

BARD COLLEGE MIGRANT LABOR PROJECT



THE HUDSON VALLEY FARMWORKER REPORT

Understanding the Needs and Aspirations of a Voiceless Population

Margaret Gray
with Emma Kreyche

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The author accepts sole responsibility for the content of this report, as well as any errors or omissions.

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Note: Throughout this report special attention is given to data on Mexican- and Jamaican-born workers. These two groups are highlighted because they represent the majority of farmworkers interviewed, comprising 63% and 21% of workers respectively. Guatemalans, the next largest group, account for 12% of respondents. Percentages of 10 or greater have been rounded to the nearest whole number. As a result, percentages sometimes equal slightly more or less than 100.

Executive Summary

Farmworkers historically have been an acutely marginalized population. This is largely due to the fact that farmworkers do not possess the same rights as other workers. In New York State, as in most other states, agricultural workers do not have the right to a day of rest or overtime pay, nor do they enjoy collective bargaining protections. These exclusions make workers extremely vulnerable to exploitation. To this day, the extent of the marginality they confront is still not widely recognized. Even less understood is the deprivation experienced by today's immigrant farmworkers.

For more than half a century, government and independent reports in New York State concluded that the state government should play a role in improving the working and living conditions of New York's farmworkers, primarily through extending the same legal protections and rights to farmworkers that other workers in the state enjoy.¹ The ongoing debate in Albany about farmworker labor laws, in part, was stimulus for the Hudson Valley Farmworker Report. That debate addresses the questions: What laws should cover farmworkers? And, should they be the same laws that apply to other workers?

This report brings a fresh perspective to these works through its detailed examination of the relatively recent arrival of a Latin American-born workforce, which now accounts for the majority of the New York agricultural labor force. In particular, this report details how the social isolation, fear of deportation, and economic desperation of these new immigrants exacerbate their extreme vulnerability to exploitation. As evidence, we found that the average total annual income reported by workers who participated in this study is \$8,078 (this represents Hudson Valley farm work *plus* other income).

Based on extensive interviews in six counties, this is the first in-depth study of New York State farmworkers in more than 30 years. The Migrant Labor Project (MLP) conducted 113 personal interviews for this study in 2002. The key questions addressed during the interview process were the following:

- Who are the Hudson Valley farmworkers?
- What are the working conditions of these farmworkers?
- Are farmworkers in the Hudson Valley aware of available services and do they use such services?
- What are these farmworkers' opinions on policy relating to their labor?

The key questions addressed in this report are the following:

- What do the demographics and opinions of Hudson Valley farmworkers reveal about their vulnerability to exploitation?
- What recommendations may be made to address and mitigate this vulnerability?

What is striking about the findings, when taken as a whole, is that workers' desperate need for subsistence income tends to be the underlying incentive for their decisions and often overrides other concerns about their personal well-being.

The vulnerable situation confronting the majority of today's Hudson Valley farm workforce is best understood as the failure of New York State to include these workers in important labor laws, such as overtime pay and collective bargaining protections. Workers in other industries have had such protections since the passage of New Deal legislation in the 1930s. Moreover, for today's New York immigrant workers three factors, detailed below, intensify their vulnerability: 1) fear of deportation and job loss due to workers' lack of citizenship or resident status (green card holders), 2) the aspiration to return and permanently reside in their home countries, and 3) rationalization of their situations through comparison to workers at home and not to other U.S. workers.

Extending to farmworkers the same labor rights that other workers enjoy would mitigate these factors.

1) **Fear:** The vast majority of farmworkers interviewed (92%) are neither legal residents nor citizens; 71% are undocumented and 21% are guestworkers. These workers fear possible deportation and job loss. (For guestworkers, job termination may result in being sent home and the cessation of visa privileges.) Consequently, they live and work in a climate of fear, which inhibits their ability to complain and redress grievances.

2) **Aspiration to return home:** Workers' behavior and decisions are guided by their plans to return to and permanently reside in their home countries after a period of several years. While this may or may not come to fruition, the *intention* to return home inhibits workers' desire to improve their situations in the U.S. and, as a result, workers are willing to make tremendous sacrifices. This sacrifice is perhaps most apparent in the fact that more than half of the workers left their wives and children behind to work in the U.S. It also extends to the daily tolerance of substandard work environments: long hours of manual labor (including in extreme heat), low pay, overcrowded and sometimes substandard housing, lack of transportation and the accompanying isolation, and the inability to communicate directly with their employers due to language barriers.

