

**Testimony to the Commission on Security and  
Cooperation in Europe**

**SECURITY**

by Ed Kissam

**Introduction**

Over the past 15 years, I've been involved in farmworker issues --in the early 70's focusing on health services and the problems of pesticide exposure and in the late 70's working with employment training programs serving farmworker youth. In the mid-80's I directed a national study of vocational rehabilitation services for farmworkers. From 1989 through the present, I have been involved in a series of case studies of the farm labor market and farmworker "homebase" communities in quite diverse areas of the United States -- in South Florida, on the Delmarva Peninsula, in New Jersey, in Southwest Michigan, in South Texas, in Central California, and in Central Washington.

Today, I would like to outline, very briefly, some of the demographic, sociocultural, and economic factors which enter into understanding and addressing the situation of migrant farmworkers in the United States.

A critical recognition, of course, is that U.S. labor-intensive agriculture is not monolithic -- it is tremendously diverse, a mosaic of tremendously different modes of production, employment practices, and different worker populations. These variations give rise to a corresponding diversity in the "human dimensions" of the social, economic, and legal environment in which migrant workers live and work. However, having recognized diversity, I would like to focus primarily on some overarching patterns.

**Employment Security**

My research (with my colleagues, Anna Garcia, David Runsten, and David Griffith) on farmworker forces us time and time again to recognize that the central problem faced by migrant and seasonal farmworkers is that of employment security. Farmworkers' real wages are stagnating or falling, but are still better than those in "low skill" occupations in immigrant-dominated non-agricultural work. However, chronic underemployment and unemployment result in annual earnings which place virtually all farmworkers and their families deep into poverty. Migrant and seasonal farmworkers face two distinct problems -

- seasonal unemployment during the off-season and unpredictable unemployment or underemployment during the peak harvest season.

Even when all able-bodied family members work, virtually no farmworker families are able to emerge from poverty. In 1989, a lone male migrant working on their own in Central California averaged \$4,005, and \$5,213 in South Florida. South Texas workers averaged only 6.6 months of farmwork during the year (and all experienced some degree of underemployment during the time they were working). Although families with multiple workers earned more, they remained in poverty, usually because they had children to support. For example, in South Texas, the typical migrant nuclear family of 4.2 persons had an annual income of \$6,823.

Migrants come from labor markets with very high levels of unemployment and migration entails opportunity costs. Migrants who travel northward to summer work cannot simply walk into jobs which are waiting for them when they return to their homebase community in the late fall. Almost all seek to supplement their farmwork earnings in the off-season but most have only limited success in making their jobs dovetail perfectly.

Peak season underemployment is, in my view, perhaps the most challenging problems to confront... During the peak season, adverse crop conditions, bad weather, or bad market conditions can result in periods of extremely limited work for fieldworkers. These create the real crises. Some fairly typical cases (using pseudonyms) from our field research:

- o Rufino Cendejas a middle aged Oaxacan migrant making \$114 a week during the height of the Washington asparagus harvest because cold weather slows the growth of the spears. The problem is the harvest lasts eight weeks at the most, yielding him earnings not likely to exceed \$1,000 in this "major" harvest activity.
- o Pedro Duran and his sister, pickle pickers in Michigan making \$246 a week between the two of them for picking 9,138 lbs. of pickles between the two of them. The problem is the harvest lasts only eight to ten weeks, yielding this family of two an income of about \$2,200 in the major harvest they work in.
- o Elogio Martinez and his two friends, apple pickers in Michigan who made \$3 each the day I interviewed them, because the orchard where the crewleader had brought them had fireblight and allowed the three young men to pick only one bin of apples during the entire day. Elogio and his friends cannot at this rate make enough money to return home.

The National Agricultural Worker Survey (NAWS) shows that the findings of our recent regional case studies can, by and large, be generalized. Underemployment is a national problem, not simply a problem in some labor markets. The average earnings from farmwork reported by seasonal agricultural services workers (including some supervisory and managerial workers) was \$6,500 per year for an average of 141 days of farmwork a year. Our research shows similar numbers of days worked per year.

"Too many workers, not enough work" is no longer an occasional complaint. It is now a universal experience. This is not illegal and not the result of inadequate enforcement (although it may be seen as the result of non-enforcement of employer sanctions), it is the result of a dysfunctional system -- a labor market which is chaotic. In the strictest sense of the term the combination of chronic underemployment and massive worker surpluses does not constitute "worker abuse". Yet, at the same time, it is arguably a violation of workers' human rights -- at least if we are to believe that, in some sense, contemporary American society has the responsibility to allow a willing worker a means to make enough to live on and, ideally, to also provide his or her children with basic sustenance.

