



FARMWORKER JUSTICE NEWS

www.farmworkerjustice.org

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Volume 24, No 2

Fall 2009

New FJ Project Will Mobilize Rural Latinos Against HIV, Promote Healthy Communities



Farmworker Justice's Miguel Velez at the Peer Advocate training in Houston, TX, May 2009

Farmworker Justice is launching a new project that will train lay health educators in rural areas to promote awareness of HIV and other health issues in their communities. Our new project is based on a model of community education called *promotores de salud*. *Promotores* programs train people to disseminate health-promotion messages in their communities. FJ has utilized and supported *promotores* programs for many years. We work with agencies to train their *promotores*, have written an award-winning *promotores de salud* training manual, and done numerous presentations on the benefits of this model for HIV prevention. In this new project, our focus will be community mobilization through *promotores de salud*, and will specifically target rural Latino communities. Over the next 4 years we will:

- examine current *promotores de salud* models to establish a Best Practices guide;
- develop a curriculum to help organizations train *promotores* to mobilize their communities around HIV prevention;
- create a coalition made up of *promotores*, community organizations, health departments, local officials, the CDC, and others, to foster the sharing of ideas and practices on HIV prevention.
- Provide one-on-one technical assistance to organizations wishing to mobilize their communities to prevent HIV using *promotores de salud*; and,

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UNA SELECCIÓN DE LAS NOTICIAS DE JUSTICIA CAMPESINA ESTÁ DISPONIBLE EN ESPAÑOL. ¡BUSQUE ADENTRO!

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How You Can Help

Farmworker Justice relies on the support of people like you.

Now more than ever, we can help farmworkers create better lives for themselves and their families. There are a variety of ways you can get involved:

- **Make a donation at www.farmworkerjustice.org.**
- **Join the Harvesters of Justice.**
As a Harvester of Justice, your annual commitment of \$1,000 or more supports Farmworker Justice's work in the courts, Congress, administrative agencies and farmworker communities.
- **Become a Monthly Sustainer.**
Sustainers who donate \$70 or more a month receive a complimentary ticket to our annual award reception.
- **Leave a legacy of farmworker justice.**
Consider Farmworker Justice when you prepare your will.
- **Support the Shelley David Memorial Fund.**
- **Federal Employee Contributions.**
Federal employees can contribute through the Combined Federal Campaign #10778.

Please visit our website for more ways to get involved.

Thanks for your support!

FJ Awarded Grant

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- Host webcasts and trainings to help rural organizations better serve their Latino constituents through customized HIV prevention programs.

We will collaborate with the Hispanic Communications Network (HCN) on this project to train organizations to use the media as a tool for community mobilization against HIV/AIDS. Using a blend of traditional media outlets including print, television, internet, and radio, HCN provides Spanish-language programming on health, science, home ownership, immigration, financial literacy, and the environment. FJ is excited to embark on this new journey and collaborate with organizations throughout the U.S. to reduce the spread of HIV/AIDS.

For more information on this project, please contact hiv@farmworkerjustice.org or see our website: www.farmworkerjustice.org.

Remembering Senator Edward Kennedy, friend to farmworkers

Farmworker Justice is deeply saddened by the loss of a great ally of farmworkers, Senator Edward M. Kennedy. We awarded Sen. Kennedy the Farmworker Justice Award for 2007 because of his strong commitment to farmworkers' rights. Read more about his impressive history and successful advocacy on behalf of our nation's agricultural workers and view a video of his acceptance of our award on our website. •



FJ Executive Director Bruce Goldstein with Senator Ted Kennedy at a 2007 press conference on AgJOBS

Will Health Care Reform Reach Farmworkers?

Not Likely

Congress began debating health care reform as this newsletter was being finalized. The outcomes were not predictable, but one thing is clear: most farmworkers would not experience any progress from the legislation most likely to pass.

Despite facing disproportionate health risks due to the dangers of their jobs and the consequences of poverty, most agricultural workers do not have health insurance because their employers do not provide it and they cannot afford to purchase it on their own. Federally-funded migrant health centers only reach about one-quarter of farmworkers. Medicaid does not serve unauthorized immigrants (except in dire emergencies), and the majority of farmworkers are undocumented.

