

Disaster Economics

Cutting corners on day laborer health and safety after Superstorm Sandy

A study on workplace hazards and disaster response on Long Island



A COLLABORATIVE PROJECT

LONG ISLAND JOBS WITH JUSTICE

NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH

NATIONAL DAY LABORER ORGANIZING NETWORK

EXECUTIVE SUMMARY

When a disaster strikes an entire region, it can have long-lasting effects. Superstorm Sandy struck Long Island on October 29th, 2012, damaging and destroying nearly 100,000 businesses and homes across Nassau and Suffolk County. More than two years after Sandy, many have recovered, but some are still waiting.¹

Throughout the course of post-Sandy recovery, media outlets reported extensively on the damage and impact inflicted on our region. We heard the stories of businesses and families fraught with destruction. We heard about the forms of aid and assistance available to the displaced and injured. We heard about the heroism of neighbors and about the communities and organizations that mobilized rescue and cleanup efforts. We even briefly heard about the role day laborers played in relief and recovery work. It is now two years after Superstorm Sandy and we continue to be reminded of the lives still in disarray and without aid. Sadly, the experiences of day laborers have dropped out of these reflections, despite the long lasting emotional, physical and financial effects of the recovery work they performed.

Day laborers live in the shadows of society and their labor is often exploited and unrecognized. Superstorm Sandy presented an employment paradox for day laborers; while the destruction created opportunities for work, it also revealed the rampant workplace violations and unsafe conditions day laborers faced. High injury rates and exposure to hazardous materials is commonplace among day laborers and results from the physically demanding and dangerous jobs they perform, informal work agreements made with employers, pervasive contractor disregard for safety regulations, and the high demand for job completion. Immigration status can keep workers from speaking out about the level of health and safety on the job.

Key findings of this report show that the biggest challenge faced by day laborers on Long Island, who acted as workers and volunteers in recovery and rebuilding efforts post-Sandy, was exposure to hazardous materials. These unsafe working conditions were worsened by inadequate or no training and personal protective equipment provisions. Maintaining safe and healthy workplaces was not a priority after Sandy.

This report reflects on the critical role played by Long Island's day labor work force. It discusses the challenges day laborers faced during the aftermath of Sandy and presents a comprehensive list of recommendations that can be implemented by communities, organizations and governments alike to advance low-wage worker protections and develop disaster preparedness planning that includes the voices and needs of Long Island's most vulnerable workforce.

¹ Many Long Islanders still need support from the Federal Government and local authorities; a vast percentage of families are waiting for assistance to be able to fix their properties, whether it be from NY Rising, FEMA, or their insurance companies. About 30% of the properties that were affected by Sandy still need some type of work to reach compliance with new building codes and laws; 15% to 20% of home owners didn't do any type of reconstruction because the lack of resources.

METHODOLOGY

The information presented in this report comes from a series of conversations and focus groups held with workers at day labor worker centers on Long Island. The worker centers include the Workplace Project and Freeport Trailer. We interviewed 20 day laborers who all participated in post-Sandy recovery and rebuilding efforts. Most of the workers were from Central America, El Salvador and Nicaragua. Discussions with workers focused on: length and type of work performed; provision of trainings about equipment use and health and safety; provision of personal protective equipment; wage theft and hours worked; and incurred injuries and long-term health impacts.

DAY LABORERS AND WORKER CENTERS

A day laborer is a low-wage worker whose employment is established on a temporary basis. While day laborers lack full-time employment status, they search for work on a full-time basis; day laborers can be without work for days or weeks at a time. Work is often sought and acquired at informal hiring sites like in front of home improvement stores, at gas stations, or on busy intersections. Construction, demolition, landscaping, painting and roofing are just some of the jobs performed by day laborers. Homeowners and construction contractors are the primary employers of day laborers, as was the case during post-Sandy recovery.

