Holistic Care: Addressing Unhealthy Social Factors by Partnering with Civil Legal Aid

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Overview

- Wages
- Housing
- Field Sanitation and Safety
- Workplace Injury

  - Why these issues matter to healthcare providers
  - Legal Standards
  - How these issues can be resolved
Wages: the Unhealthy Social Factor of Theft and the Effects on the Health of Migrant Farmworkers

Why Patients’ Wages Matter to You?
Implications of Low Wages on Health

Wage theft >> income status >> income insecurity

- Cannot pay for housing, utilities, transportation, or food
- Overworked with less time for family, exercise, and mental breaks
- Less likely to receive health insurance
- Left with little/no sick days or breaks, which can contribute to:
  - Under treatment of an injury/illness
  - Heart health risks
  - Spreading of a cold/virus
    - HiN1 study
  - Less frequent doctor visits/ health screenings
    - It is not an “urgent” medical need
- Intercare’s “Sliding Fee Program”
  - Difficult when wage theft is involved
Why Patients’ Wages Matter to you?
Implications of Low Wages on Health

Correlations between diseases: diabetes and obesity

- Factors increasing a worker’s risk for medical complications:
  - Cultural Issues
  - Poverty
  - Migration
  - Political considerations
  - Work environment
Agricultural Workers and Low Wages

Farmworker Wages

- MI minimum: $8.90/hr.
- H2A Wage: $12.75/hr.
- Average annual income for a farmworker in the US: $10,000-$12,499
- Average annual income for a farmworker family in the US: $15,000-$17,499
Agricultural Workers and Low Wages

- Since 1990 real farmworker wages have risen .8% per year, however:

  ![Chart showing real hourly wages for nonsupervisory hired farmworkers, 1990-2012](chart)

  - The average US household spent $515 on fresh produce, and only 28% was paid to farmworkers in 2014.
    - With today’s wages, farmworkers make about $45 of a US household wages, or <10%.
    - Work is often seasonal.
    - Wage Increases and the effects.
Agricultural Workers and Low Wages

The Fair Labor Standards Act (FLSA) ¹⁰

- Originated in 1938
- Most of the workers are promised a minimum hourly wage ¹¹

![Map of Minimum Wage Laws in the States - July 1, 2017](image)
Agricultural Workers and Low Wages

The Fair Labor Standards Act (FLSA)\textsuperscript{10}:

- Most are guaranteed 1.5 times the pay for 40+ hrs.
- All pay must be recorded by the employer
- In 1996, farmworkers were included under this act
  - This minimum wage requirement does not include small farms
  - Current Federal Minimum Wage is $7.25
- Some farmworkers are paid by piece, but they are still entitled to the equivalent of this minimum wage
- Overtime pay is still not required for farmworkers
Under the Law

Migrant and Seasonal Agricultural Worker Protection Act (MSPA/AWPA)\textsuperscript{10}

- Under AWPA
  - Any migrant housing must follow the regulations provided by the federal and safety standards
  - Any transportation provided by the employer must be insured and follow the federal safety standards
What is Wage Theft?

Nonpayment of correct wages to workers by the employer\textsuperscript{12}

- Not receiving payment for overtime
- Paying less than the minimum wage
- Wrongful “independent contractors” classification
- Not giving the breaks promised
- No sick leave payment

Employers wrongly classify between 10\% and 30\% of workers

Due to vulnerability resulting from\textsuperscript{13}:

- Language barriers
- Lack of education
- Citizenship status
- Fear of losing work
What is Wage Theft?

Wage theft in NY\textsuperscript{14}

- In a NY dairy farm study, 28% of workers had been paid lower wages than what they were owed
  - Some may not understand their pay stubs
  - The most common form is underpayment of hours worked
    - Workers are often not paid for additional hours
- Francisco, a 30 year-old from Mexico\textsuperscript{14}
  - “During the winter, there is no heat and everything in the barns freezes. Sometimes it takes us a long time to unfreeze the machines, and he (the owner) doesn’t pay us the hours we spend unfreezing the machines... I worked at another farm and the same thing happened to me like 5 or 6 times in 15 months. ... I don’t think I can recuperate the money, the owner is going to ask me for proof. They owed me $600, so like a week’s pay...”
What can you do?

