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Organization Environment 2009; 22; 470
DOI: 10.1177/1086026609347192

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Organization & Environment
22(4) 470–478
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DOI: 10.1177/1086026609347192
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Inequalities and Prospects: Ethnicity and Legal Status in the Construction Labor Force After Hurricane Katrina

Patrick Vinck,[1,2] Phuong N. Pham,[1,2] Laurel E. Fletcher,[1] and Eric Stover[1]

Abstract

The arrival of Latino immigrant workers and the weakening of federal labor regulations after Hurricane Katrina raised concerns about labor conditions and workers' rights. We carried out a survey of workers at 212 randomly selected addresses in the city of New Orleans, successfully interviewing 212 out of 351 workers approached (40% refusal rate). Workers were asked about their demographic, employment, and health characteristics, as well as violations of human rights they may have experienced. The survey was supplemented with in-depth qualitative interviews with Latino workers and key informants in Louisiana and Mississippi. Our study showed that Latino workers, particularly undocumented workers, experienced lower wages, more nonpayment of wages and/or overtime wages, and fewer worker protections than non-Latino workers. The poorer treatment of Latino and undocumented workers is thought to reflect employers' perception of them as a disposable labor force. Indeed, few of the workers who arrived after Katrina, and especially low percentages of Latinos and undocumented workers, intended to settle in New Orleans.

Keywords

disaster, immigrant worker, inequalities, Katrina, reconstruction

In the hours that followed the landfall of Hurricane Katrina just east of New Orleans, the storm and the 20-foot storm surge that broke through the city's levees ravaged the city and its neighboring communities. As water receded, a destroyed city emerged. In the weeks that followed, the great demand for labor in the cleanup effort quickly attracted local and out-of-state contractors, but labor remained scarce. The number of workers employed in construction and related industries had dropped by nearly half (Brookings Institution, 2005). Soon, however, the city witnessed the arrival of thousands of newcomers, mostly mobile construction workers searching for employment. Among them were many Latino workers. Immigrants from Central and South America have long migrated to the United States in response to a growing demand for labor, and in the past

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decades they have concentrated in construction. In 2006, 25% of the U.S. construction labor force was Hispanic, with 19% foreign born (Fussell, 2006, Pew Hispanic Center, 2007).

Their arrival was facilitated when on September 6, 2005, the U.S. Department of Labor suspended workplace inspection of legal documentation for a 45-day period throughout the affected Gulf Coast region to accommodate survivors who had lost identity documents in the storm (U.S. Department of Homeland Security, 2005). Restrictions on minimum wages were also lifted in the affected areas of Alabama, Florida, Louisiana, and Mississippi, sending employers the message that there would be no workplace regulation (U.S. Department of Homeland Security, 2005). At a meeting with business leaders a month after the hurricane, New Orleans Mayor, Ray Nagin reportedly asked, "How do I ensure that New Orleans is not overrun by Mexican workers?" (Campo-Flores, 2005). He quickly disavowed the remark after pressure from civil rights groups, but the comment and reactions to it highlighted the tensions between residents and newcomers.

Historically, New Orleans has had a small Latino population, despite its proximity to Mexico, Central America, and the Caribbean. Prior to Hurricane Katrina, Latinos represented only 4% of the New Orleans metropolitan statistical area, whereas they represent 12.5% of the national population (U.S. Census Bureau, 2000). Hurricane Katrina dramatically changed that situation. New Orleans's total population decreased in the aftermath of the disaster, while the Latino population remained stable or increased in both absolute and relative terms. Between 2004 and 2006, in the two affected parishes with the most Latinos, Jefferson, and Orleans, the percentage of the Latino population increased from 8.0% to 8.3% in Jefferson Parish and 3.2% and 4.1% in Orleans (U.S. Census Bureau, 2004). However, the Louisiana Health and Population Survey (2006) found the 2006 estimates of the Latino population to be much larger, 9.7% in Jefferson Parish and 9.6% in Orleans Parish, up from 4.0% in 2000.

The arrival of the newcomers also raised concerns on the labor conditions and rights of the workers, concerns that were compounded by weakening of federal labor regulations. The paucity of labor protections exposed workers, particularly undocumented workers, to labor exploitation and injury, and the media reported that employers in the Gulf Coast area had failed to pay their workers or to provide them with adequate safety equipment and housing (Eaton, 2006; Fears, 2005; Pogrebin, 2005; Pritchard, 2005).

