic development in Mexico. However, labor migration is generated by uneven economic development. The movement of labor and goods across the U.S-Mexico border has always been an essential component of the economic development of both nations (p. 27). But, uneven economic development has generated mass migration patterns from Mexico and Central America to the U.S., and massive importation of labor. Many of these undocumented immigrants participate in the day labor market. As a result of restructuring economic, social, and political agencies informal employment (day labor work) has increased in visibility (Valenzuela, 2003). Economic restructuring also helps us understand the origins and the growth of the day labor market (Valenzuela, 2003). Global cities connect to remote geographies and points of production, consumption, and finance, thereby fueling changing economic structure. Furthermore, global cities reproduce “low-skill” workers, which I contest here, because of their polarized economy (primary labor market/secondary labor market) and influx of foreign born workers who respond to the demand for their labor (Valenzuela, 2003, p. 315) - many participate in the day labor market.

According to the Pew Hispanic Center, 11.1 million undocumented immigrants live in the U.S. (constituting 4% of the total U.S population). The Pew Hispanic Center also reports that 8.3 million are active in the workforce, which comprises 5.4% of the total U.S. workforce population. In Nevada, undocumented immigrants constitute 12.2% the labor force. Many of these workers engage in day labor. In Nevada, the Office of the Labor Commissioner in the Nevada Department of Business and Industry is responsible for ensuring that all workers are treated fairly under the law, while monitoring employment standards in work-hours and safe

working conditions. The provisions for compensation, wages and hours, and employment practices are compared to reports of day laborers violations of these provisions.

According to the National Day Labor Survey (2006), every day close to 120,000 day laborers participate in this secondary labor market (although some estimates suggest that up to 260,000 workers participate in the day labor market). Participation in the day labor market is fluid; workers enter and leave this job market regularly. At the same time, hiring sites appear and disappear in the same manner. The largest concentration of day laborers is in the West and Southwest comprising 60% of the total day labor workforce. Day laborers seek work in different types of hiring sites (home improvement stores, nursery stores, moving rental stores, and *paradas* or *esquinas*- as day laborers refer to these informal hiring sites.

#### NDLS

The majority (close to 80%) of hiring sites are informal, only one in five of day laborers seek work in day-labor work centers. Over 90% of day laborers are employed by homeowners and construction contractors in the top five occupations: construction, landscaping, painting, roofing, and drywall installation. Day laborers seek full-time work because the majority (83%) depends on day labor work as their only source of income; 70% seek work five or more days a week. Three quarters of day laborers have worked in this market for less than three years, while many transition to other employment sectors of the economy while seeking this type of temporary work. Day labor does not pay well. According to the NDLS the median hourly wage for day laborers is \$10. But due to the instability of securing work, monthly earnings are volatile. Monthly earnings range from \$500 to \$1,400 (National Day Labor Survey, 2006). It is likely that their earnings don't exceed \$15,000 per year, which puts them at below the poverty line of \$15,510 for a family of two in 2013.

*Jornaleros* regularly endure employer abuse. According to the National Day Labor Survey almost half of all day laborers experienced at least one instance of wage theft/refusal in the two months prior to being questioned. Also, close to half (44%) were deprived of food/water and breaks while working. Workplace injuries are common for day laborers. One in five has suffered a work-related injury, for which more than half did not receive medical treatment. More than two-thirds of day laborers have lost time from work due to workplace injuries. Day laborers also report unfair treatment from the police and their employers. Almost one-fifth of all day laborers have been subjected to insults from their employers, and 15% have been denied services by local businesses. Day laborers also report insults (16%), and arrests and citations (20%) from the police while seeking work at the hiring sites (National Day Labor Survey, 2006).

*Jornaleros* support themselves and their families through the work in this market. Therefore, the urgency of day laborers to work is a result of the responsibility to support their family. Close to half of day laborers are married or live with a concubine, and almost two-thirds have children (28% of children of day laborers are U.S. citizens). Day laborers are also active member of their communities; over half of day laborers attend church services regularly, one-fifth are involved in sports clubs, and one-quarter participate in community worker centers. Day laborers are predominantly immigrant and Latina/o. Almost 60% were born in Mexico, 28% come from Central America, and 7% were born in the U.S. Two-fifths of day laborers have lived in the U.S. for more than 6 years. Three-quarters of day laborers are undocumented immigrants, while one out of ten has pending applications for adjustment of status (National Day Labor Survey, 2006).

*Jornaleros* are low-paid workers who are often vilified because of their race and their immigration and social status. At the same time, Smith (2008) argues that the risk to workers

and the ability to create change for these workers is more visible among day laborers than in any other sector of the labor market. She argues that day laborers are perhaps the most vulnerable of all casual workers in the labor force of the U.S. because of the employment-related legal structures that affect them, the policies that govern day laborers that make enforcing these policies very difficult, and for their immigration status which may foster anti-immigrant sentiment. Smith (2012) also reveals that migrant workers and workers of color suffer high rates of fatalities and workplace injuries that often are unreported, which has become a vexing problem for this group. Although undocumented migrant workers are covered under worker compensation laws, the remedies are different in every state, which results in unpredictable entitlements and protections under the law.

Smith (2012) also argues that the extent of workplace injuries and fatalities among Latina/os, especially for migrant workers demand the attention of researchers and policymakers, especially at a time when anti-immigrant sentiment, policies, and enforcement at both the state and federal levels are high. She suggests that in order to protect workers and improve workplaces equality of access to worker compensation benefits must be enforced. Day laborers are protected by federal and state employment laws that govern wages, workplace health and safety, and the right to organize (Smith, 2008; Valenzuela, 2003). Although most state and federal employment and labor laws are applicable to day laborers, the temporary and volatile nature of the work, the complex regulations that govern wage deductions and compensable time, and the multiple parties involved in the work relationship/negotiation demand legislative reforms that address the rights and protections of day laborers. Recent anti-immigrant activism and violence illustrate the vulnerability of day laborers that is associated to their immigrant status (Smith, 2008); I argue that the same vulnerability is also associated to their race/ethnicity and

social class, and to the deficiency framework relegated to migrant workers and subsequently to *jornaleros* that they are “poorly educated” and “low-skilled.”

#### LEGAL LANDSCAPE FOR DAY LABORERS IN NEVADA AND IN THE U.S.

Jobs in the U.S. are governed by complex laws, policies, and industry norms, some of which are more firmly enforced than others (Gleeson, 2013), and some not enforced at all (e.g. day labor work). Employers often manipulate norms and strategize to evade formal laws. They may also directly engage in practices that violate the law. These actions and evasions are governed by federal, state, and some local laws. At the same time, employers may also promote an organizational culture that violates workplace protections, and may refuse to provide benefits that are not mandated under the law (Gleeson, 2013). After surveying the political field of immigrant worker rights in San Jose and Houston, Gleeson (2013) determined that the challenges of immigrant workers who participate in the secondary labor market further discourages undocumented workers from reporting violations, and often forces them to make decisions that prioritize economic stability/security over notions of justice (Gleeson, 2013). The protections provided by federal and state governments are a last resort for many workers. Furthermore, Gleeson (2013) identified three structural challenges that make accessing protections difficult for low-wage, non-union workers. These challenges include bureaucracies that by default poorly coordinate their efforts, a system of penalties that fosters litigation while neglecting employer violations, and a body of laws that neglects workers protections. Gleeson states that: “For undocumented workers, each of these barriers is intensified many times over” (p. 57).

The U.S. Department of Labor through the Fair Labor Standards Act (FLSA) guaranteed rights to day laborers in wages, hours worked, overtime, and recordkeeping. The FLSA dictates that employers must pay day laborers at least the applicable minimum wage for all hours worked



either paid by the hour, the day, or at a piece rate. The federal minimum wage for covered non-exempt employees is \$7.25 an hour, or the state's minimum wage if higher than the federal minimum wage. Employers must also pay workers for all the work performed whether or not the employer approves the work in advance. Hours-worked includes all the time an employee is on duty or at the place of work, and time spent in training and traveling from site to site during the day. Employers must also pay time and one-half of the worker's regular rate of pay after 40 hours of work in a 7-day workweek. Lastly, employers must keep records of all wages paid and all hours worked. Workers are encouraged to keep a record of their employer's name, address, phone number, hours worked, and all payments received. (U.S. Department of Labor, FLSA, 2009). However, these worker protections are more theoretical than actual (Smith, 2008). The Office of the Labor Commissioner in Nevada enforces labor laws and regulations on compensation, wages and working hours. The definition of "employee" in Nevada is inclusive of day laborers because of its broad definition, and extends employment/labor laws protections to day laborers (see appendix A for the NRS).

Day laborers in the U.S. struggle to secure their limited rights, sanctioned by federal and state law. In a case study, Smith (2008) explored the day labor workforce from surveys of day laborers to identify strategies to elevate their working/workplace rights. To address the issue of vulnerable low paid workers that are excluded from labor protections, activists have developed a number of strategies. These strategies include litigation and legislative campaigns that have recently been expanded to facilitate and develop leadership in a new social movement (Smith, 2008). She also suggests that litigation can establish that the workers meet the statute's definition of employment relationship because currently day laborers are misclassified as independent contractors. Also, advocates have urged administrative agencies to enforce

improved workplace/working protections for day laborers. Lastly, advocates of day laborers have engaged in state-based legislative work that seeks to establish a clear definition of “employee.” For the purposes of this project the definition of “employee” is a key factor to determine the extent of labor protections against labor and employment violations. According to Smith (2008) the legal structures of employment/labor in the U.S. has fallen behind the economic structures. Workplace/working rights and systems that guarantee social insurance only apply to workers who are classified as “employee.” Therefore, workplace benefits (e.g. unemployment compensation, worker’s compensation, and Social Security benefits) are only applicable to those who meet the specific definition of “employee.”

Workplace rights (e.g. the protection of wage and hour laws, health and safety laws, discrimination laws, and the right to organize and bargain) are only available to “employees,” which results in many unprotected, especially the most vulnerable. Kerr and Dole (2005) examined the experiences of homeless workers in the day labor industry in Cleveland. The authors argue that the day labor industry is not paying the true cost of labor because it relies heavily on government and charity subsidies to help dependent and desperate workers. They also illustrate that this system has produced a set of conditions that exclude workers from securing full time employment that pay living wages that allow them to live with dignity and respect. Their study was designed to identify and document abuses and violations within the day labor industry to develop strategies to address the exploitative working conditions of day laborers. The guiding principle was to develop connections and a common cause among day laborers to implement sustainable alternatives. Their approach emphasizes the importance of a grassroots, collaborative model developed from the experiences, concerns, and strategies of day laborers (Kerr and Dole, 2005).

## WORKER CENTERS

According to Valenzuela et al. (2006) work centers have become the most comprehensive response to the challenges associated to the expansion of day labor. The implementation of work centers seeks to reduce worker rights violations and help communities address concerns/issues with day labor. In 2006, 63 day labor work centers were in operation in 17 states, and 15 community-based organizations advocated on behalf of day laborers. The authors suggest that work centers offer a practical approach to many of the concerns/issues of day labor work, while they also improve the work conditions of day laborers. They also argue that violations and abuses in the day labor market require broader policy approaches that include: improved worker protections, enforcement of workplace safety, access to legal services, workforce strategies to transition from the secondary labor market to the primary labor market, and realistic immigration reform to adjust immigration status of undocumented immigrants (National Day Labor Survey, 2006).

According to Smith (2008) day laborer hiring sites are being opened and operated by non-profit community organizations across the U.S.; however, Las Vegas has not experienced the initiation process of opening work centers. Day labor centers offer a safe place to day laborers and potential employers to negotiate terms of employment, and inform day laborers of workplace rights and means of enforcement. They also provide skills and education to day laborers and allow activists to organize around important policy issues concerning day laborers (Smith, 2008). Furthermore, Fine (2006) describes work centers as community-based mediating institutions that provide support to low wage workers through service delivery, advocacy, and organizing. Smith (2008) also argues that worker centers have become the most comprehensive response to the challenges associated to the growth of the day labor market, and help reduce

worker rights violations and allow communities address concerns regarding day laborers.

Immigration and employment struggles are intertwined in work centers (Fine, 2006).

According to Fine (2006) work centers view their work through a social justice frame by advocating for the rights of immigrants and through a worker rights frame by advancing the rights of day laborers as workers in their plight to improve their lives. Work centers also view immigrant employment, housing, and healthcare experience associated to their ethnicity, immigration status, and class position. Consequently, work centers view efforts against xenophobia, racism, and discrimination essential to improving the lives of day laborers. Work centers often function as spokespersons of pro-immigrant efforts in opposition to anti-immigrant policies, practices, and sentiments of the current immigration system (p. 181). Work centers have united poor migrant workers in vibrant grassroots organizations to confront issues that concern workers, and connect the workplace and the community. Furthermore, they have secured compliance with labor laws.

Gordon (2005) describes work centers as grassroots institutions that seek to build the collective power of their largely immigrant members and to raise wages and improve working conditions for them. She also suggests that the challenges work centers face are the direct result of the structural barriers that prevent day laborers from enforcing their rights, but “what is more remarkable, under the circumstances, is what work centers have been able to achieve nonetheless” (p. 282). Work centers have also secured compliance with minimum wage policies and have improved working conditions in the day labor market (Gordon, 2005). Unfortunately, work centers currently do not operate in Las Vegas, Nevada. It is unknown how day laborers confront problems that arise while they seek work. The absence of work centers in Las Vegas to protect the rights of day laborers oblige these workers to fight an uphill battle with little

opportunity to succeed. It is worth exploring the insights of day laborers efforts/actions to establish and advocate for more labor rights and ensure their protections without the assistance and expertise that work-centers can potentially provide. My work with day laborers in Las Vegas coincides with the studies cited below.

#### BEING A *JORNALERO* IN THE U.S.

Working as a *jornalero* is an unsafe endeavor with constant dangers accompanied by exploitation and discrimination in many fronts (Malpica, 2002; Pinedo Turnovsky, 2006; Purser, 2009; Reavis, 2010; Lazo de la Vega and Steigenga, 2013; Ordonez, 2015). Day laborers embody stereotypes of migrant workers that further drive them into the margins of an already ostracized community. Although, they are inherently devoid of social and political recognition and legal protections, their work plays an integral role in the development and maintenance of the sanctuary of our communities (Ordonez, 2015). But, despite the positive impact they have on such sanctuaries, they remain vulnerable. Cherrie Moraga (2011) describes the most flagrant human rights abuses leveled against poor migrant workers as “Anti-[immigrant] sentiment justified in the face of a weakening economic system and threats of international contagion. But what disease is the immigrant passing across the border except the illness of impoverished dislocation, engineered by the corrupt treaties between governments fueled by corporate interest? We are certainly no better off than we were forty years ago in terms of the racialization of poverty” (p. 165). Moreover, I ask, where does this situate poor, displaced, migrant workers of color (*jornaleros*) in a perceived struggling economy that further instigates racist, anti-immigrant sentiment and praxis? What is it like to be a *jornalero* in the current social and political climate? And, given the little we know about *jornaleros*, what more can we learn about this workforce to

join them in their plight for liberation from abuse and exploitation? Some of the ethnographies on day laborers (presented below) may help answer these questions.

Carolyn Pinedo Turnosky (2006) conducted an ethnography in Brooklyn, New York where she provided an in-depth examination of Latino immigrants who participated in this sector of the economy to learn about how they manage working in this market to address their economic and social needs in a society that seeks their labor, but not their participation as residents or members of their local communities. The workers used the street corner to publicly find work opportunities as day laborers in the informal sector of the New York local economy. Historically and currently, new migrant groups have presented a challenge to our understating of race and ethnic relations, and identification and adaptation in New York City. According to the author the disapproval and disdain against day laborers, especially if they're undocumented, is the result of misconceptions that they are taking jobs away from U.S. citizens while exploiting social services in education and healthcare that affects progress in U.S. culture and increases participation in criminal activities.

The *jornaleros* in New York City received mixed messages from the employers who sought their labor and from the subtle efforts of local law enforcement to deter their attempts in finding work: "Since their labor is desirable, their ventures as day laborers is encouraged at the costs that are brought about by the economic injustice that is carried out daily at this site and others, including work related abuses, the loss of status and membership in the new society, and the guilt and melancholy that result from being absent in their families' lives" (p. 162). Nonetheless, the day laborers created a space for recreation, for learning, and finding status and membership in a community of their peers. Aside from their work experience, these workers also sought a dignified day to day living experience; *la parada*, served this function. Beyond a

physical space, *la parada* was also a space that had meaning in its purpose, function, and perception. Pinedo Turnovsky's work uncovered the complex ways these social processes operate and are manifested in the everyday practices on a Brooklyn street corner.

She argues that there is a situational response to immigrant and ethnic identity formation and adaptation, illustrated in the day laborers' efforts to organize and control the social and labor processes on the corner. Her study addressed the negotiation, shaping and management of identity as it related to their employment, but also in the development of peer groups that understood the culture. Furthermore, she argues that the workers also experienced a transformation of their identity in the context of their economic and social situations: "They experienced a personal makeover of their identity as it was modified by a new language, a new culture, and the new politics of a polity to be learned at a fast pace to sustain a living" (p. 163). The multiple struggles and shifting identities of the day laborers revealed the complex ways that identity operates in the U.S. Their immigration status, race and ethnicity, and gender status were decisive in the formation of a social order that distinguished who was a "good" worker and a "good" immigrant.

Pinedo Turnovsky (2006) also suggests that public advocates and policymakers alike must develop and provide resources and opportunities for day laborers to rightfully establish themselves in our local communities. Subsequently, these opportunities can eliminate the stigma attached to these workers as members of a deviant group- day laborers, "illegals," brown, and poor. She also indicates that while institutional and cultural factors affect the lives and experiences of day laborers, they still have been able to shape their own reality and construct social meanings through their daily activities *en la parada*. Furthermore, her study is significant to scholarship on the social incorporation of migrant workers to U.S. society because it

demonstrated how these migrant workers socially and economically met their needs outside of traditional forums, even as they were socially and legally on the margins of their community.

Malpica (2002) conducted a study of day laborers in Los Angeles, California to contribute to the conceptual and theoretical understanding of migrant workers in the day labor market of the U.S. His work revealed that the day labor market is structured driven by competition and frameworks of supply and demand; instead, “it is a market in which the human factor plays a central role in shaping all aspects of its functioning” (p. 145). Day laborers developed customs and unwritten rules that govern the many aspects of the work; and although, not all the workers conformed to these norms, they all recognized these practices to find efficiency and precedent in their work relationships with one another. The most experienced *jornaleros* succeeded in establishing these norms, especially as they pertained to wages. Hence, they operate under an agreed-upon minimum wage.

These norms restrain the workers to bid down wages. At the same time, the establishment of an agreed-upon minimum wage counters the dominant deficiency framework that suggests that informal labor markets, mostly operated by migrant workers, in which the work is temporary with high turnover and attrition there would be no such minimum wage established. The day laborers agreed that they would not work for less than a specific wage, and for the most part, recently arrived day laborers who would be willing to work for less than the agreed minimum wage, or even the lawful minimum wage, would not. Furthermore, his work revealed another aspect of the day labor phenomenon- the existence of recently arrived day laborers without kinship ties. Malpica suggest that many of these migrant workers come to the U.S. with no particular job in mind and no networks and friendships to rely on: “Because these people lack ties to established networks, which would assist them in obtaining jobs, counterfeit



documents, housing, and so forth, most of these men literally take to the streets. Some work as street vendors, hawkers of fresh produce or flowers, while others [] congregate at the street corner, drive-by [day] labor markets” (p. 146). This finding is particularly important to my project because it is missing this significant component. Overwhelmingly, the literature identifies the function of networks and how they facilitate the migration process, but only limitedly examines the other dimension presented by Malpica.

Another dimension, gender dynamics in the day labor market have also been given little attention, especially as it pertains to sexism and homophobia. Purser (2009) explored this dimension of the day labor market. His fieldwork examined the discourses through which Latino migrant day laborers make sense and find dignity within their ongoing quest for work. His findings revealed a pattern of “boundary work” along the “street” day labor market and the “center” day labor market. *Jornaleros* assert their dignity and masculinity by rejecting what they interpret as the “feminine submission” exemplified by the other group. Purser argues that gender shapes and is shaped through the articulation of moral boundaries that show the struggle of day laborers to attain dignity by using strategies of social differentiation and distinction that work against the formation of a collective identity. Seeking work at the curbside is construed as “masculine” by the street day laborers, while interpreted as “feminine” by the center day laborers. Yet, both groups share a compulsion to frame their job-seeking practices as dignified and appropriately masculine (Purser, 2009, p. 120).

Additionally, Purser’s findings revealed that the majority of these workers are homeless: “These men live in sea of material deprivation, albeit one with ebbs and flows depending on the season, the economy and, as one man resolutely pointed out- ‘*por suerte*’ (p. 121). Unlike Malpica, Purser (2009) argues that work on the street is structureless and unpredictable. He

argues that there are no customs or rules that govern the day labor market. Furthermore, there are no standards in place that establish an agreed minimum wage and no norms for distributing work in a fair manner, and none to ensure that employers respect workers rights and pay a fair minimum wage. Moreover, the chronic labor surplus makes the competitive tension profound, thus competition drives the day laborers to try to maximize their opportunities for work by appearing the cleanest, strongest, and most assertive (p. 121). Their presence on this corner resulted in the Bay Area Worker's Center (BAWC) as a response to ongoing complains about day laborers. The BAWC was founded to serve as an alternative to the street day labor market- located about a mile away from the hiring site along International Avenue (Purser, 2009).

Both groups of day laborers search for work in a location as a mark of their masculinity and to indicate their moral worth and see their search as dignified, while expressing “shame” for their counterparts using sexist and homophobic language and imagery to distinguish and distance themselves. The street day laborers emphasize their perceived autonomy, skill, assertiveness, and work ethic, and view the workers from the center as dependent, differential, incompetent, and lazy. The center day laborers, distance themselves from the street day laborers who they view as desperate and self-compromising. These cultural meanings circulate among the group as a whole suggesting that these moral boundaries demonstrate the quest for dignity can drive workers to be complicit in their own exploitation that prevents a sense of commonality and solidarity necessary to collectively organize *jornaleros*. Purser (2009) argues that day laborers who visit the site believe it gives them the best opportunity to secure work, and that these cultural meanings are also the ways in which the workers dignify their daily search for work.

Furthermore, the continuous rejection of the alternative job-seeking alternative reveals the limitations of their search for work while playing an important role in their sense of self-

worth. Additionally, Purser argues for the need to further analyze the mutually constitutive process whereby gender and moral boundaries are constituted (p. 134)- and in order to develop effective organizing strategies for day laborers we must examine the cultural meanings that *jornaleros* attach to their work in their pursuit for dignity (p. 135). Here, I argue that special attention must also be given to the sexist and homophobic narratives and practices that exist in the day labor market. Purser raises the questions about explicitly invoking gender in the context of social and economic marginalization in the day labor market who may be perceived as below them in the socioeconomic hierarchy. Gender is invoked as a strategy of differentiation and distinction and is used to diminish the overall centrality of moral boundaries. Therefore, we must also question if gendered imagery in the assertion of moral boundaries is the result of day laborers having little recourse to establish self-worth, other than through the rejection of what they construe as feminine (p. 136)- while exploring the ways in which patriarchy, sexism, and homophobia are perpetuated in the day labor market.