3) **Rationalizing their situations:** These farmworkers, many of whom are recent arrivals in the U.S., rationalize their economic and social reality in terms of their homes. They evaluate their situations in relation to those in their home countries and not in relation to other U.S. workers. As a result, workers accept poverty-level wages in the U.S. as a means of economic advancement at home.

In short, the data underscore the need for increased protections for New York farmworkers. The most obvious avenue for addressing workers' concerns and limiting their exploitation is for the New York State Legislature to provide them with the same rights and protections as other workers. **Overtime pay** would diminish some of workers' vulnerability by providing them with more economic security. A **voluntary day of rest** would allow workers to decide if they wanted to work more than six days a week, and provide time for leisure and other non-work activities. With **collective bargaining protections**, workers could use their labor power as a state-sanctioned tool for negotiating on behalf of their own interests. It would also allow workers to join a labor union, traditionally workers' strongest ally.

The inclusion of farmworkers in New York's labor laws is necessary for all farmworkers—citizen or not. Labor protections would offer workers more economic security and safe avenues to address their concerns. Moreover, farmworkers should be covered by the same laws as other workers and not by separate laws.

The New York State Assembly has repeatedly passed an omnibus bill to give farmworkers the same rights as most other workers under New York State labor law. If passed, it would provide farmworkers with collective bargaining protections, the right to overtime pay, a voluntary day of rest, and more. This bill has not made it to the floor of the New York Senate for a vote despite significant Republican support.

The conclusions in this report are not new. In 1951, the U.S. President's Commission on Migratory Labor found, "We depend on misfortune to build up our force of migratory workers and when the supply is low because there is not enough misfortune at home, we rely on misfortune abroad to replenish the supply (U.S. President's Commission on Migratory Labor 1951)." More recently, a 1994 U.S. Department of Labor Report maintained, "Migrant workers, so necessary for the success of the labor-intensive U.S. agriculture, subsidize that very system with their own and their families' indigence. The system functions to transfer costs to workers who are left with income so marginal that, for the most part, only newcomers and those with no other options are willing to work on our nations' farms (U.S. Department of Labor 1994, 40)."

Farmworkers pay taxes (through employer deductions and, for some, through filing tax returns), shop in local stores, staff a vital industry, and increasingly settle in New York. They are U.S. workers regardless of their legal status. They are denied the opportunities and protections that most non-agricultural U.S. workers enjoy. If information about their working lives were more widely known, farmworkers would more likely be perceived as part of the public to which they surely belong, but are too often excluded.

Data Collection

Our interviews were conducted with 113 farmworkers on 19 farms in the Hudson Valley region in the fall of 2002. The sample of workers represents farms of different sizes and farms engaged in different tasks. Of the 19 farms, 13 are fruit orchards (mostly apples), two are primarily engaged in growing vegetables, two are nurseries, one is a sod farm, and one is a combination of fruit orchard and vegetable farm. This is a small percentage of Hudson Valley farmworkers.

We undertook in-depth interviews rather than a survey because interviews provide a richer portrait of the working lives of respondents. It also enabled us to ask “how” and “why” questions, which cannot be done as easily through a survey. Relying on listings from the New York Department of Agriculture and Markets, the interview team identified farms that had crops to be harvested in the fall 2002 and tried to visit most of these farms. We visited a total of 38 farms. At least five farms each in six counties in the Hudson Valley were visited to identify workers (Dutchess, Greene, Columbia, Ulster, Putnam, and Orange). The farmworkers we contacted through these visits, in turn, helped us to identify additional workers to interview. The interview team met with workers in their homes located on the farms where they worked.

The average farm workforce as reported by workers was 19, with a range from 1 to 58. All questions were open-ended with the intent to focus on workers’ words and not only statistics.

Summary of Key Findings

Who are the Hudson Valley Farmworkers?

The data presented in this report offer a full demographic profile of the Hudson Valley agricultural workforce that we interviewed. Looking at these demographic traits, it is clear that the workers are disadvantaged in many respects. The vast majority are neither citizens nor residents. The majority do not know their rights. Furthermore, most speak little or no English, have low literacy levels in their native languages, and receive little formal education. Taking these data together and understanding them as part of a larger trend, it is obvious that workers are vulnerable not only to workplace exploitation, but also to community and government neglect.

