Latinx Labor Rights and Workplace Enforcement

Adolfho Romero and Shannon Gleeson

Chicano labor studies has evolved as an inherently interdisciplinary field, with deep roots in the study of Latinx working-class movements. At the heart of these historical accounts are the various waves of Latino workers who have engaged in collective action to confront labor exploitation and demand stronger protections. A full account of these moments is too vast to sufficiently chronicle here, but they include, for example, moments of state violence in the early part of the twentieth century targeting Tejano workers threatened by growers with both debt bondage and deportation; striking Mexican laundry workers in El Paso in the years following the Mexican Revolution; and mutual aid societies in South Texas that came together to build much needed structures of organizational life (Vargas 2005). Mexican immigrants were a key segment of the famed Industrial Workers of the World (IWW), and, in 1917, striking copper-mine workers were violently deported in Bisbee, Arizona (Ortiz 2018). In the decades that followed, the Congress of Industrial Organizations (CIO) emerged from key industries for Latino workers such as steel, rubber, food processing, and textiles. Chicano worker organizing influenced the "ideologies and patterns of organizing" for the interwar period, and so many of the organizations established during this period would become core building blocks of worker civil society during the latter part of the twentieth century (Barrera 1979, 110–12).

Additionally, much of what we know about the challenges of the contemporary system of temporary-labor migration (the modern H-2 visa program) stems from the interdisciplinary critique of the two-decade-long Bracero Program, which contracted Mexican workers for two decades to work seasonally under the threat of blacklisting and deportation. This era also revealed multiple strategies of resistance in all aspects of their civic

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and political life (Loza 2016). Meanwhile, early civil rights organizing by groups such as the League of United Latin American Citizens (LULAC) would become infamous for promoting a largely elite middle-class ethos, often at the exclusion of poor Mexican and immigrant workers, in the name of "racial uplift" (Vargas 2005, 63–64). As such, the history of Chicano labor has been complex and full of contradictions.

Racialization, Intersectionality, and Illegalization

Latino workers are central to our understanding of the persistent function of structural racism at the workplace and beyond. For example, Edward E. Telles and Vilma Ortiz's (2008) historic study of generational inequality reveals persistent exclusion and discrimination, linked to decades of labor-market subordination of Mexicans in the Southwest. Multiple waves of racial-formation scholars have examined how racial categories are produced, sustained, and challenged (HoSang et al. 2012). The experience of Latino workers, however, is heterogeneous. Beyond the experience of mestizaje, Indigenous Latino workers face particular kinds of discrimination (Herrera 2016), and Afro-Latino workers must also contend with persistent anti-Black bias (Hernández 2022).

Hispanic (the term still employed by most federal data sources) workers today comprise nearly one in five workers in the United States and are the fastest-growing worker group. The demographic transformation in the US South, in particular, has provided an opportunity to understand the challenges and opportunities Latino workers face in mobilizing their rights at work, and the tactics employed by employers to deter these efforts. Sociologist Vanesa Ribas's (2015) labor ethnography of a meatpacking plant in North Carolina offers a theory of "prismatic engagement" to explain how newly arrived Latino immigrants and established African American workers relate through the prism of white dominance (8–9). Other scholars, too, have examined how successive waves of Latino workers have developed alliances and tensions, based on national origin, Indigeneity, language, and class status within the diaspora. Accordingly, Chicano labor studies

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has also documented the efforts necessary to build lasting coalitions across these divides through labor education and political consciousness building.

Meanwhile, the solidification of what Leticia M. Saucedo (2009) and others refer to as the "brown collar workplace" reveals the long-term consequences of occupational segregation and the degradation of workplace conditions. An innovative audit study by A. Nicole Kreisberg (2023), for example, finds that employers were twice as likely to call back native-born as foreign-born Latinos; they called back documented, work-authorized Latinos at almost the same low rates as undocumented Latinos. Catalina Amuedo-Dorantes and Susan Pozo (2019) also document the negative impacts of immigration-enforcement efforts on the hiring of US-citizen Hispanics. Together, these findings confirm the broad-ranging function of Latino and immigrant inequality.

