

FARMWORKERS IN OREGON

A Study of the League of Women Voters of Oregon Education Fund Fall 2000 Contents

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STUDY FINDINGS:

- Oregon relies on farmworkers to produce its labor-intensive crops. Most workers are Hispanic and many are undocumented residents.
- While a strong partnership exists between farmers and workers on most Oregon farms, language and cultural differences and the immigrant status of the workforce make workers vulnerable to exploitation and farmers vulnerable to the loss of workers at critical harvest times.
- While the state struggles to deal with this situation, some factors are national or global in context:
 - The flow of workers between Mexico and the United States is well established, but much is illegal under national immigration laws.
 - The globalized market for agriculture lowers many commodity prices; the prices Oregon farmers receive are sometimes below their costs of production.
- Federal and state laws concerning working conditions for farmworkers set standards that are different from those for most of America's workers. Compliance with and enforcement of laws that do exist are uneven.
- The search for solutions has become highly politicized; there is very little constructive dialogue between farmer organizations and farmworker advocates. A stalemate exists on clarifying the collective bargaining rights of workers, which neither the courts nor the Legislature has been able to resolve.
- The serious shortage of decent and affordable housing for farmworkers is a problem that has persisted for decades. Farmers say they are turning away from

housing their workers because of costs and regulations.

- **Many parties have a role in the search for solutions:**
 - **State lawmakers and voters need to understand the complexity of farm labor issues.**
 - **Service providers need to collaborate; services and training need to be offered in culturally effective models.**
 - **A dialogue is needed between farmer organizations and worker advocates.**
 - **Communities which are struggling to serve farmworker populations need support.**
- Consumers must recognize that “cheap food” does not support a viable state agriculture and just treatment of workers.**

THE OREGON FARMWORKER EXPERIENCE

This report begins with the story of one hypothetical farmworker to give some sense of the experiences later discussed in terms of state laws. This story is based on a compilation of interviews with farmworkers and accounts told by those who work with farmworkers.

Leaving home and crossing the border: Manuel comes from Oaxaca, in Southern Mexico. He is 17, the oldest son from a large family; his uncle has been migrating to the United States for five years, and the money he has earned has brought improvements to his uncle’s home. Manuel hopes to earn the same improvements for his own family. His family supports itself by working in onion fields outside his village. Manuel has six years of schooling. This year he will leave with his uncle in February to plant trees in Lane County. The first challenge is to clear the U.S. Immigration and Naturalization Service (INS) blockade. They travel 1800 miles from Oaxaca to the border town. Manuel and his uncle find a guide, called a coyote, who charges \$800 each. They are caught by INS officials four times, thus delaying their departure several weeks, but on the fifth try they are across.

First job, with an unlicensed labor contractor: The uncle’s connection gets Manuel to Oregon to a Mexican labor contractor and crew. They show Manuel where to get his residency papers – forged documents — for \$50. They live in a wilderness camp in a tent, cook their own food at a campfire, and use an open pit for a latrine. The work is hard: a large bag is carried over the back filled with Douglas fir seedlings. The crew boss wants him to work faster. At the end of two weeks, he is given \$300. He pays back some of his debt to his uncle. He learns later he has earned less than others. Maybe he can find another boss. He knows if he complains, his boss may call “la migra” and he will be sent back across the border.

Many jobs through the season and a lonely first winter in Oregon: Manuel finds a new boss, another labor contractor in Junction City. First there is spring orchard work, then jobs planting row crops, moving irrigation pipe in mint and grass fields, harvesting grapes in the fall and Christmas trees in the winter. Many weeks there is no work. He lives in a labor camp in bunk housing with 60 other men for which he pays \$20 a week. He works with Christmas trees 10 to 12 hours a day, from dark to dark in the late fall. He cuts trees, bundles them, and brings them to the machine where they are put in netting. He catches his finger in the netting machine and breaks it. He makes his own splint and keeps working. He sends money home every month. He stays the winter in Oregon because of the difficulty and expense of re-crossing the border. Most weeks there is no work. He takes some of his meals at a program at the Catholic Church. He feels isolated and lonely in Oregon. He speaks Mestican, and without Spanish or English many people take advantage of him.

Five Seasons in Oregon: During the following seasons Manuel acquires some English. He learns he must keep track of his hours to see if he has been paid minimum wage. When he and three co-workers complain, the boss fires them. They hear of work in Eastern Oregon and travel there but find no jobs: onions were not planted because the farmers could not pay the workers. On the way back, the workers find jobs in pear orchards near Hood River. Here the housing is better. This is the first time they have worked directly for a farmer. They return to this farmer every year and travel around the state to find their own jobs during the other seasons.

