

MIGRANT LABOR AGREEMENT OF 1951, AS AMENDED

By exchange of Notes (#1178) between the Governments of the United States and Mexico, the following changes are incorporated in the International Agreement, effective July 1, 1956:

Joint Operating Instruction #1

Chapter 1 - Transportation by Bus

Chapter 2 - Transportation by Truck

Chapter 3 - General Provision

Joint Operating Instruction #2

Return of Mentally Ill and Non-Ambulant Cases

Joint Operating Instruction #3

Issuance of Reports of Medical Rejects
at Reception Centers

Joint Interpretation - Article 7 and 30 of the
Migrant Labor Agreement of 1951, as Amended

Amendment to First Paragraph of Article 9 of the
Standard Work Contract

Transportation of Mexican agricultural workers shall be governed by the following Joint Operating Instruction:

Chapter I

Transportation by Bus

1.

Every motor vehicle designed for the transportation of persons with a seating capacity of more than 10 passengers will be acceptable.

All buses with fixed seats shall meet standards for school buses prescribed by the State in which the buses are registered. Deviations from these standards for equipment in use on the effective date of this Joint Operating Instruction will be permitted. Such deviations must, however, be approved jointly by a representative of the Secretary of Labor and the appropriate Mexican Consul.

Every bus must be equipped with first aid kit, fire extinguisher in good working condition, drinking water in containers equipped with spigots and disposable cups, easily accessible to the workers being transported.

Every vehicle in which Mexican workers are transported must be maintained in clean and sanitary condition.

2.

Except as otherwise provided in this paragraph, buses transporting Mexican workers may continue to destinations without regard to time limitations, provided that no one driver shall drive in any 24 hour period more than 10 hours in the aggregate, excluding rest stops and stops for meals. Transportation of Mexican workers shall not begin before 6:00 a.m., nor shall buses arrive at the reception center later than 8:00 p.m.

Rest stops shall be made for 15 minutes every 2 hours.

Meal stops shall be made at or near regular eating hours.

3.

The same minimum standards for farm labor camps contained in Form ES-367, except laundry facilities, will be enforced for overnight rest stops. Adequate feeding facilities must be available at overnight stops.

4.

While in transit or awaiting transportation, all workers shall be given a box lunch for each meal consisting of not less than the following:

2 sandwiches - 1 cheese, 1 ham or luncheon meat
(1) apple, or orange, banana, or fruit in season
Milk (1/2 pint) or
chocolate milk (1/2 pint) or
bottled soda water

or

1 - 8 oz. can beans
2 - 3-1/4 oz. can sardines
Bread, enriched, 6 slices, and
one sweet roll
Fruit in season
One can opener for each 6 lunches
Milk (1/2 pint) or
bottled soda water

or

50 cents per meal per worker. The employer shall have the option of furnishing any one of the 3 alternatives provided above.

5.

All drivers of buses transporting Mexican workers shall meet the requirements and driving qualifications specified for the type of vehicle by the laws of the State in which the vehicle is registered and they shall, when transporting Mexican workers, comply with the applicable provisions of the State Motor laws of the States in or through which such workers are transported.

6.

Before any trip from a reception center is started, the representative of the Secretary of Labor and the appropriate Mexican Consul shall be shown: (1) Proof of insurance coverage in the amounts specified in the Work Contract; (2) Proof of authority to operate the vehicle in which the Mexican nationals are to travel; (3) an itinerary of the route which will indicate rest, food, and overnight stops, where applicable; and (4) A State Vehicle Inspection Certificate where such certificate is required by State law and Form ES-355 Vehicle Inspection Report properly executed; and (5) a valid license to drive the bus transporting the Mexican workers.

Buses operating in a State which does not by law require an inspection certificate must conform to the requirements of Vehicle Inspection Report, Form ES-355. The mechanical inspection form does not apply to any vehicle operated solely within a State which requires an official inspection certificate. In all cases, however, buses must meet the requirements specified by the Department of Labor in the Vehicle Inspection Form (ES-355-A).

Forms ~~ES-355~~ and ~~ES-355-A~~, Vehicle Inspection Reports, are attached and made a part of this Joint Operating Instruction.

Chapter II

Transportation By Truck

It is generally recognized that the use of bus facilities for the transportation of persons is, from all aspects, a more desirable mode of transportation than many of those now employed. It is strongly urged that all employers, not now using buses for the transportation of Mexican workers, convert present transport means to bus facilities within the shortest possible period of time.

1.

Mexican agricultural workers may be transported from reception centers to places of employment and return to the reception centers, or from one place of employment to another by motor truck, only when the total one way distance to be traveled does not exceed 350 miles. No pole trailer or refrigerated van type truck may be used for transporting workers.

2.

