

*Report and Recommendations*

ON THE

STATUS OF

MIGRATORY FARM LABOR

IN MICHIGAN

1968



State of Michigan  
CIVIL RIGHTS COMMISSION

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Report and Recommendations on the Status  
of Migratory Farm Labor in Michigan 1968

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## SUMMARY

The Michigan Civil Rights Commission concludes that there are three general ways by which the migrant population is systematically excluded from civil and legal rights, opportunities, and privileges. These are:

### 1. INADEQUATE PROTECTIVE LEGISLATION AND ENFORCEMENT:

Migrant workers are not protected by either the National Labor Relations Act or the State Labor Mediation Act. They are not protected by Michigan's Payment of Wages Act, and Workmen's Compensation benefits are so narrowly construed that they are almost meaningless. Even the Michigan Minimum Wage Law, as it relates to piece rates, disadvantages agricultural workers. In short, the migrants' position as workers is undermined at every turn.

Their position as citizens and householders is only a little better. They are ineligible for many social service benefits which require a specific period of residency. The structures in which they eat and sleep seldom deserve to be called houses. The hazards to health are great, but rights to health care are few. In all of these ways, migrant workers may be treated legally . . . and inhumanely.

This is reinforced by the minimum enforcement of the laws which do exist. A grower is fined \$5.00 for repeated violations of the Agricultural Labor Camp Licensing Act. Even though an order for workers which calls for less than the minimum wage it is handled by the employment service. Violations of the Social Security Act go unnoticed. Growers fail with impunity to post the Minimum Wage Law. The Federal Government fails to enforce its standards for labor camps.

### 2. INADEQUATE STAFF, INFORMATION, AND OUTREACH:

Some weak law enforcement is due to not enough workers to do the job, a problem which affects all regulatory agencies. It is obvious that there needs to be more people to do the job. But an inadequate number of staff persons is just one of the problems.

Over and over again, witnesses at the hearing complained about the indifference and insensitivity of staff to migrant workers' problems. Just as repeatedly, the absence of Spanish-speaking personnel was sharply criticized. "How can the migrant population, two-thirds of whom are Spanish-speaking, be served effectively unless there are many more Spanish-speaking staff

members?" No state agency, involved with migrant workers, has sufficient Spanish speaking employees. Some agencies, however, said that they understand this problem and hope to employ more Spanish-speaking staff members.

The effectiveness of an agency function is reduced even further by inadequate informational programs. Both witnesses and interviewees made it clear that migrants simply do not know about some of the programs which are available and the rights which are theirs. It is clear that no effective system for distributing all the necessary information has been devised. In other instances, informational materials have never been made available in Spanish. Either way, the effect is very much the same: migrant workers are left without information regarding rights and services which they could enjoy.

These inadequacies are compounded by the failure of many agency services to reach migrants where they are. There will be violations of rights and needs for services that will never come to the attention of agencies unless their employees go to where workers live, work, receive their pay, and seek community services. Considerable change by agencies in their programs and the way they are carried out will be necessary if the gaps left by alienation, apprehension, incredibility, inadequate laws, weak enforcement, insufficient staff and communications are to be closed.

### 3. UNCOORDINATED EFFORTS:

Most persons who work with migrants believe that they could function more effectively if there were a better mechanism to coordinate all agencies and programs which are involved with the migrant population. Currently, however, there is no such mechanism.

Consequently, there are gaps in service. The migrant employment unit is reluctant to share full information with the section of the same agency which enforces wage laws. Educational centers for migrant children throughout the state are not fully used by other agencies as informational distribution centers. Labor regulations are frequently ignored and violations of the most basic health regulations go uncorrected, even though health departments make hundreds of on-site inspections each season.

Lack of coordination is also evident between Federal and State agencies. The Federal government has one minimum wage; Michigan has another—and the employment service extends

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# TESTIMONY AND RECOMMENDATIONS

The problems which were highlighted by witnesses during the Hearings were primarily related to: 1) Employment practices; 2) Housing conditions; 3) Education; 4) Health; 5) Social Services; 6) Community attitudes; 7) Federal Government responsibility; and 8) The need for coordinating and systematically attacking migrant problems.

## I — Employment

A representative of the Michigan Department of Labor testified to the exclusion of seasonal farm labor from protective legislation.

“. . . agricultural labor along with domestic labor has been traditionally exempt and excluded from those statutes designed to protect working men and women in the course of their employment . . . The greater majority of our present statutes still exclude the agricultural worker. He is, for example, exempted from coverage under the State Labor Mediation Act, the Michigan Employment Security Act, the Payment of Wages Act, the Hittle Juvenile Employment Act, and other important protective statutes presently applicable to only the industrial and private sectors.”