Foreign-born workers comprise 99% of the workforce in this study. Seventy-eight percent are from Latin America: 63% from Mexico, 12% from Guatemala, 2.9% from El Salvador, and .9% from Ecuador. Additionally, 21% were born in Jamaica and .9% in the U.S. This represents the dramatic change in workers' country of origin since the 1980s, when the majority of New York farmworkers were Black (U.S.-born and Caribbean).

Being foreign-born puts workers at a severe disadvantage both in the labor market and in their communities. The disadvantage stems from their lack of knowledge of labor laws (25% reported that they know their rights), their legal status (8% are citizens or legal residents), their intention to return home (75%), their poor education (on average sixth grade), their low literacy level (few could read well even in their native language), their lack of English language skills (a self-reported average of 1.2 on a scale from 0 to 5), and their social isolation from public goods and services. Lack of knowledge of labor laws is critical because it contributes to workers' perceptions that labor rights in the U.S. are associated with citizenship or residency and not with job tenure. These factors aggravate their already marginal position as U.S. farmworkers, due to their exclusion from important labor laws and protections.

While the income from their U.S. jobs helps workers provide for families at home, they face a higher cost of living in the U.S. and significant travel expenses. Moreover, separation from family and the absence of community support networks compounds the emotional burdens that stem from living in a foreign country under conditions of poverty and rural isolation.

The data show that 71% of workers are undocumented and 21% are on temporary, agricultural guestworker visas. Undocumented and temporary workers live in fear of being fired and deported. Accordingly, they perceive the best way to protect their jobs—which provide vital income for their families—is to put aside all personal concerns about their well-being, and comply with employers' demands. These workers struggle to overcome poverty and to fulfill short-term goals. Securing next week's paycheck overrides longer-term goals such as trying to improve their own workplace conditions. This is particularly true for workers who intend to leave farm work (66%) or return home (75%).

For farmworkers who came to the region out of economic desperation, kinship and community ties are vitally important for acquiring their jobs (69%), particularly for undocumented workers (85%). Yet, close-knit kin and community ties, while providing a social network, in some ways reinforces isolation by separating workers from the wider communities in which they live (75% of workers reported working with kin or community members).

The main factor contributing to isolation, however, seems quite simply to be the lack of access to transportation. This is true generally for immigrant workers in rural settings, where public transportation is virtually non-existent and the vast majority of workers are unable to legally obtain a driver's license due to immigration status. It is certainly the case for the workers in this study, 85% of whom rely on their friends, family, employer, or a paid ride for their basic transportation needs.

Most workers we interviewed display a mentality of extreme personal sacrifice. Ninety-one percent of workers are male and most of them have families in their home countries (71% of workers reported having children; 65% of these are separated from all their children and another 7.5% are separated from at least one of their children). Ninety-five percent of workers send money home, two-thirds do so on a monthly basis or even more frequently. The average remittance is \$513 a month. This figure represents roughly one-half of an average worker's monthly take-home pay. This reflects the determination of these workers to ensure the survival of their families at home and their willingness to accept jobs rejected and deemed undesirable by most native-born U.S. workers.

Work Conditions

Workers' overriding goal is to optimize their income and, as the data on their work conditions show, they are willing to sacrifice on many levels to do so. They are working in difficult manual labor for little pay, and demonstrate a high tolerance for both poor housing and lack of employer respect.

The difficulty of the work is exacerbated by the fact that farmworkers in New York do not have a legal right to overtime pay nor a day of rest. Thirty-one percent of workers reported regularly working 60 or more hours a week, 14% work seven days a week, and 8.3% work part of the seventh day. The vast majority (79%) said they would work as many hours as they were offered. Protecting workers with the right to a voluntary day of rest, with overtime pay if they chose to work that day, would give workers more economic security.

According to the data, the average hourly compensation for workers in 2002 is \$6.92. The average annual income from Hudson Valley farm work, as reported by workers, is \$6,643. Thirty percent of workers earn more than \$10,000 a year (all from working at least nine months of the year). Thirty-six percent of workers reported income from another source (43% of these from other farm jobs). With the inclusion of additional income, the average annual income for workers is \$8,078 (Hudson Valley farm work plus other income). This very low annual income places these farmworkers well below the official poverty line for the U.S., and even further below the subsistence levels defined by most poverty research analysts. Consider also that 95% of workers send, on average, half of their income to family in their home countries.

