

By Doug Bartholomew

The immigrants who harvest our nation's crops live a precarious existence. However, one bill could make a difference.

Report from the

Fields

No papers, no green card, not even a driver's license. In the three years since he arrived in Northern California from his home in Colima, Mexico, Hector,* 33, has been living under the radar, working as an undocumented agricultural worker in the vineyards of Sonoma County. When he first came to the United States, he lived with his aunt in Santa Rosa who helped him until he was able to find work and a place of his own.

Without documentation, Hector must avoid police and other authorities who could deport him to Mexico. Though he has scraped together enough money to buy a vehicle, he rarely leaves his home—except to travel to and from work—generally shying away from any situation that would require him to show identification.

In the fields, though, Hector feels safe. His employer, a large winery, doesn't bother him, and he is a steady, dependable worker—he's worked for the same employer since arriving in the United States.

Usually, Hector starts his day with a quick snack of toast, coffee or juice, and *pan dulce* (sweet roll) before leaving for work from the apartment he shares with three others. Many immigrant farmworkers aren't so fortunate. In Sonoma County, those who are unable to afford basic housing sleep in clusters of makeshift tents and other substandard shelters along the banks of the Russian River.

Typically, Hector begins work at sunrise and continues well into the afternoon under the sweltering California sun. He normally works an eight- to 10-hour day, five to six days a week. During his shift, Hector takes two



breaks—a 10-minute midmorning breather and a 30-minute rest for lunch. He earns less than \$9 an hour.

Though this day's work was not as hard as usual for Hector—"I was tying the grapevines after pruning"—most of the work is monotonous and arduous. In fact, farm work is one of the most dangerous occupations in the country. According to a report by Farmworker Justice, *The Ones the Law Forgot: Children Working in Agriculture*, a great deal of agricultural work involves repetitive manual labor done in stooping, squatting, or other awkward positions, resulting in disabling musculoskeletal injuries. Many are also victims of transportation accidents, tractor rollovers, or unguarded farm machines and are exposed to poisonous pesticides and other toxic chemicals.

Employers agree that most American workers shun the backbreaking work that Hector does every day. Nonetheless, farm labor is essential to the nation's agricultural industry, to the U.S. economy, and to the millions of Americans who put food on their tables each day. Without Hector and hundreds of thousands like him, the nation's growers would not be able to harvest and bring to market their wine, table grapes, fruits, and vegetables.

Making Ends Meet

The season has been tumultuous after a cold, wet winter. Hector's workday ended early today, after only seven hours. His shift was cut short by a heavy, pelting midafternoon rain, and more rain is expected tomorrow and into next week as well—typical for Northern California in March. During inclement weather, Hector doesn't work. No work, no pay. Yet even when the weather cooperates, there are

Farm labor is essential to the nation's agricultural industry, to the U.S. economy, and to the millions of Americans who put food on their tables each day.

weeks, and sometimes months, when his employer will idle its labor force of about 300 farmworkers because of a natural hiatus in the grape-growing process.

"The farmworkers don't get paid all the year," says Casimiro Alvarez, Regional Director of the United Farm Workers of America's (UFW) North Coast office in Santa Rosa. "They only work about eight months in the vineyards. This is a big problem for them because they are without work for long periods of time."

The main crop in Sonoma and Napa counties is grapes for winemaking, but other fruits and vegetables also are grown here. During a seasonal lull in the vineyards, Hector sometimes is able to find temporary work elsewhere. Besides working in the grape fields, he has harvested pumpkins, squash, lettuce, and cabbage. Sometimes he works on Saturdays, especially during the harvest and pruning seasons. Otherwise, he tries to secure day-labor jobs.

He is accustomed to doing whatever it takes to earn enough money to cover his living expenses—rent, gasoline, food—and still have something left over to send home to his family in Colima. It is essential for him to make enough money to support not only himself, but

(continued on page 20)



Approximately 90% of U.S. farmworkers are Latino, making much of the nation's agribusiness possible.