The day labor market is rife with unsafe work conditions, wage theft, and discrimination. Workplace injuries are very common among day laborers. A 2006 study from the UCLA Center for the Study of Urban Poverty reported that one in five day laborers have suffered a workplace injury and more than half of those injured did not receive medical care.² The majority of day laborers are Latino and recent immigrants, with various immigration statuses, who are often unaware of their rights as workers and the resources they can access to protect their wages and health.

Day laborer worker centers have played an important role in the lives of day laborers. In addition to acting as formal hiring sights where workers can safely congregate and arrange work with employers, they also provide critical supports that combat the pervasive racial and economic injustices that day laborers face on a regular basis, like the establishment of minimum wages and monitoring employment standards.

Currently, immigrants are estimated to make up 16% of the Long Island population. While it is difficult to put a number on how many day laborers live on Long Island, a Fiscal Policy Institute Study showed that day laborers make up less than one percent of all immigrant workers in the downstate suburbs.³ Additionally, the East Coast has the second highest distribution of day laborers, following the West Coast.⁴

² Valenzuela, Abel, Jr., Nik Theodore, Edwin Meléndez, and Ana Luz Gonzalez. *On the Corner: Day Labor in the United States*. Rep. 2006.

³ *The Changing Profile of Long Island's Economy*. Rep. The Fiscal Policy Institute, Nov. 2010. Web. <http://www.fiscalpolicy.org/FPI_ChangingProfileOfLongIslandEconomy.pdf>.

⁴ Valenzuela, Abel, Jr., Nik Theodore, Edwin Meléndez, and Ana Luz Gonzalez. *On the Corner: Day Labor in the United States*. Rep. 2006.

With the increasing immigrant population on Long Island, the number of organizations representing immigrants, and day laborers in particular, has grown. For this study, we interviewed workers who were involved in Sandy recovery work and who were affiliated with the Workplace Project in Hempstead and the Freeport Trailer in Freeport; both worker centers are located in Nassau County.

The Workplace Project/*Centro de Derechos Laborales*

The Workplace Project/*Centro de Derechos Laborales* – founded in 1992 – is a membership-based organization located in Hempstead (Nassau County) that strives to unite immigrant workers and their families for better working and living conditions. Their mission is to end the exploitation of Latino immigrant workers on Long Island and to achieve socioeconomic justice by promoting the full political, economic and cultural participation of these workers in the communities in which they live.

After Superstorm Sandy, the Workplace Project collaborated with the National Day Laborer Organizing Network (NDLON), the New York Committee for Occupational Safety and Health (NYCOSH), and other organizations in the New York and New Jersey region to provide training and personal protective equipment to Long Island’s day laborers. Over the past two years, the organization has trained workers on the street corner and in classroom-style settings, on topics including working safely in flooded areas; mold, silica and respirators; and electricity and power tools. In 2014, they also began to offer Spanish language OSHA 10-hour trainings and certifications in Construction. These 10-hour trainings provide an in-depth look at hazards such as fall protection, scaffolds, and trenches, as well as how workers can identify and address these hazards in order to prevent accidents.

The Freeport Trailer/CoLoKi, Inc.

The Freeport Trailer, located in Freeport (Nassau County), provides an accessible, safe place for low-wage workers and immigrants. They provide basic needs and vital services in order to ease workers’ daily struggles and make lasting improvements in their lives. They empower individuals while striving to foster positive integration into the community. The Freeport Trailer was originally established in 2002 by a group of passionate individuals and Catholic Charities. It was opened as a hiring site that would provide a safer place for day laborers to connect with contractors. Since February of 2010, the Trailer has transformed to be more than just a hiring site for the community's day laborers. Hot meals are offered every morning, and educational programs, like navigating wage theft and English language learning, have been established. Additionally, the Trailer has a *Work Boot Program* where workers are provided with steel toe work boots to help them acquire work without sacrificing their personal safety.