After a decade, a permanent job and hope for amnesty: By now Manuel has a wife and child in Mexico. He sends them \$300 a month, which is enough to live on. He would like to have them in the U.S., but he could never support them here. He has found year-round work at a nursery in Boring and takes language classes offered by his employer. He notices that in town, the people who don't speak English get treated worse. He has heard of the farmworkers' union but doesn't know much about it. He expects and hopes that somehow the U.S. will grant amnesty to workers like him. Then he will have more job security to advance and settle his family in Oregon.

PART I - HISTORY OF AGRICULTURAL LABOR AND IMMIGRATION; CURRENT FARM WORKFORCE

AGRICULTURAL LABOR

According to Daniel Rothenberg, author of *With These Hands: The Hidden World of Migrant Farmworkers Today*, "The American agriculture industry has always relied on marginalized workers." Slaves in the South and Chinese workers on the West Coast are a well-known part of our history. Mexican immigration began in the early twentieth century but was not a major trend until World War II when Congress passed the Labor Importation Program, known as the "bracero program." This program, which brought 4.8 million Mexican workers to the U.S., was terminated in 1964 through pressure from unions, churches, and community groups concerned about worker mistreatment and exploitation.

Twenty-eight Oregon counties imported 15,000 workers under the bracero program. Many observers think the bracero program continues to influence farmwork today because it established Mexico-to-U.S. migration and settlement patterns and depressed farm wages and working conditions. Although most farmworkers in Oregon today are immigrants from Mexico and Central America, in previous decades youth, housewives, and the unemployed did hoeing, irrigation, and hand harvesting.

IMMIGRATION LAW

The U.S. has had immigration laws since 1882, when it required a head tax on immigrants and barred admission to "idiots, lunatics, convicts, and persons likely to become public charges." These restrictions still exist. The Immigration Quota Act of 1921 initiated our present quota system. Despite these laws, large numbers of immigrants continue to enter the country illegally. In 1986 Congress, in an attempt to deal with the issue, passed the Immigration Reform and Control Act (IRCA) which granted amnesty to many of these immigrants. More than 1.25 million agricultural workers applied for legalization, and more than a million applications were approved.

IRCA also codified the H-2A Agricultural Guestworker Program, through which farmers can obtain documented foreign workers by following complicated application procedures requiring long processing

workers to be brought in as n... the H-2A program. The Sena... agriculture for 180 days a year... legal residency. Labor organi... because workers are tied to o... anyone they hire. Fines for violations of this law were established.

Farmworker unions argue tha... General Accounting Office (A... shortage of good wages and '... legal and undocumented work... only legal workers were avail... for unauthorized residents, a

Scholars studying the farmwo... *the United States share one of the "longest land borders... countries with disparate earnings and income levels."* Study on Migration Between Mexico and the United States

<http://www.open.org/~lwvor/>
FARMWORKERS IN OREGON

forcing the various immigration laws. Workers found to be without proper... their employers can be fined. Until recently INS agents made unannounced... times. In Oregon, only one... major feature of IRCA was th... employment eligibility of eve... In sum, the approach taken by... the border, with the new H-2... seemed to be working for far... and were replaced by a new v... surpass the number in the U.S.

Mexico aname to see U.S. immigration policy toward Mexico for what it is between twsmal failure – and to chart a new course of action.
—Binational—Douglas Massey, University of Pennsylvania

INS Enforcement... ulture industry, Oregon senators introduced a bill in 1998 to revise the H-... new versions are currently before Congress: one, HB 4548, was passed by... The INS is responsible for en... papers can be deported, and t... inspections of premises belie... suspected of being here illeg... Security and alien registration... identified, the employer mus... exists they must terminate the... expensive and often results in... dropped steeply.

Proposals to Change Im... t there is no labor shortage, an argument they say is bolstered by a 1997... (GAO) study finding, and that any apparent labor shortage is instead a... working conditions. However, the GAO report did not distinguish between... cers, and under present conditions massive labor shortages would exist if... able. This spring the AFL/CIO announced support for a general amnesty... new position for the union movement.

*"The time has co...
– a di...*

orker issue have generally agreed that the present system needs revision.

