

Raising Up Farm Workers

Ventura County



September 2015

Acknowledgements

CAUSE respectfully thanks all the farmworkers who courageously took the time to fill out a survey and talk to CAUSE leaders about the struggles in their life. They inspire us to continue to organize to make real changes that directly impact the lives of low wage workers across the Central Coast of California.

We can never forget that they are our neighbors in our community that help to nourish our families by growing the food that we put on the table each day.

Farmworkers in California and Ventura County

There are farmworkers among us. They are our family members and neighbors. They live in every city and every community in Ventura County. Our kids learn with their children in school. As we drive through Ventura County, we see them planting, picking and trimming in fields and ranches. They are the lifeline of our agricultural abundance. The food we eat everyday is grown from their nurturing hands and the strength of their backs. There are farmworkers among us.

The legacy of farm work in the United States is intertwined with the lives and histories of every ethnic group and wave of migration both from outside the nation's borders and within. Those who controlled the land exploited migrant workers as commercial agriculture grew to a scale beyond feeding one's own family. Land owners and farm managers sought an ever-shifting migratory workforce that was economically desperate, afraid to organize, and able to bear the harsh conditions of the fields.

As Spanish missionaries and conquistadors colonized the West and Mexico gave land grants to early settlers, Native Americans were the first population that were put into this role as farmworkers. Their availability as the labor to tend to the fields ensured that as the United States expanded west, slaves were not needed as a workforce in California's farms and rancherías.

Often migratory, many Native Americans would work the fields at harvest and planting times and were given only basic food and goods in return.

As the number of Native Americans working the fields declined in the late 1800's, land owners exploited other immigrants including Europeans, Asian Indians, Chinese, and Japanese workers to expand the farm labor pool beyond the American-born laborers that also worked the fields.

However, Asian immigrants lacked rights and were targeted by specific exclusion laws that prevented them from becoming citizens or marrying. These farmworkers also faced racism from white workers who blamed immigrants for lowering wages. As the number of Chinese and Japanese farm workers declined, Filipinos were next recruited as a source of cheap labor. The Great Depression and the independence of the Phillipines changing their immigration status resulted in their decline as farm laborers. During the Depression, white American workers migrated west fleeing the dust bowl in eastern states, many permanently relocating to California's Central Coast and Central Valley.

To address the wartime labor shortage, the Bracero Program began in 1941 allowing Mexican males to come to the United States to work on short-term, primarily agricultural labor contracts. From 1942 to 1964, 4.6 million contracts were signed. As the Bracero Program came to an end, migrant farm workers from Mexico, Central America, and South America have continued as the dominant workforce in California's agricultural industry.



Farmworkers in California and Ventura County

Throughout California's history, the agricultural industry relied on a cheap labor force that feared asking for their basic rights which greatly impacted their ability to integrate into society. Seen as outsiders and non-citizens, each wave of workers were tossed aside once they sought basic rights and replaced by a new group of exploitable workers. During the New Deal era, Southern congressmen negotiated exemptions from basic labor laws for farmworkers, as they were largely black sharecroppers, and empowering them with new rights would challenge the order of the Jim Crow South. Discriminatory policies exempting farmworkers from earning overtime if they work more than 8 hours a day or 40 hours a week continue to this day. Efforts to bring workers together to fight for their rights, from the 1903 Oxnard sugar beet strike to the founding of the United Farm Workers in the 1960's, slowly gave farmworkers hope to have the same rights as other workers.



Today in Ventura County, the state of farmworkers reflects this history. Over 90% of farmworkers are Mexican immigrants and eight out of 10 are not citizens. This tenuous immigration status along with low wages continue to create conditions that disempower farmworkers and lead to abuse and exploitation. Underlying these working conditions of farmworkers are the stories of their families struggling to survive in our communities. In this report, CAUSE seeks to begin to document and share the story of farmworkers in the Central Coast as we begin the dialogue on how to raise up the working conditions and everyday lives of farmworkers.