PHASES OF A DISASTER AND DAY LABORER INVOLVEMENT

Every disaster is a unique event and the aftermath can have various stages of work depending on the impacted community’s access to resources. Nearly every disaster response plan has stages consisting of rescue, recovery and rebuilding. Rescue, the immediate response on the days after the disaster, is traditionally carried out by firefighters, EMTs, police officers and humanitarian agencies and organizations; however, non-traditional responders (i.e. residents, neighboring communities, workers) are often involved too. Generally, day laborers are not hired for this kind of work, but having lived in areas affected by the flooding, such as Freeport, Long Beach, and other South Shore communities,

workers become first responders, helping family members and neighbors survive the storm and its immediate aftermath.

After individuals are no longer worried about survival, the rescue phase transitions into the recovery phase. Recovery work often consists of damage assessment, cleanup and resource distribution. Day laborers were hired extensively in this phase of the work. Phone systems were not restored for days to weeks after the storm, 90% of Long Islanders were without electricity⁵, and people were left on their own to figure out how to remove the soaked and contaminated possessions in their homes. Contractors drove around to neighborhoods and hired day laborers early in the morning to go out and begin to cleanup debris, remove floodwaters and throw garbage out onto curbs. During this time, day labor was in high demand. In some places, such as Hempstead, there were no workers left out on the corner because they had all been hired.

During the recovery phase, there was also an outpouring of volunteer work from community organizations and individuals. Volunteers often had little or no experience with construction work, much less training regarding the hazards present. Despite this, they were able to provide critical support to homeowners and residents who needed immediate assistance.

The longest phase of disaster response is the rebuilding phase, which continues on Long Island to this day. It is during this phase that individuals, families and communities are able to return to some sense of normalcy. Homeowners now have to face the difficult process of accessing FEMA assistance, figuring out what they can do themselves, finding out what their insurance covers, and determining how much they can pay out of pocket. These financial decisions ultimately impact how homeowners decide to rebuild and what companies are hired to do the job.

In general, the construction industry has many small contractors and some large companies. Construction and remodeling work tends to be project based and temporary and a natural disaster can amplify the exploitative aspects of the industry. Contractors are under pressure to complete jobs quickly and at a low price by homeowners who are under extraordinary financial stress and desperate to restore their homes. As a result, workers get squeezed and contractors cut corners on safety training, equipment and protection in order to save time and move on to their next job.

Immigrant workers make up 22% of the US construction work force⁶ and an estimated 14% of construction workers are undocumented.⁷ The nature of construction work, especially during disaster recovery, leaves immigrant workers vulnerable to dangerous and exploitative employment practices.

Day laborers performed extensive work in post-Sandy recovery on Long Island. According to Cordero-Guzman's study on day labor in the aftermath of Hurricane Sandy, most day laborers were employed in cleanup, demolition, yard work/landscaping/tree removal and basement remodeling. Cleanup involved a broad range of tasks such as removing water, damaged furniture, trash and debris, taking down walls

⁵ Sledge, Matt. *Hurricane Sandy Leaves 1.3 Million Still Without Power As Nor'easter Approaches*. Huffington Post, 5 Nov. 2012. Web. <http://www.huffingtonpost.com/2012/11/05/hurricane-sandy-power-outages_n_2077407.html>.

⁶ *Immigrant Workers in the Construction Labor Force*. Rep. NAHB Economics, 1 Apr. 2013. Web.

⁷ Passel, Jeffrey. *Size and Characteristics of the Unauthorized Migrant Population in the U.S.* Rep. Pew Research Center, 7 Mar. 2006. Web. <<http://www.pewhispanic.org/2006/03/07/size-and-characteristics-of-the-unauthorized-migrant-population-in-the-us/>>.

and ceilings, and demolishing floors that were wet or moldy⁸. Tree removal and landscaping was critical for Long Island's recovery, which lost thousands of trees during the storm, many of which fell onto and around houses in the region; over 500,000 cubic yards of tree debris was cleared across Nassau and Suffolk County.⁹

WORKING CONDITIONS: HEALTH AND SAFETY

Hours and Wages

Day laborers, like all workers, have the basic right to a minimum wage (or the promised wage, if this is higher) and overtime pay after 40 hours. The current New York State minimum wage is \$8.75 per hour; at the time of Sandy, it was \$7.25. In addition, all workers in New York have the right to a ½ hour meal break during the day.