Arturo Rodriguez leads the United Farm Workers in a rally for rights. The organization has been instrumental in organizing agricultural workers.

Results of Compromise

Five years of negotiations and resulting compromises between farmworkers and growers have resulted in the Agricultural Job Opportunities, Benefits, and Security Act of 2005 (AgJOBS), introduced by Sens. Larry Craig (R-ID) and Edward Kennedy (D-MA) and Reps. Chris Cannon (R-UT) and Howard Berman (D-CA).

Key farmworker advocates have played an important role in this process, most notably Farmworker Justice, the National Council of La Raza (NCLR), United Farm Workers of America (UFW), and representatives of the agriculture industry.

Bruce Goldstein, Executive Director of Farmworker Justice, an independently managed subsidiary of NCLR, recalls how the bill grew out of an effort in the late 1990s to reform the immigration laws and the existing guestworker program.

"The agribusiness groups wanted the immigration laws reformed because they were losing workers," he says. "They also wanted a new guestworker program because the current H-2A program wasn't working." Out of an estimated 2.5 million farmworkers, only about

45,000 were brought in legally under H-2A. "The program was basically not being used because employers could hire undocumented workers at a lower cost," he says.

Agribusiness groups proposed legislation that would have slashed the H-2A program wages, eliminated most worker protections, offered no housing provision, and done away with the transportation cost benefit for workers. "Their goal was to transform the farm labor force into a system of guestworkers," Goldstein explains. "We worked hard to defeat it, and we did, but at the time we couldn't get what we wanted, either."

By 2000, the UFW had begun negotiating with agribusiness groups, and a compromise proposal was reached. "There were some painful concessions all around," Goldstein recalls. The legislation almost passed the Senate in April 2005, but it was held up by a threatened filibuster.

One of the bill's key provisions allows for undocumented farmworkers to apply for temporary resident status with the ability to earn a green card by working 360 days in a three- to six-year

period. "This would affect hundreds of thousands of farmworkers, because an estimated 55% to 70% are undocumented," Goldstein adds.

Another section of the bill contains a set of revisions to the current H-2A agricultural guestworker program. The revisions ensure a stable workforce for agricultural businesses, while granting important protections to workers. "This bill is beneficial to both groups—farmworkers and employers—as well as to the nation," Goldstein says.

In March, AgJOBS received a huge boost when the Senate Judiciary Committee voted to include AgJOBS in the comprehensive immigration reform bill that the Committee passed and sent to the full Senate for consideration. However the Senate did not pass an immigration reform bill before it went on recess in mid-April. Immigrant advocates are still hopeful that an immigration reform bill—including AgJOBS—will pass this year.

"We have a shot at it this year, and many groups are working to make it happen," Goldstein says. "We have a strong [bipartisan] constituency of support for AgJOBS in agribusiness."

>> TAKE ACTION

More information on farmworkers in the U.S. and the AgJOBS legislation is available from Farmworker Justice at www.fwjjustice.org, United Farm Workers of America at www.ufw.org, and the National Council of La Raza at www.nclr.org.

also his wife and two children—a seven-year-old daughter and a three-year-old son—on his earnings of \$340 a week. After paying for rent, food, and other necessities there is hardly any money left. “It’s not enough as I need to send home,” Hector says.

If he’s injured on the job, California’s workmen’s compensation program covers him. But for general health care needs—a toothache or the flu, for instance—“It’s pay as I go,” Hector says. Needless to say, he has no coverage for his family, either.

Face to face, Hector’s strength of will and character is balanced by his obvious wariness of strangers, a result of his precarious status as an undocumented worker. While Hector’s future is uncertain, his steadfast gaze is filled with determination; clearly he is deeply committed to working toward a better life for himself and his family.

Out of the Shadows

Hector’s dreams hinge almost entirely on his legal status. As an undocumented laborer, he essentially has no legal rights, but a bill pending on Capitol Hill could change all that for him and the thousands of others in similar straits.

