

# FARMWORKER JUSTICE

— 25 YEARS OF SERVICE —

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photo courtesy California Rural Legal Assistance (CRLA)

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~ Plus a cadre of dedicated interns and fellows, for whom we are eternally grateful ~

## FARMWORKER JUSTICE 25TH ANNIVERSARY COMMITTEE

*We appreciate the support of our 25th Anniversary Committee. Members include former board members and staff, longtime friends and allies, and new collaborators.*

**Rep. Howard Berman**, Member of Congress (*California*)

**Ron D'Aloisio**, California migrant educator and former FJ executive director

**Ross Eisenbrey**, Vice President, Economic Policy Institute; former FJ board member

**Garry Geffert**, West Virginia attorney; former FJ executive director

**David Hall**, Executive Director, Texas RioGrande Legal Aid; former FJ board chair

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**Wade Henderson**, Executive Director, Leadership Conference on Civil Rights

**Prof. Ray Marshall**, former U.S. Secretary of Labor

**Rep. George Miller**, Member of Congress (*California*)

**Bruce Montgomery**, Partner, Arnold & Porter LLP; former FJ board member

**Janet Murguia**, CEO, National Council of La Raza

**Kristine Poplawski**, San Francisco attorney; former FJ litigation director

**Mark Schacht**, Deputy Director, California Rural Legal Assistance Foundation;  
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**Eric Schlosser**, author, *Fast Food Nation* and *Reefer Madness*

**Rep. Hilda Solis**, Member of Congress (*California*)

**Valerie Wilk**, NEA Higher Education Coordinator; former FJ health specialist

# Introduction



photo courtesy CRLA

*“Farmworker Justice is even more important now than it was 25 years ago, because there are fewer organizations working to protect the rights of people who are largely invisible, like farmworkers – and because there are so many more undocumented workers and the legal services system, which used to help these folks, has been all but gutted.*

— Attorney Garry Geffert,  
former board member  
and executive director

**IN 1981, A SMALL GROUP OF FARMWORKER ADVOCATES** set up shop in a cramped office in downtown Washington, D.C. Their goal: to improve the lives of some of the hardest-working, lowest-paid and most exploited people in America — migrant and seasonal farmworkers.

Twenty-five tumultuous years later, space is still tight and funding hard to come by. We went through a particularly rough patch in 1995, but the National Council of La Raza tided us over, even providing us a home while we expanded our funding base. But the drive and passion for justice that moved our founders to create the Farmworker Justice Fund still animate the organization today.

Life is still harsh for most farmworkers, and laws still discriminate against them. But there have been important advances in the past quarter century, and our organization has helped bring many of those advances to fruition.

So even though we rarely stop long enough to pat ourselves on the back, we’ve decided that making it to 25 — with plenty of life still in us — warrants a celebration.

We’re holding receptions on both coasts. We’re issuing special publications. We’re sharpening our look, on paper and on the Web. We’re even changing our name — to Farmworker Justice.

Join us on a brief trip through the first 25 years. In the following pages, we’ll remember the hard times; celebrate the successes; visit with former staff, board members and other friends; and look ahead. Most important, we’ll hear about some of the farmworkers who have been at the heart of it all. **FJ**



Farmworker Justice photo



# A Farmworker's Life



© Graham Bedingfield

*“Food is basic to life, and those who provide it enable us to live.... Breaking bread implies that those of us who receive the food pledge ourselves to justice for those who provide it.”*

— Sr. Evelyn Mattern, in *Hands of Harvest, Hearts of Justice*, published by the National Farm Worker Ministry & the North Carolina Council of Churches

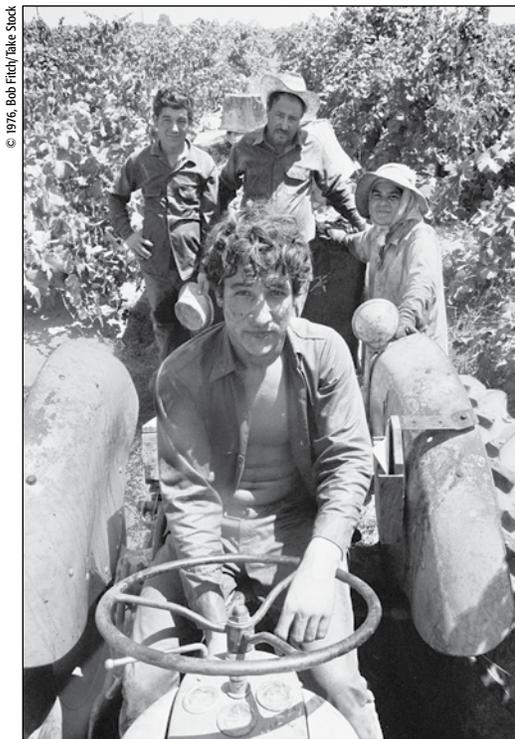
AS WE BROWSE THE PRODUCE SECTION of our local market, admiring the abundant array of colorful fruits and vegetables, few of us make the connection between this abundance and the role migrant farmworkers play — and the price they pay—in making it possible.

Despite the increasing mechanization of agriculture, nearly all fruits and vegetables must still be tended and picked by hand. More than 2.5 million migrant and seasonal farmworkers labor in nearly every state in the country: they pick oranges and broccoli in Florida; cucumbers and sweet potatoes in North Carolina; apples and cherries in Washington; blueberries and potatoes in Maine; tomatoes and cucumbers in Ohio; onions and grapefruit in Texas; and just about every non-tropical fruit and vegetable you can think of in California.

In the bargain struck between farm owners and workers, owners come out way ahead. The men and women they hire commonly work 10- to 12-hour days, six to seven days a week, in frequently unsanitary and unsafe conditions. All too often children join their parents in the fields to supplement their families' meager income.

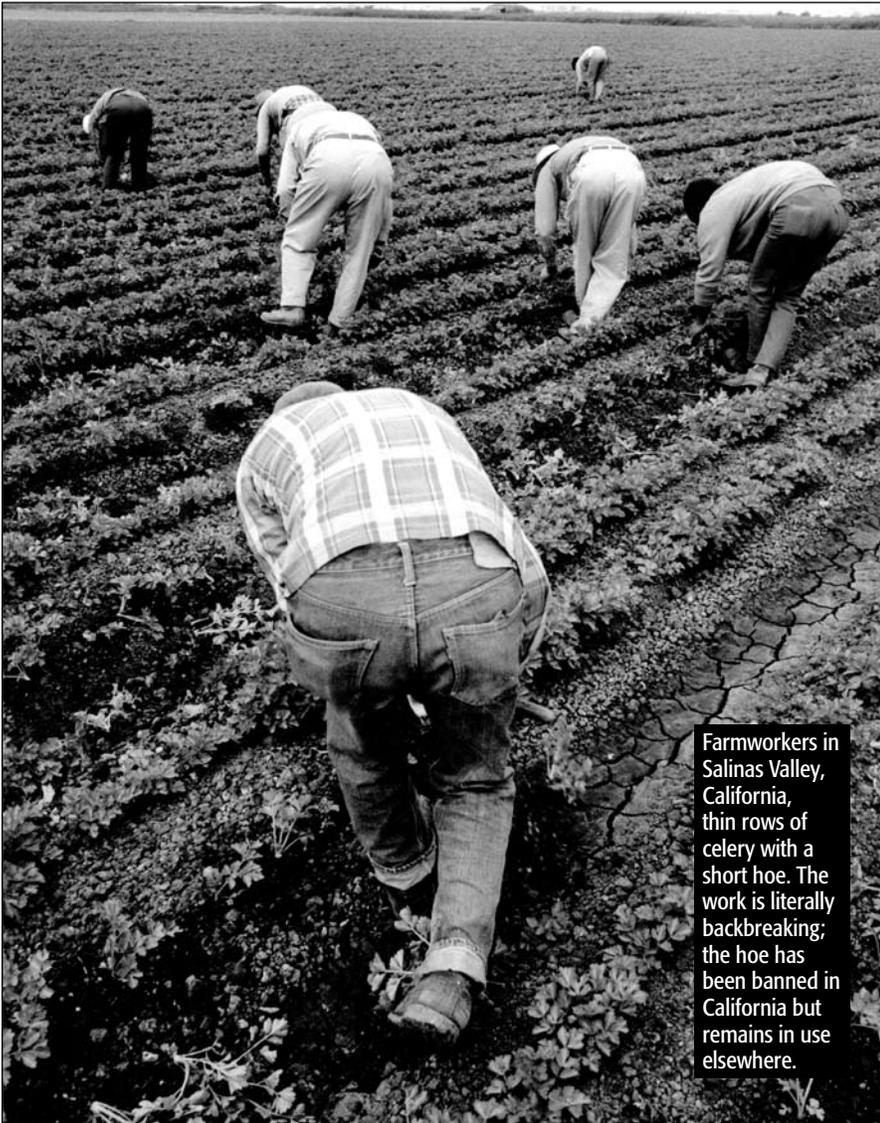
In return, growers pay wages that average \$10,000 to \$12,500 a year, nearly 20 percent below the federal poverty line. All but a handful provide no benefits—no health care coverage, no sick leave, no disability insurance. They rarely provide education or equipment to protect workers laboring in pesticide-saturated fields. When growers provide housing to workers who may have traveled hundreds of miles to pick their crops, it is in overcrowded and substandard trailers, sheds and garages.