While day laborers often find jobs at wages above the minimum, the risk of wage theft can be extraordinarily high. The National Day Labor Survey reported that about 50% of day laborers had not been paid by one of their employers within the previous 2 months.¹⁰

The workers at the Workplace Project reported receiving salaries ranging from \$80 to \$180 a day. Workers found that they earned more in the immediate work after Superstorm Sandy than what they earned on average before and after the hurricane. Workers reported that they were involved in various types of work including cleanup, demolition, roofing, tree work, and rebuilding. The workdays were long, ranging from 8 to 15 hours. Employers sometimes provided a ½ hour break for lunch, other times they did not. While the workers we spoke with did not report any instances of wage theft, they knew of other workers who had been cheated out of their wages.

The workers at the Freeport Trailer expressed that they were hired to work a few days after Superstorm Sandy. Some had a permanent job (with the same contractor) for more of three months, while others were hired for a few days or weeks. The salaries ranged from \$85 to \$135 a day for 10 to 14 hours of work; the workers interviewed stated that they were paid for the work performed, but they were not paid overtime and some were paid below minimum wage.

Workplace Safety

The day laborer workforce is prone to workplace abuses and many of these abuses are underreported and undercounted. The Occupational Health and Safety Administration (OSHA) requires that every worker that works in the United States has a right to a safe and healthy workplace, regardless of immigration status, and employers have an obligation to meet this requirement. Workplace health and safety trainings can help workers identify common workplace hazards and understand safety procedures. Effective

⁸ Cordero-Guzman, Hector, Elizabeth Panteleon, and Martha Chavez. *Day Labor, Worker Centers & Disaster Relief Work in the Aftermath of Hurricane Sandy*. Rep. NDLO, 30 Oct. 2013. Print.

⁹ Bleyer, Bill. *Hurricane Sandy Long Island: Report Says Storm Ruined 95,534 Buildings In Nassau, Suffolk Counties*. Rep. Huffington Post, 8 Jan. 2013. Web. <http://www.huffingtonpost.com/2013/01/08/hurricane-sandy-long-island-storm-95000-buildings-nassau-suffolk-counties_n_2429495.html>.

¹⁰ Valenzuela, Abel, Jr., Nik Theodore, Edwin Meléndez, and Ana Luz Gonzalez. *On the Corner: Day Labor in the United States*. Rep. 2006.

training can save lives and prevent injuries on the job, but they must be catered to the individual worker in terms of exposure to hazards, language, and literacy level of the worker themselves. Basic trainings for disaster response workers should include: OSHA 10-hour, how to recognize hazards, personal protective equipment, fire prevention, confined space awareness, workplace violence, first aid and CPR, and mold awareness.

Because of day laborers' informal relationship with the labor market, congressional representatives, researchers, and advocacy groups have raised concerns that day laborers may be used for the most hazardous work but not paid appropriate wages or provided safe working conditions. Based on the testimonies we collected from day laborers, we learned that none of their employers provided the required trainings to workers.

All of the workers interviewed at the Workplace Project reflected on the lack of employer concerns for the workers' health and safety. None of their employers provided health and safety trainings or personal protective equipment (PPE), which is required by OSHA for hazardous work. Disaster response workers should be provided with a variety of PPE in order to ensure their safety and protection. This includes: face shields, safety glasses and goggles, earplugs, facemasks and respirators, hardhats, a variety of gloves, different types of work boots, and harnesses to protect from falls.

One worker reported working under harmful conditions without any PPE:

We had to use a liquid to clean everything and remove the salt from the wood, and it felt very strong, very bad, until my eyes watered because of that liquid.