Note the signs of income insecurity
  • Look at pay stubs
    o Notice minimum wage or piece rate issues
    o Workers may not be able to pay rent, purchase food, or have the transportation to seek medical treatment
      • This could lead to: hunger, homelessness, decreased mobility, and inability to pay for medical treatment
  • Contact FLS or other Legal Aid offices
Neighborhood and Physical Environments as Social Determinants of Health

Background on Farmworker Housing

• Can be hidden by production buildings or fields
• Housing type varies, but is overall poor\textsuperscript{15}
  • 18\% of workers live in employer provided housing\textsuperscript{16}
  • 13\% for free, 2\% paid rent/deducted from payroll, 3\% unspecified
• 60\% houses, 18\% mobile homes, 17\% apts., 4\% (hotels, motels, barrack, etc.)

Migrant camp housing can be exposed to hazards that increase the risk of illness and injury\textsuperscript{17}
Why should you care about where your patient lives?

Common issues in migrant housing

- Pesticides
  - 28% of farmworkers in the Midwest handle pesticides
  - Housing commonly close to fields
  - Smell of chemicals
    - Causes headaches, and nausea
  - Kids not able to play outside after spraying
  - Bringing pesticides into the home via clothing after work
    - Not enough laundry areas for everyone to prevent bringing chemicals into their homes

Photo: Farmworker Justice
Housing: an Unhealthy Social Factor Affecting Migrant Farmworkers

Why should you care about where your patient lives?

Common issues in migrant housing

- Pesticides
  - Farmworkers experience the most exposure to pesticides in the US
    - This results in the highest rate of injuries and illnesses
  - Vomiting, disorientation, sweating
  - Lack of protective materials/clothing
  - Lack of pesticide education/training
  - Lack of awareness and notification of spraying

- Juana’s Story
  - “Juana lost her baby when she was well into her pregnancy and even now wonders if her miscarriage was due to working so intensely with a crop loaded with pesticides. About 10 years after her miscarriage she was diagnosed with lymphoma, and shortly thereafter her youngest son was diagnosed with the same disease.”
Why should you care about where your patient lives?

Common issues in migrant housing

• Pesticides
  • Exposure is especially bad for children\(^20\)
  • Pesticide Related Illness
    » 69 confirmed cases of occupational pesticide-related illness in 2015\(^21\)
    » Frequently underreported
• Juana’s Son
  • “Our house was (and still is) right along the edges of the lettuce fields. When we started living there I still didn’t know about how dangerous pesticides could be. I would hang the clothes outside to dry in the fresh air, and my son would play in the water that collected in the irrigation ditches. We didn’t know the risks.”\(^15\)
Why should you care about where your patient lives?

Common issues in migrant housing

- **Water Supply**
  - No water access in the bathrooms
  - Contaminated water - *Escherichia coli*
  - Highly distressing
  - Constant bleaching and cleaning in bathrooms necessary

- **Air Quality**
  - Temperature of homes
    - Heat stroke and allergies
  - Excess moisture and mold
    - Respiratory health, and fungal infections

- **Crowding conditions**
  - 31% of workers live in crowded housing and 16% of Midwest workers live in rooms with more than one person
  - Lack of sleep: mattresses on floors, and stove overuse creating a stuffy environment with heavy air
  - There is not always functional air conditioning or heating

- **Humidity and Dampness**
  - Asthma attacks
Why should you care about where your patient lives?

Common issues in migrant housing

- “Another man described crowded living conditions that he previously experienced in Michigan. He described sleeping on the mattress on the floor and remaining awake at night because the heating unit they used would emit smoke and fumes. A participant also recounted a time when he lived in close proximity to barns that were used for burning, and he expressed that he would only sleep a couple hours a night due to the smoke inhalation that kept him awake.” ¹⁵
Connections between Symptoms and Housing

Housing and Mental Health Study

• Housing quality is related to the physical, psychological, and emotional health and wellbeing of its inhabitants\(^{17}\).
• “Poor housing conditions” identified by farm laborers were associated with significantly elevated levels of anxiety and depression\(^{22}\).
  • Depression found to be primarily associated with working conditions.
  • Anxiety is primarily associated with social isolation.

