

FARMWORKER JUSTICE

NEWS

www.farmworkerjustice.org

www.harvestingjustice.org

Volume 28, No 1

Spring 2012

FJ: TAKING A STAND AGAINST THREATS OF EXPANDING GUESTWORKER PROPOSALS



Farmworker Justice and allies helped persuade Secretary of Labor Hilda Solis to strengthen the administration of the H-2A agricultural guestworker program by scrutinizing employers' applications for illegal job terms and the treatment of workers in the fields. The Labor Department's efforts to enforce workers' rights under the H-2A program have led to a major campaign in the media and in Congress by growers who complain that the H-2A program is too burdensome and costly. We prepared analyses and comparisons of the separate bills introduced by Representatives Lamar Smith (R.-TX), Lungren (R-CA), and Kingston (R-GA) as well as Senator Chambliss (R-GA) to help the public, Members of Congress and coalition partners understand how the proposed guestworker programs would result in job loss for US workers and lowered wages and working conditions for all farmworkers. Our communications team has been responding to the news coverage and opinion pieces generated by the growers. In February FJ's Bruce Goldstein testified before the House immigration subcommittee on "Regional Perspectives on Agricultural Guestworker Programs." Adrienne DeVartanian, Director of Immigration and Labor Rights, has disseminated numerous analyses and spoken at several conferences and meetings to build a common understanding of these proposals and the need to provide current undocumented farmworkers with a path to immigration status and citizenship. We continue to provide assistance to the United Farm Workers which leads these efforts. We support the Agricultural Labor Market Reform Act of 2011, H.R. 3017, a bill by Rep. Howard Berman (D-CA) that would create an earned legalization program for undocumented farmworkers. Visit our website to read fact sheets regarding the various proposals and the latest developments.

FJ MARCHES IN SOLIDARITY TO OPPOSE ALABAMA HB 56 ANTI-IMMIGRATION LAW

In December 2011, Adrienne DeVartanian traveled to Montgomery, Alabama to participate in the Immigrant National Convention organized by the Fair Immigration Reform Movement (FIRM). FIRM is a national coalition of grassroots organizations fighting for immigrant rights at the local, state and federal level.

FIRM members and Alabama groups opposing the Alabama anti-immigrant law HB 56 participated in the Immigrant National Convention and the Convention included a panel with Freedom Riders and DREAM Act supporters at the historic

Dexter Avenue Church where Martin Luther King Jr. preached. The group highlighted building grassroots power to mobilize against anti-state laws and stressed the importance of responding to the anti-immigrant laws before their passage.

Farmworker Justice also participated in a rally and march in protest of HB 56 titled *One Family, One Alabama: HB 56 Hurts All Alabamians*. According to local media more than 2500 protesters participated in the call to end racial profiling in Alabama and for the governor to support legislation that keeps Alabama families together.

THE SELMA TO MONTGOMERY MARCH, 2012



L to R: Ramon Ramirez, Chair of FJ Board of Directors; Maria Elena Durazo L.A. Federation of Labor; Rev. Al Sharpton, National Action Network; Arlene Baker Holt, AFL-CIO; Dolores Huerta; Hector Sanchez, Labor Council for Latin American Advancement; Danny Ortega, Chair, NCLR Board of Directors. Photo by Bruce Goldstein.

Three representatives of Farmworker Justice participated in the march from Selma to Montgomery, Alabama. This annual event commemorates the 1965 march for voting rights led by Rev. Dr. Martin Luther King, Jr., who gave one of his most stirring speeches on the steps of the Alabama Capitol. This year a coalition of civil rights, African-American, Latino, labor and other groups organized to send a broader message about the attack on immigrants and voting rights in the state's harsh anti-immigrant legislation, HB 56. The manipulation of immigration policy to take advantage of immigrants while depriving them of the opportunity to become citizens who can vote has been accompanied by the creation of new obstacles to the ballot box for registered voters, especially for poor people. FJ's Bruce Goldstein and Board Chair Ramon Ramirez (who is also President of PCUN, Oregon's farmworker union), marched for two days, fifteen miles, and FJ Board member Tony Salazar (who is also on the Board of the National Council of La Raza) came from Los Angeles to march for 3 days. Farmworker advocates, including Dolores Huerta, were given a prominent role in the march, along with Rev. Jesse Jackson, Rev. Al Sharpton, AFL-CIO Executive VP Arlene Baker Holt, NCLR Board Chair Danny Ortega, SEIU Secretary-Treasurer Eliseo Medina among others. Some of the speakers were especially moving, including attorney Fred Gray, who represented the Montgomery bus boycotters in 1955 and the marchers in 1965. The march and the rally represented an exciting coming-together of people and organizations in recognition of the common challenges they face and a rejection of those who would drive a wedge between these constituencies.