Every motor vehicle transporting workers shall meet the following requirements:

The floors, interior of the sides and ends of passenger carrying space shall be free of inwardly protruding nails, screws, splinters, or other projecting objects likely to be injurious to passengers or their apparel.

Side-walls and ends above the floor shall be at least 46 inches in height.

A seat shall be provided for each worker transported. If the trip exceeds one hundred miles the seats shall be padded with a 4 inch thickness of rubberized hair and 3/4 inch cotton felt or its equivalent, adequately covered. The seats shall be: (1) securely anchored to the floor; (2) not less than 15 inches from the floor at the back and 17 inches at the front; (3) at least 14 inches deep; (4) constructed of smooth planed solid boards with beveled front edge; (5) designed to provide at least 19 inches of seat space per passenger; (6) at least 32 inches between the back rests including foot space or 24 inches between the edges of opposite seats when face to face; (7) equipped with back rests extending to a height of at least 26 inches above the floor, and if slatted without cracks more than 2 inches wide; and (8) the exposed surfaces of seats and back rests if made of wood shall be planed or sanded smooth and free of splinters, protruding screws, nails or other projecting objects.

Adequate means of ingress and egress to and from the passenger space shall

closed during the course of transportation and readily operative without the use of tools.

Ladders or steps for the purpose of ingress or egress shall be provided and shall be firmly attached to the vehicle. The maximum vertical spacing of footholds shall not exceed 12 inches, except that the lowest steps shall be not more than 18 inches above the ground when the vehicle is empty.

Hand holds or devices for similar purposes shall be provided to permit ingress and egress without hazard to passengers.

Vehicles shall be equipped with at least one emergency exit having a gate or door with a latch and hand hold as described above.

To provide adequate protection against inclement weather every vehicle must be equipped with a permanent top not less than 78 inches above the floor and side drop tarpaulins to cover exposed areas.

Every vehicle must be equipped with first aid kit, fire extinguisher in good working condition, drinking water in containers equipped with spigots and disposable cups easily accessible to the workers being transported.

Means shall be provided to enable the passengers to communicate with the driver. Such means may include buzzers, pull cords, speaker tubes, or other mechanical or electrical means.

Every vehicle in which Mexican workers are transported must be maintained in clean and sanitary condition.

3.

Under no circumstances shall Mexican workers be transported for more than 10 hours in the aggregate, excluding rest stops and stops for meals in any one day. There shall be no driving before 6:00 a.m. or after 8:00 p.m., except when on the day of departure, the vehicle can arrive at the place of employment by 11:00 p.m. If the truck transporting the Mexican workers cannot arrive at the place of employment by 11:00 p.m., they must arrive at an approved overnight stop not later than 8:00 p.m.

The same time schedule above shall apply to trucks transporting workers from places of employment to the reception center, except under no circumstances shall they arrive at the reception center later than 8:00 p.m.

Rest stops shall be made for 15 minutes every 2 hours.

Meals stops shall be made at or near regular eating hours.

The same minimum standards for farm labor camps contained in Form ES-367, except laundry facilities, will be enforced for overnight rest stops. Adequate feeding facilities must be available at overnight stops.

5.

While in transit or awaiting transportation, all workers shall be given a box lunch for each meal consisting of not less than the following:

2 sandwiches - 1 cheese, 1 ham or luncheon meat
 (1) apple, or orange, banana, or fruit in season
 Milk (1/2 pint) or
 chocolate milk (1/2 pint) or
 bottled soda water

or

1 - 8 oz. can beans
 2 - 3-1/4 oz. can sardines
 Bread, enriched, 6 slices, and
 one sweet roll
 Fruit in season
 One can opener for each 6 lunches
 Milk (1/2 pint) or
 bottled soda water

or

50 cents per meal per worker. The employer shall have the option of furnishing any one of the 3 alternatives provided above.

6.

All drivers of trucks transporting Mexican workers shall meet the requirements and driving qualifications specified for drivers of school buses by the laws of the State in which the vehicle is registered and they shall, when transporting Mexican workers, comply with the applicable provisions of the State Motor Vehicle laws of the States in or through which such workers are transported.

7.

Until November 1, 1956, where an employer can demonstrate to the appropriate Mexican Consul and the Representatives of the Secretary of Labor that he cannot meet the requirements of this Joint Operating Instruction because of circumstances beyond his control in obtaining delivery of buses, or because contract buses are not available when needed, such Mexican Consul and Representatives of the Secretary of Labor shall permit the transportation of

must conform strictly to all of the requirements of this Joint Operating Instruction, except with respect to the mileage limitation.

8.

