

## What Workers Want Depends: Legal Knowledge and the Desire for Workplace Change among Day Laborers

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*In this article, we identify legal knowledge as a key difference between workers who desire workplace change and those who do not. Based on surveys with 121 day laborers, we find that not all day laborers are equally dissatisfied with their jobs, despite uniformly difficult working conditions. Some day laborers do not want to make any real changes to the day labor industry, while others desire a range of industry changes, from higher wages to greater government regulation and unionization. A key difference between these workers is their knowledge of employment law: Those who know the law are more likely to desire workplace change.*

In their landmark study *What Workers Want*, Freeman and Rogers (2006, 1999) find that “the vast majority of” workers desire workplace change: “Workers want . . . more say in the workplace decisions that affect their lives, more involvement, more legal protection, and more union representation” (1999, 182). If every worker who desired union representation had it, Freeman and Rogers estimate, 58 percent of the workforce would be unionized, compared with the current rate of less than 12 percent. Freeman and Rogers also argue that most workers strongly believe in the importance of job security and a living wage—even though many workers do not have either (see also Freeman 2007).

Yet not all workers desire these kinds of workplace changes. In Freeman and Rogers’ (1999) study, for example, a substantial portion of workers (66 percent) report feeling generally satisfied with their jobs. In addition, fully

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55 percent of nonunion workers say they want to remain nonunionized and would vote against a union. Moreover, a small but substantial portion of workers do not regard job security and above poverty-line wages as either “essential” or “very important” for full-time workers (15 and 13 percent, respectively) (Freeman 2007). What accounts for these differences? Why do some workers desire such changes while others do not?

One answer, many scholars argue, is workers’ level of job satisfaction. Job dissatisfaction is the most consistent correlate of pronunionization attitudes among workers (Abraham, Friedman, and Thomas 2008; Hammer and Avgar 2007; Fiorito, Gallagher, and Greer 1986; Freeman and Medoff 1984; Heneman and Sandver 1983; but see Martinez and Fiorito 2009). In fact, job dissatisfaction is a better predictor of a pronoun vote than employer threats or workplace closings (Getman 2010). As Waldinger and Der-Martirosian (2000, 57) observe, “unhappy workers are likely to want unions.” Yet varying levels of job satisfaction do not fully explain differences between workers. This is highlighted by the somewhat incongruous findings on job satisfaction and unions: While dissatisfied workers are more likely to desire unionization, unionized workers are more likely to be dissatisfied than nonunionized workers (Hammer and Avgar 2007; Bryson, Cappellari, and Lucifora 2003; Borjas 1979). As Hammer and Avgar (2007) point out, we do not yet understand these findings: Are dissatisfied workers more likely to seek unionization but then continue to feel dissatisfied? Or are undesirable jobs—which presumably create dissatisfied workers—more likely to be unionized, as Pfeffer and Davis-Blake (1990) suggest? Or do unions somehow increase levels of worker dissatisfaction, perhaps through their efforts to educate and mobilize workers in order to improve workplace problems? In short, it remains unexplained why some workers are dissatisfied while others are not, and what conditions lead to the desire for workplace change.

In this article, we begin to answer such questions by identifying workers’ legal knowledge as a key difference between workers who desire workplace change and those who do not. As socio-legal scholars have found, inaccurate or incomplete knowledge of the law can limit one’s willingness or ability to assert their rights (Singh 2008; Tinkler 2008; Albiston 2005; Basok 1999). Albiston (2005) argues, for example, that having basic information about what is (and is not) legal is an important first step in workers’ desire and capacity to improve negative conditions in the workplace and to take advantage of legal protections (see also Felstiner, Abel, and Sarat 1981). Such studies thus suggest that legal knowledge may be an essential component of workers’ desire for workplace change.

We offer empirical evidence for this assertion with an examination of day laborers’ legal knowledge and their desire for workplace change. Based on surveys with 121 day labor workers in Tucson, Arizona, we find that not all workers are equally dissatisfied with day labor, despite the notoriously harsh conditions of their work. Some of the workers we interviewed, in fact, were generally satisfied with day labor and did not express any desired changes.

Others, however, felt strongly dissatisfied with their work and wanted a range of changes to the industry, from higher wages and a fairer distribution of jobs to increased government regulation and union representation—or, as one respondent said, we need to “revamp the whole system.” A key difference between these two groups of workers, our findings show, is their knowledge of basic employment law: workers who know the law are significantly more likely to want industry-wide change. While our data are not conclusive about causality, these findings bolster other scholars’ arguments that gaining such knowledge is a crucial prerequisite for improving working conditions and protecting one’s rights in the workplace (Singh 2008; Tinkler 2008; Albiston 2005; Basok 1999).