WISCONSIN SAUERKRAUT CANNERY TAKEN TO COURT

Farmworker Justice and Chicago law firm Hughes Socol Piers Resnick & Dym (HSPRD) filed a class action lawsuit in March 2012 on behalf of more than 100 Mexican guest workers brought to the United States to work at a sauerkraut cannery in Wisconsin, and fired after the threat of a government-mandated wage increase.

The lawsuit charges GLK Foods and its owner Ryan A. Downs with wrongful termination of the workers and multiple related violations of the Migrant and Seasonal Agricultural Worker Protection Act (AWPA), the Fair Labor Standards Act, and the Wisconsin Migrant Labor Act.

GLK is the largest sauerkraut producer in the world and supplies America's top selling sauerkraut brands to retailers throughout the country.

The workers entered the country with H-2B guest worker visas in 2011, but were fired shortly after the U.S. Department of

Labor issued a new prevailing wage formula that would have increased wages at firms that hire guest workers. While Congress later blocked DOL from implementing the wage increase, GLK fired the guest workers in favor of a migrant work crew provided by a farm labor contractor from Florida.

The guest workers' employment cutting, trimming, and preparing raw cabbage to make sauerkraut lasted less than two months; not nearly enough to repay thousands of dollars in recruitment fees and travel and immigration expenses which the workers were illegally required to pay in order to work for GLK. Summarily terminating the H-2B guest workers in 2011 was a clear violation of federal and state laws.

Worker mistreatment and violation of federal labor laws like that at GLK are all too common for guest workers. Employers like GLK should be held accountable for clear contractual violations and mistreatment of this vulnerable segment of the workforce.

FEDERAL LAWSUIT CHARGES LARGE SOUTHERN CALIFORNIA EMPLOYERS WITH WAGE THEFT, HEALTH & SAFETY VIOLATIONS

Farmworker Justice, California Rural Legal Assistance Inc. (CRLA), and the law firm Nava & Gomez filed a federal lawsuit in March on behalf of two migrant farmworkers seeking to create change and recover damages for wage theft and other labor abuses suffered by hundreds of farmworkers at the hands of an onion grower and the grower's labor contractors in California's Coachella Valley.

The lawsuit claims that the grower, Calandri SonRise Farms, along with a number of its contractors, subjected the workers to extreme unsafe and unhealthy conditions in its Los Angeles County and Riverside County fields; and routinely underpaid the workers by manipulating their time records and paystubs, and by failing to reimburse them for the tools they need to plant, harvest, and pack the onion crop. The workers were made to live in squalid, makeshift camps on the edges of the onion fields; workers in SonRise's onion fields resorted to bathing in irrigation reservoirs and other unsafe places because their employer-provided housing lacked running water or adequate toilet facilities.

The lawsuit charges SonRise Farms with multiple, related violations of federal and state law. The case includes a collective action under the federal Fair Labor Standards Act for minimum wage violations, as well as an action under California's Private Attorney General Act that allows the two plaintiffs to seek relief not only for themselves but for their co-workers who suffered similar labor abuses.

The workers and their allies also charge the grower with violating the federal guarantees of the Migrant and Seasonal Agricultural Worker Protection Act regarding wage payment; record-keeping; and health and safety standards, as well as state laws governing minimum wages; farm labor contracting; employee housing; and unfair competition.