A few of the exclusions and some of the abuses to seasonal farm labor from lack of protective legislation in agricultural employment include:

### *Wages:*

Seasonal farm labor is excluded from the Payment of Wages Act which requires employers to make full payment to employees at regular intervals. This invites abuses and leaves the worker in a uniquely vulnerable position.

The Department of Labor testimony stated that even though the seasonal farm laborer is excluded from the Act, he must be paid at his departure. Yet, worker testimony indicated specific abuses.

1. Some labor witnesses said that when they finished the harvest and asked for their pay, they were informed by their employer that they had to wait a week or leave an address where the employer could mail their pay. The workers said they needed their money for living and transportation expenses.

2. Exclusion from the Act places many hardships on the worker and his family. Testimony by the Department of Social Services focused on such hardships. The Department cited an example in the sugar beet industry:

“From the total earnings, the migrant is given a share of his final pay, which amounts to \$8 or \$5 per working adult per week, and \$5 to \$3 per working child per week. Out of this must come

any medical needs for doctor calls and prescriptions, besides food, transportation, laundry and gas. If you calculate for a family of six, that would be an income of \$36 to \$22 a week to live on. This becomes the concern of the county departments because they feel the sugar companies and other growers are forcing the migrant onto welfare at the present standard of partial payment.”

The MCRC survey of seasonal farm labor showed that 4% of those workers interviewed reported they had been denied all or part of their wages. Normally, these earnings are the earnings of the entire family, not just the principal wage earner. Thirty-nine per cent of the workers were not even able to estimate their average weekly earnings.

### *Minimum Wage:*

The Michigan Minimum Wage Law presently covers all employers with four or more employees between the ages of 18 and 25, and requires that a minimum of \$1.25 per hour be paid to those covered by the Act.

Even though the minimum wage law covers agricultural workers, there remain wage practices which leave many workers below the hourly minimum of \$1.25 per hour.

Section 14 of the law requires that the Wage Deviation Board establish piece-rates for those crops which are traditionally harvested on a piece-rate, and that these rates “shall be established as equivalent to the minimum hourly wage in that when the payment by unit of production is applied to a worker of average ability and diligence in harvesting a particular commodity, he shall receive an amount not less than the hourly minimum wage.”

The Commission asked the Department of Labor if, in fact, such piece-rates, established on the basis of the average diligent worker would result in wages below \$1.25 per hour for some workers. The Department's answer was affirmative. The reason for this occurrence is that those workers who fall below the average diligent worker would also fall below the minimum hourly rate of \$1.25. Also, even the average diligent worker would fall below the average minimum wage rate in a poor harvest season, and at the beginning and end of the harvest season when the crop is sparse.

Another weakness of the wage deviation law is that it allows price manipulation on the part of the grower. Miss Esmeralda Saenz testified that in Unionville and Saginaw, some pickle companies promised one rate, and then paid another rate. She said that one company promised \$1.25 per hour, but when the crop went bad or over-ripened, the company wanted to change the agreement and pay by piece-rate.

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rather than the hourly rate of payment which would give him some protection under the Act.

The medical and hospitalization portion of Act 283 reads:

"All Agricultural employers of one or more employees who are employed 35 or more hours per week by that same employer for five or more consecutive weeks, shall provide for such employees, in accordance with rules established by the department, medical and hospital coverage as set forth in Part 2, Sec. 4, for all personal injuries arising out of and in the course of employment suffered by such employees not otherwise covered by this Act."

The Department of Labor testified that:

"It is impossible, due to the limited time which this amendment has been in effect, to report upon its impact in the agricultural sector."

Testimony from the workers (Isaac Garza, Ronaldo De La Cruz, and Juan Rangel) demonstrated there is a lack of knowledge by the workers as to whether they are covered by hospital insurance. Those who are covered are not aware of the extent of coverage. The workers are also unaware of whether the insurance is cost-free or whether they have to pay for it. For instance, some workers wondered why the sugar companies deducted medical expenses, if any were accumulated, from their wages.

The Department of Social Services explained the sugar companies so-called "health plan":

"In Bay County, the Department of Social Services had questions regarding the responsibility of the large sugar companies to their migrant employees. The type of coverage for migrants called a "health plan" includes, for a \$3.50 to \$5.50 season premium, the following:

Hospital Bill—\$12 per day for 31 days. Does not cover pregnancy which is covered by the Department of Social Services.

Operating Room — Drugs — X-Rays, etc. — \$150.00 maximum.

Surgeon—\$250.00 maximum.