Data sources for our report

For this report, CAUSE heavily relied on the American Community Survey 2013 Public Use Microsample Data and our survey that we implemented in 2015. Between May and August of 2015, CAUSE collected 283 surveys in Oxnard and Santa Paula. The majority of surveys were collected by CAUSE interns and volunteers who verbally asked the farmworker each question and recorded their response. Surveys were then numbered, coded and then entered into a Microsoft Access database where crosstabs were then used to analyze the surveys.

Where Farmworkers Live in Ventura County

PUMA Area	# of Farmworkers
Ventura County (Southeast)--Simi Valley City PUMA, California	156
Ventura County (Southeast)--Thousand Oaks City PUMA, California	343
Ventura County (Southwest)--Oxnard & Port Hueneme Cities PUMA, California	16,622
Ventura County (Southwest)--San Buenaventura (Ventura) City PUMA, California	1,083
Ventura County (North)--Santa Paula, Fillmore & Ojai Cities PUMA; California	6,757
Ventura County (South Central)--Camarillo & Moorpark Cities PUMA, California	1,422

Source: 2013 ACS Public Use Microdata Sample

Who is a Typical Farmworker in Ventura County?

Average age: 36.2 years

Over 500 are under 18 and just over 1,600 farmworkers are over 60 years of age

Latino:

92.9% of farmworkers are Latino and for 90.5% their country of origin is Mexico

Citizenship status:

81.5% of farmworkers are not citizens

Children in school:

53% of farmworkers have children under 18

Long hours:

Two-thirds of farmworkers are working every week and average over 41 hours per week

Education:

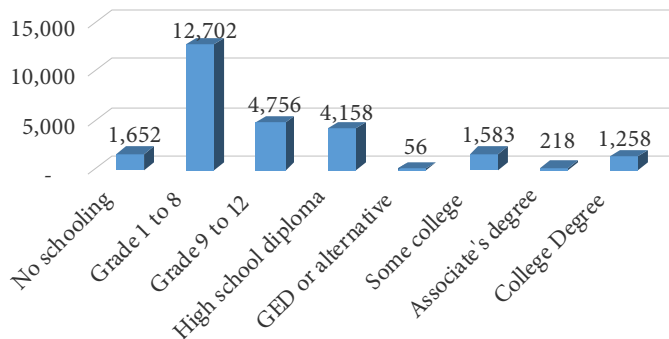
88.4% have a high school diploma or less education

Gender: Male

70.6% of farmworkers are male



Educational Attainment of Farmworkers



Female farmworkers

There are well over 7,000 female farmworkers in Ventura County. Not surprisingly, women faced sexual harassment at a rate six times that of men according to our survey. While working just as many weeks per year and slightly less hours as their male counterparts, female farmworkers average annual wages are almost \$10,000 behind that of male farmworkers.

A Day in the Life of a Farmworker

5:30 a.m. Wake up, prepare meals for family, take kids to childcare, go to work.



6:00 Arrive at the fields and go to area of work.

6:20 Prepare to begin work by getting cards and boxes in place.



Wage theft can occur when workers are not paid for mandatory prep work before starting in the field

6:30 Paid work begins.

9:00 First break.



9:10 Back to work.

Wage theft can occur when the number of boxes workers pick are undercounted

Wage theft can occur when workers have to work during their breaks or are not paid

12:00 Lunch.



"We don't know much about overtime because they say that after 10 hours we get overtime but it never appears on our checks."

"Sometimes we don't have a chance to take our lunch break because we are made to continue working because they need to fulfill the order and so we have to eat while we work so that we can send the vegetables to the packing house faster."

12:30 Back to work.



Wage theft can occur when workers are not paid for mandatory cleanup work after

3:00 Break.



Wage theft can occur when farmworkers' shifts last over 10 hours and they are not given overtime pay

5:00 Finish work and clock out.



5:01 Wash and clean buckets and equipment.

Farmworkers and Extreme Overwork

No time off

42% of farmworkers surveyed say they never take time off, with the primary reason given being they can't afford it.

Working pregnant

One quarter (26.4%) of the women surveyed left work for some period due to pregnancy.

No overtime pay

Farmworkers are not covered by labor laws setting one and a half times pay for work over 40 hours per week or 8 hours per day, largely due to discriminatory exclusions when these laws were originally created decades ago. Only 13.7% of those surveyed reported getting overtime pay after 40 hours per week or 8 hours per day. Growers in California are not required to pay overtime until after 60 hours per week in the fields or 10 hours a day.