Immigration status has also been an important focus of Chicano labor studies. Marxian perspectives on unauthorized work have pointed to the extensive *inclusion* of unauthorized workers in the US labor market, despite (and, arguably, precisely because of) their legal *exclusion* (De Genova 2005; Paret 2014). Since the four-decade-long deadlock in the US Congress over comprehensive immigration reform, the population of undocumented immigrants has increased steadily. Following some decline after the Great Recession, undocumented immigrants currently comprise an estimated fourteen million people (Center for Migration Studies 2026), depending on how one defines the population. The vast majority of these migrants are from Latin America, though the share of unauthorized Mexicans has decreased as populations from Central and South America have increased. Nativity and immigration status together shape workplace precarity. Latino-immigrant workers experience higher rates of minimum wage violations (Bernhardt et al. 2013) and have long had the highest rate of workplace fatalities (Algernon 2024). Survey analysis confirms that unauthorized workers, in particular, face greater occupational hazards (Hall and Greenman 2015). Immigration status also shapes workers' willingness to mobilize their rights at work, including access to safety protection and workers' compensation following an injury (Gleeson 2012).

Nonetheless, in the United States, unauthorized workers formally enjoy nearly the same protections as do their authorized counterparts, though, in practice, their access to equal remedies is challenged by long-standing precedent handed down by the 2002 US Supreme Court decision *Hoffman Plastic Compounds, Inc. v. National Labor Relations Board* (NLRB), which precludes the provision of back pay to unauthorized workers. These legal

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inequalities, alongside the vagaries of "at-will employment" and long-lasting legacies of racial discrimination, have degraded job quality and dignity at work for Latino immigrants (Griffith et al. 2025). Liminal legal categories such as Temporary Protected Status (TPS) create massive uncertainty and also block occupational mobility (Gleeson and Griffith 2021; Menjívar 2006). Current state violence against immigrants is further entrenching the vulnerability of these workers with precarious status.

The intersectional dynamics of latinidad at work also encompass gender and sexuality. For example, Latina immigrant women, mothers, and the undocumented, in particular, have lower formal labor-market participation (Florian et al. 2023). Latinas also face a significant wage gap of "52 cents to every dollar paid to white, non-Hispanic men" nationally (González et al. 2023). The types of challenges Latina women face at work are often distinct, with insufficient legal and cultural solutions available to address sexual harassment and assault in the workplace. In a study of formerly undocumented Latino immigrants in Los Angeles and Atlanta, Luis Edward Tenorio (2024) finds that Latinas are less likely to complain about material remuneration based on legal requirements than to make moral claims regarding treatment, benefits, and accommodations.

Sexuality is another important and often understudied aspect of the Latino-worker experience, which can shape notions of masculinity and claims making (Walter et al. 2004). Héctor Carrillo's (2018) pathbreaking work on the experiences of Mexican gay men emerged in the tradition of the late Lionel Cantú, characterizing their full lives beyond the worksite on both sides of the border. Juana María Rodríguez's (2023) provocative *Puta Life* also chronicles the impact of the stigmatization and criminalization of sex work, for a range of occupations. The experiences of transgender Latinas and lesbian Latinas, too, have been a critical site of theorizing regarding the impact of gender and sexuality on professional lives.

The Fissured Latino Workplace and Latino Worker Precarity

In addition to the intersectional experiences of Latino workers, the changing structure of the global economy has impacted the very nature of the employment relationship. The world over, the increasing flexibilization of the low-wage workforce has demanded a labor supply that is easily turned on or off. David Weil (2014) points to the modern "fissured workplace" in the United States, characterized by temporary and contracted labor, as one

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of the driving mechanisms of deteriorating job quality. These nonstandard jobs shield employers from many obligations and are harder to regulate (24). Latino workers are at the heart of these labor dynamics in many large immigrant destinations and key industries.

For example, domestic workers in the United States, though diverse in origin, today hail largely from Latin America and the Caribbean. For many reasons, domestic workers often lack federal protections. This stems in part from racist exclusions under the National Labor Relations Act (NLRA) that refused to see reproductive labor (historically inhabited by African American women, Latinas, and even Asian men, in some places) as work meriting collective-action protections (Glenn 1992; Perea 2011). Hondagneu-Sotelo's (2001) classic book *Doméstica* highlights the challenges facing Mexican and Central American domestic workers in Los Angeles, including those in private homes and those hired through employment agencies. Also excluded from federal protections under the NLRA were agricultural workers, who today are overwhelmingly Latino-immigrant workers in seasonal placements. Outside of California, and minimally now in New York as well, farmworkers to this day still lack key protections.

