When employers deny workers their earned wages and benefits, protected by federal and state labor laws. This includes underpayment, unpaid overtime work, deduction violations and misclassification of labor, as well as outright withholding of wages.

From 2015-2017, research teams from the University of Denver conducted qualitative interviews and outreach with 170 day laborers and surveyed 411. Outreach workers collaborated with El Centro Humanitario to conduct Know Your Rights trainings at the hiring sites. The research team also interviewed lawyers, legal agencies, non-profits, politicians, and employers.

Survey respondents were largely foreign born (88%), Latino (94%), and male. 69% hailed from Mexico, 65% were undocumented, 24% had English fluency, and 13% spoke no English. 40% completed 6 or fewer years of schooling.

The survey found that day laborers have limited work opportunities despite Denver’s post-recession construction boom. Day laborers concentrate in residential construction, landscaping, and associated industries like demolition, masonry, roofing, and painting. Day laborers have a low employment rate of just 73%. The weighted hourly median wage reported was $15.43.

Of 411 day laborers surveyed from October 2016-August 2017:
- 62% have ever experienced wage theft
- 19% experienced wage theft in the six months prior to being surveyed

Of those who ever experienced wage theft:
- 50% attempted to recover wages
- 39% asked for assistance to recover wages

Day laborers explain some of the tactics employers use to cheat workers out of their earned wages:
- Checks bounce.
- Employers say they have not received payment from supervisors/contractors and cannot dispense wages.
Employers pay workers at first and workers develop trust. This may lead workers to agree to weekly or biweekly instead of daily payments. The employer takes advantage by gradually shortchanging the worker, failing to abide by the agreement, or failing to pay entirely.

- Difficulty finding or knowing the requisite information on the employer.
- Fear of being harassed or retaliated against by employers.
- Chilling effects of the immigration climate on worker reporting.
- Time, money, and lack of cultural resources and English language skills to navigate the legal and court systems.
- Competitiveness of work and vulnerability.

Workers who do seek assistance often reported doing so only after experiencing wage theft multiple times. One worker mentioned to El Centro Humanitario’s Direct Action Team that it was no longer about the $500 he was owed, but more about preventing wage theft from happening again and again, to him as well as to others. Day laborers and lawyers do not see this kind of wage theft as accidental or innocent, but as a deliberate, patterned business strategy.

Workers seek to prevent wage theft and upgrade working conditions by:
- Demanding cash payments each day.
- Asserting a minimum wage floor at street corner hiring sites.
- Taking photos of completed work and noting employer contact information.
- Warning others at the corners to avoid employers who have cheated or mistreated workers in the past.

Of workers who had ever experienced wage theft, 90 sought assistance. They sought assistance, including:
- 36 from El Centro
- 17 from police
- 15 from Towards Justice or lawyers
- 5 from department of labor

In Colorado, day laborers have the following options to pursue their wages within and outside of the legal system:
- El Centro Humanitario
- Colorado Department of Labor & Employment
- The Direct Action Team
- Small claims court
- Towards Justice
- Private attorneys

Workers, employers, and the public need to be educated and state-level agencies charged with enforcement should be supported. Community groups and trusted partners that include workers can help in the ongoing quest for wage justice. In Denver, volunteers with the Direct Action Team work out of El Centro Humanitario to help workers recoup wages and Towards Justice couples outreach and education with systemic oriented litigation. A better-informed public can also learn to recognize and censor such practices.