Language barriers, ignorance and fear of repercussions—such as loss of wages and deportation—often keep farmworkers from speaking out against these conditions and from seeking govern-



© 1976, Bob Fitch/Take Stock

Often, entire families work in the fields. Here, one son drives a tractor while his brother and parents hang on in the back.



© 1976, Bob Fick/Duke Stock

Farmworkers in Salinas Valley, California, thin rows of celery with a short hoe. The work is literally backbreaking; the hoe has been banned in California but remains in use elsewhere.

*“Farmworker Justice provides high-quality representation for farmworkers and their families on critically important issues. [Its] advocacy is needed now more than ever.”*

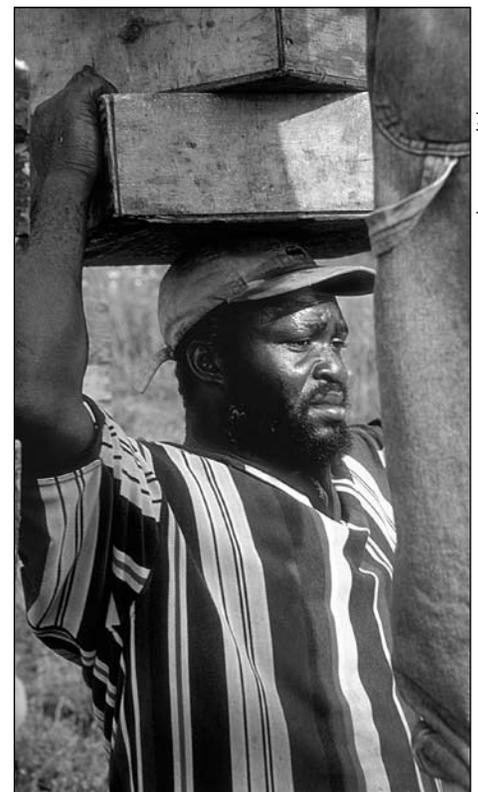
— Maria Echaveste, visiting lecturer at UC-Berkeley School of Law, co-founder of the Nueva Vista Group, and former deputy chief of staff to Pres. Bill Clinton

ment benefits to which they may be entitled, including workers’ compensation, food stamps and health care at local clinics.

Health problems among farmworkers are endemic. Older farmworkers with physical limitations are often viewed as disposable by farm operators and labor contractors, who constantly search for a new crop of young, vulnerable immigrants to toil in the fields.

More responsive to the needs of agribusiness, the federal and state governments have failed to enact laws that adequately protect farmworkers from common abuses; some laws, including the National Labor Relations Act, explicitly exclude them. Labor protections that have been passed are inadequately enforced.

The facts paint a grim picture. But it’s one that Farmworker Justice has worked for 25 years to brighten, with growing success. 



© Jennifer Smith-Mayo, jennifer.smithmayo.com

A Jamaican farmworker loads his freshly picked blueberries during the annual August harvest in Maine.

# Moving Toward Justice



© 1976, Ernest Lowe/Take Stock

*“Farmworker Justice is indispensable. [It is] the most effective voice for farmworkers in the nation’s capital and the most respected [organization] linking farm labor advocates and service providers across the nation.”*

— Raul Yzaguirre, Past President, National Council of La Raza

**THREE BROAD GOALS** have shaped the agenda of Farmworker Justice (FJ) since the beginning. We work with farmworkers to:

- improve wages and working conditions;
- improve occupational safety and health;
- improve immigration status.

FJ’s founders decided a multi-faceted approach would work best in pursuing these goals. Their strategy comprised a mix of administrative and legislative advocacy, training and technical assistance, coalition-building, public education, litigation, and support for union organizing. Specifically, the organization would:

- monitor and analyze decisions by federal and state policymakers and the courts that affect farmworkers;
- advocate with state and federal administrators and policymakers;
- provide technical assistance and training to farmworkers and the nonprofit organizations and government agencies that serve them;



photo courtesy CRLA

Two onion pickers catch a ride to the top of the field, where they will unload the day’s harvest.



© 1976, Ernest Lowy/Tikie Stock

A farmworker woman speaks out at a union organizing meeting.

- collaborate with other farmworker advocacy groups at the local, state and national levels;
- act as a clearinghouse;
- educate the public about farmworker conditions;
- pursue litigation, media attention, legislation, and Congressional investigations.

Twenty-five years on, our core priorities and strategies remain largely the same, though we've also responded to new threats, such as HIV/AIDS, and taken advantage of new opportunities, including speaking at international forums and contributing to legal journals.

In the upcoming pages, you'll find brief descriptions of the challenges we at Farmworker Justice face—and the progress we've made—in meeting each of our three goals. The timeline that starts on page 25 highlights our key accomplishments over the past 25 years. These victories represent the hard work of Farmworker Justice's dedicated staff and the tireless efforts of migrant farmworkers and farmworker advocates, whose steadfast commitment to justice continues today. 



© Heather Craig

# WE WORK TO IMPROVE *Wages & Working Conditions*



© Mark Strozier

*“[Farmworker Justice is] a lean organization with a very big impact.”*

— Ross Eisenbrey,  
Vice President and  
Director of Policy,  
Economic Policy Institute,  
Washington, DC

**FARMWORKERS CONTRIBUTE GREATLY** to our economy: in 2002 the nation’s farms sold \$200 billion worth of products, nearly half of them crops sown, tended, harvested, or packed by farmworkers. Despite this contribution—and the fact that they work long hours in often dangerous conditions—most farmworkers barely make ends meet; they earn on average just \$10,000 to \$12,500 per year and receive no benefits.

Both agricultural employers and the government are to blame. More and more growers rely on subcontractors to recruit, hire, transport, supervise and fire farmworkers. Hoping to evade what they view as costly government requirements—paying the minimum wage, providing a safe working environment, and offering workers’ compensation—growers often characterize farm labor subcontractors as their workers’ sole employer. Many government officials are all too willing to accept this fiction as fact. When, as is common, labor contractors don’t have the money to pay wages, farmworkers wind up with no income, while farmers and labor contractors point fingers at each other.



photo courtesy CRLA

Workers eat lunch in the same pesticide-treated fields in which they labor.

The federal government also must be faulted for failing to adequately enforce the few laws on the books that *do* protect farmworkers’ legal rights—and for declining to cover agricultural laborers in laws and programs that protect the rights of most other American workers. Currently, these measures specifically exclude agricultural workers in whole or in part:

- They are not covered by federal overtime pay requirements set by the 1938 Fair Labor Standards Act.



