

The Plight of the California Farm Worker: Nothing Has Changed Much

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In spite of the changes in our society to improve the conditions for agricultural workers through immigration legislation, control of pesticides, and union pressure for social justice, there is evidence to suggest that fundamental problems still exist for those who work in the fields. There are still crops that need human labor to harvest them. The farm workers are still being exploited with low pay along with hazardous and oppressive work conditions to provide us with the fruits and vegetables that we demand. The employers claim that their reliance on immigrant labor is because they cannot hire enough domestic or legal labor to do the work. Further, they argue that domestic workers do not want to accept this kind of work.

This article discusses only two examples of how the conditions of the California farm workers have not changed much. Curtailing the employment of unauthorized or illegal workers in agriculture may alleviate many of the problems but enforcement of the immigration laws, California Department of Pesticide Regulations, and California farm labor laws, need more attention if there is ever going to be fundamental improvement in the agricultural workers' wages and conditions of employment.

Introduction

As the old saying goes, the more things change the more they stay the same. Although we have moved from an agrarian economy to a mixed, highly technological based economy we all simply must feed ourselves and the nation (if not the world). Agriculture is still a major economic factor in California and, as we all know, Hispanics/migrant farm workers are a major part of this industry. For decades these agricultural workers and their families have lived and labored under the most hazardous, dehumanizing, and oppressive working conditions despite laws and the efforts for improvement initiated by the farm workers' union.

To this day their wages are still below the poverty level and provide only the basic necessities of life (and often even less than that). Thousands of impoverished laborers have been exploited with low pay, abominable working conditions, exposure to pesticides, lack of decent housing, and continuous discrimination. Farmers and corporate growers are still worried about both the availability and the cost of seasonal farm workers. Labor unions are constantly fighting to protect agricultural workers from unjust discrimination and unsafe working conditions. Some changes for the better have occurred with respect to many of these oppressive conditions but there is still a large number of agricultural workers who suffer from them. In spite of all the union and governmental activity throughout the twentieth century, little has changed in the socioeconomic condition of farm workers.

Immigration Control

Immigration policy is linked to agriculture today because immigrants (mostly Hispanics) constitute nearly all of the entrants to the seasonal fruit and vegetable work force. Foreign workers and labor-intensive agriculture have been linked uneasily for over a century,

especially in California, the state that produces about 40 percent of the nation's fruits and vegetables (Martin, 1994). There have been many discussions of alternatives to immigrant farm workers. These include: 1) diversifying the crops grown so that there would be less of a seasonal peak needed for labor, 2) mechanizing labor-intensive tasks, and 3) offering the wages, housing, and benefits needed to attract domestic workers. All the aforementioned have been endlessly discussed, but there has never been any agreement on exactly how such adjustments could be made in a manner that protected both U.S. farmers and farm workers.

In 1982 Congress passed the *Migrant and Seasonal Agricultural Worker Protection Act* to deal with the deplorable conditions in the fields. This legislation has not been strongly enforced. Farm labor contractors who violated the law would promise to pay their fines or appeal them, and thus get their licenses back and continue their illegal activities. Congress tried again by passing the *Federal Immigration Reform & Control Act (IRCA) of 1986* and *The Migrant & Seasonal Agricultural Worker Protection Act of 1986 (MSPA)*. The legislation was designed as an agricultural program (H-2A) to protect jobs, wages, and working conditions of domestic farm workers, as well as to protect the rights and dignity of those who are admitted to work on a temporary or seasonal basis (Martin, 1994). Nevertheless, farm workers still suffer many abuses at the hands of individuals who choose to evade immigration and labor law enforcement. Despite the increase in the levels of illegal alien employment, there were far fewer legal apprehensions of unlawfully employed farm workers in the early 1990s than there were in the early 1980s.

Employers who seek illegal workers give a number of reasons for doing so. They have claimed that many of them are hired quite unintentionally because it is next to impossible for the employer to distinguish a fraudulent document (such as a green card) from lawful documents. Other employers have admitted their willing and knowing use of illegal labor. Some have explained their motivation in terms of humanitarian sympathies for the unfortunate migrant. But perhaps the most pervasive has been the claim that they were simply unable to hire enough legal labor. Growers have been lobbying for a special temporary visa category to allow them to legally bring in farm workers when they need them.

Other plans to increase the labor force include a welfare-to-work program. Recently, the U.S. Senate passed legislation to create a new bracero program. This legislation is titled the *Agricultural Job Opportunity and Food Security Act (H-2B)* and replaces the current H-2A. The H-2B has a mechanism that would effectively give corporate growers, food processors, and other employers unlimited access to foreign agricultural workers while at the same time eliminating the modest protections that workers have under current law (<http://afcio.org>, 2000).

Industry analysts and labor union officials say that there is no shortage of domestic farm workers in the United States. But some California farmers argue that U.S. workers do not want to accept this kind of hard work and they have to rely on foreign migrant workers for years in order to survive. The real reason agricultural employers hire illegal workers is they seek to recruit a labor force on their own terms. This means they want people who will work for rock-bottom wages and who will tolerate horrible working conditions without complaining. Accustomed to a much lower standard of living, very low wages, and frequent unemployment in their own country, these potential employees will work for less than their legal competitors. And if they ever question the paternalistic terms under which they are hired, the immigration authorities are never more than a phone call away! (Holland, 1970).