Day labor, too, has been a key empirical focus of Chicano labor studies scholars. Abel Valenzuela's (2003) pathbreaking study of day laborers two decades ago has provided a model for surveying informal workers at both official and unofficial hiring spots. These workers have raised several legal questions regarding the common "misclassification" of independent contractors (a rampant practice in the heavily Latino construction sector). Like domestic workers and farmworkers, day laborers—many of whom are unauthorized Latinos, though not exclusively so—pose an important case for labor organizing beyond the traditional labor union. Like Domestic Workers United, the National Day Labor Organizing Network (NDLON) has become an important ancillary to the AFL-CIO and traditional building-trades unions. This network of worker centers is a fundamental building block for the coenforcement of workplace protections (Cordero-Guzmán 2015; Fine 2017). Beyond core industry issues such as health and safety, and prevailing wages, NDLON has been an important ally for the TPS Alliance, which has pushed the federal government to maintain the decades-long policy that benefits many migrant workers from Latin America and the Caribbean. NDLON and other migrant-labor advocates have also been a major advocacy engine for the now-canceled Deferred Action for Labor Enforcement (DALE) program (Yanik 2025).

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Street vendors, too, are a dominant Latino workspace and focus of Chicano labor studies. One of the most insightful ethnographies of fruteros, Rocío Rosales's (2020) book, offers a series of important theoretical interventions about this industry. First, Rosales argues that even in an immigrant-dense setting like Los Angeles, fruit vendors are subject to an overlapping set of punitive surveillance policies (including, but far beyond, immigration enforcement) that disproportionately impact low-wage Latino immigrants, including law enforcement, public health monitoring, antiloitering policies, and business licensing. Second, Rosales documents the transnational networks that facilitate the migration and employment of fruteros, which form what she calls an "ethnic cage" (7–8) that fuels worker exploitation. Aside from the multiple regulatory challenges that these worker-entrepreneurs face, they remain pivotal agents of labor- and immigrant-rights mobilization, and were an important presence during the iconic May 1 immigrant-rights rallies. The vendor-led movement to legalize food trucks has been a high-profile campaign in both immigrant-dense and other gentrified places throughout cities like Los Angeles.

Innovative Empirical Approaches

Throughout the evolution of the field, a number of empirical innovations have been key to Chicano labor studies. The tradition of oral history and archival research has been foundational to understanding the *longue durée* of Latino workers across the United States. Historians have documented the presence of not only Mexicans but also several other Latin American diasporas throughout the country. Caribbean-studies scholars, more broadly, have also helped craft a more expansive imaginary of Latinos at work. For example, though agricultural labor has often been assumed to be synonymous with Mexican-migrant labor, Ismael García-Colón (2020) charts the history of Puerto Rican workers on US farms. Similarly, though Latino workers have often been imagined to be limited historically to the US West and Southwest, many new histories have revived our understanding of Latino workers throughout the Midwest, far beyond urban centers, and in the Deep South. Oral histories become a critical part of how scholars center the voices and agencies of Latino workers who are not only constrained by the political and legal boundaries of citizenship, and the interests of their employers, but, as Verónica Martínez-Matsuda (2020) argues, also proactively engage in a process of making citizenship in the places where they work and live.

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Ethnography, too, has been a core empirical tool for Chicano labor studies, whether it be on the shop floor, in the fields, behind a cart, or on the delivery route. A key insight of ethnographers has been to surface a bottom-up accounting of how workers navigate often complex relationships at work. Ruth Gomberg-Muñoz's (2011, 80–99) ethnography of undocumented Mexican busboys in suburban Chicago restaurants, for example, shows how workers navigate a contradictory labor regime in which flexibility, teamwork, and willingness to take on extra tasks produce dignity and job security while also expanding employers' expectations and intensifying exploitation. Other research examines how Latino workers assume the role of middle management and leverage their insider-outsider status. For example, Laura López-Sanders (2024) reveals the actual process by which employers engage in a proactive process of displacing an existing workforce with exploitable Latino-immigrant labor. Ethnographic studies have become a key method for accessing hard-to-reach workers whose experiences are not well captured in traditional labor-market surveys, especially for work that is stigmatized.