## FARMWORKER JUSTICE HELPS CHERRY PICKERS WIN BETTER LIVING CONDITIONS

**F**armworkers who arrived in Washington State for the 1994 cherry harvest expecting decent temporary labor camps found unlivable conditions. Rather than floored tents with beds and screened windows as required by federal law, they found nothing; workers had to buy pup tents and sleep on the ground. There were no stoves, forcing families to cook over open fires. They had to make do with inadequate and insufficient bathing, toilet and laundry facilities. Needing the one available refrigerator for medicine and infant formula, workers had to store food in coolers, where it frequently spoiled.

Aware that living in such poorly equipped camps invited serious health problems, farmworkers sought advice from what is now Columbia Legal Services (CLS), which negotiated improvements and prodded the state Department of Health (DOH) to raise standards for the temporary labor camps it licensed. In response, the agency created a program that essentially allowed it to license camps that fell well below the minimum health standards required by its own governing body.

Repeated efforts by CLS to improve conditions over the next several years failed, so in 1997, with the help from a private law firm, the cherry pickers sued — and won. The court ordered DOH to stop licensing labor camps unless they fully complied with the higher health standards required by the agency's governing board.



photos by Rebecca Smith; courtesy of Columbia Legal Services

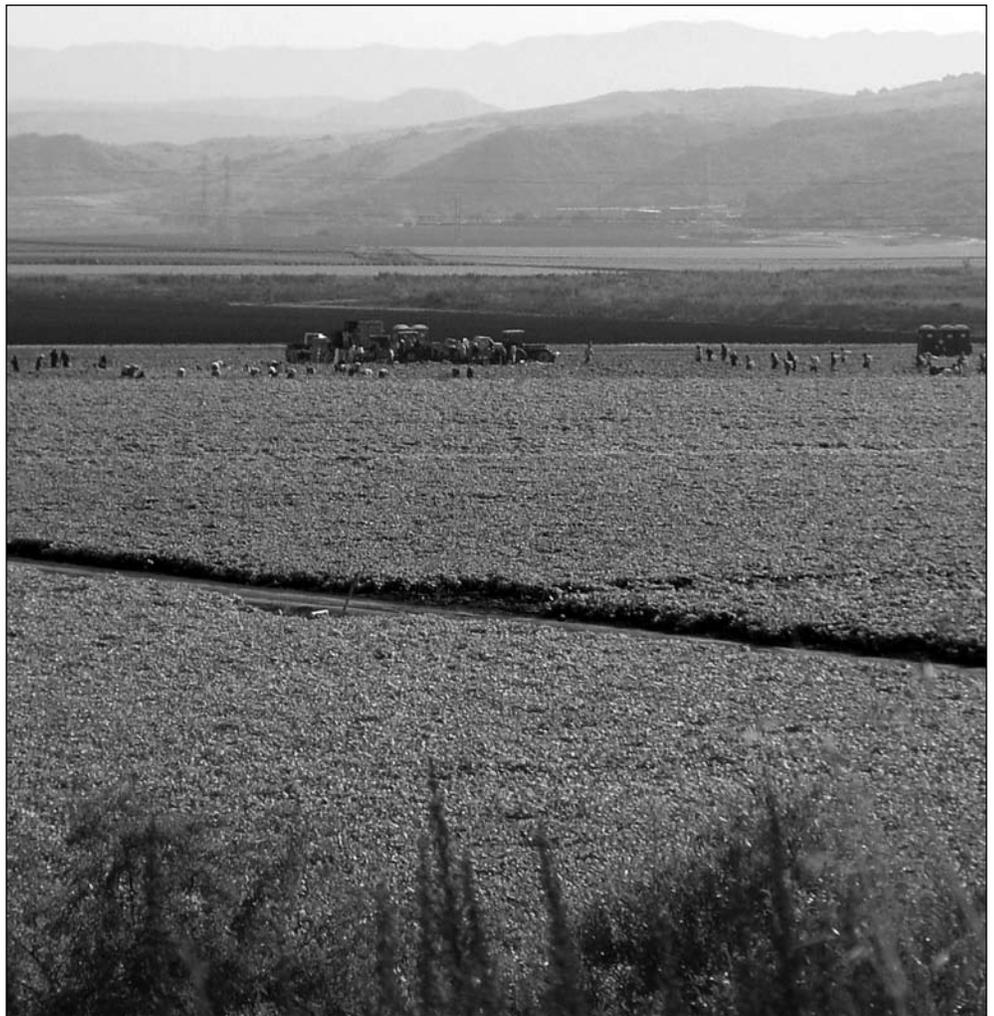
State health officials still failed to raise licensing standards, prompting CLS to enlist the help of Farmworker Justice, whose expertise in federal health and safety law is well-known. We prepared an administrative complaint to then-Secretary of Labor Alexis Herman and arranged a meeting with Occupational Safety & Health Administration officials in Washington, D.C.

In 1999, the work begun by CLS finally bore fruit: Secretary Herman agreed to threaten Washington State with the loss of federal funds unless its health department began enforcing strict licensing requirements for temporary labor camps, and the cherry pickers finally secured better — if only tolerable — living conditions.

*Working behind the scenes, unsung, keeping to its mission, with great integrity, Farmworker Justice does so much to strengthen the rights of farmworkers – and of other workers in the low-wage, immigrant-dominated economy.*

— Catherine Ruckelshaus,  
Litigation Director, National  
Employment Law Project

- They are not entitled to the federal minimum wage of \$5.15 per hour if they work for growers with fewer than seven to eight farmworkers;
- They are not covered by basic worker protections established by the Occupational Safety and Health Administration—including the right to know the nature and effects of harmful chemicals with which they work;
- They are exposed to unsafe levels of pesticides and other toxic substances due to weak safety regulations promulgated by the Environmental Protection Agency;
- They are excluded from categories of workers entitled by the 1935 National Labor Relations Act to seek relief from unfair labor practices and to organize and bargain collectively;
- Their children are not prohibited from working the same hazardous jobs as their parents, as they would be in non-agricultural occupations.



© Brian Wille

## ► WHAT FARMWORKER JUSTICE IS DOING

Farmworker Justice is dedicated to expanding farmworkers' workplace rights — and strengthening the enforcement of existing protections — at the state, federal and international levels.

- We help expose arrangements between growers and subcontractors that can be harmful to farmworkers.
- We press Congress, federal agencies and the courts to tighten the legal loopholes that allow growers and subcontractors to escape responsibility for the deplorable conditions under which many farmworkers live and work.
- We work diligently to strengthen the protections contained in the 1983 Migrant and Seasonal Agricultural Worker Protection Act (AWPA) — a law passed in large part due to the efforts of Farmworker Justice. We also defend AWPA against Congressional efforts to weaken it, especially the law's provisions on joint-employer liability.
- We serve as counsel and advisor in lawsuits nationwide seeking to prove that growers and labor contractors are “joint employers” and thus mutually responsible for complying with labor laws.
- We regularly testify and participate in government hearings and commissions.
- We arrange for farmworkers to participate in government hearings on labor and occupational safety issues and help them articulate their problems and propose solutions.
- We help farm labor unions enhance their collective-bargaining power by advising them on how to connect with farmworkers brought into the United States through the H-2A guestworker program.
- We speak and write widely on issues related to subcontracted labor by co-sponsoring conferences, participating in international forums, and contributing to law review articles, reports and books. 



Pruning fruit trees often requires climbing dangerously high on ladders that, like this one, lack the stability of step ladders.

*“Farmworker Justice is very effective in giving farmworkers a strong voice in the nation’s capital.”*

— Sen. Edward M. Kennedy  
(D-Mass.)

# WE WORK TO IMPROVE *Occupational Safety & Health*



photo courtesy UFW

*“Farmworker Justice is a tremendous resource for keen policy analysis on issues of importance to farmworkers and their families.”*

— Rep. Hilda Solis (D-Calif.)

**RIFE WITH OCCUPATIONAL HAZARDS**, farm work consistently ranks as one of America’s most dangerous occupations. Exposure to pesticides and other toxic chemicals, transportation accidents, heat stroke, unguarded farm machinery, and open irrigation ditches all pose significant risks.