With the support of the agric... 2A program. This failed. Two... the House Judiciary Committe... Farmworkers2.htm

Daniel Rothenberg argues that unionization is the answer. Another researcher, Douglas Massey of the University of Pennsylvania, says our legislative approach is based on an erroneous understanding of the incentives that bring foreign workers to America and that our immigration policies actually increase illegal immigration. Massey proposes a 12-step program “for a healthier North American labor market.” In brief, this involves liberalizing immigration quotas from Mexico and Canada and issuing large numbers of visas for agricultural workers while also instituting effective steps to improve economic conditions in Mexico. Such a program, he says, “will not eliminate” the problem but will “reverse the deleterious consequences of our current policies.”

A binational study of migration authorized by the Mexican and U.S. governments predicts that demographic and economic factors will soon reduce future migration. It calls on both governments to assess strategies to reduce demand for unauthorized workers and provide increased economic opportunities in Mexico. It says a guestworker program might actually add to, rather than substitute for, unauthorized workers by stimulating new migration networks. The report deplors the social costs to Mexican families of migration and calls for ways to alleviate the disruption to families and communities. These same themes were emphasized by Mexico’s president-elect in his August, 2000 visit to the U.S.

Who Are The Farmworkers?

The National Agricultural Workers Survey of 1997-1998 reports that the typical worker tending and harvesting fruits, vegetables, nursery, field and other crops in the U.S. is

- Young (2/3 are under age 35)
- Male (80%)
- Hispanic (90%, mostly from Mexico)
- Not authorized to work in the U.S. (52% admitted being illegal)
- Poorly educated (median years of education is six)
- Lack year-round employment (worked in agriculture for 24 weeks and outside of agriculture for five weeks)
- About equally likely to be married or single and to have children or be childless, and if has a family, to live separately from them or with them
- Low income (half of the workers earned less than \$7500 a year)

CURRENT FARM WORKFORCE

A **farmworker** is any person who works for pay in the production and harvesting of agricultural commodities, including crops, animals, and horticulture specialties.

- **Permanent workers** have year-round jobs in agriculture of at least 150 days a year.
- A **migrant farmworker** moves from his home location to one or more work locations and is absent from his permanent home for months at a time.
- A **seasonal worker** works for part of the year in agriculture within commuting distance of his home.

The combined total of migrant and seasonal farmworkers in the United States is estimated at four million.

How Many Farmworkers Are In Oregon?

The Oregonian says 150,000, the 1997 Census of Agriculture 124,400, and the Oregon Employment Department (OED) 40,100 to 86,400 depending upon the month. Who should you believe? We used the OED estimates because these numbers show the regional and seasonal patterns of farm employment. They are also the most recent and are based on many sources, including the Census of Agriculture.

The commonly cited 150,000 number was a 1989 estimate of the number of **seasonal and migrant farmworkers and their dependents**. Nearly half of the 150,000 were children and other dependents. Permanent farmworkers were not included. With recent changes in migration and settlement patterns and the growth in year-round jobs in the nursery industry, the 1989 estimates are outdated.

“Go north for opportunity”

—an idea embedded in Mexican youth Binational Study

Research for this report indicates that Oregon farmworkers fit this national portrait except that most observers think at least 50-70% of Oregon farmworkers are not authorized to work in the U.S. Community and Shelter Assistance Corporation of Oregon (CASA) estimates that about half of Oregon farmworkers are settled here and half migrate to Oregon for all or part of the summer season. In the early 1990s the migrant population included many families. People who provide services to migrant workers are now reporting a new wave of unaccompanied males. Many women and children have also been observed in farm labor camps. It is speculated that families are moving north sooner because the men are prevented from returning to them seasonally by the difficulty and expense of border crossing.

PART II AGRICULTURE

“Farm workers need farmers and farmers need farm workers

—Tim Bernasek, Oregon Farm Bureau

OREGON'S AGRICULTURE

Oregon is an average state in agricultural production (ranked 26th according to the 1997 Census of Agriculture) but a major user of agricultural labor (ranked 6th in payroll expenses). Like its neighbors, California and Washington, Oregon grows commodities that require the use of human hands. The largest sector of Oregon's agriculture—nursery and greenhouse crops—is labor intensive. Oregon produces berries, pears, cherries, Christmas trees, and other crops that require hand harvesting or pruning. In addition, workers drive tractors and combines, move irrigation equipment, feed cattle, and milk cows on Oregon's farms and ranches.

Who Are Oregon's Farmers?

