



FarmworkerJustice.org | HarvestingJustice.org

FARMWORKERS, THEIR FAMILIES, AND COMMUNITIES FACE SERIOUS CHALLENGES EVERY DAY. FARMWORKER JUSTICE IS A **AGAINST** MWORKER ABUSE, POVERTY HE FIGHT & PNI 13 F. FS R FARMWORKERS AND THEIR FAMILIES WHO WOULD NOT OTHERWISE BE HEARD UN WHERE FARMWORK IS ORGAN AND THEIR ORGANIZATIONS ARE EQUIPPED OUR

END DISCRIMINATION AGAINST AGRICULTURAL WORKERS IN LABOR LAWS AND IMPROVE LABOR LAW ENFORCEMENT SO THAT FARMWORKERS ENJOY THE SAME WORKPLACE RIGHTS THAT PROTECT EMPLOYEES IN OTHER OCCUPATIONS AND EXERCISE THEIR RIGHTS WITHOUT RETALIATION.

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PROMOTE HIGHER WAGES, BETTER WORKING CONDITIONS, AND COMPREHENSIVE IMMIGRATION REFORM THAT WILL IMPROVE FARMWORKERS' LIVES AND STABLIZE THE AGRICULTURAL LABOR FORCE.

ACCESS HEALTH AND JOB SAFETY INFORMATION TO ADDRESS HIV/AIDS WITHIN FARMWORKER COMMUNITIES, LIMIT EXPOSURE TO TOXIC PESTICIDES, AND REDUCE PREVENTABLE WORKPLACE INJURIES.



LETTER FROM





Ramon Ramirez



Bruce Goldstein

We are pleased to share with you our 2012 accomplishments and the stories of a few of the many farmworkers whose challenges and aspirations drive our work.

This year marks the beginning of our fourth decade serving the people who labor on our farms and ranches. We again demonstrated our commitment to our mission of empowering farmworkers to improve their jobs, health, immigration status and access to justice. Our high-impact litigation, advocacy, coalition building, capacity building and public education won results far beyond expectations for our size. Substantial progress also has also occurred on the corporate responsibility project we co-founded, the Equitable Food Initiative.

We thank our board of directors and staff for their vision, intelligence, dedication and hard work. We especially prize our collaborations with labor unions, community-based service organizations, legal aid programs, law firms, migrant health centers, immigrant rights groups, Latino organizations, medical societies, public health organizations, academics, government agencies and a new national alliance of women farmworkers. The National Council of La Raza deserves special credit for its longstanding cooperation.

As the year drew to a close, the presidential election's implications became evident, especially the potential for immigration policy reform. Our strenuous efforts to thwart terrible agricultural guestworker legislation in the House of Representatives helped lay the groundwork for renewed efforts at comprehensive immigration reform. Negotiations began in earnest for legislation that would create a road map to legal immigration status and citizenship for hundreds of thousands of undocumented farmworkers and their family members. We are privileged to work with the United Farm Workers and other organizations to advocate for immigration reform, which is so fundamental to the quest for justice for farmworkers.

Our work could not exist without financial support from generous individuals and organizations. We thank the foundations, government agencies, organizations, and individuals who support farmworkers. We encourage you to donate on behalf of farmworkers and to win a greater measure of justice in the fields.

Ramon Ramirez Chair, Board of Directors

Bruce Goldstein President







FARMWORKERS face in applying to participate in the President's Deferred Action for CHILDHOOD ARRIVALS Initiative



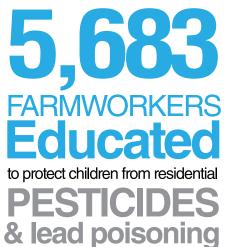
DEVELOPED PUBLIC SERVICE ANNOUNCEMENT on HIV Testing for Rural Latinas

GENERATED 85 MILLION MEDIA IMPRESSIONS



ADVOCATED TO STOP Guestworker Amendments to FARM BILL







AWARDED 2012 FARMWORKER JUSTICE AWARD TO BARRY ESTABROOK author of *Tomatoland*

TRAINED 1700 FARMVORKER LAWYERS, PARALEGALS & Outreach Works at National Farmworker Law Conference

FARMWORKER JUSTICE WORKS TO BRING

humane, fair, and ethical standards to our nation's farms through action in five arenas:



On Capitol Hill

We give a voice in our nation's capital to a population that would otherwise not be heard. Through education, advocacy and defense, we stand up for farmworkers in Congress.

