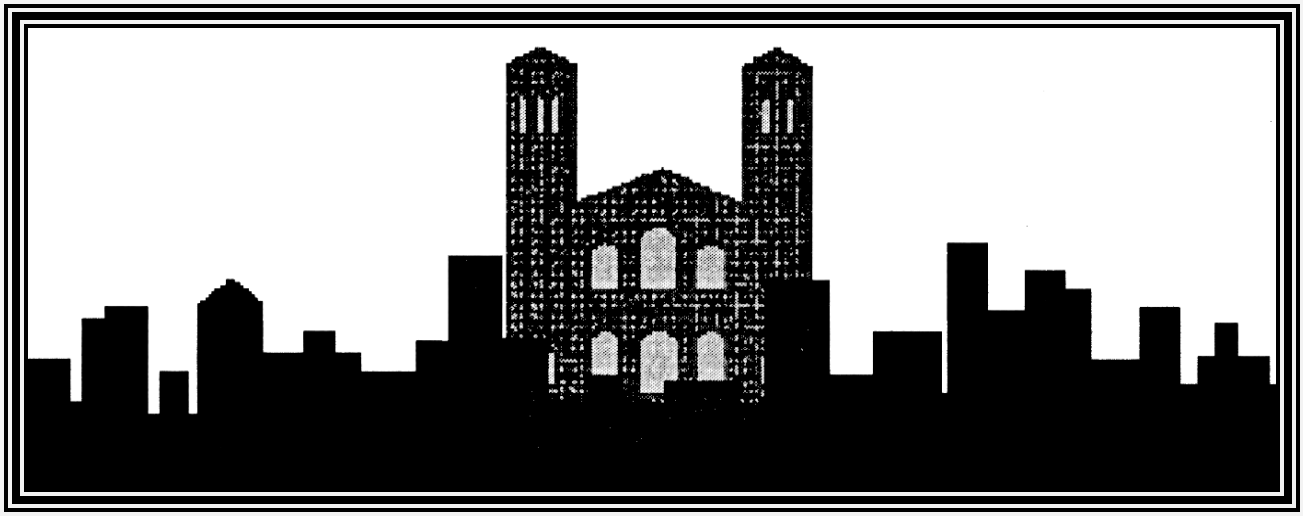

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DAY LABOR WORK

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■ **Abstract** Day labor, the practice of searching for work in open-air, informal markets such as street comers or in formal temp agencies, has become an increasingly visible and important means of securing employment for a broad segment of immigrant, primarily male, displaced workers. Our understanding of day labor has been limited by regionally focused or city-based case studies, poorly constructed methodological approaches, inconsistent definitions, and little comparative research. This review discusses the emerging research on day labor, paying particular attention to the practice of day labor, including the market's origins, its contemporary development, and its hiring and wage practices. The review also provides a synopsis of informal, open-air and formal temp agency day labor practices, their spatial and organizational configurations, and an outline of the legal issues and public policies that structure, to a large degree, worker and employer relations in this industry. The review emphasizes the multidisciplinary nature of contributions to the topic, including research by sociologists, anthropologists, and urban studies. Areas for future research are suggested.

INTRODUCTION

The growth of nonstandard employment-part-time work, temp agencies, contract company employment, short-term and contingent work, and independent contracting-has transformed work in significant and profound ways (Kalleberg 2000, Smith 1997, Beard & Edwards 1995). One component of nonstandard employment not well captured in the literature is day labor, which in the past three decades has grown rapidly, making it an important component of the economy, a significant segment of nonstandard and specifically contingent employment, and an important employer of immigrant and other marginal workers in large and midsized cities. Our understanding of day labor is primarily informed by city-focused (to the neglect of national studies) case studies of hiring sites, poorly constructed or singularly focused methods (rather than rigorous and multiple-method research approaches), inconsistent definitions of day labor, and a lack of comparative research. This review discusses the emerging research on day labor and suggests areas for future exploration.

A large part of the published research on day labor is exploratory, paying particular attention to uncovering the daily mechanisms of how the industry works, its workers, its connection to local neighborhoods and economies, and worker and employer relations. Over time, the industry has evolved from its orginal concentration in large port cities that dispatched workers to primarily undertake agricultural or stevedore work to additional locations in mid-sized, noncoastal cities that supply workers for urban jobs, mostly in the construction industry. Finally, the industry has become increasingly visible in low-income neighborhoods and busy intersections, and it is locally dispersed. As a result of these developments, I review research on the practice of day labor, including the market's origins, its contemporary development, and its hiring and wage practices. The review also provides a systematic overview of informal, open-air and formal temp agency day labor practices, their spatial and organizational configurations, and a discussion of the legal issues and public policies that to a large degree structure worker and employer relations in this industry. I pay particular attention to work undertaken in the fields of sociology, geography, anthropology, and urban studies. The temp industry is large, organizationally and occupationally diverse, encompasses many cities throughout the United States, and employs thousands of workers from varying groups. Therefore, my review only touches on the segment of the formal temp industry that is "restructuring down" (Peck & Theodore 1998, Theodore & Peck 2002)-that used by homeless, undocumented immigrants, and similar marginal and low-skilled day laborers.

DEFINITIONS AND CONTINGENT EMPLOYMENT

No formal definition of day labor exists, although the term is mostly used to convey a type of temporary employment that is distinguished by hazards in or undesirability of the work, the absence of fringe and other typical workplace benefits (i.e., breaks, safety equipment), and the daily search for employment.

Two types of day labor industries exist: informal and formal. Informal day labor is characterized by men (and, in a few cases, women) who congregate in open-air curbside or visible markets such as empty lots, street corners, parking lots, designated public spaces, or store fronts of home improvement establishments to solicit temporary daily work. Soliciting work in this manner is an increasingly visible part of the urban landscape and is growing in the United States (Malpica 1996, Valenzuela 1999, Valenzuela & Melendez 2003, US General Accounting Office 2002) and worldwide in countries and regions such as Mexico (Vanackere 1988), Japan (Fowler 1996, Marr 1997, Giamo 1994, Gill 1994, Marr et al. 2000, Gill 2001, Valenzuela et al. 2002), and South America (Townsend 1997). Several important characteristics identify the informal day labor industry and its participants: The market is highly visible, with large hiring sites spread throughout metropolitan Los Angeles, New York, Chicago, and other cities in the Southwest, the South, and the Northwest. Most day laborers are male, foreign-born, recently arrived and unauthorized, and have low levels of education and a poor command of English

(Valenzuela 1999, Valenzuela & Melendez 2003). As a result, the participants in this industry are highly vulnerable and exploited.

The formal day labor industry is primarily connected to for-profit temp agencies or "hiring halls" and places workers in manual work assignments at or around minimum wage. These temp agencies or hiring halls are less ubiquitous than informal sites and are located in enclosed hiring halls with boarded windows or other neighborhood-based establishments (Peck & Theodore 2001). Similar to the informal day labor market, many of the participants are undocumented, recently arrived, and have low levels of education. However, the participants of formal day labor are more diverse than those of the informal market and also include nonimmigrants, women, and a substantial homeless population. Participants in this market are similarly vulnerable and exploited as evidenced by low wages, infrequent employment, workplace injuries, and ancillary employment charges such as check-cashing fees for payroll and costly transportation charges to get to the work site (Southern Regional Council 1988; Theodore 2000; Kerr & Dole 2001; Roberts & Bartley 2002, unpublished data; Tolchin 2001, unpublished data).