The day labor industry is an ideal site to examine the relationship between legal knowledge and the desire for workplace change. Day laborers face some of the worst working conditions in the labor market: extremely low wages, no benefits, no job security, no job stability, little chance for upward mobility, and frequently hazardous worksites (Cheung et al. 2011; Kerr and Dole 2005; Roberts and Bartley 2004; Valenzuela 2003; Peck and Theodore 2001)—all of which are strongly associated with worker dissatisfaction (Kalleberg, Reskin, and Hudson 2000; Schriesheim 1978). Thus, one would expect day laborers to be uniformly dissatisfied with their work and eager for change. Yet, surprisingly, we find that not all day laborers are dissatisfied with their jobs. By analyzing differences in their legal knowledge, our findings suggest one reason why this is the case.

In the sections that follow, we review the relevant literature on workplace change and legal knowledge. Then, after discussing our data and methods, we present our findings on legal knowledge and desire for workplace change among day laborers in Tucson, Arizona. We conclude with a discussion of the implications of these findings, including the prospects for improving this particularly exploitative sector of the economy.

#### WORKERS’ DESIRE FOR WORKPLACE CHANGE

Only a small number of researchers have directly examined “what workers want” and, in general, they find that workers desire significant change in the workplace (Kemper et al. 2008; Freeman 2007; Freeman and Rogers 1999, 2006; Collum 2003). In *What Workers Want*, for example, Freeman and Rogers (1999) surveyed 2,400 private-sector workers in the mid-1990s and found that most of them (63 percent) wanted more say in the workplace: they wanted to be more involved in training, governance, and decision making at work—both as individual employees and as part of a collective. Other scholars report similar findings (e.g., Feldman, Falk, and Katz 2011; Collum 2003) and, a decade after the initial publication of *What Workers Want*, Freeman and Rogers (2006) find that workers of the mid-2000s want such changes more than ever before (see also Freeman 2007).

Workers' attitude toward unions is a common lens through which scholars have examined their desire for change (Martinez and Fiorito 2009; Freeman 2007; Freeman, Boxall, and Haynes 2007; Freeman and Rogers 1999, 2006). Freeman and Rogers (2006) find, for example, that 32 percent of nonunion workers would vote for a union if given the chance. This proportion may be even higher among disadvantaged workers, as numerous scholars find that relatively disadvantaged workers are more likely to support unionization efforts (Cornfield and Kim 1994; Barling, Fullagar, and Kelloway 1992; Cornfield 1991; Lipset and Schneider 1987; Fiorito, Gallagher, and Greer 1986; Farber and Saks 1980; Hirsch 1980). This may not be surprising, however, since studies show that unionized workers, on average, fare better than nonunion workers in terms of wages, job security, upward mobility, job quality, hours and scheduling, job training and other benefits (Budd 2005; Bernhardt, Dresser, and Hatton 2003; Gerrick 2003; Lovell and Hartmann 2001; Turner 2001; Black and Lynch 1997; Spalter-Roth, Hartmann, and Collins 1994; Eaton and Voos 1992; Cobble 1991; Freeman and Medoff 1981).

Scholars have also examined workers' desire for change by analyzing their level of job satisfaction. While job dissatisfaction can lead to poor performance or employee turnover (Butler and Parsons 1989; Lee 1988), scholars also find it can also be an engine for positive organizational change (Zhou and George 2001; Spector 1997; Hirschman 1970). For instance, Zhou and George (2001) find that dissatisfied workers are more likely to try to improve their working conditions, either by suggesting changes to management or by implementing improvements themselves. Dissatisfied workers also seek workplace change through unionization. Indeed, job dissatisfaction is by far the strongest correlate of pronunion attitudes among workers (Charlwood 2002; Cornfield et al. 1998; Weikle, Wheeler, and McClendon 1998; Haberfeld 1995; Cornfield and Kim 1994; Barling, Fullagar, and Kelloway 1992; Klandermans 1986; Heneman and Sandver 1983; Youngblood, Mobley, and DeNisi 1981; Farber and Saks 1980; Kochan 1979).

Certain kinds of workers, researchers find, are more likely to feel unsatisfied with their jobs. Low-wage workers tend to be more dissatisfied, as are those with low levels of education (Freeman and Rogers 1999; Arvey, Carter, and Buerkley 1991; Tsang, Rumberger, and Levin 1991; Burris 1983; Glenn and Weaver 1982; but see Ganzach 1998). Nonstandard workers also tend to be more dissatisfied with their jobs, though their dissatisfaction depends on what kind of work they do (Broschak, Davis-Blake, and Block 2008). In addition, traditionally disadvantaged populations—such as African Americans and women—tend to be more dissatisfied at work (Banerjee and Perrucci 2010; Waldinger and Der-Martirosian 2000; Moch 1980).