FJ SUBMITS COMMENTS TO THE DEPARTMENT OF LABOR REGARDING CHILDREN IN AGRICULTURE

In December 2011, FJ submitted comments to the Department of Labor regarding the proposed changes to rules governing work that children can perform in hazardous occupations. The agricultural "Hazardous Orders" (or HOs) describe work activities that are particularly hazardous to young workers under age 16 who are hired to work in the agriculture sector. The revisions attempt to eliminate some of the current disparities that exist between the agricultural and non-agricultural HOs. Historically, the agricultural HOs have provided limited protections for farmworker youths with respect to a number of particularly dangerous activities. The proposed regulations – the first revisions since 1970 – include prohibiting young workers from working:

- As pesticide handlers
- In occupations involving the production and curing of tobacco
- At elevations greater than 6 feet

There has been much misinformation circulated in the media about the impact these rules will have on family farms and rural communities. The fact is, the new rules will not apply to youth who are working for their parents on their own family farm, or to children engaged in non-paid activities as part of their membership in a club such as 4-H. They would only apply where an employer/employee relationship exists. These rules will protect migrant, hired youth from real and preventable harm. Farmworker Justice strongly supports the proposal by Secretary of Labor Hilda Solis to prohibit young workers below age 16 from being assigned to perform tasks that fall in the "hazardous" category. FJ commends the DOL's recognition of the urgency to protect children from unnecessary danger and this regulatory change will reduce discrimination against youth in agriculture. In other occupations, hazardous tasks may not be assigned to youth below age 18 and there is no justification for continuing this discrimination against youth in agriculture.



Photo courtesy of Robin Romano. All Rights Reserved.

FROM THE FIELD: LAY HEALTH EDUCATORS IMPACTING THEIR COMMUNITIES

Rebecca Young is FJ's Capacity Building Coordinator. She has been working on a two-year project training farmworkers to become lay health educators (*promotores de salud*) around pesticide safety. As part of the project, *promotores* send in quarterly reports on their work. In March, FJ received this impactful report:

Translated from Spanish:

Today, something very wonderful happened when I finished giving my pesticide training. A young man, around 21 years old, came up to me. He had attended the monthly parents meeting at the school where I was giving the training because his younger brother attends that school. The young man said that he had just recently arrived to the United States and began working in the fields. He sincerely thanked me for the information on pesticides that I had given him because he didn't know about the risks that he ran and the risks to his family members. He told me that he often came home from work so exhausted that he sometimes didn't take a bath and would fall asleep in his clothing. No one had ever told him about the risks from pesticides. After today, he said things would be different. He was convinced to make changes in his life for himself, his family, and his work. As a trainer, it greatly satisfies me to hear that. I felt very happy to have the opportunity to share this important information with people.



Two participants in a promotores training 2011. Photo by Rebecca Young.

FJ has trained over 50 *promotores* through this program and the project will run through 2012. These trainings help empower farmworkers to become community advocates, provides critical information to workers in the fields, and helps keep farmworker families safe from unnecessary pesticide exposure.

ALIADOS: FJ RAISING AWARENESS OF HIV IN FARMWORKER AND LATINO ORGANIZATIONS

Farmworker Justice's Aliados project is well into its second year and we are working hard to increase the Latino community's HIV knowledge and awareness. One of the goals of the project is to train National Council of La Raza Affiliates and farmworker organizations on basic HIV/AIDS knowledge. Many of the organizations that we work with do not have extensive knowledge of HIV and by providing basic information on transmission, prevention, and treatment we increase their ability to contribute to stopping this epidemic in Latino communities.

We are offering HIV/AIDS 101 webinars once a month. Organizations can register online and attend a one-hour training that covers HIV/AIDS basics. The webinars are recorded and can be watched at any time. Currently we are working on translating the HIV/AIDS 101 slides into Spanish. Also in the works is a webinar covering HIV and AIDS in the Latino community. This webinar will focus on specific data and risk factors that pertain specifically to Latino communities around the United States. We have currently trained almost 100 people through our HIV/AIDS 101 webinars and are hoping to train many more in the upcoming months.

July 7-10 is the National Council of La Raza (NCLR) Annual Conference and National Latino Family Expo (July 7-9) in Las Vegas. Farmworker Justice will be sponsoring free HIV testing at the conference and will also have a booth in the Health and Fitness/Tu Salud Pavilion. Stop by to meet our Aliados project director, pick up new HIV prevention materials, and get tested for you and your community.