Most workers are accustomed to farm work. Eighty percent indicated that they worked in agriculture in their home countries and almost two-fifths of workers reported having engaged in subsistence farming. This reflects that they hail from rural areas in their home countries, where poverty is pronounced and opportunities are severely limited. Yet, their opportunities in the U.S. are also acutely limited and they encounter new obstacles at every turn. Eighty percent said their employer does not speak their language. When workers and their superiors do not speak the same language, workers are at a significant disadvantage. Twenty-three percent of workers said that their employers do not treat them with respect, which is a source of frustration and resentment. Some workers reported that their bosses are demanding, impatient, and easily angered. Yet, because of their limited options, these workers continue

to work for the same employers each year because the prospect of job security outweighs the adversity faced in their workplaces. This is the scenario that interviewers heard again and again: fulfilling basic needs for their families surpassed workers' concerns for their personal well-being.

Results indicate that housing is an acute problem. Conditions of housing vary widely. Forty percent of workers complained about their housing. While the rest said they would not change anything about their housing, this does not necessarily mean that they have clean and well-kept accommodations. Rather, it reflects their willingness to tolerate poor housing conditions. In many instances interviewers saw inadequate shelter where the occupants insisted that they would "change nothing." In one case, workers did not even report that they lacked mattresses to sleep on; this only surfaced after the interviewer pursued the topic. The interviewees were afraid to ask their employer for beds, so they opted to sleep on the floor. This reluctance—to ask for mattresses—reflects the psychology of extreme compliance and sacrifice that is shaped by farmworkers' vulnerability.

Farmworker Services

Our interviews show that most participants are not fully aware of services available to them, and, therefore, do not take advantage of services to the extent possible. These include medical, educational, literacy, language, legal, and job placement services. Again, this reflects the difficulties farmworkers encounter in negotiating their host environments in even the most basic ways.

A little more than half of farmworkers interviewed for this study use available services. There are several factors that explain why more workers do not utilize the services. First, workers are unaware of available services (46% of interviewees reported never being visited by anyone, not even outreach workers). (The infrequency of visits by providers of farmworker services also reflects service providers' lack of resources.) Second, in cases where workers are aware of services, they face barriers to accessing them (according to 52% of workers). This is due, in particular, to lack of transportation (reported by 37% of workers). Third, workers did not expect services to be available to them. Finally, workers' lack of English language skills is a factor, even though service information appears in both English and Spanish.

An overwhelming majority of workers reported accessing transportation as the biggest obstacle to receiving services. Sixty-five percent of workers rely entirely on their employer or a taxi service for transportation, while only 15% own or co-own a vehicle. Since farms are located in rural areas, access to local communities, merchants, and other services require private transportation because public transportation is severely limited compared to urban areas. Farmworkers' reliance on others for this basic necessity creates a situation of dependence and limits their ability to tend to their needs.

Workers' under-utilization of services, however, does not mean they do not have expressed needs. In fact, the most requested services are English language instruction (44%) and immigration information (15%). These services correspond directly to the obstacles that workers reported as essential for their ability to improve their working environment and job opportunities. These data reinforce this point,

suggesting that farmworkers' most salient service needs are tied to their desire to market themselves for better jobs.

It is important to consider the implications of service usage. Farmworker services that correspond to health and education are available to workers either free of charge or for nominal fees. These services are advertised by coalitions of providers, including the New York State Department of Labor, through outreach workers who approach farmworkers directly with this information. One would expect that individuals who need these services would access them. However, 51% of workers reported using such services, while 52% of workers reported obstacles to accessing these services. This is a clear indication of the difficulties workers face in attending to their basic needs, such as caring for their health. When the majority of workers cannot utilize services targeted specifically at them, it is highly likely that their ability to take advantage of other social and economic services and opportunities is limited.

Current Policy Debates

The U.S. has a long history of contentious debate about farmworker policies. The most pressing issues have been about the type of legal status that foreign workers should be afforded and whether agricultural workers should be extended labor rights equal to other workers, in particular, collective bargaining protections. One complex topic of debate is whether guestworker programs are effective and justifiable. As anticipated, the farmworkers we interviewed display a conspicuous lack of knowledge on these issues, and it is therefore difficult to gauge their opinions directly. Nonetheless, through a variety of inquiry techniques, we identified some general patterns in our participants' sentiments on these issues.