The informal day labor market primarily provides temporary job opportunities that last from 1 to 3 days in the broadly defined construction industry, which includes home refurbishment, landscaping, roofing, and painting (Valenzuela 1999). In some regions, it also provides limited light industrial and factory work (Valenzuela & Melendez 2003, Malpica 1996, Fowler 1996, Gill 2001). The formal day labor markets, in addition to construction work, also offer temporary employment in light industrial, factory work, loading and unloading, and warehouse work (Theodore 2000; Kerr & Dole 2001; Roberts & Bartley 2002, unpublished data; Southern Regional Council 1988). Both types of day labor are unstable, provide no benefits or workplace protections, pay poorly, and are characterized by workplace abuses such as instances of nonpayment, lack of regular breaks, and hazardous work.

In Japan, where research on day labor is well established,[1] the definition of day labor is disputed, and as a result, the national number of men falling under

[1] Day labor became a significant issue and topic of research because of the visibly large number of workers in *yoseba* (gathering places for casual laborers), which have the highest concentrations of urban poverty and unemployment in Japan. During the period of rapid economic development (approximately 1950-1973), *yoseba* also served as a refuge of sorts for the unemployed, persons separated from (or kicked out of) their families, and persons who did not fit the rigid structure of the Japanese company. In *yoseba*, displaced, marginal, and unemployed workers can find day labor, cheap housing, and camaraderie. The concentration of unemployed men and high rates of poverty, as well as the periodic riots due to police mistreatment of laborers drew the attention of social science researchers, far-left-wing activists, mostly Christian missionaries, and the media. In addition, *yoseba* became more prominent locales for research, activism, and philanthropy in the early 1970s after the oil shocks when unemployment shot up even higher than the levels of the 1960s. In the 1980s, the *yoseba* studies group *(yoseba gakkai)* formed and began publishing a journal *(Yoseba)* on the topic, and the *yoseba* became a place to study inequality, poverty, and marginality in Japan.

this varied category ranges from 42,000 to 1.26 million (Gill 2001). According to Gill (2001, p. 2-3), the various definitions reflect direct translations of day labor *(hiyatoi rodosha),* to daily worker because laborer corresponds more closely to the Japanese *romusha,* which is perjorative, implying unskilled, menial, and thus lower-status labor. In his ethnography of day labor in the San'ya district of Tokyo, Fowler (1996, p. xiii) terms day labor as mostly construction workers who get their jobs off the street. He slightly expands his definition by providing a geographical or neighborhood account of the San'ya community and its workers who primarily gather to seek work every morning at the *yoseba,* which includes open-air markets (street corners) and public employment agencies.

In the United States, some regional variation exists, but day labor mostly signifies men searching for work through informal or open-air markets such as street corners, storefronts, or parking lots, or through formal temp agencies. Men standing informally at curbsides or street corners often refer to themselves as *Jornaleros* (Valenzuela 1999) or *esquineros* (Malpica 1996), a direct Spanish translation of day worker or day laborer in the former and in reference to a corner in the latter. In New York and other New England cities, the location of men gathering to informally search for work is often called "shape-up" (Leonardo & O'Shea 1997) in reference to the stevedores that once lined up daily at docks and ports in hope of getting hired for the day. In today's vernacular, men shapingup are undertaking day labor or *Jornalero* work, the term used by the mostly Spanish-speaking workers (Valenzuela & Melendez 2003). In the Midwest, day labor is often used to describe the men that frequent, on a daily basis, the forprofit temp agencies (Theodore 2000, Kerr & Dole 2001). To receive a work assignment, day laborers must physically report to the temp agency office. Workers are paid on a daily basis by payroll check. The staffing agencies that employ day laborers do not usually provide professional or administrative whiteor pink-collar workers to client employers (US General Accounting Office 2002, p.7).

Even though these two categories (formal and informal) are used to basically describe the same temporary work relationship, men searching for work on a daily basis, other types of day labor exist and add a layer to the confusion of the term. For example, the Bureau of Labor Statistics defines day labor as part of a litany of contingent workers that includes independent contractors, on-call workers, temp agency workers, and workers provided by contract firms (Polivka & Nardone 1989, Polivka 1996).

Freedman first coined contingent work in 1985 in her testimony before the Employment and Housing Subcommittee of the House of Representatives. She used it to describe a management technique of employing workers only when there was an immediate and direct demand for their services, such as a temporary layoff or spurt in demand for a particular product. Since its initial use, the term has been applied to a wide range of employment practices, including part-time work, temporary help, service employment, employee leasing, self-employment, contracting out, employment in the business services sector, day labor, and home-based

work (Kelleberg 2000). Contingent employment is technically used to describe a variety of nonstandard work and arrangements such as the impermanent nature of certain work arrangements, including low levels of job security, less-predictable work hours, and the absence of traditional workers' rights and benefits.

To better assess the status and count of the contingent workforce in the United States, the Bureau of Labor Statistics (BLS) operationalized its definition and collected data on this population from the 1995, 1997, 1999, and 2001 Current Population Surveys through a supplemental survey (Bureau of Labor Statistics 2001). Respondents who reported currently working in a temporary position were asked about the type of temporary position as well as a battery of questions related to their temporary jobs. As a result, the BLS has extensive and detailed data on the self-employed, independent contractor, on-call worker, temp agency worker, and day laborer, bringing to light, for the first time, important differences among different contingent work arrangements and characteristics of workers, and differences between contingent work and traditional work arrangements. Relying on this survey to analyze day labor is problematic owing to definitional variations of the term that make it difficult to distinguish between informal curbside, formal temp agency, and other types of day labor. In addition, these data likely undercount day laborers because of the BLS's inability to reach respondents who don't have telephones or fixed addresses-characteristics that may apply to impoverished or homeless day laborers. Nevertheless, in its most recent survey (2001), the BLS identified approximately 260,000 day laborers nationally who wait on street corners for employment. In Los Angeles County alone, one study (Valenzuela 2002) identified between 20,000 and 22,000 day laborers who seek work each morning.

Despite the paucity of better national data, several studies provide important demographic portraits of day labor in Los Angeles (Valenzuela 1999), Chicago (Theodore 2000), Cleveland (Kerr & Dole 2001), Berkeley (Worby 2002), and New York (Leonardo & O'Shea 1997, Valenzuela & Melendez 2003). As noted earlier, day laborers share many similar characteristics: most are Hispanic, foreign-born, recently arrived, male, undereducated, and possess a poor command of English. There are, of course, exceptions to these characteristics, particularly in New York, where some informal hiring sites have female and non-Hispanic immigrant participants (Kamber 2001, Valenzuela & Melendez 2003). Another difference, which is in contrast to Los Angeles's and New York's informal day labor industry, was reported in Theodore's (2000) study on homeless day laborers in Chicago's formal temp industry. Researchers found that the majority of workers were African American (80%), followed by Latinos (14%) and whites (3.4%), and that most workers supported only themselves on their income from day labor.

ORIGINS OF DAY LABOR

The history of day labor has an uneven literary chronicle. In Europe, for example, the practice is researched in an important text on open market enterprises (Mund 1948) but then receives little attention elsewhere, with most references viewing

day labor as part of broader, casual, temporary, or marginal workers. Japan's historical chronicle of day labor is more complete, with several texts written in English (Leupp 1992, Fowler 1996, Gill 2001). In the United States, no single manuscript captures the history of day labor, but rather it receives mention in studies of skid row (Wallace 1965) and tramp or hobo work (Hoch & Slayton 1989, Allsop 1967), stevedore or dock workers (Larrowe 1955), Mexican American history (Camarillo 1979, Romo 1975), and agricultural studies (Schmidt 1964). Whyte (1955), Liebow (1967), Suttles (1968), and Anderson (1978) wrote about the social order, interactions, and other activities of street corners, including employment. However, these classic sociological and applied anthropology texts paid little attention to the origins, labor market, and social processes of day labor work. Despite the paucity of historical research on day labor, what is available provides insights into the market's origins.