Farmworkers need and deserve health care reform. The nation needs to provide better medical care at lower cost and provide incentives for preventive care. And poor people should not be forced to delay medical treatment until they experience an emergency, when the health consequences and medical costs are most severe.

The biggest obstacle for farmworkers is the unwillingness of Congress to confront our broken immigration system. A majority of farmworkers are undocumented. The health reform proposals will deny almost all unauthorized immigrants access to health care unless they are financially well-off.

The major proposals would expand Medicaid coverage to individuals and families who are considered poor but are somewhat above the official poverty line. Undocumented workers are not eligible for Medicaid (although medical providers are reimbursed for their emergency medical treatment). Children born in the United States to undocumented parents are eligible.

The major proposals also would subsidize (through tax credits or other mechanisms) low- and moderate-income people to afford insurance, but would exclude undocumented workers. Depending on the proposal, individuals may be required to purchase health insurance if their employer does not provide it. There would be an “exchange” or other mechanism to create a “marketplace” of insurance policies for small employers and for individuals and families whose employers don’t provide insurance. Such a marketplace may or may not include a low-cost public option. If required to buy health insurance on their own, undocumented farmworkers will



not likely be able to afford it. We believe a public option is needed to try to address farmworkers’ particular needs for health care, which generally have not been addressed adequately by companies in the private market.

There are obstacles for authorized immigrants and U.S. citizens. The major proposals would encourage or require employers to provide health insurance, but would exempt “small employers” (generally, those employing 25 employees or less) from requirements. They would allow employers to exclude “seasonal” workers from the count of employees with the result that many large companies would be considered “small” employers. Farmworker Justice and its allies successfully objected to an effort to specifically exclude seasonal agricultural workers from the count of employees; the proposals now refer to seasonal employees who work less than 140 days per year, regardless of occupation.

Generally, under the proposed new system, insurance policies will be regulated in ways that reduce obstacles to obtaining health insurance for many employers as well as individuals and families. Some farmworkers – U.S. citizens and legal immigrants – will continue to be eligible for Medicaid and some who earn higher incomes may be more likely to obtain health insurance coverage. Unfortunately, many farmworkers will be left out of the system for a number of reasons and consequently may face even greater obstacles to finding health care. •

FJ's Legal and Advocacy Skills in Demand on H-2A Program



An H2-A guestworker in North Carolina

Farmworker Justice is helping farmworker organizations and advocates reform the H-2A temporary foreign agricultural worker program through litigation, advocacy and media activities. The damage done to farmworkers by the Bush-Chao Administration during 2009 cannot be undone. We are hopeful that 2010 will be a better year.

The H-2A program allows U.S. employers to bring foreign citizens in for seasonal agricultural jobs but subjects the workers to a "non-immigrant," temporary status that deprives them of bargaining power. The modest social contract under which certain labor protections are required to reduce exploitation of vulnerable guestworkers was destroyed by the Bush Administration's deregulation of the program, which took effect on January 17, 2009.

Farmworker Justice, with substantial work performed pro bono by the WilmerHale law firm, filed a lawsuit on behalf of the United Farm Workers, Farm Labor Organizing Committee, PCUN (Oregon's farmworker union) and individual farmworkers.

We sought a preliminary injunction to stop the changes from taking effect but the judge declined to issue an emergency injunction. The case is still pending. The Bush changes lowered wage rates, often by \$1.50 to \$2.00 per hour; reduced reimbursement for workers' transportation costs; eliminated oversight of employers' applications; subverted U.S. workers' job preference; and made other harmful changes. These changes were implemented during 2009 and remain in effect.

Our coalition persuaded the new Secretary of Labor, Hilda Solis, to announce her intent to withdraw these changes, reinstate the former rules and revise the regulations more fully in subsequent months. We then helped organizations around the country submit comments to the Department of Labor supporting these plans. The restoration was to have occurred in late June 2009. However, agribusiness groups filed their own litigation and obtained a preliminary injunction from a Greensboro, NC federal judge. Farmworker Justice, Robert W. Willis and Rob Williams represent the UFW and individual farmworkers as interveners in that litigation. We appreciate help from the attorneys at the AFL-CIO and Change to Win. DOL eventually appealed the injunction but no action had occurred on the appeal by press time.