Doctors—Calls at hospital, \$3.00 per day for 31 days.

Accident or Emergency Outpatient — X-Rays, \$25.00 maximum.

Doctor calls, \$3.00 each up to 5 calls (maximum).

Additional benefits: For worker, Death or dismemberment, \$1,000. For family member, Death or dismemberment, \$500.

All vendors bill the sugar company in duplicate. They send one copy to the insurance company for payment. Insurance companies then make proper payment. The sugar company pays the balance

out of earnings withheld from the affected worker. They state, "they never take all the family's earnings."

The MCRC survey indicated that 72% of the growers surveyed said they provide some health insurance coverage for their workers, while only 16% said they provide full coverage for their workers.

#### *Deductions:*

Wage deductions is another area where testimony indicated workers lacked protection and where abuses were common.

Several workers (Pedro Salazar, Juan Reyes, and Mrs. Gallargo) claimed that deductions were made, supposedly for Social Security, but at no time had they been asked for their Social Security numbers. Other witnesses produced pay slips which indicated that no Social Security benefits had been deducted even though the employer is obligated under the law to make such deductions.

One worker, Juan Reyes, claimed his employer, Buck Bros. of Rockford, had deducted 20% from his wages. The reason given by the employer for the 20% deduction was that the company which bought the cucumbers had reduced their price to the grower. Mr. Reyes had five workers in his family. In one week's time they made \$318. The reduction of 20% meant that this amount was reduced by \$63.60.

Another worker, Mrs. Esther Villereal, claimed that the grower had made a \$5 deduction on each worker's pay slip and said it was for insurance. The workers were never told about this deduction until they received their pay.

## Recommendations:

A. Legislation should be enacted to require that:

- (a) Agricultural workers be paid on a weekly basis or at termination if employment is terminated before the regular weekly time for payment.
- (b) Employers of agricultural employees shall not withhold any portion of an employee's wages except those deductions which are required by law or authorized in writing by the worker for insurance benefits.
- (c) Employers of agricultural employees provide a legal written contract, to be signed by all parties involved, stating the terms and conditions of employment before the employee commences work.
- (d) All contracts with Spanish-speaking workers be written in both Spanish and English.

(Introduced as House Bill No. 3691, 1968, which died in Committee)

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## II — Housing

Public Act 289 of 1965 created an Agricultural Labor Camp Unit within the Division of Engineering of the Department of Public Health. The program of this unit was evaluated after two years of operation by the School of Public Health, University of Michigan.

The report stated:

“. . . there is no doubt that living conditions in agricultural labor camps in Michigan are better than they would have been in the absence of the program as measured by compliance with minimum standards which have been established.”

It also stated:

“We have considerable evidence, based on experience to date, that camps will continue to improve with increased number of inspections.”

With respect to the increased number of inspections, the Agricultural Labor Camp Unit Director said:

“We would like to inspect all camps at least twice, once prior to occupancy and once during occupancy, since we realize that many of the camp facilities may be degraded during the occupancy period. Privy vaults become overloaded and garbage and refuse are improperly disposed of. This has been very difficult because of the short period of occupancy of some camps and the difficulty of obtaining staff during the early part of the year when they are most urgently needed.”

However, there was a sharp contrast between the University evaluation and the workers' testimony.

One witness, Ronaldo De La Cruz, accused the Health Department of licensing a camp without ever visiting the camp. This, he said, was the only explanation he could give because the privies were out in the field among the weeds, there were no water facilities, and the beds were next to fertilizer bags.

Roberto Juarez stated that the houses in another camp were extremely dirty, and that there was debris all over the place because the grower did not provide trash cans or other methods of eliminating the trash; and that this, in turn, caused a heavy concentration of flies and rodents which caused disease and sickness.

The witness estimated that 300 persons were living in the camp, yet there were only two privies, one for men and one for women. He also stated that there was only one shower facility for the entire camp. He said that a hole in the ground was used for trash. Once the health inspector was there and said it had to be burned and the grower did burn the trash. However, it soon piled up again and the inspector never came for another visit. The drinking water in this camp was reported to be approximately four feet from the trash hole.

Mrs. Susan Olds, Director of Planned Parenthood of the Kent County Area, said she had personally visited

several camps and was alarmed by the conditions she saw. She said, “I would not have my dog live under such conditions.”

The MCRC Seasonal Farm Labor Project staff found that many workers would answer “fair” when asked how they rated their housing. However, after the interview, they quite often enumerated a list of specific complaints. In spite of leaky roofs and poor maintenance of the camp, the workers seemed to be resigned to their living conditions. Marco Lopez stated:

“The houses in Hart of the Lombard Growers, are not adequate or sanitary, but after traveling 1800 miles, what choice do you have but to accept whatever is available.”

