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Study Finds Exploitation of Day Laborers

By **KIRK SEMPLE**

Day laborers in New Jersey suffer “rampant exploitation and abuse” by their employers, said a new [Seton Hall University report](#) to be released on Monday on wage theft and workplace conditions in day-labor jobs.

About half of the workers interviewed for the study said they had received less pay than was promised, or no pay at all, for at least one job in the past year, according to the report. Many employers also flouted workplace safety rules, the study said, despite state laws that grant the same protections to day laborers as to full-time workers, regardless of [immigration](#) status.

More than 40 percent of day laborers surveyed told the researchers that their employers had failed to provide them with safety equipment, including goggles, hard hats and masks. Some 26 percent of day laborers said they had been injured so severely that they were forced to miss days of work, and another 26 percent said they had been assaulted at least once by an employer.

“These workers are being robbed, injured and beaten with impunity because of weak, underenforced and antiquated labor laws,” said Bryan Lonigan, a professor at Seton Hall University School of Law who oversaw the survey. “What we really need now is to muster the political will to address this.”

Among its recommendations, the report urged the State Legislature to pass a more robust statute to protect workers against wage theft, stiffening penalties and sanctions against employers who withhold pay or retaliate against employees who file claims.

Although no bill has yet been introduced, immigrant advocates in the state said they were inspired by the recent passage of [legislation](#) in New York that provides some of the nation’s strongest protections against wage theft. That law, which takes effect in April, quadruples the penalties for employers who withhold workers’ pay and shields whistle-blowers from retaliation.

Opponents of the law have said it will merely create needless paperwork for the vast majority of

employers who do not steal wages.

The Seton Hall report, titled “All Work and No Pay: Day Laborers, Wage Theft and Workplace Justice in New Jersey,” was conducted by a group of law students and immigrant advocates under the auspices of the law school’s Immigrant Workers’ Rights Clinic. It was based on interviews in October with 113 workers waiting at seven pick-up sites in Bridgeton, Elizabeth, Flemington, Freehold, Morristown, Orange and Palisades Park.

No one knows how many day laborers work in New Jersey; the report said that in the seven locations, about 300 workers were seen on the days that researchers visited, though most declined to participate in the survey.

The report found that on at least one occasion last year, 54 percent of day laborers did not receive all the wages they had been promised; 48 percent said they were not paid at all on at least one occasion; and 94 percent said employers had failed to pay them overtime, in violation of state and federal laws.

These findings were roughly in line with those published in the National Day Labor Study, a comprehensive 2006 survey of day laborers around the country, in which 48 percent of the laborers reported underpayment of wages and 49 percent said they had been denied any wages on at least one occasion.

Day laborers, widely regarded as being among the most economically vulnerable workers, rarely take their grievances to law enforcement officials or the courts. Many are unaware of their legal rights, and those who are illegal immigrants fear deportation.

The Seton Hall report found that despite frequent claims of workplace abuses, the vast majority of workers had never sought help from the authorities to recover unpaid wages. Only three laborers said they had filed complaints with state labor officials, and four said they had taken their complaints to small-claims court.

The report found one bright spot: The rate of wage theft was significantly lower in municipalities where established advocacy groups were fighting for the rights of low-wage and immigrant workers.

“It shows how much community organizing serves to diminish abuse,” Mr. Lonegan said.