In order to keep themselves safe, some workers would spend their own money to purchase gloves and masks. A worker from the Freeport Trailer who worked multiple jobs reported an inconsistency in employers providing PPE:

Since we worked with homeowners, some gave us protective gear, others did not. Since we were doing cleaning, a lot of times we worked without protection, but sometimes I would go into Home Depot and buy gloves, but sometimes since there were so many people during the disaster, there wasn't any protective gear in the stores that were left to buy.

Another worker described working on a job in Massapequa where he said the situation was "terrible." The workers had to pull down a ceiling and water and wet particles and chunks would fall down on them. None of the workers were provided hardhats or other PPE.

Workers stated that, "It pains them [the employer] to spend even one cent on the workers. They only see what will be good for them, they only want the money for themselves."

Most of the workers at the Freeport Trailer reported doing some type of water removal, and one worker described having to walk with water almost at his waist level, exposing his body to contaminated water. Other workers had to remove sheetrock and wet debris from basements, possibly exposing themselves to asbestos and mold; a small group of carpenters did some roof work. No personal protective equipment was used during any of these jobs. None of the workers interviewed had safety awareness or trainings, as required by law.

Health Impacts

According to OSHA, employers are responsible for both training workers and providing workers with personal protective equipment when they are exposed to hazards. Ensuring that workers are adequately trained and are provided with appropriate personal protective equipment is a struggle in a normal working scenario, but after a disaster, this problem is exacerbated. The need for day laborers to perform dangerous work is tremendous after a disaster, and the need to work quickly is essential. Contractors, in an effort to complete projects quickly and often to save money, hire workers without training them and do not provide them with personal protective equipment to safely perform the work.

On Long Island, workers interviewed for this project stated that they were brought to remote locations with nowhere nearby to buy food and no significant breaks to leave their worksites for meals. Workers expressed that there was no drinkable water available and they had to use dirty faucet water to clean themselves and to drink; one indicated that he endured digestive problems after a few days of working at Long Beach.

Many of the workers at the Freeport Trailer reported suffering from back pain and cuts from debris; a few stepped in rusted nails or screws. One worker indicated that he was seriously injured while working with a contractor on the roof. The employer drove him to the emergency room and told him that he was just going to park the car but ended up leaving him at the hospital with no money or contact information.

Multiple workers from the Freeport Trailer indicated experiencing health symptoms, but were unaware what they were from. One worker's testimony revealed the importance of health and safety trainings as a disaster preparedness measure:

No, in all honesty, I don't know how to recognize asbestos symptoms. But, about 15 days after I started working in Long Beach, when all the dust dried outside, I felt a dry irritation in my throat, like the dry dust was there.

We worked in shorts because if you wore pants, then the bottom would get wet, and the water entered inside your shoes. I always brought two pairs of shoes with me. But the water looked clean, what bothered me the most was the dust, so I didn't think anything was going to happen, but I got a rash on my left leg, like an allergic reaction

Another worker from the Freeport Trailer reported experiencing persistent shortness of breath that started after engaging in Sandy clean up and continued onto the date of the interview (Summer of 2014). He was not provided any personal protective equipment.

My throat felt dry and my lymph nodes got swollen. Because in Long Beach I was working on Broadway and all the wind was bringing in sand and dust, so you would be breathing it all day. My lymph nodes got infected so I went to Walgreens and got some medicine to gargle and did a few cleanses. And this happened while I was working at Long Beach restoration.

CONCLUSION AND RECOMMENDATIONS

Due to the nature of work performed, day laborers have high hazard exposure and injury rates. Our conversations with workers help to reveal the contributions of day laborers and the hazardous conditions they endured in their efforts to help homeowners and communities recover. Key findings showed:

- Day laborers were involved as both first responders, helping in the hours and days after Sandy hit, and workers, hired by both private homeowners and contractors.
- While the devastation of Superstorm Sandy created a high demand for day labor, it also amplified the exploitative aspects of the work.
- Employers and contractors did not provide workers with adequate or appropriate safety training, equipment, and personal protection. In fact, many employers were private homeowners who also lacked the necessary knowledge and training about cleanup and demolition hazards.