The representative of the Michigan Migrant Ministry testified that migrants do not enjoy the same rights to receive visitors at migrant housing as tenants elsewhere because some growers insist that this housing is on their private property and he, the farmer, has the right to screen visitors.

A farm industry witness stated that out of approximately 2,500 camps that were licensed during 1966, 1967 and 1968, only 23/100th of 1% of the operators were found to be in violation where action was required to obtain compliance. However, according to the annual report of the Agricultural Labor Camp Unit (ALCU), the average rule violation per camp was 2.5 in 1967. The rule items in which the most violations have been noted are: Fire safety, lighting and ventilation, toilet facilities, garbage, and refuse. A grower from the Hartford area stated that it was not difficult to meet the minimal standard for the licensing of a labor camp.

According to the annual report of the ALCU and information gathered by the MCRC, many of the penalties imposed on operators who were in violation, were nominal, including operating a Farm Labor Camp without a license. Workers testified, on the other hand, to having received severe penalties for driving without a driver's license.

The MCRC Seasonal Farm Labor survey reported that while 48% of the workers report that their housing units have only a single room, and 30% more report two rooms, over 50% reported that there were six or more persons living in these units, and a full 24% reported nine or more persons. At the same time, only 41% reported that their units have more than three beds, while the remainder reported three beds or less.

There are an estimated 3,000 agricultural labor camps in Michigan. In 1967, 2,474 of these camps were licensed. In spite of the sincerity and energy of the ALCU staff, and the staffing problems of that agency, worker testimony and the condition of camps visited by the MCRC staff during the survey, reveal that agricultural labor camps, by and large, remain far below decent living standards and even the most minimal standards of human dignity. Whatever the improve-

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### III — Education

Educational programs for children of migratory agricultural workers are provided for under Title I of Elementary and Secondary Education Act of 1965, as amended by P. L. 89-750. This is a federally funded program administered by the Michigan Department of Education.

The program not only works with children who are in Michigan only during the summer months, but also continues to work with those children whose parents decide to remain in Michigan. The Michigan Department of Education reported that:

“During the 1968 school year, approximately 1500 migrant children have enrolled in 24 of Michigan’s schools and have been served under the Migrant program during the school year . . . The main focus has been the providing of teacher-counselors and teacher aides in the local school districts, to work with the migrant children in regular classrooms.”

The Department of Education is proposing a program with “strong emphasis placed on the home, camp-school relationship, mobilization of community, state and federal resources.” Section 116.24 (a) Title I Regulations require that:

“. . . in the development of the state program for migrant children, the State has taken into consideration those benefits and services that are or may be available for affected children in various agencies of the Federal government, as well as through state and local agencies and private non-profit organizations; and has coordinated the program or project with programs available through such agencies and organizations including community action programs under Title II of the Economic Opportunity Act of 1964, and shall further demonstrate that there will be similar coordination in the operation of the program and project. The purpose of the foregoing is to avoid a duplication of benefits and to insure the most effective use of funds under Title I of the Act toward meeting the special education needs of educationally deprived children.”

Testimony by worker witnesses contended that the program does not and has not provided all the intended benefits. According to witnesses, there appear to be many deficiencies in the program, such as poor administration and minimal implementation at the regional and local levels, lack of interest on the part of teachers and administrators, insufficient Spanish-speaking staff members in key administrative positions, and failure to stress and demand meaningful education.

One witness, Miss Esmeralda Saenz, who worked as a teacher-aide in the program said that she believes:

“. . . the directors of the schools are not interested in the education of the Mexican children, that they are only interested in the money.”

She said that the program director and staff never visited and became acquainted with the parents of the students in the program in which she worked.

She added:

“. . . for a more realistic program, the directors and teachers employed in the program should be Spanish speaking, preferably Mexican-American.”

She stated that she understood that the program has money for health needs, but health service is not being provided by the local school administrations. She complained about unfamiliar foods being forced upon the children, and she believes that a proper diet could be served with food familiar to the children.

A teacher-aide in the Caro schools program, Miss Maria Elena Castellanos, said she was told that four teacher-aides were to be recruited from the migrant stream. However, only one migrant was recruited, and she said she was aware of others who could have been recruited. She questioned the competency of the teachers in the program because she observed no correlation between the classroom activities and field trips. She also said she thought enthusiasm was lacking on the part of the teachers and there was a lack of activity and visual aids in the classroom. She said she thought the attitude of too many teachers was “you’re a cute little kid, but don’t bother to learn anything.” She said she felt much of the teachers’ inability to perform professionally was due to their inability to communicate with the younger students in Spanish. She said, “The program was a super-duper baby-sitting job, and it was not even good at that. Why? Because of the lack of interest and communication on the part of staff and administration.”