The practice of men and women gathering in public settings in search of work dates back to at least medieval times when the feudal city was originally a place of trade. In England during the 11O0s, workers assembled at daily or weekly markets to be hired (Mund 1948, p. 106). Statutes regulated the opening of public markets in merchant towns and required agricultural workers (foremen, plowmen, carters, shepherds, swineherds, dairymen, and mowers) to appear with tools to be hired in a "commonplace and not privately" (Mund 1948, p. 96). The City of Worcester created an ordinance that required laborers to stand "at the grass-Cross on the workdays. . . ready to all persons such as would hire them to their certain labor, for reasonable sums, in the summer season at 5 a.m. and the winter season at 6 a.m." (Mund 1948, p. 100-101).

In Japan, short-term casual day laborers appear to have played a significant role in the economy since approximately the middle of the seventeenth century (Leupp 1992, p. 16). However, reference to day labor dates to the year 842 with *Hinin* (literally non-people), a category that overlapped with *mushuku*, someone who traveled around without a *tsuko tegata* (a sealed statement certifying that the bearer was properly registered and had been granted permission to travel). A *Hinin* was a person who had lost his rights of citizenship for some offense, typically failure to pay rice taxes. These people were struck off the village register and forced to perform menial labor (Gill 2001). Gill also argues that day laborers in Japan emerged from a culture of slavery and serfdom during the nominally abolished slavery period of the Heian era (794-1185), the Kamakura era (11851333), and the Muromachi era (338-1573). He characterizes their history as a long and continuous struggle between free workers attempting to express their autonomy and employers and civil authorities who have sought to control them and at times incarcerate them (Gill 2001, p. 13). His book provides a fairly detailed historical overview of day labor in Japan, but its most important contribution is clearly his exploration of contemporary Japanese day labor.

Despite the excellent detail and important intellectual contribution that Gill (2001) has made to the study of day labor in Japan, the utility of his work to understanding this industry in the United States is limited for several reasons.

First, although day labor is historically important and well documented in Japan, it is currently a declining industry in Tokyo and other cities in the country. Second, other important characteristics of this market show important distinctions that limit the lessons that can be derived from a more detailed comparison between day labor in Japan and the United States. For example, using data from surveys of day laborers in Tokyo and Los Angeles, Valenzuela et aJ. (2002) analyzed the unique characteristics of these two markets, comparing and contrasting the workers, the demand for their employment, and the spatial dimensions of this industry. They found that day laborers in Los Angeles are predominantly young, recent immigrants undertaking various jobs. In contrast, day laborers in Tokyo are aging and mostly native Japanese displaced from Japan's slouching postindustrial economy. Third, the demand for this type of work is equally in contrast with day labor in Los Angeles, which is more diversified, associated with a network of industries, and a consumer base that is broad and elastic; day labor in Tokyo is primarily concentrated in construction and only caters to subcontractors or middlemen.

In the United States, temporary staffing services (e.g., Kelly Girls) have existed since at least World War II and currently supply a large bulk of the temporary workforce in the United States (Moore 1965). Less-formal temps or day laborers in this country can be traced back to at least 1780 when common laborers-cartmen, scavengers, chimney sweepers, wood cutters, stevedores, and dock workersare said to have sought new jobs each day (Mohl 1971). As early as the late 1700s, Irishmen were indentured to the Potomac Company of Virginia to dig canals throughout the Northeast toward the Midwest alongside free laborers and slaves. A casual labor force proved to be more financially viable than indentured servitude and slavery. Such a labor force could be laid off during bad economic times, whereas servants and slaves had to be provided for with food and shelter. Casual wage laborers worked by the year, month, and day (Way 1993). During the early to mid-1800s, day laborers recruited from construction crews worked for track repairmen of railroad companies. Casual laborers (often off from construction jobs) worked in a variety of unskilled positions (brakemen, track repairmen, stevedores at depots, emergency firemen, snow clearers, mechanics' assistants), and many of these workers were recent immigrants-Chinese and Mexicans in the West and Germans and Irish in the East (Licht 1983, p. 37,42,60).

Since at least the mid-1800s, shape-up sites in New York and other Northeast ports provided a system of hiring dockworkers for the day or half-day (minimum of 4 h) by seemingly arbitrary selection from a gathering of men (Larrowe 1955). Under this casual labor system, longshoremen seeking work were forced to gather on the docks every morning to await the shape-up call from a hiring foreman signaling for the men to gather around him, usually in the shape of a circle or horseshoe, to be selected for work for the day or a 4-h shift. The number of men seeking work typically outnumbered the available jobs. On the West Coast, particularly in Seattle, longshoremen utilized the hiring hall for their daily search of stevedore employment. The more orderly and regularized process of attaining employment for dockworkers in the Northwest shared some of the same casual

labor characteristics of the shape-up in that workers were not guaranteed work every day and were dispatched on a need-for basis. However, unlike the shapeups, longshoremen were registered in a central hiring hall, they were picked for jobs in rotation so that their earnings were more or less equal, and the halls closely policed the distribution of work (Larrowe 1955).

Wilentz (1984) documented that between 1788 and 1830, day laborers found work along the waterfront, more than half of New York's male Irish workers were day laborers or cartmen, and one quarter of Irish women in the city worked as domestics. Martinez (1973, p. 8) noted that in 1834, a "place was set aside on city streets [New York] where those seeking work could meet with those who wanted workers." This exchange worked for both men and women, with employment for women (primarily African American) concentrated in the domestic labor market sector. Currently, women search for day labor at informal sites much less frequently than do men. In Los Angeles for example, women do not seek work in this manner (Valenzuela 2002), whereas in New York, researchers (Valenzuela & Melendez 2003) found two sites (out of 57) where women were searching for day labor.

In California, agricultural work was historically the principal form of day labor. Traditionally, agricultural workers (hobos, casual workers) were drawn from urban centers, including areas known as skid row or wino row (Harrington 1962, Wallace 1965, Hoch & Slayton 1989). As urban centers grew and agricultural work became less appealing and less accessible, skilled and unskilled urban workers became more common and gathering sites proliferated. Camarillo (1979, p. 156) found that in Santa Barbara during the 191Os and 1920s, "a ready pool of Mexican surplus labor was always available to any contractor who merely went to the vicinity of lower State Street near Haley. Here the informal Mexican labor depot-an area where unemployed Mexicanos desirous of work assembled-provided the various contractors with all the labor they needed at low wages." Similarly, Romo (1975, p. 81-82) found that between 1910 and 1914, labor recruiters would often visit the center of downtown Los Angeles near the plaza known as Sonoratown to hire day laborers. He argues that a concentration of Mexican businesses, the Catholic Church, and inexpensive boarding houses attracted Mexican immigrants to this part of town in search of temporary employment. Then as now, several economic and structural forces mediated the growth of this market. For example, the Great Depression was largely responsible for the flood of unemployed and homeless men filling skid rows (Wallace 1965) who would then participate in casual labor. World War II production and other important periods of economic growth such as California's agricultural industry also fueled day labor (Schmidt 1964). Today, day laborers are numerous and are found throughout cities and regions in the United States and elsewhere.

CONTEMPORARY DEVELOPMENT

Regional formations have historically characterized the racialization of day labor in the United States. In New York, informal hiring sites were primarily frequented by Irish immigrants (Wilentz 1984) or African-American women (Martinez 1973),

whereas in California, Mexicans were used in both agricultural and urban day labor markets (Camarillo 1979, Romo 1975, Valenzuela 1999). The current concentration of Latinos, and to a lesser extent other non-European groups in day labor in Los Angeles, New York, and other gateway and mid-sized cities, also draws on the literature on globalization, economic restructuring, informality, and immigration, all of which are interconnected processes that also help us understand the contemporary growth of day labor.