Pesticide exposure can affect workers health in both the short and long term. Half of all farmworkers report suffering from pesticide-related illnesses during their working lives, with up to 20,000 acute poisonings diagnosed each year. Long term, these exposures can lead to various cancers, infertility, birth defects, neurological problems and other disorders.

The constant squatting, stooping, reaching and lifting required to perform agricultural tasks can produce serious, even disabling, injuries. Strains, sprains, lacerations, fractures and repetitive-motion injuries are common.

The children of farmworkers are exposed to many of the same hazardous chemicals as their parents, toxic assaults to which their still-developing bodies and brains are particularly vulnerable. Yet because they earn so little, some parents often feel they have no choice but to ask their children to join them in the fields, even knowing it may harm



photo courtesy CRLA

Women cover their faces with bandanas to reduce the amount of pesticides they inhale while working in the fields.



Farmworker Justice photo

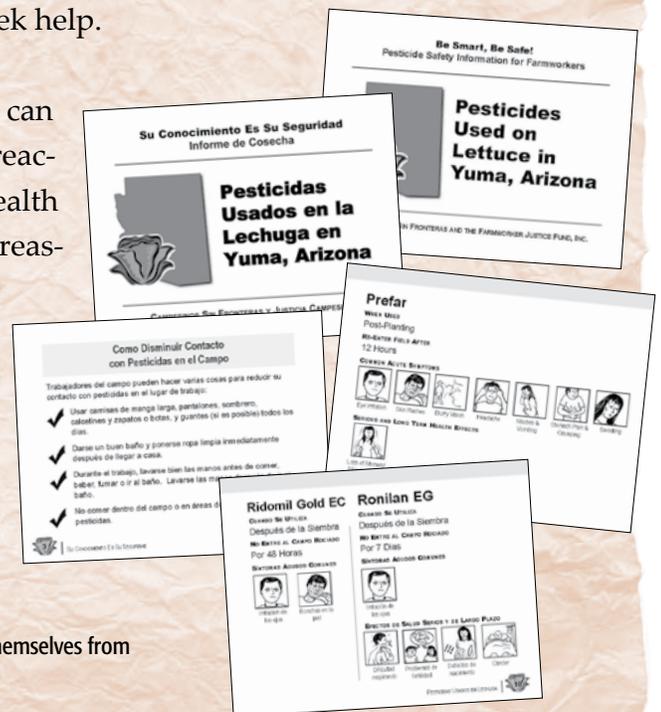
## WORKERS LEARN TO “BE SMART, BE SAFE” ABOUT PESTICIDES

Every five years, the Environmental Protection Agency says, growers must explain the basics of pesticide safety to their workers. This “education” is generally limited to common-sense advice — “wash your hands before you eat” — and vague warnings about long-term health problems resulting from exposure to pesticides.

Farmworker Justice raised the bar in 2005 through its “Project Be Smart, Be Safe.” Working with *Campesinos Sin Fronteras* in Somerton, Arizona, six *promotores de salud*, or peer health educators, were trained to alert lettuce workers in Yuma, Arizona, about short- and long-term health risks associated with pesticides used at their workplaces and the safety precautions they can take to reduce those risks. Each of the nearly 3,000 workers trained received a pocket-sized booklet in Spanish or English that describes, in words and pictures, every pesticide they apply during the growing cycle, the symptoms of potential health problems, and when to seek help.

Now, for example, if a worker feels nauseated, he or she can check the booklet to see whether nausea is a common reaction to the pesticide being used. If the worker needs health care, the same information can be given to clinic staff, increasing the odds of proper diagnosis and treatment.

Farmworker Justice is urging the Environmental Protection Agency to require pesticide makers to provide growers with the potential health effects of chemicals they buy — and growers to compile and distribute to their workers booklets like the ones we produced. **[E]**



Above: A *promotora de salud* talks with three lettuce workers about ways to protect themselves from pesticide exposure. Right: Sample pages from the “Project Be Smart, Be Safe” booklet.

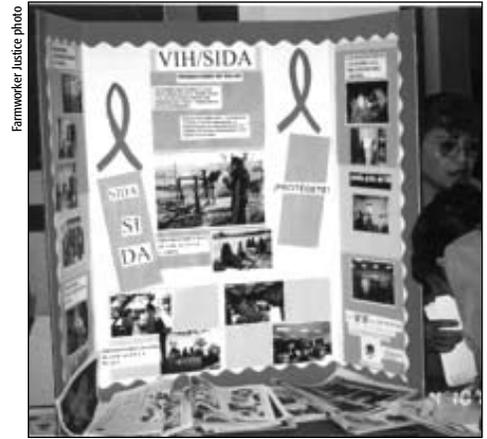
their health and interfere with their education. Some parents are forced to bring infants and toddlers to work with them for want of day care.

Infection with HIV/AIDS and tuberculosis is a growing threat to migrant and seasonal farmworkers and their partners. Some sources estimate that up to 5 percent of farmworkers are infected with HIV/AIDS, nearly 10 times the U.S. national average of 0.6 percent. Many farmworkers have little understanding of how the disease is spread. Religious beliefs, cultural taboos, geographic isolation, and limited access to health care all make prevention efforts more difficult.

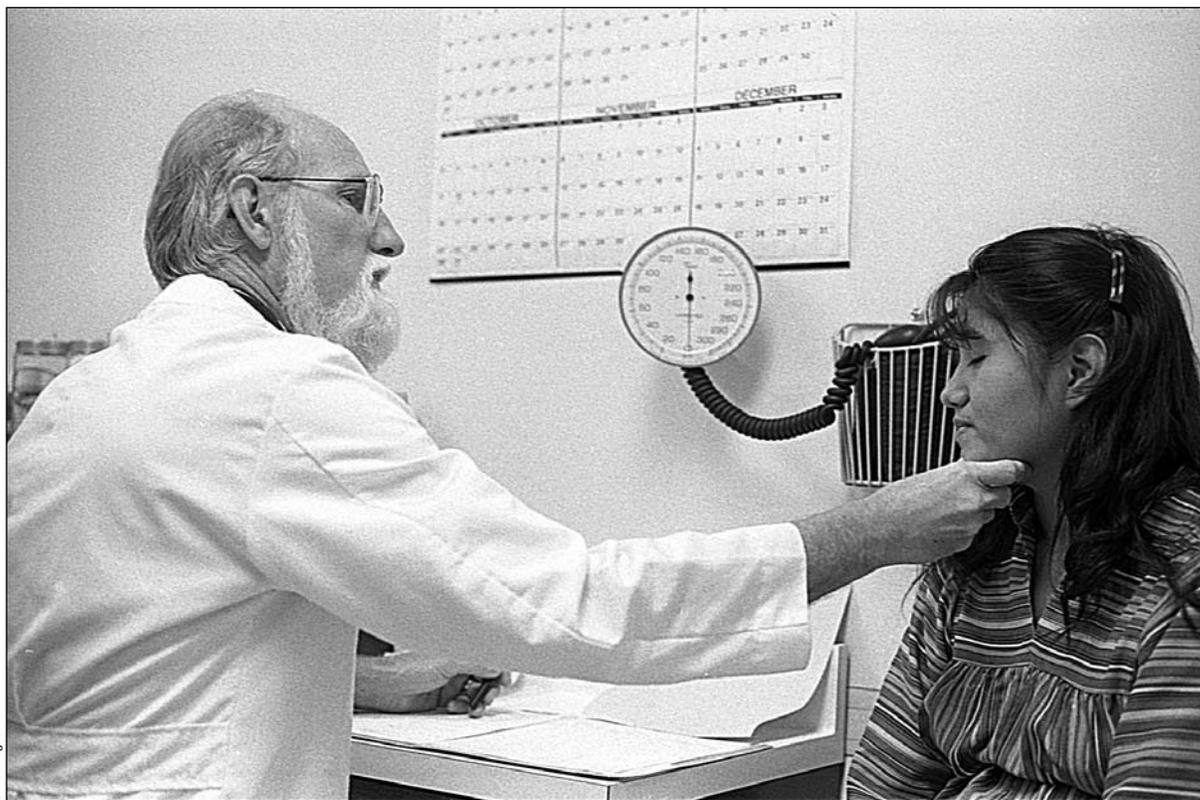
Farmworkers' health-related problems are often made worse by their limited access to health care. Only about 7 percent receive employer-provided health insurance, and just 15 percent are treated at federally subsidized community migrant health centers. A California study reports that 32 percent of male farmworkers there have never been treated by a doctor.