Before any trip from a reception center is started, the representative of the Secretary of Labor and the appropriate Mexican Consul shall be shown: (1) Proof of insurance coverage in the amounts specified in the Work Contract; (2) Proof of authority to operate the vehicle in which the Mexican nationals are to travel; (3) an itinerary of the route which will indicate rest, food, and overnight stops, where applicable; and (4) A State Vehicle Inspection Certificate where such certificate is required by State law and Form ES-355 Vehicle Inspection Report properly executed; and (5) a valid license to drive the bus transporting the Mexican workers.

Trucks operating in a State which does not by law require an inspection certificate must conform to the requirements of Vehicle Inspection Report, Form ES-355. The mechanical inspection form does not apply to any vehicle operated solely within a State which requires an official inspection certificate. In all cases, however, trucks must meet the requirements specified by the Department of Labor in the Vehicle Inspection Form (ES-355-A).

Forms ES-355 and ES-355-A, Vehicle Inspection Reports, are attached and made a part of this Joint Operating Instruction.

Chapter III

1.

General Provision

Each person driving a vehicle in which Mexican workers are transported shall comply with the requirements of this Joint Operating Instruction. The responsibility for compliance therewith shall be upon the employer who contracted for the Mexican workers. Failure of an employer, his employees, his agent, or independent contractor employed by him to comply with these requirements will constitute a violation of the Agreement by the employer.

2.

This Joint Operating Instruction shall be effective July 1, 1956.

The return of a mentally ill or other non-ambulant Mexican worker to Mexico shall be governed by this Joint Operating Instruction:

1. The transfer of a mentally ill or other non-ambulant Mexican worker shall not be undertaken except upon written medical advice from a qualified Doctor of Medicine.
2. Before any worker is transferred, the Mexican Consul having jurisdiction in the area of the worker's employment shall be notified of the doctor's diagnosis through the Representative of the Secretary of Labor. He shall also be furnished a copy of the diagnosis and a statement from the doctor that the worker is able to travel to the Reception Center.
3. The employer shall concurrently file with the Representative of the Secretary of Labor a request for cancellation of the contract.
4. The Representative of the Secretary of Labor will immediately advise the Mexican Consul of this request and a joint preliminary determination will then be made of the amount due the worker, but no action shall be taken to cancel the contract until confirmation of the doctor's diagnosis is issued by the U. S. Public Health Service doctor.
5. The Mexican Consul having jurisdiction in the area of the worker's employment shall then authorize the Mexican Consul at the Reception Center to cancel the worker's contract if the diagnosis is confirmed by the U. S. Public Health Service doctor.
6. If the diagnosis is confirmed, the Representative of the Secretary of Labor and the Mexican Consul at the Reception Center will thereupon cancel the contract in accordance with the Migrant Labor Agreement.
7. The manager of the Reception Center will then notify the Mexican Consul at the Center as soon as the patient is ready for departure.
8. The Mexican Consul will take immediate steps to effect the return of the patient to Mexico at the earliest possible time.
9. The appropriate Mexican officials will instruct the Mexican Immigration Service to arrange to receive the patient on the Mexican side of the border.
10. If the U. S. Public Health Service doctor does not confirm the

ISSUANCE OF REPORTS OF MEDICAL REJECTION
AT RECEPTION CENTER

In any case in which a Mexican Worker is rejected at a Reception Center because of mental or physical ailments, the United States Public Health Service doctor at the Center will furnish to the worker and to the Mexican Consul at the Reception Center a written diagnosis of the case in order that the said Mexican Consul may transmit it to the appropriate Mexican authority.

LENGTH OF CONTRACT

The first paragraph of Article 9 of the Standard Work Contract is amended to read as follows:

"The duration of this Work Contract shall be for the period of time indicated herein. In case the service of the Mexican Worker is needed after the expiration of the Contract he may with his consent be employed for a period of not more than 15 days without being recontracted. At the termination of this 15 day period, the worker with his consent, the consent of the Mexican Consul and the Representative of the Secretary of Labor may be employed for an additional period not to exceed 15 days without written extension of the contract. The work period under this Work Contract shall begin on the day following the Mexican Worker's arrival at the place of employment in the United States."

JOINT INTERPRETATION - ARTICLES 7 AND 30

The procedure provided in Article 7 for joint determinations by representatives of the Mexican Government and of the Secretary of Labor as to whether an Employer should be ineligible to employ Mexican Workers is not to be used as a substitute for the procedure provided in Article 30 to determine whether a worker or an employer has failed to comply with his work contract or the Migrant Labor Agreement. Action may be instituted to declare an employer ineligible on the grounds that he has failed to comply with the Migrant Labor Agreement or the Work Contract only after he has been jointly found, pursuant to the procedures of Article 30, to have so failed to comply.

Proceedings may, however, be instituted under Article 7 to declare an employer ineligible for reasons other than his failure to comply with the Migrant Labor Agreement or the Work Contract, without having first proceeded under Article 30.