The director of the Migrant Educational Program stated that he recognized there were shortcomings in the program, and that he had visited a few of the projects. He said that plans were well under way to correct these shortcomings. He said that in 1969, the program would be enlarged to include not only teenage education, but adult education as well. Adult education classes would meet three nights a week.

He proposed the following adjustments to improve communication which he was confident would be accepted and implemented by the Department:

1. Hire 1600 paraprofessionals, 500 from the migrant stream, 500 plus ex-migrants, 500 plus from Spanish-speaking residents. This would reduce the present employment of 500 teachers to

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## IV – Health

The Migrant Health Act of 1962, as amended in 1965, authorized the U. S. Public Health Service to make grant awards designed to help finance family health service clinics and other special health projects for the benefit of domestic agricultural migratory workers and families. The Migrant Program director said:

“We feel that progress is being made. In spite of this, project services fall far short of making accessible to migrants the same health services most other people have access to.”

The limited nature of the program is revealed by reviewing its scope. Only 12 of the 54 counties utilizing migrant labor have migrant health projects. It is estimated that 51,000 migrant workers and their families work, at one time or another, in the 12 project areas. Only 18,713 of these workers made visits to physicians during 1967. Four hundred made visits to dentists. About 521 patients received hospital care. Twenty-one nurses employed seasonally or year around made a total of 9,317 visits to migrant labor camps or other places which migrants frequent. One hundred and fifty-five persons are employed to carry out the program. Of this number, 37 are paramedical . . . of these, eight are Spanish-speaking. The Migrant Health Director stated that:

“If the 51,000 migrants estimated to be in project areas this year used health care at the same rate as the average U. S. citizen, they would make about five times the number of medical visits and 25 times the number of dental visits they will actually make.”

Pedro Lugo and Ronaldo De La Cruz blamed housing and sanitation conditions for many of the health problems. Where housing and sanitation were not the direct cause of the problems, they said they made the problems worse. The testimony of Mrs. Jovita Monguilla told of the lack of proper and definite notification in Spanish of the medical and hospital services available to the employees and their families. She and the worker witnesses also told of the problem of communication

among clinics, hospitals and the people. Much of this criticism may be attributed to the narrow scope of the program.

The Program Director supported the workers' testimony:

“All the evidence we now have suggests that most migrants will receive little or no organized medical care outside of project areas.”

He went on to list reasons for problems in project development:

1. Many local health departments serving migratory workers are not sufficiently aware of their health needs.
2. Seven local health departments were not interested in developing projects at the time they were contacted.
3. Some local health department personnel feel that the medical problems of the migrants are being met by other sources.
4. Local health department's understaffing and regular workload restricts services available to migrants.
5. Some agencies providing services to migrants do not concern themselves or share information with other agencies that are also interested in working with the agricultural worker.
6. There is a need for an established agency within the state with responsibility for coordinating all state and federally sponsored migrant programs.
7. The workload of state and local personnel working on projects has contributed to the difficulty of holding orientation programs.
8. Intra- and inter-state migrant referral systems need strengthening both at the state and local levels.

### Recommendations:

- A. Legislation should be enacted to make it mandatory for all counties where migrants work, to develop a Migrant Health Project.
- B. Existing health insurance plans for migrants, and insurance practices, should be reviewed to make certain that all workers are adequately covered. Also, all workers should be informed of medical and insurance services.



## VI – Community Attitude

Several witnesses laid much of the blame for the problems suffered by migrants directly on the local communities. Daniel W. Sturt, Director of the Rural Manpower Center at Michigan State University said:

“The implication is clear that rural people in Michigan believe that there can be no economic or social relief for farm workers without some sacrifice on the part of the employers or the resident community.”

He also testified to the existence of negative community attitudes toward the migrant. He related two examples of community discrimination.

“Community discrimination insofar as migrant workers are concerned, both Mexican-American and others, is displayed in a variety of ways. More specifically when the Michigan Legislature passed legislation providing for the establishment of rest camps (which incidentally, was never funded), a community in Southern Michigan, where one camp was proposed, reacted strongly against the proposal. They did not want the rest camp near their community. Similarly, when a group of farmers attempted to establish a cooperative migrant housing project in central Michigan, the community objected and the project failed because of zoning objections, that appeared to have a purely discriminatory base.”