Farmworkers face some of the harshest outdoor work environments. Workers are expected to be on their feet for an entire shift while performing physical labor and exposed to the elements including the sun, rain, and wind. Shifts often last 10 hours and many farm workers worked more than 40 hours a week. In Ventura County in 2013, 71% of farmworkers worked 50 to 52 weeks out of the year, while working an average of over 41 hours per week. Farmworkers work 82% more weekly hours than the average worker in Ventura County.

Inadequate breaks

Farmworkers are supposed to receive legally mandated 10 minute breaks every four hours. Yet 18.9% of workers surveyed had work responsibilities to perform during their break. With only one bathroom provided for each gender for 20 employees, many workers do not have time to walk back to rest areas, make use of shade, water and bathrooms, and walk back through the fields before their break is over.

Working despite injuries

Almost one in three workers (32.0%) had been injured at work. Back, leg and hand pain as well as falling were common injuries suffered by farmworkers in the fields. 65% received no benefits or compensation. 63% continued working after their injury.

Source: CAUSE 2015 Farmworker Survey Ventura County

Farmworkers and Wage Theft

Types of wage theft

The survey implemented looked at three common types of wage theft:

- Being paid for less hours than you worked or less boxes than you picked
- Having work responsibilities during breaks
- Having unpaid work responsibilities before or after work

Experiencing wage theft

59.5% of farmworkers in our surveys experienced at least one form of wage theft. Almost one in four farmworkers (22.9%) experienced two or more types of wage theft.

Wage theft is when workers do not receive their legally or contractually promised wages. Common forms of wage theft are non-payment of overtime, not giving workers their last paycheck after a worker leaves a job, not paying for all the hours worked, not paying minimum wage, and even not paying a worker at all. Recent groundbreaking research in low-wage industries in New York, Chicago, and Los Angeles estimates that wage theft costs low-wage workers on average \$2,634 out of total earnings of \$17,616 per year.



Paycheck discrepancies

Of the farmworkers that questioned paycheck discrepancies, 46.9% of workers were able to get their paycheck fixed. However, over half of the farmworkers were ignored or met with anger.

The experience of “Juan” with wage theft

“Yes I have felt that some of my paychecks have been short but then I am told by co-workers that it’s only a few cents difference and that I shouldn’t make a big deal out of it because I can get fired over a few cents, better not risk losing the job.”

“There are days when we get off work at 1 pm and we have to stay and wait for our check until 3 pm and although we are off work we are put to clean. We pull weeds, pick up trash and clean the vehicles until the paychecks are ready. They don’t pay us for those two extra hours. If we don’t stay then we can’t pick up our check until next Monday.”

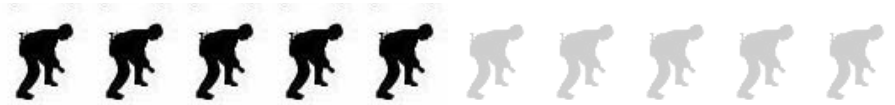
Farmworkers and Health and Safety



Pesticides

5 out of 10 farmworkers say they have had negative health effects from pesticides. (N=271)

"Sometimes they make the sprayers stay 30 feet behind us to pressure us and make us work faster."



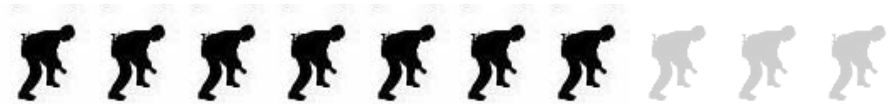
Access to drinking water

2 out of 10 farmworkers said they don't have drinking water easily available at work. (N=255)



Health concerns

7 out of 10 farmworkers feel like their working conditions are dangerous or harmful to their health. (N=277)



Heat

3 out of 10 farmworkers have been sent home by their employer due to heat. (N=275)



Bathrooms

2 out of 10 farmworkers say the bathrooms are not cleaned often. (N=275) One out of 10 farmworkers identified restrooms as one of the biggest needs for improvement for agricultural work.