### ► WHAT FARMWORKER JUSTICE IS DOING

Farmworker Justice works on several fronts to help farmworkers improve their health and their access to health care.



Invited by the New Mexico health department to attend its 2003 AIDS conference in Las Cruces, FJ-trained *promotores de salud* display a poster illustrating their work in farmworker communities.



© Alan Pogue



Members of *Campesinos Sin Fronteras*, one of the first groups to train *promotores de salud* to educate farmworkers about HIV/AIDS, take their message on the road on World AIDS Day in 2003.

### *Efforts Related to Pesticides:*

- We advocate for new legislation and regulations that would give farmworkers the right to information about the toxic chemicals to which they are exposed and how to prevent and respond to such exposures.
- We work tirelessly to strengthen government policies, improve workplace practices, and educate farmworkers about the proper use of pesticides and the perils of misuse.
- We play leadership roles in the passage of crucial worker-safety protections, notably the EPA Worker Protection Standard, the federal regulation governing pesticide use in agriculture.
- We lead efforts to overhaul and strengthen the Worker Protection Standard by galvanizing support among farmworker groups and allies, and by participating in an Environmental Protection Agency (EPA) task force that is developing recommendations for change.
- We help keep dangerous pesticides off the market through legal challenges and advocacy.

As this report goes to press in September 2006, we have secured a phase-out of the pesticides Guthion and Phosmet, both derived from nerve gas. In other efforts, with Earthjustice and the Natural Resources Defense Council, we are challenging EPA's failure to protect children from harmful pesticide exposure and, in another case, EPA regulations that allow pesticide companies to test their products on people.

*“Of all the rewarding reasons for working with [FJ’s] Shelley Davis on pesticide issues, three stand out: her fountain of knowledge about all aspects of the threats pesticides pose to farmworkers; her tremendous passion – and compassion – even after more than 20 years of working on this issue; and the perspective and wisdom she brings to the table that only come with time.”*

— Patti Goldman, managing attorney, Earthjustice Northwest office

- We develop educational materials and programs, such as peer education, to help farmworkers guard against pesticides and other health hazards they face on the job.

Together with *Campesinos Sin Fronteras* in Somerton, Arizona, we developed a pictogram booklet that lay educators use to explain to lettuce workers the short- and long-term health effects of pesticides used on that crop. (See page 12.)

Similarly, our “Clean Environment for Healthy Kids” program has worked with local groups in four U.S.-Mexico border communities to educate low-income Latino families about practical ways to protect themselves and their children from pesticides, as well as lead poisoning and other conditions that can cause asthma. This program was honored with the 2005 EPA “Children’s Environmental Health Excellence Award.”

- We conduct seminars and provide technical assistance to medical professionals on how to recognize and treat health problems associated with pesticide exposure. (This lack of training among those who treat migrants is a major factor in the under-reporting of pesticide-poisoning incidents.)



*Promotores educate farmworkers in the fields, in their homes, and on the buses that take them to and from their jobs.*



## Efforts Related to HIV/AIDS:

- We sponsor seminars and training sessions designed to educate farmworkers about HIV and AIDS prevention.

In 1991, at our national conference for farmworker women—the first such meeting anywhere—attendees called for an initiative to train farmworkers as *promotores de salud* (peer educators for health) to halt the spread of HIV/AIDS in their communities. In response, we and a number of community-based groups launched *Lideres Campesinos por la Salud*, a project through which *promotores* inform other community members about how HIV/AIDS is contracted and spread—and how to avoid infection.

The project has trained hundreds of farmworkers since 1998 and taught them how to train others. *Promotores de salud* have increased their impact by joining local HIV-prevention community planning groups and developing relationships with local AIDS service providers, health departments and clinics.

Participation in the project has been especially beneficial for women, who comprise the majority of peer educators. Coming from a culture where women are reluctant to speak out and seldom play leadership roles, these women have gained confidence, leadership skills and new prominence in their communities.



Migrant Health Specialist Steven Diaz (left) poses with participants from an FJ-sponsored training session for *promotores* who will educate young, gay farmworkers about HIV/AIDS prevention.



A young worker thins celery using a short-handled hoe.

- We assist more than 100 agencies nationwide that provide or want to provide HIV-prevention services to migrant farmworkers and their families.
- We develop collaborative HIV-education projects in communities along the U.S.-Mexico border and in other areas where substantial numbers of migrants have settled.

### *Efforts Related to the Health Impacts of Farm Labor on Migrant Children:*

- We examine the little-studied problem of how fieldwork affects the health of farmworker children.

In a 2000 report, we documented the number of children who work in the fields, the kinds of hazards they face, and the extent to which they suffer serious injuries and death.

The study—distributed widely to farmworker and child advocates, migrant health centers, and state and federal officials—calls on Congress and the Secretary of Labor to develop policies that will keep farmworkers’ children safe. Prompted in part by our study’s findings—and by the outreach of the Child Labor Coalition, of which Farmworker Justice is an active participant—lawmakers have introduced bills taking initial steps toward this goal.

Further, the coalition has submitted proposals to the federal Department of Labor and the Environmental Protection Agency (EPA) to reduce the extent to which children are exposed to toxic pesticides and other workplace threats. The coalition was formed in 1989 to improve the status of working children worldwide; its members include representatives from labor unions, child advocacy groups, churches and human rights organizations.

- We file federal lawsuits, often in conjunction with environmental groups, to protect farmworker children from pesticide exposure. One case challenged EPA’s decision to allow residues of five pesticides likely to harm children to remain on food.

### *Efforts Related to Existing Federal & State Laws:*

- We work to ensure that farmworkers are covered by laws designed to protect workers’ safety and health and to strengthen enforcement of such laws.

*“Looking back more than 10 years, it’s deeply satisfying to see how far farmworker women have come – from attending FJ’s first farmworker women’s conference in 1991 to becoming promotores de salud (peer health educators) by the thousands, and working in the U.S. and in Mexico. Si, se puede! (Yes, we can!)”*

— Valerie Wilk, Higher Education Coordinator, National Education Association; FJ Health Specialist, 1983-1995.

- We continue to push EPA to fully implement a pesticide-safety standard created by the 1996 Food Quality Protection Act to protect farmworker children.

The statute mandates that pesticides used on foods must pass muster under a “reasonable certainty of no harm.” The standard requires EPA to consider—and if necessary, reduce—the impact of pesticide exposure on human health from food, water, air, and home and garden products.

Even though the standard was developed to protect children, EPA has steadfastly refused to interpret its provisions to provide adequate protections for the children of farmworkers. Farmworker Justice has responded by filing several lawsuits, in collaboration with Earthjustice and the Natural Resources Defense Council, to force EPA to take the steps necessary to safeguard the health of farmworker children. 



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California grape worker Guillermina Sanchez arrives at the vineyards in the dark and begins work as the moon sets. As a member of *Lideres Campesinas*, she organizes outreach and trainings for farmworker women on pesticide danger, domestic abuse and HIV. According to one recent survey, 60% of farmworkers surveyed said they were required to “test the fruit” by eating unwashed grapes during the harvest to determine whether they were sweet enough to be picked.