In Administrative Agencies

We seek policies that work and enforcement of the laws meant to protect the nation's farmworkers against unfair employment terms and dangerous working conditions.

In the Courts

We fight back against illegal actions by government and private employers by representing farmworkers and their organizations in lawsuits.

With Farmworkers and Farmworker Organizations

We provide training, leadership development and technical assistance on immigration rights and labor protections, occupational safety, and health.

In the Public Eye

We work to raise public awareness about the plight of farmworkers in the U.S. and promote meaningful solutions to improve farmworkers' living and working conditions.

On Capitol Hill

We give a voice in our nation's capital to a population that would otherwise not be heard. Through education, advocacy and defense, we stand up for farmworkers in Congress.

In 2012, we fought hard to promote comprehensive immigration reform and a path to citizenship for undocumented farmworkers and to stop guestworker amendments to the Farm Bill.

We educated policy makers about real-life impacts of guestworker legislation on farmworkers and created education materials about proposed amendments for farmworker organizations and the public.



President Bruce Goldstein testified before the House Judiciary Immigration Subcommittee's hearing on Regional Perspectives on Agricultural Guestworker Programs

Excerpts from President Goldstein's Congressional Testimony, 2/9/2012

While Lungren, Smith and Kingston's proposals differ in some ways, each would undercut essential protections designed to preserve U.S. jobs for U.S. workers and intended to prevent adverse effects on their wages and working conditions. ... These guestworker proposals bring to mind the words of a farmer from Edward Murrow's famous documentary Harvest of Shame, who said, "[w]e used to own our slaves; now we just rent them." The solution to the farm labor crisis is not E-Verify accompanied by massive importations of new foreign workers. The solution must be comprehensive and must offer the current experienced workforce an opportunity to earn permanent immigration status. ... These recommendations will help ensure a productive, law-abiding, fair farm labor system and maintain our nation's commitment to economic and democratic freedom.

2 In Administrative Agencies

We seek policies that work and enforcement of the laws meant to protect the nation's farmworkers against unfair employment terms and dangerous working conditions.

Administrative rule-making by federal agencies impacts farmworkers' everyday lives. At Farmworker Justice, we bring our expertise to bear on the regulatory process so that farmworkers are fairly represented. Through the mechanism of submitting public comments to proposed regulations, we make sure the farmworker voice is heard.

Highlights of comments submitted in 2012:

P c c e i h

Department of Labor: Proposed revisions for collection of data from employers regarding their hiring of agricultural guestworkers and recruitment of U.S. farmworkers

Since H-2A employers have a tendency to prefer H-2A guestworkers over U.S. workers, data collection on recruitment practices and hiring decisions can help inform oversight and enforcement of the program.



We encouraged the Commission to make a special effort to educate and reach out to the farmworker community in order to prevent employment discrimination and to make farmworkers an explicit priority in its strategic enforcement plan.



Department of Labor:

Proposal to revise in the National Agricultural Workers Survey, an important ongoing study

In conjunction with the CRLA Foundation, we supported the Department of Labor's proposal to include questions to determine farmworkers' pesticide exposure.

In Administrative Agencies

We seek policies that work and enforcement of the laws meant to protect the nation's farmworkers against unfair employment terms and dangerous working conditions.



EPA: Environmental Justice Plan: Advancing Environmental Justice through Title VI of the Civil Rights Act

We supported the EPA's effort to prevent discrimination and ensure compliance with Title VI, but called on EPA to do more to address the disproportionately negative impact of environmental policies on migrant and seasonal farmworkers, especially those regarding pesticides.



Health Resources and Services Administration: Proposed requirements for health center requirements to determine sliding fee discounts

We supported the need for fee schedules to reflect the communities served and provide services at no cost to individuals with very low income in order to ensure greater access to health care for farmworkers.



Proposed changes to the definition of "lawfully present" for purposes of the Pre-Existing Conditions Insurance Plan (PCIP) program of the Affordable Care Act

On behalf of Farmworker Justice and seven migrant health organizations, we opposed the exclusion of individuals granted deferred action by the U.S. Department of Homeland Security under the Deferred Action for Childhood Arrivals (DACA) from the benefits of the Affordable Care Act.