H-2A Workers

• Overcrowding or loneliness among hired farmworkers unaccompanied by family members.
  • Male participants who lived in an informal dwelling were two and one-half times more likely to report experiencing “nervios”\(^{22}\).
    » isolation: not having their own transportation.
  • Overcrowding and “susto”\(^{22}\).
Housing: an Unhealthy Social Factor Affecting Migrant Farmworkers

Connections between Symptoms and Housing

Children

- Camps are often located near/next to production buildings and fields, this could include sexual harassment or assault\(^\text{23}\).
- When children are working in the fields, work can take time away from their education. They may start classes later, or fall behind because of their agricultural work\(^\text{24}\).
Legal Standards

The Migrant and Seasonal Farmworker Protection Act (MSPA)\textsuperscript{25}

- Regulation by state
- Ensures safe kitchen, laundry, living and sleeping space
- Sanitation and safety
- Some guidelines are not required
- Violations are common

Housing is required to have\textsuperscript{26}:

- Adequate water supply (drinkable running water in every unit)
- Sanitary facilities (adequate and clean toilets, showers, sinks)
- Adequate electrical service and heat (September 1 to May 31)
- Garbage disposal and pest control
- Cooking, eating and refrigeration facilities
- Fire Extinguishers (within 100 feet of unit)
- Beds (sufficient number, clean mattresses)
Why should field sanitation and safety matter to you?

No access to Bathrooms
  • Sexual Harassment and Assault:
    • If women workers in the fields
      • An 560,000 women work on U.S. farms\textsuperscript{27}
    • Rare that men accused of sexual assault or harassment in the fields are prosecuted
  • UC Santa Cruz study
    • Of 150 female farmworkers 40\% percent experienced sexual harassment ranging from verbal advances to rape on the job\textsuperscript{27}
      • 24\% by a supervisor\textsuperscript{27}
      • Vulnerabilities such as: status, and working alone\textsuperscript{28}
  • U visa possibility
Why should field sanitation and safety matter to you?

Esther Abarca’s Story

- “Weeping as she told her story, Abarca said the foreman got out of the truck when she resisted his advances. He opened the side door, climbed on top of her, and began to kiss and grope her. She called for help and tried to push him away, but he got her pants halfway off. “I kept screaming, but there was nobody there,” Abarca said. Abarca said she kept screaming as the foreman groped her. But then, as if suddenly chastened by her crying, kicking and pushing, she said he stopped. He told her that if she didn’t tell anyone what had happened, he’d give her $3,000 for a new car. Abarca, a mother of three, said she refused the money. “I told him that that was the very reason why I had come here to work, that I did not need him to give me any money at all,” she said.” 27
Why should field sanitation and safety matter to you?

Exposure to Pesticides

• Some of the most common contributing factors included the following:
  • Spilling/splashing of liquid or dust, mixing incompatible products, label violations, no eye protection, application equipment failure, etc.\(^{29}\)
  • Here are confirmed occupational cases from 2016\(^{29}\)
    • “He developed a burning feeling in his lungs, itchy throat, and high blood pressure. He also felt disoriented. He went to an emergency department.”
    • “A fruit packing worker in his 20s was pouring out a disinfectant at work and inhaled fumes. He developed shortness of breath, a cough, wheezing, hoarseness, and pain with deep breathing. He was taken by an ambulance to an emergency department.”
    • “A worker at a blueberry farm was exposed to bleach and ammonia. He developed a cough and vomit. He called poison control.”
The Worker Protection Standard (WPS) was implemented by the EPA in 1984 and revised in 1992

- Requires that farmworkers receive pesticide safety training
- Goal of the training: educate farmworkers about pesticides and how to prevent or reduce pesticide exposure
- Requires workers to be trained in a language they understand
- Must be told about application of pesticides where they are working

OSHA sets standards for field sanitation and migrant housing regulations

- These standards detail what agricultural employers should provide to help protect workers from pesticide exposure
  - Cool, potable drinking water with individual cups (or drinking fountain)
  - Toilet and adjacent handwashing facility within a quarter mile of the field for every 20 workers
Field Sanitation and Safety

Legal Standards

The WPS and OSHA regulations are designed to decrease pesticide exposure

- Pesticide safety trainings and regulations minimize farmworker contact with pesticides used on crops
- Advocated behaviors such as showering immediately after work or washing contaminated clothes separately, reduce the amount of pesticides absorbed into the body

Standards/regulations are often not met

- Farmworkers don’t always receive the required pesticide training
- Unknown if all required information is covered at training sessions
- Language barriers
Field Sanitation and Safety

Legal Standards

In a study done in North Carolina by researchers from Wake Forest University, H2A workers were found to be almost twice as likely (94%) to receive pesticide training than were non-H2A workers (49.8%)

- Of farmworkers who reported having pesticide training, many understood only some or none of the information at the training

Because most workers do not directly handle pesticides, growers feel their workers are at little risk for pesticide exposure.