This body of research thus presents a clear picture of the types of changes that workers want and what kinds of workers desire such changes. But it does not yet entirely explain differences among workers: why do some workers want workplace change while other (similar) workers do not? In this article,

we take first steps toward explaining these differences. In order to do so, we isolate one group of workers who, according to previous research, should be highly dissatisfied with their work: day laborers. Day laborers are frequently paid below the federal minimum wage, they are routinely exposed to dangerous working conditions, and they are often exploited by their employers (Theodore et al. 2008; Kerr and Dole 2005; Valenzuela 2003; U.S. General Accounting Office [GAO] 2002). In terms of wages and benefits, security and stability, and prestige and autonomy, day laborers are thus situated at the very bottom of the labor market hierarchy. In fact, they occupy the lowest rungs of all the “bad” nonstandard employment arrangements (Peck and Theodore 2001; Kalleberg, Reskin, and Hudson 2000). Scholarship on job satisfaction, unionization, and workplace change suggests that such workers would be broadly dissatisfied with their jobs and interested in workplace change. Yet we find significant variation within this population of acutely disadvantaged workers, and we identify a key factor related to this variance: workers’ knowledge of employment law. Before presenting these findings, however, we examine research on legal consciousness and legal knowledge.

#### LEGAL KNOWLEDGE

In socio-legal scholarship, there is a broad subfield of “legal consciousness” studies that understand law to be a hegemonic, taken-for-granted force that shapes people’s everyday behaviors and ideologies, which then reinforces the power of law itself (Silbey 2005; Ewick and Silbey 1998). As a theoretical concept, legal consciousness helps us understand why some people mobilize law—that is, why some people “translate a desire or want into a demand as an assertion of one’s right” (Zemans 1983, 700)—while others do not, and why some people break the law while others toe the line (e.g., Greenhouse 1986). In general, such studies analyze individual attitudes about law and legality in seemingly nonlegal contexts—such as workplaces, city streets, and neighborhoods—to understand how law permeates everyday life (McCann 2006; Sarat and Kearns 1993).

Yet what people actually know about the letter of the law is generally not a focus of this research. This is a notable oversight since, as a number of other scholars have argued, legal knowledge may be a critical link between legal consciousness and legal mobilization. For instance, Singh (2008) argues that lack of accurate legal knowledge can limit one’s legal empowerment and access to justice. Because of the “inscrutable nature of legal jargon” (313), Singh notes, inadequate legal knowledge may especially be a problem among the poor and uneducated. “In an information-poor environment,” Singh writes, “the law is more likely to seem distant, arcane, and hostile, which leads to a situation in which the poor are unlikely to rely on legal mechanisms to enforce their rights and are more vulnerable to exploitation” (*ibid.*, 314). Basok’s (1999) study of migrant farm workers supports this argument.

Because some agribusinesses capitalize on the workers' ignorance of employment laws in order to gain their consent for their own exploitation, Basok argues, farm workers need to understand their legal rights in order to resist such exploitation.

Other studies offer further support for this claim by finding that workers who have legal knowledge are indeed better able to prevent workplace exploitation and mobilize their rights. For instance, in a study of workers' beliefs about sexual harassment, Tinkler (2008) finds that workers' legal knowledge affects how they interpret sexual harassment in the workplace: workers who have knowledge of their employer's sexual harassment policy are more likely to accurately recognize harassment than those who do not (see also Marshall 2003). Likewise, Albiston (2005) argues that legal knowledge improves workers' ability to negotiate with their employers for work leaves. "Learning about their rights," Albiston maintains, "helped these workers frame their experiences in both legal and moral terms and gave them confidence to press for time off" (*ibid.*, 29). Furthermore, Albiston finds, legal knowledge allowed workers to interpret illegal employer actions—such as denying Family and Medical Leave Act requests—as injurious and worthy of action. These studies thus suggest that legal knowledge may be an essential component of workers' ability to identify wrongdoing and uphold their rights at work. The current study provides concrete evidence for such claims by linking workers' legal knowledge to the desire for workplace change in a notoriously exploitative industry.

Yet, at the same time, a large body of research has shown that people are generally not aware of the laws that govern their everyday lives (Doron and Werner 2008; Gallagher 2006; Kim 1999; Ellickson 1991; Sarat 1975; Scheingold 1974). For example, an early survey of Texans' knowledge of thirty "important" laws—such as those regarding consumer protections, civil rights, and civil liberties—found that people generally did not know them (Williams and Hall 1972). However, the survey also found legal knowledge to be correlated with income as well as race and ethnicity. Low-income blacks and Latinos knew the laws just over one-third of the time, scoring worse than chance. Even jurors do not know the law, other researchers find. Despite taking part in legal proceedings and receiving extensive instructions from judges, jurors score just as poorly as nonjurors on tests of criminal law knowledge (Reifman, Gusick, and Ellsworth 1992).