Ensuring farmworkers have equal access to the Obama administration's Deferred Action for Childhood Arrival (DACA) initiative Farmworker Justice and the United Farm Workers Union submitted letters to U.S. Citizenship and Immigration Services and the Department of Homeland Security detailing the barriers farmworkers could potentially face in learning about and qualifying for DACA. For example: Young people would be able to qualify for DACA if they are enrolled in certain English as a Second Language (ESL) courses and vocational programs in lieu of completing a traditional high school diploma.

THE STORY OF RAYMUNDO

Raymundo is a young farmworker from Oaxaca.



I started working in the fields on the weekends with my parents when I was about eight or ten years old. During the summer we would go to Oregon to pick blueberries, strawberries, raspberries and blackberries. My mother took us to work in the fields because she needed us to help her. Many of my classmates were also working in the fields during the weekends and summers. We would talk about how hard the job was, how hot it was out in the fields.

I was the first in my family to graduate from high school. My mother was so proud that she threw me a party. It felt good to stand on stage and hear my name being called. I have been working in the fields since I finished school three years ago.

I have worked every crop I could get work in. The hardest thing about the grapes is the heat. Sometimes it's so hot I get dizzy. When you try to get away from it, and go into the shade under the vines, the little flies or gnats come swarming at you. They get onto your skin and hair, and even fly into your nose and mouth. Picking strawberries is really hard too. Your back and knees hurt a lot, because you have to work bent over so much. The first day you're out there you can hardly get through it. When you get home you say to yourself you'll never go back.



But then you need the money. So the next morning you talk yourself into going back out, even though it hurts. You do it because you have to.

Sometimes you have a foreman who's OK. But sometimes when it's really hot and you want to stop working, the foreman will make you work an extra hour in the heat. They'll push you really hard - it's like they think they own the field. People are often afraid, especially if they don't have papers, so they don't say anything about it.

Many of my friends talk about returning to Oaxaca. If I go, I can't return in the passenger seat of a car. I have to come back in a car trunk or walking through the desert. If they pass immigration reform, I'll be forever grateful. This would be a dream for those of us who are undocumented and have graduated from school. It's so sad to graduate and not be able to do anything with your education. It's like accomplishing something so big, and then everything comes crashing down. It's very depressing. I don't want to be rich, but I don't want to worry about what I'm going to eat tomorrow. I don't want to worry about that. I want to live, not just survive. We have to move forward. If they pass a law that includes farmworkers we can do big things for the United States.

3 In the Courts

We fight back against illegal actions by government and private employers by representing farmworkers and their organizations in lawsuits.

In a federal lawsuit in Florida that drew significant media attention, we negotiated a favorable settlement against a potato grower and labor contractor for labor trafficking and back wages on behalf of highly exploitable workers recruited from urban homeless shelters. In addition to securing full monetary damages for the four plaintiffs, the settlement requires the grower and contractor to implement changes in their employment and wage practices, and to allow for monitoring to prevent future abuses. The case, *Smith v. Bull's-Hit Ranch and Farm,Inc.*, sends the message to farm operators that they cannot escape liability by using intermediary labor contractors.

In *Ruiz v. Max Fernandez and Western Range Association*, our clients are Chilean citizens hired under the H-2A guestworker program to work on a sheep ranch in Washington State. The case seeks to hold the Western Range Association, which arranges for H-2A workers on numerous ranches, jointly liable with the ranch owner for wage theft and labor trafficking. The case was set for jury trial in Yakima in late 2013. Our co-counsel is the Northwest Justice Project.

In *Jimenez and Ramirez v. GLK Foods*, we filed a class action with co-counsel against a large Wisconsin sauerkraut cannery where as many as 300 H-2B guestworkers from Mexico suffered violations of federal and state minimum wage and migrant labor laws. During the 2011 season, the workers were summarily fired after the government announced wage increases for workers in the H-2B program. The workers' jobs lasted less than two months, not nearly enough to repay debts that the workers incurred for recruitment fees and expenses. We are seeking damages to compensate the workers for their unjustified termination in 2011 as well as abuses they suffered in previous years. This case reflects our goal of reducing systemic abuses in federal guestworker programs.