On September 4, 2009, Secretary Solis published a comprehensive proposal to revise the H-2A regulations. The public was given until October 20 to submit comments. The proposal would restore some of the former regulations, adopt some of the Bush-Chao changes, and make additional changes. While Farmworker Justice supports the general approach, we have been working with other organizations to recommend additional improvements to end some of the more serious abuses under the H-2A program. Farmworker Justice has been assisting hundreds of organizations to submit comments on the proposal.

We are hopeful that the new H-2A regulations would be finalized and take effect for the 2010 seasons. Several agribusiness representatives already have promised to file a lawsuit against Solis if her proposal is finalized. Farmworker Justice will be ready to help farmworkers defend against such attacks and to enforce their modest rights under the H-2A program. •

FJ Launches New Training Curriculum in HIV Prevention

Community PROMISE is an effective community-led HIV prevention program that relies on role model stories and peer advocates (community volunteers). However, many times organizations have difficulty finding, training, and keeping their peer advocates. To remedy this, the Centers for Disease Control and Prevention (CDC) asked Farmworker Justice to design a coaching session that would help organizations improve their peer advocate programs. So, in May 2009, FJ successfully piloted an intensive one-day complimentary Community PROMISE coaching session in Houston, TX.

What is unique about this coaching session is that it is adapted to the needs of the organization and allows the trainers to mold the training to fit the strengths and weaknesses of their participants. Two organizations from Houston participated in the pilot training: Families Under Urban and Social Attack (FUUSA) and Montrose Counseling Center. The participants spent 8 hours analyzing the strengths of their current peer advocate program, learning how to use these strengths to better other aspects, and gaining skills to improve their recruitment, retention, and training of peer advocates. The participants were given the opportunity to showcase some of these skills and receive feedback from the coaches through the process of teach-backs (this is where participants demonstrate their understanding through role plays).

The pilot went very well and the feedback provided by the two agencies allowed FJ to make valuable improvements. The curriculum was then finalized and sent to the CDC for use by future organizations providing technical assistance in this HIV prevention program. •



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Please join us for our...

8th Annual Socially Responsible Wine Tasting

**Honoring the Volunteer Service of
*Jim Leonard & Jack Gallon***

Wednesday, December 2, 2009 • 6:00pm-8:30pm
AFL-CIO Headquarters, 816 16th St, NW, Washington D.C.

This year we will drink a toast to honor two amazing attorneys who have volunteered their time for many years to serve migrant and seasonal farmworkers.

Jack Gallon, a labor attorney in Toledo, Ohio, has volunteered as General Counsel of the Farm Labor Organizing Committee, AFL-CIO, for more than 35 years, and serves on the Farmworker Justice Board of Directors.

James B. Leonard, a retired Associate Solicitor of Labor, has volunteered as a lawyer for Farmworker Justice since November 1999.

Help us honor these dedicated attorneys who have exhibited the highest ideals of the legal profession and helped tens of thousands of farmworkers.

Enjoy a fun event, a wine tasting, that promotes vineyards where farmworkers have a voice and decent wages and working conditions. And it's educational!

The socially responsible wine tasting is an opportunity for you to support the important work of Farmworker Justice, empowering farmworkers to improve their wages, working conditions, occupational safety and health and immigration status.



Sponsorships are available at the levels of:

Magnum	\$5,000
Premier Cru	\$2,500
Harvester	\$1,000
Cultivator	\$500
Taster	\$250

To sponsor, send a check to:
Farmworker Justice
1126 16th Street N.W. , Suite 270
Washington D.C. 20036

Or pay with a credit card on our website.

Special Note: Farmworker Justice has received a matching challenge grant of \$40,000. Your financial support for the wine tasting will help us meet this challenge.

Financial sponsors will be identified in the invitation to the wine tasting and the event program (unless you ask us not to) and will receive 12, 8, 6, 4 or 2 tickets respectively.

Individual tickets also will be sold for a \$90 donation.

Donations are tax deductible to the full extent of the law as FJ is a 501(c)(3) tax-exempt organization. (The first \$75 of each donation is not tax-deductible for those donors who attend the event.)