At the same time, a number of studies have shown that workers tend to overestimate their legal rights in the workplace. In Kim's (1999) survey of nearly 1,000 unemployed workers in Missouri, California, and New York, for example, almost 90 percent incorrectly believed it was illegal to be fired because of personal antipathy, and over 80 percent incorrectly believed it was illegal to be fired in order to be replaced by a cheaper worker. Freeman and Rogers (1999) also found that workers frequently believed seemingly unfair employment practices to be illegal. For instance, 83 percent of Freeman and Rogers' respondents incorrectly believed it was illegal to fire a worker for no

reason, and 56 percent incorrectly believed it was illegal to permanently replace striking workers. In contrast to the study of Texans cited above, however, Freeman and Rogers did not find any correlation between legal knowledge and college education, union membership, or managerial position: In their study, college grads and nongrads, union workers and non-union workers, managers and subordinates were all equally likely to inflate workers' rights.

We extend this literature in several ways. Foremost, we directly analyze workers' legal knowledge—a topic that has more commonly been a peripheral rather than central focus of research (but see Tinkler 2008). By documenting variation in what workers do (and do not) know about the law, moreover, this study begins to clarify some of the contradictions among previous studies. In particular, we link legal knowledge to workers' desire for workplace change, which may begin to explain some of the differences between workers.

#### DATA AND METHODS

We administered oral surveys to 121 day laborers in Tucson, Arizona, in 2002. We chose this particular context—this place and time—because it was a period of intense change in the legal environment of day laborers. Arizona Senate Bill 1494 had recently been passed, which added a host of new legal protections for day laborers in the state. For instance, according to the new law, day labor agencies could not make deductions from a worker's wage (e.g., for equipment or travel to the worksite) so that it fell below the federal minimum wage; agencies were required to pay workers "in commonly accepted negotiable instruments that are payable in cash" (sec. 23–553[D]) (i.e., a check that could be cashed anywhere, not just at the agency); and agencies could not interfere with a worker's attempt to secure a permanent position. Thus, with the timing of this survey, we were able to capitalize on a period of legal change and heightened awareness about the problems that frequently pervade the day labor industry. During this unique time, we wanted to know, what did workers themselves know of the law and what, if anything, about the industry would they wish to change?

We used a resource niche sampling strategy to locate survey respondents. Specifically, we identified various settings at which day laborers tend to congregate in Tucson, including homeless shelters, soup kitchens, and a nonprofit hiring hall. We visited each of these settings and ultimately administered oral surveys to a total of 121 day laborers, twelve of which were conducted in Spanish (9 percent) and the remainder in English (91 percent).

Like those in other studies of day laborers, the day laborers we surveyed are, on average, a disadvantaged group of workers (e.g., Theodore et al. 2008; Bartley and Roberts 2006; Roberts and Bartley 2004; Valenzuela 2003). The workers in our sample reported earning an average of about \$400 per

month or \$4,800 per year, well below the 2002 federal poverty threshold of \$8,860 for one person (and it is likely that many of these workers were not supporting only themselves with these wages). Just over half of the workers in our sample ( $n = 62$ ) said they earned the minimum wage (five dollars and fifteen cents per hour) for most of the jobs they worked in the past two weeks; 16 percent ( $n = 20$ ) reported earning six dollars or more an hour. For 68 percent of our sample, day labor was their largest source of their income. Other sources of income included money from family, friends, or strangers, additional jobs, and selling blood/plasma. Only 10 percent ( $n = 12$ ) of our respondents had held a job with a fixed schedule and pay in the year before the survey.

The vast majority of our sample is male (94 percent,  $n = 114$ ), and their mean age is 43.7 years old (range = 22–71 years). Nearly two-thirds of our sample are people of color (Hispanic/Latino  $n = 26$ , African American  $n = 25$ , Native American  $n = 15$ , other  $n = 8$ ), and 83 percent ( $n = 101$ ) has a high school degree or less. Additionally, 81 percent ( $n = 98$ ) of our sample is homeless (forty-three workers reported living primarily in a shelter, while fifty-five said they lived outside). This is partially a function of our sampling strategy, but it also reflects the high proportion of day laborers who are unhoused (Camou 2009; Williams 2009; Kerr and Dole 2005; Roberts and Bartley 2004). Finally, although we do not have direct data on our respondents' immigration status—in order to protect their privacy, we were not able to ask questions about nativity or citizenship—we are reasonably confident that at least half of our respondents were legal residents, either because they were military veterans (31 percent,  $n = 37$ ) or because they were licensed in a particular trade (35 percent,  $n = 42$ ).

To measure their legal knowledge, we asked two separate, nonconsecutive questions: "What is the federal minimum wage?" and "Is it legal to be paid below the minimum wage?" Because we have two distinct questions that measure workers' understanding of minimum wage law, it might be possible to conceptualize legal knowledge as a scale, measuring workers' knowledge of zero, one, or both aspects of the law. Yet we believe that the nature of the minimum wage law renders knowledge of only one aspect of it meaningless without the other. In other words, in our view it does not make practical sense to say that someone has "some legal knowledge" if they know what the minimum wage is but do not know that they cannot be paid below it (or vice versa). As a result, based on workers' responses to these questions, we constructed "legal knowledge" as a dichotomous variable: we coded respondents "1" for answering both questions correctly, and "0" for answering one or both incorrectly. Thus, only those workers who knew what the minimum wage was *and* that they could not legally be paid below it were coded as having "legal knowledge." This comports with the measures of legal knowledge used by other studies in which legal knowledge was measured by respondents' substantive knowledge of specific laws (e.g., Reifman, Gusick, and Ellsworth 1992; Williams and Hall 1972) or by whether workers had been



exposed to workplace training that imparted such knowledge (e.g., Tinkler 2008).