"The restrooms are cleaned every two weeks and often have no toiletries or water for us to wash our hands."



Lack of Enforcement and a Culture of Fear

Farmworkers are exposed to many workplace hazards. Laws designed to protect workers need to be enforced. At the same time workers need to know their rights and be free from fear of retaliation when reporting violations. In our survey, 87% of farmworkers responded they had been informed of some rights as a worker. Over one third (35.4%) have been informed verbally, while the remaining workers were informed of their rights through written materials, posters, and/or videos.



However, the commonplace wage theft and violations of health and safety laws shown in our surveys reveal an inexcusable lack of implementation of basic labor protections in agriculture. In part this is due to minimal resources at the state level, after many years of squeezed budgets for agencies that enforce labor laws. In the tri-counties area, wage claims are filed at the Santa Barbara office of the Division of Labor Standards Enforcement (DLSE). Between 2008-2011, of all the settlements awarded to workers in the region, only 18% of workers ever received their back wages. The average time between filing reports and a hearing on the case was 165 days. Even in the unlikely case the worker is actually able to receive back payment after filing a wage theft claim, after many months of waiting the payment may come long after their family needs the income and with a long window of opportunity for them to be fired or retaliated against by their employer.

As well as a lack of state enforcement, widespread labor violations are the result of a culture of fear in farmwork, where this highly vulnerable population is largely afraid to file claims and report labor abuses. One in ten farmworkers have filed a complaint against their employer, compared to far more who have experienced violations of labor laws. One out of six (16.3%) said they've been fired, sent home early, or given less hours for an unfair reason and 10.6% say they've been threatened by their boss. This fear has direct consequences to farmworkers' well-being. Among those in our survey who had been injured at work, 63% continued working after injury. 39% don't feel comfortable to ask for time off for illness or other reasons.



Raising Up Farmworkers: Conclusions and Recommendations

What changes do farmworkers want to see?

The final question in the CAUSE farmworker survey was an open ended question that stated “What changes could be made to improve agricultural work for farmworkers?” Here are the major themes from the 200 responses we received to this question.

1. Improve economic conditions

Almost half of the respondents felt that addressing the extreme overwork needed in order to earn enough to survive was important to improving the lives of farmworkers. Farmworkers identified better pay, sick time, vacation time, overtime pay, breaks and benefits as areas that they would prioritize.

2. Improve treatment of farmworkers

Farmworkers are already treated differently than other workers as they do not get overtime pay that other workers receive. In addition because the majority of farmworkers are not citizens and many are undocumented, they often are denied basic rights that citizens take for granted such as making a complaint when an employer exploits a worker without fear of retaliation. One in four farmworkers identified better treatment as a way to improve their work and many expressed this frustration in terms of inequality.

3. Ensure worker laws and rights are enforced

Part of the fear that farmworkers feel in reporting labor violations is that they will not be heard. But even before that, workers want to know their rights, and want investigations if their rights are being violated. Farmworkers feel a lack of presence on the ground from state agencies tasked with outreach and education and investigations of employers to protect workers from wage theft, extreme overwork and to protect the health and safety of farmworkers.

4. Healthy and safe work environments

Many farmworkers wanted improvements to the sanitary conditions and availability of bathrooms. In addition even though employers are required to have water available to employees, it was still flagged as an issue. Workers also identified chemical and pesticide exposure as a concern to their work environment that needed to be addressed.

Next steps for Ventura County

Improving the lives of farmworkers will strengthen our vital agricultural industry here in Ventura County, with the leadership of farmworkers, growers, elected officials and community organizations. The multiple labor issues in agriculture require a comprehensive approach beginning with a Ventura County Farmworker Bill of Rights.



CAUSE organizes low-income communities, immigrant families and young people in Ventura and Santa Barbara Counties to fight poverty, improve education, defend immigrants' rights, protect our environment and get out the vote.

CAUSE's Mission is to build grassroots power to realize social, economic and environmental justice for the people of the Central Coast region through policy research, leadership development, organizing, and advocacy.

CAUSE's Vision is that together we can create a global community where we all contribute to, and benefit from, a sustainable economy that is just, prosperous and environmentally healthy.

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