In order to protect the health and safety of workers, employers, and homeowners after a disaster situation like Superstorm Sandy, we recommend the following concrete steps for worker organizations, recovery groups and government agencies:

Government agencies and disaster recovery groups should involve non-traditional workers and workers centers in response efforts and disaster preparedness planning.

Disaster recovery groups currently bring together traditional response workers to plan for future disaster response. As a first step, these groups should invite day laborers and their organizations to participate in meetings, discuss their experiences, and brainstorm about how their work might intersect. Over the long term, these relationships will lead to information sharing, formal and informal networking, and an integration of these workers into the disaster planning and recovery sphere. For local, state and federal government agencies, involving day laborers in task forces or community discussions will bring a real world perspective on the situation of workers on the ground in disaster recovery and help them create policies that effectively protect workers' rights in a post-disaster economy.

Provide disaster preparation and response trainings to both traditional and non-traditional responders and recovery workers.

These can include construction workers, day laborers, community activists, volunteers, and others. Government agencies, employers, unions, workers' centers, and voluntary organizations can provide training. Workers and volunteers should be informed about the dangers of a disaster before it occurs and they should have an understanding of their rights regarding what types of work they can refuse to do. One worker from the Freeport Trailer expressed the importance trainings could play in the lives of day laborers:

Our moods are always low like 40% because we don't have certifications for the work we do, and that's what you need for the good jobs, so almost always we don't have money to pay for the basic necessities. As soon as we get money, we are already owing it. So we are at a level of poverty that is very hard to get out of. We have no other option but to do the best with what is around us and try to survive a little bit.

Protect the health and safety of disadvantaged residential communities in disaster response.

Low-income communities that lack adequate resources before disasters are most likely to be unprepared and lack adequate resources during disasters. Public policy must be based on mutual respect and justice for all, free from any form of discrimination or bias.

Ensure that personal protective equipment is provided at all times and that workers seeking to acquire equipment are not retaliated against.

Much of the health harm that occurs during disaster response (as distinct from during the disaster event itself) is preventable. Unnecessary risk-taking during the rescue phase should be discouraged. Disaster response and recovery efforts should *do no additional harm* to rescue and recovery workers and volunteers or to impacted residents and workers. All forms of personal protective equipment should be provided on jobs in order to prevent harm, injury, and death.

Support worker centers and community organizations that work with day laborers by providing funds for space, training and PPE.

Workers centers are a crucial resource for workers to meet, find training, learn about their rights, and begin to figure out how to enforce them. They provide bilingual courses, connect workers to government agencies, and serve as a space for organizing. Because of their grassroots nature, the centers are often under-resourced and surviving on a shoestring budget. Funders, government agencies and larger disaster relief organizations should include these centers in planning and distribution of resources, which will allow them to prepare and respond effectively to the needs of day laborers in future disasters.

While providing training and personal protective equipment is an OSHA requirement, many employers and contractors fail to meet these basic guidelines. Both Federal and local governments must acknowledge that day laborers, volunteers, and other workers are being put at risk while working in disaster response scenarios and allocate funding to workers centers and community organizations to provide necessary PPE and training to the community.

Protect workers' rights and safety during all stages of work.

Workers' rights are largely ignored by contractors in post-disaster work. While OSHA, with extremely limited resources, conducts targeted outreach and inspection in post-disaster settings to protect worker health and safety, state and local governments need to do more. Local and state governments that channel funding for contractors to carry out reconstruction work should create a fair contractor list with standards for fair contracting. This would require contractors and subcontractors to prove they have not had a history of worker rights violations, have trained all their workers in health and safety, and have workers compensation insurance, for example. By tying workers protections to reconstruction work, local and state governments can create a real incentive for contractors to treat workers fairly and comply with legal worker protections.