To gauge workers' desire for workplace change we asked the following open-ended question: "If you could change one thing about day labor, what would it be?" We divided the workers' responses into two general categories: (1) those who desired to change the day labor industry in some way (coded "1"), and (2) those who did not desire any real change to the industry (coded "0"). Therefore, in this analysis we distinguish between those workers who wished to change the day labor industry and thus improve day laborers' long-term subsistence and those who did not desire industry-level change or suggested such microlevel changes that would do little to improve the workers' day-to-day survival (e.g., wanting more day labor jobs or less favoritism in the distribution of day labor jobs). This distinction is meaningful because it gets at the heart of rights mobilization and emerging collective consciousness (McCann 1994).

Yet it is important to note that, because our initial question prompted respondents to suggest some kind of workplace change, our findings almost certainly undercount the number of workers who desired little or no change. Even with the wording of this question, however, as our findings below demonstrate, one-third of our sample did not desire any significant change to the day labor industry, while the remaining two-thirds considered a variety of major industry-level changes.

#### DESIRE FOR CHANGES TO THE DAY LABOR INDUSTRY

We asked each worker what they would change about day labor, given the opportunity. Some of the day laborers we interviewed said that no real changes were needed, while others suggested a variety of changes, such as union representation and government regulation. In the sections below, we briefly discuss explanations for this variation. Our data show that a primary difference between workers who wanted industry change and those who did not is their legal knowledge.

Thirty-three percent ( $n = 40$ ) of the workers in our sample did not suggest any significant change to the day labor industry. In fact, ten respondents (8 percent) said that no changes should be made to the industry or could not think of anything worth changing. As one worker said, "I wouldn't change anything. I like it the way it is." As another said, "I wouldn't want to change it." Other workers in this category suggested a small, inconsequential change. For instance, fifteen workers wanted more day labor jobs available, eight said that they did not want to have to show up so early or wait so long for a job, three wished they had their own transportation, and three workers wanted less favoritism among the job dispatchers—as one worker said, they should "go by the list." Another worker said that he wanted to change "other day laborers." "They have no respect for themselves or others," he continued.

“I mean, they’ll do anything no matter what the pay is. I wish they would act differently.” As this statement reveals, although the respondent is aware of some of the downsides of day labor—low wages, difficult and/or degrading work—he wanted to change his co-workers rather than their wages or working conditions.

In contrast, two-thirds of the workers in our sample ( $n = 81$ ) desired some kind of significant change to the day labor industry. There was a wide range in the kinds of changes these workers desired. For instance, while many of these workers wanted wage increases ( $n = 59$ ), most of them mentioned wages that were still below Tucson’s official living wage at the time, which was \$8 an hour (Tucson, AZ Procurement Code, art. XV, § 28–157 (2000); also see Grant and Trautner 2004). In fact, most of these workers said they wanted between \$6 and \$7 an hour. As one worker said, “I think six dollars would be a fair wage.” Such a wage increase undoubtedly would have made these workers’ lives easier but only minimally: If they had earned \$6 an hour while working the same number of hours per week, they would have earned—at most—another \$600 annually, increasing their income to \$5,400 a year, still well below the federal poverty line of \$8,860 in 2002. A minority of these workers ( $n = 8$ ) wanted more substantial wage increases, arguing that day laborers should make at least \$8 an hour—or, as one worker explained, “something you can live on,” perhaps referencing the city’s living wage ordinance. Some of these workers also wanted to change what they considered the excessive “mark up” for many day labor jobs—that is, the difference between what the workers are paid by the day labor agency and what the agency receives from the worksite employer. As one day laborer said, “The company pays the labor hall fifteen dollars an hour, and we’re only getting five-fifteen. I think we should get every penny.”

Workers also suggested a variety of other changes to the day labor industry. Four workers, for instance, said that they wanted less back-breaking work—or, as one worker stated, “better jobs besides ditch digging.” Two other workers wanted to change how day labor agencies distributed jobs. For example, one said that job assignments should be given weekly rather than daily, and the other stated, “I would change it so you could just be on call and if there was a job they’d send you out to it,” thus eliminating the need to show up each day to wait for an uncertain job assignment. Such changes would clearly have improved these workers’ lives: less grueling work, advance scheduling, and not having to wait every day for a job that might not appear would have been real improvements for these workers. Yet it is also true that one of these changes alone would not have eliminated the intensity of the disadvantage that day laborers face, including very low wages and frequently dangerous working conditions.