For more information, contact:

Lorna Baez
(202)293-5420 or
lbaez@farmworkerjustice.org

Yes! I'd like to sponsor the Farmworker Justice Award for 2009.

Name

Title

Supporting Organization (if any)

Address

City, State, Zip

Telephone

Email Address

My donation of \$_____ is to be a sponsor at the following level (check one):

- Magnum \$5,000 (12 tickets)
- Premier Cru \$2,500 (8 tickets)
- Harvester \$1,000 (6 tickets)
- Cultivator \$500 (4 tickets)
- Taster \$250 (2 tickets)

- Individual tickets: \$90

- I will not be attending or sponsoring this year, but I have included a donation of \$_____.

Ben Obregon: Long Life of Service

Ben Obregon, is the board chair of UMOS, a Wisconsin-based multi-state non-profit organization that works to improve the employment, education, health and housing opportunities of under-served populations. He was born in the 1930s to a family who migrated doing agricultural work mostly between Arizona and California and occasionally up to Oregon and Washington State. His father coordinated a group of about 8-10 families who traveled and worked together. His mother did the cooking for all of them. No housing was provided so they lived in tents in the fields. A truck would carry all their supplies and kitchen equipment. His dad was involved in the Bracero program. His early experiences growing up left an indelible impression and motivated him to become a life-long advocate for farmworkers.

FJ Communications Coordinator Barb Howe, interviewed Ben for an ongoing series of conversations with famous farmworker advocates.

Read the full interview with Mr Obregon on our website, www.farmworkerjustice.org. •



Our Deputy Director Shelley Davis was a nationally recognized expert attorney working on immigration policy, occupational safety and health and labor rights issues for migrant farmworkers. She established innovative programs to help community-based organizations reduce the incidence of HIV/AIDS, prevent pesticide poisoning and facilitate access to health care. Ms Davis passed away in Washington DC in December 2008 from breast cancer.

Shelley's family and colleagues believe that the best way to honor her memory is to carry on her work. The Shelley Davis Memorial Fund was created to continue, on a long-term basis, Shelley's high-impact legal advocacy on behalf of America's farmworkers. You can be a part of this effort by making a contribution to the fund.

Checks may be mailed to Shelley Davis Memorial Fund, Farmworker Justice, 1126 16th Street, N.W., Suite 270, Washington, D.C. 20036, or you may donate online with a credit card. Farmworker Justice is a 501(c)(3) not-for-profit organization.

Workers Compensation Coverage for Farmworkers

Many states do not require agricultural employers to provide workers' compensation coverage for migrant and seasonal farmworkers. Only 13 states require employers to cover seasonal agricultural workers to the same extent as other workers. 16 states do not require employers to provide any workers compensation insurance for farmworkers.

Farmworker Justice has recently completed a review of workers' compensation laws and the extent of coverage for agricultural workers in 50 states and 3 US territories. Our website features a chart summarizing the degree of workers' compensation coverage that each state requires of agricultural employers, as well as links to statutes and other resources.

We are working closely with the Migrant Clinicians Network to disseminate this information to migrant health centers in an effort to expand farmworkers' access to workers' compensation benefits and will be posting more information about this topic in the future.

Some articles and state-by-state guides to workers' compensation are already available on our website www.farmworkerjustice.org and more will be coming soon! Stay tuned! •



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Today!**

Facebook users are also encouraged to join the group Undocumented Workers Deserve Health Care Reform

Farmworker Justice plays a leadership role in advocacy for migrant and seasonal farmworkers in the nation's capital. For twenty-eight years, FJ has been helping empower farmworkers to improve their wages and working conditions, labor and immigration policy, health and safety, and access to justice.

Our work depends on you! Please help Farmworker Justice continue and expand its work by making a financial contribution.

Thank you very much.



I would like to support Farmworker Justice in its work to help migrant & seasonal farmworkers.

Enclosed is my tax-deductible donation of \$_____. Please place me on your mailing list.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone No: _____ Fax No: _____ E-mail: _____

You may donate with a credit card online at www.farmworkerjustice.org or send a check to: Farmorker Justice, 1126 16th Street, NW, Suite 270, Washington, DC 20036.

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