Reavis (2010) and Lazo de la Vega and Steigenga (2013) conducted comparable ethnographies in an unnamed location and in Jupiter, Florida, respectively, to examine the significance of day labor centers on the lives of day laborers. Their findings revealed that for day laborers, day labor centers provide access to resources through which they can report abuse and violations that results in a decrease in mistreatment on the part of employers (Lazo de la Vegas and Steigenga, 2013). Additionally, Reavis (2010) reports that day labor centers fill a useful void in the U.S. economy by arranging employment negotiations. Nonetheless, the researchers argue that the day labor market lacks oversight. Often times, day laborers don't know what tasks they will be assigned or how much they will be paid. Moreover, day laborers get by without health insurance, are denied wages, benefits, and other protections afforded to

workers for the same or similar jobs in the formal labor market (Reavis, 2010, p. 173). Lazo de la Vega and Steigenga (2013) also report that migrant workers, especially day laborers, are often subject to mistreatment at work, and indeed are subject to several forms of abuse above and beyond wage theft (p. 155). The anonymity of the day labor market facilitates the mistreatment of workers (Reavis, 2010; Lazo de la Vega and Steigenga, 2013)- furthermore, the same anonymity allows the day labor market to remain unregulated.

Ordonez (2015) conducted an ethnographic study of day laborers in Berkeley, California. The purpose of the study was to offer a glimpse into the experience and daily lives of migrant workers from Latin America in Northern California, and to explore the ways in which day laborers can effectively live and work without the same access and protections as organized migrant workers. Here, I emphasize the parallels of the day laborers lack of interest and willingness to gain access to improve their working conditions in this study and the day laborers in the ethnography I conducted. Following the daily lives of two-dozen day laborers, Ordonez demonstrates what it means to live as an undocumented migrant worker ostracized by systematic and institutional racism and exclusion to which *jornaleros* are subjugated. The author also explored the multidimensional struggles and experiences of day laborers related to immigration, labor, exploitation, urban living, family life, gender, sexuality, poverty, violence, and citizenship. The central theme of his ethnography highlights the everyday violence that day labor work perpetuates.

According to Ordonez (2015) *jornaleros* inability to find stable work that results in emotional and economic stability makes them more likely than any other migrant worker group to end up in the street without any form of protection. This may be a result of the messiness of *las paradass*. Ordonez describes the hiring sites as messy places that are mostly frequented by

men, usually strangers, who live in distant neighborhoods, but congregate in sites where their labor is desired. These sites are described as complex settings where it is hard to find processes for social organization that result in political mobilization and support networks. The hardships of the day labor market result in constant tension between individual gain and peer support which make social mobilization and political organization difficult among the workers, “whose visibility on the street- dark, many times dirty and destitute men- also makes them somewhat shady characters” (p. 3). The nature of their working conditions puts them at odds with each other, as *jornaleros* must compete to gain employment, even when they want to be supportive and seek economic and social justice.

As a response to market demands, *jornaleros* are integrated into a labor system as a cheap alternative to sanctioned manual labor; this status ensures that they are denied access to the legalization process of sanctioned work (Ordonez, 2015) - their social and economic situation is also dictated by this status. *La situacion* for day laborers intensifies the structural constraints that they must navigate. Ordonez describes *la situacion* as a naturalized condition that dictates their social exclusion: “Day laborers *situacion* can include the lack of work opportunities, low wages, employer abuse, health problems, family life, and political aspects like police control over public spaces and the proximity of the state’s repression machinery, embodied in *la migra*<sup>3</sup>” (p. 12). In this way, Ordonez draws on day laborer’s conditions of poverty and exclusion to provide an account of migrant workers from Latin America working on the streets in Northern California. Here, it is important to highlight that the racialization of these migrant workers of color is intensified by the fact that these workers share the exclusion from U.S. society with Blacks, other immigrants, and other ethnic groups who also compete for resources and labor work (p. 15).

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<sup>3</sup> *Migra* is the common term used in Spanish slang to refer to immigration authorities, more specifically to border patrol.

According to Ordonez (2015) the most common jobs for *jornaleros* come through unknown employers who seek them at the hiring site. First-time employers typically assess the workers who they often hire for landscaping and maintenance, painting jobs, moving, cleaning, and to work on decks and tile and other home improvement work (Valenzuela et al., 2006, Ordonez, 2015). This dynamic poses many risks to the workers that they must assess and decide rapidly. First and foremost is the risk of not getting paid or getting paid less than the agreed wages when the work is complete. Another common risk for *jornaleros* is agreeing to a job and a wage that may be more difficult and taxing than suggested by the employer; hence, language barriers are severe for the workers who do not speak English. Also, employers often times offer short, menial jobs that only last short periods of time which are perceived as a waste of time and money by the day laborers and turn them down hoping to be offered better opportunities. Thus, work with first-time employers is dictated by the desirability of the work, negotiated wages, and the visibility that the workers gain at the corner (p. 50). Day laborers also assess the employers and follow highly racialized and gendered assumptions to assess the potential employers (p.51).

Day labor work involves friendships that are easily established and dissolved, work teams that are routinely developed and disintegrated, and status among the workers that can easily turn to apathy and ostracism in a moment's notice. These dynamics function as perceptions that day laborers develop of other day laborers in relation to their work and collaboration; consequently, the reality of their work only allows superficial friendships. Yet, through these friendships, *jornaleros* get work, ensure their payment, seek respect from employers, and seemingly seek to benefit other day laborers. Also, through these friendships, *jornaleros* enter into a moral economy in which their behavior toward other day laborers becomes central to their status at the corner. This status dictates their access to work; day laborers must also actively participate in

reciprocity to maintain a fair balance of available work. The workers must seemingly share the work and be conscious of *la situacion* of others. Simultaneously, they must manage their livelihood and often times the livelihood of their families outside of the U.S. in this environment of intense competition (p. 58).

Employer abuse and mistreatment are common in day labor work (Valenzuela et al., 2006; Ordonez, 2015). The most common form of employer abuse experienced by day laborers is not getting paid or getting paid than the agreed amount, and almost every worker has experienced other forms of abuse and neglect- job accidents, lack of rest and water, lack of protective gear, especially for more dangerous jobs, and withheld wages (Ordonez, 2015). Their encounters with dishonest employers establish the workers as experienced day laborers and informs them about the pool of employers available. *Jornaleros* warn each other about the practices of repeat employers indicating a sense of cooperation. Nonetheless, poverty forces many of the workers to willingly work with unscrupulous employers (p. 85). These experiences highlight the marginality and vulnerability of day laborers, especially in their own eyes (p. 87). The hardships of day labor work accompanied with the realities of social and economic marginalization make day laborers a particularly vulnerable and high-risk group of migrant workers (p. 117). Most *jornaleros* consider these forms of abuse and neglect a function of their immigration status (Ordonez, 2015).

Furthermore, their immigration status also dictates other functions of their lives. Day laborers are isolated with their involvement at home limited to phone calls. Thus, Ordonez (2015) argues that their masculinity operates in a contradictory set of expectations in which the workers must redefine themselves in their isolation. Only few of the men at *la parada* had sexual or affective contact with women while *la parada* itself is scripted in conversations about

sex, which point to sexuality in the absence of intimate partners and romantic relationships. Ordonez reveals that the lack of sexual partners transects the age cohorts at the corner, while they discuss the possibility of sex and dating. Moreover, accounts of queer propositions convey their understanding of their own vulnerability (Ordone, 2015), evidently dictated by sexism and homophobia. Nonetheless, faced with the realities of day labor work, *jornaleros* are at the mercy of chance and open to violation (p. 167). Work and life at *la parada* reflect the political economy of the U.S. and “its thirst for the undocumented, ‘rightless’ body and the personal tragedies and desires of the commodified laborer” (p. 168).

For the *jornaleros* in Berkley, the contradictory praxes of day labor work enable their contribution as productive workers in their community, while ensuring their social exclusion. This reality shapes the everyday lives of *jornaleros* who often times don't have immigration status, but participate in the urban landscape as citizens of the community and have contact with state and civil institutions (p. 180). According to Ordonez (2015) most day laborers assume that the police and *la migra* are the same institution (in many cases they are correct): “No matter how safe going to a county hospital seem to be, there are rumors about people who have been deported after such visit, or whose home was raided by undetermined ‘officers’ - always called *la migra*, whether they are part of the police, immigration or other enforcement agencies” (p. 200). For the workers, these agencies have the power to detain them, arrest them, deport them, and make them disappear. Thus, day labor life fluctuates from the intensity of long hours and the instability of jobs to panic about safety and retribution from the state. Nonetheless, according to Ordonez, the stories of the *jornaleros en la parada* always had a hint of pride in them, indicating that the *jornaleros* saw in them proof that their recognition is within reach.



### CHAPTER THREE: CRITICAL RACE, ETHNOGRAPHIC, AND *TESTIMONIO* METHODOLOGIES

Using critical race, *testimonio*, and ethnographic methods I seek a more profound understanding of the racialized, socioeconomic, and immigration processes and structural barriers of day labor work and their impact on day laborers. Furthermore, the methods exemplified in this dissertation explore the working conditions for *jornaleros* and the depth of how and in what ways they respond to labor law violations and employer abuse. These methods challenge traditional methodologies and seek the development of theories of social transformation to deconstruct patriarchy, racism, xenophobia, citizenism<sup>4</sup>, poverty, discrimination, exploitation, and other forms of oppression (Delgado Bernal, 1998; Latina Feminist Group, 2001; Solorzano and Yosso, 2001; Revilla, 2004). Hence, it is important to discuss the ways in which scientific research is associated to the legacy of colonialism, and subsequently patriarchy that remains and continues to impact the world's colonized people of color (Tuhiwai Smith, 2012).

The vast majority of *jornaleros* are displaced workers that come from countries in which U.S. imperialism and capitalism has resulted in the displacement of poor migrant workers and which perpetuates human suffering. The day laborers in this project are keenly aware of this knowledge and through their *testimonios* and counterstories of survival and resistance we will learn how they respond to the human suffering they endure. They are also keenly aware of my positionality in this project and my privilege in a wider sense (as am I). Knowing that someone is “studying” them may offend their sense of who they are and what they do for work, even if my desire is to work in solidarity with them to create political, economic, and social change in the

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<sup>4</sup> Citizenism is a term used to describe discrimination based on citizenship status.

lives of marginalized and exploited workers. I am also profoundly aware that the *jornaleros* shared more knowledge with me than I could ever aspire to share with them.

### *MUXERISTA* PEDAGOGY

My positionality in this project as a Xicano, activist scholar connects my work to other Chicana/o/Latina/o bodies of literature and informs the ways in which my research was framed, conducted, and analyzed. In this way, my work engages in a *muxerista*<sup>5</sup> pedagogy that involves theory and practice (Revilla, 2004). The foci of this pedagogical experience are Chicana/Latina realities (Revilla, 2004)- that could be applied to the realities of the *jornaleros* in this project. Some of these realities include the intersectionality of ethnicity, class, gender, sexuality, spirituality, health, politics, immigration, intimacy, love, sex, social justice, and revolution (Revilla, 2004). My research here also seeks to further explore some of these sociopolitical constructs and the ways that they shape the lived experiences of migrant workers of color. Additionally, the common factor that brings participants together in this pedagogical approach is a commitment to social change through Chicana/Latina resistance to subordination, discrimination, exploitation, and colonization with warmth, love, and care (Revilla, 2004).

Anita Revilla (2004) set forth a *muxerista* framework that also informs my multimethodological approach that:

1. Is committed to challenging oppression against Chicana/o/Latina/o communities.
2. Addresses the holistic needs of Chicana/o/Latina/o communities.
3. Distinguishes the experiences of all people by understating and examining the intersectionality of our experiences.

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<sup>5</sup> *Muxerista* is an alteration of the word *mujerista* (from *mujer* and activist[*a*]), which translates to womanist (Revilla, 2004). A *muxerista* is a Chicana/o/Latina/o person who identifies as a feminist and activist. The “x” replaces the “j” (similarly to Chicana/o and Xicana/o) to signify a connection to indigenous ancestry and languages of Mexico and Latin America (Revilla, 2004).

4. Challenges traditional research paradigms and experiences.
5. Challenges the rank of oppressions.
6. Redefines, reconstructs, and re-empowers ideologies used to oppress women.
7. Focuses research, pedagogy, and practice on the experiences of Chicana/o/Latina/os and views these experiences as sources of strength.
8. Offers a liberatory and transformational solution to racial, gender, sexuality, and class discrimination.
9. Utilizes the interdisciplinary knowledge base of ethnic studies, women's studies, social sciences, history, humanities, and the law to inform praxis.

#### CRITICAL RACE METHODOLOGY

I rely on various methodological approaches to conduct this study. Delgado Bernal (1998), Daniel Solorzano and Tara Yosso (2001) define critical race methodology as a method of telling the counterstories of the people whose experiences are not often told- those on the margins of society- and counter the stories of the majoritarian whose stories are “natural” to the dominant discourse (Delgado Bernal, 1998). Indeed, within the histories and experiences of the *jornaleros* there are numerous untold and unheard counterstories. Additionally, counterstory telling is a tool for exposing, analyzing, and challenging the hegemonic stories of racial, class, gender, sexuality, and citizen privilege. These counterstories not only challenge the dominant discourse about different sociopolitical constructs, they also strengthen traditions of social, political, cultural, and economic survival and resistance. Furthermore, they advance the movement to achieve justice and reform. Delgado Bernal (1998) proposes four functions of counterstory telling: build community among those at the margins of society by humanizing theory and practice; challenge the dominant discourse to transform established belief systems;

humanize the reality of those at the margins and work in solidarity with them; and combine elements of the experience and the counterstory to construct a different reality.

Counterstory telling is different from fictional storytelling because the stories of the *jornaleros* are grounded in real-life experiences and empirical data that are contextualized in social situations also grounded in real-life (Delgado Bernal, 1998). Because, critical race methodology generates knowledge by acknowledging those who have been epistemologically marginalized, silenced, and disempowered (Solorzano and Yosso, 2001), here, critical race methodology focuses on how day laborers experience and respond to the hardships of day labor work centering on the race/ethnicity, class, and immigration status of *jornaleros* by developing research questions, and collecting, analyzing and presenting data gathered by counterstory telling- *testimonios*. Critical race methodology also validates the experiences of racism, classism, and xenophobia of day laborers as appropriate and necessary forms of data (Solorzano and Yosso, 2001). It will also challenge cultural deficit stories of *jornaleros* as being “poorly educated” and “low skilled” while contextualizing this deficit discourse in the past, present, and future (Solorzano and Yosso, 2001).

Delgado Bernal, Burciaga, and Flores Carmona (2012) argue that critical race methodology can move us toward a discourse on the impact of race and racism as we (Chicana/o/Latina/os) work from our own positions in the margins of society, while constructing the margins as spaces of resistance. Moreover, the authors argue that critical race methodology, drawing from the strength and resilience of communities of color (through counterstory telling), challenges theories that disempower our communities while further empowering those in power. Methodologies that have been used to silence people of color can be claimed to give voice and reconstruct the margins as spaces of transformative resistance (Solorzano and Yosso, 2001;

Delgado Bernal, 2002; Delgado Bernal et al., 2012). Additionally, Bernal et al. (2012) argue that the lives of people of color (the lives of the *jornaleros* in this project) are erased by the deficient frameworks in the dominant discourse, revealing white privilege that is often perceived as being threatened by those who benefit from racism.

Solorzano and Yosso (2001) describe four functions of counterstory telling in critical race methodology in education for Chicana/o/Latina/os that is at the heart of my work with migrant workers and is applicable to the lives of *jornaleros* in their search for better lives through survival and resistance:

1. Build community among those at the margins of society by humanizing theory and practice.
2. Challenge the perceived wisdom of the majoritarian by providing a context to understand and transform established belief systems.
3. Work in solidarity to create a new reality for those at the margins by creating possibilities beyond the ones they live.
4. Teach others that both story and reality can construct another world that is richer than either the story or reality alone.

Their approach to critical race methodology examines and analyzes a set of concepts, ideas, and experiences using data from various sources. However, the researcher's "theoretical sensitivity" (Delgado Bernal, 1998) is significantly relevant to the data and can be further developed during the research process. Theoretical sensitivity refers to the insight, ability to give meaning to the data, capacity to understand, and a cultural intuition that extends the researcher's personal experience to the collective experience and community memory (Delgado Bernal, 1998)- of the *jornaleros*. According to Delgado Bernal (1998) a Chicana researcher's cultural

intuition is developed by our personal and professional experiences, Chicana/o literature, and the analytical process of our research and analysis. Using our own cultural intuition - a process that is experiential, intuitive, historical, personal, collective, and dynamic - we begin to develop our counterstories from the research process, the existing literature, and our own professional and personal experiences (Delgado Bernal, 1998).

Participant observation is also the methodology of critical race and ethnography. Writing about and interpreting other's experiences requires some investigation of the politics of liberation in relation to race and ethnicity, and other sociopolitical constructs (Russell y Rodriguez, 2007). Additionally, Blea (1995) warns us that studying Chicana/o/Latina/o communities requires rethinking the ways in which living conditions, struggles, acts of resistance and survival, and other hardships are conceptualized and explained. It is important that the *jornaleros*' cultural and social history and values are observed and respected (Blea, 1995). Although I share language, culture, and phenotype with *jornaleros*, I must remain culturally literate as I enter this community. Furthermore, I must proceed with the assumption that the space the *jornaleros* have created for themselves has boundaries that must be observed (Blea, 1995). Much of the work done with Chicana/o/Latina/o communities focuses on the dysfunctional and deviant elements of the Chicana/o/Latina/o experience (Blea, 1995) and my work seeks to counteract this function. Lastly, entering the field begins with data collection, which entails a systematic way of gathering information- critical ethnography.

## CRITICAL ETHNOGRAPHY

Ethnography is the work of describing a culture through fieldwork (Spradley, 1979). Culture in ethnographic work "refers to the acquired knowledge that people use to interpret experience and generate social behavior" (Spradley, 1979, p. 5). Ethnography is a qualitative

method in which the researcher describes and interprets the shared and learned patterns of values, behaviors, and language of a culture-sharing group. It involves extended observations of the entire cultural group through participant observation, in which the researcher is immersed in the day to day lives of the group and observes and interviews the group participants.

Ethnographers study the meaning of the behavior, the language, and the interaction among the members of the culture-sharing group (Creswell, 2007). A critical ethnography is a type of ethnographic approach in which the researcher advocates for the emancipation of marginalized groups; the researcher also speaks out, through research, against inequality and oppression (Creswell, 2007); and begins with an ethical responsibility to address processes of injustice within a particular domain (Madison, 2011). The major components of a critical ethnography include the empowerment of culture sharing groups by giving them more authority, challenging the status quo, and addressing concerns about power and control.

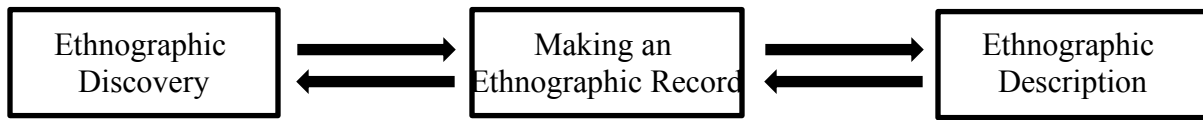
A critical ethnographer will study issues of power, empowerment, inequality, inequity, dominance, repression, hegemony, and victimization (Creswell, 2007; Madison, 2011). According to Thomas (1993), critical ethnography is conventional ethnography with a political purpose. A critical ethnography is an appropriate method to conduct this study because the intent is to generate a scholarly discussion to an urban issue in which the group is marginalized and exploited; and one in which the researcher advocates for the emancipation of the group by addressing concerns of power and control, repression, inequality, and victimization. This study employs critical ethnography to understand the values, behaviors, and language of workers when they negotiate wages and terms of employment. Also significant to this study is how workers experience abuse to document their experience for consideration in policy ratification and future research. The study also seeks a policy approach/discussion to manage labor law violations

against workers engaged in survival work. Elliot Liebow (1967) in *Tally's Corner*, William Whyte (1955) in *Street Corner Society*, and Elijah Anderson (1990) in *Streetwise* employed this method in their classic studies, which I am modeling using a critical and *muserista* approach.

Participant observation characterizes most ethnographic work; it is immersion in a culture, and is crucial to effective fieldwork (Fetterman, 2010). Ethnographers live and work in the community, learn the language of the subculture, and seek patterns of behavior over time (Creswell, 2007). The main body of the data in Liebow's study is comprised of a record of the day to day routine of these men as they frequented the street corner. According to Creswell (2007), ethnographers must rely on their judgment to select participants of the subculture based on their research questions; they take advantage of opportunities or establish criteria for selecting them. Thus, Spradley (1979) divides ethnographies into two major tasks: discovery and description; and suggests that an ethnography is produced from an *ethnographic record* of the social phenomena being studied, which consists of written field notes, whether observations, interviews, records, diaries, or other documents. He also argues that ethnographers must understand two languages: their own and the informants. Discovery and description help understand both languages. An ethnographic record is "the bridge between the discovery and description, linking them into a single, complex process" (p. 70). This relationship is represented in the diagram below.



**Diagram 3.1. Ethnographic Discovery, Record, and Description Relationship**



(Reproduced from Spradley, 1979, p. 70)

Data analysis consists of reviewing field notes and interview transcripts to search for cultural symbols and to search for relationships among those symbols (p. 94). In this manner the data collected during the field observations and the in-depth interviews will be analyzed to discover the cultural and behavioral patterns (through themes and categories) that can answer the research questions, and can offer an explanation to these questions. Data collected from these sources (observations and interviews) will be corroborated with narratives of day laborers to determine the meaning/context of these sources and to accomplish triangulation. In ethnographic methods triangulation tests one source of information against another by comparing information sources to test the quality of the information (Fetterman, 2010). Triangulation also improves the quality of the data and the accuracy of the ethnographic findings (Fetterman, 2010). Triangulation can produce conflicting results and may require additional data to reconcile the information (Fetterman, 2010); thus, the National Day Labor Survey was used in the triangulation process as a reliable source of data.

An important issue raised by indigenous researchers (and other critical scholars) is in relation to both insider and outsider research (Tuhiwai Smith, 2012). Most research methodologies assume that the researcher is an outsider who should not be implicated in the culture to adhere to notions of objectivity and neutrality, but Tuhiwai Smith (2012) notes that although other critical approaches have made the insider methodology more acceptable in qualitative research, the critical issue with insider research is the constant need for reflexivity to develop critical thought on the processes, relationships, and richness of the data and analysis; thus my research must be ethical and respectful, and as reflexive and critical as outsider research. It must also be humble because of my positionality, which has a different set of roles, relationships, status, and position that can unsettle beliefs, values, and the knowledge of different

histories (Tuhiwai Smith, 2012)- and narratives. Narrative construction is also important in ethnography because participant narratives are embedded in the ethnographic structure (Creswell, 2007).