The current terms of employment offered U.S. fieldworkers give rise to human rights concerns primarily because the extremely prevalent practice of payment based on a piece rate is, essentially, a deceptive, contracting procedure (remembering that the average farmworker spent less than six years in school.) Piece rate contract agreements provide workers an inadequate basis to determine whether working a harvest will provide them earnings which will allow them to survive. Low crop yields, delays in the harvest, late season slowdowns in harvesting may reap havoc with farmworkers' economic strategies -- even though piece rates paid are exactly as stated. Farming is, indeed, a risky business, and the practice of piece rate contracting insures that farmworkers bear the major burden of risk but reap none of the benefits.

From the perspective of my research, effective regulation will need to address the challenging and complex issues as to what an industry's responsibilities may be to its workers in terms of "right to know" provisions as to what is involved in a given employment agreement or, if the industry is not responsible, to determine what the public sector's responsibility is to provide improved levels of employment security.

## **Housing, Payment for Rides to Work, and Net Earnings**

With average earnings in the order of \$150 per week during the periods when he or she is employed, standard housing is no longer affordable for the typical farmworker. Our field research and that of other post-IRCA researchers shows that sub-standard housing is not an occasional problem for farmworkers, it is the norm.

Crowded housing is a problem, but it is also necessary to farmworkers' survival. One of the most surprising findings from conducting research in areas as diverse as Florida, Michigan, California, and Washington is the extent to which lone male workers succeed in controlling their shelter costs by living in tremendously crowded situations--for an average cost of \$18 per week in the Yakima Valley, \$25 a week in Immokalee, Florida, or Parlier, California.

However -- it is important to clarify what is meant by crowded housing. In Michigan, two extended family groups numbering seventeen persons shared a two-room cabin; in South Florida, eight to ten persons commonly shared a trailer; in Central California, eight men we interviewed shared a one-room cabin, more than half of which was filled with bunkbeds. In another two-bedroom house rented out to nineteen lone males, the nine men sleeping on the living room floor had not had a chance to meet the men quartered in a bedroom which was partitioned off from the rest of the house.

In Immokalee, workers who slept in the surrounding orange groves were charged \$1 for showers at the general store. In Parlier, one homeowner rented out his garage where the number of men varied from ten to fifteen; in another Parlier home, men paid rent to camp in a local resident's backyard. In Immokalee, a couple with a newborn baby separated their living space from that of the seven young men with whom they shared a trailer with blankets. In Michigan, an older farmworker traveling with his teenage son was amenable to sharing a one room shack with an unrelated couple but complained to us finally that having to share a bed with his son was too much.

In Southwest Michigan, where traditionally, housing has been provided at no charge to migrant workers, the trend is now to charge for rent and utilities -- an average of \$30 per week.

In areas where workers are charged, also, for rides to work, it is common for a *raite* (ride) to cost \$4-5 per day or \$25-30 per week.

At an average earnings level of \$150 per week, a migrant worker, having paid a relatively modest \$25 per week for housing and \$25 per week for rides to work will be left with somewhere in the order of \$100 net pre-tax income per week --- the amount he or she would make working in a standard 40-hour a week job at \$2.50 per hour, slight more than half of the minimum wage. During good weeks or in well-paid crop tasks such as the Washington apple harvest, the average workers' earnings will be as high as \$250 per week -- \$200 net, or \$5.00 per hour. In bad weeks, a worker's net earnings will, of course, be either negligible, or negative.

It is not surprising to find that the U.S. farm labor force is not replenishing itself. To survive as a "professional farmworker" it is necessary to adopt a unique economic strategy. At the minimum such a strategy requires that all able-bodied teenagers and adults work the most hours they possibly can rain or shine, whether they are sick, healthy, or pregnant, whether their children are sick, in need of attention, or healthy. Such a strategy requires that one make arrangements to share crowded living quarters with family, friends, or strangers. It requires tremendous investments in unpaid labor repairing cars, mending clothes, and seeking assistance for one emergency or another as virtually no fieldwork jobs include fringe benefits such as health insurance. Immigrant workers, used to networking, used to crowded housing, can, with difficulty adapt; virtually no worker in the American mainstream can.

While immigrant farmworkers are strongly attached to the agricultural labor market, their children are not. Having talked to farmworker teenagers throughout the U.S., both those who worked with their parents in the fields and those who were simply students, this group most closely linked to farm labor uniformly rejected the possibility of continuing in farmwork. The young U.S.-born adults who are working in the fields almost universally consider this their employment of last resort. They include high school dropouts, single women with children, and, in 1990, displaced workers from low-wage urban manufacturing and construction jobs. They are desperate, and often bitter. This is not the American Dream they heard about in school.

