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# RECOVERING FROM CLIMATE DISASTERS: IMMIGRANT DAY LABORERS AS "SECOND RESPONDERS"

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# Extreme Weather: Coping with Billion Dollar Disasters

The increasing frequency and severity of climate disasters in the US is exacting a heavy toll—human and economic—and has exposed a range of vulnerabilities, from the nation's infrastructure to municipal building codes to community preparedness. The year 2021 was the second most catastrophic climate year on record, surpassed only by the previous year. According to the National Centers for Environmental Information, in 2021 alone, there were 20 climate disaster events in the US with losses greater than \$1 billion, while the total cost of billion-dollar disasters over the last five years (2017-2021) exceeded \$742 billion.

With rising global temperatures making extreme weather even more extreme, increasing numbers of Americans are exposed to life-threatening weather events. A *Washington Post* analysis of federal disaster declarations found that "More than 4 in 10 Americans live in a county that was struck by climate-related extreme weather" in 2021, including hurricanes, wildfires, landslides, and flooding.<sup>ii</sup>

With extreme weather defying prediction by statistical models—because of where weather events are occurring, the timing of these events, and their severity—local communities too often are unprepared to cope with the devastation wrought by climate disasters. Over the long run, investments in climate change-ready communities are needed, including

infrastructure investments; municipal building code reforms to ensure storm-proofing and fire resistance; and adoption of pollution-reducing, clean energy. In the short run, however, community disaster preparedness will need to significantly improve to prevent the loss of life and to expedite the arduous process of rebuilding after disasters strike.

This report examines one aspect of community preparedness: the remediation and environmental cleanup work that must be undertaken following hurricanes. More specifically, it examines the role played by immigrant day laborers—a workforce of "second responders" who take on demanding and dangerous work helping residents and business owners with debris removal: the demolition of damaged structures; and the repair and rebuilding of houses, apartment complexes, and commercial properties. Because day laborers and other disasterrecovery workers face hazardous conditions during climate emergencies, the National Day Laborer Organizing Network (NDLON) has been conducting outreach to workers so that they better understand their rights under employment and labor laws; distributing personal protective equipment (PPE), food, and other resources to workers in disaster-impacted areas; and supporting local organizations as they strengthen their capacity to meet worker and community needs in the aftermath of a

climate disaster. In addition, NDLON has been administering surveys to second responders to document conditions "on the ground" during climate emergencies and the protracted period of recovery that follows.

Through a survey of 171 day laborers that was conducted eight weeks after Hurricane Ida made landfall, this report examines the employment conditions of informally employed construction and disaster-recovery workers in the New Orleans area. It finds an array of substandard conditions that impact workers' wages, as well as their health and safety on the

job, and offers recommendations for improving working conditions during post-disaster recovery operations. The report is organized as follows. Section I provides an analysis of day labor jobs, worker pay, and the problem of wage theft. Section II examines the problem of wage theft in the informal economy. Section III analyzes health and safety problems facing the day labor workforce. And Section IV offers recommendations for improving conditions in post-disaster labor markets. The methodology used to conduct worker surveys is detailed in the Appendix.



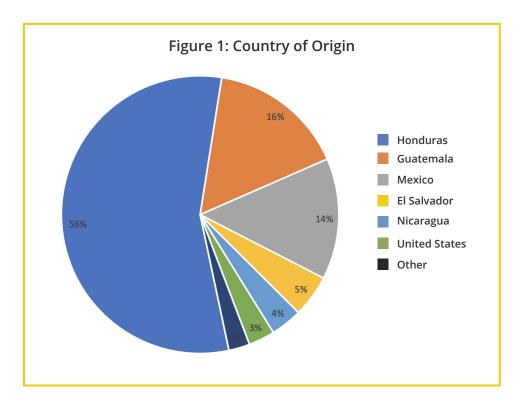
## Employment in NOLA's Post-Disaster Day Labor Markets

Hurricane Ida made landfall as a powerful Category 4 storm, battering Louisiana communities with sustained winds reaching 150 mph and quickly rising floodwaters. The storm stalled just west of New Orleans, causing 3 to 4 inches of rain to fall per hour leading to severe

flooding. As the storm moved into the area, Governor John Bel Edwards warned residents: "There is no doubt that the coming days and weeks are going to be extremely difficult for our state and many, many people are going to be tested in ways that we can only imagine."