As my work developed the narratives of the day laborers were constructed by and through their *testimonios*. Ethnographers use embedded rhetorical devices to depict scenes in the ethnography, present vivid dialogue, and use thick descriptions to illustrate the characterization of the participants. A good persuasive story uses thick description and extensive quotes (Creswell, 2007). Thick descriptions portray cultural scenes and quotes present a permanent record of participant thoughts and feelings (Fetterman, 2010). Thus, I describe the Torino corner in great detail to describe the cultural scene, and describe the day laborer experience to convey the feel and facts of the Torino corner. *Testimonio* were further developed from the participant interviews and the field observations to build analytic themes and to illustrate the manner in which *jornaleros* experience the hardships of day labor work. Thus, the day laborers' *testimonios* were analyzed from a Critical Race Theory and LatCrit framework, and Chicana feminist theoretical lens that allows us to see the hardships of day labor work and have a better understanding of how *jornaleros* respond to and heal from oppressive experiences of struggle; *testimonio* methodology serves as a bridge to connect the lived experiences of *jornaleros* as a data collecting tool and as the analytical process (Delgado Bernal et al., 2012).

#### *TESTIMONIO* METHODOLOGY

The hallmarks of *testimonio* methodology are personal narratives connected to larger group experiences (Russell y Rodriguez, 2007) and in bridging individual personal narratives of oppression to the collective group experience of marginalization, oppression and marginalization are deconstructed to bring about social change (Delgado Bernal et al., 2012). *Testimonio* has

deep roots in the oral culture and human rights struggles that expose brutality and conveys the persecution of poor people of color by governments and other sociopolitical forces of Latin America, while it disrupts silencing and builds solidarity (Delgado Bernal et al., 2012). Unlike Eurocentric methodological approaches that seek to produce objective knowledge, *testimonio* methodology challenges objectivity and situates the individual in communion with a collective experience marked by marginalization, oppression, exploitation, and survival and resistance. Consequently, *testimonio* has produced a new urgency for solidarity in marginalized communities as a response to dominant white, Eurocentric, and patriarchal laws and policies that perpetuate inequity and human suffering (Delgado Bernal et al., 2012).

*Testimonio* methodology is commonly used to address educational inequities in Chicana/o/Latina/o communities (The Latina Feminist Group, 2001; Russell y Rodriguez, 2007; Delgado Bernal et al., 2012)- that I extend here to the struggles of *jornaleros* because “it involves the participant in a critical reflection of their personal experience within particular sociopolitical realities [race/ethnicity, class, immigration status]” (Delgado Bernal et al., 2012, p. 364)- that contribute to their exploitation. *Testimonio* methodology incorporates the political, social, historical, and cultural and the experiences of the marginalized to raise awareness, build consciousness, and create social and political change; it is a political product and process that solicits solidarity and mirrors a sensibility that allows the mind, body, and spirit to be valuable sources of knowledge in the process of social transformation (Delgado Bernal et al., 2012). *Testimonio* is concerned with those who suffer under oppression, as well as with giving a voice to the silenced by reclaiming their narratives as legitimate truth; thus the individual is the producer of knowledge disrupting traditional elitist academic ideals (Delgado Bernal et al., 2012).

*Testimonio* methodology and epistemology is a tool for the researcher to bring to the forefront the community's experience (Delgado Bernal, 1998; Delgado Bernal et al., 2012). Thus, I must be cautious to give meaning to the *testimonios* of the *jornaleros* conceptually rather than literally, especially when translating them from Spanish to English I must translate cultural specific knowledge carefully to reproduce knowledge that is not affected by language. Therefore, listening is crucial to the pedagogical practice of *testimonio* and "is the precursor telling" (Delgado Bernal et al. 2012). I must engage the *jornaleros* in an effort to understand and reveal the meaning of their *testimonios*. The *testimonio* of one can reveal the collective accounts of many. In this way my work is aligned with the work of Delgado Bernal and quote her at length.

"If speakers and listeners are open to hearing perspectives that may be different from ones they have lived, *testimonio* pedagogy can incite personal growth through a reciprocal process of exchange [through solidarity]. Through *testimonios* we are invited to be participants, and it is not uncommon to encounter experiences that are difficult to hear, including those that are violent, frightening, and tragic. A goal of intervention is central to the pedagogy of *testimonio*. However, one must first listen to the *testimonio* in an effort to understand before one can be moved to action. Through this process, the pedagogy of *testimonio* can help transcend pain toward a space for healing and societal transformation. Listening to, sharing, and transcending struggles, pain, hopes, and dreams yields a type of interdependent solidarity, or *in lak'ech*- a Mayan philosophy that can be translated as, 'Tu eres mi otro yo' or 'You are my other me'" (Delgado Bernal et al., 2012, p. 368).

In *Telling to Live: Latina Feminist Testimonios* the Latina Feminist Group (2001) used *testimonio* methodology as part of a *muxerista* tradition to reveal the complexity of Latina identities in the U.S. I borrow from their approach to reveal the complexity of day labor work for *jornaleros*. According to the Latina Feminist Group, *testimonio* has been critical in movements for liberation in Latin America that has created a methodology of politicized understandings of identity and community. Beyond their participation in social movements, Latinas have also engaged in developing methods of political praxis. These methods are informed by Latina feminist long line of workers, activists, theorists, and writers within their respective Chicana/o/Latina/o communities. Drawing from these experiences, *testimonio* became a powerful method for *muxerista* research practice. Additionally, Latina activist traditions resonate with other feminist of color that bridges different stories and origins and builds cross-cultural coalitions and relationships (Latina Feminist Group, 2001).

The work of the Latina Feminist Group (2001) differs from its precursors in that it is the result of a conscious relational politics and of collaborative *testimonio*, theorizing, and production (p.6)- which are the objectives at the forefront of my theoretical and methodological approach to this work with the day laborers. The experiences of the group are marked by histories of European colonization and U.S. imperialism, and by multiple migrations and diaspora, economic, religious, and political oppressions that parallel the experiences of the day laborers in this project. Additionally, the group acknowledged their national origins as a precursor to their Latina identity while exploring the nuances of difference from these national origins the same way that the *jornaleros* acknowledge their Latino identity which include heritages, cultures, lived experiences and political commitments (Latina Feminist Group, 2001).

The Latina Feminist Group describes *testimonio* as a form of expression that results from intense repression and struggle, in which the person tells their story to someone else, who then transcribes, edit, translates, and writes the text. Thus, they argue that, critical scholars see *testimonio* as an effort by the disenfranchised to assert themselves emphasizing particular aspects of their collective identity through others. The *testimonios* become proof of the political, social, and economic violence inflicted on marginalized communities. Thus, *testimonio* is a complex genre that has multiple antecedents and uses. The Latina Feminist Group reclaimed *testimonio* as a tool for Latinas to theorize oppression, resistance, and subjectivity; in this way we will use the *testimonios* of the *jornaleros* to reclaim their power as integral workers of the U.S. The *testimonios* are critical to the methodological and pedagogical processes of this project as they begin to reveal common themes and parallel experiences regardless of national, ethnic, and regional backgrounds (Latina Feminist Group, 2001).

For the Latina Feminist Group, their *testimonios* reflected their contestation to power that builds theory and practice. The group's *herstories* and lived experiences also reflected global legacies of resistance to colonialism, imperialism, racism, anti-Semitism, religious fundamentalism, sexism, and heterosexism; while revealing the intersectionality of these systems of power. *Testimonios* are the product of their narratives that come from memory, and which are shared, and recorded, and which reveal their outrage at the multiple forms of violence inflicted on women. *Testimonios* embrace visions of social transformation and social formation in our families, work, social networks, communities, intimate and romantic relationships, politic, and other social movements that seek dignity, respect, and justice. I believe the *testimonios* here will serve the same function of creating knowledge and theory through experience for the *jornaleros* as they did for the Latina Feminist Group. The *testimonios* of the *jornaleros* are also framed by

common political, social, and economic goals that challenge traditional research methods regarding the focus and scope of a pan-Latina project (2001) - here the focus and scope of a migrant worker project.

## FIELDWORK

I use multiple methodological approaches to cross analyze the data and ensure an accurate account of the fieldwork conducted throughout this project. The fieldwork lasted close to four years and required close, long-term contact with the day laborers at this particular hiring site to acquire the knowledge and understanding of the day laborers experiences. The field observation began with a panoramic view of the Torino corner and gradually shifted to a more narrow focus on details of the day laborer experience. The focus narrowed and widen repeatedly for the researcher to adequately observe and record data to understand and experience the ordinary routine and conditions under which the day laborers negotiate wages and terms of employment, and experience employer treatment. Liebow (1976) collected data through intensive participant observations and interaction with black men who, similar to day laborers, gathered at a corner as a base of operation. These men were described as “unskilled” construction workers, casual day laborers, menial workers in retailing or in the service trade, or unemployed; these are characteristics that they share with the day laborer participants in this study. Furthermore, Liebow’s sample, although not random, is not unique or even distinct from other black men or black communities. The selection of this group took place in the center of a major American city, in the heart of a black community, and there is nothing distinctive about these men or this corner (Liebow, 1967). Similarly, the workers in this study, although not random, are representative of day laborers in other parts of the country described by the NDLS and reaffirmed by a hiring site scouting exercise.



The workers in this project are day laborers who gather at the corner of Torino Avenue and Eastern Avenue in a Southeast neighborhood in Las Vegas, which is also a high traffic area and where a nursery store (Star Nursery) is located. A scouting exercise in Las Vegas was conducted to identify a hiring site that closely resembles the hiring sites identified in the National Day Labor Survey. This is an informal hiring site that is not administered by the city or county, or managed by an organization, and it is not connected to a specific industry. It is a medium sized site of 26 to 50 day laborers as defined by the National Day Labor Survey. Small sites have fewer than 25 day laborers, and large sites have between 51 and 100 day laborers; mega sites have more than 100 day laborers. This hiring site is well established; it has been in operation for more than 10 years with little attrition. There is nothing distinctive about this hiring site or the day laborers who gather at this corner seeking work. The majority of day laborers arrive between 6:30 am and 10:00 am, and wait for work as late as 5:00 pm, which follows trend with other hiring sites. In Las Vegas, day labor hiring sites are ubiquitous, and most are similar in the number of day laborers that frequent the sites, the ethnic and racial composure of the workers, and mostly men visit the hiring sites.

The cultural and structural characteristics of the *jornaleros* in this site resemble the same structural and cultural characteristics of day laborers reported in the National Day Labor Survey. The criteria for selecting participants were based on gaining some perspective on chronological time in the social life of the *jornaleros* and in the context that lead to different forms of social behavior. The participants of this study were also selected from a purposive sample to ensure that certain types of individuals that display certain attributes were included in the study. The criteria for participant selection include: the participants must describe themselves as day laborers (*jornaleros/esquineros*), and must regularly (at least five times a week) gather at the

Torino corner seeking work. New participants in the day labor market are excluded because they have yet to negotiate wages, terms of employment, and experienced any type of interaction with employers. Although, the day labor market is fluid with workers entering and leaving continuously, most day laborers at this *parada* are not new to this type of work (according to the NDLS the average day laborer has worked in this market for three years). The majority of the participants who shared their *testimonio* have visited this hiring site, in and out, for longer than three years.

Day laborers visit the corner every day of the week; my visits were conducted regularly throughout the duration of the ethnography. Extensive notes were collected of the ongoing events at the Torino corner, and *testimonio* interviews were conducted towards the end of my fieldwork. An ethnographic record was created of the observations and the *testimonios* of the *jornaleros* to facilitate the logging and coding of data in the data analysis phase. In the ethnographic interpretation phase the ethnographer drew inferences from the data or from theory to provide structure to her or his interpretation (Creswell, 2007; Spradley, 1979). Madison's (2011) suggestions of informed consent were implemented throughout the study. I engaged the participants in a dialogue about the nature of the study, its risks, and its potential benefits. I also informed the participants of the anonymity, confidentiality, and security measures used to protect the data collected. I also answered all questions and addressed all concerns that the participants had about their involvement in the research process, and provided a method for the participants to contact the researcher to express concerns at a later date to withdraw their data if requested. I also obtained verbal consent without consent forms from the participants prior to the collection of any data as suggested by the IRB to ensure the confidentiality of the immigration status of the

workers who shared their *testimonio*. To gain their trust, I communicated with them mostly in Spanish and shared stories about myself the same way they did.

All the *testimonio* interviews were conducted with the day laborers at the Torino corner that participated during the duration of my fieldwork. According to Fetterman (2010) informal interviews offer the most natural situations or formats for data collection and analysis, which is essential for this project. The interviews explicitly reflected the research goals, and were not conducted until I understood the fundamentals of this group from an insider perspective. The number of interviews conducted was determined by the fieldwork, a total of 18 *testimonio* interviews were conducted. Creswell (2007) labels well-defined studies of single culture-sharing groups once the workings of the cultural group are clear, and saturation occurs. As noted above, the site for this study is a medium sized hiring site, where interviewing a significant portion of the participants is feasible, but not necessary once saturation is reached. The *testimonio* interviews were recorded on a digital device and saved electronically. Two of the participants declined to be recorded. Given the large number of interviews, only those parts of the interviews that address the research questions were transcribed (Creswell, 2007).

Additionally, the interviews were conducted in the preferred language of the participants. Interviews conducted in Spanish were later translated to English (reverse translation was also employed). According to the NDLS the day labor workforce in the U.S. is predominantly immigrant and Latino. Most day laborers were born in Mexico and Central America (87%), and three out of four day laborers are undocumented immigrants. I had a strategic advantage because there was no language barrier, and share some of the values, culture, and phenotype of the day laborers. According to Fetterman (2010), ethnographic research in one's own culture may not require as much time to identify patterns of behavior as ethnographic research in a foreign

culture; “the researcher knows the language and customs and in many respects the researcher is already an insider” (p. 39). However, sometimes a familiar setting may be too familiar to the researcher and important data may be left unnoticed and unrecorded; these are concerns that were carefully considered during the field observations and during the *testimonio* interview process.

As categories began to form a process of ordering was developed. After the logging and coding of data was completed graphics were created to display the connections, the hierarchies, and the distinctions within the data. Labor laws and day laborer protections (federal and state) were also examined, and compared and contrasted with the data collected to identify concurrence and/or conflict with these laws of day laborers wages, terms of employment, and treatment of day laborers by their employers. Coding and logging data is the process of grouping together themes and categories gathered during the field observations and the *testimonio* interview process (Madison, 2011). Furthermore, Thomas (1993) describes the interpretation of data as the “defamiliarization process in which we revise what we have seen and translate it into something new. ...Defamiliarization is a way of distancing ourselves from the taken-for-granted aspect of what we see and allowing us to view what we have seen more critically” (p. 43). In my work, I seek to bridge through a critical lens the process of defamiliarization and the plight of the *jornaleros* for a better life.

To accomplish ethnographic interpretation the data is presented in a chronological order of the daily life of day laborers. I also focused on key events at the Torino corner, examined the interaction of the day laborers, and illustrated the different perspectives of day laborers through their *testimonios*. A detailed description of the core values of the day laborers was also provided in the interpretive phase of data analysis. Also, the NDLS informed this phase of data analysis.

The NDLS is the first systematic and scientific study of the day labor sector and provides a detailed description of the conditions of the day labor market and day laborers across the U.S. (Valenzuela et al., 2006). According to the NDLS the presence of day laborers in every region of the country reflects the enormous breadth of this labor market. The vast majority (79%) of day laborers seek work in informal hiring sites (home improvement stores, nursery stores, etc.), and most (92%) are employed by homeowners/renters and construction contractors; additionally, most of these sites are near residential neighborhoods. The top five occupations for day laborers include construction laborer, landscaper, painter, roofer, and drywall installer (National Day Labor Survey, 2006)- despite the fact that the hiring site in this ethnography is juxtaposed to a nursery store *en la esquina* (not a home improvement store), an analysis of the findings support the findings of the NDLS. This *esquina* is known, to this Southeast community, as a gathering place for *jornaleros* where they can reliably find someone willing to work.

#### *Characteristics of La Esquina (Torino Corner)*

As depicted in Figures 3.1 through 3.15, *la esquina* is located in an informal setting. This site is located adjacent to a business that is connected to an industry (landscaping)-Star Nursery- where the majority of the *jornaleros* gather. It is also located near a storefront (Shell gas station), a residential area, and a busy intersection. The workers are prohibited by the staff of the nursery store from entering and/or standing in the nursery parking lot, therefore they stand in the corner outside the parking lot at the Intersection of Torino Avenue and Eastern Avenue. Some also gather at the adjacent corner, only a few feet away, on the side of the gas station. However, the workers are also prohibited by the staff of the gas station from standing in the parking lot; therefore, the day laborers stand at either corner. Photographs provided by researcher, 2017.

**Exhibit 3.1. View of Torino Avenue corner from gas station.**



**Exhibit 3.2. Star Nursery display at the Corner of Torino Avenue and Eastern Avenue.**





**Exhibit 3.3. View of Torino Avenue from Star Nursery display.**





**Exhibit 3.4. View of the Star Nursery south parking lot adjacent to *la esquina*.**



**Exhibit 3.5. Vehicle entrance to Star Nursery parking lot adjacent to *la esquina*.**





**Exhibit 3.6. View of *la esquina* from the Star Nursery parking lot.**



**Exhibit 3.7. View of *la esquina* from Eastern Avenue.**





Exhibit 3.8. Storefront of the Star Nursery store.



**Exhibit 3.9. View of the Star Nursery store from Eastern Avenue.**





**Exhibit 3.10. View of the Torino Avenue adjacent to the Star Nursery store.**



**Exhibit 3.11. View of the Torino avenue adjacent to the gas station.**





**Exhibit 3.12. View of both sides of the Torino Avenue corner.**



**Exhibit 3.13. View of *la esquina* adjacent to the Star Nursery from Torino Avenue.**





**Exhibit 3.14. View of Torino Avenue adjacent to the parking lot of the Star Nursery.**



**Exhibit 3.15. View of both sides of *la esquina* from Torino Avenue.**



## CHAPTER FOUR: *JORNALEROS* IN A MULTIDIMENSIONAL STRUGGLE

I've spent almost four years *en la esquina* with many of the workers who I've come to know in a friendly capacity, naturally. It's almost impossible to spend so much time with someone without building space and community. Many of the day laborers know who I am and my intentions, and have guided and helped me along the way. I am always grateful to them and I hope that in the next two chapters I will be able to capture and convey their *testimonios* with the cognizance that they deserve. In chapters four and five I will offer a glimpse into the lives and struggles of the day laborers who vulnerably collaborated with me in this project. For me, being *en la esquina* with the *esquineros* allowed me to witness the discrimination, exploitation, and unlawful violations and abuse that they endure at the hands of employers, the police, and the public alike. At the same time, I witnessed the ways in which the *jornaleros* survive and resist these forms of oppression that are overtly and violently perpetuated against them with little or no consequence and accountability. Moreover, their agency in this process often times is not acknowledged as they become invisible and which allows the sanction of their exploitation and discrimination. As they are also relegated to the deficiency framework of being "poorly educated" and "low skilled" it becomes natural to dehumanize them and ignore their contributions in building and maintaining our community, while negating the lawful protections they are entitled to by state and federal labor regulations.

The day laborers are vividly aware and candidly express that their immigration status, the vast majority disclosed that they are out of immigration status while sharing their *testimonios*, dictates their ability to be "rightfully" employed. Most also reveal that being perceived as an "immigrant" carries a negative connotation that has a negative impact on their search for work, especially during the negotiation process when they are sought out for work by

employers and when they are approached by the police. Fear of “getting caught” always accompanies them. Daily life on the corner consists of uncertainty beyond the volatility of securing work for the day, week, or month. *Jornaleros* here are engaged in a multidimensional struggle that also extends beyond their time en *la esquina* to their personal lives at home, which for many of them is located, physically and emotionally, in their countries of origin. As I learned, most of the *jornaleros* have to negotiate more than their wages (and other terms of employment), they are often negotiating and navigating poverty, exploitation, discrimination, separation, invisibility, mental and physical health, violence, danger, addiction, harassment, deportation, while they are also engaged in resistance and survival work.

## THEMATIC FINDINGS

The information herein is the product of my visits to the corner two to four times a week that lasted from one hour to several hours each time, intermittent from 2013 to 2016. This ethnography provides a unique understanding of the lived experiences of *jornaleros en la esquina* while exploring some of the issues that other similar projects have not addressed. My fieldwork not only raised questions about racism, poverty, and citizenism, but also about the sexual exploitation and criminalization of day laborers, and about exploitation and discrimination against migrant workers. My analysis of the data collected through the *testimonios* and an analysis of my observations reveal a pattern of exploitation and discrimination, highlighting four thematic areas: life en *la esquina*, hardships associated to day labor work, employer mistreatment, and labor law violations.

### *Life en la Esquina*

My time on the corner focused on the day-to-day interactions amongst the *jornaleros* and their interactions with potential employers. Daily life on the corner mostly consists of

waiting for employers to come looking for day laborers, but even when they come, often times, they don't agree to terms and don't hire any of the workers. As a result, only a small percentage of the *jornaleros* secure work for the day. I learned that employers scout the day laborers for availability, but also for English language, physical endurance, and particularly to offer low-wages. Those who have reliable transportation and speak English have an advantage over others during the negotiation process. Some of the *jornaleros* point out that employers stereotype them as cheap labor and have preconceived ideas of them as “powerless” workers who they are helping when they hire them for their labor. The *jornaleros* respond to this deficiency framework with mockery of their “*elogio de arrogancia*” (self-praising arrogance). These accounts corroborate the findings of the NDLS, which also parallel the demographics of *jornaleros* across the U.S. to the *jornaleros* at the Torino corner.

All of the day laborers who shared their *testimonio* come from Mexico or Central America. Although the majority of day laborers are Latino men, at this site groups of Canadian men and other white workers sporadically visited the Torino corner to seek work as day laborers. But, their visits only lasted a few weeks and they did not return for the duration of this ethnography. I observed during the scouting exercise of the day labor hiring sites that other ethnic groups look for work mostly at moving rental places. Most of the day laborers were referred to *la esquina* by friends and/or family members who have also sought work here. It is not uncommon to see *hermanos, tios, primos, y padres e hijos* working together *en la parada*. Most visit *la esquina* every day, when they are healthy enough, unless they have found permanent work elsewhere, which is often found through day labor work. Only a few of the workers visit *la esquina* on their days off to supplement their income, while some argue that day labor work pays better than permanent work with landscaping companies that is readily available



to them. The vast majority of the *jornaleros* have been doing this type of work for longer than three years, but at least one worker has been coming to this site for 12 years, another for 11 years, and two other for 10 years. Only one worker who I interviewed has been coming to *la parada* for less than one year. The *jornaleros* have found permanency here, but most describe day labor work as unstable, which reveals the complexities and volatility of day labor work.