WE WORK TO IMPROVE  
*Federal Immigration Policy*



*“Farmworker Justice works tirelessly and with great imagination to advocate for the rights of immigrant farmworkers. They’re always pushing the envelope in unexpected directions, like developing legal arguments based on Mexican contract law and supporting administrative petitions under NAFTA’s labor side agreement.”*

— Sarah H. Cleveland, Bemis Visiting Professor of International Law, Harvard University School of Law, and former Florida Legal Services attorney who worked with FJ and the NAACP on an antitrust suit against Florida sugarcane growers

**FROM THE START,** Farmworker Justice has worked to prevent policymakers, under the sway of the powerful agricultural industry, from manipulating immigration policy to keep farmworkers’ wages low and benefits virtually nonexistent. We also have helped fill the gap created by policymakers’ refusal to allow legal aid attorneys — funded by the federal Legal Services Corporation to provide free legal assistance to the poor — to represent undocumented workers. Without such assistance, farmworkers who want to challenge abuses by their employers have no access to the courts.

We focus much of our immigration-related work on reforming the government-sanctioned H-2A temporary foreign agricultural, or “guestworker,” program, which allows agricultural employers to import thousands of farmworkers each year for jobs lasting no longer than 10 months.

Federal law requires agricultural employers to hire U.S. workers whenever possible. But growers often prefer to hire guestworkers, knowing they will work to the limits of human endurance for negligible wages without complaint. Indeed, when employers complain to Congress about the shortage of suitable American workers, it is often because they have created the shortage themselves — deterring home-grown workers and permanent-resident immigrants by offering abysmal wages and working conditions.

The H-2A program sets basic standards for recruitment, wages, benefits, transportation and housing to protect the interests of U.S. workers — and of vulnerable foreign workers. But neither these protections nor their enforcement are adequate. For years, politically powerful growers have pushed Congress to remove the program’s major labor protections. They would have succeeded save for efforts by Farmworker Justice and other farmworker advocates.



Farmworker Justice photo

## FARMWORKERS LEARN ABOUT U.S. LABOR RIGHTS—IN MEXICO

In 2002, Virginia Ruiz of Farmworker Justice and Roman Ramos, a Texas-based paralegal, visited 28 communities in nine Mexican states between January and June—the agricultural off-season. In each town they gave a talk before a group of citizens who had spent several months toiling in U.S. fields as foreign guestworkers. Whether delivered in a municipal center or a near-empty shed, the talks outlined the labor rights to which Mexican citizens are entitled while working in the U.S., including a set wage, free housing and free transportation. Ruiz and Ramos also gave workers information on safety and health, and whom to contact in case of trouble.

Several months after attending the talk in his home town of Estacion Yago in the state of Nayari, Oswaldo Vargos-Gonzalez called Roman from Russellville, Kentucky, where he was working for a local grower. The housing supplied by his employer, Jonathan Brown, was uninhabitable, Vargos-Gonzalez said, forcing him to use his own money to rent a place. Brown was also shortchanging him and other workers on wages.

Roman referred the farmworker to a Texas RioGrande Legal Aid attorney based in Tennessee, who sued Brown on behalf of Vargos-Gonzalez and four co-workers. The case was settled in March 2004, after Brown agreed to pay the plaintiffs \$12,000 to cover back wages and rent. Had Vargos-Gonzalez not received the education and support made possible in large part by Farmworker Justice, it's unlikely he and his co-workers would have confronted their employer — much less won the back wages and expenses to which they were entitled.

*Above:* Roman Ramos talks to workers in Patzcuaro, a town in the Mexican state of Michoacan, about their rights as guestworkers in the United States.

*“Farmworker Justice, with which I’ve collaborated for over 20 years, is an effective and invaluable advocate for migrant farmworkers in the nation’s capital.”*

— Rep. Howard Berman  
(D.-Calif.)

Although on the books since the early 1940s (when Congress also set up the notorious Bracero program, which until 1964 imported millions of Mexican citizens to fill alleged labor shortages), the H-2A program did not get much attention until 1986, when Congress split it into two sections: agricultural (H-2A) and non-agricultural (H-2B). Since then the program has grown to the point where the Department of Labor approves about 50,000 H-2A jobs each year.



Displayed at a *Día de los Muertos* (Day of the Dead) celebration in El Paso, Texas, this poster asks why the immigration debate never focuses on the number of Mexicans who die in the desert each year while trying to reach the U.S.

## ► WHAT FARMWORKER JUSTICE IS DOING

- We file federal lawsuits that require the Department of Labor to abide by the rules of the H-2A program.

Failure to pay promised wages, blacklisting workers who speak out, and other common abuses committed under the H-2A program have expanded along with its size. Most such abuses stem from the vulnerability of guestworkers and the greed of growers and labor contractors who exploit that vulnerability. But the federal government must share some of the blame. In both 2001 and 2002, DOL delayed issuing annual wage rates, depriving thousands of farmworkers of pay increases required under the H-2A program. A successful FJ lawsuit halted this practice in 2002.

- We educate guestworkers about their rights in the U.S., and where to go for help, before they enter the country.

During one recent off-season, we traveled to nine Mexican states to train hundreds of H-2A guestworkers in their home communities, where they are less fearful of retaliation. (See opposite page.) The H-2A educational materials we have prepared in Spanish are widely used by other farmworker advocates.



A Jamaican farmworker uses a towel to protect his neck from the broiling sun.

- We help build coalitions with other farmworker advocates to defeat growers' attempts to weaken the limited labor protections of the H-2A program.

Working with farmworker supporters, we have repeatedly beaten back such attempts. The stakes now are higher than ever, with many lawmakers backing a punitive bill that would impose criminal penalties on undocumented workers. Should it become law, this measure would prevent undocumented workers from ever earning legal immigration status. Other proposals would create new guestworker programs with little government oversight, few labor protections and no path to legal immigration status.

- We advocate in Congress against anti-worker, anti-immigrant guestworker proposals, and in support of reasonable immigration policies, including the Agricultural Job Opportunities, Benefits & Security Act, commonly known as "AgJOBS."

Negotiated by United Farm Workers, Rep. Howard Berman and Sen. Ted Kennedy with key agribusiness groups and their allies in Congress, AgJOBS would enable many undocumented farmworkers to obtain temporary immigration status and ultimately earn permanent resident status. It also would revise the H-2A program, reducing paperwork and delays for the benefit of employers while retaining key labor protections for U.S. and foreign workers.

AgJOBS would modestly expand the rights of H-2A workers as well. For example, it would allow them to file a federal lawsuit if their employer fails to comply with contractual obligations regarding wages, housing, transportation cost reimbursement, and other job terms.

- We closely monitor and prepare detailed analyses of every major immigration policy proposal before Congress and the administration. Hundreds of individuals and organizations rely on our online publications, listserves, action alerts, policy briefs and bulletins to stay in the know about developments in immigration policy.



Farmworker Justice photo

With Rep. Luis Gutierrez (D-Ill.) at his side, FJ Executive Director Bruce Goldstein speaks in support of comprehensive immigration reform at a Capitol Hill press conference.

*"The fact that the AgJOBS compromise is even kicking around, and that all the H-2A protections haven't just disappeared – most of that is due to the efforts of Farmworker Justice."*

— Attorney Garry Geffert,  
former board member  
and executive director

# The Road Ahead



Farmworker Justice photo

**MUCH OF WHAT FARMWORKER JUSTICE DOES IN THE FUTURE** will be to carry on the work we began 25 years ago—promoting higher wages, safe and decent working conditions, and justice for migrant and seasonal farmworkers.

The difference between now and then is a quarter century of experience. The knowledge of which strategies work best and how to implement them. And a national and international network of partners to work with toward our goals. With these assets, we anticipate a future marked by even bigger wins than those achieved so far. Our agenda is ambitious.

## ► WHAT FARMWORKER JUSTICE WILL DO

- We will continue the fight to end discrimination in federal labor laws by convincing lawmakers to add farmworkers to covered occupations.
- We will pursue tough enforcement of the limited number of laws designed to protect farmworkers.
- We will strive to further reform the farm-labor contracting system to make sure growers and subcontractors cannot escape their joint legal responsibility for fair wages and treatment of farmworkers.



