

Current Issues in Farm Labor Contracting

Health and Safety

The most common health affecting issue neglected by FLCs is the availability of safe drinking water.

In 1992 the EPA conducted a study in which it took samples from hundreds of small water systems being used to deliver water to numerous labor camps throughout California. Results found that 191 water systems were violating the law and out of those, 141 were not even recognized by the state as public water systems (Martin 1992).

For the most part, undocumented workers do not seek medical attention when they are injured (Triplett 2004). When a worker is injured, the injury is usually reported to the crew leader, and the crew leader decides what to do. To avoid legal and monetary conflicts with the FLCs or growers, injuries are usually ignored.

Another highly neglected health hazard is exposure to pesticides and other chemicals used in the agricultural industry. Although both documented and undocumented agricultural workers are exposed to pesticides, undocumented workers are usually the ones who fail to seek medical attention, which results in greater health-affecting consequences.

According to the EPA, 300,000 acute pesticide-related illnesses are reported every year (Martin 1992). The actual number is probably quite larger, but due to the failure of undocumented workers to properly report all incidents, actual exposure is not known.

Financial Hardships

Apart from violating health and safety regulations, FLCs take advantage of undocumented workers financially. One of the most basic ways in which undocumented workers are financially battered is wages. Hout and Kesler (2010) have studied wage trends and concluded that immigrant workers are always paid considerably less compared to non-immigrant workers.

This is a situation that is highly common and in many cases, may be as extreme as receiving no pay at all. Although farm wages for undocumented workers have steadily increased, they continue to remain extremely low (Huffman 2005).

This phenomenon may be due to the continuous oppression towards undocumented workers exhibited by FLCs. The goal of corrupted FLCs is to get as much money out of a worker as possible. To accomplish this, another common strategy involves ridiculous wage deductions which workers are told cover housing and living conditions offered at FLC labor camps.

Labor Camp Issues

Many times these living conditions are kept unsanitary and overcrowded. For example, a trailer suitable for up eight people is packed with up to twenty. Maintaining clean livable conditions in a labor camp is difficult and even worse when workers are expected to live like sardines. The food and board deductions charged by FLCs are usually highly overpriced. Workers pay as much as they would pay to share a room with one person, but have to share it with up to five others.

The amount of times in which FLCs are actually prosecuted for worker neglect, abuse, and exploitation are very few. In order to show the lack of government enforcement towards farm labor contracting, John Bowe (2003) gives the extreme example of an FLC, Miguel Flores. Although Flores was well known for his illegal behavior towards workers, his FLC license was never revoked. This is the case with hundreds of FLCs throughout California. As reliance on farm labor contracting continues to increase, the future of unprosecuted FLC abuse is predicted to rise (Huffman 2005).

Violence and Intimidation

In order to suppress workers, FLCs often resort to intimidation and violence (Triplett 2004). FLCs are the boss, and whatever the boss says must be true. The most common form of intimidation is the threat of being fired and perhaps even deported for simply reporting an injury or any other type of complaint. Undocumented workers are in a sense disposable to FLCs. If a person decides to leave, all they have to do is a little recruiting, and they can replace that person with three other workers who are ready to work and stay quiet.

When a worker decides to leave his or her country behind, he or she sometimes come into the United States alone without a friend or relative to offer guidance. The worker has no choice but to believe whatever FLCs tell them. It is a whole new world, and they keep quiet because of fear of being noticed by the wrong person.

Yet another factor preventing undocumented workers from speaking out against FLCs is gratitude. Believe it or not they are thankful for the jobs they are given and the meager compensation they are paid. It is difficult for someone to report, in many cases, the only person in this country they think they can “trust”.

Analysis of Farm Labor Contractor Interviews

A total of two FLCs were interviewed for this case study. The first, FLC1, represents the new generation of FLCs. FLC1 was born in California, raised in Mexico, and later as a teenager returned to the United States to work and complete his high school education. After graduating from high school, he attended Delta College and received his Associate Degree.

Now he is in his late thirties and has been running his FLC operation for fourteen years (started in 1996). Apart from running an FLC business, he is also involved in real estate, construction, and other forms of entrepreneurship. He started his FLC business from the bottom up.

Before getting his license he worked for an FLC himself. At first he was a field worker and made his way up to mayordomo. His FLC acknowledged his talent for management and suggested he get his contracting license.

When FLC1 first started his business he did not need to recruit workers because his days as a mayordomo had already created a significant following. He searched for work by approaching farmers personally and explaining his inexperienced situation; some farmers gave him work and some did not. After a few years he had successfully established himself as one of Stockton's most successful FLCs.