Louisiana was indeed tested, as winds and widespread flooding caused an estimated \$95 billion in damages throughout the state. In the immediate aftermath of Hurricane Ida, day laborers went to work helping residents, businesses, and entire communities repair the damage caused to homes and other structures. This workforce

is primarily comprised of immigrants, almost entirely from Mexico and Central America, 83% of whom are undocumented (Figure 1). These workers are employed by construction contractors, environmental remediation specialists, landscaping companies, and other businesses, as well as by private households. They are hired on an as-needed basis for a range of manual-labor jobs related to construction, demolition, landscaping, loading, and moving. They are paid in cash and the terms of employment are hastily arranged at



informal hiring sites located outside building supply stores, near gas stations, and along busy thoroughfares. Some day laborers have employers who hire them regularly and, during climate emergencies, many will have jobs that last for several days, several weeks, or longer.

Sixty percent of day laborers surveyed were Louisiana residents who are part of the construction sector's just-in-time workforce and mobilized for the disaster response. Forty percent arrived in the New Orleans area after Hurricane Ida, most from Houston, Dallas, and other parts of Texas, though others came from states including Arkansas, Florida, Iowa, Kansas, and New Jersey. Many of these workers are part of mobile work crews of second responders who travel from place to place to conduct postdisaster cleanup and rebuilding. Some of these so-called "storm chasers" assemble small crews of coworkers who specialize in roofing and other building trades. Others are recruited by labor brokers who serve as intermediaries between workers and contractors, arranging work and accommodations while taking a cut of workers' wages.

Construction, environmental remediation, and landscaping contractors were responsible for 65% of the jobs worked by day laborers, while private households accounted for 35%. There are several factors that account for the high levels of day-laborer employment by contractors. Day laborers help the construction and landscaping industries adjust to especially busy periods. Because day laborers are a flexibly employed workforce, their employment follows industry cycles and reflects the strength of industry demand. In addition, day laborers have stepped in to alleviate some of the hiring problems that have plagued the construction sector. According to industry leaders, the sector is contending with a growing nationwide labor shortage, iii though the lack of stable, well-paying jobs likely is the root cause of these hiring difficulties.iv By filling vacancies in a variety of

construction trades, day laborers help alleviate the disruptions experienced by families and businesses as they cope with the health risks associated with major flood events and other climate emergencies.

Table 1: Day laborer job types and wage

Occupation	Perct of Jobs	Average Wage
Construction	24%	\$24.32
Demolition	23%	\$22.77
Roofing	21%	\$22.32
Cleanup	13%	\$19.02
Other trades	10%	\$24.46
Yard	3%	
Fencing	2%	
Moving	1%	
Carpentry	1%	
Flooring	1%	
Plumbing	1%	
Electrical	1%	
Mean wage		\$22.93

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

Construction/remodeling, demolition, and roofing were the most common types of

jobs held by day laborers in the post-disaster period, followed by cleanup work (Table 1). Construction activities had an average hourly wage of \$24.32. For demolition it was \$22.77 and for roofing it was \$22.32. Cleanup jobs, which include a variety of tasks related to removing debris and assisting residents and businesses with the disposal of unwanted items, paid an average hourly wage of \$19.02. The average wage for the "other construction trades" category (which includes painting and

flooring as well as electrical and plumbing work) was \$24.46. The average hourly wage across all hours worked by day laborers in the week prior to the survey was \$22.93. Compared to day-labor markets in other regions and at other times, the wages on offer in the New Orleans area are high, likely owing to unusually robust employer demand for workers and the sheer scale of the destruction in the region. That said, wage theft is a widespread problem.