Other workers, however, desired much bigger changes to the day labor industry. In fact, six workers wanted greater industry regulation in order to reduce worker exploitation. One of these workers likened day labor agencies to sweatshops and said they should be outlawed: “I think they should

make day labor halls illegal because they exploit the poor people. It's like when they send jobs to Mexico or other countries and pay them pennies an hour. I think that should all be illegal." Similarly, another worker said, "The labor halls, they just take advantage of the poor and homeless and work them to death to make their money. I think there really needs to be some sort of government intervention, and it should be taken into their hands and stopped." In addition, two other workers wanted day laborers to be organized. As one worker said, in order for there to be real change in the day labor industry, Arizona "would have to change from a right to work state to a union state."

#### PREVIOUS EXPLANATIONS FOR WORKER JOB DISSATISFACTION

The literature on workplace change suggests that the strongest predictors of job dissatisfaction are poor working conditions, nonstandard employment, low-wages, race, gender, and education. Yet, in our sample, there is a great deal of uniformity across these variables between the workers who desired major industry changes and those who did not.

Foremost, this is true of the day laborers' working conditions. As other researchers have shown, day labor is generally characterized by difficult and dangerous working conditions (e.g., Theodore et al. 2008; Valenzuela 2003). Our respondents' work was no different: They discussed at length how dangerous and difficult their work was, describing jobs on steep roofs and high scaffolding, near exposed power lines, and in snake-infested areas. For instance, one worker said, "I had to dig sand out of a tank and there was only this tiny little air hole. It was like digging out my own grave." Doing such jobs—particularly in the hot Tucson summers where temperatures average 100 degrees or more—make day labor difficult and dangerous indeed. Moreover, our respondents reported frequently lacking basic necessities at their job sites. Thirty-eight workers said their last job did not provide soap to wash their hands; twelve were not given clean drinking water; eleven were not provided a toilet; and eleven were not given any breaks. In fact, fifty workers in our sample (41 percent) did not receive at least one of these at their last job. Yet reports of these harsh working conditions were spread relatively evenly across the two groups of workers: In terms of difficult and dangerous work, there was no significant difference between the workers who did not wish to change the day labor industry and those who did ( $\chi^2 = 2.76$ ). Similarly, in terms of access to basic necessities, there was no significant difference across the two groups ( $\chi^2 = .006$ ). Our analysis thus reveals that dangerous and unpleasant working conditions are not the driving force behind some workers' desire for change.

Nonstandard employment and low wages are other classic predictors of job dissatisfaction. Yet day labor is the archetype of nonstandard employment: With only a short-term (or nonexistent) employment relationship between employer and worker, day labor is steeped in uncertainty and

instability. Because all the workers in our sample are day laborers, non-standard employment cannot account for the differences in workers' desire for workplace change. There was, however, a small difference in the wages between workers who wanted industry change and those who did not. "Industry change" workers reported earning a median wage of \$5.15 cents an hour, while "no change" workers reported earning a median wage of \$5.25 an hour. But this difference is, practically speaking, insignificant. Thus, this economically trivial difference in wages—an extra ten cents an hour would not lift the workers' wages near the poverty line—cannot explain why some workers desire to change the day labor industry while others do not.

In addition, past research suggests that differences in worker characteristics help explain differences in job satisfaction. Yet, again, this is not the case in our sample of day laborers, as there is no significant difference between the "industry change" and "no change" groups in terms of their race, gender, or education. For instance, 62 percent ( $n = 50$ ) of the workers in our sample who desired industry change and 60 percent ( $n = 24$ ) of those who did not were racial or ethnic minorities ( $\chi^2 = .04$ ). Similarly, 96 percent ( $n = 76$ ) of "industry change" workers were male, while 95 percent ( $n = 38$ ) of "no change" workers were male ( $\chi^2 = .07$ ). Finally, although there were minor differences in the level of education between the two groups—73 percent of workers who desired industry change ( $n = 59$ ) had at least a high school education, while only 63 percent ( $n = 25$ ) of "no change" workers did—such differences were not statistically significant ( $\chi^2 = 1.72$ ).

Thus, none of these traditional explanations for job dissatisfaction explain why some day laborers wish to change the industry and others do not. However, our data do reveal one significant difference between these two groups of workers: legal knowledge.