The workers confirmed the findings of the NDLS that the majority of *jornaleros* are out of immigration status. Most of the *jornaleros* that I talked to, during their *testimonio* interviews and during informal conversations, revealed in some way (without me asking) that they did not have “papers.” Of the many workers in *la esquina* that I talked to only four are U.S. citizens, and four others have Legal Permanent Resident status, two because they are Cuban and benefitted from the Wet Foot, Dry Foot policy<sup>6</sup>, the other two through marriage. The majority of the workers also report that they have been in the U.S. for longer than three years. Half of the *jornaleros* have been in the U.S. since the 80s and 90s. Their time in the U.S. ranges from three to thirty-five years; their time in Las Vegas ranges from less than one year to more than twenty years. The majority of *jornaleros* who revealed that they are out of immigration status also shared that they came to the U.S. crossing the desert in Arizona and Texas. Only one of the workers reported to have entered the U.S. with a visitor visa and overstayed it.

The *jornaleros* have extensive knowledge and skills that they came with from their countries of origin or that they learned while working in *la esquina* or learned doing other work and later translated those skills into an expertise in day labor work. At *la parada* employers are able to successfully find tile installers, painters, carpenters, framers, roofers, landscapers, farmers and more surprisingly mechanics, electricians, jewelers, teachers, even songwriters. The workers

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<sup>6</sup> The Wet Foot Dry Foot policy (which was curtailed by the Obama administration) refers to the asylum granted to Cuban migrants who reach American soil by sea or land.



further confirmed the findings of the NDLS that they are mostly hired by homeowners and that the top occupations for day laborers are in landscaping and construction, but they also revealed that day laborers engage in work outside of the findings of the NDLS. The range of jobs that they do is wide and unpredictable. Some of the *jornaleros* have been hired to look for lost dogs, to “clean horse shit,” one has worked for professional boxer Floyd Mayweather Jr. doing “yard work,” and some have been hired to “sell *chivo* [dope].”

Some of the day laborers are also sought for sex work. All of them have confirmed that they have witnessed employers seeking some of the men to engage in sex for payment. While some of the men decline, while some agree to do sex work and others report that they have agreed, but have only taken the money without engaging in sexual activities. Mostly men seek other men for sex; I observed only one time a woman seeking sex in *la esquina*. Sex work is a less explored area in day labor work that merits especial attention because of the health and legal risks that can be attributed to it. Additionally, it is important to note that *jornaleros* manifest their masculinity aggressively in their interactions with each other, but I observed that their approach is different when they witness or they themselves engage in sex work. The homophobic queues that persist during their daily interactions disappear when someone agrees to perform sexual activities for payment. The *jornaleros* have a clear understanding that sex work is part of the survival work that they are engaged in.

For *jornaleros*, day labor work is an individual and a joint undertaking. Although many of them go back and forth on the type of relationships they build with each other, the *jornaleros* have a clear understanding that they must collaborate in this endeavor to secure work, to seek better pay, to ensure that they are allowed to continue to seek work at this site, to protect and help each other, and to pass time idly while they wait for work. Moreover, they help each other

financially. It was often revealed that they help each other buy bus passes and food when some of them don't have money. Another part of supporting each other is to buy beer despite knowing that they may be harming each other. I want to emphasize here that alcoholism and addiction in *la esquina* are not uncommon, but I learned that many of the workers suffer from undiagnosed depression and other mental illnesses that are ubiquitous in day labor work and that are often untreated. I argue that this is a result of the marginalization, discrimination, and exploitation that day laborers experience with little recourse.

A few of the men come to *la esquina* to pass time because they have nowhere else to go. Although they don't trust workers on the other side of the nursery store, newcomers are welcomed to this side of *la parada* because they've all experienced being a "*primerizo*" (first-timer). Most of them reported that when they arrived at *la parada* for the first time they trusted that other workers would not "mess with them." At the same time, the volatile and competitive nature of securing work results in physical altercations and verbal disputes. All the *jornaleros* report witnessing or engaging in violence as a form of manifesting their masculinity to ensure that others become aware that they shouldn't "mess with them." But, perpetuating this form of violence has resulted in serious injuries and in the loss of work for them. Some of the *jornaleros* have had to visit the hospital while others stopped visiting *la esquina* as a result of their involvement in fights and disputes. On occasion the police have been called during fight breakouts. However, most prefer that the police do not get involved because of the risks of being forced to leave this site. The *jornaleros* also explained that they wouldn't like to see other workers being detained for fear of deportation, but also because they would lose a day's work.

The day laborers revealed that *mudanzas* (moving jobs) are the most desirable jobs because they pay the most, but those are hard to come by and are very competitive to secure.

*Mudanzas* are also desirable because often times the *jornaleros* work in groups of two or more and some of the work takes place indoors, this is especially important during the scorching summer months in Las Vegas (May through August). The jobs that are the least desirable and are often declined are in landscaping, especially with landscaping companies, because they don't pay well and the labor is intense, again, especially in the summer time. The hardest job, according to the majority of the day laborers, is in landscaping laying decorative rock. The job consists of towing (metric) tons of these rocks in wheel barrels and raking them with shovels and with their hands. This job is not paid well, but all of the workers I talked to have done it at least one time. And, at least one of the workers (there may be more that I didn't learn about) experienced a serious back injury performing this type of work. The workers also report that they are bodily sore for many days after doing this type of job.

According to the *jornaleros*, the most dangerous jobs are in landscaping, specifically climbing and trimming palm trees, although there are many other dangers attributed to day labor work beyond the physical hazards that the workers are exposed to. Nonetheless, the workers point out that the level of danger of the work they are hired to perform is not known until they arrive at the work sites. Arrests and consequently deportations, fights *en la esquina* or at work sites, car accidents because the employers are high, muggings by phony employers, being abandoned in the desert by employers, physical and violent attacks by employers, other threats by employers, hunger, dehydration, becoming addicted as a result of self-medication to treat injuries sustained during work, homelessness, and getting hired to break into foreclosed homes to take the furniture and appliances are some of the other dangers that are often overlooked in day labor work. But, beyond these dangers there are other hardships associated to day labor work that are persistent and have a long-lasting impact on the lived experiences of the *jornaleros en la*

*esquina*: wage theft/deduction and underpay, poverty, family separation and isolation, instability and competitiveness of day labor work, alcoholism, other mental and physical illnesses, and the lack of reliable transportation.

### *Hardships of Day Labor Work*

An important area to carefully examine in day labor work is wage theft. According to the NDLS (2006) wage theft is ubiquitous in day labor work. All the *jornaleros* report that they have experienced wage theft and/or wage deduction. Additionally, the workers are often offered wages below minimum federal and state requirements and/or are offered other forms of payment not agreed upon during the negotiation of wages. When asked about the most difficult aspect of being a day laborer, overwhelmingly the workers described the most challenging hardship is being denied payment. A day's loss of payment for many of the workers translates into hunger and even homelessness not just for them but for those who depend on their wages too. The day laborers explained that employers deny their payment in different ways: some of the workers have received fraudulent checks, others have been promised payment at the completion of the work and have not been hired again to complete the work, others have been paid with household items that are not necessarily useful to them while others with drugs, and others have been assaulted and abandoned to deny their payment. As a result, *jornaleros* struggle with poverty while recognizing that others benefit economically, and in other ways, from their labor.

The *jornaleros* have a clear understanding that they are sought out as alternative labor work because the cost to hire them is much less than the cost to hire other workers in other more formal labor markets. Although the day laborers agree to work for lower wages, they also seek fair wages that align with the difficulty of the work they are performing. But, despite their constant efforts to be compensated fairly for their work they are paid much less than their set

expectations and significantly less than workers in sanctioned labor markets. The *jornaleros* partly attribute this form of exploitation to their fear of seeking lawful help because they are out of immigration status. Many of the workers prefer to remain invisible and silent, and even lose wages than to report these violations to authorities because of the risks associated to entering the criminal justice system and the immigration system. According to many of the workers, these are the costs of coming to this country *sin papeles* (without papers). Thus, their immigration status has intrinsic implications to the ways that *jornaleros* negotiate wages and manage wage theft and wage deduction. For example, when they are offered forms of payment not agreed upon (drugs or household items) many of the workers accept them hoping to sell them to recuperate their wages, but this also creates more unwelcomed risks and work for them.

Despite the quasi stability that day labor work provides for the *jornaleros*, the majority of them do not earn adequate incomes to sustain themselves, their family members, and others who depend on their wages, as a result many of the workers experience profound poverty. The most vulnerable are those who suffer from addiction and other health problems. Additionally, when workers have not secured work for multiple days they seek income (or food) in other forms that put them at risk of arrest, which further complicates their financial situation and well-being. When some of the *jornaleros* are hungry without money they go into the convenient store adjacent to *la esquina* to take food without paying for it. In many instances, those who get caught have been prohibited from returning, but in worse scenarios the police has detained them. Those who don't seek food from the store, often times, go hungry and thirsty. At the same time, while observing I learned that many of the *jornaleros* share food, drinks, money, clothes and hats, bus passes, and work. Yet, this form of support may not extend past *la esquina* and the day laborers are faced with these hardships at home. While observing, I also learned that some of the

workers experience precarious living situations and transiency. Many of the workers do not have permanent homes to go to. In this way, their livelihood depends on *la esquina*, which also becomes their home.

Most of the day laborers have directly and/or indirectly experienced homelessness. When the workers earn very little income and don't pay rent they experience aggressive and violent displacement. Although many live together or live in large groups to share the costs of rent and utilities the volatility of day labor work and other of their financial responsibilities impact their ability to pay their share of the costs, resulting in transiency in being replaced by other workers from their apartments to go live elsewhere. In some cases, *jornaleros* live in the street preferring to stay close to this hiring site to ensure that travelling to *la esquina* is less difficult. Two of the workers have spent time living together in the street. Homelessness for these *jornaleros* had dire consequences from addiction to having multiple arrests, resulting in one of them getting deported and the other suffering from serious health problems, both mental and physical. He has been diagnosed with cirrhosis and depression and has been hospitalized numerous times. He seldom works, only when he feels physically capable, thus he experiences severe poverty and hunger. His experience is not an isolated one, but it is a very serious one.

Moreover, the hardship of finding work and the lack of income creates a competitive struggle for the workers in *la esquina*. Day labor work is inherently competitive, but for some of the *jornaleros*, especially those who are physically ill, the hardship of competing for work is aggravated. Those who display an aggressive persona tend to discourage other workers from intentionally engaging in the negotiation process of finding work. Aggressive approaches, which may be necessary as a survival tool despite its problematic disposition, during the initial encounter with potential employers have resulted in physical and violent altercations amongst the

day laborers. These situations place the workers in danger of getting injured and in being forced to abandon *la esquina* and unable to work. The competitiveness of day labor work has serious consequences for the *jornaleros*. Nonetheless, the day laborers explained that they are always at a disadvantage regardless of the ways in which they compete with each other when negotiating wages and terms of employment with employers because of the unconventionality of day labor work, but also because of their class and immigration status.

Additionally, not fully communicating in English and not having reliable transportation puts the day laborers at a disadvantage when seeking work. The most successful day laborers in securing work and earning higher wages are those who can negotiate in English. But the number of day laborers who can do this is relatively small, thus only a very few are able to secure fair wages, while others must engage in a collective effort to raise their wages and raise awareness among the other workers that they must work in collaboration to ensure better rates. According to the day laborers, the inability to communicate in English is connected to the discrimination they experience of being perceived as out of immigration status which translates into lower wages, more work, mistreatment, abuse, and exploitation. The *jornaleros* who communicate in English with the employers often negotiate for their closest friends as well, even in the midst of competing for work, thus they're always engaged in a collective effort to improve wages and their working conditions.

Transportation, or the lack thereof, is another aspect of day labor work that is often overlooked. Yet, the lack of transportation and its cost present a significant challenge for the *jornaleros* in the corner, and for the few who drive a significant advantage. Public transportation in the Las Vegas valley lacks infrastructure, therefore, using it is time consuming and costly. Monthly passes are more affordable than daily passes, but most of the workers are unable to

make the costly purchase once a month and are often times forced to purchase daily passes which is three times the cost of purchasing monthly passes. Not securing work for the day (often times for the week/month) results in an expense that they may not be able to fund, which translates into hardship for them or their families who depend on this income. Furthermore, getting to *la esquina* is a three hour round trip for the majority of the day laborers, although a round trip driving takes no more than thirty minutes from Southeast Las Vegas to North Las Vegas, a Latina/o majority area, where the majority of the *jornaleros* reside.

Additionally, having reliable transportation has significant advantages for the workers during negotiations and to secure work, especially for moving jobs, which are the most desirable and most well paid jobs. In many instances I witnessed situations where employers were looking for day laborers with trucks, specifically, to use during moving jobs. The *jornaleros* who use their vehicles also have the ability to negotiate higher wages and have asked the employers to cover the cost of gas, although seldom. I also observed employers not wanting to drive the workers to the job sites, thus only those with vehicles were able to secure the work. Having a vehicle means that travelling times to and from the hiring site are much shorter. Having reliable transportation also allows the workers to leave the job sites when they're placed in danger or when the negotiated terms are not met. However, the day laborers who have vehicles, often times, share them with other family members and only drive them sporadically and only a very few have this advantage. The majority of the *jornaleros* struggle with the hardships of unstable and expensive public transportation directly connected to their socioeconomic status.

According to the day laborers, outside of day labor work, but directly connected to their immigration status, the most difficult aspect of being a migrant worker is family separation. The majority of the workers migrated to the U.S. out of status by themselves, leaving behind their



families. Many of them have children that they have not met in person or they haven't visited their families in the years that they arrived to the U.S. Most of them plan, despite the many years that have transgressed, to bring their families once their financial situation improves, but for the majority this seems an unlikely probability. The majority of the *jornaleros* report that most of their income goes to their families in their countries of origin and to cover the expenses of living costs, even as they live in underprivileged living conditions. As a result, their plans don't come to fruition because they don't earn enough income to be able to contribute to the well-being of their families, sustain themselves, and save at the same time. The majority of day laborers use their mobile phones and social media to stay connected to their families. However, when they find themselves unable to pay their cellular phone bills or purchase disposable phones or calling cards they are unable to contact their families, which creates serious emotional separation issues and poor mental health that they manage with alcohol abuse.

Although, many of them would like to return to their families in their country of origin they are discouraged from doing so because of their inability to bring economic change to them. Some of the workers expressed feelings of shame if they returned home without savings. Others prefer not to return home with little probability of finding work that would allow them to earn what they earn as day laborers, even when they earn very little doing day labor work. Despite being in the U.S. for many years, some of the *jornaleros* expressed that gaining little upward mobility and having little opportunities to "succeed" is inhumane. I witnessed some of the workers turn to alcoholism and addiction to cope and manage stress and depression and other hardships associated to family separation. Some of the elders and the workers who have serious physical illnesses indicated that their families want them to return to them, but they refuse to do so because they don't want to become a burden because they would be unable to contribute in the

same ways that they do now as day laborers. The hardships associated to family separation are directly connected to their socioeconomic status and their immigration status, as they are unable to afford to visit them and reenter the U.S. with little effort.

### *Employer Mistreatment*

Day labor work has become an alternative response to manual labor demands that lacks lawful and responsible hiring practices where mistreatment and law violations are ubiquitous (Ordonez, 2015). I argue that employer abuse and mistreatment and labor law violations in day labor work are interconnected given the ominous circumstances in which the *jornaleros* work in and the continuous law violations by the part of the employers and the police; one cannot take place without the other one playing a part. I observed that employers continuously place the workers in danger, physically and emotionally, while violating the Occupational Safety and Hazard Act and the Fair Labor Standards Act with little accountability and even less attention given to the safety of the workers. Additionally, the seriousness of employer abuse and mistreatment and labor violations has dire consequences for the *jornaleros* ranging from financial hardship to unreasonable work expectations to serious injury and emotional distress. Employers and the police alike are engaged in the mistreatment and discrimination of day laborers.

Having the *jornaleros* work without proper tools and safety protections places them in danger and is an unlawful practice, yet it is ubiquitous in day labor work. The workers revealed that for the majority of the jobs they are hired to do they are provided little to no tools and safety protections to safely complete the work. In many instances they are expected by employers to have the tools and proper protection to do the jobs and at times they have been denied work because they do not have them. Other times workers have been asked to purchase tools under

the assurance that they will be compensated for the tools and only having the job renege without any compensation for purchasing tools and for potentially losing other work. Due to the lack of proper tools and safety protections the majority of the day laborers have sustained minor to serious injuries while the employers have not once been held responsible for the cost of medical treatment and the loss of pay for the workers. At least one of the workers had to move to a different state because of employer harassment and threats of deportation after being seriously injured at a job site and two others were seriously injured at a job site and were abandoned by the employer. In most cases, self-treatment of injuries has led to addiction and other physical and emotional illnesses.

The *jornaleros* indicate that many of the employers assume that most of them are out of immigration status (*sin papeles*) and use this supposition to their advantage. I learned that employers have asked the day laborers about their immigration status during the negotiation process or at the work sites. Intimidation and threats by employers (sometimes by the public) of calling the police or immigration authorities on the day laborers are common occurrences *en la parada*. These forms of threats often take place when the workers are denied payment or are not paid the agreed wage by the employer and the worker demands to be compensated. Moreover, the workers have also been threatened when they refuse to work for a known employer who doesn't pay well and by people who stop by *la esquina* to harass them. Most times, the day laborers are hesitant about calling the police when they are intimidated because of fear of the police. The police instead have harassed the few workers who disclosed calling the police to report harassment. According to the day laborers, the police have done very little in helping the few workers who have reported any form of discrimination.

When the employers threaten the workers they feel worried about their immigration status, which has led to adverse consequence for the workers. Day laborers who feel threatened also experience emotional distress and often stop visiting *la esquina*, which means loss of work and loss of income. Some of the workers reported being harassed by *la migra* (border patrol) while waiting for work at another hiring site. According to the *jornaleros*, the threat of deportation became very real this time and they fled on foot, but they report that the border patrol did not chase them, thus they believe that *la migra* were only harassing them. At least one of the day laborers who I interacted with during my time in *la esquina* and reported these forms of threats was arrested and later deported. I also learned that some employers have followed through with their threats to call (or pretend to call) the police in the presence of the workers, but with little consequence for the day laborers because the police did not show up.

Additionally, the *jornaleros* experience other forms of intimidation and physical threats. These threats, often times, also materialize and employers and others have physically harmed some of the workers. Some of the *jornaleros* report getting beat up by employers who refuse to pay them, while others have been robbed and abandoned at work sites or driven outside city limits to the desert to be left behind. These forms of aggressive and violent intimidation worry the workers who remain suspicious of many of the potential employers who approach them. This has also happened to workers who are hired together, thus getting hired in a group does not guarantee their safety. Furthermore, the day laborers reveal that many of the employers who hire them are high or get high while driving to the work site or at the work site in the presence of the workers, which creates an unsafe working environment for them, but feel powerless to express their concern, especially because they want to be paid for the work that they perform. The

workers also worry about getting hired to work by employers who get high because if the employer gets high it can translate into no work and no pay.

A serious aspect of day labor work that has severe implications for the workers is getting hired to work, but learn at the work site that there is no work to be completed and consequently no pay. The day laborers report that when this happens it is very likely that they are not compensated for the time spent at the work site and for the potential loss of work elsewhere. Moreover, the day laborers reveal that the employers are never held accountable for compensating the workers when they hire them, but don't give them the job once at the work site, which makes them feel powerless. Some of the physical violence by the employers that the *jornaleros* experience takes place when they demand to be compensated for the loss of work and the loss of time. The majority of the workers who ask to be compensated with little success also risk getting abandoned by the employers at the work sites. Some of the workers have had to walk several miles to a bus stop to get back to *la esquina* and for many this means losing a day's work with little recourse.

The day laborers often times also find themselves getting hired to perform one job and then are expected to complete more work than initially agreed for the same pay. All of the workers have experienced this form of manipulation, especially when the work is completed in less time than the allotted time by the employer. When the day laborers refuse to do more work than what was agreed upon they risk not getting paid fully or not getting paid at all, thus most are forced to work more for the same pay. The *jornaleros* explained that this is a very common occurrence with similar consequences as other employer mistreatment. At the same time, if they feel that they may complete the work promptly and take more time to finish it, the employers may complain that they are not working expeditiously and their wages may be reduced. The day

laborers are often negotiating their wages from the time they are hired through the completion of the work and point out that this does not happen in other more formal and highly sanctioned work environments. Nonetheless, they feel they risk too much by not agreeing to do more work for the same pay and most times they will agree to do the work without being properly compensated for it.

Other negotiable, but almost non-existing terms of employment are breaks, meals, and water. Although, the day laborers prefer to skip breaks to ensure that they can go back to *la esquina* to continue seeking work, sometimes they go hungry, especially during long jobs, and emphasize that many employers do not provide them with meals, water, and breaks. Although meals and water are not lawfully required, they are essential to the well-being and health of the day laborers. Furthermore, many of the *jornaleros* explained that when they are not given water they feel dehumanized because water is essential and should not be negated to them. As a result, many of the workers experience dehydration, especially during the scorching summer months in Las Vegas. Additionally, although not diagnosed, some of the workers believe that they have suffered from heat strokes or other heat related health issues. Despite the intensity of experiencing heat related health problems, the workers don't seek medical attention because it's too risky, costly, and time consuming for them. The fear of getting reported to immigration authorities if they visit a hospital to seek treatment without medical insurance is the main reason the day laborers avoid medical attention.

Another unexplored discriminatory aspect of day labor work is public shaming. The *jornaleros* report that they experience public shaming every day by the employers, but also by the public. In addition to experiencing verbal insults, most of the workers report that they feel shame of working as day laborers because they recognize that some people see this type of work

as demeaning and belittle them. Although many of the day laborers feel that most times they go unnoticed, the few times that they are noticed they are perceived in a negative way.

Additionally, the staff from the gas station and workers from the nursery store are also engaged in verbally and emotionally mistreating the day laborers. I witnessed workers from the nursery store yelling at the day laborers. At the same time, the day laborers shared numerous times that they have been mistreated by the staff from the gas station, even when they consistently purchase items from the store. It was apparent that a significant number of the store patrons are the *jornaleros* who constantly visit the convenience store to purchase beverages, mostly beer, and other food items throughout the day. Moreover, many of the customers from the nursery store seek the day laborers to work in landscaping; in this way they are also contributing to the lucrative well-being of their business. Yet, they are regularly instructed to stay out of the parking lot of the nursery.

The *jornaleros* believe that many of the employers (and others) are intrinsically aware that many of them work *sin papeles*, which not only makes it easy for the employers to try to negotiate unreasonable wages, but has also resulted in the employers insulting the workers with anti-immigrant, racial slurs. I learned that people that drive by or stop at the gas station adjacent to *la parada* have also insulted the day laborers using racial slurs. Again, the workers feel worried because they don't know the extent of the threats and insults, which can materialize and the police or immigration authorities can appear in *la esquina* at any time. Although the day laborers spend the majority of the time waiting for work, often times they are experiencing emotional distress from being out of immigration status in addition to experiencing the stress of not finding work and earning very little income. Their situation is always stressful; nonetheless, they manage to get through the days in good spirit, especially if they find work and earn some

income to send to their families. For the majority of the *jornaleros* at the forefront of their obligations are the remittances to their families. Thus, it is essential that the workers receive the agreed full payment for their work. However, the day laborers in *la esquina* experience wage theft, wage deduction, and underpayment consistently.