## Wage Theft

Wage theft—the nonpayment of wages for work completed—is common in day-labor markets, and day laborers in the New Orleans area reported that wage theft is frequent and widespread. Workers were asked to recall the most recent instance of wage theft, when it occurred, and the amount that went unpaid. Fully half (50%) of the day laborers surveyed had been victims of wage theft in the New Orleans area, and 91% of these workers had experienced wage theft in the past two months while doing post-disaster recovery work. During the post-disaster period, the average amount of the *most recent instance* of nonpayment was \$1,290. Roofing, demolition, and remodeling work were the jobs for which workers most often were not paid.

Employers use various tactics to engage in wage theft, and survey respondents shared numerous stories of employers' lies, deception, and outright refusal to pay. In some cases, employers may flatly refuse to pay workers the agreed-upon wage, instead offering a lower amount after the worker has completed the job. Workers may reluctantly accept the lower wage because they fear that if they protest too forcefully, they will be paid nothing at all. In cases where an entire day's pay is stolen, employers may abandon day laborers at worksites. In cases where wage theft occurs over several workdays or longer, employers may begin by paying workers a

partial amount. Day laborers return to work the following day with the expectation that the previous day's wages will be paid in full along with payments for the current day's work. The longer this continues, the greater the amount of cumulative unpaid wages and the more costly it becomes for the day laborer to walk away from a job and an employer without being paid for work completed. Under such a scenario the

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day laborer is in a bind: either risk the further accumulation of unpaid wages by continuing to work for an employer or count whatever wages remain unpaid as a loss and seek alternative employment. Because day labor employment is intermittent and because of the economic insecurity that accompanies this employment relationship, to say nothing about the illegality of wage theft practices, workers are loath to simply refuse continued employment with a

business that owes them money, even though this means that wage theft amounts may increase from hundreds to thousands of dollars. In addition, a number of workers reported that they have been subjected to threats of both immigration-based retaliation and physical violence when they have sought to recover unpaid wages. Such threats serve to further undermine workers' ability to individually redress wage theft.

Wage theft directly reduces the earnings of day laborers and contributes to family economic insecurity. In addition, when wage theft is not redressed through the wage-recovery activities of workers, government enforcement agencies, and workers' rights organizations, it can place downward pressures on wages and working conditions across local disaster-recovery and construction industry labor markets, potentially affecting a large proportion of the workforce.

A major obstacle to the reduction of wage theft and the effective recovery of unpaid wages is that day laborers do not know where to report violations. Among the day laborers surveyed, 96% were unable to name an entity that could assist them in filing a wage claim. The Louisiana Workforce Commission (the state's Department of Labor) does not have the authority to enforce wage and hour laws. Instead, victims of wage theft must either contact the US Department of Labor or hire a private attorney and then attempt to recover unpaid wages, or they can seek assistance from a workers' rights organization. In the case of the latter, although most have forged bonds of trust with workers in underserved communities, they remain under-resourced, especially considering the extent of labor standards violations. Of the few workers who were able to identify such a

resource, most named a worker center. Partly as a result of Louisiana policy restricting the ability of the Workforce Commission to enforce employment laws, the system for redressing wage theft among informally employed workers in Louisiana is disjointed and functions very

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poorly. This is a problem that is compounded by employer threats of immigration-based directed at informally employed workers, which serve to further curtail the ability of workers to defend their rights. As a result, it is little surprise that the scale of the wage theft problem is as large as has been documented by this study.