On August 25, 2002, more than 5,000 farmworkers and supporters completed the last leg of an 11-day, 165-mile walk in support of a bill that would require binding mediation in disputes between farmworkers and growers. UFW Co-Founder Dolores Huerta (center) helped lead the march. A month later, a compromise version of the bill became law.

- We will help labor unions win passage of a federal immigration compromise that would enable between 600,000 and 800,000 undocumented workers to become legal citizens. Once legislation passes, we will promote effective implementation through training, litigation and advocacy.
- We will work to reduce the exposure of farmworkers and their families to pesticides, educate more farmworkers on how to limit that exposure, and secure EPA bans on additional toxic pesticides.
- We will continue to train lay health workers—in the U.S. and Mexico—to educate their peers about how to prevent HIV/AIDS, tuberculosis, pesticide poisonings and other health problems common in farmworker communities.
- We will work to increase farmworkers’ access to health care and health care professionals’ understanding of farmworkers’ health problems.
- We will work to improve the health and educational opportunities of farmworker children.
- Whatever the issue, we will seek to give farmworkers a greater voice—in the work of Farmworker Justice and other advocacy organizations, in the halls of government, and in the public sphere.

One strategy will be to create a nationwide network of farmworkers that will advocate on behalf of legislation, union campaigns and other efforts aimed at securing justice and basic human rights for farmworkers.

- We will strengthen the unions that serve farmworkers by serving as a national support center, acting as advisors and collaborating on various campaigns.
- We will increase the impact of our work—and the commitment of others to address farmworker issues—by establishing more and stronger connections with other advocacy groups, including those focused on the environment, civil rights, Latinos, immigrants and public health, as well as with churches and labor unions.

*“Farmworker Justice plays a strategic and unique role in the farmworker movement. It not only serves as an advocate and gives farmworkers a strong voice with policymakers, it also does a lot of work on the ground, providing technical assistance and helping farmworkers address issues like health and safety.”*

— Ramon Ramirez, President, Píneros y Campesinos Unidos del Noroeste (Northwest Treeplanters & Farmworkers United)

- We will expand our international presence by working with advocates in farmworkers' home countries, chiefly Central America and the Caribbean; by training immigrant farmworkers before they enter the U.S. about their rights here and how to secure them; and participating in more international meetings aimed at improving conditions for agricultural workers worldwide.
- We will strengthen our internal operation, thus enhancing our ability to succeed. We will pursue more, and more diverse, financial support. We will increase the involvement of our board of directors. And we will seek more occasions to publicize our work.

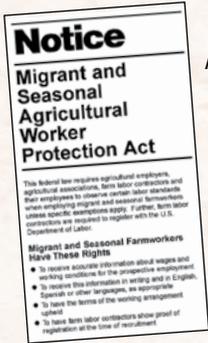
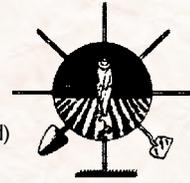
The experience of our first 25 years—combined with ongoing support from people like you—gives us the confidence to predict that long before our 50th anniversary, Farmworker Justice will have helped farmworkers move even farther down the road for justice. **FJ**



Led by Luis Valdez, performers and special guests at the July 2006 Farmworker Justice Cultural Award reception in Los Angeles link arms on stage while singing "Solidarity Forever" and "De Colores."

# Farmworker Justice

HIGHLIGHTS & HIGH POINTS, 1981 – 2006



1981  
1st big win: The Migrant & Seasonal Agricultural Workers Act passes, granting modest but important FJ-backed worker protections.

1983  
Start providing technical assistance to federally supported migrant health centers.

1984  
Publish *The Occupational Safety and Health of Migrant & Seasonal Farmworkers*, the 1st compilation of such data, prompting NIOSH and others to make such research a priority.



1987  
Win an antitrust lawsuit filed against Florida sugarcane growers. DOL forced to establish prevailing wage for Caribbean workers brought to the US under the H2-A program, and growers ordered to provide back pay. (Left: FJ's Bruce Goldstein hands a worker his check.)

1989  
Intervene in a lawsuit against EPA to secure a ban on Dinosed, a pesticide that causes birth defects.



1990  
Launch major education and training projects to prevent the spread of HIV/AIDS and pesticide poisoning among farmworkers.

1992  
Emboldened by new leadership in Congress, agribusiness tries to weaken farmworker labor laws, immigration policy and legal services programs. FJ focuses on defending advances and representing farmworkers who need legal help.

1981

Farmworker Justice founded (as the Farmworker Justice Fund)

1983

Release *The H-2 Foreign Labor Program: the Record of Employer and US DOL Abuses Justifies Its Elimination*—part of our ongoing work on federal immigration and the H-2A guestworker program.

1984

1986  
FJ-championed immigration law enables 1.1 million undocumented workers to obtain legal immigration status under the Immigration Reform & Control Act. Today, FJ continues vigorous advocacy to protect sugarcane and other agricultural guestworkers under the H-2A program in Florida.

1986

1987  
Win lawsuit against OSHA requiring that farmworkers have toilets, hand-washing facilities and drinking water in the fields.

1987



1989



Contribute information to award-winning 1990 documentary about the exploitation of Jamaican farmworkers by the Florida sugarcane industry.

1990

1991  
Sponsor first-ever national conference of farmworker women, since which thousands of US and Mexican women have become *promotres de salud* (lay health educators) in their communities.

1991



1992  
EPA bows to years of FJ pressure and issues the "Worker Protection Standard" to reduce farmworkers' exposure to toxic pesticides.

1992

1994

1995  
Lose a major funder, our executive director and our health specialist; become a subsidiary of National Council of La Raza and move into its offices. Longtime staff attorney Bruce Goldstein fills the leadership slot.

Guide to Acronyms Used in this Timeline: **DOL**: U.S. Department of Labor • **EPA**: U.S. Environmental Protection Agency • **FJ**: Farmworker Justice • **OSHA**: Occupational Safety & Health Administration • **NIOSH**: National Institute of Occupational Safety & Health • **CDC**: Centers for Disease Control & Prevention • **UFW**: United Farm Workers • **FLOC**: Farm Labor Organizing Committee • **PCUN**: *Pineros y Campesinos Unidos del Noroeste* • **NCGA**: North Carolina Growers Association • **NCLR**: National Council of La Raza • **NELP**: National Employment Law Project • **NRDC**: Natural Resources Defense Council



Former staff attorney Shelley Davis rejoins FJ as co-executive director, focusing on occupational health and safety.

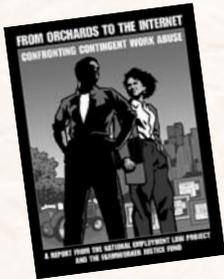
Write chapter on “Farmworkers and Public Benefits in the Era of Welfare Reform” for *In Defense of the Alien*, a book about U.S. immigration policy.

Persuade DOL to clarify the meaning of “joint-employers,” making growers who use labor contractors equally responsible with contractors for paying minimum wages and meeting other legal obligations.



Launch a major HIV/AIDS project with a three-year, \$1 million grant from the CDC.

Co-sponsor a national training for legal advocates on the H-2A guestworker program.



With NELP, we kick off a “Subcontracted Worker Initiative” and host a conference on contingent workers in Washington, DC. The initiative continues with a West Coast meeting in 2001 and publication of *From Orchards to the Internet: Confronting Contingent Work Abuses* in 2002.

Co-sponsor the “National Migrant Employment Law Conference” in Texas to train lawyers and paralegals who represent farmworkers.



Contribute to an award-winning, three-part series in *The Charlotte Observer* on North Carolina farmers’ extensive use and abuse of guestworkers. (North Carolina imports more H-2A guestworkers than any other state.)



Shelley Davis & Myrteлина Gonzalez accept CDC’s “Business & Labor Response to AIDS Leadership Award” for FJ’s *promotores de salud* HIV/AIDS project.

Issue *The Ones the Law Forgot: Children Working in Agriculture*, describing health and safety hazards and relevant laws, and offering policy recommendations.