ENSURING HEALTHCARE FOR FARMWORKERS: FARMWORKER JUSTICE'S WORK WITH MIGRANT HEALTH CENTERS

FJ has recently strengthened its outreach to Migrant Health Centers. Community and Migrant Health Centers are the main source of healthcare for many farmworkers. With the support of federal funds, they provide culturally competent care to the U.S. farmworker population. There are currently 164 migrant health centers across the country. FJ produces fact sheets, issue briefs, and webinars on various topics that impact migrant health centers including immigration enforcement, health-care reform, and the H-2A guestworker program. We also help facilitate connections between migrant health centers, legal services providers, and community organizations.



FJ continues to publish Eye on Farmworker Health: Current Developments in Research and Policy, a quarterly electronic newsletter covering important recent developments in research and regulation on issues affecting the health and safety of migrant farmworkers. Each issue includes summaries of recent articles and reports, as well as recommendations for using the information to help health professionals, outreach workers, promotores de salud, and advocates strengthen their efforts on behalf of farmworkers and their families. If you would like to receive the newsletter via email, please contact Renato Rocha at rrocha@farmworkerjustice.org.

Past issues are available online at:

<http://www.farmworkerjustice.org/resources-publications/eye-on-farmworker-health-e-newsletter>

FJ EXPANDS THE SUPPORT IT GIVES RURAL HIV ORGANIZATIONS: NEW SPANISH LANGUAGE RESOURCES AVAILABLE

Farmworker Justice's HIV Capacity Building Assistance team recently presented a Spanish-language webinar on Community Mobilization. This webinar featured Capacity Building Coordinator Dagan Bayliss, who spoke about various tenets of organizing community members to improve HIV prevention and care services in rural Latino communities. FJ is one of the few organizations nationally that provides free technical assistance to rural organizations to expand their HIV prevention outreach to underserved Latino community members, including farmworkers.

Moving forward, FJ will be presenting more webinars in Spanish since we have found many local organizations benefit from dual-language training.

Archived webinars from the Poder Sano Community Mobilization Webinar Series are available for groups to view; please contact us at HIV@farmworkerjustice.org.

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**
- **Become a Harvester 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.
- **Support the Shelley Davis Memorial Fund.**
- **Leave a legacy of justice for farmworkers.**
Consider Farmworker Justice when you prepare your will.
- **Contribute** through the Combined Federal Campaign #10778.

Please visit our website for more ways to get involved.

Thanks for your support!

FARMWORKER JUSTICE WELCOMES NEW STAFF

Megan Horn, J.D. is our new Policy Analyst. She is a 2011 graduate of Fordham Law School. During and after law school Megan worked with several organizations representing low-wage immigrant workers, including the New Orleans Workers Center for Racial Justice and Centro de Los Derechos del Migrante. Before law school Megan was an immigrants' rights activist and a member of Teach For America in Miami, where she taught for four years.

Alexis Guild is our new Migrant Health Policy Analyst. She comes to us with a background in both international and domestic health. Alexis served as a Peace Corps Volunteer in an indigenous community in Guatemala where she trained local teachers on implementation of a school health curriculum. She recently earned a Masters degree in public policy from the University of Michigan and is passionate about ensuring that farmworkers have access to quality healthcare.

Nicholas Marritz, J.D. joins Farmworker Justice as a Litigation Assistant. He holds a B.A. from the University of Pittsburgh and a J.D. from the University of Washington School of Law, where he was a Gates Public Service Law Scholar. While in law school, Nicholas collaborated with migrant worker rights groups on both sides of the U.S.-Mexico border. He now looks forward to providing legal support to farmworkers and their allies across the country.

Candace Mickens is our new chief operating officer. In this role, Candace is responsible for helping the organization meet its strategic goals, implementing the President's Management Agenda, and strengthening the organization's personnel, financial, and information technology systems. Candace has a Bachelor's degree in Business Administration and a Graduate Certificate in Non Profit Management. She has worked as the Principal Consultant for Ubuntu Management Consulting for the past seven years and brings over 20 years of experience to FJ.

Silene Ramirez is our new Program Associate. She earned her Masters degree in Women's and Gender Studies from the University of Cincinnati. Her previous work experience includes teaching English as a second language in her native Costa Rica and researching women's rights. She also has extensive experience as a translator for various publications in the US and Latin America. Silene recently moved to DC and is looking forward to contributing to the mission of Farmworker Justice.

1126 16th Street, NW, Suite 270
Washington, DC 20036



NON-PROFIT
U.S. POSTAGE
PAID
PERMIT NO. 2174
WASHINGTON, D.C.