In this article, we examine how the post-Katrina experience of Latino construction workers differed from their non-Latino counterparts, and we distinguish whether the legal status of construction workers was associated with their treatment on the job. Furthermore, we examine how likely Latinos and undocumented migrants were to have settled in New Orleans—and in doing so, permanently change the racial and ethnic composition of the city.

Study Design

In March 2006, a team of graduate students from Tulane University and the University of California at Berkeley interviewed 212 randomly selected workers in New Orleans (Orleans Parish). The questionnaire contained 130 questions on demographics, employment, health, and potential violations of human rights. It was administered in English and Spanish, depending on the native language of the respondent. Our research was supplemented with in-depth qualitative interviews with Latino workers and key informants such as legal advocates, social service providers, community activists, health care providers, business leaders, policy makers, representatives of minority and immigrant groups, and representatives of federal, state, and local government agencies in Louisiana and Mississippi. The interviews lasted 1 to 2 hours and used an open discussion format.

We used a comprehensive database of all (residential and business) addresses in the city of New Orleans as a sampling frame.[1] We randomly selected 296 addresses and one construction

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worker from each location to interview. If the address had no construction workers, the interviewer located the closest building within a 10-block radius where a construction worker could be found. Interviewers failed to locate workers using this method for 84 of the addresses because little or no construction work was under way. This occurred in areas that were largely unaffected or the area was too heavily damaged for reconstruction, such as Lakeview, Gentilly, Mid-City, and the Lower Ninth Ward. Interviewers approached 351 workers and completed 212 interviews, resulting in a refusal rate of 40%. To obtain a representative sample of active construction workers, we needed a minimum target sample size of 194 individuals.[2] We interviewed only in the city of New Orleans.

The survey instrument covered sensitive subjects, including discrimination, labor abuses, and violations of human rights, trauma, and immigration status. It is possible that respondents refused to participate or did not answer truthfully because they feared talking about their labor condition or being reported to immigration authorities. This may have led to underreporting on sensitive issues such as human rights abuses and illegal status. However, we stressed confidentiality in the consent form and we never asked for or recorded names. The sensitivity of the questions also may have placed the respondent at additional risk (e.g., employers may have objected to the worker participating in the survey) or reminded respondents of traumatic experiences. Ensuring confidentiality as discussed above may have minimized the risk. In addition, after the interview, we made available information sheets and contact information for nongovernmental organizations active on the ground that could provide support on human rights issues and help to address any question or issue respondents might have had.

Characteristics of Construction Workers

The vast majority of the workers were male (93%) with an average age of 38 years (Table 1). Although no baseline data exist on the racial composition of construction workers in New Orleans prior to Katrina, Latinos workers constituted a large proportion of such workers after Katrina. Among the construction workers we interviewed, Latinos represented the largest ethnic group (45%), followed by Caucasians (28%) and African Americans (24%). A small group was of other ethnic backgrounds (3%). Most workers were U.S. citizens or permanent residents (68%) and 5% some held work visas. One-fourth were undocumented workers. Four workers refused to identify their immigration status. The undocumented and work visa holders were all Latinos. Among Latinos, only a minority (9%) were U.S. citizens. Most came from Mexico (40%), Honduras (28%), and El Salvador (9%).

Workers were nearly evenly divided between long-time residents and newcomers, but the majority of the newcomers were Latinos (63%), and two-thirds of the Latino workers were newcomers (Table 2), suggesting a change in ethnic composition among construction workers. Latino newcomers predominantly came from other locations in the United States; nearly half resided in Texas prior to arriving in New Orleans.

Newcomers generally arrived without family. Although about two-thirds of the newcomers and prior New Orleans residents were married, only about one-fourth of the newcomers brought their spouses, compared with three-quarter of longtime residents. Few of the newcomers had plans for their spouses to join them. This suggests that few newcomers, particularly Latinos, had long-term plans to settle in the region.