Globalization, Informality, and Immigration

Three linked and important macroprocesses help explain the contemporary growth of day labor: globalization (Sassen 1991, 1998; Stalker 2000), informality (Williams & Windebank 1998, Portes et al. 1989), and immigration (Portes & Rumbaut 1996, Portes & Bach 1985). Globalization and the restructuring of regional economies, and the growth of informality, coupled with massive immigration, have resulted in unique labor markets where demand for part-time, lowskill, and flexible work such as day labor proliferates (Sassen 1984, 1995). Global cities are important points of control and centers of finance for great multi- and transnational corporations and locales for millions of inhabitants and workers undertaking social, economic, and political exchange. Global cities connect to remote geographies and points of production, consumption, and finance, thereby fueling changing economic structures. Perhaps most importantly for this review, global cities reproduce low-skill workers because of their bifurcated economies and growing concentration of foreign-born workers who respond to the demand for their labor.

Economic restructuring profoundly affects who works, how one works, and how work pays. Economic restructuring also helps us understand the origins and growth of the day labor market-the informal economy and the growth of flexible or contingent work stemming, in part, from a decline of the manufacturing - dominated industrial complex of the postwar era and the rise of a new, service-dominated economic complex (Sassen 1998). Leading the way in restructuring, global cities have expanded their tourist and business (e.g., finance, banking, insurance) trades. In large part, this trade leads to the creation of a tiered economy that includes services in the hotel, entertainment, cleaning, and food industries. Similarly, a number of smaller cities such as San Jose and Boston have grown tremendously in their high technology industrial base, producing almost equally tangential effects on the service-based industries that keep high technology workers satisfied and low-skill workers, who provide household and other types of services, employed (Sassen 1991, 1994).

As a result of restructuring and other economic, social, and political fissures, informal employment has increased in visibility. To be sure, informality exists at the high and low end of the hourglass job strata and has grown considerably since the 1970s. Sassen (1998) argues that informalization is embedded in the structure of our current economic system, particularly manifested in large cities. Informalization emerges as a set of flexible maximizing strategies employed by

individuals, firms, consumers, and producers in a context of growing inequality in earnings and in profit-making capabilities.

Informal work referred to as the "underground" sector, "hidden" work or the "shadow" economy (see Williams & Windebank 1998) is paid work beyond the realm of formal employment. This work involves the paid production and sale of goods and services that are unregistered by or hidden from the state for tax, social security and/or labor law purposes, but which are legal in all other respects. Therefore, paid informal work includes all legitimate activities where payments received by individuals are not declared to the authorities. Informal employment also includes work in illegal activities such as prostitution, the manufacture and sale of illicit goods, and drug peddling. Day labor, because it is cash based, unregulated by the state, and mostly untaxed is considered informal. What is unclear, however, is to what degree day labor is explained by this theoretical framework given that this industry is highly visible, at best legally ambiguous (see legal section below), and primarily provides services or the production of licit goods.

Immigration during the past three decades, the largest wave in the history of the United States (Immigration and Naturalization Service 1999), has also contributed to the growth of day labor and other forms of temporary work. Several factors (i.e., labor demand, public policy, push-pull) explain increases in immigration to the United States, with labor demand being the most useful for understanding the contemporary growth of day labor (Portes & Bach 1985).

The new labor demand explains the continued inflow of new arrivals as the result of the rapid expansion of the supply of low-wage jobs and the casualization of the labor market associated with the new growth industries, particularly in major cities (Sassen 1984, 1998). In addition to employing low-wage workers, the expansion of the service sector also creates low-wage jobs indirectly through the demand of workers needed to service the lifestyles and consumption requirements of the growing high-income professional and managerial class who increasingly require the services of day laborers to refurbish their homes and domestic workers (see Hondagneu-Sotelo 2001) to care for the children, to cook, and to clean the homes of the affluent. However, day laborers and domestics are only part of this demand. Other low-wage workers are sought as building attendants, restaurant workers, valet car attendants, preparers of specialty and gourmet foods, street vendors, gypsy cab drivers, dog walkers, errand runners, and so on. The fact that many of these jobs are off the books and are open to anyone willing to work in these types of jobs contributes to the growth of informality and explains the natural draw of immigrants, particularly those without documents, those who are unable to speak English well, and those who have few skills.

As stated earlier, research shows that day laborers are overwhelmingly immigrant, mostly unauthorized, concentrated in metropolitan areas, and primarily Latino. As a result, three other important factors related to immigration and day labor are worth noting. First, unauthorized immigration to the United States is large and regionally concentrated, and immigrants are primarily from Mexico (Immigration and Naturalization Service 2003). According to the INS (2003), approximately

7 million undocumented immigrants were residing in the United States in January 2000, the last year for which an official estimate was undertaken by the United States government. By far, California received the largest share of unauthorized immigrants in 2000- over 30%. Texas and New York follow California with 15% and 7%, respectively. Second, immigrants in general reside in cities where day laborers primarily search for work (Immigration and Naturalization Service 1998, Fix & Passel 1994). Between 1984 and 1997,25%-50% of all immigrants intended to live in Los Angeles, New York, Chicago, Houston, or Miami (Immigration and Naturalization Service 1998). Finally, one of the most striking immigration trends has been the shift from predominantly European to Asian and Latin American country-of-origin stock resulting from the 1965 legislative changes to the National Origins Act. For example, in 1960,7 ofthe top 10 countries that send immigrants to the United States were European. This pattern reverses in 1990, with 7 of the top 10 sending countries coming from Asia and Latin America. In 2000, the leading countries of origin for immigrants continue to be from Asia and Latin America.

Although published research on day labor does not yet contextualize itself in the rich sociological literature on immigrant labor market incorporation, I am convinced that future sociological research on immigration would benefit enormously from this body of day labor literature. For example, the following questions could be answered and incorporated into sociological literature: Is day labor a transition from temporary to permanent employment? Does this industry provide work experience, respite from unemployment or layoffs, and/or occupational mobility for immigrants undergoing labor market, linear, or segmented processes of assimilation? Finally, a concerted effort should be made to examine theoretically the connection between day labor and the sociology of immigrant settlement, incorporation, and labor.

WORKING DAY LABOR

Getting Hired and Hiring Sites

Formal day labor hiring sites (temporary staffing agencies) have proliferated in urban cities, occurring more frequently in low-income neighborhoods because of the large supply of inexpensive, flexible, and easily available labor. For example, in Chicago's inner-city neighborhoods, the temp industry has flooded both the Latino and African-American communities, eager to take advantage of the pliable labor pool and often becoming the largest "local employer." They locate themselves near places where low-wage workers can be found, for example, homeless shelters and welfare offices (Theodore 2000, Peck & Theodore 2001, Parker 1994, Oehlson 1997). Despite the large amount of surplus labor available and the demand for temporary day laborers, many of the workers who participate through temp agencies do not secure work every day and when they do, only earn minimum wage. Typically, the industry is characterized by long days, low wages, and lousy jobs. Workers arrive at neighborhood temp agencies before dawn, usually at 4:00 a.m.

or 5:00 a.m., to begin the wait for a job assignment. Some hiring halls organize three shifts, doling out workers 24 h a day. Many workers often wait for several hours before being dispatched to business clients on an as-needed basis. As a result, employment is unstable and participants in this market rarely secure work on a regular basis. Waiting at a hiring site is mandatory if one wants to be placed. Workers are dispatched based on different criteria: the agency and its system of allocating work, the experience of the worker, and dispatcher discretion (which a worker can influence by accepting difficult, repeat work assignments, being reliable, and receiving favorable reviews from employers) (Peck & Theodore 2001; Roberts & Bartely 2002, unpublished data).