- MIOSHA
The Employer MUST do the following to protect workers concerning pesticides:

- Tell them the fields that have been treated and when it is safe to return
- Not allow anyone under the age of 18 into the area treated with pesticides until it is safe to return
- Post a list of pesticides that have been used
- Provide water, soap and towels in the fields
- Verify that they have received annual pesticide training in their language
- Take them to the nearest medical facility if you have been poisoned and provide information on the pesticide used
  - Must NOT punish you for making a complaint about pesticide safety
Workers’ Health in the Field

- Field Sanitation
- Drinking Water
- Hand Washing
- Toilets in the Fields
- Reasonable Use
Field Sanitation and Safety

Common injuries resulting from farm work

Musculoskeletal injuries

• Heavy lifting, cutting or being crouched down for long periods of time\textsuperscript{31}
• Working in an awkward position can cause these injuries
  • Also, heavy lifting, pulling, pushing, crouching\textsuperscript{32}
  • Conditions could be worsened by vibrations of machinery and colder
• Among Dairy Farmers
  • The most common are lower back injuries (50\%), and shoulder injuries (43\%)\textsuperscript{33}
  • Others include: Hand (41\%), elbows (23\%) and feet (21\%)\textsuperscript{33}
Common injuries resulting from farm work

Exposure to Extreme Weather Conditions

- Heat Stress
  - From 1992-2006 there were 68 deaths due to heat related causes
  - Sunlight exposure and body heat
  - Can happen internally and externally
    - Can lead to dehydration, an imbalance of electrolytes
    - More serious risks include: organ failure, neurological impairment or death
- Honesto Silva Ibarra
  - Twenty-eight-year-old father of three, Honesto Silva Ibarra, was working for Sarbanand Farms last week amid scorching temperatures and smoke from nearby wildfires when he began complaining of intense headaches. Silva’s colleagues say supervisors denied his requests for medical attention and ordered him to keep working—or be fired. Silva later collapsed while seeking help and was rushed to a hospital in Seattle, where he died Sunday.
Common injuries resulting from farm work

Exposure to Extreme Weather Conditions

• These two effects require immediate care:
  » Heat exhaustion
  » Heat Stroke
    • Classic: temperature caused (external and excessive environmental factors)
      • Sign: little sweating or none at all
    • Exertional: there is extra heat in the body
      • It is hard to cool down after the activity
• Less severe heat stress issues:
  • Heat Edema: swollen feet or hands
  • Heat Cramps: muscle spasms that can happen in the body
  • Heat Syncope: with any fast movement, one feels dizziness and cannot stand for a long period of time
How Workers Should Avoid these Injuries/Illnesses

Heat Stress

• Drinking water, toilets and handwashing water policy\textsuperscript{35}
  • Under this standard, employers of 11 or more workers must provide sufficient quantities of “suitably cool,” potable water without charge to their employees within one quarter mile of the worksite

Workers’ Compensation\textsuperscript{36}

• Eliminate the financial insecurity of workers who are seeking medical treatment
• Only 31% of agricultural workers have health insurance, and workers comp is vital for many workers to afford medical treatment
  • This is where you can help:
    • A detailed medical report that includes the nature of the injury or illness, the connection to the activity on the job, the treatment for the worker, the date for return to the job, and the specific modifications for future work
Field Sanitation and Safety

How to Work with Legal Aid

Legal problems are health problems

Things you can do:

• Wages
  o Look at paystubs

• Housing
  o Ask questions about location and experience related to illness/injury

• Field Sanitation and Safety
  o Report pesticide exposure, sexual assault, etc.

• Workplace Injury
  o Be detailed in reports that aid in wage compensation

• Reach out to us, and offices like us!
Thank You

Number for Advocates: 269-492-7190
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