Wages

Statistics related to farm workers are very difficult to compile because of mobility among the workers, the worker's immigrant status, the weather, and the market conditions for

agricultural products. According to the National Agricultural Statistics Service, there were 1.46 million hired (legal) workers on the nation's farms and ranches the week of July 11-17, 1999. Migrant workers accounted for 12.5 percent of the July hired workforce. The largest number of hired farm workers work in California. According to the United Farm Workers (UFW), the people who pick berries work for the lowest wages. These workers make \$8,500 for an entire season. The UFW, however, says, "It is difficult to clearly calculate what strawberries pickers earn because pay procedures vary." Workers are sometimes paid an hourly rate and, at other times, a piece rate per crate of berries picked. In still other instances workers are paid a combination of the two methods. According to the Agricultural Statistics of 1999, California farm workers earned an average of \$7 an hour. Official wage estimates do not account for the practice of some growers' attempting to pay workers in cash under the table, which often amounts to less than the minimum wage.

Piece rates sometimes amount to less than minimum wage, and there are reports of tendering invalid compensation as reflected in "paycheck bouncing". The UFW says that some workers were fired in August 1996 when they inquired about their paychecks' bouncing. "Most strawberries workers have been without a significant raise for the last decade. In fact, if inflation is considered, the value of strawberry workers' wages has plummeted during that time period", said the UFW.

Estimates of the true decline in the value of farm worker wages vary. One estimate put the decline at 53 percent of real wages between 1985 and 1996. Another survey showed that wages had fallen only 25 percent in the last 15 years. An additional report estimated that wages were at a 20-year low. A 1993 survey shows the average household (four people) income for farm workers was \$14,092. "It is true that many American workers may find themselves in the same downward wage spiral as farm workers. But, the spiral of farm worker wages has been faster and deeper." said the UFW. According to one comparison, farm labor wages fell 50 percent faster than manufacturing wages during the 1980s.

The *Immigration Reform and Control Act of 1986* essentially functioned to supply farmers with seasonal workers by legalizing thousands of workers. As a result, the newly legalized seasonal agricultural workers and a continuing influx of illegal aliens have produced an ample supply of seasonal workers, giving farmers little incentive to improve wages and working conditions. Worker surveys and testimonies confirm that 90 percent of the new entrants to the farm labor force are immigrants. In most instances, growers have not raised wages, improved working conditions or housing, or otherwise made adjustments to retain these workers. (Division of Agriculture and Natural Resources, 1995)

Recent research shows that farm employers are not making much effort to lessen their dependence on immigrant workers; to improve wages, job stability, and working conditions; or to switch to less labor-intensive crops or techniques. Studies reveal changes in the structure of farm labor markets that may be related to efforts by farmers to shift the new costs and risks imposed by employer sanctions to labor-market intermediaries (such as labor contractors). The studies show that workers hired through farm labor contractors (FLCs) are among the most recent entrants and thus more likely to be unauthorized workers (Martin, 1994). FLCs seem to be perceived by farm operators to have special abilities to recruit immigrant workers and to evade immigration and labor law enforcement. In addition, competition between FLCs to do harvesting and other seasonal tasks on farms has reduced the commissions or fees that FLCs can charge farmers. Since farmers hiring workers directly would incur the same payroll tax and hiring costs that FLCs must pay, farmers rationally turn hiring, and the associated risk enforcement, over to FLCs. Labor studies show this practice has resulted in further deterioration in farm workers' real wages, employment stability, and working conditions (Ordonex-Cortez, 1994).

The UFW President, Arturo S. Rodriguez, says that farm workers are suffering from a chronic oversupply of labor and lax labor law enforcement. In California, as previously discussed, farm worker real wages fell between 1986 and 1992, and other data suggest that the average earnings and retention among FLC workers were the lowest of all agricultural employees. Moreover, the instability of farm employment, as reflected in the probability of workers' changing their principal employer from one quarter to the next, increased significantly between 1986 and 1991 (Taylor & Thilmany, 1992).

Labor contractors have demonstrated a comparative advantage in recruiting immigrant workers at low wages and with few benefits, sometimes offering these workers services they need as new immigrants, at a cost, and then recruiting new immigrants to take these workers' places as soon as they have other job options. Labor contractors often house and feed workers, provide them with transportation to the fields, and even offer credit in the form of advance wages. The fees they charge for these services, which often are forced upon individuals informally, quickly erode FLC workers' take-home pay, making hourly wages or earnings a poor indicator of the true compensation for working for an FLC (Ordonez-Cortez, 1994).

To make matters worst, the passing of *The Agricultural Job Opportunity and Food Security Act* (H-2B) in 1999 would allow employers to pay less than what is required under the current H-2A program. Furthermore, protections designed to compensate for the wage depression caused by the importation of guestworkers and undocumented workers are eliminated. The legislation goes so far as to remove the requirements that growers observe prevailing employment and pay practices and benefits. Employers would no longer be required to provide housing and transportation for guestworkers. More importantly, the Secretary of Labor would not have the option of pursuing an action in federal court against the employer to protect either guestworkers or domestic workers from alleged violations of the law by employers (<http://aflcio.org>, 2000).