In *Murillo v. Servicios Agrícolas Mex, Inc.*, more than 170 U.S. workers who had been employed by an Arizona citrus grower lost their jobs when the grower's labor contractor decided to replace them with H-2A workers from Mexico. In the workers' suit against the grower and contractor for damages, the trial court erroneously failed to uphold legal requirements of prospective H-2A employers to offer work to their former U.S. workers before being allowed to hire H-2A workers. We and co-counsel have filed briefs in the U.S. Court of Appeals for the Ninth Circuit urging reversal of the trial court's incorrect ruling.



With Farmworkers and Farmworker Organizations

We provide training, leadership development and technical assistance on immigration rights and labor protections, occupational safety, and health.



National Directory of Rural, Latino-serving HIV AIDS Service Providers Created national directory of rural,

Created national directory of rural, Latino-serving HIV AIDS service providers. This unique resource promotes coalition-building and coordination of care among communitybased organizations that are often left out of national directories.



Bridging the Gap

Our Aliados project presented Bridging the Gap: Engaging Non-Traditional Health Partners in HIV/AIDS Outreach at the 2012 National Farmworker Law Conference. Legal outreach workers have a unique connection to their communities and can be a vital

resource in spreading the HIV prevention message, providing HIV outreach materials, and linking farmworkers to HIV testing, care, and treatment. This presentation gave us the opportunity to talk to legal outreach workers about their important role in HIV prevention and to increase their HIV knowledge and awareness.



Poder Sano Program

Our Poder Sano Program developed a radio public service announcement that can be adapted by organizations that reach rural, Latino communities to promote their HIV testing and treatment services. This PSA targets Latina women. Our radio PSAs have been used by groups in California, Oregon, North Carolina, South Carolina, and Texas.

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Congressional Briefing

Farmworker Justice sponsored a Congressional Briefing on *The Impact of HIV-AIDS and Viral Hepatitis on Hispanics in the United States and Territories.*



Free HIV Testing Provided free HIV testing at the National Council of La Raza's Annual Conference.

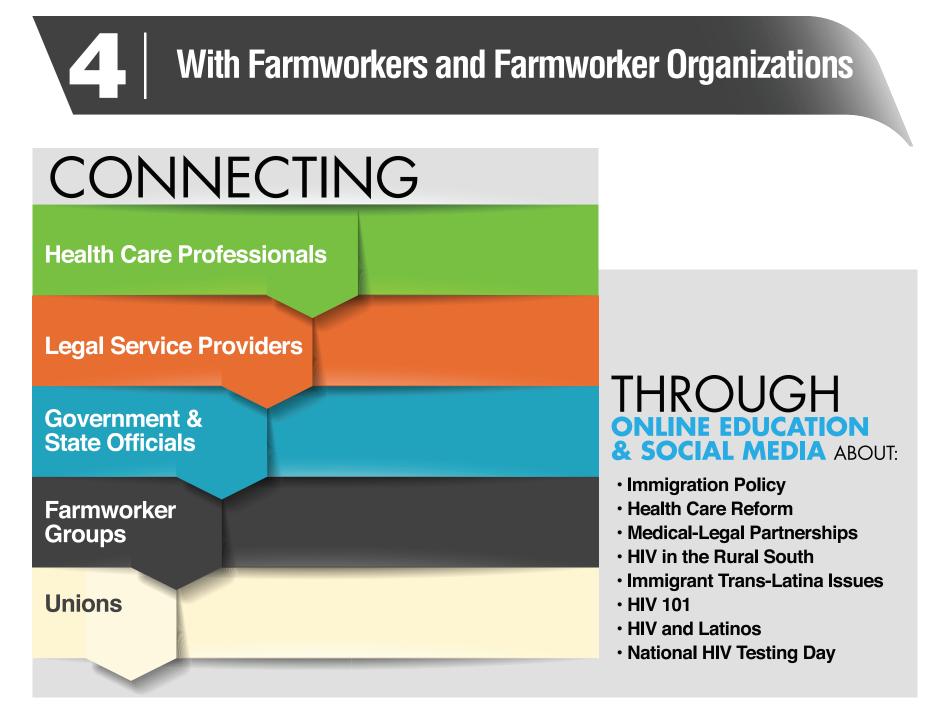


Issue Briefs and Newsletters

We provide the national network of migrant health centers with issue briefs and newsletters to keep them informed of the impact of federal policy on farmworker health access.