The prospect of finding well-paid jobs is usually identified as the reason for worker migration. Although 93% of the workers were employed at the time of the survey, only 62.5% of Latinos and 82.4% of non-Latinos were employed prior to arriving in New Orleans. Similarly, fewer undocumented workers (58%) reported being employed before moving to the hurricane-affected areas than documented workers (79%). The combination of the great need for construction

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Table 1. Workers Ethnicity and Immigration Status (Self-Reported)

	Immigration Status				
	U.S. Citizen/ Permanent Resident	Work Visa Holder	Undocumented Worker	Unknown	Total
Ethnicity					
Latino	15.1%	4.7%	25.0%	0	44.8%
Caucasian	27.4%	0	0	0.5%	27.8%
African American	23.1%	0	0	1.4%	24.5%
Other	2.8%	0	0	0	2.8%
Total	68.4%	4.7%	25.0%	1.9%	100% (212)

Note: Each cell includes the number and percentage of all workers in the table.

Table 2. Length of Residence of Workers in New Orleans by Ethnicity

Length of Residence		Latino	Non-Latino	Total
After Katrina	<1 month	8.4	8.5	8.5
	1-6 months	57.9	23.1	38.7
Before Katrina	7-12 months	7.4	2.6	4.7
	1-4 years	6.3	3.4	4.7
	>5 years	20.0	62.4	43.4

workers and available, low-skilled mobile workers, particularly undocumented Latinos, helps explain the pattern of arrival of newcomers and the inherent tension between demand for labor and respect of immigration laws.

Working Conditions and Experiences

The postdisaster environment made for poor labor conditions and greater opportunity for worker abuse (see Delp, Podolsky, & Aguilar, 2009). Although abuses were reported by construction workers from all ethnic backgrounds and legal status, Latino workers were at a greater disadvantage, particularly those who were undocumented. Latino workers and undocumented Latino workers earned less than their non-Latino counterparts (Table 3). The average hourly wage among Latino workers was $12.60 compared with $14.10 among African Americans and $19.00 among White workers. The hourly wage was even lower among undocumented workers (all Latinos) at $10.90 compared with $16.40 among documented workers. The difference in hourly wage between document and undocumented workers was statistically significant ($F = 11.09$, $p \leq .001$).

The number of hours and number of days worked, however, did not differ greatly across groups. The difference in hourly wage may be explained, in part, by differences in the type of labor. Documented workers worked more frequently in specialized skilled labor (e.g., electrical and plumbing work) while undocumented Latino workers performed general construction and work with higher associated risks such as roofing and debris removal. However, even after adjusting for the type of work, undocumented Latino workers earned significantly less than documented workers ($p \leqq .05$).

Latino workers, particularly undocumented workers, also experienced more problems being paid and receiving less money than expected. They also more frequently saw expenses deducted

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Table 3. Work Experience by Ethnicity and Immigration Status

	Ethnicity		Immigration Status	
	Latino	Non-Latino	Undocumented	Documented
Average hourly wage (US$)	12.6	16.8	10.9	16.4
Hours worked/day	9.3	9.7	9.2	9.7
Receiving less than expected	28.3	14.0	34.0	16.4
Difficulties being paid	29.0	12.9	38.3	13.3
Expenses deducted	25.6	6.0	26.4	12.0
Paid overtime	30.1	28.7	30.2	28.2
Normal hourly wage	43.8	14.8	60.0	15.8
One and half time hourly wage	40.6	74.1	20.0	73.7
Any protective equipment	73.4	87.0	71.7	84.3
Received training for the work site	39.3	51.8	33.3	48.6
Informed about risk related to mold	47.9	68.2	37.7	67.1
Informed about risks related to asbestos	44.6	67.0	35.8	64.9
Informed about risks related to unsafe building	28.0	64.8	19.3	58.6
Reported any sickness	72.6	76.9	75.5	74.2
Symptoms of depression	14.0	9.2	17.6	9.3
Seek medical treatment (if sick)	10.9	29.5	7.7	25.2
Have health insurance	21.1	62.3	9.4	54.8
Among undocumented workers				
Encountered immigration officers	—	—	13.2	—
Reported unfair treatment by immigration officers (self or coworker)	—	—	9.6	—

from their pay. Although about the same percentage of non-Latino and Latino workers were paid overtime hours, undocumented workers more frequently received the normal hourly wage whereas non-Latino and documented workers more often were paid time and a half. Latino workers also had less access to protective equipment and were less informed about health risks related to their work.