A witness, Miss Esmeralda Saenz, pointed out that when a migrant went to a hospital or doctor's office, he would have to wait until all the other patients were attended to, even if the other patients came into the office after the migrant had arrived.

Testimony by workers also indicated that migrants were not receiving equal treatment by law enforcement agencies in the state. The Commission has received

many complaints of unequal treatment of Spanish-speaking people by law enforcement agencies.

One final example on community attitude as presented by the Department of Social Services, concerned emergency assistance given migrant workers. (It is important to note that the State cannot require the counties to provide such assistance because each county is responsible for its policies.)

“This expenditure, if made by the local county departments under their local policy, is matchable by 40% State funds . . . If the local community is hostile to the presence of the migrant, this may be reflected in fewer expenditures and services.”

During the course of the summer, the Commission's Farm Labor Project staff did receive complaints that some counties were not helping migrants in cases of emergency.

The lack of opportunities for upward mobility by migrant workers which stems from the local, state and national community excludes and exploits agricultural workers. This has been repeatedly pointed out in this report. Only recently has there been work at the state and national level aimed at bringing agricultural workers into the mainstream of American community life. However, such efforts are extremely limited and slow, as a result of community attitudes.

### Recommendations:

1. The Supervisor of MCRC Latin-American Programs, along with the District Executives, visit those cities and areas where there is a heavy concentration of migratory farm labor, to meet with representatives of the community in an effort to sensitize them to the problems that migrants face.
2. Acquaint the public with the problems faced by migratory families through increased public information efforts by federal, state, local and private agencies.

tively as provided all other workers by the provisions of this act.

2. Amend the Social Security Act to provide benefits for agricultural employees based on all their earnings, rather than after they have earned \$150 from or worked 20 days for the same employer.
3. Adjust or amend the agricultural labor camp housing regulations and/or standards to upgrade all agricultural labor camp housing to meet the minimum federal regulations and/or standards, and to provide funds and assistance for the construction of co-op housing.

B. Enforcement, Information and Outreach:

1. Enforce agricultural labor camp housing regulations and standards, including those provisions that forbid the employment service from extending work orders for those growers whose housing does not meet federal regulations and standards.
2. The Michigan Employment Security Commission should refuse to extend work orders which stipulate wages or rates that are below the minimum required by State law (when State

minimum wage rates are higher than Federal minimum wage rates).

3. Enforce regulations governing crew leaders.
4. The Federal Government should conduct the Sugar Act Hearings during the period that workers are employed by the sugar industry in the North.
5. The Michigan Civil Rights Commission will present its findings on Migratory Farm Labor to the Senate Sub-Committee on Migratory Farm Labor and other appropriate bodies of the Federal Government.
6. The Michigan Civil Rights Commission will urge the Federal Government to establish an investigative Task Force on Migratory Farm Labor to enforce regulations outside of the state's jurisdiction. The Federal Investigative Task Force should also make an intensive on-site survey on the compliance with regulations established by the Federal Government on Migratory Labor in the areas of wages, employment services, housing, health, social security, crew leaders and the sugar act. The Federal Investigative Task Force should include those Federal agencies which have authority in the areas.

sponsibilities at the outset:

- (a) Staffing: Because of the heavy use of Spanish-speaking migrants in Michigan agriculture, the staff of the Agricultural Labor Commission and other state agencies serving the migrants should have a substantial number of Spanish-speaking personnel, at all levels of employment.
- (b) Information: All informational materials which are to be distributed by state agencies to seasonal farm labor and/or their employers, should be available in Spanish and English. Examples of these materials are:

(1) Minimum wage rates;

(2) Available medical and hospital services;

(3) Available social services.

- (c) Legal aid: The Task Force should work to make sure that adequate legal aid assistance is available to assure that workers' legal rights are protected.
- (d) Federal Government: The State Task Force should work closely with the proposed Federal Government's Investigative Task Force in finding and implementing solutions to the problems of agriculture workers.

## A SUMMARY OF THE FARM LABOR SURVEY

The Farm Labor Survey brought five Spanish-speaking interviewers into thirteen Michigan counties. While there was the heaviest concentration along the western side of the state where most laborers are, questionnaires were also administered in the southeast, central and Saginaw Valley areas.

One hundred and ninety-four growers and 1,114 workers responded to separate questionnaires. The questions dealt with housing, education, social services, medical care, wages, and aspirations. The responses to all of these questionnaires are tabulated and reviewed in this summary.

### Growers' Responses:

Growers report that they have made improvements in their camp housing in the past three years and do not charge laborers rent for the use of that housing. They have encouraged workers to send their children to summer educational classes and they believe that social and medical services available to their workers are adequate. They say that they have helped workers to obtain these services.