#### LEGAL KNOWLEDGE

In contrast to previous studies in which workers overestimated their rights (e.g., Freeman and Rogers 1999; Kim 1999), the day laborers in our study generally did not know their rights under basic employment law. For example, despite the dramatic changes in employment law affecting day laborers in Arizona at that time, only 25 percent ( $n = 31$ ) of our sample said they had heard anything about the new laws, and most of those workers ( $n = 18$ ) did not know the content of the new laws. In fact, many of our respondents confused the new day labor laws with the rules of the hiring halls (such as not being allowed to show up drunk for work or "you gotta do what you're told"). Perhaps even more telling, fully 45 percent of our respondents ( $n = 55$ ) could not correctly identify the federal minimum wage, which was \$5.15 an hour at the time of the survey (responses ranged from \$3.50 to \$8 an hour), and 21 percent of our respondents ( $n = 25$ ) did not know that it was illegal to be paid below the minimum wage. Overall, just less than half of the

Table 1. Legal Knowledge and the Desire for Workplace Change

	No Industry Change ( <i>n</i> = 40)	Industry Change ( <i>n</i> = 81)
No legal knowledge	47% ( <i>n</i> = 29)	53% ( <i>n</i> = 33)
Legal knowledge	18.6% ( <i>n</i> = 11)	81.4% ( <i>n</i> = 48)

Note: Chi-square = 10.8,  $p < .001$ ; Cramer's Phi = .299.

day laborers we interviewed (49 percent,  $n = 59$ ) knew both what the minimum wage was and that one could not legally be paid below it.

Those workers who did have legal knowledge—knowledge of both the minimum wage and its legal meaning—were significantly more likely to want to change the day labor industry, as compared with those who did not have legal knowledge. In fact, legal knowledge was the primary difference between “industry change” and “no change” day laborers. As Table 1 shows, workers who know the law are significantly more likely to desire workplace change ( $\chi^2 = 10.8$ ,  $p < .001$ ).

Workers who did not desire industry changes were generally unaware of the minimum wage law—significantly less so than those who expressed a desire to change the day labor industry. Just 28 percent ( $n = 11$ ) of these workers knew what the minimum wage was *and* that it was illegal to be paid below it. Another 58 percent of these workers knew one part of this equation: four day laborers knew that the federal minimum wage was \$5.15 an hour but did not know that they could not legally be paid below it, and nineteen knew that they should not be paid below the minimum wage but did not know the minimum wage rate. But, in our analysis, unless they knew both aspects of the law, they were not considered to have “legal knowledge,” since knowing that one should not be paid below the minimum wage is of little value if one does not know what the minimum wage is (and vice versa).

In contrast, day laborers who desired industry change were significantly more knowledgeable of minimum wage law than the “no change” workers. In fact, nearly 60 percent of these workers ( $n = 48$ ) knew what the minimum wage was and that it was illegal to be paid below it—more than double the proportion of those who wanted no real change to the industry. These workers desired to change the day labor industry in a fundamental way. For instance, all eight of the day laborers in our sample who wanted significant wage increases—ranging from \$8 to \$15 an hour—were those who had legal knowledge. In addition, all six of the workers who wanted much greater government regulation of the day labor industry in order to curb broad-based exploitation also had legal knowledge. Likewise, both of the workers who wanted to unionize day labor in order to increase wages, improve working conditions, and decrease worker exploitation had legal knowledge.

In short, knowledge of law is strongly related to day laborers' desire for major workplace change.

#### DISCUSSION AND CONCLUSION

Our central finding—that workers' legal knowledge is linked to their desire for workplace change—will have implications for a variety of scholars. Work and labor scholars, for example, may find it useful to add measures of legal knowledge to their studies of workers' job satisfaction, attitudes toward unions, and desire for workplace change; and poverty scholars may find it fruitful to incorporate measures of legal knowledge in their studies of homelessness, housing foreclosure, and long-term poverty. In addition, socio-legal scholars may want to examine legal knowledge in research on legal consciousness and legal mobilization. In particular, our findings have implications for socio-legal debates on the limits of legal change (e.g., Keck 2009; McCann 1994; Rosenberg 1991; Bumiller 1987). For instance, while some scholars have focused on legal ambiguity as an explanation for low levels of policy implementation (see Luce 2004; Matland 1995; Edelman 1992), our findings suggest that lack of legal knowledge may also be a significant barrier. People need to know about, and understand, the law, in order to mobilize their rights.

But having knowledge of the minimum wage, our findings show, does not simply enable those workers to mobilize their right to the minimum wage. To the contrary, workers who had legal knowledge of the minimum wage were significantly more likely to want changes to the day labor industry far beyond the minimum wage itself. Eighty-one percent of the workers with legal knowledge (compared with only 53 percent without) mentioned fundamental changes to the industry that would not only increase their wages but would also eliminate broad-based worker exploitation by making their jobs safer, more democratic, more stable, and more secure. Thus, our findings point to the expansive power of legal knowledge: having knowledge of one aspect of the law is strongly related to desire for change, which itself may be a crucial step in comprehensive rights mobilization.