Pesticides

The use of pesticides in agriculture has been a farm worker and a public concern for years. It was a major rallying point for the UFW grape boycott in 1984 and continues today. Pesticides pose serious health problems for farm workers, although the measurement of the extent of actual use and human effects have been very controversial. PANNA (1999) reported, for example, that agriculture is still one of the most hazardous occupations in the United States. The death rate among agricultural workers nationwide was an estimated 20.9 per 100,000 workers in 1996 compared to the average for workers in all industries, which was 3.9 per 100,000 workers. In addition to long workdays and a high risk of physical injury, the nation's estimated 2.5-million farm workers face a greater risk of pesticide exposure than any other segment of the population.

In California, the state with the largest agricultural economy in the country, farm work is conducted by a workforce of about 600,000 men and women. From 1991 to 1996 the California Environmental Protection Agency's Department of Pesticide Regulation (DPR) reported 3,991 cases of occupational poisoning by agricultural pesticides, an average of 665 cases per year. The majority of pesticide poisoning occurs when farm workers are doing fieldwork, such as picking, field packing, weeding, and irrigating (<http://www.panna.org>, 2000).

From 1991 to 1996 the two most common sources of exposure leading to pesticide-related illness were drift from pesticide spraying (44%) and field residues (33%) (<http://www.aflcio.org>, 2000). Agribusiness in California spends thousands of dollars every year on pesticides like methyl bromide, benomyl, Captan, copper, and sulfur to protect their crops, and

shows little apparent concern for the health of the farm workers. Every year they spend thousands of dollars on lobbying against bans on pesticides.

The California strawberry industry is the biggest user of pesticides, applying about 7 million pounds of chemicals a year. The rate of pesticide application on strawberries can be 25 times that of lettuce and 50 times that of grapes. Strawberry fields are covered with pesticides at a rate of 300 pounds per acre, which is more than that for any other crop in agricultural industry (<http://www.ufw.org/paper1.htm>, 2000). Dozens of pesticides are used but half of the volume consists of methyl bromide.

More than 4 million pounds of methyl bromide is injected into the ground each year to fumigate the soil before fungus-sensitive strawberries are planted. Workers cover fields with plastic sheets before using the chemicals to prevent them from drifting into the atmosphere. Methyl bromide has been linked to more than 400 illnesses and 15 deaths in other industries as well. The pesticide residues are toxic and can cause skin rashes, eye irritations and respiratory problems if workers are not protected.

Benomyl has been listed as a reproductive toxin by the State of California, and Captan has been classified as a cancer-causing agent (<http://www.cdpr.ca.gov>, 2000). Captan was banned for use on many crops in 1989. But its use on some crops, including strawberries, was permitted when the industry argued that halting its use would cost too much money. Federal regulations require the workers who enter fields within 48 hours of Captan treatment must have special protective equipment. The strawberry industry, however, was able to reduce the protective time limit to 24 hours (<http://www.ufw.org/paper1.htm>, 2000).

Unfortunately, the situation is even worse than these numbers indicate. Pesticide exposure incidents often go unreported because many farm workers are afraid of incurring medical bills since few have health insurance and many do not realize they are entitled to workers' compensation for illnesses and accidents arising in and out of the course of employment. Many workers fear retaliation from employers if they apply for workers' compensation. In addition, many agricultural workers have not had sufficient pesticide hazard training to recognize symptoms of pesticide poisoning and remain ignorant of how and why they are diseased or injured. Retaliation against injured workers is illegal but all too common and can have a chilling effect on the entire workforce. Federal and state laws prohibit retaliation against workers who are exercising their rights, but until the laws are effectively enforced, they offer little consolation to an injured-or fired worker. (Dunbar & Kravitz, 1976).

Conclusion

This article touched on only two examples of how the conditions of the farm workers have not changed much over the years. One could research the use of under-age workers in the fields, substandard housing, health care, and education of migrant worker families' children, and reach similar conclusions about the abuses they implicitly accept as agricultural employees. Farm workers are involved in the planting, cultivation, and the harvesting of the greatest abundance of food known in our society. They bring in not only enough food to feed the whole country but also enough to export around the world. It is ironic that after they make a tremendous contribution to our country they do not have enough money, food, and decent housing for themselves. Curtailing the employment of unauthorized workers in agriculture can alleviate many of the problems in the farm labor market. Also, the Immigration Department and the Department of Labor must improve how they regulate labor contactors. Ways need to be found to protect all agricultural workers' health and well-being and to stamp out exploitation as well as practices that impact safety and decency.

The nation's farm workers continue to be specifically exempted from federal labor relations laws and this limits their ability to organize unions for social and economic justice. California has the most comprehensive farm law out of seven states that have laws protecting farm workers. Surely, a nation with such an important industry in our economy can do better. It is imperative that the government, agricultural industry, and the labor groups find a common ground to benefit the industry, the public and our oppressed farm workers.

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