That undocumented Latino workers were at a disadvantage in pay and workplace safety suggests that immigration laws and workplace regulations are at odds: workers are needed and employed regardless of their immigration status, but the level of protection they enjoy is influenced by their immigration status. Undocumented workers reported more problems with employers than documented workers, including receipt of wages owed, threats of deportation, and other types of perceived unfair treatment. Language barriers may inhibit training and dissemination of information about rights and risks among Latino workers. Unscrupulous employers may also lack a commitment to workplace safety or cut corners with undocumented workers simply because they can get away with it and increase their profit margins. Key informants reported that inexperienced or "fly-by-night" contractors have opened up shop in the area and that these employers may be taking advantage of the lack of regulations and enforcement or simply choosing to ignore relevant laws. It also may be true that rising insurance premiums and other costs of doing business in the disaster zone hinder the ability of well-intentioned employers to maintain standards. It is possible that undocumented workers are more willing than documented workers to accept low wages, poor safety protections, and substandard housing because they have no other choice or because even these conditions are better than their other options. Nonetheless, our study showed that Latino, particularly undocumented, workers experienced different levels of treatment and protection than non-Latino workers. Undocumented workers were especially at risk of exploitation.

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Worker Health and Protection

Labor, health, and safety laws apply to workers without regard to their legal status. Nevertheless, undocumented Latino workers faced more barriers to such protection. Although all workers reported health concerns, few undocumented workers said they had health insurance (9%). This compares with more than two-thirds among documented workers. Among Latinos in general, only one-fifth had health insurance. The absence of health insurance may explain why undocumented workers were four times less likely than documented workers to seek medical treatment and access medicine when needed. ($p \leqq .005$). If they did seek treatment, undocumented workers predominantly sought free treatment at mobile clinics and health services provided by charity organizations such as the American Red Cross. This was often their only resort as the city's public health system was severely compromised in the aftermath of Hurricane Katrina.

The lack of mental health care is notable given the relatively high prevalence of psychological trauma. Using the Johns Hopkins Depression Symptom Checklist, we found that a greater share of Latino workers (14% of documented and 17% of undocumented workers) met the criteria for symptoms of depression than non-Latino workers (9%). The high prevalence of depressive symptoms was likely due to their social isolation and poor treatment throughout the cleanup effort. This is purely speculative because no prior data on the prevalence of symptoms of depression for this population were available.

Few workers (5%) reported harassment by the police. A total of 13% of the undocumented workers reported encountering immigration personnel who generally only checked their identification. Ten percent of the undocumented workers reported unfair treatment or were aware of coworkers who had experienced unfair treatment by immigration officers. These relatively low figures likely illustrate the laissez-faire approach of immigration law enforcement in the wake of Hurricane Katrina.

Future Plans and the Changing Demographics of New Orleans

Six months after Hurricane Katrina, few Latino workers, and even fewer undocumented Latino workers planned to stay permanently in New Orleans. Overall, 34% of the respondents planned to stay permanently, but only 14% of Latino workers and 4% among undocumented workers planned to remain (Table 4). The decision to stay permanently was associated with being present before Hurricane Katrina, immigration status, racial background, age, and having family present in the hurricane area.

In all, 7 in 10 documented workers responded that they would stay permanently in the region, particularly if they had lived in the area for more than 6 months. Even 45% of documented workers who came to New Orleans after Katrina said that they would stay permanently. Few undocumented workers, in contrast, reported that they wanted to relocate permanently: 9% of those who had lived in the area for more than 6 months and 4% of those who had lived there less than 6 months. For the most part, undocumented workers said they planned to stay as long as they could find work.

To identify the most significant factors associated with the intended length of stay, we conducted a stepwise regression multivariate analysis. We used three categories were for racial background and immigration status of the workers: documented non-Latinos, documented Latinos, and undocumented Latinos.

After adjusting for the racial background and immigration status, having been a resident of the area before Hurricane Katrina strongly influenced the decision to stay permanently. Those present before the hurricane were more than 100 times more likely to say they planned to stay permanently. Few newcomers had made that decision. We further found no differences between documented non-Latino and Latino workers in their intention to stay permanently. However,

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Table 4. Intended Length of Stay by Ethnicity and Immigration Status

	Ethnicity		Immigration Status	
	Latino	Non-Latino	Undocumented	Documented
As long as there is work	34.0	17.1	28.8	23.2
One month to a few years	35.1	10.3	50.0	11.6
Permanently	13.9	51.3	3.8	45.2
Don't know	17.0	21.4	17.3	20.0

Note: All figures are in percentage.