## **Migration and The Changing Composition of the U.S. Farm Labor Force**

U.S. agriculture has always relied on workers who were "pushed" out of underdeveloped rural areas with tremendously high unemployment rates to meet its labor needs. The circumstances which gave rise to streams of "Arkies" migrating to Michigan in the 1930's, "Okies" migrating to California, and African-Americans from the Deep South migrating north along the Eastern Seaboard prior to World War II, are the same circumstances of poverty which have given rise to powerful streams of international migration from Mexico to the U.S.

What is different now in 1992 is that Mexican, and to a limited extent Guatemalan, workers make up the primary labor supply for virtually the entire U.S. While the California and the Northwestern U.S. have relied on Mexican and Mexican-American farmworkers for decades, "recent Latinization" regions of the U.S. such as Maryland, Delaware, and western New York have now come to rely, also, on Mexican workers. According to the National Agricultural Worker Survey, at least two-thirds of all seasonal agricultural services workers (including supervisors and managers) are Hispanic and 80% of the Hispanic workers are Mexican-born.

Fieldwork -- that is, non-managerial, non-technical work, in fruit, vegetable, and horticultural production is performed almost entirely by immigrant workers. The most U.S.-born workers we found in any labor market was in South Texas where almost half the workers were born in the U.S. In Central California and Michigan, only one in five workers were U.S.-born, while in Central Washington, only 4% of the labor force was U.S. born.

Northward migration is, also, becoming more ubiquitous as an economic strategy for Mexican rural workers. Historically, the bulk of Mexican migration to the U.S. came from a few "core sending areas" in central and northeastern Mexico. In the 1980's and 1990's we are seeing increasing representation of migrants, many of them indigenous minorities -- most notably Mixtec and Kanjobal Maya workers -- from mountainous, remote areas of Mexico and Guatemala. New migrants also include a small number of displaced urban workers.

Mexico-U.S. migration flows in the post-IRCA period are increasing, not decreasing. The resulting problem is a simple but painful one -- too many workers, too

little work, no housing. Increased in migration flows and increased competition for scarce work, make farmwork less attractive, increasing the rate at which experienced workers leave farmwork -- creating an immigration treadmill.

### **Implications for Immigration Policy**

What does this mean in terms of U.S. immigration policy? Quite simply, it means that the United States policy must recognize that we already have a transnational labor market and that the functioning of international migration networks based in Mexico and Guatemala simply cannot be transformed by unidimensional initiatives such as IRCA. Migration networks, once they are initiated by structured recruitment of workers, assume a life of their own, and are tremendously resistant to governmental control.

There are important reasons why the United States and Mexico should both seek to decrease the level of current migration flows. From a structural perspective, high flows of inexperienced migrants means a more chaotic labor market, and more human suffering -- migrants stranded without a way to return home, no housing or impossibly crowded housing. But solutions will not emerge until we abandon a policy oriented toward ineffective efforts to control migration and adopt a policy oriented, instead, toward less direct, but more effective efforts to manage migration based on attenuating both "push" and "pull" factors which draw Mexican migrants into the U.S. farm labor force.

The first step toward achieving the CSCE objective of "orderly movement" of workers is to build policy on a clear understanding of migration dynamics. For example, one of the tragedies of IRCA's SAW legalization program is that, in denying legal status to the spouses and children residing in Mexico, the law encouraged back-and-forth migration to Mexico which has probably resulted in higher post-IRCA migration flows than would have resulted from a policy designed to promote family unity and to encourage social, economic, and cultural assimilation. A genuine welcome to immigrant workers, a serious effort to integrate immigrants into the life of the communities where they have come to reside is a critical element in moving toward a win-win solution for all.

Investments in immigration control mechanisms -- increased staffing of the Border Patrol, improved surveillance technology, the proposed ditches, electrified fences and such, are not only more inhumane than other approaches to managing migration flows, they are doomed to be ineffective. A comprehensive, integrated policy, designed to make

incremental changes -- to effect modest decreases in the rate of farmworker turnover, to provide modest improvements in employment security designed to extend the length of current farmworkers' labor market participation, a binational effort directed to migrant sending areas to inform potential migrants of the realities of the U.S. farm labor market, skillful investments in Mexican rural economic development-- can be more effective in stemming migration flows than even the costliest Draconian control schemes. Investments in border control -- justified primarily on the basis of their emotional appeal -- are simply not affordable.