The process of seeking work at formal hiring sites is highly structured with clear rules regarding favored participants and the requisite characteristics required for this line of work. For example, some agencies favor workers with documents, whereas others pay scant attention to fraudulent documents or do not require them at all. Formal hiring sites that cater to day laborers are located in targeted neighborhoods for the explicit reason of recruiting workers from a particular class status, skill set, social background, and ethnic group, with Chicago favoring foreign-born Latinos (Peck & Theodore 2001), the South preferring rural and urban African Americans (Southern Regional Council 1988), and Tucson (Arizona) and Chicago choosing vulnerable homeless workers (Roberts & Bartely 2002, unpublished data; Theodore 2000). Although some skilled workers may have an advantage over others in securing skilled work, most participants undertake assembly work, hand packaging, materials moving, and other unskilled manual-labor assignments in the manufacturing and warehousing sectors. As a result of the large supply of day laborers seeking work through formal temp agencies, the relatively low skill requirements of the jobs doled out, and the difficulty in securing work on a daily basis, workers in this market are substitutable and thus compete vigorously for day labor.

Unlike formal temp agencies, informal day labor hiring sites operate under seemingly chaotic or unstructured processes. For example, some informal gathering places stretch over a mile, others occupy a single corner or section of a parking lot, new sites appear, old ones vanish, and some sites are highly vulnerable to police harassment, whereas others receive little to no attention from city officials. The cost of entry is almost nonexistent, no formal rules or regulations are visible, and workers and employers come and go as they please. Finally, the supply of workers is highly elastic, competition is rigorous and cutthroat, and workers are interchangeable, thereby fueling a divide and conquer atmosphere at informal curbside hiring sites.

An archetypical informal or curbside site would have between 30 and 40 men waiting expectantly for passersby in pickup trucks or vans. As a prospective employer arrives, groups of men crowd the vehicle and aggressively point to themselves and communicate their availability. Employers select the worker based on different criteria. If the employer is frequenting the hiring site for the first time, she/he will hire men based on ascribed characteristics such as size, ability to communicate in English, or some other marker of human capital or work experience

such as spotted white painter pants and work shirts in the case of an experienced painter (Valenzuela 2002, Worby 2002). Otherwise, employers returning to the same site look for men who have worked for them previously. Wages for the hour, for the day, or for the task are usually negotiated after the worker is selected. The negotiation usually takes place in the car en route to the job site or shortly after the selection of the worker while still on the curbside. Further negotiation can take place at the work site if the job is larger or more difficult than originally described at the hiring site. Many employers add to the frantic atmosphere by vociferously stating their hourly rate of pay-a strategy used to undercut the going rate by bargaining with several workers, with the "winner" offering the lowest bid. This frenzied approach is common at informal hiring sites.

Malpica (1996, p. 81) argues that beneath these chaotic surface appearances is an informal social organization that imposes considerable structure on day labor. To make his case, he applies the structureless labor market model (Fisher 1953, Phelps 1957) and argues that despite a relatively close fit of an unstructured market, day labor has structure in at least *two* important dimensions: Repeat employers who rehire the same workers reduce substitutability, thus imposing structure, and a male supply of workers, which similarly imposes organization along gendered lines. A number of day laborers are hired repeatedly by the same employer or have a few employers who more or less regularly hire their labor. However, the vast majority do not, and most workers are hired on a one-job basis, thereby weakening Malpica's lack of substitutability equals structure argument. Workers standing curbside, waiting for or frantically searching for work are highly substitutable when it comes to performing labor-intensive, dirty, or dangerous work that most non-day laborers would rather not perform. Malpica's second point, however, has merit and does provide evidence of structure at least along gender lines. Clearly, immigrant status and race also playa role in structuring informal day labor. Although day labor is open to anyone, women, with a few minor exceptions in New York (Kamber 2001, Valenzuela & Melendez 2003), are excluded. Even though African-American, white, and Asian men are not excluded based on their gender, their race and immigrant status seem to be factors preventing their participation in regional day labor markets such as Los Angeles (Valenzuela 2001), New York (Valenzuela & Melendez 2003) and other parts of the United States (Peck & Theodore 2001, Worby 2002, Foster 2000) where immigrant Latinos almost entirely occupy this market.

Informal hiring sites share similar characteristics with their formal counterparts. For example, many of the workers who participate do not secure work on a daily basis; the workday is typically long, with most day laborers gathering at 6 a.m. and departing in the afternoon if they have not secured work; and when they do secure work, it is often labor-intensive and dirty. Many workers often wait several hours before securing work for the day, and despite their dutiful gathering each morning, day laborers often experience bouts of unemployment that last several days, and periods of unemployment lasting several weeks are not uncommon (Valenzuela 2001, Peck & Theodore 2001, Kerr & Dole 2001).

SPATIAL **AND ORGANIZATIONAL CONFIGURATIONS**

Formal day labor hiring sites often occupy run-down storefronts, often with boarded windows in economically depressed inner cities. Their offices are small with a single large room, three fourths of which is filled with seats for the workers, with the other quarter divided from the workers, serving as an office for the dispatcher. These often shabby and unkempt hiring halls are numerous in communities where large supplies of marginal and readily available workers live and willingly take jobs secured by temp agencies (Peck & Theodore 2001). In Chicago, where neighborhood segregation is well documented (Massey & Denton 1993), formal day labor hiring sites follow the status quo. Peck & Theodore (2001) map the location oftemp agencies for the City of Chicago and argue that the locational strategies of temp agencies deliberately avoid the majority of African-American neighborhoods in favor of largely Latino areas. As a result, they practice de facto discrimination against non-Latinos and deploy crude screening and placement techniques to ensure that employers get the racial and nativity preferences that they seek (peck & Theodore 2001). As a result of locating in racialized neighborhoods, temp agencies reflect and add to processes of labor market inequities. These sites serve to reinforce Latino immigrant workers as the preferred hiring pool-who will search for work through any means; they harden the stereotype of the unemployable or unwilling African-American male, and they improve employment opportunities for Latinos in several neighborhoods, thereby exasperating spatial mismatches between the barrio/ghetto and suburbs.

Formal hiring sites are also varied and fall along large national corporate franchise halls, smaller privately owned for-profit local halls, and nonprofit organizations usually run by homeless- or immigrant-rights and advocacy organizations. Their size, goals, and locations suggest different organizational practices and treatments toward workers. For example, nonprofits have fewer, lower, or no cost-ofworking fees for services such as transportation to work sites, equipment use or rental, check cashing, or standing fees (usually charged to the employer and discounted as overhead for the agency). Because these organizations are run by advocate or aid organizations, a larger portion of the total fee charged to the employer is allocated to the worker, translating into higher wages per hour on average than for-profit staffing agencies.

National and regional for-profit temp agencies have a highly exploitative employment relationship with workers, regularly charging them a cashing fee for their daily check, requiring payment for transportation to the work site, holding a deposit and charging a fee for equipment use, and generally paying only minimum wage (Southern Regional Council 1988; Kerr & Dole 2001; Roberts & Bartley 2002, unpublished data; Tolchin 2001, unpublished data). In Tucson, the fee typically charged to clients of formal day labor hiring halls is marked up by 100% over the wage paid to the worker, who is typically paid at or near minimum wage (Roberts & Bartley 2002, unpublished data). Roberts & Bartley (2002, unpublished data) also found that earning outcomes in the form of real wages is partially driven by

the organizational form of day labor agencies, where working for nonprofit hiring sites has a large positive effect. Alternatively, seeking work at a corporate-affiliated agency seemed to decrease real wages, although this finding was not statistically significant.

In Chicago where the temp industry originated (Moore 1965), competition between hiring sites is fierce, reflected in tight profit margins and downward pressure on costs (Peck & Theodore 2001). Unlike Tucson's oligopolistic temp industry, mark-up rates of up to 100% are nonexistent. In Chicago, hundreds of temp agencies dot the urban and suburban landscape, thereby creating a perfect competitive industry, driving profit margins downward as agency after agency reacts to and competes with one another. As a result, wages are predictably low, with the overwhelming majority (82%) of homeless day laborers earning an hourly wage of $5.50 or less and those who work regularly earning less than $9,000 per year (Theodore 2000). Kerr & Dole (2001) and Roberts & Bartley (2002, unpublished data) reported similar wages, but factored in duty fees and taxes resulting in lowered real wages.