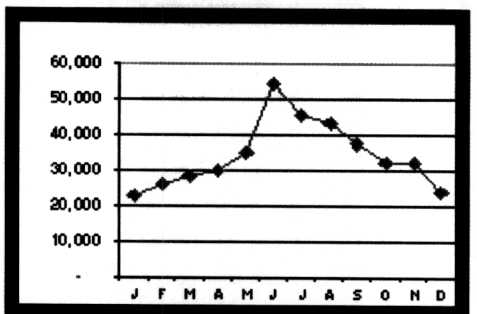
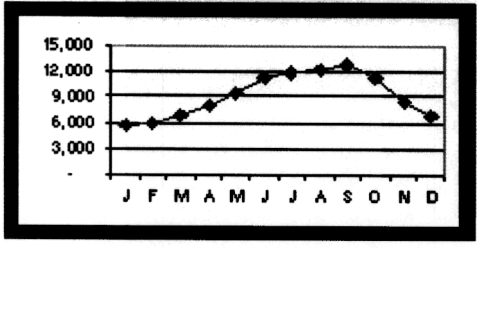
Families own and operate most farms in Oregon. About 85% of farms are sole proprietorships, 7% partnerships, and 6% corporations (many family owned). Farmers are getting older, and few young people are choosing farming. The average age is 53 years, the highest since records were kept.

Oregon’s farmers grow a greater variety of crops than farmers in any state except California and Florida. Oregon is the country’s only commercial producer of black raspberries, blackberries, hazelnuts, loganberries, and various kinds of grass seed. Oregon is a leading producer of many other crops including peppermint, azaleas, onions, sweet cherries, and vegetable and flower seeds.

Table 1 summarizes the relationship between agriculture production and farm labor by looking at six regions with distinct crops and labor needs. The **Willamette Valley**, home to 70% of Oregon’s residents, is also the most productive agricultural region. More than half the state’s farmworkers are employed in this valley. They pick berries, grow nursery plants, cut Christmas trees, and tend other crops. **Irrigated parts of Eastern Oregon** produce the second highest level of farm sales but employ a smaller share of farmworkers because the growing and harvesting of the major crops—potatoes, sugar beets, and seed crops—is highly mechanized. **Dry parts of Eastern Oregon** grow traditional commodities—cattle, wheat, and hay. The **Coast** specializes in dairy products. The latter two areas require a small, year-round workforce. **Mid-Columbia** and **Southern Oregon** are both areas with orchards that require large numbers of workers for short picking seasons.

The graphs in Table 1 show that all areas have year-round farmwork, but each region has a unique pattern of seasonal work. Some areas need bursts of workers for harvests of strawberries, cherries, wheat, and other crops. Other places need workers for four to six months. The needs for housing, daycare, medical clinics, and other services for farmworkers and their families likewise vary by season and region.

Table 1: Oregon Agricultural Commodities and Farmworkers By Regions, 1999

<p>OREGON Gross Farm Sales % of Oregon Sale</p>	<p>COUNTIES BY RANK IN SALES</p>	<p>NUMBER OF FARMWORKERS EMPLOYED BY MONTH <i>(Note: scales of vertical axes vary.)</i></p>	<p>MAJOR COMMODIT (Harvest Times for Lal Intensive Crops)</p>
<p>Willamette Valley Sales = \$1,708,266,000 54% of Oregon sales Average share of farmworkers = 59%</p>	<p>Marion 1 Clackamas 2 Washington 4 Linn 5 Yamhill 6 Polk 10 Lane 11 Benton 13 Multnomah 15</p>		<p>Nursery crops (Feb.-June) Berries (June-Sept.) Vegetables (June-Nov.) Hazelnuts (Sept.-Oct.) Wine grapes (Sept.-Oct.) Christmas trees (Nov.) Ryegrass seed</p>
<p>Eastern Oregon – Irrigated Sales = \$713,688,000 23% of Oregon sales Average share of farmworkers =</p>	<p>Umatilla 3 Malheur 7 Klamath 8 Morrow 9 Jefferson 18 Union 22</p>		<p>Vegetables (May-Sept.) Onions (June-Sept.) Potatoes (July-Oct.) Peppermint (Aug.-Sept.) Sugar beets (Oct.-Nov.) Vegetable & flower seeds (Sept.) Cattle, Hay, and Wheat</p>