20,000 workers educated

in workplace rights, occupational pesticide safety, field sanitation, and heat stress.



Farmworker Justice partnered with the United Farm Workers union to create a working group focused on guestworker issues made up of top Washington, DC, advocates from DC-based religious, labor, civil rights, Latino, immigration and farmworker service organizations. This group helped develop a coordinated messaging strategy about guestworker programs and immigration reform to present a united front on critical issues across sectors when working with the media and Congress.

Through our online services, we provided up-to-the-minute immigration policy updates to several hundred farmworker groups across the nation. Our analysis of developments in Congress allows farmworker groups to make their voices heard.

5,683 farmworkers educated

about the risks of residential pesticide and lead poisoning for farmworker children.

THE STORY OF ELISA

Elisa is a leader of migrant Mexican farmworkers and her husband works in the fields.

She has helped organize a movement among farmworkers living in trailer parks for better conditions and basic services.



Unfortunately, there aren't many housing options for farmworkers, and trailer park operators profit from that situation. They rent or sell these dilapidated trailers to farmworkers. These types of communities are called "ranchos polancos"—trailers without city permits that don't meet local dwelling codes or laws. Because of this, none have permits, the trailer park owners take advantage of them, and workers often do without electricity and an appropriate sewer system, or have to live with contaminated water. You can't do anything about it, because the owners threaten to contact the county or immigration officials if you complain.

I've met people who have told me they've been without electricity more than four months, and they didn't want me to say anything out of fear. It's hard to comprehend how we can be treated like animals. On second thought, animals are treated better. If they were to find a stray animal in the street, they would pick it up, give it water and food, and take it to a shelter. These people lived without electricity for months, and nobody even bothered to see if they had clean water. How is it that a third-world community can exist in a first-world nation? How is this the golden state? It's a dead-end street.

Before coming here, I lived my entire life in Mexicali, in Baja California. I grew up there, and went to work for a computer company, taking care of their billing and exports. They sold ready-made computers and built their own. My parents also owned an electronics business. I studied technology in school and serviced printers. Even though I had a good job, the wage was very low. My mother was diagnosed with cancer, and I needed to earn more. So I decided to cross the border.

It was a hard transition. It was a real shock when I arrived. I had been coming to the U.S. since I was young, but as a tourist. I would go to Disneyland and to the mall. I never imagined a place like here existed in California. I had only seen the beautiful parts, like the beach.



My first day in the fields was terrible. We finished work at 3:30, and I don't even know how I got in the car and back home. I remember showering and dirt coming out of places I didn't think it could come out of. I had an allergy attack, fever, diarrhea and vomiting.

Many local jobs don't pay an hourly wage, but pay piece rate. My husband isn't the fastest worker, so on a good day picking lemons he makes \$30 a day. He works eight to ten hours a day. What am I supposed to do with \$30? I try to make miracles!

But it's difficult living on my husband's wage. I have a daughter, and my parents also live with us. We're a family of five living on one salary. Everything is so expensive. I buy fruit, yogurt and milk, but only my daughter can eat and drink it. Because my parents are both diabetic, some food is strictly for them. Because my husband is the one working in the fields, there are drinks and food that are strictly for him, like Gatorade. We're very limited in what we can eat, especially during the off-season. We don't eat meat every day, only a few times a week.

We also buy a lot of medicine because my parents are diabetic. I was gravely ill and hospitalized, so I need upwards of \$200 a month in medicine. There are times when I see the doctor on the 2nd or 3rd of the month, but I can't pick up my medicine until the 15th or the 20th. I'm talking about strong pain medication. I sometimes don't take the dosage that the doctor recommends so that it will last longer.

Cesar Chavez and Dolores Huerta both said, "Si se puede." Even though many people here come from different places, we all have the same values. I want my daughter to know that even though she grew up in these trailer parks, she doesn't have to live her entire life in these conditions. I want her to see other horizons. I want her to know that she has a responsibility to help others. We're a forgotten community. We're invisible. We contribute to this country and should be protected by human rights everyone else in this country enjoys. We put the food on the table for everyone.