“AgJOBS [Agricultural Job Opportunities, Benefits, and Security Act] would bring farmworkers like Hector out of the shadows,” says Roberto Garcia, Contract Administrator in the UFW’s North Coast office. “This nationwide federal legislation will mean that agricultural workers will not have to worry about being harassed if they want to organize, and there will no longer be a threat of the U.S. Immigration and Customs Enforcement (ICE) coming and deporting them.”

“The most important thing AgJOBS does is provide an opportunity for workers in agriculture to get legal status and to be able to work without fear of legal action against them,” says Arturo Rodriguez, President of UFW,

Pesticides pose significant health risks for farmworkers.



“AgJOBS also provides a mechanism to ensure that guestworkers brought in by agricultural employers are treated fairly and with the respect they deserve.” — Arturo Rodriguez, NCLR Board Member and President of UFW



Migrant families often travel for work throughout the year and labor together in the fields.

PHOTOGRAPHY PROVIDED BY UFW

headquartered in Keene, Calif., and a Board member of the National Council of La Raza (NCLR). UFW has been the leading negotiator on behalf of farmworkers in the lengthy process of reaching the compromise between farmworker groups and agriculture which has led to the current AgJOBS bill.

“AgJOBS also provides a mechanism to ensure that guestworkers brought in by agricultural employers are treated fairly and with the respect they deserve,” Rodriguez says. Approximately 90% of U.S. farmworkers are Latino and, like Hector, the majority of migrant and seasonal farmworkers in the United States are currently undocumented, Rodriguez adds. “They have no legal status in this country, so they often are the victims of exploitation, abuse, and disrespect,” he says.

Reuniting the Family

A serious issue for most immigrant farmworkers is the potential for family instability while the breadwinner is absent for long periods. Hector has not seen his family since he left Mexico three years ago. “This is the only way now,” he explains. “I need to be here to earn enough money to support them.”

Current immigration laws prohibit family unity. However, the proposed legislation includes a possible solution. “AgJOBS would ensure a safe passage for these people to go between the U.S. and Mexico,” Garcia says. “For Hector, it is difficult, because his family is back in Mexico growing up without a father. That creates social problems. AgJOBS will help keep those family structures together.”

The legislation also would ensure a stable labor supply for the nation’s agricultural industry. If passed, the

bill would enable farmworkers like Hector to apply for and earn legal immigrant status by meeting work requirements. Eventually, a spouse and children could transition. “This [provision] will ensure that the industry has the labor supply it needs to stay competitive,” Rodriguez says. At the same time, AgJOBS would reform the existing agricultural guestworker program by reducing much of the red tape and cumbersome paperwork that frustrates farm employers. It also would provide key labor protections to farmworkers so that they would have recourse to the federal courts if abused or cheated.

Clearly, Hector’s legal situation is common among farm laborers. More than half of all farmworkers are without papers, according to an estimate by Farmworker Justice in Washington, DC. An NCLR subsidiary, Farmworker Justice has been one of the leading proponents of the AgJOBS legislation (see sidebar on page 19).

Hector is hopeful that, one day not too far in the future, his lot will improve. His dream is to save enough money so that one day he can afford to return to Mexico with his own tractor-trailer rig and earn his living as a truck driver. “This is my goal, to buy a big truck and drive it to Mexico, to be a truck driver there,” he says. “What I want out of life is to work, to raise a family, and to own some property.”

** Hector’s real name has been withheld to protect his privacy.*

THE IMPACT

The agriculture industry relies heavily on Latino laborers, who make up approximately 90% of the agricultural workforce. Fair labor practices proposed in the AgJOBS legislation are essential for the health and well-being of farmworkers and to the future of the agriculture industry. Without it, agricultural workers will continue to face unfair and unsafe labor practices, separation from their families, and the lack of a path to legal status. NCLR believes that the AgJOBS bill represents the first real opportunity to improve conditions for farmworkers in many years and supports the legislation.