Table 5. Factors Associated With Intended Length of Stay at the Multivariate Level

	Adjusted OR (95% CI)	*p* Value
Resident before Katrina?		
Yes vs. no	126.9 (16.8-958.6)	<.001
Racial background and immigration status		
Documented Latino vs. documented non-Latino	0.42 (0.16-1.13)	.084
Undocumented Latino vs. documented non-Latino	0.07 (0.01-0.34)	.001

Note: OR = odds ratio; CI = confidence interval.

undocumented Latino workers were 1.5 times less likely to want to stay permanently than were documented non-Latino workers (Table 5).

Our analysis is limited, however. Because of the imprecision in respondents' answers about their intended length of stay, we only explored differences between those who said they would stay permanently and those who did not. Furthermore, we collected data only 6 months after Hurricane Katrina, when much uncertainty about the future of the city remained. However, the data suggest that few newcomers planned to stay permanently, and after adjusting for the time of arrival, undocumented workers were less likely to plan to stay permanently.

These findings suggest that newcomers in the construction field are a mobile workforce and among them, undocumented workers appear even more mobile. Key informants and in-depth interviews suggest that the uncertainty among undocumented workers and their broken family ties may explain the lower commitment to settle in the city. As a result, the long-term settlement of (frequently Latino) newcomers, and a subsequent change in the human and social fabric of New Orleans, is far from certain.

We also find that undocumented workers are more frequently victims of work-related discrimination, including lower pay and difficulties receiving payment. Because of their inherently mobile nature and the nature of supply and demand, undocumented workers may be perceived as a disposable or replaceable labor force, whether they move voluntarily or under pressure from immigration services.

Conclusions

At the time of writing, and despite the economic crisis, the reconstruction of New Orleans continues. The effort will take many more years and will provide job opportunities for construction workers, many of whom will be Latinos. Grants and funding for reconstruction are still being approved, and revenue is slowly arriving in the city; thus the availability of work is constantly shifting. However, much of the cleanup effort has been completed although the enormous task of

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rebuilding has been slow. As a result, the low-skill labor market is likely to have shrunk since we conducted this survey. Reports of lack of jobs and workers leaving the area are frequent, although not well documented.

The remaining labor force may therefore be smaller but possibly more willing to settle permanently. Latinos are among them, but their numbers are likely small and certainly not large enough to warrant talk of Latinos "overtaking the city." However, their arrival means that New Orleans is now on the map for Latino migrants. Although before Katrina, the city had a population of Latino migrants below national averages, this may not be the case in the years to come.

The perception of undocumented workers as a disposable force may nevertheless prevail, leading to continued abuses of their rights. Undocumented workers, all of whom were of Latino origin in this study, are particularly vulnerable when neither immigration laws nor labor rights are enforced. Either immigration laws should be effectively enforced to prevent undocumented immigrants from working, or their contribution to the city's reconstruction should be recognized and their rights to labor, safety, and health protections should be enforced equally with those of documented workers. When neither immigration laws nor labor rights are enforced, the most vulnerable workers, the undocumented, bear the brunt, resulting in their exploitation.

Authors' Note

Portions of this article were published in L. E. Fletcher et al. (2007). Latino workers and human rights in the aftermath of Hurricane Katrina. *Berkeley Journal of Employment and Labor Law, 28*, 107-152. It is reproduced here by permission of the Regents of the University of California.

Declaration of Conflicting Interests

The authors declared no potential conflicts of interests with respect to the authorship and/or publication of this article.

Funding

The authors received no financial support for the research and/or authorship of this article.

Notes

1. We combined New Orleans Sewage and Water Board data, Census Bureau data, and information from the Geographic Information Systems Department of New Orleans to provide researchers with a database of all the addresses in the city of New Orleans with geographic reference points and links to pre-Katrina demographic information.
2. We used the minimum sample size formula for estimating the proportion ($N > Z^2 \times (P)\ (1 - P)\ d^2$). Assuming 95% confidence, a prevalence estimate of 50%, and desired precision of .10, the minimum required sample size is 97. To have sufficient sample size to stratify and account for design effect, we increased the minimum sample size requirement to 194.

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Bios

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