In the Public Eye

GENERATED 85 Million media impressions in 2012

Farmers still fighting for immigrant guest-worker program Wisconsin souerkrout connery taken to court by formworker keyeses LANCASTER ONION GROWER SUED FOR ALLEGED WAGE, HEALTH VIOLATORE Conchella Valley senior citizen onton form worker keyeses H-2A and H-2B. Advocates call for end to sheephenders exemption. Florida Potato Grower Accused of Labor Trafficking COMPLAINT FILED against Coldwater tomato grover: Groups question during where Migraant farmworkers: medical care for an invisible population Migraant farmworkers in medical care for an invisible population SoshA Declines to Issue Rule Protecting Workers from Heat HIV Risks Stalk Migrant Farmworker Communities HIV Risks Stalk Migrant Farmworker Communities

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2012 Letters to the Editor and Op-Eds



Tampa Bay Times THE SACRAMENTO BEE

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AUDITOR'S STATEMENT OF FINANCIAL POSITION

As of December 31, 2012

ASSETS			
CURRENT ASSETS Cash and cash equivalents	2012 \$1,277,708		
Investments Grants receivable Other receivables Pledges receivable Prepaid expenses	- 546,225 3,539 918 <u>29,758</u>		
Total current assets	<u>1,858,148</u>		
FIXED ASSETS	138,102		
Accumulated depreciation & amortization Net fixed assets	<u>(117,911)</u> <u>20,191</u>		
OTHER ASSETS Deposits/grants receivable, net of current maturities <u>64,794</u>			
TOTAL ASSETS	<u>\$1,943,133</u>		
LIABILITIES AND NET ASSETS			
CURRENT LIABILITIES			
Total current liabilities	174,521		
LONG-TERM LIABILITIES			
Deferred rent Total liabilities	0 174,521		
NET ASSETS Unrestricted Temporarily restricted Total net assets	1,379,474 <u>389,138</u> <u>1,768,612</u>		
TOTAL LIABILITIES AND NET ASSETS	<u>\$1,943,133</u>		

AUDITOR'S STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS

For the Year Ended December 31, 2012

REVENUE	2012 Total
Federal grant revenue	\$1,097,772
Contributions and support	702,750
Contracts Investment income	18,750 4,412
Other revenue	11,199
In-kind contribution	6,646
Litigation fees Total revenue	<u>64,076</u> 1,905,605
	1,000,000
EXPENSES Program services	1.980,609
Fundraising	183,135
Core operations and administrative	<u>351,879</u>
Total expenses	2,515,623
Change in net assets	(610,018)
Net assets at beginning of year	<u>2,378,630</u>
NET ASSETS AT END OF YEAR	<u>\$1,768,612</u>



Farmworker Justice would like to thank the following organizations and individuals for their support in 2012

FOUNDATIONS

The California Endowment The Ford Foundation The Kresge Foundation The Evelyn and Walter Haas Jr. Fund Oxfam America The Public Welfare Foundation The Rosenberg Foundation

GOVERNMENT GRANTS AND CONTRACTS

Environmental Protection Agency

Department of Health and Human Services:

Centers for Disease Control and Prevention, Division of HIV/AIDS Prevention, Prevention Communication Branch Centers for Disease Control and Prevention, Division of HIV/AIDS Prevention, Capacity Building Branch Centers for Disease Control and Prevention (under contract to JBS International, Inc., Aguirre Division) Health Resources and Services Administration, Office of Special Populations National Institutes of Health, National Center on Minority Health and Health Disparities (under contract with Oregon Law Center)

Department of Labor, Occupational Safety and Health Administration, Susan Harwood Training Grant Program

IN-KIND DONATIONS

Akin Gump Strauss Hauer & Feld LLP Alan Kadis National Council of La Raza Wilson Sonsini Taproot Foundation

We are grateful to the following organizations for providing matching funds for contributions from their employees: AARP and Pew Charitable Trust.

We express our gratitude to the Campaign Committee for the Shelley Davis Memorial Fund for its support of our efforts to carry on the work of Shelley Davis, especially our assistance to farmworker women and advocacy for pesticide safety.

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*denotes a contributor to the Shelley Davis Memorial Fund

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