Day laborers temping in formal sites earn lower wages than their counterparts in open-air informal sites (see below). Unknown, however, is the frequency of work that day laborers contract through temp agencies; that is, how frequently are men and women being dispatched to work during a typical week? As Roberts & Bartley (2002, unpublished data) show, the organizational structure of temp agencies matters in mediating real wages. However, little is known about wage differentials across regions or cities and between spatial or neighborhood distributions of temp agencies within a city.

Curbside or informal day labor hiring sites fall under three categories: connected, unconnected, and regulated (Valenzuela 1999, Valenzuela & Melendez 2003). Connected sites represent informal hiring sites connected to some specific industry such as painting (e.g., Dunn Edwards, Standard Brands), landscaping or gardening (nurseries), moving (U-Haul or Ryder Rentals), and home improvement (Home Depot or lumber yard/hardware businesses). These sites have scores of men soliciting day labor in designated locales of a parking lot, sometimes, but not always, a matter of contention between store management and the workers. Some merchants are tolerant and allow the workers a hassle-free job search, whereas others are hostile, hiring security guards or calling the police to badger the workers into leaving. A similar strategy is to corral the workers off their property to the curbside or public sidewalk fronting their place of business (Esbenshade 1999,2000; Toma & Esbenshade 2001). Ostensibly, the workers soliciting employment at connected sites do so for two primary reasons. First, they want to market themselves for a specific skill or trade such as painting, landscaping, or moving. Those soliciting work at Home Depot or other similar home improvement stores market themselves as handyman or generalist workers in construction. Second, the ease of picking up work materials and labor is convenient for employers, thus increasing the probability for getting hired throughout the day when the store is open. **In** Los Angeles, connected sites are the most numerous and frequented site

types (Valenzuela 2001), whereas in New York, unconnected sites dominate the landscape (Valenzuela & Melendez 2003). Together, connected and unconnected hiring sites make up the bulk of informal open-air day labor markets. Workers at unconnected sites also face complaints from local merchants, residents, and law enforcement, and their spatial and organizational configuration is similar to sites connected to an industry.

Unconnected sites seemingly do not have any link to a specific industry but may very well exist for other reasons such as foot or vehicular traffic, police cooperation, historical reasons (i.e., a site has existed for many years), or prime location in a specific community or intersection. Some sites are located in mixed retail and industrial locations, such as one northern California site located next to a lumber company that served as the convening point for the original day laborers, but has since developed into a boutique and specialty store district catering to highend shoppers (Worby 2002). If connected and unconnected sites are the bread and butter of informal day labor hiring halls, then regulated or city-sanctioned sites are the new kids on the block-quite literally.

Primarily in response to merchant and neighborhood complaints of scruffy, unkempt men standing in medium and large groups, municipalities, church groups, and community-based organizations entered the informal day labor business by creating official or regulated open-air hiring halls (Esbenshade 1999,2000; Toma & Esbenshade 2001; Valenzuela 2000). These sites most closely resemble the formal temp agencies that dole out day labor to clients but still retain much of the flavor that informal connected and unconnected sites, described above, have. For example, their location is often centrally positioned or is near areas where vehicular traffic is heavy and the workers are visible; wages are negotiated at the hiring spot or en route to the work site; and at some sites, prospective employers drive through the hiring hall to pick up the workers as they might do for fast food. However, regulated hiring sites vary widely in regard to their organizational structure. They range from sites that offer only partial shelter to elaborate worker centers or hiring halls that have a broader mission such as training and educating day laborers in a host of skills (e.g., English, citizenship, health) and labor market issues (e.g., rights, claims, occupational safety).

The spatial configuration of informal day labor hiring sites follows three discernable patterns corresponding to the site types outlined above. Sites are created or located in home-improvement and related stores (connected), in busy intersections where informal sites have existed historically (unconnected), or council districts or central areas of large and small municipalities (regulated). Unknown are the wages or employment benefits accrued to day laborers for seeking work at one or the other of these site types. What is known about the wage structure for day laborers is based on several regional studies (Valenzuela 1999, Valenzuela & Melendez 2003) and case studies of one to several informal hiring sites throughout the United States (Worby 2002, Cardona & Vilchez 1997, Malpica 1996, BraxtonBrown 1998, Hacegaba 2001, Leonardo & O'Shea 1997). Wages and earnings of day laborers searching for work at informal hiring sites are mixed and range from minimum wage to well over $10.00 per hour.

For example, in Los Angeles (Valenzuela 2002), the mean hourly reservation wage for day laborers was $6.91. As a result, on average, laborers in Los Angeles refused to work for less than $6.91 per hour, approximately $2.00 more than the 1999 federal minimum wage. The reservation wage fell to $6.21 per hour during periods of increased unemployment (wintertime, the rainy season) or when men repeatedly had bad luck securing jobs. Because this figure is an average, many workers had reservation wages lower and higher than this figure. The average wage a day laborer received for a one-day job (nonhourly) was $60, although it was not unheard of for workers to earn upward of $80-100, depending on the job being contracted. In Long Island (Leonardo & O'Shea 1997), daily earnings were on average $66, with a range of $125 at the top end and $50 at the bottom.

Regardless of rate, the pay earned each week is highly variable, and the weekly job schedule is constantly in flux owing to swings in demand, weather, and supply of workers. Adding to this variability are uneven rates of pay from different employers and the inability of day laborers to secure employment consistently. Far from stable, informal day labor work is difficult to obtain on a consistent basis. The relatively good pay is usually offset by bouts of frequent unemployment and is highly dependent on negotiating a fair, but nevertheless below market wage. The mean number of days workers contract employment through informal hiring sites ranges from 2.3 days in Los Angeles (Valenzuela 2001) to 2 to 3 days in New York and northern California (Leonardo & O'Shea 1997, Worby 2002).

Unlike formal hiring sites, day laborers at informal sites have at least three added advantages regarding their earnings. First, day laborers are usually paid daily and in cash. There are, of course, exceptions to this. Employers also usually provide lunch. The expectation is that a day laborer is paid at the end of the workday. Collecting pay at the end of the workday is especially beneficial to poor people who often have no financial reserves. Second, day labor is effectively tax-free because it is paid in cash or under-the-table; thus, a dollar in day labor wages is worth more than a dollar in formal, taxed wages. Third, most day laborers negotiate their wages. The ability to walk away from a job should not be underestimated, especially if the job pays poorly, is dangerous, or is particularly filthy or difficult. Knowledge of the market value of skilled and unskilled jobs provides day laborers with a keen advantage over their employers and non-day laborers. It allows day laborers to undercut the formal market rate at a significant discount, yet permits them to earn a rate significantly higher than similar work in Mexico or Central America. Being able to negotiate a day's labor well is key to successfully exploiting this market, a fact not lost on Latino immigrants who come from countries where bargaining is commonplace (Valenzuela 2001).