### *Labor Law Violations*

Wage theft/deduction is unlawful and sanctioned by Nevada Revised Statutes<sup>7</sup> and federal guidelines<sup>8</sup>. According to the Fair Labor Standards Act the federal minimum wage is \$7.25 per hour since July 2009. However, many states also have minimum wage laws and in cases where employees are subject to both state and federal minimum wage laws they are entitled to the higher minimum wage. In Nevada, the Office of the Labor Commissioner regulates employee wages. The minimum wage in Nevada is \$7.25 for employees who receive health benefits from the employer; \$8.25 for all other employees regardless of the appointment or contract expressed or implied, oral or written, whether lawfully or unlawfully employed. In this way *jornaleros* in Las Vegas are protected by Nevada Revised Statute (NRS) 608.010 which recognizes them as “employees,” NRS 608.016 which guarantees payment by the employer for each hour worked (including trial and break-in periods), NRS 608.190 which prohibits the employer the failure or the refusal to pay wages, and the Fair Labor Standards Act which also establishes a minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments for covered nonexempt workers- day laborers included under this designation.

Regardless of the protections guaranteed to day laborers by federal and state legislation, all of the workers in *la esquina* have been denied payment, their pay has been reduced, or they

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<sup>7</sup> See Appendix A

<sup>8</sup> See Appendix B



have been underpaid for work that they have completed as day laborers. Many of the workers have also experienced fraud in the form of counterfeit checks and other deceptive forms of payment (e.g. goods and supplies). Additionally, many of the *jornaleros* are asked to wait for payment under deceitful or misleading assurances, which often times are not fulfilled. The majority of the workers report that they have been paid with checks with insufficient funds or checks from fake bank accounts. Many of them also report that they negotiate to be paid in cash, but have been denied cash payment and instead have been offered household goods, tools, food, drugs, and other supplies as forms of payment. Some of the day laborers have also been asked to wait for payment until the end of the workweek or after the completion of the work, but the employers have not returned to *la esquina* to hire them again or to pay them for the work they have completed.

The workers also reveal that they have been underpaid for work, especially when the job takes longer than the anticipated time, and often times they are not compensated for the additional time it takes to complete the work. I also witnessed an employer offer work for \$15 for a three hour job, which is below the mandated federal and state minimum wage. Many of the workers also report that they are not paid fairly for intensive labor work, especially for jobs that requires specific skills, like laying tile or repairing sprinkling systems. The *jornaleros* have a clear understanding that they are sought out to work, including highly skilled work, by employers for lower wages, yet they feel cheated because most employers try to negotiate unreasonably low wages that violate lawful mandates. The day laborers are continuously offered wages below the mandated federal and state laws for their work and expected to complete additional work with little compensation by the employers. These occurrences are common in *la*

*esquina* and the employers are never held accountable for these unlawful practices, instead the *jornaleros* argue that the police protect unscrupulous employers.

The police (the times they have been called mostly by the employers) have consistently failed to ensure that the *jornaleros* are compensated monetarily for their work as established by federal and state law. NRS 608.100 prohibits the unlawful decrease in compensation by part of the employer, yet the few times the police has been called during a wage dispute, every time, according to the *jornaleros* accounts, the police encourage or coercively ask them to accept the reduced pay offered by the employer. Moreover, some of the workers also report that the police have told them that their other option is to receive no payment at all. Either the police are not aware of the protections guaranteed to employees by federal and state law or they explicitly ignore them. Whichever, the police fail to uphold the lawfully guaranteed protections to day laborers while taking the side of the employers they are also engaged in unlawful practices that contribute to the exploitation of day laborers. The day laborers most times decide to receive the reduced pay; their reason is that it's better to receive something than nothing. The workers also suggest that this does not happen to other workers in other labor markets. I argue here that these practices by the part of the police reflect their racist, xenophobic, classist practices against migrant workers of color in informal and unsanctioned labor markets.

Compensation for working overtime is also guaranteed by state law in Nevada and the FLSA, federally. NRS 608.018 dictates compensation for working overtime. According to NRS 608.018 employers must pay one and a half times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than one and a half times the minimum wage. The FLSA mandates that employees must receive overtime pay for hours worked over 40 per workweek. Although most jobs in *la esquina* do not exceed a 40-hour

workweek, a significant number of them exceed 8-hour workdays. However, these terms are never part of the negotiation process nor enforced. Moreover, I say that most of the day laborers are unaware that they are guaranteed compensation for overtime, thus these terms are not negotiated. It is unknown if employers are aware, especially homeowners who comprise a significant number of the employers. Furthermore, although law protects these terms it is apparent that the workers are not devoted to securing overtime pay; even when the hours worked dictate it, especially as seeking overtime pay becomes a nuance and may result in the loss of work for them. Nonetheless, day laborers are exploited in this way, again, employers are not held accountable for not adhering to these mandates.

Discharge of employment without pay is also prohibited by Nevada revised statutes. NRS 608.020 dictates that whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge is due and payable immediately, however this is seldom the case for the day laborers in *la esquina* who are arbitrarily dismissed by employers. Some of the *jornaleros* explained that in many instances they are fired by employers with the intention of not paying them. One of the day laborers was fired for drinking a beer after the employer denied him water and was not paid because he was accused of drinking on the job. Others have been fired for asking for higher wages after they are asked to do more work and denied payment for the work they have already completed. While others have been threatened by employers of calling immigration authorities to detain them, assuming they're out of immigration status, to deny their wages. Although many of the workers try to help each other recuperate payment for their work, the majority of the *jornaleros* have had little success in recovering unpaid wages. Additionally, NRS 608.030 guarantees payment to employees who

resign or quit the employment. However, some of the *jornaleros* report that their wages have been denied when they decide to terminate employment themselves.

Another unexplored aspect of day labor work is compensation for travel time, loss of work, and breaks. NRS 608.019 allows for periods of meals and rest. Although the workers always prefer to not take breaks in order to return to *la esquina* to continue to seek work, they emphasize that meals are desirable. Employers are not mandated to provide meals unless mutually agreed upon, but given the little money the day laborers earn they prefer to be provided with meals, but most times this is not negotiated because the day laborers fear they will not secure work for asking for meals. State and federal laws do not establish protections for the loss of potential work, but NAC 608.130 establishes payment for travel time to a work site and training. But, it is not clear if the day laborers in *la esquina* (or at other work sites) qualify to receive payment for travel time. Nonetheless, this term of employment is rarely negotiated out of fear that the employers will not offer the work to the day laborers for seeking payment for travel time. Furthermore, the few *jornaleros* who have vehicles and use them to travel to a work site rarely negotiate the cost of fuel. Instead, most times the other workers who travel in the vehicle are asked to pay for fuel. NAC 608.130 is unclear on whether the employer must pay for fuel, but it is not the responsibility of the workers to cover the cost of fuel when traveling to a work site. This is especially important to the workers here who earn very little income.

A less explored aspect of day labor work is the violation of the Occupational Safety and Health Act (OSHA), which establishes and enforces protective workplace safety and health standards to protect workers from harm at places of employment. Most employees in the U.S. fall under OSHA's jurisdiction and there is no indication in the context of the law that excludes day laborers from its protections. According to OSHA, it is the duty of employers to provide

workplaces that are free of known dangers that could harm their employees. This law also gives workers important rights to participate in activities to ensure their protection from job hazards. OSHA gives workers the right to safe and healthy working conditions, however these protections are not employed regularly to the day laborers in *la parada*. *Jornaleros* are regularly exposed to occupational dangers and hazards, yet again, the employers are never held accountable for OSHA violations on their part and do not take responsibility for the health of the workers when they are injured or are exposed to other hazards during employment. Furthermore, when some of the day laborers have been injured at a work site, complaints have never been filed as dictated by OSHA. The workers have been forced to cover the expenses of medical treatment the few times they have sought medical attention for their injuries. The violation of OSHA is ubiquitous in day labor work. Moreover, the protections dictated by the FLSA and Nevada revised statutes and regulations are rarely enforced in day labor work. However, the workers in *la esquina* are engaged in a collective effort to challenge mistreatment and the violation of labor rights and resist the exploitation and discrimination they endure as *jornaleros*.

## CHAPTER FIVE: COUNTERSTORIES OF *SUPERVIVENCIA Y RESISTENCIA*

These accounts collectively demonstrate the ways in which the *jornaleros* at the Torino corner are engaged in survival work, while resisting discrimination and exploitation because of their immigration status and their socioeconomic standing as migrant workers. At the same time, their narratives reveal the hardships that day laborers endure from the time they make the decision to leave their home countries to migrate to the U.S. to their time en *la esquina* seeking work and at the work sites by part of the employers, the public, and law enforcement. Additionally, their counterstories expose the dominant mainstream false narratives and deficit language used against migrant workers generally, and day laborers more specifically, that misrepresent them as “poorly educated” and “low skilled,” while revealing the ways in which *jornaleros* contribute economically and socially to the prosperity of the communities in which they are hired to work in. To ensure that the workers are not easily identified and to guarantee the privacy of this vulnerable social group is protected, I will only use first names when highlighting their *testimonios*.

Only one of the *jornaleros* who shared their *testimonio* did not agree to have their story disclosed. Moreover, some of the day laborers themselves asked me to include their *testimonio* in this chapter of my dissertation. I decided to share the *testimonio* of the workers that impacted me the most because they are powerful, but also because they are important to share as they become gathered data and empirical knowledge. I’m also sharing the *testimonios* of the day laborers who they themselves asked to be included. Their stories are explicit and intense. The *jornaleros* shared the emotional, physical, spiritual, and mental violence that they have endured, thus I must be very careful in the way that I convey their stories and forewarn that their *testimonios* are graphic and violent. Some of the workers also shared third party accounts that

were not verified, however, the majority of these accounts are from their immediate family members and crucial to the intricacies and wholeness of their stories. Thus, I will also share these accounts without using names or other identity markers, other than the relation or kinship to the *jornaleros*.

For functionality, I decided to highlight about a third of the *testimonios* of the *jornaleros* who shared with me and the story of one of the day laborers who I didn't "formally interview," but who became one of my closest allies during my time *en la esquina*. I had numerous intimate conversations with Marcelo about his life as a migrant worker, as a *jornalero*, and about his family in Mexico. About three years into my ethnography I visited *la parada* one morning to find out that Marcelo left the U.S. to return to his family. Thus, I didn't have an opportunity to formally interview him as a participant to share his *testimonio*. Nonetheless, his story is important to share, as he became one of the most revered day laborers by the other workers and regular employers alike. The other day laborers whose *testimonios* are highlighted here are also well-known *en la esquina* by other of the day laborers and regular employers. Their demographics and stories vary greatly, but collectively emphasize the multidimensional struggle they are jointly engaged in. Also, I use other queues I learned about the *jornaleros* that illustrate their behavior and other efforts to resist and survive.

## MARCELO

Marcelo came to the U.S. in the early 1990's alone with plans to reunite with his family once established here, but more importantly once he saved the funds necessary to pay the *coyotes* (smugglers) to cross his family. However, those plans did not come to fruition. He shared in several occasions that his now adult children wanted him to return to his hometown in Morelos, Mexico because of his age. Marcelo was one of the elders in *la esquina* and spent more than

eight years seeking work as a day laborer at this site and also spent time working as a day laborer at other hiring sites. He found permanency in *la esquina* because it became a gateway to find temporary work elsewhere. Throughout his time working as a *jornalero* he found permanent work intermittently, but much more often than the rest of the workers. Marcelo also worked in other informal labor markets as a security guard at concerts, taking care of animals, in pool maintenance, and even selling crystal meth. Regular employers sought him at times and he was seemingly one of the most successful *jornaleros* in terms of number of times worked weekly. At the same time, Marcelo suffered from alcoholism and was seriously injured numerous times as a result of being intoxicated at work sites.

His longevity in *la esquina* made him many friends who looked after him when he was injured or was inebriated to get home safely. At the same time, he experienced physical and verbal violence because of the competitiveness of finding work and his success in securing work. He also experienced different ways of exploitation, discrimination, and labor violations. He was driven to the desert in one occasion by an employer to be abandoned without pay, conceivably, but got scared and jumped out of the vehicle. The employer did not return to check on him, fortunately, he wasn't seriously injured and walked to a bus stop to return home. From this experience, he started writing plate numbers and asked the employers for their telephone numbers. Marcelo also experienced wage theft numerous times and was dismissed from jobs with little anticipation and no pay. He was not able to recover any of the withheld wages, but often times expressed gratitude from employers who paid him extra, offered him lunch, or gave him other items as he believed he was compensated in those ways. Marcelo also revealed the ways in which the police harass the day laborers.



Marcelo was detained by the police numerous times and was given citations for jaywalking and for public urination. He was also arrested a couple of times for public intoxication and for giving the police a false name. Marcelo explained that as a result he learned about the functions of the criminal justice system, generally, and about the Las Vegas metropolitan police department, specifically. He became critical of the police treatment of the day laborers. It was often that Marcelo emphasized his distrust of the police. In many instances, Marcelo and other workers protested the presences of the police because the majority of them received citations for jaywalking that they could not afford to pay, which also created more economic hardships and adversity between the day laborers and the police. He viewed the police as a nuisance that was more invested in harassing them instead of assisting the day laborers recuperate stolen wages and protect them from other law violations committed against them.

It was apparent that being away from his family weighed heavily on Marcelo, emotionally and physically. His deteriorating health and age were determining factors in his return to his family in Mexico. He was hesitant to return because in the many years that he was in the US he was unable to save money, which was his intention to come back with savings to support his family and start a better living for them. Most of the *jornaleros* came to the US with the same intentions. However, their efforts to work and save money do not materialize because of the volatility of day labor work. The majority of the *jornaleros*, including Marcelo, revealed that they felt shame to return to their countries of origin without savings and they would not be able to meet the expectations that were set for them. Marcelo and others also revealed that their families did not want them to work as day laborers because they didn't trust the work, the employers, and the other day laborers. Thus, many of them did not share with their families about their life as *jornaleros*, which was also burdensome for them. Nonetheless, Marcelo

insisted that day labor work was reliable and allowed him to send the majority of his earnings to his family in Mexico. All of us were happy to learn that he returned to his family in Mexico.

Cesar has been in the US since the 1980's and became a permanent resident through marriage, but has been divorced since. He became familiar with immigration laws and learned the intricacies of immigration policy and the benefits of having permanent legal resident status. He has been visiting this hiring site for about five years. Prior to coming to *la esquina* to seek work he worked in apartment maintenance, but was sentenced to prison for a weapon felony charge, consequently, he lost his job. He was also served prison time for violating his parole to go work out of state- as I learned, an overt form of criminalizing migrant workers. During his time in prison he also learned about the criminal justice system and became critical and vocal of the ways in which the system works against him as a migrant worker and against the other *jornaleros* in *la esquina*.

Since I got out of prison I haven't really been able to find a good paying job that would allow me to help my family more. My record now [dictates] the type of work I can find and that is never going to change. I feel trapped even when I'm not in prison anymore. ...the others here also have it bad because they don't have papers. But, I might as well not have papers either. I don't even have an ID either because I don't want the police to know who I am when I get stopped. I don't want them to harass me because of my record. The less they know about me the better, that's what I tell the others.<sup>9</sup>

However, not having an identification card has also resulted in Cesar getting detained by the police for using false names. Cesar also disclosed that he is not inclined to seek permanent work elsewhere because he owes child support and doesn't see the advantages to finding a steady job because he believes that he would earn very little income to be able to pay the child support. He

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<sup>9</sup> Excerpts of the *testimonios* that are shared in this chapter have been translated from Spanish to English by J. Adrian Castrejon.

also stated that he prefers to work en *la esquina* because he doesn't have to wait for a paycheck every two weeks, which allows him to help his children more financially when they ask him to purchase items they need.

Cesar is one of the workers who visit *la esquina* daily. But he only works an average of three times a week. He worries that not coming to seek work every day would result in working even less. At the same time, he has regular employers who seek him; although they don't pay well he has found permanency with them. However, many of the regular employers have withheld or reduced his wages and he has difficulty recuperating them because he fears that an attempt to recover his wages may result in the loss of work. It is clear that he is engaged in a joint effort to shift the expectation of employers of paying the *jornaleros* low wages.

I have regular employers who look for me because they like that I agree to get paid less than others here. I only let it happen because I've known a lot of them for a long time, but I don't allow it with new [employers]. Some of them still owe me money, but I only let it happen so that they continue to give me work. It's [messed up], but I have to do it otherwise I won't work sometimes. Some of them just pay me half, but I just hope that they do pay me what they owe me. That's why I don't trust the new [employers] because they're all trying to take advantage of us here. But we have to stop it and do it together, it has to stop.

Cesar also worries about the dangers and risks that he and the other workers are exposed to by some employers. He witnessed an employer getting high while driving to a work site and has seen other employers smoke crack at the work sites; other employers drive recklessly while transporting the day laborers to the work sites; and other employers have engaged in physical violence at work sites with little regard for the safety of the workers. He described these incidents as unsafe, but considered that there was nothing he could do to make the situations safe, other than to write down plate numbers and ask for telephone numbers.

Cesar has also been seriously injured at a work site and has been hurt several times at the hiring site from physical altercations that he has been a part of. Additionally, he witnessed another day laborer get seriously injured at a work site when he fell from a rooftop. Again, he considered that there was nothing he could do, but feels remorse that he remained silent to many of the accidents and dangers that he has experienced and witnessed. He also disclosed that the employers were not held accountable for any of the incidents. Moreover, most employers refuse to assist the workers with expenses and monetary compensation when accidents occur.

There is no way for us to [hold accountable] the employers when accidents happen. They don't even help us when we get hurt. I think they get scared, but I don't think that's a good reason because we get scared too. Sometimes I feel bad that I don't say anything, but even if we don't say anything they should still help us. Even when someone gets badly [injured], they never help. It feels like they're robbing us. That's why we have to be *trucha* (stay alert).

But, profound safety concerns extend beyond *la esquina* to their homes for Cesar and some of the *jornaleros*. His home has also been burglarized (thus, he acquired a weapon, which subsequently resulted in prison time for him). Furthermore, Cesar disclosed that some of the day laborers carry weapons to work, which further puts them at risk of harm and police scrutiny. However, I was unable to verify this claim. Yet, during many of the informal conversations that I had with other workers some of them also suggested that a few of the *jornaleros* carry weapons for protection, especially those who have vehicles because it's easier for them to hide them when they go to work sites. Cesar explained that is just one of the many advantages of having a vehicle for the day laborers and a disadvantage for the majority who don't have vehicles.

As I learned, day laborers use their vehicles as a tool for negotiating with employers, which very few have and only occasionally. The majority of the day laborers disapprove of the workers who offer their car during negotiation with employers, only when the employers ask the

*jornaleros* to use their vehicles the other workers consider it acceptable. Nonetheless, when the workers are asked to use their vehicles other day laborers encourage them to negotiate compensation for the cost of fuel. I observed Cesar ask an employer to cover the cost of fuel for another day laborer. Cesar speaks English more so than many of the other *jornaleros*, which gives him an advantage when negotiating with employers. While observing, I noticed that often times other workers let Cesar negotiate with employers in English, which reveals some of the ways in which the day laborers collaborate to secure fair wages that align with the type of work they are hired to complete. Cesar asked me to share his *testimonio* to highlight the *jornalero*'s joint undertaking in seeking better terms of employment and working conditions.

#### JOSE LUIS

Jose Luis is another worker who asked me to highlight his *testimonio* to demonstrate the ways in which the *jornaleros* resist dominant deficit narratives used against them. He migrated to the U.S. in 1991 with a visa that he overstayed and has lived in Las Vegas since 1997. Jose Luis has been visiting *la esquina* to seek work for almost a year. However, he works as a dishwasher at a restaurant and participates in day labor work only to supplement his income. He visits the hiring site on his days off, but also visits other hiring sites, thus he is not considered a “regular” and I did not spend as much time with him as I did with other *jornaleros* whose *testimonios* I share here, nonetheless he was always eager to talk to me, especially to share his critiques of capitalism, racism, and the exploitation of migrant workers.

I had a good job in Mexico, but I left because of the corruption. But here, I know that at my job they got a [no-match] letter because of my social security number, but why do you think they don't fire us? Because it benefits them. The government keeps our taxes, but now there's even less assistance with our health problems available to us. I was getting help to treat my diabetes [from a non-profit agency], but now I can't. It's always about making money for these companies, never about sick people. They serve themselves from us. It's inhumane. But you know what, I saw immigrants from Eastern Europe in night school and I saw them getting the help they need. But it's not the same if

you're a worker from Mexico, Central or South America. ... This is one of the most racist countries in the world.

Jose Luis is also critical of assimilation and is saddened that his children and grandchildren are not connected to the Mexican culture, as he would like. He learned English in night school, where he also experienced racial discrimination. Nonetheless, he doesn't have plans to return to Mexico because his family has roots in the U.S. and wants his grandchildren to find success in school. Jose Luis is well informed of current anti-immigrant political diatribe that impact immigration reform proposals, but remains hopeful that a new administration will adjust the immigration status of some members of his family and some of the migrant workers that he knows. He advises other workers to remain in the U.S. and to learn English.

I have been here for 25 years now. It's inhumane that in all this time I have had very little economic opportunities. Imagine what will happen to us if everything they're saying now becomes a reality, more with the economy. I think the contributions of migrant workers are [downplayed] and [negated] by systems put in place, like e-verify. People in our countries that depend on remittances will suffer the most. I hope one day there's a Latino president, so they can adjust our immigration status and we take back our land. That's why I tell them here not to go back. Go to school [to learn English] and wait to see what happens.

Jose Luis also discussed the ways in which he understands that the Mexican economy depends on the U.S. and consequently on China and their advantages over the U.S. and the impact of a conservative administration on Latin America. He is also very critical of Joe Arpaio and "the psychological warfare on the people he has detained," and is worried about the police reaction to migrant workers by the direction of a conservative administration and suggested that "*Trump es el Hitler Americano.*" Jose Luis also talked to me about the resistance of the conservative establishment to advance human rights and consequently the impact of the conservative rhetoric against people of color, and more importantly about the ways in which people are uniting to bring awareness to the community about xenophobia and racism.

For Jose Luis, his health and age affect his success in securing work. He explained that due to his age day labor work is physically difficult for him and limits himself to less strenuous jobs and often times declines jobs that he considers too hard to complete. Additionally, he avoids engaging in conflict or disputes with other workers for his safety and health. Jose Luis suffers from diabetes, but is forced to visit *la esquina* when he needs extra income. However, he works very little and earns very little working as a day laborer. Although he has spent little time in *la esquina* he quickly learned the wage rates and the wages that the workers decline because they consider them a form of exploitation. Jose Luis does not inform his family about his work as a *jornalero* because he presumes they would look down on him and also believes that the public looks down on the workers for being day laborers.

I don't tell [my family] that I come here when I need extra money. They would look down on me because they don't think that this work is [acceptable]. The same way people see us. I think people look down on us too for being day laborers. But, sometimes one can make some money here, that's why I do it, especially if I need to make extra money. ...I didn't come that much in the summer because it was too hot and I have a job. I would try to come more if I could, but most of the workers here have to do it and people don't understand that.