Most growers report that workers do not play any role in planning for changes in their wages or housing. A majority say that they pay workers directly and do not pay crew leaders for services rendered by way of recruitment or transportation. As employers, the growers say they are most likely to make social security deductions, provide workmen's compensation, hospitalization, and medical coverage for some of the workers, and meet requirements for keeping workers informed about minimum rates and provide statements of wages which indicate the units of work for which payment is made along with deductions.

A preponderance of the growers interviewed believe that workers make a fair wage and growers oppose a

guaranteed wage. They say they are likely to advance money to their workers without charging interest and they do not have contracts with their seasonal workers who, most likely, number between ten and thirty each season. Most growers interviewed believe that migrants are treated fairly by policemen, teachers, social workers, crew leaders, and food stores, and say that they do not know how migrants are treated by the Farm Labor Service of MESC.

This is the broad, general picture which emerges when growers' responses are related in terms of what was most frequently reported. Other noteworthy findings included:

In spite of the fact that there are clear legal requirements to post rate sheets which indicate minimum legal piece rates, 39% of all growers contacted had not done so. In Berrien County, 68% had not done so. In Saginaw County, 80% had not done so, and in Grand Traverse County, 83% had not done so.

Similarly, but on a smaller scale, 10% of the growers indicated that they do not provide statements with each pay which indicate the amount of pay, the units of work for which payment is made, and deductions which are made. This, again, would appear to be a clear violation of existing law.

Most growers were cooperative with interviewers and willingly spent a short time to answer questions.

### Workers' Responses:

While 48% of the workers report that their housing units have only a single room and 30% more report two rooms, over 50% reported that there were six or more persons living in these units, and 24% reported nine or more persons. Forty-one per cent reported that

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## AFTERWORD

The number of specific and general circumstances which affect the lives of migrant workers have been considered, for the most part in this report, as separate factors. They are not, of course, really separable even though they are distinguishable. The important thing is that they act together to create and maintain an impoverished underclass.

Unprotected by law should they join together to bargain for wages and working conditions; denied local voting rights because they lack residence in the communities in which they work; and condemned from the start to poverty; migrant workers are simply powerless to change their own conditions.

Here are some of the interlocking factors that have built and maintained this condition.

The minimum wage law says that all able-bodied adult workers must be paid \$1.25 per hour. Pay rates for migrants seldom go much above this minimum. This, of course, is far below the average wage earned by adult workers in Michigan—workers who don't travel hundreds of miles for short-term employment, subject to the constant threat of adverse weather. However, when the piece-rate scale is applied, the migrant is even worse off.

A worker of above-average ability and diligence, given a good crop, can make a little more than \$1.25 per hour. But even the above-average worker can't make the minimum when the crop is lean during the early and late stages of the harvest.

More realistically, the majority of workers suffer from the piece-rate scales. By virtue of the way in which they were established, most workers' wages fall below \$1.25 per hour for either a portion of the harvest season or for the entire season in the case of a diligent worker who has less-than-average ability. Yet this is legal.

When workers arrive in Michigan, the system is further reinforced. While growers generally do not charge migrants for housing and some other commonplace conveniences allowable under the law (such things as toilets and pressure water which, in other industries are legal necessities) they do, by the hundreds, use the so-called "bonus" system. This is a method used to keep migrants financially bound to the grower until, at the grower's pleasure, the worker can get all of his wages and move on.

Peonage or indentured servitude has usually involved the indebtedness of the worker to his master so that the worker was bound to pay off his indebtedness before exercising his freedom of mobility and occupational choice without cost. The "bonus" system reverses this and binds the migrant to the grower because the grower withholds earnings from the worker and says, in effect, "you can't leave before your departure is agreeable to me without forfeiting part of your wages." Fringe benefits, which improve the quality of

life and are enjoyed by most Michigan workers are virtually unknown to migrants. The wages and working conditions alone are enough to subject the worker to continued exploitation without recourse.

This is the workers' limited present. Is the future to be better? Since most migrants are very poor and without savings and investments of other kinds, Social Security benefits are of major importance. And here again, the law works to exclude workers. Neither grower nor worker, by law, enters the Social Security system unless the worker earns more than \$150 from an individual grower. This provision, unlike any other provision of the Social Security law, serves to further assure an impoverished future for the migrant.

Inadequate enforcement of the laws, which do apply, governmental practices which, at the least, violate the intent of existing laws, and other factors which militate against any approximation to the standards of decency and dignity, reinforce the projection of a dreary future.