LEGAL ISSUES AND PUBLIC POLICY

Legal issues and public policy surrounding day labor focus on three important areas: *(a)* regulations (ordinances) that prohibit or restrict solicitation in public areas, *(b)* immigration and employment protections for day laborers, and *(c)* the creation of informal (regulated) and formal hiring sites. Published work on these topics is

sparse, but a focus on these three issues is emerging based on available material. Missing is an integrated and comprehensive overview of legal issues surrounding day labor. For example, unclear are the legal, tax, and other ramifications of hiring a day laborer. Less vague, but still murky, are the tax and legal responsibilities of the workers as well as their legal rights when workplace and employer abuses like nonpayment of wages or an injury occur. Compounding the confusion is that many of the workers are in the United States without legal documents, which may limit their rights and similarly adds another dimension of legal responsibility for the employers who hire them. Public policy surrounding day labor is similarly disjointed. However, the creation of informal sites, regulated by local ordinances, controlled and run by community-based organizations or the workers themselves, as well as legislation being introduced in Congress to protect day laborers across the United States signifies a clear path toward prescription (US General Accounting Office 2002). Analyzing the processes to create formal hiring sites and the advocacy to develop and get a federal bill passed to protect day laborers would document an important juncture in day labor, the move to formalizing or regulating this industry. Furthermore, documentation and analysis of these policy processes would allow for replication elsewhere. Currently, these policy interventions dominate practice and thus scholarship in the move to formalize or regulate day labor.

The Prohibition of Day Labor

Various counties and cities have enacted laws that prohibit or restrict workers from looking for day laborer. Esbenshade (2000) and the National Employment Law Project (2002) surveyed antisolicitation ordinances across the United States but failed to provide a comprehensive summary or pattern of the ordinances or how policy makers might implement or develop similar restrictions. Esbenshade argues that at least six important factors should be considered when analyzing an ordinance. First, is the ordinance aimed specifically at day laborers or to anyone speaking to a potential employer? Second, is an alternative space designated if a ban is initiated and enforced? Third, does the ordinance regulate private and/or public space? Fourth, what are the penalty provisions? Fifth, is the ordinance aimed at employers, workers, or both? Finally, does the ordinance ban all solicitation from a particular location or just vehicular solicitation? Ordinances reflect an attempt by city or county officials to address issues of public safety as well as community concerns over the presence of laborers. It is unclear, however, what impacts they are making, in part because some types of bans have been found unconstitutional, others are too difficult to enforce, and still others are vague in their wording. In addition, these bans do not consider local economic fluctuations that can greatly increase demand for day labor or alternatively make the market disappear.

Ordinances represent a struggle between community residents desiring public safety or a certain neighborhood image and the free-speech rights of day laborers to solicit work and economically provide for their families (Kornzweig 2000, Calderon et al. 2002). Advocates for day laborers argue that workers are exercising

rights guaranteed by the Constitution when speaking to individuals about finding employment. They argue that the solicitation of employment is an expressive aspect of speech. Local governments enacting these ordinances, however, argue that they are restricting speech in a legally permissible way because the ordinances apply evenly to all people, not just those looking for work, and the ordinance allows for other avenues where laborers are able to solicit employment, such as regulated sites, parking lots, parks, or other locations or venues such as formal temp agencies.

Immigrant and Workplace Protections

Legal issues related to day labor primarily focus on the hiring of unauthorized immigrants. Federal law makes it unlawful to hire, fire, or recruit for a fee any alien who is unauthorized to work in the United States. Law requires that employers verify documents entitling aliens to work. The exception to this rule is if the alien is considered an independent contractor or a temporary domestic worker. For day laborers, this issue is relevant because private individuals hire many laborers for short periods of temporary employment, and the documentation requirements for employers are ambiguous (Schoonover & Hyland 1999). As a result, employers do not have to look for work authorization if the laborer is considered an independent contractor or temporary domestic worker.

Legal issues surrounding workplace protections of day laborers exist to guard workers from exploitation in the workplace. There are various state and federal laws that protect workers involved in union activities, protections from discriminatory findings, and protections from wage and overtime violations. Laws pertinent to day laborers include protecting laborers who are not paid owed wages and those that provide compensations for individuals unable to work because of injury or disability. Most of the laws make distinctions regarding undocumented workers and independent contractors, categories day laborers will likely fall into. The distinction between employees and independent contractors is rooted in legal traditions that limit employers' liability for the misconduct of a person rendering service to him or her. Thus, classifying day laborers as independent contractors, rather than employees, makes employers exempt from having to provide protections for their workers (Glader 1991). Existing laws fail to protect nonstandard workers including day laborers (Emsellem & Ruckelshaus 2000). Related is the regulation of the private market of temp agencies that dole out day laborers (National Employment Law Project 2001) or to create community or nonprofit temp agencies that hire out day laborers (Kerr & Dole 2001). Finally, immigrant advocates, labor rights groups, and others are promoting policies that regulate employment conditions of day labor (US General Accounting Office 2002).

The Creation of Official or Community-Based Hiring Sites

One of the more popular and well-established intervention strategies regarding informal day labor is the creation of official or regulated hiring sites that are

integrated into the local economy. Related to the creation of formal open-air hiring sites are worker-developed sites that advocate popular or empowerment education, democratic participation, and worker control (Foster 2000, Calderon et al. 2002). The creation of a geographic space where workers and employers can come together to trade labor for wages usually starts with trying to make peace between contending factions (employers, workers, merchants, residents, law enforcement, and city officials) and the formation of coalitions of community members. The objective is to work together toward solutions that bring consensus to as many actors as possible for that particular community (Valenzuela 2000, Toma & Esbenshade 2001, Calderon et al. 2002, Love & McDonald 1997).

Official or regulated hiring sites are either financially sponsored by a city or municipality, a community-based organization, or a private entity such as a home improvement store. Regulated hiring sites offer prospective employers a variety of day laborers from which to choose. On average, more men convene at this site type than connected or unconnected hiring sites, probably because workers are provided with shelter, bathrooms, modest sources of food (e.g., coffee, pastries, fruit), tool exchanges and borrowing, and assistance with wage disputes. Employers can arrive at any time between 6:30 A.M. and 2 P.M., 6 or 7 days per week. Most of these sites have minimum wage standards and all wages are negotiable between worker and employer (Valenzuela 2000, Toma & Esbenshade 2001).

Opening an official hiring site requires creative strategizing such as coalition building among local police, city council members, church officials, and immigrant rights organizers. Local police are instrumental in convincing both employers and day laborers that their exchange needs to be undertaken at the official hiring site. Council members are similarly important in targeting city resources needed to provide a public or private space for a hiring site. In addition, council members and other city officials have the clout and connections to leverage city resources, bypass zoning ordinances, confront city bureaucracies, urge merchant donations, and instigate local and popular support for a hiring center. Immigrant rights organizations can work closely with the day laborers to ensure support or to prod those who might doubt the value of a hiring site. They also serve to make known the concerns and needs of day laborers to city officials, residents, merchants, and others (Calderon et al. 2002, Cardona & Vilchez 1997, Valenzuela 2000, Toma & Esbenshade 2001).

Unknown is the real benefit of regulated informal hiring sites to the workers in terms of wages and employment. The benefits are clearly evident to proponents who advocated the creation of official curbside hiring sites-merchants, residents, elected and other city officials meet their objective of making invisible or at least corralling and controlling the number of day laborers spread over several city blocks or locales into one geographically contained center. The benefits to immigrant rights advocates of creating regulated sites are also clear: They enter the business of day labor usually managing these sites through grants; they curtail community concerns, including mean-spirited and sometimes virulent actions; and they empower workers through labor organizing. On the other hand, even though

participants have a "safe" place to search for day labor, they lose their competitive advantage of aggressively pursuing potential employers by participating in a hiring queue; when the market is formalized or regulated through wage minimums, hiring queues, and intermediaries (e.g., staff at these sites), it becomes less attractive to employers, thereby decreasing their participation and thus demand. Analysis of the real and perceived economic, social, and labor market benefits of regulated hiring sites, particularly as they affect workers' employment prospects and their wages, is crucial to understanding perhaps the most important and viable policy solution short of ignoring day labor or banning it.