Today FLC1 contracts workers for crops such as cherries, pears, asparagus, apricots, and tomatoes. He has managed up to 700 workers at a time. The second FLC interviewed, FLC2, has a completely different background than FLC1. He is from an older generation of FLCs, and was born and raised in Guerrero, Mexico. He only attended school up to the third grade. FLC2 first arrived in California in 1957 when he was recruited by the Bracero Program. Soon after arriving, in 1960 he became a resident, and by 1970 he had his FLC license. He was a licensed FLC for over thirty-five years.

FLC2 has done everything from harvesting crops, crew management, farming, and farm labor contracting. Due to improper management, he lost his FLC license a few years back, and is now working under his son's license (FLC3).

FLC2 manages workers for the same crops as FLC1 (cherries, pears, asparagus, and apricots), but contrary to FLC1 he sometimes works outside of the Stockton area in Sacramento County, Lake County, and Fresno. Also contrary to FLC1, FLC2 is not involved in any other businesses outside of being an FLC. He has an obvious passion for farm labor contracting, and says he would never consider doing anything else.

Worker Housing/Food

For the most part, currently both FLCs do not open labor camps. (FLC2 opens a labor camp in Lake Port for up to twenty days during pear pruning season.) Food prices have

skyrocketed and therefore FLC1 explained that labor camps are no longer profitable. Apart from a dramatic increase in food prices, labor camp cooks are now demanding much more pay. FLC1 said he used to pay a cook \$70 per day and now cannot find one that charges less than \$100-120 per day. A few years ago when labor camps were profitable, he claims to have been able to house and feed a worker for only \$3 per day. He would charge workers \$10 per day therefore making a \$7 profit from each worker per day. Labor camps hold anywhere from 20 to 150 workers at a time. If on average he housed 100 workers, he was making \$700 per day of pure profit.

Government Inspections

Both FLCs are inspected by the Occupational Safety and Health Administration (OSHA). Inspectors look into things like drinking water, shade availability, sanitation, etc. According to FLC1, inspections occur maybe once every harvest season. Both FLCs stated that they keep everything up to code, but FLC1 went into further detail about how he prepares for inspections. According to FLC1 in order to protect himself from inspections, he has a worker's manual which he distributes to all of his employees.

He keeps them informed about all of their rights and makes sure to follow through with them. Apart from this, FLC1 also said that he is friends with most of the inspectors. Whenever an inspection is coming up he receives a phone call from the OSHA office, and is alerted of the upcoming inspection.

This gives him enough time to make sure everything is up to code. If he is not warned about an upcoming inspection, he relies on his friendships with the various inspectors. He said that usually just taking them out to eat or other monetary compensations prevent them from reporting any irregularities. FLC2 did not go into detail about how he has dealt with inspections, but it is probable that that his strategy is similar to FLC1's.

Payroll

Throughout the interviews, the subject which received the most negative attention was payroll. The workers interviewed are not satisfied with what they are getting paid. They all receive minimum wage, but feel that the hourly rate is not worth the work they put in. This feeling seems to be connected to the fact that all workers documented and undocumented have benefits deducted from their checks. They all contribute to the pool of unemployment, disability, and social security benefits. The problem with this system is that most workers, being undocumented, will never use these benefits. They are contributing to a system which does not recognize them as employees.

Some FLCs take advantage of this situation and take things even further. W1FLC1 claims to have been deliberately "ripped off" by FLC1. He worked for FLC1 for about 6 months. When tax season came around, he requested a W2 form from FLC1. FLC1 claimed that he had never employed this worker; that there was no record of him in his files. W1FLC1 believes that FLC1 reported his earnings under a different social security number, perhaps belonging to a family

member or friend. W1FLC2 experienced the same situation from FLC2. Another incident with payroll occurred to a few of the workers interviewed. The FLC would pay them in cash instead of with a check. They think the FLC did this in order to deduct even more money from their paychecks. Paying them in cash prevented evidence of corruption.

FLCs are capable of easily changing a workers hourly wage. It all seems to depend on how much they want to keep. Another common complaint among the interviews dealt with working under a contract. W3FLC2 explained that farmers tend to pay more per bin or box than FLCs. In her case, she worked for a farmer that paid \$8-\$10 per box of cherries.

Once the farmer hired an FLC, pay was reduced by two dollars to \$6 per box of cherries. According to this worker, FLCs profit from workers at a rate that is unnecessary and unjustified. The next problem having to do with payroll became apparent while interviewing two labor camp cooks. A typical labor camp cook works from 4am to 7pm; 15 hour shifts, 7 days a week. However labor camp cooks do not get paid by the hour, they get paid by the day.

One of the labor camp cooks interviewed (W4FLC2) has worked for FLC2 for over ten years. When she first started working, in 1995, she was making as little as \$50 per day. Per hour that comes out to be \$3.33; less than half of minimum wage. Today, according to the experienced labor camp cooks interviewed, a cook earns \$100-\$120 per day making that \$6.67-\$8.00 per hour; at times barely making it to minimum wage. Up until 2006, W4FLC1 was still getting paid \$65 per day; \$4.33 per hour.