



FACTS ABOUT AGRICULTURAL WORKERS

BASICS

It is estimated that there are over 2.5-3 million agricultural workers in the United States. These agricultural workers travel throughout the U.S. serving as the backbone for a multi-billion dollar agricultural industry.(1) Within the population, 16% have been identified as migrating, while 84% are seasonal agricultural workers. The bulleted list below provides agricultural worker demographic information from the 2013-2014 National Agricultural Workers Survey (NAWS) results.(2)

- The majority (73%) of all agricultural workers were foreign born.
 - 68% of all agricultural workers were born in Mexico
 - 46 percent were from the traditional sending states of west central Mexico, including Guanajuato, Jalisco, and Michoacán
 - 22 percent of agricultural workers were from the non-traditional sending states of southern Mexico, including Guerrero, Oaxaca, Chiapas, Puebla, Morelos, and Veracruz
 - 4 percent of agricultural workers were born in Central American countries
 - 1 percent of agricultural workers in other countries
- Seventy two percent of crop workers were male and 28% were female.
- The following was noted for English speaking ability:
 - 27 percent said they could not speak English “at all”
 - 32 percent said they could speak “a little” English
 - 11 percent said they could speak English “somewhat”
 - 31 percent said they could speak English “well”
- Agricultural workers in the United States have an average age of 38.
 - 82 percent are over 25 years old or older
 - 8 percent are between 22 and 24
 - 9 percent are between 18 and 21
 - 1 percent are between 14 and 17
- The average level of completed education was 8th grade.
 - 3 percent had not completed any formal schooling
 - 36 percent had completed grades 1 to 6

- 21 percent had completed grades 7 to 9
- 28 percent had completed grades 10 to 12
- 11 percent had attained some form of higher education

ECONOMIC CONTRIBUTION

Agricultural workers support the \$985 billion agricultural industry in the U.S.(3) Some studies have noted an increase in the agricultural worker population over the last decade, and the presence of agricultural workers has been shown to increase the overall economic output of the regions in which they work.(4) Eliminating the presence of agricultural workers or switching to less labor-intensive crops has been shown to negatively impact productive agricultural regions and significantly reduced the number of jobs available to permanent local residents.(4) Research conducted about the agricultural economy of Michigan found that agricultural workers contributed over \$23.3 million (2001 dollars) to the state's economy annually by enabling farmers to produce higher-value crops, after the costs of wages and housing for agricultural workers were deducted.(5) Stringent immigration laws that were passed in Arizona and Georgia demonstrated the severe impact of farm labor shortages.(6) A University of Georgia study found that House Bill 87, passed in April 2011, had a devastating effect on the state's agricultural output due to increased labor shortages: over \$181 million was lost due to inadequate labor in less than a year.(7)

AGRICULTURAL GUEST WORKER PROGRAM

The U.S. has experienced farm labor shortages for the past century, which became severe during World War II. To meet the demand for farm laborers, the Bracero Program was created in 1942.(8) The Bracero Program allowed over 4 million guest workers to come in from rural, poor areas in Mexico because of agricultural worker shortage in the United States.(8) In 1964, the program was terminated and replaced by the H2 Temporary Guest Worker program, with H-2A being agricultural workers and H-2B being guest workers who do non-agricultural work.(9) During the fiscal year of 2016, the U.S. Department of State certified 165,741 H2-A visas out of 172,654 that were requested.(10,11)

WAGES AND BENEFITS

Agricultural workers represent some of the most economically disadvantaged people in the U.S. According to the 2013-2014 NAWS survey results, 30% of agricultural worker families had total family income levels below the national poverty guidelines.(2) The same NAWS survey found that 83% of agricultural workers said they were paid by the hour, 9% were paid by the piece, and 8% were salaried or had other payment methods. Using piece rate as a basis for payment is common in agricultural work when the crop being picked is easily weighed and measured.(12) One reason some employers prefer this form of payment is that workers are motivated to work faster during such a short window of seasonal crop harvesting.(12) In addition to low wages, agricultural workers rarely have access to worker's compensation, occupational rehabilitation, or disability compensation benefits. Because worker's compensation benefits are state-dependent, agricultural workers are often further challenged by the qualifications and requirements of each individual state. Farmworker Justice has compiled a chart of state-specific worker's compensation coverage limitations for agricultural workers. Within the United

States and U.S. territories, 17 states do not require workers' compensation insurance for agricultural workers, 14 states require workers' compensation for all agricultural workers and the remainder require it, but provide exceptions for small employers.(13) Although many agricultural workers fit eligibility profiles for programs such as Medicaid and the Food Stamp Program, very few are able to secure these benefits because of different state eligibility requirements. Also, there are administrative barriers to medical coverage for mobile populations and some organizations have recently focused their interest in overcoming these.(14–16) Recent research has demonstrated that portable health service programs such as Medicaid and WIC, currently administered at the state level, would benefit mobile agricultural worker families.(17) Some solutions that reports have suggested to solve the portability issue involve a multistate Medicaid card and an interstate provider network.

HOUSING

Although there are good examples of improving agricultural worker housing conditions, such as the Farmworker Housing Program in Washington, for the most part agricultural worker housing is often substandard or non-existent.(18,19) A study conducted in 2008 in North Carolina found that about 89% of the agricultural worker labor camps had more than one violation against the Migrant Housing Act of North Carolina.(19) This same study reported that up to 78% of residents felt they lived in a crowded living space. Another study conducted in 2007 in the Coachella Valley of California concluded that 2% of those surveyed reported having living situations not meant for human habitation (such as the outdoors, cars, trucks, or vans parked in streets or parking lots, or inhabited converted garages).(20) This number increased to 30% amongst respondents who were migratory agricultural workers in the same area. Over the course of the last decade, governmental agencies and nonprofit groups have become more interested in the improvement of agricultural worker housing conditions. The U.S. Department of Agriculture's Rural Housing Service, the U.S. Department of Labor, and the U.S. Department of Housing and Urban Development all provide housing services to agricultural workers and can be contacted with agricultural worker housing questions.(21) Some of these programs include the Farm Labor Housing Loans and Grants Program, the National Farmworker Jobs Housing Assistance Program and the Family Self-Sufficiency Program.