## Workplace Health and Safety

Post-disaster cleanup operations expose second responders to a range of workplace hazards. These include dangers associated with contaminated water, downed power lines, damaged and unstable structures, and exposure to mold and other fungi. For those who are working at unsafe heights to repair roofs, cut trees, and replace siding, there is a danger of falling from building tops, scaffolds, or ladders. While

hazards may
be found at any
construction site,
three aspects of
disaster recovery
greatly increase
the likelihood
that workers
will confront

areas in and around New Orleans reported that they had received any sort of training for the worksites they were entering (Table 2). Similarly, only 20% had been informed about risks related to mold, 18% had been informed about risks related to unsafe buildings, and 17% had been informed of risks of working in contaminated water. Moreover, just 16% of day laborers reported having received health

Table 2: Health and safety training

	Safety training for the worksite	Information about mold	Information about unsafe buildings	Information about contaminated water
Percent who received	15%	20%	18%	17%

risks to health and safety: (1) the rapid pace at which employers and their customers demand that recovery operations are undertaken, which requires working long hours and without necessary rest breaks; (2) the prevalence of multiple hazards at any given worksite; and (3) the fact that hazards may be unknown to work crews that are entering a worksite. This section assesses the training day laborers have received to minimize illness, infection, and injury; the types of protective equipment that are available to them; and their access to medical care.

Very few employers provided the required health and safety training to day laborers involved in cleanup operations. Only 15% of day laborers who worked in hurricane-affected and safety training at any point in their careers, often administered by previous employers in non-construction industries. Just 5% of day laborers had received the basic 10-hour training course designed by the Occupational Safety and Health Administration (OSHA) for entry-level construction workers.

The risks posed by the absence of health and safety training are compounded by a lack of PPE (Table 3). Sixty percent did not have a hard hat, 58% did not have an N95 mask, and 51% did not have protective eyewear. Less than 20% reported that employers supplied any of these important forms of PPE, as required by law. Given that the specific conditions encountered by second responders at a given worksite on a

given day are difficult to predict, it is incumbent on employers that are engaged in post-disaster recovery work to provide appropriate PPE to their work crews. The fact that most employers conditions while working in a hurricane-affected area. Twelve percent report difficulty breathing, 22% had skin rashes, 28% had recurring headaches, and 31% had watery eyes or eye infections.

Table 3: Need for Personal Protective Equipment

	Hardhat	N95 mask	Protective eyewear
Percent without equipment	60%	58%	51%

do not provide even the most basic PPE to their employees is an indication that they believe they can disregard worker health and safety with impunity, primarily because they realize their activities will escape notice by government enforcement agencies and because most workers will not complain because they fear employers will subject them to immigration-based retaliation.

A substantial segment of the workforce reported suffering from ailments that are common following climate disasters (Table 4).

Furthermore, the nature of these ailments is such that their effects may not be immediately observable but instead become more prominent over time. As a result, the

incidence of

Table 4: Day laborers suffering from ailments common in post-disaster recovery settings

	Difficulty breathing	Skin rashes	Recurring headaches	Watery eyes/eye infections
Percent experiencing ailment	12%	22%	28%	31%

after the effective use period had ended. In other cases, workers reported trying to protect themselves using a cloth over their mouths

As Delp, Poldolsky, and Aguilar have explained with reference to disaster-recovery efforts by day laborers in the Gulf Coast following Hurricane Katrina, "a combination of factors ... — the changing and sometimes unpredictable hazards at

disaster sites, the social and legal status of day laborers, and the potential for exploitation by unscrupulous or uneducated employers—increase[s] the risk of exposure to workplace hazards beyond those faced in nondisaster site...." Day laborers in disaster areas must be deemed a priority workforce for workplace health and safety training, as well as for the distribution of PPE. With regard to the latter, some of the day laborers who were surveyed reported access to key types of protective equipment, such as respirators. But in many cases these devices were being used long

known ailments likely will increase. Day laborers were asked whether they had experienced various ailments due to exposure to workplace

and noses or devising other inadequate ways of safeguarding against exposure to health hazards. In short, the needs for both PPE and training are great. Developing effective and appropriate responses to the health and safety hazards faced by day laborers, as well as the other employment-related problems identified in this report, will require addressing the combination of factors identified by Delp and colleagues: workplace hazards must be identified, acknowledged and remedied

by employers; immigration policy must be removed as the constant threat that is used against workers who enforce their rights; and government enforcement of labor standards must be strengthened and extended to informally employed workers. The final section of this report presents recommendations for raising standards in job markets supplying workers for post-disaster recovery and rebuilding.