The first step in workers' capacity to defend themselves against exploitation is knowledge of the laws that apply to them. Fifty-six percent of workers said they do not know the laws pertaining to them and another 19% said they know "a little" about these laws. Given that less than 10% of interviewees are U.S. citizens or residents, this number is understandable. Additionally, low literacy levels are a significant obstacle to workers' understanding of their rights, and, without other information, they are likely to assume that they have no rights. Workers' lack of basic knowledge of their legal rights prevents them from challenging employers who violate labor laws. This implies that the extension of rights to farmworkers should be accompanied by an effort to educate and inform them of their rights.

When asked about guestworker programs, 35% of workers said they know of such programs. For the undocumented workers, the prospect of obtaining a visa is especially attractive, particularly considering the dangers involved in illegally crossing the border. On the face of it, then, guestworker programs appear to be a popular option. Yet, 44% of workers who had heard of the guestworker program believe it has limitations that make it difficult for workers to improve their situations. By comparison, the overwhelming majority (90%) of workers reported that amnesty to grant them legal residency is preferable to working in the U.S. on a guestworker visa.

This study also seeks to gauge the level of Hudson Valley farmworkers' interest in joining a farmworker union. When given a choice between working as a guestworker, for a contractor, as a union member, or none of these, almost half of workers (48%) said they prefer the last option and 40% of workers said they prefer to work as a union member. Many of the individuals interviewed indicated confusion about the actual nature of these options, and, in particular, lacked an understanding of unions, which certainly made it difficult for workers to offer informed opinions. Given this, it is noteworthy that two-fifths of workers chose the union option. When asked directly if they would join a farmworker union in New York, 61% said that they would.

Recommendations

For State Legislators

- The New York State Senate should address the vulnerability and inequality of farmworkers by putting them on an equal footing with other workers and passing an omnibus bill granting farmworkers the same rights as other workers. The State Assembly has, for many years, proposed and passed such legislation, but it has not yet reached the floor of the State Senate for a vote, although it has significant Republican support.
- The New York State Legislature should increase funding for services to farmworkers and consider additional programs to serve undocumented, as well as U.S. resident and citizen farmworkers.
- The New York State Legislature should ensure that labor rights are guaranteed for all workers regardless of legal status.
- Legislative decisions should reflect research conducted and recommendations offered not only in this report, but also in similar reports made for more than half a century in New York State by experts in this field.

For Employers

- Seek out information on services available for farmworkers; distribute such information to farmworkers and post it for workers to see. Moreover, explain available services verbally. Ask a Department of Labor representative and service providers to help you secure such information.
- Locate local providers of English language instruction and facilitate classes for workers (it is often free).
- Consider workers' transportation needs in helping them secure services.

For the New York Department of Labor Rural Employment Office

- Continue to facilitate the exchange of information among local service providers through regional networks. Facilitate information sharing and offer service providers contact information for growers. Distribute information on services to growers.
- Create written material that addresses workers' very low literacy level. Information should be brief and accompanied, when possible, by graphics or pictures. A large font size should be used and sentences should be spaced liberally on the page. Keep information simple and to the point.
- Accompany written material with verbal explanations. Educational workshops would be ideal—even simple efforts could be beneficial, such as slowly reading the material out loud to workers and allowing time for questions throughout. Noting workers' questions should help with the revision of written materials.

For Employer Organizations

- Continue to publicize farmworker services information for growers.
- Continue to lobby the state legislature for the continuation of funding for farmworker service providers.

For Service Providers

- Consider the number one service request by farmworkers—English language instruction—and how your organization can facilitate this.
- Take into account workers' lack of transportation and time constraints; try to facilitate transportation.
- Continue to provide information on services to farmworker employers and employer organizations, and establish relationships with growers so that workers may be better informed.
- Create written material that addresses workers' very low literacy level. Information should be brief and accompanied, when possible, by graphics or pictures. A large font size should be used and sentences should be spaced liberally on the page. Keep information simple and to the point.
- Accompany written material with verbal explanations. Educational workshops would be ideal—even simple efforts could be beneficial, such as slowly reading the material out loud to workers and allowing time for questions throughout. Noting workers' questions should help with the revision of written materials.
- Do not aim to offer a comprehensive list of available services to workers because it may overwhelm them. Distribute a limited list to workers and circulate comprehensive information to growers and other outreach workers who might refer workers to services.
- Continue to recommend and facilitate services for farmworkers offered by other organizations.
- Consider how your organization might alter existing structures that marginalize farmworkers.

For Funders and Researchers

- Support and conduct independent research on farmworkers.
- Support leadership training for farmworkers and farmworker advocacy efforts.