HEALTH

A study conducted in New York in 2007 found that poverty, frequent mobility, low literacy, language and cultural barriers impede agricultural workers' access to social services and cost effective primary health care.(22) The small percentage of agricultural workers who do take advantage of health services are faced with further issues: limited means of transportation, language and cultural barriers, the lack of time-efficient healthcare delivery methods and the medical referral system.(23) For over 40 years, health centers have provided primary care services to agricultural workers via the federal Health Center Program.(24) Health centers are community-based and patient-directed organizations that serve populations with limited access to health care. These include low income populations, the uninsured, those with limited English proficiency, agricultural workers, individuals and families experiencing homelessness, and those living in public housing.(25) Some of these Health Centers receive federal funds to provide health services to agricultural worker patients. In 2015, the Health and Resources

Services Administration of the U.S. Department of Health and Human Services reported that the health center program provided health services to 910, 172 agricultural workers (including family members) as reported by all Community Health Centers; of which 833, 271 were served by the 174 receiving specific funds to provide services to this population.(26) According to HRSA’s Health Center Data, the following are the most common diagnosis reported by Health Centers for this set of patients in 2015.(27) See NCFH’s [fact sheet on Farmworker Health](#) for more detailed information about health issues among agricultural workers nationally.

Diagnosis	Number of Agricultural Worker Patient with Diagnosis, 2015
Overweight/obesity	118,357
Hypertension	93,594
Diabetes mellitus	70,511
Otitis media & Eustachian tube disorders	33,163
Depression & other mood disorders	30,077

LEGISLATIVE PROTECTION

According to the U.S. Bureau of Labor Statistics, agriculture is frequently ranked as one of the most dangerous industries in the nation.(28) Commonly-reported injuries involve exposure to the elements, symptoms associated with pesticide exposure in parents and children, farm equipment injuries and heat stress. One of the biggest dichotomies with the agricultural worker population is that despite providing the hard work behind the foods that sustain us, they are a group that receives very few benefits and protections, and are frequently excluded from regulatory labor protections. The following are some basic legislative protections that apply to agricultural workers:

The Fair Labor Standards Act: First enacted in 1938, the FLSA has undergone many amendments; it establishes a minimum wage, overtime pay, record-keeping and child labor standards.(29) We know today that overtime pay is rarely honored in agriculture and that child worker ages are set very low in the agricultural industry.(30,31)

Migrant and Seasonal Agricultural Worker Protection Act: Enacted in 1983, the MSPA offers employment-related protections for agricultural workers.(32) Every non-exempt farm labor contractor, agricultural employer, and agricultural association must:

- Disclose the terms and conditions of employment to each mobile agricultural worker in writing at the time of recruitment and to each seasonal worker when employment is offered, in writing if requested;
- Post information about worker protections at the worksite;
- Pay each worker the wages owed when due and provide each with an itemized statement of earnings and deductions;
- Ensure that housing, if provided, complies with substantive federal and state safety and health standards;

- Ensure that each vehicle, if transportation is provided, meets applicable federal and state safety standards and insurance requirements and that each driver be properly licensed;
- Comply with the terms of any working arrangement made with the workers; and
- Make and keep payroll records for each employee for three years.

Occupational Safety and Health Act: Enacted in 1970, the Field Sanitation Standards specifies that agricultural employers with 11 or more employees who conduct hand labor operations in a field must provide: drinking water at a suitable drinking temperature, toilet and hand-washing facilities within a reasonable, accessible distance and the employee must be notified by the employer of the location of such facilities.(33)

Agricultural Worker Protection Standard: Enacted in 1992 and revised in 2015, this standard is enforced by the Environmental Protection Agency.(34) Primarily focused on the safe handling of pesticides, the standard now prohibits children under the age of 18 from handling pesticides, requires that workers do not enter areas recently sprayed with pesticides, and improves protection for workers from retaliation if they make complaints about violations of the standard.

Immigration and Nationality Act: The H-2A portion of the Immigration and Nationality Act offers protections for H-2A workers concerning: a pay rate, written notification of the work contract with beginning and end dates, the three-fourths guarantee (employee must guarantee employment for at least 75% of the contract period), housing will be provided at no cost to the employee, employer will also be responsible for transportation to and from work and transportation to and from their country of origin.(35)

Title VII of The Civil Rights Act of 1964: Enacted in 1964, the basis of this act initially involved the prohibition of employment discrimination based on race, sex, color, national origin and religion. Since 1964, the act has undergone many amendments, but Title VII is significant for farmworker women. One study conducted recently in California stated that sexual harassment, sexually suggestive dialogue and inappropriate touching are commonly experienced by farmworker women.(36) The same study found that 24% of the women even reported sexual coercion. Supervisors would also often suggest a form of payments (either money or goods) as a means to negotiate for potential sexual favors. Title VII protects employees of both sexes because of the Equal Employment Opportunity Commission's guidelines for sexual harassment. Quid pro quo (offering a professional benefit in exchange for sexual acts), hostile environment (sexual comments, suggestive physical contact or showing sexual material) and retaliation (punishment from the employer for reporting or formalizing a complaint on sexual harassment) are all protections that both male and female employees have regardless of the industry.(37)

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