Our findings also have implications for the many activists working to improve the day labor industry. Understanding the dynamic of legal knowledge and its relationship to social change remains salient. Although our data are now a decade old, the conditions of day laborers have changed little. Day labor continues to be widely considered among the worst of the "bad jobs": the wages are low, often below the federal minimum; wage theft is common; the work is difficult and often dangerous; there is no job security or stability; and workers are frequently exploited by agencies that, for example, charge fees for cashing their already meager paychecks (Immigrants' Rights/International Human Rights Clinic 2011; Valenzuela 2003; U.S. GAO 2002). A number of activists have been working to remedy

such problems. For example, a variety of community activists across the country have established worker centers in order to formalize the local day labor economy and provide workers with a variety of services, including training, assistance with workplace grievances, and legal assistance (Camou 2009). In addition, both activists and legislators have sought to pass legal protections for day laborers such as restricting the kinds of fees that labor halls can charge for check cashing, transportation, and work equipment (Hatton 2011; Smith 2008). Finally, unions have tried to organize day laborers in an effort to improve their wages and working conditions (Fine 2006; Gordon 2005). Such efforts have encountered plenty of successes but also many challenges in improving this hard-to-reach sector of the economy. Our findings suggest an additional route for improving “bad jobs” such as these: educate workers about the law and their legal rights.

This strategy is not new, of course. A core feature of the “popular education” advocated by Paulo Freire in the 1970s was political education and consciousness raising (e.g., Freire 1994). In addition, worker education is a strategy that a number of unions and worker centers have already put to use (see Camou 2009). For instance, as Gordon (2005) notes, worker centers’ “Know Your Rights” workshops educate workers about occupational safety, immigrant worker rights, wage laws, and workplace discrimination. Our findings offer preliminary empirical evidence for the importance of such strategies: Day laborers who had more legal knowledge were significantly more likely to want to fundamentally change the notoriously exploitative day labor industry.

Yet our findings also underscore a separate, but equally important point: that even during a time of heightened awareness of the day labor industry—both of its problems and its new regulations—the workers in our sample were largely unaware of basic minimum wage law, let alone the new laws that now protected them. Thus, while many activists had recently been immersed in the campaign to improve working conditions for day laborers, and while a majority of voters had shown support for this campaign, for the most part, the day laborers themselves remained beyond its reach. Our findings thus highlight the need to make sure that such campaigns make it all the way to the ground floor and, moreover, that doing so will likely have a broad effect.

Our findings also highlight an additional point: that we cannot underestimate workers’ lack of legal knowledge. Shortly after the passage of Senate Bill 1494 in Arizona, a nonprofit advocacy organization for the homeless distributed business cards to individuals who passed through their shelter or nonprofit day labor agency. One side of the card listed a variety of resources for day laborers, including their own organization and the Arizona attorney general, while the other side of the card outlined day laborers’ new rights, including that day labor agencies cannot charge a check-cashing fee, cannot limit workers’ rights to accept or pursue a permanent job, and cannot

charge any fees that would bring the hourly wage below the federal minimum wage. However, the card did *not* tell workers what the actual federal minimum wage was. Yet 45 percent of our sample of day laborers did not know the minimum wage, and 51 percent did not know the minimum wage and that they could not legally be paid below it. Given this pervasive lack of basic legal knowledge, our findings suggest that worker rights advocates must be sure to provide the full spectrum of legal education, including the most basic tenets of employment law, to workers in their “Know Your Rights” workshops.

Yet with these findings we do not mean to suggest that the only way—or even the best way—to improve day labor (along with other sectors of “bad” work) is to improve workers themselves. Without a doubt, the problems of the day labor economy are structural in nature; thus it would be misguided to promote only an individual-level solution to such a deeply structural problem. In our estimation, as one of our respondents argued, the day labor industry needs to be “revamped,” whether through comprehensive regulation or union organization. Yet our findings suggest that, with greater legal knowledge, day laborers themselves may be part of such a solution.

It is conceivable that our findings are particular to the day labor industry. Because day laborers are frequently (illegally) paid below the federal minimum wage, it is possible that simply knowing minimum wage law could make a real difference for these workers. By contrast, in other sectors of the economy in which such wage abuses are less prevalent, it is likely that merely knowing the minimum wage would do little to improve workers’ ability to mobilize their rights. Yet recent reports suggest that such illegal practices are not unique to the day labor industry. For instance, in a study of more than 4,000 low-wage workers in New York City, Los Angeles, and Chicago, Bernhardt et al. (2009, 2) find that “employment and labor laws are regularly and systematically violated, impacting a significant part of the low-wage labor force.” Such violations included routinely paying less than the minimum wage (often by more than \$1 per hour), not paying the legally required overtime rate, illegally requiring “off the clock” work, and illegally retaliating against workers for filing complaints or union organizing efforts. “These problems,” Bernhardt et al. (2009, 9) write, “are not limited to the ‘underground economy’ or to a few ‘bad apples’; we found that both large and small employers violate the law, in industries such as retail, residential construction and home health care that are at the core of urban economies.” Thus, because of the pervasiveness of employment law violations well beyond day labor into the broad (and growing) low-wage sector of the U.S. economy, our findings are not limited to the day labor industry alone. Moreover, by bolstering numerous other studies that find that legal knowledge enables people to identify wrongdoing and uphold their rights, our findings are not only applicable to particularly disadvantaged workers, but to workers across all sectors of the economy.



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