## 1996

Following major changes in US welfare law, we conduct extensive public education about the impact on immigrant farmworkers.



## 1997

Launch a pilot project to train farmworker women as peer educators—*promotores de salud*—to inform community members about preventing HIV/AIDS, other sexually transmitted diseases and tuberculosis.

Hold regional farmworker women’s health and leadership conferences in Apopka, Fla., and Grandview, Wash.

## 1998

Co-author an investigative report, *Indifference to Safety*, about Florida’s inadequate enforcement of the federal Worker Protection Standard.

Co-author a major article in *UCLA Law Review* to help litigators, judges and worker advocates understand issues related to “joint employers” and abuses by farm labor contractors.



Issue *Improving Farmworkers’ Access to Worker’s Compensation Benefits*, a manual for advocates and health-care providers.



Retired attorney James B. Leonard begins volunteering at FJ, bringing a new focus on labor law and child labor. He soon represents FJ in the Child Labor Coalition, a national network of groups committed to eliminating child labor abuses.



Present Rep. Howard Berman (D-Calif.) with the first annual FJ award. Subsequent recipients are Raul Yzaguirre, Dolores Huerta, Rep. George Miller (D-Calif.), Maria Echevaste, Baldemar Velazquez and Arturo S. Rodriguez.

## 2000

Publish a litigation manual to help attorneys use the powerful “hot goods” remedy for minimum-wage violations. This remedy enables DOL to seize agricultural goods until growers pay workers the wages they are due.



Launch a national “Clean Environment for Healthy Kids” project to teach health professionals how to recognize and treat pesticide-related illnesses.



Partner with community-based organizations in training *promotores de salud* to educate Latinos in four US-Mexico border communities on environmental health.

Help UFW negotiate with the National Council of Agricultural Employers over compromise immigration legislation called "AgJOBS." We join this "strange bedfellows" campaign to push for the bill's passage.

Our funding picture improves thanks to renewed CDC support for HIV/AIDS prevention: \$2.6 million over four years.



Issue and widely circulate a *promotores de salud* training curriculum: "Promoting a Clean Environment for Healthy Kids."



Add reps from three major farmworker unions—UFW, PCUN & FLOC—to our board of directors.



Create a "Guestworker Rights Education Project" in Mexico, which over 18 months educates 1,800 guestworkers from 28 communities in nine Mexican states about their rights while working in the US.



Launch a binational AIDS prevention program to train *promotores de salud* in sister cities McAllen, Texas, and Reynosa, Mexico.

Provide technical assistance and timely information on occupational safety and health to 125+ migrant and community health centers nationwide.

Provide environmental health training to 80 lay health promoters who, over two years, educate 13,625 residents of US-Mexico border towns.



Hold a binational *promotores de salud* conference—"Building Bridges to Prevent AIDS"—in McAllen, Texas; more than 100 *promotores* from the US and Mexico attend.

## 2000

With technical assistance from NCLR, create a website and several listservs, including "fjtalk" and "hivcampesino, which link farmworker legal advocates and health promoters nationwide.



Bid a grateful farewell to the National Council of La Raza and move into our own digs to accommodate our growing staff.



Attend the 89th meeting of the International Labor Organization in Geneva, Switzerland. As a member of the US delegation, help negotiate standards to improve the safety and health of agricultural workers. (ILO adopts "Convention on Safety and Health in Agriculture.")

*Washington Post* wine columnist Michael Franz speaks at our first "Socially Responsible Wine Tasting," featuring wines from unionized vineyards.



Win major lawsuit against DOL, which had refused to increase wages for tens of thousands of H-2A guestworkers.

## 2002

Expand training of peer educators on HIV/AIDS prevention so they can reach young, gay Latino farmworker men.



Hold a one-day binational environmental health conference for 70 *promotores de salud* in San Diego.



Publish 1st edition of *Recognition and Management of Pesticide-Related Health Problems, Acute and Chronic*, a reference manual by Dr. Marion Moses for health professionals who treat farmworkers and their children.

## 2003

After a six-year nationwide boycott of North Carolina-based Mt. Olives Pickles, FLOC reaches landmark agreement with the NCGA, which FJ helped bring to the bargaining table. Now, up to 8,000 H-2A guestworkers on more than 1,000 farms statewide can form unions without employer interference.

## 2004



Become a major advisor to the National Farmworker Alliance, chaired by Lupe Martinez (left), which works to increase federal funding for farmworker programs, adopt AgJOBS and improve labor-law enforcement.

Receive EPA's Children's Environmental Health Excellence Award for helping to protect children in US and Mexican border towns from exposure to pesticides, asthma-triggering pollutants, contaminated water and other hazards.



Organize and lead a successful campaign to persuade DOL to continue producing its annual "National Agricultural Workers Survey," the best source of demographic information about farmworkers.



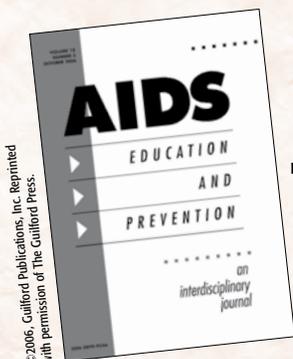
With Earthjustice and NRDC, we challenge EPA's issuance of permissible exposure levels for five pesticides without addressing adequate protection for children.



Hire more professional and support staff for FJ immigration, labor and health projects; expand and strengthen our board of directors; and diversify our fundraising.

Focus attention on employer abuses and DOL neglect by co-sponsoring a congressional press conference highlighting the conditions under which foreign guestworkers labor in public forests.

Following years of work by FJ and others to end abuses of H-2A guestworkers by Global Horizons—a California-based farm labor recruiter and one of the nation's largest importers of immigrant farmworkers—the company signs a labor agreement with UFW guaranteeing health care, better wages, and compliance with state and federal laws.



FJ's peer-education strategy for reducing the risk of HIV/AIDS among young, gay, Latino men is published in a prominent journal.

2004

Participate in EPA's "National Strategies for Health Care Providers: Pesticide Initiative" to create minimum competency standards that will help primary care clinicians recognize and treat pesticide poisoning.



Oxfam America credits FJ for significant contributions to its publication, *Like Machines in the Fields: Workers without Rights in American Agriculture*.



Present annual FJ award to FLOC President Baldemar Velasquez. We also honor Charles Kamasaki and Cecilia Muñoz of NCLR with special awards for their extraordinary support of FJ's mission, given in memory of our late board member Irma Flores Gonzales.

The National Consumers League presents its "Florence Kelley Award" to Jim Leonard, FJ volunteer attorney, for his efforts to reform federal child labor laws. (The award is named for a woman who campaigned against sweatshops and child labor in the early 20th century.)



Convene meetings of farmworker advocates, academics and foundation officials to develop a "National Farmworker Research Agenda."

Participate in another Geneva roundtable on foreign-worker programs sponsored by the International Labor Organization. We later write a chapter—"Merchants of Labor: Policy Dialogue on the Agents of International Labor Migration"—for an ILO book about efforts in the US to reform labor contracting.

2006



Win a major lawsuit, filed in 2003 with Earthjustice and NRDC, requiring EPA to phase out one neurotoxic pesticide (Guthion) and heavily restrict the use of another (Phosmet).

After years of advocacy, coalition-building and public education by FJ, UFW and others, the AgJOBS compromise clears the Senate as part of a broad immigration bill. Harsh anti-worker amendments are defeated.



Receive the "Arnold Mayer Award" from the United Food and Commercial Workers International Union for advocacy and support for unionization. (The award is named for the former UFCW vice president who helped end the notorious Bracero guestworker program in 1964.)

Present the first "Farmworker Justice Cultural Award" to writer and director Luis Valdez, founder of *El Teatro Campesino*, at a reception in Los Angeles. Sharing the spotlight are UFW co-founder Dolores Huerta and Los Angeles Mayor Antonio Villaraigosa.



*"I give time to Farmworker Justice because I believe in its cause and admire the remarkable commitment and effectiveness of its staff and board of directors."*

—James B. Leonard, Volunteer Attorney



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