FUTURE DIRECTIONS FOR RESEARCH ON DAY LABOR

The contemporary growth of day labor is ubiquitous in our largest and mid-sized cities. The industry beckons employers for work, reconfigures disadvantaged labor markets through their location in inner-city agencies and informal hiring sites, and through insufficient wages and irregular employment, while undertaking hazardous, dirty, and difficult jobs thereby extolling a mental and physical cost to the participants. Despite the occupation's long ancestry in the United States and elsewhere, the study of day labor is only now emerging as an important empirical and theoretical subject to explore. As a result, the literature unfortunately offers an incomplete and at times disjointed analysis of this industry.

Admittedly, a large part of the literature on day labor is still exploratory, with much of the research focused on documenting the day-to-day activities of this industry and obtaining a picture of how the market is organized with the exception of formal day labor, which has a longer tradition of scholarship as a result of its connection to the temporary for-profit staffing industry. Invaluable to establishing a scholarly tradition on day labor, research on this industry needs to move beyond pure documentation to larger analytic explorations involving national, city, and other comparisons. In addition, more thoughtful, rigorous, and variational methods, including definitional clarity and operationalization, would significantly develop the field allowing for more empirical documentation, theoretical development, and historical exploration. Finally, in-depth exploration and analysis of worker and employer relations and market processes will aid in formulating legal and policy prescriptions that may aid in upgrading the industry and protecting the workers.

To date, no single text on day labor in the United States has been written; however, several important journal articles, international texts, theses, government and think-tank reports, popular articles, and countless anecdotal and press clippings have been published providing important insights on this burgeoning market. My review covers all of the important sociological issues addressed in this extant literature, including multidisciplinary forays into geography, planning, anthropology, and law. Nevertheless, four research questions on day labor warrant further exploration.

What Can We Learn About Day Labor from Comparative Research?

Regions and cities are different, and therefore, day labor in New York is likely to undergo different labor relations compared with Los Angeles, Houston, or elsewhere in the United States. Similarly, international comparisons can provide important insights about this industry. Different economic restructuring processes, receptions toward immigrants and the workers, local market and neighborhood structures, and a host of other macro and micro factors all likely contribute to unique day labor processes from one region to the next. Therefore, documenting, exploring, and analyzing these for each city in comparison with one another will contribute significantly to our understanding of day labor. Similarly, international comparisons provide analytically rich information from which to draw conclusions, contrasts, and insights on an industry steeped in history, fraught with exploitation, and embedded in local economic markets. In San'ya, day labor is seemingly coming to an end as the graying of day laborers continues with a mean age of 52 and a replenishment pool nowhere in site (Marr et al. 2000, Valenzuela et al. 2002), whereas in Los Angeles, the mean age of day laborers is 34 with an influx of workers seemingly entering this industry daily (Valenzuela 1999). Does Japan's day labor industry portend the future for Los Angeles and other cities with substantial day laborers?

Region-specific studies on day labor have been undertaken in New York, Chicago, Los Angeles, Tucson, and Cleveland. With the exception of New York (Valenzuela & Melendez 2003) and Los Angeles (Valenzuela 1999), no formal integration of these studies has occurred. As a result, we have individual (city specific) case studies that, although extremely innovative and useful, fail to adequately give us a picture of formal and informal day labor nationally. A national study on day labor would go a long way to anchoring research on this subject, to estimating a total count, and to accurately comparing regional and city differences.

Given the Industry's Fluidity, Unauthorized Workforce, and Definitional Inconsistency, How Should We Best Research Day Labor?

Research on day labor is methodologically innovative and multimethod in part to account for the fluidity of the market, the difficulty of getting day laborers (most of whom are unauthorized immigrants) to participate, and the cloud of suspicion that revolves around this seemingly informal market, which adds a further layer of difficulty to explore. Ethnographic accounts of this market have been instrumental to documenting and teasing out the nuances and particulars of the day-to-day activities 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. Further research and methodological development should be directed at the selectivity bias of interviewing men at hiring sites to the neglect of those that are hired. The bias likely falls on those

day laborers not getting work, less experienced solicitors, or those who do not aggressively pursue prospective employers.

Even though most of the studies on day laborers cited in this review employed random selection procedures to obtain participants, not being able to identify the universe population, the difficulty in controlling for daily and seasonal fluctuations of men searching for work through this industry, and the fluidity of hiring sites allow for only limited generalizations. Sampling frameworks and methods that are more rigorous and that account for fluid or impossible to identify universe populations need to be implemented for research on this industry. Definitional clarity and operational measurements are also critically important and lead to methodological consistency and rigor.

What are the Historical Origins and Theoretical Frameworks that Anchor Day Labor Research?

Day labor is grounded in globalization, informality, immigration, and nonstandard, contingent employment. Although all are interconnected, and each speaks to day labor and its contemporary origins, its participants, and employers, the demand for this industry, and labor relations, only contingent employment as a labor market framework addresses adequately the historical and economic embeddedness of day labor and some of the unique labor relations between day laborer and employer. However, at present contingent employment theory fails to specifically engage in day labor. Instead it focuses primarily on independent contractors (Kalleberg 2000) rather than other types of contingent workers (Beard & Edwards 1995) such as on-call workers, domestics, and day laborers. Theory conceptualizing day labor in labor studies, be it contingent labor or another framework, needs to be written.

In addition, a complete historical overview of day labor in the United States is painfully missing. At best, we have historical references to day labor from other texts focused on labor, ethnic studies, homeless, transients, and the working poor. We know day labor is an important industry in the history of labor relations in the United States; it has certainly been chronicled in the historical and contemporary development of other industrialized nations such as Japan. A historical treatise on day labor would make a large contribution to this topic.

What Are the Supply and Demand Side Characteristics That Explain Employer and Day Laborer Relations, the Organization of Day Labor Work, and the Industry Itself!

Numerous labor market topics on day labor are there for the taking. For example, unknown are the explicit details and processes of the wage structure (i.e., per hour, per day, per contract), the frequency of employment, and related, the transition, if any, from temporary to permanent employment. Are there regional differences to frequency of hire and wages, and does it matter in terms of the same outcomes

where, in a local context (i.e., Los Angeles), you stand (e.g., connected, unconnected, regulated, temp agency) while searching for day labor? How important or negligible is human capital in a market that seemingly has perfect substitution and workers are virtually indistinguishable from one another? How important is experience, years of residence in the United States, and command of English in securing day labor-particularly when employers really have no way of confirming these types of attributes? These and countless other labor market research topics on the supply side of the day labor market await analysis.

The demand side of day labor is even less known. No single research article, report, thesis, or popular press pays more than anecdotal, at best scant, attention to employers who hire day laborers. Who hires day laborers? Most anecdotal and some survey evidence (Valenzuela 1999) suggests that contractors, subcontractors, employees of large firms and smaller mom and pop outfits, as well as individuals needing help on their home-do it yourself types-hire day laborers. Besides the obvious below-market hiring rates and ease of availability, what motivates employers to seek day labor? In addition to the cost-savings factor, what labor relations benefits are realized from hiring day laborers? These and other topics related to the demand for day labor have yet to be explored and written. Finally, broader topical issues regarding day labor, immigration, occupational hazards and workplace abuses, and public policy should be explored empirically and theoretically.

The growth of day labor, its visible presence, its coverage in national and local newspapers, and its burgeoning attention in social science journals and texts, topics of graduate student inquiry, and studies of community-based and political, legal, and advocacy organizations highlight the industry's topical development. The day labor industry is a potentially useful topic for research that captures marginal workers, global and migratory processes, contingent employment and other labor market relations, and merges multidisciplinary research between these structures and the individuals who perform day labor. Future work on this important topic rests on social scientists' ability to innovatively capture the macro and micro factors that structure the world of work and the everyday lives that lead men (and some women) to seek work daily on street curbs or temp agencies in the face of poor wages, inconsistent employment, and difficult and hazardous work.

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