<p align="center">16%</p>			
<p>Eastern Oregon – Ranching and Dry Farming</p> <p>Sales = \$282,051,000 9% of Oregon sales</p> <p>Average share of farmworkers = 8%</p>	<p>Baker 20 Lake 21 Harney 23 Crook 25 Wallowa 26 Sherman 28 Deschutes 29 Grant 30 Gilliam 34 Wheeler 36</p>		<p>Cattle Hay Wheat Potatoes (Aug.-Oct.) Peppermint (Aug.-Sept.) Vegetable & flower seeds (Sept.) Farm forestry products</p>
<p>Mid-Columbia</p> <p>Sales = \$113,079,000 4% of Oregon sales</p> <p>Average share of farmworkers = 7% (12% in July)</p>	<p>Hood River 16 Wasco 17</p>		<p>Cherries (June-July) Pears (Sept.-Oct.) Apples (Oct.-Nov.) Wheat Cattle Farm forestry products</p>
<p>Southern Oregon</p> <p>Sales = \$140,043,000 4% of Oregon sales</p> <p>Average share of farmworkers = 8%</p>	<p>Douglas 14 Jackson 19 Josephine 31</p>		<p>Peaches (July-Aug.) Pears (Aug.-Oct.) Apples (Oct.-Nov.) Nursery crops (Feb.-June) Vegetables Farm forest products Cattle and dairy products</p>
<p>Coastal</p> <p>Sales = \$199,126,000 6% of Oregon sales</p> <p>Average share of farmworkers = 4%</p>	<p>Tillamook 12 Coos 24 Columbia 27 Clatsop 32 Curry 33 Lincoln 35</p>		<p>Dairy products Farm forestry products Cranberries Bulbs</p>

Sources: Gross farm sales and commodities from Oregon Agriculture Information Network, <http://ludwig.oreg.orst.edu/oain/>.
Estimates of farmworkers from Oregon Employment Department. (Employment may be part time.)

THE ECONOMICS OF AGRICULTURE

“The (agriculture) industry today suffers from the same problems it has always suffered from: droughts, locusts, and market disruptions. It is a risky enterprise, and anyone who really understands the economies of agriculture can only have great respect for those who cope and prosper in this business.

—K. Kliesen, economist, and W. Poole, President, Federal Reserve Bank of St. Louis

Most farmers, like the wheat and strawberry growers described below, must take the prices the market gives them. Farmers with specialized products can sometimes set prices or even adjust them to reflect

the cost of production.

The consolidation of the food industry and competition from other countries have pushed down the price of many farm products. In 1994 **twelve** supermarket chains accounted for 40% of U.S. food sales, but in 1999 only **four** supermarket chains accounted for the same 40% of sales. Chains with large market shares can insist on lower prices because wholesalers and food processors cannot afford to lose these accounts. Processors, in turn, must cut costs. They can pay U.S. farmers less or look for cheaper sources in other countries.

Farmers also have little control over the cost of inputs. In recent years, the price of high quality land in the Willamette Valley has increased due to land demand from nurseries. The cost of borrowing operating capital has increased as the prime rate has climbed. Prices for feed, fertilizer, and agricultural chemicals have risen at the rate of inflation, and fuel costs have gone up faster. The U.S. Department of Agriculture reports that production expenses in Oregon rose by 15% between 1994 and 1998. The largest single factor pushing up costs was labor, accounting for half the increase. Between 1994 and 1998, Oregon's minimum wage rose from \$4.75 to \$6.00, while the federal minimum wage increased from \$4.25 to \$5.15.

Who Determines Prices Farmers Get?

Wheat. World supply and demand determine wheat prices. The Asian economic downturn in 1996 reduced demand for wheat. This downturn combined with record production to drop prices to the lowest level in 50 years, below the cost of production in Oregon.

Strawberries. Premium ice cream makers are willing to pay a little more for flavorful Oregon strawberries than for California or Mexican ones because flavor sells ice cream. In order to get this sale, farmers must agree in advance to use certain farming practices and to fill out paperwork verifying compliance with the standards. Prices, however, aren't set until picking is about to begin. The ice cream maker and the fruit packer mutually agree to a price, or the ice cream maker may decide to buy from other packers or in other regions. If there is agreement the packer notifies the growers of the price they will receive. If the ice cream maker decides to buy from others, the packer will have to find another buyer who probably will pay only the going rate.

Shade Trees. The Willamette Valley is an ideal place for starting shade trees. Trees grow strong and fast in the mild climate and rich soil. Wholesale nurseries across the country pay a premium for quality Oregon trees. Oregon nurseries with a reputation for quality can negotiate the price of their trees in a market with a limited number of sellers and many buyers.

Ed Merriman, *Capitol Press* staff writer, comments that “*expenses associated with favorable treatment of workers and the environment may pencil out in an economic vacuum. But the real world for U.S. processed vegetable producers means competing in a less-than-compassionate global economy with many countries where wages and environmental regulation are lower. For regions like the Northwest, with a high minimum wage, competition is especially tough.*”

Farmers have adopted a number of strategies to survive in this competitive world:

- Mechanizing to reduce labor costs