### **Implications for Regulatory Policy**

What does this mean with respect to the human dimensions of the problems migrant farmworkers face? It means that the migrant farmworker population is increasingly inexperienced and vulnerable one -- because the United States is for new migrants an unknown country in terms of legal and social environment. A critical element in any effective strategy for regulatory reform will, of necessity, be educational efforts to inform workers of their legal rights and to assist workers in maneuvering through the tremendously complex environment which an information-based society represents in terms to a worker who has grown up and only very slightly educated in a rural, agrarian society.

Without increasing workers' awareness of their basic human rights (including awareness of areas where the existing legal framework does not provide them effective protection), it is very unlikely that any measure of regulatory reform is feasible. Without making regulatory agencies significantly more "user-friendly", without establishing some bridge for communicating with the population regulatory agencies are nominally to protect, it is difficult to see how effective enforcement can be affordable.

Spanish-speaking staff are, of course, a necessity, but staffing changes are not sufficient. Easier access is needed but new office locations should not be expected to solve the problem. If agencies are to be effective, some form of "one stop shopping center" for resolving workers' problems is absolutely essential. More than anything else, the confusing boundaries of different agencies' jurisdictions, bureaucratic procedures, etc. make it unreasonable to expect farmworkers to cooperate with regulators in enforcing even current laws regarding working and housing conditions.



Given limited fiscal resources, targeted enforcement is essential. Because inexperienced workers fall under the control of labor market intermediaries, these key players -- farm labor contractors, crewleaders, and *raiteros* deserve special attention. Once an inexperienced migrant worker without connections leaves his home village he must rely on a labor market intermediary -- a *raitero*, a crewleader, or a farm labor contractor for virtually all of his interactions with the society. It is not surprising that the National Agricultural Worker Survey shows farm labor contractor employees in "recent latinization regions" to have the lowest annual earnings from farmwork of any worker group -- \$3,500 per year. It is reasonable for regulatory enforcement effort to target labor market intermediaries, but it is not reasonable to expect such enforcement to be effective until there is some means to maintain a presence in the communities where farmworkers live and work.

### **The Need for Innovative, Collaborative, Solutions**

Ultimately, it is increasingly clear that no effective solutions to the problems of migrant farmworkers can be found until a new mode can be found for private-public sector collaboration in addressing the problems of underemployment, economic insecurity, sub-standard housing, and other issues.

One of the most striking observations from our 1991 case studies in Michigan and Washington is that there is a great deal that the industry itself can do and that individual agricultural employers are already doing to improve the current situation. One of the interesting findings is that it is possible to take significant steps forward without affecting a producer's bottom line. To take simply three examples -- downsizing the peak harvest workforce at a farm, improving quality of supervision, and restructuring operations to decrease seasonal unemployment -- each of these strategies seems to improve profitability.

What is equally striking is that there has been little commitment in either the private or the public sector to finding collaborative solutions to problems. Where there has been such collaboration, there have been truly significant successes, for example, in collaborative efforts to improve the availability and quality of housing.

The working conditions faced by migrant farmworkers are currently extremely problematic and they are not getting better. They are deteriorating. Improvement is possible but only when relations between farmworkers and their employers cease to be

regarded as a zero-sum game in which one group's gains inevitably imply the other group's losses.

Collaboration is difficult but possible. It is essential that dialogue involve all key stakeholders. Collaborative efforts must cut across industry-worker divisions, ethnic lines, and geographic boundaries, both regional and international ones. Solutions are possible but only when it is recognized that our standard models of the world serve us only poorly in understanding and addressing the issues which confront migrant workers.

### **Implications for Service**

Service programs designed to serve migrant farmworkers must become more flexible and find innovative solutions which go beyond the usual "information and referral" networks which now exist. Migrant farmworkers' only resource is their time. While desperately poor, they cannot afford the time to wait in waiting rooms in search of free or reduced-price services.

Programs must be flexible and adapt to the concerns and schedules of those they serve. The key focus in the adult learning programs for migrants I am now working on is the principle of "anytime, anyplace, any pace" learning. The content of "life skills" curricula must be real-life problem-solving -- not learning to read bus schedules, but learning to check their earnings against a supervisor's estimates, when they find themselves in a dispute. Housing is critically needed not just in "upstream" labor demand areas where migrants travel to work, but in "homebase" communities. Health services must not be limited to primary health care but provide effective treatment for chronic, disabling conditions.

At the heart of this is the need to understand that even improvements in service delivery systems, even a more effective regulatory enforcement system, will not be able to make fundamental changes in the welfare of migrant farmworkers, until labor-intensive agriculture in the United States commits itself to changing the working conditions of migrant farmworkers. Such a commitment -- which is also a commitment to developing a quality, highly productive labor force -- can, in reality prove to be a "win-win" situation for both migrant farmworkers and their employers.