People, who understand the problem most clearly, agree that it is both wrong and stupid to exclude the sizeable black population from full participation in the benefits, opportunities and privileges which most citizens enjoy. It is, if nothing else, self-destructive. However, isn't a substantially similar thing happening to migrant workers?

The testimony reviewed in this report requires straightforward answers to questions about the treatment of migrant workers. These answers must help society to avoid, in the future, the self-destructive mistakes which are so much a part of the past and present. The questions are:

- Is the migrant worker population being excluded from full participation in the life of our society?
- Does the present network of laws, policies and practices trap the migrant workers economically and politically?
- Is the migrant worker position substantially damaged by the lack of adequate housing, minimal social and health services, and reasonable educational benefits?

The testimony at the MCRC hearing, along with supportive data, indicates that the answer to each of these questions is "yes." As one witness put it, the treatment of migrant workers, compared to the treatment of other workers, "has the appearance of conspiracy to oppress." This belief is based in no small part on the knowledge that most of these workers are either Mexican-American or black.

While no general, explosive discontent was revealed by the hearing, there is a rapidly growing awareness by migrants of the advantages which are not theirs; of benefits which most workers enjoy but not they; and the enjoyment of opportunities commonplace in the

*Continued over*

14. Have you ever had anything to say about the changes in your wages?

	Responses	%
1. Yes	263	24
2. No	848	76

15. Housing conditions?

1. Yes	157	14
2. No	951	85

16. Have you ever attended the Federal Government's hearings for sugar beets or any other crops in your home state?

1. Yes	45	2
2. No	1063	95

17. Who do you work for?

1. Farmer	737	66
2. Company	284	26
3. Crewleader	76	7
4. Don't know	12	1

18. Do you have a crewleader?

1. Yes	581	52
2. No	499	45
3. D.N.A.—is crewleader	32	3

19. If yes, do you pay the crewleader for any of the following services?

1. Transportation from your home state to Michigan	52	5
2. Transportation from campsite to town	2	.18
3. Transportation to and from work fields	1	.89
4. For doing your shopping	0	
5. Interest on loans	38	3
6. None of these	485	43
7. D.N.A.	528	47
8. 1 and 2 above	4	.4
9. 1, 2 and 3 above	1	.1

20. Do you have a written contract with your employer?

1. Yes	235	21
2. No	716	64
3. Don't know	158	14

21. Have any of the people for whom you work ever refused to pay your wages?

1. Yes	42	4
2. No	1068	96

22. Have you ever lost the payment of your bonus?

1. Yes	42	4
2. No	1054	95
3. Don't know	8	1

23. What do you as an individual usually earn in a week's time?

1. Less than \$40	167	15
2. \$40 - 65	383	34
3. \$65 - 95	93	8
4. over \$95	65	6
5. Don't know	401	35

24. Do you believe this is a fair price for your labor?

1. Yes	320	29
2. No	409	37
3. Don't know	370	33

25. Would you prefer to be paid a guaranteed seasonal wage?

	Responses	%
1. Yes	812	73
2. No	78	7
3. Don't know	215	19
4. Refused to answer	1	0

## Grower Survey

1. Do you provide camp housing?

1. Yes	177	91
2. No	16	8
3. Refused to answer	0	0
4. Refused interview	1	.5

2. If yes, how long have you provided camp housing?

1. Less than 5 years	13	7
2. 5-10 years	41	21
3. More than 10 years	121	62
4. Does not apply	16	8
5. Refused to answer	2	1

3. Have you made any improvements (beyond normal maintenance) during the last three years?

1. Yes	158	81
2. No	16	8
3. Does not apply	17	9
4. Refused to answer	1	1
5. Don't know	1	1

4. Do you charge rent for your camp housing or any other expenses (for the housing)?

1. Yes	3	2
2. No	154	79
3. Does not apply	16	8
4. Refused to answer	0	0
5. Rent, no other utilities yes	19	10

5. Do you know about the summer educational classes being offered for migrant children?

1. Yes	181	93
2. No	11	6
3. Refused to answer	1	.5

6. Have you encouraged your migrant workers to send their children to these educational classes?

1. Yes	138	71
2. No	32	16
3. Don't know	21	11
4. Refused to answer	1	.5

7. Do you think that social services and medical care are adequate for your migrant workers?

1. Yes	135	70
2. No	12	6
3. Don't know	43	22
4. Refused to answer	1	.5

8. Have you helped your migrant workers obtain social services or medical care?

1. Yes	144	74
2. No	46	24
3. Refused to answer	1	.5

9. Do your migrant workers take part in planning for changes in their wages?

1. Yes	48	25
2. No	134	69
3. Refused to answer	1	.5
4. Does not apply	2	1

*Continued over*