Beyond historical and qualitative approaches, Chicano labor studies has relied on the work of demographers and sociologists who draw on administrative data and surveys to understand the comparative position of Latinos. Administrative data from labor-standards enforcement agencies have proven critical, but also incredibly challenging to get a full picture of the national labor force. With the exception of some areas of discrimination data, most violation and claims data (including wage and hour enforcement) are not coordinated with state and local agencies in the United States. Instead, labor scholars often turn to specialized surveys of worker well-being and experiences with workplace violations (Bernhardt et al. 2013). These studies have revealed that Latino identity and immigration status often covary with other risk factors for workers, and their unique effect can be challenging to tease out. Further, limitations in telephone-survey methods and language restrictions can drive undercounts. Small cell counts, especially for smaller Latino-worker populations, can make it challenging to home in on the unique experiences of the Latino workforce. Triangulating between both administrative and survey data, some of the most innovative approaches have attempted to refine estimates of the unauthorized immigrant population (Hall et al. 2025). Recent attempts to politicize census efforts are sure to lead to further concerns about data quality and coverage.

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Directions for Future Research

As we look to the future of Chicano labor studies and of our understanding of how Latino workers mobilize their rights at work, there are many theoretical and empirical lines of inquiry that merit attention. The critical historiographies described above will continue to be important as we rewrite the histories of, for example, the figures in history that led some of the most notable junctures in labor history. Revelations about the damage wrought by entrenched patriarchy, violence, and abuse at the hands of the most celebrated Chicano labor leaders, such as Cesar Chavez, have forced a reckoning for Chicano labor scholars. Just as the civil rights movement has started to center the role of Coretta Scott King and Betty Shabazz, Chicano labor studies must continue to rewrite labor history through a feminist lens that elevates the hidden labor of care and leadership of many iconic Latinas, such as Dolores Huerta, but also contemporary Latina labor leaders throughout organized labor.

Legal histories, too, will prove critical as the lessons of the past become once again relevant, in the contemporary era of hardened immigration enforcement coordinated through local authorities, expanded immigrant surveillance and workplace raids, expanded guest worker policies championed by both US political parties, and attempts to dismantle workplace protections that political opponents have branded biased and unnecessary. Perhaps in no other time in US history have the lessons of Operation Wetback, the infamous Texas Rangers who operated with impunity in organizing slave patrols and later "repatriation" efforts of Mexicans, and the repression of collective action proved more useful. A critical race and ethnic studies approach will be needed and will necessarily be comparative in nature. The lessons, for example, of Japanese internment continue to shape legal precedent for detention. Similarly, both the dispossession of Native Americans and the reluctant process of postbellum emancipation help us understand recent efforts to dismantle birthright citizenship.

Increasingly devastating weather events, expanding fire disasters, and a warming climate (and workplace) all pose many questions for how we study Latino workers and the violations they will continue to face. While some labor leaders have championed immigrants as the cornerstone of "climate-changed world" (Chávez et al. 2024, 340, 352), studies of *ruferos* highlight the challenges these frontline (overwhelmingly Latino) workers will face (Chávez et al. 2024). As technology and labor become increasingly

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intertwined, and the "platform economy" expands, surveys and ethnographies on the experiences of "deliveristas" who rely on apps to dispatch them will prove critical, as will studies of attempts to organize these workers.

The future of Chicano labor studies is key to the broader field of labor relations, which will need to continue to center race and immigration as core (and not just ancillary) factors shaping worker well-being (Dubuisson et al. 2023; Lee and Tapia 2021). Further, the task of better documenting the work experience of "marginal workers," as Ruben J. Garcia (2012) labels them, will necessarily require more expansive data collection. Yet, in an era of political repression, the trade-offs of expanded worker surveillance in the name of better data will pose disproportionate risks to Latino workers and require discernment.

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