



National Day Laborer Organizing Network

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DAY LABOR FAIRNESS AND PROTECTION ACT

Day laborers are frequently unpaid, required to perform hazardous work and confront a higher incidence of workplace injuries and fatalities. The Day Labor Fairness and Protection Act would address the particular vulnerability of day laborers to workplace exploitation. Passage of the Act is necessary to protect day laborers, to guard against the diminishment of all workers' rights, and to ensure that bad employers do not have a competitive advantage.

The Day Labor Fairness and Protection Act -

Would Protect and Expand the Wage and Hour Rights of Day Laborers

- Bans fees or wage deductions for:
 - Cashing a check issued by a day labor service agency or other day labor employer.
 - Health and safety equipment
 - Transportation between the place of hire and work site
- Establishes wage parity between day laborers with full time permanent employees performing similar tasks.
- Requires timely payments in cash or an immediately redeemable check.
- Mandates weekly and daily overtime rates
- Ensures a minimum daily rate of pay for day laborers
- Compensates day laborers for traveling time between the point of hire and worksite and for time spent waiting for late employers.
- Prohibits day labor employers from reneging on wage agreements

Would Guarantee the First Amendment Rights of Day Laborers

Would Ensure a Safe and Healthy Employment and Work Environments for All Day Laborers

- Day labor service agencies and other day labor employers are responsible for:
 - Taking measures to provide a safe and healthful work environment.
 - Furnishing proper health and safety equipment at no cost to the day laborer.
 - Providing day laborers with information about eligibility for workers' compensation benefits for on the job injuries. If workers' compensation benefits are unavailable, the day labor employer must cover the medical and compensatory costs of a work related injury.
 - Providing written notice to and obtaining the written consent of day laborers asked to perform work that would expose them to hazardous materials or conditions.
 - Ensuring that motor vehicles used to transport day laborers are registered and meet basic safety requirements.

Would Prohibit retaliation by day labor service agencies and other day labor employers against day laborers seeking to enforce their rights under this Act

Would Hold Day Labor Service Agencies and Other Day Labor Employers Accountable

- Day labor service agencies and other day laborer employers are required to register with the Department of Labor. The Secretary of labor will have the authority to suspend or revoke the registration of day labor service agencies and employers who violate the Act.
- The Secretary of Labor has authority to investigate violations of the Act and assess penalties against day labor service agencies and other day labor employers.

Would Prohibit the Use of Day Laborers as Strike Breakers

- Day labor service agencies may not dispatch a day laborer to any worksite where a labor dispute exists.

Would Allocate Funds for Demonstration Projects

- A total of \$10 million will be allocated for a multi-state demonstration project to create and maintain Day Laborer Hiring Sites to provide social services