### Recommendations

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

## Develop Worker Centers as "Disaster Recovery Hubs"

Day labor worker centers, labor unions, and other organizations that directly engage informally employed workers should be better supported so that they can equip second responders with PPE and provide health and safety training tailored to the types of hazards found in disaster zones. Worker centers, in particular, substantially improve conditions in day-labor markets.viii Because they have established trust among the workers who will play a critical role in remediation and rebuilding, worker centers are appropriate partners for local and state governments seeking to minimize workers' exposure to health and safety hazards and avoid life-threatening, work-related accidents. Worker centers can be provided PPE, and in the event of an emergency, they can distribute this equipment immediately.

Partnering with worker centers to ensure the timely distribution of protective gear will reduce recovery workers' exposure to hazardous conditions.

In fact, this has already begun to happen. In the face of increasingly severe climate disasters, day laborer worker centers have stepped up their efforts to better prepare workers for hazardous disaster-recovery operations. These organizations have trained workers on health and safety, including providing information about employers' responsibilities. They also have distributed tens of thousands of dollars of PPE to workers in disaster-recovery zones, along with other material supports, such as food aid. In addition, worker centers have increased outreach to workers at informal hiring sites, in part because the mobile work crews that gravitate to disaster-recovery zones might not know about the available resources and organizations that help to safeguard labor standards. Unfortunately, however, worker centers largely are undertaking these efforts without support from employers or from government agencies. Opportunities exist for robust partnerships between government and employer stakeholders and the worker centers that have been assisting informally employed workers. Partnerships could include supplying worker centers with PPE and other resources so that these organizations can strengthen their capacities and expand their assistance programs.

#### Strengthening Government Interventions in Disaster Recovery Zones

Before remediation work is initiated, federal and state agencies should assess the risks that are involved with prolonged exposure to post-disaster environments. Residents, workers, property owners, and contractors should not be left on their own to determine how to deal with environmental contamination safely and effectively. To that end, uniform re-occupancy standards that are protective of public health should be established for impacted workplaces and residences. These should be based on event- and site-specific criteria, with input from experts and from representatives from impacted business, labor, and community groups.

Returning to the matter of strengthening worker protections, OSHA can continue to make inroads with vulnerable workers by authorizing staff to administer training through worker centers and their networks. The infrastructure to reach at-risk workers already exists within these community organizations, and by partnering with worker centers, OSHA can benefit from the trust they have developed with second responders. This model has proven effective in New York and New Jersey. Following Hurricane Sandy, worker center staff became authorized OSHA-10 trainers, and by using worker centers as hubs for delivering training, OSHA's regional impact increased substantially. Since then, day labor centers in Texas, California, and other states have also begun to strengthen their capacity to improve health and safety on the job. Worker centers have capitalized on increasing concerns among immigrant workers regarding workplace health and safety by administering training programs that have been shown to increase workers' knowledge of workplace safety issues. However, other studies of disaster labor markets have revealed that OSHA is rarely recognized by entry-level construction workers. As workers undertake remediation and rebuilding efforts, the agency has the opportunity to increase its influence by partnering with local worker centers to provide vital safety training.

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

#### Suspend Immigration Enforcement in Disaster Zones

Immigration enforcement has a chilling effect on workers who would, in other circumstances, report employment violations, access emergency services, and seek medical care. Assurances from government agencies and elected officials, while important, have not enough to overcome the risks faced by undocumented immigrants, nor their isolation, during a climate emergency. When governments declare a "state of emergency," they suspend normal operations in order to gain control of an urgent situation. One of the operations that should be officially suspended in the aftermath of a climate disaster is

immigration enforcement within disaster zones. This was done after Hurricane Katrina when the Bush administration suspended employer sanctions in affected regions for 45 days after the storm.\* The fear of detention and deportation can be an insurmountable barrier for undocumented immigrants, and it contributes to rampant labor violations and untreated workplace injuries. Officially suspending immigration operations should be a regular and visible part of disaster response protocols and will send a clear message to immigrants that their safety and wellbeing are paramount and the government's primary objective during catastrophic emergencies is to prevent the loss of life.