Despite visiting *la esquina* for less than a year and not on a regular basis he has experienced wage theft and has witnessed other workers being denied payment. He has also been denied payment on time at his other job. Jose Luis also witnessed the police harassing other workers, which he attributes to racism: “they only stop us because of how we look. I don't know why they don't like us, probably because of the color of our skin.” He also received a citation for jaywalking on his way to his other job. He distrusts the police; nonetheless, he revealed that he has been hired to work by police officers. He believes that being an English speaker helps him find work and allows him to defend himself when he is mistreated: “[the police] treated me nice,

they even bought me food, but I don't really trust them because I've seen the way they treat other workers here. The only reason why they were nice to me is because I speak English.”

#### TIO MIKE

Tio Mike is a *jornalero* who became my second closest ally in *la esquina* after Marcelo returned to Mexico who also asked me to share his *testimonio*. He is well liked by other day laborers (all the workers refer to Mike as ‘Tio Mike’ as a term of endearment [*tio* translates to uncle from Spanish]) and introduced me to many of them, some of whom *testimonios* I share here, including Jose Luis. Tio Mike is from Guatemala and crossed the desert in Arizona to enter the U.S. with his nephew’s help and now has been in the U.S. ten years. He has been visiting *la esquina* for four years intermittently because he has had some success in finding permanent work through the connections he has built throughout his time seeking work as a day laborer. Although he visits *la esquina* almost every day he has little success in securing work as often as he would like to. I describe his approach as very passive during the rituals of approaching potential employers and competing for work, as he tends to stay back during these interactions. This has resulted in him being one of the workers that I only witnessed a handful of times getting hired to go to a work site.

I don't like to compete for work with the others because I don't like to feel humiliated by the people who come here looking for us to work. It makes us seem desperate. I let them come to me... Once they get to know me they get to know the way I work and if they like it they come back looking for me again. It doesn't happen too often, but I have regulars and I prefer to work for them. I prefer to work steady jobs, but those are hard to come by, especially jobs that pay better than here... Somehow I make it work.

His reasoning to not pursue work aggressively because he doesn't want to feel humiliated reveals that there is contention between the need to work and the dehumanization that the day laborers experience. This behavior also reveals that not all the *jornaleros* see this type of work as



contentious. Tio Mike was referred to *la esquina* by a friend and he has invited other workers to come look for work at this *parada*. He also knows many of the workers who have been deported because he maintains friendly relationships with the majority of the day laborers here and he is familiar with the many stories of others here whose stories were not shared.

Tio Mike also revealed that he has experienced wage theft in the form of wage deduction and has been abandoned at a work site without pay. Many employers have paid him numerous times less than the agreed wages and also experienced police coercion to accept reduced wages. Moreover, he has received citations for jaywalking and has been given warnings for trespassing by the police for standing inside the parking lot of the nursery store adjacent to *la parada* where the day laborers gather and considers that the police harasses them with little purpose and are only motivated by racism.

I don't understand why the nursery [store] doesn't want us to stand inside their parking lot. Many of the people who buy from them come because they can come find workers here too. We're helping them with their business, but they don't help us. [Instead] they say they don't want us here and have called the police to tell us to stay outside of their parking lot. They have given me warnings for trespassing and have told us to stay outside of their property or they will not let us stand here anymore to look for work. I think they were just being racist because I don't see any other good reason for them to act this way with us....the police and the people from the nursery [store].

Tio Mike revealed that he would like to return to Guatemala to his family because of the dehumanization that he experiences as a day laborer. But, also because he feels that his younger children don't know him. He came to the U.S. when some of his children were very young and although he regularly calls them he thinks that they resent him for leaving Guatemala. Tio Mike also shared that he was a municipal worker in his hometown where he learned day labor work and some of his skills easily translated into being an experienced and skilled day laborer, but he is not confident that he will find work that will pay him well or earn as much as he earns in the

U.S. as a *jornalero* or in other more permanent jobs. Nonetheless, his family wants him to return to Guatemala and many times he has seriously considered returning to home. Tio Mike expressed many times that life in the U.S. is very hard (“*aqui esta muy dura la vida*”), but is hopeful that he will find a good paying job that will allow him to adjust his immigration status.

## MOISES

Moises is another of the day laborers who eagerly asked me to share his *testimonio*. He is also the worker who I accompanied to a job upon his request. I never intentionally accepted jobs, although I was asked several times to approach vehicles by employers arguably to work as a day laborer. However, I intentionally declined every proposition to accept work to ensure that I did not affect the workers’ prospects of securing work. I accepted to work with Moises on a Sunday morning when other workers were not present and he was offered work only if two workers were hired. Moises asked me to accept to work with him to secure the job, which initially paid ten dollars an hour, and also suggested that I could experience working as a day laborer. We were hired to clean the tennis courts of a local high school. However, our experience was altered when the employer asked about me and I informed them about my work and intentions in *la esquina* as a student researcher. Nonetheless, he hired us, but asked three of the kids who were practicing tennis on the courts to help us, he also gave us water and sports drinks, and handed me a blower to facilitate our work. We completed the work in less than an hour and were paid \$20 each. With my earned wages I invited Moises to have lunch.

Moises was attending college with a major in Education to be a schoolteacher in his hometown in Mexico, but he could no longer afford to pay tuition and migrated to the US thirteen years ago. He had two semesters left to complete his *licenciatura*, which is the equivalent to a bachelor’s degree. Instead he chose to pay \$1200 to cross the Texas border and

has lived in California, Arizona, and now Nevada. He visits *la esquina* almost everyday for the past five years and maintains that he works as many as five times every week. Prior to coming to this *parada* he worked in construction, but suffered a serious back injury, which forced him to leave his job in construction and moved to Las Vegas from California because he considered the lower cost of living. He has found permanency in *la esquina* and has also found permanent jobs through his work as a day laborer. He has been unable to maintain permanent employment because his employers have received “no match letters” from the Social Security Administration and has left several jobs because he is worried that he will be arrested and consequently deported.

At the first job I had in Arizona they told me that they received a ‘no match letter.’ I didn't even know what that was. But later, they got them at other jobs in California too. But, I have left every job where they received them because I got scared. You never know if they will come looking for you to deport you. I can never have steady jobs for a long time for that reason. The worst part is that all the taxes I paid, I'll never get back.

Moises also expressed concern for getting detained by the police in *la esquina*. He has experienced police harassment because he believes that the staff from the nursery store has called the police to remove them from the Torino corner. He has also been detained for public urination, but was not given a citation. Nonetheless, he experienced fear every time he's had contact with the police because he believes that if he is arrested he can be deported. Moises has also experienced wage theft several times, including some of his regular employers, but he has never attempted to recuperate his wages because he argues that the *jornaleros* may have more to lose if they challenge employers who withhold their wages or those who mistreat the day laborers. However, he has attempted to recuperate wages for other workers who have

experienced wage theft because he speaks English. He also believes that speaking English has really helped him negotiate for better wages and better working conditions.

I don't try to recuperate my money because I don't want to get the police involved, but when other workers ask me to help them, I try to help them because I speak English and because I think it is very unjust when people don't want to pay us. It's okay if I don't get paid sometimes because I am always able to find work that pays well and that makes up for it, but I don't like to see it happen to others, especially to [workers] who don't speak English. Most of us do this work to help our families, so when they don't want to pay us they are also taking money away from our families. I try not to let that happen to others here.

It is clear that the *jornaleros* try to stand up for each other, even when they themselves engage in aggression through verbal and physical attacks. Moises has been engaged in physical altercations with other workers, nonetheless, he stands up for them when they are discriminated and dehumanized, as he describes it. He also describes some of the work that he has done as scary. He was hired to clean up a dog fighting ring, but only found out about the type of work at the site and he got scared and felt forced to do the clean up work. Moises also explained that he has done intensive labor work all of his life, yet he expresses appreciation for having work in *la esquina* because through day labor work he has been able to build a house for his parents in Mexico. He also revealed that his family doesn't approve of his work as a day laborer.

I stopped telling my [parents] what I do for a living sometimes. They get worried about me because of some of the things that I have told them that I have done as a *jornalero*. I think it's better that they don't know because I don't want them to feel guilty that I'm far away working so I can build them house. My mom always says to me *echale ganas hijo*. I have always done hard [labor] work so this type of work doesn't affect me. ...I think that getting discriminated is one of the hardest things about being a *jornalero* because it is dehumanizing.

At the same time, Moises disclosed that at times he has considered that some of the employers do not have a lot of money or may be on a budget and does not negotiate until he arrives at the work sites, which allows him to assess the employer situation. He is the only day laborer who talked

to me about the employers in this way. Despite showing sympathy to the financial situation of some employers, he remained cautious of employers who take advantage of the workers in wages and work expectations. Although Moises does not always get along with other workers, he is often recruited by others to work together because he is considered a hard worker, his size and strength, and he's an English speaker. Moises has also been offered sex work, but he has declined it expressing that he has no interest in men or being intimate with *desconocidos*.

JOSE

I also share the *testimonio* from Jose because of his longevity as a day laborer and his time at this *parada*. He has been visiting *la esquina* for six years and also spent six years in California doing day labor work. Jose has been in the U.S. for more than twelve years and has been separated from his family in Puebla, Mexico since, yet they don't have immediate or long term plans for his family to migrate to the U.S. or for him to return to Puebla. His children are attending school in Mexico and he prefers that they stay in school. He also shared that he wouldn't like his children to experience the hardships of being an immigrant in the U.S. and the dangers of crossing the desert like he did twelve years ago. Jose explicitly shared his account of walking the Arizona desert to cross to the U.S.

It took us several days to cross because one of the *companeros* got sick when we were walking the desert in Arizona. He had high blood pressure and had to drink all the water. Like six of us had to share two tortillas to eat the last day we walked and we didn't have any more water. Good thing it happened at the end of our [trek] because I don't know what we would've done without food and water. It was scary, but we got picked up and they took me to California. ...I paid a lot of money for all that to happen to me.

Jose lived for six years in California, but moved to Las Vegas during the economic recession more than six years ago and was invited to *la esquina* by a friend. He has found stable work through employers *en la parada* and continues to visit to supplement his income, but when he

doesn't have permanent work he visits because he argues that there is always work here that often times pays better than other more stable jobs, although the work is volatile and varies from week to week, according to Jose. Nevertheless, day labor work has given him some stability and more importantly he considers it part of his livelihood and his family in Mexico.

Jose revealed that sometimes he accepts work without negotiating wages if the opportunity seems right, but mostly wages is the reason to accept or decline jobs. He also explained that if the wages are reasonable and coincide with the level of difficulty of the job the workers accept the work. But Jose also tries to negotiate payment for time and transportation to the work sites, meals, and the number of hours worked because he argues that when these terms are not negotiated the employers expect more work for the same wages.

...Pay is always the reason. I'll take any job that pays well, but pay is also the reason why I don't accept work. Sometimes I try to negotiate transportation, lunch, and the number of hours because if I don't, the people will want us to do more work for the same pay. We have to be very clear about the work and the pay. But also the work can't be too dangerous. If they want me to climb palm trees they have to pay me better, it's too dangerous. I used to do it in California, but it is not worth it in Las Vegas because the work is too dangerous and the pay is too low.

Although Jose doesn't seem to be physically challenged by the hardships and the conditions of the work, he explicitly elaborated about his concerns of the dangers that the workers are exposed to in some of the jobs and at the work sites. According to Jose, the level of hazard varies by the type of work, but often times the level of hazard is not known until the workers arrive at the work sites and once at the work sites the day laborers will perform the work with little concern for their safety and little regard from the employers. Jose will decline the work if the job is seemingly dangerous, and he is especially critical when the workers are offered low wages to perform dangerous work.

If a job looks dangerous, I will not participate. I do not work if the job is dangerous and the pay is not right. Sometimes we get hired to do something that seems easy and we don't find out about how dangerous it is until we get there. But, most of us do the work once we get there because if we don't we lose pay and time and sometimes you just have to ignore if the work is dangerous. I'm not scared about the conditions of the work, but at the same time I don't want to get injured because I have to keep working. I've seen workers here and in California get injured and they have to stop working and nobody helps them with money, I don't want that to happen to me.

Although Jose has never been seriously injured doing day labor work and what he perceives to be dangerous work, he knows other workers who have been seriously injured doing day labor work in Las Vegas and California. Most of his concerns revolve around having to stop working and as a result lose wages that are essential to his livelihood here and his family in Mexico.

Jose has also experienced wage theft several times and in different ways. He has been paid with fraudulent checks, some employers have asked him to wait to get paid until the following day or until the completion of the work and did not return to hire him, and an employer insisted that they had already paid him. Jose was paid for a moving job with a fraudulent check for \$200 from an account that didn't exist from a bank that is out of circulation. He was also paid a lesser amount by a different employer with a check with no funds. Jose has also experienced wage theft from an employer who offered him to continue with the job and asked to pay him the following day, however, the employer did not return to hire him nor pay him. He also worked for an employer who insisted that they had paid him from previous work a day earlier that he was hired to complete, but was not compensated for a second day of work. Jose learned that writing plate numbers and cellular numbers is a way to fight wage theft, but has not been able to recuperate his wages, yet he remains hopeful that at least one of the employers will return to pay him. He also suggests that he has experienced wage theft many times because

he has been coming to this hiring site for many years, which makes him more susceptible to employer mistreatment.

[Employers] here can be dishonest with you if you're not *trucha* (alert). I've had my pay stolen a lot of times because I trusted some of them, but they have lied to me. One time I was paid two hundred dollars with a check. That was a lot more money than what I was expecting to get paid because we had agreed less and I was really happy. Besides, I knew the bank,<sup>10</sup> but I didn't know they had closed it. I found out when I was not able to cash the check that the bank was not open anymore. I think that the longer you have been here the more likely that you have had your pay stolen because you have dealt with more people who are *transa* (unscrupulous).

Unlike the other workers, Jose, although skeptical, believes that the police can help him recuperate some of his wages. He explained that he trusts the police enough to report to them wage theft and employer abuse, although he has never called them, and remains skeptical of their intentions. He considers seeking assistance from the police as a last resort, especially for the *jornaleros* who are out immigration status and those who have negative experiences with the police. Yet, Jose remains hopeful that the police can help him resolve some of these wage disputes, "I think that if I report it to the [police] they can help me dispute the wages that are owed to me, but I don't know if I should because they can detain me for other reasons."

JUAN

I met Juan when I started my fieldwork. He has been doing day labor work for more than eight years and has been visiting *la esquina* for more than four years. Juan is from El Salvador and has been in the U.S. for fifteen years. He has serious health issues because of alcoholism and has been hospitalized numerous times and has been advised to stop drinking or his condition will worsen. However, Juan disclosed to me that he is depressed and drinking makes him feel

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<sup>10</sup> Community Bank of Nevada was seized by the state in 2009. Jose confirmed that this is the same bank from which he received a fraudulent check by an employer a couple of years after the bank was seized.



better. He also revealed to me that he has suffered from addiction to crystal meth. Juan has also experienced homelessness, but some of the other day laborers take him to their homes and also advise him to stop drinking and to return to El Salvador to his family. The other workers do not believe that his family is aware of his health and living conditions. For Juan, the hardships of day labor work extend beyond the complexities that other day laborers experience because of his physical and mental illnesses.

Many of the *jornaleros* have serious concerns about the health of Juan because they believe he has cirrhosis, although he has not disclosed to them the extent of his health issues. One morning when I visited *la esquina* I was informed that he had been hospitalized again. While I was there one of the workers called him on his cellular phone to inform him that I had arrived. He requested to talk to me and asked me to come get him from the hospital. Juan left the hospital against recommendations from the medical staff because of his serious condition. He also revealed to me that he physically attacked the medical staff because they wanted him to remain hospitalized. Later, I learned that Juan had been waiting for me to come visit and asked the other *jornaleros* to call him in the hospital when I arrived. I picked him from the hospital and took him home to get washed and to get a clean set of clothes because he left the hospital in the blue hospital clothes leaving all his belongings behind.

I also learned through other day laborers that Juan is often visited by a member of a local church who also has serious concerns about his health and his living arrangements. The other workers revealed that this person doesn't support that Juan visits *la esquina* because they see it as a gateway to drinking. At the same time, the majority of the *jornaleros* do not agree that Juan continues to work and encourage him to seek help for his alcoholism. For the majority of my fieldwork, Juan was homeless and only visited *la esquina* to hang out. He seldom worked, only

when he expressed that he was healthy enough. But even when he works, often times, he abandons the work sites because he is unable to complete the work, especially in the summer months because his health condition deteriorates. This has created some tension with some of the workers who feel that some employers may now be hesitant to seek workers at this *parada* or those who feel that they should work in his place.

Nonetheless, the majority of *jornaleros* express serious concerns for the health and safety of Juan as they suggest that his condition continues to deteriorate and he continues to drink. His situation presents ethical questions about my role as a researcher and my ability to encourage him to seek medical treatment. In several occasions, Juan asked me to buy him beer, which I declined and he became upset with me. Moreover, he asked me to stop asking him to seek help through the members of the church who visit him or to enter rehabilitation through his hospitalizations. Juan also became upset with me numerous times when I declined to lend him money, as I believed he would purchase alcohol. Several times, Juan joined the church and stopped drinking while he lived with different members of the church, however, every time this has happened he relapsed and later returned to *la esquina* to hang out and drink (and seek work) as he became homeless again.

## VICTOR

Victor is one of the first workers that I observed engaged in rejecting and resisting low wages and other forms of worker exploitation. He explicitly vocalizes his discontent with the employers who seek them as cheap labor and offer them low wages and also with the day laborers who accept low wages and those who he doesn't consider hard workers. He also candidly disagrees that some of the workers drink in *la esquina* or that some of them come to

hang out because he believes that employers may not consider them serious workers and consequently offer them lower wages or won't seek them for work at this site any longer.

This is my job. Working in *la esquina* pays the bills. I take it serious because me and my family depend on it. That's why I don't like it when some of the [workers] here accept work, but don't do it right, or when they just come here to drink. Sometimes I'll drink a beer too, but I don't come here just for that. The people who know about this *parada* can also find out that workers here don't do the work right and they will want to pay us less or they will stop coming here seeking [workers]. It's too risky to agree to do jobs that they can't do because they may lose their wages, but they can also get sued.

It is clear that many of the workers do not agree with the way Victor verbalizes his discontent with employers and with other of the workers, or that he gives the day laborers nicknames (everyone has a nickname *en la esquina* and it's not just Victor who uses monikers, but he earned a reputation for doing it), yet the majority agree with him that they must shift the way in which employers perceive them and the way in which they negotiate wages and other terms of employment. Furthermore, Victor explained that working in *la esquina* pays more than a steady job after accounting for federal income taxes and social security deductions, and buying lunch.

Victor is from Mexico, has been in the U.S. twelve years, seven in Las Vegas, and has been coming to this *parada* to seek work for six years. He was referred to *la esquina* by a friend and estimates that he works between three to five times per week. Victor also explained that he has found permanency at this hiring site and now prefers this type of work versus permanent jobs because of the flexibility to work at different days and times and the flexibility to negotiate work and decline work when the employers offer low wages. He also argues that he doesn't do work that doesn't pay well, although he did not specify what type of work does not pay well, he was very clear about the employers and the type of work that he's willing to do if he is paid well.

Cleaning dog [waste] pays well, up to one hundred dollars for one hour, but not all type of work pays this much. You also have to consider the [employers]

because some of them pay well, but others just want to take advantage of us. I don't like to work for [landscaping] companies because it's a lot of hard work and they only pay ten dollars [hourly]. But, I have worked for *la migra* and police officers and they have paid me well. I took a risk because they could detain me, but I don't think they would hire us and then take us, they probably would just come here to arrest us. That time I was confident that they would not detain me without a good reason.

Nonetheless, Victor has experienced violence and intimidation by law enforcement and immigration authorities. He has been arrested several times in Las Vegas and in other cities and is concerned that he can be detained and consequently deported given the numerous arrests in his record. He has also attempted to adjust his immigration status with little success and has been informed that he will not be allowed to adjust his immigration status because current immigration policies and practices exclude him. Victor revealed that he crossed the desert in Arizona paying a *coyote* a total of \$2000. He paid \$1000 to cross and another \$1000 to be transported to other cities where he would be able to find work first.

I learned through other workers, and later he confirmed, that Victor has also been engaged in physical altercations with other workers. He has also been hired by employers who have tried to physically attack him or who they themselves have been involved in physical altercations. Consequently, he has experienced the loss of work and wage theft numerous times. Victor also revealed that he has been abandoned at work sites without pay. Of all the workers, Victor has experienced more violence, abuse and mistreatment than others in *la esquina*. I argue that this is a result of the ways in which he engages in resistance against employer mistreatment and his efforts to engage other workers in transformative resistance.

At the same time, Victor expresses concern for the physical and economic situation of many of the other workers. He has invited some of the *jornaleros* who have become homeless

and some of the workers who suffer from alcoholism and other addictions to his home and I observed him purchase food and beverages or share money with other workers.

I'm aware of the situation of other workers and I try to be fair about the work with others when we work together, unless they are not doing their part. We all depend on each other, even if we don't get along and we have to help each other. Most have us here have struggled a lot to get here and even more [living] here. When some of the [workers] here don't have anywhere to stay I bring them to my house for a few days until they get work or find another place to stay. They've also helped me when I don't have money, even if it's one dollar or five dollars, we always look out for each other. Even if we don't like each other, we know that we have to help each other to make it.

Victor has a complex relationship with other of the *jornaleros*, nevertheless, he recognizes that they must collectively engage in transformative resistance to change workplace conditions and safety and shift wages and work expectations that benefit the workers. Victor also foresees that the living situation as undocumented workers for many of the *jornaleros* may be aggravated during current anti-immigrant mainstream diatribe and political climate. He was very critical of Joe Arpaio because he lived in Arizona and was aware of the mistreatment of undocumented immigrants who were detained during his term as an elected official. Throughout my time in *la esquina*, Victor became more critical of the multidimensional struggle that the workers are engaged in and openly spoke out against employer abuse and mistreatment.

## OSVALDO

Lastly, I share the *testimonio* from Osvaldo. His story had the deepest impact on me as a researcher and as an advocate for labor and migrant rights for *jornaleros* because of the brutalization and suffering that he and his family have endured in the U.S. Osvaldo has been in Las Vegas fourteen years and has been coming to this *parada* for ten. He was referred by his brother to this site, who was also a day laborer but he returned to Mexico, and both learned the traits of being *jornaleros* at this hiring site. The first day he visited *la esquina* he found

permanent work for three months. However, Osvaldo disclosed that when he first started doing day labor work at this site he would get paid \$50 for an all day worth of work.

I was lucky my first day here because I found work for three months. I thought that I was always going to find work that way, but I didn't. After that, in the beginning I would work all day for fifty dollars, and not every day. We didn't know until someone told my brother that we should start asking for more money if we were going to work all day.

Osvaldo shared that he does not speak English, which he believes has contributed to earning low wages and unreasonable work expectations for not being able to verbally negotiate or to seek help when he has experienced abuse and mistreatment by employers. He also expresses remorse for not being able to help his brother when he also experienced mistreatment by employers and the police. Osvaldo also revealed that his brother and he experienced police harassment, consequently they have lost jobs when they have been ordered to leave from *la parada*.

Fifteen years ago Osvaldo, his wife, and his son who was five years old at the time migrated from Mexico crossing the Arizona desert with the help of a *coyote* who they paid \$4000. Their journey was marred by anguish and tragedy. They were held at gunpoint and were robbed \$2000 they had saved to come to the U.S. Osvaldo also disclosed that they witnessed the rape of two women, his wife was also harassed, and at the end of the trek through the desert they were kidnapped. The ransom for their release was \$800 for each one, which his brother was only able to collect one at a time. His wife was released first, later his son, and finally he was released, but the whole family received death threats if they contacted the police.

When we were walking through the desert we got robbed. They had guns. I don't know how they knew, but they found two thousand that I hid in the sole of my shoe. They hit me with the gun on the head and they took all of it. They were also harassing some of the women who were traveling with us. They harassed my wife too, but nothing else happened to her, like it happened to other women. We saw two women getting raped. We were really scared because we didn't know what else was going to happen to us. Then when we finally crossed the same

people who helped us [cross], kidnapped us and took us to a house by the desert. They were asking for eight hundred each. But, my brother could not obtain all the money for all three of us. They threatened him that they would kill us if he went to the police. He only got eight hundred first and I told my wife to go first so that nothing would happen to her and we also believed that they wouldn't do anything to me and my son if we stayed together. They dropped her off at a Wal-Mart to get the money. They had guns and threatened my brother again. Then my brother got the money for my son and then for me, but I was there like fifteen days.

After they were released they went to Tennessee to stay with his brother, but were deported one year later. However, Osvaldo and his wife decided that they would return, but their son stayed in Mexico to continue attending school because their fear to make the journey again and the risk of enduring a similar experience as the first time was too great. The second time they migrated to the U.S. they paid \$3500 to a *coyote* to help Osvaldo cross through the desert and his wife through a secured point of entry. In their return to the U.S. they came to Las Vegas to stay with another brother. As a result, their son has been in school in Mexico while Osvaldo and his wife have been working in the U.S. and now they have been separated from their son, who is 15 years old now, for the last 10 years. They no longer have the option to return to Mexico because they now have two U.S. born children for whom they foresee a more prosperous future in this country. Nonetheless, Osvaldo and his wife have been trying to save, although it is unfeasible at times, to pay the Zetas<sup>11</sup> group \$10000 to cross their son to the U.S.

Our son is fifteen now and we didn't see him grow up. It's been ten years since we left him in Mexico with our family. This really hurts us and I know it really hurts him. I think he feels resentment because he feels that we abandoned him and didn't send for him. We try to save money to pay a *coyote*, but now it's ten thousand to cross through the desert. It's because the Zetas now control border crossings. But, they guarantee that they cross you safe and get you to the city that you tell them. We're trying to save, but we haven't saved that much. It all costs a lot. We tried to see an immigration attorney, but it was a lot of money too. Then

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<sup>11</sup> According to Borderland Beat (2012), the Zetas are a Mexican criminal organization, whose main criminal activities are kidnapping, car theft, murder, extortion and drug trafficking.

we also saw a *notario* but he couldn't help us either, they just wanted us to pay them, but with no [guarantees]. They were lying to us too.

Oswaldo explained that the Zetas now dominate human smuggling across the U.S.-Mexico border, which makes this one of the only options for them to be reunited with their son. However, he also clarified that the Zetas have made it safer for undocumented immigrants to cross to the U.S. as long as they pay the fees, they also guarantee safety from other criminal groups that target vulnerable migrants who cross the desert with little safeguards. Other day laborers confirmed that in some ways the Zetas have made it safer for undocumented immigrants to cross to the U.S. through the desert and also guarantee safe travel to be reunited with family members in the chosen location of those who pay their fees. Oswaldo and his wife have also experienced fraud by a *notario*<sup>12</sup> who asked them for payment to make a legal case to bring their son to the U.S. with Legal Permanent Resident status.

Within day labor work, Oswaldo has also experienced the hardships of being a *jornalero*. He has experienced wage theft numerous times, has been abandoned at work sites, and has accepted cocaine as a form of payment rather than to not receive payment at all. Oswaldo has also been hired to do construction work by a person who was hired by a contractor to do the work and was abandoned in Boulder City, Nevada without pay. He has also been asked to purchase tools and other equipment to complete a job, for which he would be compensated by the employer after completing the work, but the employer did not return to hire him for the job. He has also been sought out for sex work, but declined to do it. Oswaldo was also hired with a group of day laborers by an employer to go into a foreclosed home to move furniture into a

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<sup>12</sup> According to the American Bar Association *notarios* are individuals who represent themselves as qualified to offer legal advice or services concerning immigration or other matters of law, who have no such qualification, and routinely victimize members of immigrant communities.



moving truck. However, they were not aware that it was a foreclosed home until a group of men arrived to ask them to leave. The workers were abandoned at the site without transportation and without pay and afraid that they may have committed an unlawful act that could have resulted in an arrest and subsequently deportation. Although this *testimonio* is intimate to the lived experience of Osvaldo, it is not exclusive to the lived experience of workers in *la esquina* as many of them shared similar intense stories and narratives of struggle and survival.

## CHAPTER SIX: CONCLUSION, SUMMARY OF FINDINGS, AND RECOMMENDATIONS

This study examined several aspects of day labor work, including analysis of ethnographic and *testimonio* methodological approaches that seek to mitigate the multidimensional struggle of the *jornaleros* and the conflict surrounding day labor work. My study utilized non-traditional methods that are rich in narrative and counter story telling. Ethnography was used to observe worker and labor market outcomes and to investigate hardships associated with day labor work, and identify obstacles to and challenges of immigration status and socioeconomic standing of the day laborers. The study also used *testimonio* methodology to investigate the lived experience of the *jornaleros* regarding employer mistreatment and labor law violations.

### SUMMARY OF FINDINGS

The findings of this project reveal the multidimensional struggle of migrant workers engaged in day labor work, which is founded on the perceived characterizations of the *jornaleros* through ethnographic and *testimonio* methodological approaches. My research reclaims day labor work as survival work and challenges deficiency frameworks and deficit language used against migrant workers in the informal economy, but also in studies of Chicana/o-Latina/o communities generally, and poor migrant workers of color specifically, by examining the implications of their different sociopolitical identities- race/ethnicity, immigration status, and socioeconomic- in the labor workforce. My findings also uncover the complex ways in which day laborers operate and negotiate in the everyday rituals, practices, and routines of day labor work in a street corner in Las Vegas, referred to as *la esquina* or *la parada* by the workers who visit everyday to seek employment.

These accounts corroborate the findings of the NDLS, which also parallel the demographics of *jornaleros* across the U.S. to the *jornaleros* at the Torino corner. The information herein is the product of my visits to the corner two to four times a week that lasted from one hour to several hours each time, intermittent from 2013 to 2016. This ethnography provides a unique understanding of the lived experiences of *jornaleros en la esquina* while exploring some of the issues that other similar projects have not addressed. My fieldwork not only raised questions about racism, poverty, and citizenism, but also about the sexual exploitation and criminalization of day laborers, and about exploitation and discrimination against migrant workers. As a response to cheap labor demands, *jornaleros* are integrated into a labor system as a cheap alternative to sanctioned manual labor; their immigration status ensures that they are denied access to the legalization process of sanctioned work, while social and economic situation is also dictated by immigration.

The results I share in chapter 4 highlight the hardships that day laborers endure and the labor law violations perpetuated against this vulnerable workforce by employers and local law enforcement. Working as a *jornalero* is an unsafe endeavor with constant dangers accompanied by exploitation and discrimination in many fronts (Malpica, 2002; Pinedo Turnovsky, 2006; Purser, 2009; Reavis, 2010; Lazo de la Vega and Steigenga, 2013; Ordonez, 2015). Day laborers embody stereotypes of migrant workers that further drive them into the margins of an already ostracized community. Although, they are inherently devoid of social and political recognition and legal protections, their work plays an integral role in the development and maintenance of the sanctuary of our communities (Ordonez, 2015). But, despite the positive impact they have on such sanctuaries, they remain vulnerable.

I argue that the vulnerability of day laborers is also associated to their race/ethnicity, and to the deficiency frameworks that relegate migrant workers, and subsequently to *jornaleros*, as “poorly educated” and “low-skilled.” *Jornaleros* have become integral and essential to the U.S. economy, yet they are regarded as “illegals,” “uneducated,” “unskilled,” and a “threat” to the social and economic order of the U.S. while perceived as cheap, disposable laborers by anti-immigrant rhetoric and efforts from both sides of the political spectrum. But, what we learned here is that these workers bring with them varying backgrounds, skills, knowledge, and experiences that bring life and contribute to the social and economic well-being of the communities in which they work. However, labor in the U.S. is governed by complex laws, policies, and industry norms, some of which are firmly enforced than others and some not enforced at all, as is the case for day labor work. *Jornaleros* regularly endure employer abuse and labor law violations that violate with Nevada statutes and ordinances that protect workers and with federal legislation that establish workplace protections.

Day laborers in Las Vegas negotiate wages and other terms of employment in many different ways. Daily life *en la esquina* mostly consists of waiting for employers to come looking for day laborers, but even when they come, they may not agree to terms and the workers may not get hired. As a result, only a small percentage of the *jornaleros* secure work for the day. Most visit *la esquina* everyday, when they are healthy enough, unless they have found permanent work elsewhere, which is often found through day labor work. Those who have reliable transportation and speak English have an advantage over others during the negotiation process. Some of the *jornaleros* point out that employers stereotype them as cheap labor and have preconceived ideas of them as “illegitimate” workers who they are helping by hiring them. As I learned, most of the *jornaleros* have to negotiate more than their wages (and other terms of

employment), they are often negotiating and navigating poverty, exploitation, discrimination, separation, invisibility, mental and physical health, violence, danger, addiction, harassment, deportation, while they are also engaged in resistance and survival work.

The role of immigration status, socioeconomic status, and race/ethnicity play a crucial role during the interaction between the *jornaleros* and potential employers. The day laborers are aware that their immigration status, the vast majority disclosed that they are out of immigration status while sharing their *testimonios*, dictates their ability to be “rightfully” employed. Most also reveal that being perceived as an “undocumented immigrant” carries a negative connotation that negatively impacts their success in securing work, especially during the negotiation processes and rituals with employers and when they are approached by the police. Fear of “getting caught” always accompanies them. Daily life on the corner consists of uncertainty beyond the volatility of securing work for the day, week, or month. The multidimensional struggle of the day laborers also extends beyond their time *en la esquina* to their personal lives and families, which for many of them are located, physically and emotionally in their home countries.

For *jornaleros*, day labor work is an individual and a joint undertaking. Although many of them go back and forth on the type of relationships they build with each other, the *jornaleros* have a clear understanding that they must collaborate to secure work, to seek better wages, to ensure that they are allowed to continue to seek employment at this site, to help each other, and to pass time idly while they wait for employers to hire them. I want to emphasize here that alcoholism and addiction in *la esquina* are not uncommon, but I learned that many of the workers suffer from undiagnosed depression and other mental illnesses that are common in day labor work and that are often untreated. I argue that this is a result of the marginalization,

discrimination, and exploitation that day laborers experience with little recourse. The hardest job, according to the majority of the day laborers, is in landscaping laying decorative rock, while the most dangerous jobs are in landscaping, specifically climbing and trimming palm trees, although there are many other dangers attributed to day labor work beyond the physical hazards that the workers are exposed to.

An important area to carefully examine in day labor work is wage theft. According to the NDLS (2006) wage theft is ubiquitous in day labor work. All the *jornaleros* report that they have experienced wage theft, wage deduction, and underpayment. Additionally, the workers are often offered wages below minimum federal and state requirements and/or are offered other forms of payment not agreed upon during the negotiation of wages. The *jornaleros* recognize they are hired as alternative labor work because the cost to hire them is much less than the cost to hire other workers in other more formal labor markets, and although the day laborers at times may agree to work for low wages, they also seek fair pay that aligns with the difficulty of the work they are hired to complete. Yet, despite their constant efforts to be compensated fairly for their work they are paid much less than their set expectations and significantly less than workers in sanctioned labor markets. The *jornaleros* partly attribute this form of exploitation to their fear of seeking lawful help because they are out of immigration status.

Many of the workers have also experienced fraud in the form of counterfeit checks and other deceptive forms of payment. Additionally, many of the *jornaleros* are asked to wait for payment under deceitful or misleading assurances, which often times are not fulfilled.

Additionally, the police have consistently failed to ensure that the *jornaleros* are compensated monetarily for their work as established by federal and state ordinances. When the police have been called during wage disputes, every time, according to the *jornaleros* accounts, the police

strongly encourage or coercively ask the workers to accept the reduced pay offered by the employer. Moreover, some of the workers also report that the police have told them that their other option is to receive no payment at all. Either the police are not aware of the protections guaranteed to employees by federal and state law or they explicitly ignore them. I argue that this is a result of the racist and classist traditions of law enforcement. In any case, the police fail to uphold the lawfully guaranteed protections to day laborers, while taking the side of the employers they are also engaged in unlawful practices that contribute to the exploitation of day laborers.<sup>13</sup>

Despite the partial stability that day labor work provides for the *jornaleros*, the majority of them do not earn adequate incomes to sustain themselves, their families, and others who depend on their wages. As a result many of the *jornaleros* experience profound poverty.<sup>14</sup> Most of the day laborers have directly and/or indirectly experienced homelessness. Moreover, the hardship of finding work and the lack of income creates an emotional competitive struggle for the workers in *la esquina*. Although most of the *jornaleros* were referred to *la esquina* by friends or family members, they are all engaged in competition to secure employment. Day labor work is inherently competitive, but for some of the *jornaleros*, especially those who are physically ill, the hardship of competing for work is aggravated. Additionally, not fully communicating in English and not having reliable transportation puts the day laborers at a disadvantage when seeking work.

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<sup>13</sup> This has been documented by Sheldon, Randall G. (2008). *Controlling the Dangerous Classes: A History of Criminal Justice in America* (2<sup>nd</sup> ed.). Boston: Allyn and Bacon, chapter 2. Sheldon documents the fact that in labor disputes throughout the 19<sup>th</sup> and 20<sup>th</sup> century the police invariably support owners and management. The practice has continued in the 21<sup>st</sup> century.

<sup>14</sup> They are among the “working poor” in America. See Shipler (2008), Ehrenreich (2010),. Most of those living in poverty work most of the year but their wages are below the poverty level. See also: Tirado (2014).

According to the day laborers, outside of day labor work, but directly connected to their immigration status, the most difficult aspect of being a migrant worker is family separation. The majority of the workers migrated to the U.S. out of immigration status, leaving behind their families. Many of them have children that they have not met in person or they haven't visited their families in the years since they arrived to the U.S. Most of them plan, despite the many years that have transgressed, to bring their families once their financial situation stabilizes, but for the majority this seems an unlikely proposition. The majority of day laborers report that most of their income goes to their families in their countries of origin and to cover the expenses their own of living costs, even most of them live in deprived living conditions. As a result, their plans are never fulfilled because they don't earn enough income to contribute to their families, to sustain themselves, and to save all at the same time.

As their plans to reunite with their families don't come to fruition, some of the workers expressed feelings of shame and guilt if they return home without little to show for their hard work during their time in the U.S. Others prefer not to return home because they consider the low prospects of finding work that would allow them to earn what they earn as day laborers, even when they earn very little doing day labor work, to be able to sustain themselves and their families in their home countries. Despite being in the U.S. for many years, some of the *jornaleros* expressed that gaining little upward mobility and having little opportunities to prosper is dehumanizing. The hardships associated with family separation are directly connected to their socioeconomic status and their immigration status, as they are unable to afford to visit them and reenter the U.S. with little effort (currently The cost to cross the U.S.-Mexico border with the help of a *coyote* is ten times greater).



I argue that employer abuse and mistreatment and labor law violations in day labor work are interconnected given the ominous circumstances in which the *jornaleros* work in and the law violations by the part of the employers and the police; one cannot take place without the other one playing a part. I observed that employers continuously place the workers in danger, physically and emotionally, while violating the Occupational Safety and Hazard Act and the Fair Labor Standards Act with little accountability and even less attention given to the safety of the workers. The seriousness of employer abuse and mistreatment and labor violations has serious consequences for the *jornaleros* ranging from financial hardship to dangerous work to serious injury and mental illnesses. Employers and the police alike are engaged in the mistreatment and discrimination of day laborers. Intimidation and threats by employers (sometimes by the public) of calling the police or immigration authorities on the day laborers are common occurrences *en la parada*, which result in emotional distress. Many of the day laborers who feel threatened also experience fear and often stop visiting *la esquina*, which translates into the loss of work and the loss of income.

This study adds to the existing literature on day labor work by analyzing work that has been left out of other ethnographies with day laborers. My research findings reveal that the occupations that day laborers are hired to perform are unforeseen and vary greatly. An unexpected finding of my project uncovered that the day laborers are also sought for sex work. Mostly men seek the workers for sex in exchange for monetary compensation and often times, drugs and food. While some of the men decline, some agree to do sex work and others report that they have agreed, but have only taken the money without engaging in sexual activities. Sex work is a less explored area in day labor work that merits especial attention because of the health and legal risks that can be attributed to it. This is an area that must be carefully considered given

the criminalization and demonization of sex work and sex workers, who are often engaged in this type of work for survival.

The Occupational Safety and Health Act gives workers the right to safe and healthy working conditions, however these protections are not employed regularly to the day laborers. According to the *jornaleros*, they are regularly exposed to occupational dangers and hazards, yet again, the employers are not held accountable for those violations and do not take responsibility for the health of the workers when they are injured or are exposed to other hazards during employment. Furthermore, when some of the day laborers have been injured at work sites, complaints have never been filed as dictated by OSHA. Instead, the workers are held responsible for the expenses of medical treatment (the few times some seek medical attention for their injuries). The violation of OSHA is ubiquitous in day labor work. Moreover, the protections dictated by the FLSA and Nevada revised statutes and regulations are rarely enforced in day labor work. However, the workers in *la esquina* are engaged in a collective effort to challenge the violation of labor rights and resist the exploitation and discrimination they endure as *jornaleros*. The day laborers respond and counter mainstream rhetoric that undocumented migrant workers are “poorly educated” and “low skilled” that sanctions their exploitation and discrimination through collective and individual action.

A second unexpected finding is that the day laborers are engaged in transformative resistance. Although some of the resistance is achieved through counterstory-telling in which they reveal their multidimensional struggles parallel to their multidimensional identities, they are engaged in shifting wages and working conditions. In this way, the *jornaleros* in this project who shared their *testimonio* as counter-story telling embody what Anita Revilla and Alejandro Covarrubias (2003) conceptualize as “rebellious knowledge production” in which their voices

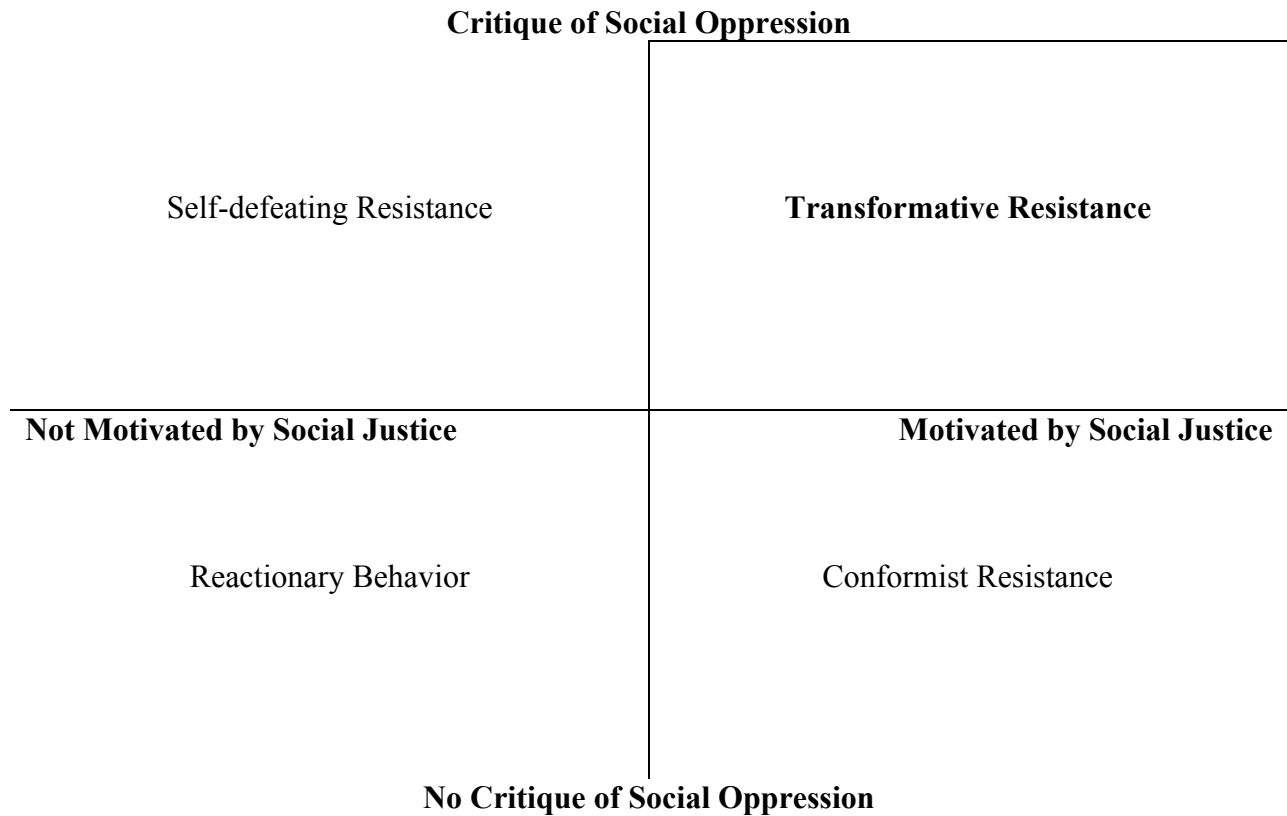
are represented through storytelling by them. Revilla and Covarrubias (2003) describe Latina/o communities as “agencies of transformational resistance.” Their model defines communities of advocacy (through counter-storytelling *jornaleros* become their own advocates) that advance a commitment to transformative resistance by advocating a commitment to social justice through a multidimensional consciousness and awareness that enable the workers to engage in social justice to create social and economic workplace change.

With a deeper level of understanding and a social justice orientation, transformational resistance offers the greatest possibility for social change (Delgado Bernal and Solorzano, 2001). Day laborers respond to employer abuse and labor law violations through resistance. According to Delgado Bernal and Solorzano (2001) resistance theories differ from social and cultural reproduction theories because the concept of resistance emphasizes agency since individuals are not simply oppressed by structural barriers (the discriminations and exploitation of day laborers). Instead, resistance theories in this project uncover how the *jornaleros* negotiate and manage structural barriers, while they give meanings of their own from the interactions with employers, the police, the public and amongst each other. Resistance theory refers to the ways in which student behavior demonstrates both a critique of oppression and a desire for change through social justice (Delgado Bernal and Solorzano, 2001). Similarly, the workers have awareness and a critique of the oppressive conditions and structures of domination in day labor work and are motivated by a sense of social justice to bring about economic change and social and political change to workplace conditions.