#### Grant Work Authorization to Reconstruction Workers to address and prevent violations of labor standards

Reconstruction workers are essential to rebuilding disaster-torn communities, and the completion of recovery work is measured in years, not weeks or months. To ensure that needed labor forces are available and that workers are not subjected to widespread violations of employment standards, immigration protections should be provided proactively to prevent and address wage theft and health and safety violations. Given the unmet demand for construction workers that exists in every region of the country, it is no secret that immigrant workers (both documented and undocumented) will be necessary to complete disaster remediation and reconstruction. Ensuring that these workers are protected from abusive labor practices by granting them work authorization will secure the supply of labor necessary for rebuilding

efforts and mitigate the erosion of employment standards that occurs when undocumented workers are (functionally) excluded from labor protections. A temporary work authorization for second responders would achieve these objectives while also compelling employers to play by the rules.

# Dedicate Resources for Workplace Enforcement Dedicated to Informal Labor Markets

To improve labor standards in the construction, environmental remediation, and landscaping sectors, government enforcement agencies require increased budgets and dedicated investigators, with multiple language capacities, who visit informal hiring sites and worksites where day laborers are employed. In addition, by entering into strategic partnerships with worker centers both before and during disasters, government enforcement agencies can more effectively target high-violation industry segments and employers, thereby strengthening the floor under wages and working conditions. Disaster-recovery operations provide a window into the substandard conditions that are a regular feature of informal construction labor markets, revealing the scale and scope of workplace violations and unsafe conditions. The illegal and dangerous employer practices that pervade local economies following climate disasters are a potent reminder that much remains to be done in terms of safeguarding wage and hour laws as well as worker health and safety. Worker centers can be vital, strategic partners in modernized efforts to strengthen government enforcement and expand worker training.

## Appendix: Methodology

To document the employment conditions of informally employed disaster-recovery workers in the New Orleans area, a survey of day laborers was conducted during the last week of October 2021, two months after Hurricane Ida swept through the region. Using a standardized survey instrument, the research team conducted in-person interviews with day laborers who were seeking work at seven informal hiring sites. Surveys were conducted in English and Spanish, and the survey was administered on six consecutive days during the early morning hours. Surveys took approximately 10 minutes to complete.

The survey instrument focused on workers' employment and wages, exposure to health and safety hazards, on-the-job injuries, and a small number of demographic characteristics. To determine employment rates and hourly

wages by occupation, workers were asked a series of questions for each day in the previous workweek: (1) did the worker look for employment at the hiring site? (2) was a job secured? (3) if a job was secured, what was the occupation, total pay, and total hours worked? This information was used to compute hourly wage and unemployment rates.

The research team used a time-location methodology to conduct a census of workers present at the time of the survey fielding.

Because of the difficulty in obtaining a probability sample due to the absence of a verified sampling frame, the methodology did not employ sampling but instead an effort was made to survey each day laborer who was looking for work on the day the survey was administered at the hiring site. In total, 171 surveys were completed.



### **Endnotes**

- <sup>1</sup> NOAA National Centers for Environmental Information, 2022.
- " Kaplan and Tran, 2022.
- iii Associated Builders and Contractors, 2022.
- <sup>iv</sup> Jacobs et al., 2022; Theodore et al., 2017.
- <sup>v</sup> Theodore, 2017, 2020.
- vi Delp, Poldolsky, and Aguilar, 2009.
- vii See also Cordero-Guzman et al., 2013 and Fletcher et al., 2006. On improving health and safety for informally employed construction workers see also Fernández-Esquer et al., 2015; Boyas et al., 2017.
- viii Visser et al., 2017; Meléndez et al., 2016; Theodore, 2020.
- ix Forst et al., 2013; Seixas et al., 2008.
- × Wishnie, 2007.

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