According to Gonzalez (2015) as Latino immigrants progressively become more powerful demographically, their level of civic engagement will become more important in mobilizing and empowering workers. Additionally, forming partnerships with community-based

organizations, planners, policy makers, and governments should support successful models that capitalize on the existing networks and social capital for the advancement of migrant workers and immigrant communities. Here, I argue that the *jornaleros* are empowered by their own transformative resistance, which informs and can shape such partnerships.

**Diagram 6.1. Defining the Concept of Transformative Resistance (critique of social oppression and motivated by social justice).**



(Reproduced from Delgado Bernal and Solorzano, 2001, p. 318)

## RECOMMENDATIONS

This section examines the practices and models of day labor work organizations that seek worker rights and protections for *jornaleros*. Day labor work lacks lawful and responsible hiring practices where mistreatment and law violations are ubiquitous (Ordonez, 2015). *Jornaleros* are protected by federal and state employment laws that govern wages, workplace health and safety, and the right to organize (Smith, 2008; Valenzuela, 2003), yet, the temporary and volatile nature of the work, the complex regulations that govern wage deductions and compensable time, and the multiple parties involved in the work relationship/negotiation demand legislative reforms that address the rights and protections of day laborers. Employers often manipulate norms and strategize to evade formal policies and statutes. These actions and evasions by the part of the employers are also governed by federal and state law, and local ordinances. To address the issue of vulnerable low paid workers that are excluded from labor protections, activists have developed a number of strategies.

These strategies include litigation and legislative campaigns that have recently been expanded to facilitate and develop leadership in a new social movement (Smith, 2008). According to Gleeson (2013), employers may directly engage in practices that violate the law. At the same time, they may also promote an organizational culture that violates workplace protections and may refuse to provide benefits that are not mandated under the law. Furthermore, the protections provided by federal and state governments are a last resort for many workers, especially for those who participate in the secondary labor market or what critical scholars consider survival work. The U.S. Department of Labor through the Fair Labor Standards Act (FLSA) and Nevada Revised Statutes guarantee rights to day laborers in wages, hours worked, overtime, and recordkeeping. However, these worker protections are more

theoretical than actual (Smith, 2008). Day laborers in Nevada and the U.S. struggle to secure the rights sanctioned by federal, state, and local law and ordinances.

Gonzalez (2015) examines several aspects of day work from the worker's perspective and the organizations created to mitigate conflict surrounding day labor work, highlighting the important functions that worker centers play in the day labor market, and the ways that worker centers improve the lives of day laborers in several important and life-changing way. First, she argues that worker centers set minimum wages to ensure day laborers receive adequate pay for their work. Second, worker centers offer trainings to help prevent on-the-job injuries and help workers fight against wage theft through the wage-claim process, direct action, and worker education. Third, worker centers form partnerships with law enforcement and merchants to mitigate conflict and challenge misconceptions about the day laborers. Lastly, the majority of worker centers afford day laborers the opportunity to engage civically to connect with the local community through volunteer opportunities, participation in neighborhood meetings and conferences, and center-sponsored activities. Additionally, some worker centers also improve the lives of the *jornaleros* by promoting leadership development and English as a Second Language (ESL) classes to build human capacity and improve welfare, beyond the hiring and work sites (Gonzalez, 2015).

According to Melendez (2014) the absence of policy implementation in the governance of contingent work in the U.S., day labor worker centers remain among the most effective structural and programmatic responses to the substandard conditions found in the informal day labor market. He argues that if leveraged successfully, worker centers may also be promising conduits through which the broader socioeconomic incorporation of this labor force can be facilitated (Melendez, 2014). Additionally, Gonzalez (2015) suggests that worker centers

provide systemic infrastructure to insert migrant workers into the formal labor market, improve workplace conditions, and engage workers civically, while advocating leadership development and dignity for workers engaged in survival work. A model to consider is the National Day Laborer Organizing Network (NDLON). According to their mission statement,

NDLON improves the lives of day laborers in the United States. To this end, NDLON works to unify and strengthen its member organizations to be more strategic and effective in their efforts to develop leadership, mobilize, and organize day laborers in order to protect and expand their civil, labor and human rights. NDLON fosters safer more humane environments for day laborers, both men and women, to earn a living, contribute to society, and integrate into the community.

Moreover, according to the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO), NDLON and the AFL-CIO work together to secure the rights of day laborers and to develop new protections in areas including wage and hour laws, health and safety regulations, migrant rights and employee misclassification. They also seek comprehensive immigration reform that supports workplace rights and challenge punitive, anti-immigrant, and anti-worker legislation. According to the AFL-CIO in some communities, worker centers and unions have been working collaboratively to advance worker protections and to expose unscrupulous employers and industry abuses, while enlisting support from government agencies for the enforcement of worker rights. But, despite their common interests, relationships between organized labor and worker centers have been largely absent. Thus, their collaboration will build on existing, informal relationships to promote the creation of new ones between local labor movements and neighboring worker centers. Local chapters of the AFL-CIO can provide similar support and programming for day labor work in Las Vegas.

This study seeks fair wages and improved workplace conditions for *jornaleros*. But, Valenzuela et al., (2015) suggest that the hypercompetitive conditions of day labor works against



individual attempts to raise wages and improve workplace conditions. When day laborers refuse wages or dangerous job assignments, employers have latitude in replacing the workers since the employment agreement is nonbinding and the supply of *jornaleros* is vast. Thus, in a market characterized by vast labor supply-demand imbalances, combined with an absence of effective state enforcement of labor laws, collective action is required in order to improve wages and working conditions. Collective action requires organizing, bolstered by resistance among the workers to attempt to regulate day labor work from within. *Jornaleros en la esquina* have exhibited the ability to do just this, by developing an internal decision-making structure that allows them to set and maintain minimum-wage rates, challenge and resist abuse by employers, and secure the hiring site in the face of efforts by some municipal governments and local law-enforcement authorities to ban the activity (Valenzuela et al., 2015).

Safety training is an important area to consider in the advocacy for safer workplace conditions for day laborers. Melendez (2016) provides evidence that within day labor work exists a risk-wage premium of concern given both the unregulated working conditions which exist in the informal economy and the additional risks presented by the undocumented status of most day laborers which may restrict day laborers from reporting unsafe working conditions or receive medical treatment if injured at a job. The existence of the risk-wage premium suggests that day laborers have an incentive to earn more money by taking on potentially dangerous work. Yet, the potential harm may be minimized if day laborers receive proper safety training. However, there exists a high level of difficulty in intervening in the day labor market and in relation to providing policy interventions for a population that often has little official legal recourse (Melendez, 2016).

Nonetheless, safety training remains an important intervention in mitigating risks assumed by day laborers. Therefore, policies that seek to develop safety training programs for day laborers should be supported (Melendez, 2016). Furthermore, safety training programs provide a two-tiered policy response: “helping to integrate day laborers into more formalized employment arrangements while at the same time helping to mitigate the real and perceived monetary trade-offs associated with various types of work in the day labor market” (p. 16). Policy initiatives such as safety training are inaccessible to day laborers, thus, the support of this type of interventions is a viable policy alternative for policy makers and other government officials to protect workers engaged in day labor work, and are important policy implications to consider for scholars, and advocates who seek to intervene in improving day labor work conditions, whether on questions of immigration and employment, and day labor worker centers (Melendez, 2016).

It is important to recognize cities are different; therefore, day laborers in different regions experience different labor relations compared with Las Vegas or elsewhere in the U.S. Nonetheless, comparisons can provide important insights about this industry. According to Valenzuela (2001) different economic restructuring processes, immigrant perceptions and the workers, local markets, neighborhood structures, and a host of other macro and micro factors are likely to contribute in their own unique ways to day labor processes from one region to the next. Additionally, documenting, exploring, and analyzing these differences for each region will contribute significantly to our understanding of day labor work and the *jornaleros* engaged in it. Furthermore, Valenzuela (2001) argues that international comparisons provide analytical data from which to draw insights and conclusions on an industry embedded in local economic markets fraught with discriminations and the exploitation of workers.

Research on day labor work must be methodologically innovative and multidisciplinary to capture the lived experiences of *jornaleros* and to account for the attrition of day laborers who participate. Ethnographic accounts have been instrumental to documenting the activities and practices of day laborers and the employers who hire them. Surveys provide important demographic, wage, and other data that allow for complex modeling and broader generalizations than ethnographic approaches (Valenzuela, 2001). But, national studies must now do more than to estimate demographics. Serious scholarship must be devoted to finding ways to advocate for the rights and protections of the workers in this labor force.

Valenzuela (2001) also suggest that further research and methodological development should be directed at the selectivity bias of interviewing workers at hiring sites to the neglect of those that are hired, as the bias likely is relegated on the day laborers not getting work, less experienced solicitors, or those who do not aggressively pursue work. These and other labor market research topics on the supply side of day labor work await analysis. Furthermore, the employers of day laborers are even less known; as research articles, reports, dissertations, and popular press only gives anecdotal attention to the employers who hire day laborers. Additionally, broader issues regarding day labor work, migrant workers, employer mistreatment, and public policy must be empirically and theoretically examined. Day labor work research can capture marginal workers, global and migratory processes, survival work and other labor markets of color (Valenzuela, 2001).

In closing, more empirical research is necessary to understand the life of day laborers, the hardships associated to day labor work, employer abuse and mistreatment, and labor law violations in the day labor market. Additionally, unexplored areas uncovered in this project need attention from policymakers, scholars, and advocates alike to establish workplace protections in

regions where they don't exist to bring about economic and political change on the lives of day laborers. Sex work is an area that requires further attention to mitigate the consequences that may be attributed to the participation in this type of survival work. Transformative resistance is another unexplored area that requires more attention to learn more from the *jornalero* perspective and their collective action to mitigate the hardships of day labor. Moreover, longitudinal studies are necessary to understand the long-term effects of worker centers as opposed to informal hiring sites, while learning about models of day laborer organizing to implement in regions where day labor organizing doesn't exist.

After countless informal conversations, *testimonios*, and time spent *en la esquina* for almost four years, I have concluded that day laborers become engaged in a multidimensional struggle as they enter and participate in day labor work. At the same time, they become engaged in transformative resistance as a response to mistreatment and abuse and in their plight to survive and resist. However, the experiences shared by the *jornaleros* here are only a part of their lives and a fraction of their struggle. As I finish my dissertation, my *companeros* are faced with uncertainty and fear in facing a racist, anti-immigrant, anti-worker, presidential administration that overtly targets migrants that brutalizes and dehumanizes them. Now more than ever, I find it difficult to force myself out of *la esquina* because of the workers that I befriended and my fear of what might happen to the majority of them. As *jornaleros* have become the most highly visible icons of migrant workers, they also become easy targets for exploitation as a labor force.

## APPENDIX

### APPENDIX A. NEVADA REVISED STATUTES AND REGULATIONS THAT PROTECT DAY LABORERS (OFFICE OF THE LABOR COMMISSIONER)

-NRS 608.010 “Employee” defined. “Employee” includes both male and female persons in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed.

-NRS 608.011 “Employer” defined. “Employer” includes every person having control or custody of any employment, place of employment or any employee.

The following Nevada Revised Statutes on compensation and wages are applicable to the form of payment of day laborers:

-NRS 608.016 Payment for each hour of work; trial or break-in period not excepted. An employer shall pay to the employee wages for each hour the employee works. An employer shall not require an employee to work without wages during a trial or break-in period.

-NRS 608.018 Compensation for overtime: Requirement; exceptions.

An employer shall pay 1 1/2 times an employee’s regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

-NRS 608.019 Periods for meals and rest.

1. An employer shall not employ an employee for a continuous period of 8 hours without permitting the employee to have a meal period of at least one-half hour. No period of less than 30 minutes interrupts a continuous period of work for the purposes of this subsection.

2. Every employer shall authorize and permit all his or her employees to take rest periods, which, insofar as practicable, shall be in the middle of each work period. The duration of the rest periods shall be based on the total hours worked daily at the rate of 10 minutes for each 4 hours or major fraction thereof. Rest periods need not be authorized however for employees whose total daily work time is less than 3 and one-half hours. Authorized rest period shall be counted as hours worked, for which there shall be no deduction from wages.

-NRS 608.020 Discharge of employee: Immediate payment. Whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable immediately.

-NRS 608.030 Payment of employee who resigns or quits employment. Whenever an employee resigns or quits his or her employment, the wages and compensation earned and unpaid at the time of the employee's resignation or quitting must be paid no later than:

1. The day on which the employee would have regularly been paid the wages or compensation; or

2. Seven days after the employee resigns or quits, whichever is earlier.

-NRS 608.100 Unlawful decrease in compensation by employer; unlawful requirement to rebate compensation; prerequisites to lawfully decreasing compensation.

1. It is unlawful for any employer to:

(a) Pay a lower wage, salary or compensation to an employee than the amount agreed upon through a collective bargaining agreement, if any;

(b) Pay a lower wage, salary or compensation to an employee than the amount that the employer is required to pay to the employee by virtue of any statute or regulation or by contract between the employer and the employee; or

(c) Pay a lower wage, salary or compensation to an employee than the amount earned by the employee when the work was performed.

2. It is unlawful for any employer to require an employee to rebate, refund or return any part of the wage, salary or compensation earned by and paid to the employee.

3. It is unlawful for any employer who has the legal authority to decrease the wage, salary or compensation of an employee to implement such a decrease unless:

(a) Not less than 7 days before the employee performs any work at the decreased wage, salary or compensation, the employer provides the employee with written notice of the decrease; or

(b) The employer complies with the requirements relating to the decrease that are imposed on the employer pursuant to the provisions of any collective bargaining agreement or any contract between the employer and the employee.

-NRS 608.115 Records of wages.

1. Every employer shall establish and maintain records of wages for the benefit of his or her employees, showing for each pay period the following information for each employee:

(a) Gross wage or salary other than compensation in the form of:

(1) Services; or

(2) Food, housing or clothing.

(b) Deductions.

(c) Net cash wage or salary.

(d) Total hours employed in the pay period by noting the number of hours per day.

(e) Date of payment.

2. The information required by this section must be furnished to each employee within 10 days after the employee submits a request.

-NRS 608.190 Willful failure or refusal to pay wages due prohibited. A person shall not willfully refuse or neglect to pay the wages due and payable when demanded as provided in this chapter, nor falsely deny the amount or validity thereof or that the amount is due with intent to secure for the person, the person's employer or any other person any discount upon such indebtedness, or with intent to annoy, harass, oppress, hinder, delay or defraud the person to whom such indebtedness is due.

-NAC 608.130 Payment for travel and training.

1. An employer shall pay an employee at a rate that is not less than minimum wage for any travel or training that is considered to be time worked by the employee pursuant to subsections 2 and 3.

2. Travel by an employee:

(a) Is considered to be time worked by the employee:

(1) If the travel is between different work sites during a workday; or

(2) If the employee is providing transportation for another employee on behalf of an employer who offers transportation for the convenience of his employees.

(b) Is not considered to be time worked by the employee if the travel is between the home of the employee and the place of work of the employee regardless of whether the employee works at a fixed location or at different places of work.

3. The training received by an employee:

(a) Is considered to be time worked by the employee if the training is required by the employer.



(b) Is not considered to be time worked by the employee if the training is required by an agency or entity other than the employer without regard to whether the training enables the employee to maintain eligibility for employment in a particular capacity or at a particular level.

## APPENDIX B. FEDERAL GUIDELINES THAT PROTECT DAY LABORERS- FLSA AND OSHA (U.S. DEPARTMENT OF LABOR)

### Federal Labor Standards Act

The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of not less than \$7.25 per hour effective July 24, 2009. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

FLSA Minimum Wage: The federal minimum wage is \$7.25 per hour effective July 24, 2009.

Many states also have minimum wage laws. In cases where an employee is subject to both state and federal minimum wage laws, the employee is entitled to the higher minimum wage.

FLSA Overtime: Covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods) at a rate not less than one and one-half times the regular rate of pay. There is no limit on the number of hours employees 16 years or older may work in any workweek. The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.

Hours Worked: Hours worked ordinarily include all the time during which an employee is required to be on the employer's premises, on duty, or at a prescribed workplace.

Recordkeeping: Employers must display an official poster outlining the requirements of the FLSA. Employers must also keep employee time and pay records.

Child Labor: These provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.

#### Occupational Safety and Health Act (OSHA)

The *Occupational Safety and Health Act of 1970* (OSH Act) was passed to prevent workers from being killed or otherwise harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. The OSH Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to employers and workers.

#### Workers' Rights under the OSH Act

The OSH Act gives workers the right to safe and healthful working conditions. It is the duty of employers to provide workplaces that are free of known dangers that could harm their employees. This law also gives workers important rights to participate in activities to ensure their protection from job hazards.

\_ File a confidential complaint with OSHA to have their workplace inspected.

\_ Receive information and training about hazards, methods to prevent harm, and the OSHA standards that apply to their workplace. The training must be done in a language and vocabulary workers can understand.

\_ Review records of work-related injuries and illnesses that occur in their workplace.

\_ Receive copies of the results from tests and monitoring done to find and measure hazards in the workplace.

\_ Get copies of their workplace medical records.

- \_ Participate in an OSHA inspection and speak in private with the inspector.
- \_ File a complaint with OSHA if they have been retaliated or discriminated against by their employer as the result of requesting an inspection or using any of their other rights under the OSH Act.
- \_ File a complaint if punished or discriminated against for acting as a “whistleblower” under the additional 20 federal statutes for which OSHA has jurisdiction. A job must be safe or it cannot be called a good job. OSHA strives to make sure that every worker in the nation goes home unharmed at the end of the workday, the most important right of all.

#### Employer Responsibilities

Employers have the responsibility to provide a safe workplace. Employers **MUST** provide their employees with a workplace that does not have serious hazards and must follow all OSHA safety and health standards. Employers must find and correct safety and health problems. OSHA further requires that employers must try to eliminate or reduce hazards first by making feasible changes in working conditions – switching to safer chemicals, enclosing processes to trap harmful fumes, or using ventilation systems to clean the air are examples of effective ways to get rid of or minimize risks – rather than just relying on personal protective equipment such as masks, gloves, or earplugs.

Employers **MUST** also:

- \_ Inform employees about hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods.
- \_ Train employees in a language and vocabulary they can understand.
- \_ Keep accurate records of work-related injuries and illnesses.
- \_ Perform tests in the workplace, such as air sampling, required by some OSHA standards.

- \_ Provide hearing exams or other medical tests required by OSHA standards.
- \_ Post OSHA citations and injury and illness data where workers can see them.
- \_ Notify OSHA within eight hours of a workplace fatality or when three or more workers are hospitalized.
- \_ Prominently display the official OSHA poster that describes rights and responsibilities under the OSH Act.

#### Who Does OSHA Cover

##### Private Sector Workers

Most employees in the nation come under OSHA's jurisdiction. OSHA covers most private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions either directly through Federal OSHA or through an OSHA approved state plan. State-run health and safety plans must be at least as effective as the Federal OSHA program.

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## CURRICULUM VITAE

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### EDUCATION

2017 ABD, Ph.D. Public Affairs, (expected graduation 5/17), UNLV  
2007 M.A. in Criminal Justice, University of Nevada, Las Vegas  
2005 B.A. in Criminal Justice, University of Nevada, Las Vegas

### ACADEMIC EXPERIENCE

2014-2016 Gender and Sexuality Studies and Latina/o Studies Lecturer  
2013-2016 Graduate Assistant, SPPL, GCUA, UNLV  
2007-2013 Assistant Director of Advising/Undergraduate Advisor, GCUA, UNLV

### ARTICLES

“(Un)Sustainable Community Projects: An Urban Ethnography in a *Barrio* in Las Vegas.”  
*Chicana/oLatina/o Law Review*, Volume 35, forthcoming 2017.

“Transcending Day Labor Work in Las Vegas: *Testimonios de Supervivencia y Resistencia.*”  
*Aztlan: A Journal of Chicano Studies* (under review 2017).

“*Voces de la Esquina: Migrant Workers Counteracting Wage Theft, Wage Deduction, and Underpayment.*” *Justice Policy Journal* (under review 2017).

### PRESENTATIONS

- Transcending Day Labor Work in Las Vegas: *Testimonios de Supervivencia y Resistencia.* NACCS, Irvine, CA, March 2017.
- (Un)Sustainable Community Projects: An Urban Ethnography in a *Barrio* in Las Vegas. NACCS, Irvine, CA, March 2017.
- Transcending Day Labor Work in Las Vegas: *Testimonios of Survival and Resistance.* SSHA, Chicago, Ill, November 2016.
- Nopantla Activism in the Heart of the Desert. El Mundo Zurdo, San Antonio, TX, November 2016.
- Muxeristas and Anzalduistas in the Desert. NACCS Rocky Mountain Foco, Virtual Conference, September 2016.
- Queer/Hetero Identities: Exploring Chicano Masculinity, Patriarchy, and Feminism. NACCS, Denver, CO, April 2016.

- Queer/Hetero Identities: Exploring Chicano Masculinity, Patriarchy, and Feminism. AJAAS, Phoenix, AZ, October 2015.
- Day Laborers in Las Vegas: A Critical Ethnographic Approach. NACCS, San Francisco, CA, April 2015.
- An Urban Ethnography in a Barrio in Las Vegas. NWSA, Puerto Rico, November 2014.
- Equitable Development and Urban Ethnography. APA, State Conference, Las Vegas, NV. October 2014 (invited).
- Equitable Development and Urban Ethnography. APA, National Planning Conference, Atlanta, GA. April 2014 (invited).
- Day Laborers in Las Vegas: A Critical Ethnography. EQRC, Las Vegas, NV. February 2014.

#### COURSES

LAS 100- Introduction to Latina/o Studies  
 WMST 113- Race, Class, Gender, and Sexuality  
 PUA 205- Diversity in Urban America  
 PUA 241- Survey of Public Administration  
 PUA 250- State and Local Government  
 PUA 450- Policy for Public Administrators

#### COMMUNITY AND CLASS PRESENTATIONS

“Immigration Policy and Migrant Workers.” Presented at multiple Brown Bag Series, and multiple Sociology, Gender and Sexuality Studies, and First-Year Seminar courses.  
 “Toxic Masculinities.” Presented at the Real Talk Series at the Center for Social Justice at UNLV, April 2016.  
 “Eastern Avenue and Stewart Avenue field site presentation,” Southern Nevada Strong (SNS) Summit, February 2014 (invited).  
 “Immigration Detention Centers.” Community Forums, 2014, 2015, 2016. (invited)  
 “Muxerista Identity: Exploring Chicano Masculinity, Patriarchy and Feminism.” UNLV CARE Advocates Training, 2017 (invited).

#### OTHER PROFESSIONAL ACTIVITIES

Community organizer/activist/advocate  
 MEChA de UNLV Co-Advisor

#### MEMBERSHIPS

National Association for Chicana and Chicano Studies  
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## LANGUAGES

Spanish: speak, read, write