For Reporters

- Profile workers for human-interest stories and ask for their opinions. Seek workers out independently and not through their employers, so workers are comfortable expressing their true opinions and are not concerned with pleasing their employers.
- Cover the work of service providers and service provider networks, including the obstacles they face.
- Highlight reports on farmworkers and other new immigrants in rural New York.

For Members of Communities that are homes to farmworkers

- Spearhead “welcome farmworkers” or “farmworker appreciation” events to celebrate local agriculture.
- Consider volunteering as an English language instructor.
- Visit labor camps; talk to growers and to farmworkers to gain a perspective on the living and working conditions of farmworkers in your area.
- Invite speakers, such as workers, growers, service providers, researchers, and government officials to address your community on farmworker issues.

Introduction

In 2002, the Bard College Migrant Labor Project (MLP) set out to study the status of farmworkers in the Hudson Valley and to shed light on the social and economic inequalities long associated with agricultural labor. This study was designed to collect demographic information, as well as uncover how much farmworkers knew about their own rights and the policies that affect their living and working conditions. This report has been written to profile an understudied population and to give its members a voice.

This is the first in-depth investigation of New York farmworkers in several decades.² In the fall of 2002, a team of six bilingual Bard College students, under the direction of Margaret Gray (the project director), conducted interviews with 113 farmworkers on 19 farms in the Hudson Valley region. All of the individuals interviewed were working on farms in the Dutchess, Greene, Columbia, Ulster, Putnam, and Orange Counties in New York State.

This report analyzes data gathered from these extensive interviews. The data provide a demographic profile of the region's farmworker population and inform the analyses of workers' living and working conditions. In addition, we evaluate farmworkers' access to and use of services, such as medical, educational, and legal services, and summarize key political and social concerns. In the interest of offering the most accurate picture and understanding of this workforce, workers' own words are presented alongside statistics.

The key questions addressed during the interviews include:

- Who are the Hudson Valley farmworkers?
- What are the working conditions of these farmworkers?
- Are farmworkers in the Hudson Valley aware of available services and do they use such services?
- What are these farmworkers' opinions on policy relevant to their labor?

Two questions help frame this report:

- What do the data reveal about Hudson Valley farmworkers' vulnerability to exploitation?
- What recommendations can be made to address and mitigate this vulnerability?

What is striking about the findings, when taken as a whole, is that that workers' desperate need for subsistence income tends to be the underlying incentive for their decisions and often it overrides other concerns about their personal well-being.

The most obvious avenue for addressing workers' concerns and limiting their exploitation is for the state to provide them with the same rights and protections as other workers. **Overtime pay** would diminish some of workers' vulnerability by providing them with more economic security. A **voluntary day of rest** would allow workers to decide if they wanted to work more than six days a week, and provide time for leisure and other non-work activities. With **collective bargaining protections**, workers could use their labor power as a state-sanctioned tool for negotiating on behalf of their own interests. It would also allow for workers to join a labor union, traditionally workers' strongest ally. But host communities also need to be educated about these workers who contribute so much to the economy of New York. Otherwise, farmworkers will continue to suffer from systematic neglect and exploitation.

The Hudson Valley Farmworker Report will inform the public's understanding about a group of workers whose labor is essential to the daily diet of New Yorkers. We expect that the findings will be used to inform policy-making, specifically regarding the provision of farmworker services and the question of increased labor protections for agricultural workers. In particular, this report should guide New York legislators accordingly.

While this study does not focus exclusively on foreign-born workers, all but a few of the workers interviewed fall into this category. The data include undocumented and documented workers, as well as many individuals who have traveled to the U.S. on temporary H-2A and H-2B (guestworker) visas.³ Likewise, the sample group includes both year-round and seasonal workers, and migrant, temporarily settled, and permanently settled workers. While some of these workers may on occasion work outside of agriculture, all individuals worked on farms at the time the interviews were conducted.

The next section offers background information to establish a context for the project, followed by the details of the data collection process. Then, the bulk of this report offers analyses of the data generated by this study.

Context of Project

Data on farmworkers, particularly migrant and undocumented workers, are sorely deficient (Edid 1994; Martin 1988; Rothenberg 2000). Moreover, as demographics of farmworkers and farm labor policies change, studies of farmworkers become dated very quickly (Griffith and Kissam 1995). Due to the chronic inadequacy of these sources, it is vital that existing data are supplemented by up-to-date demographic data and testimonies of in-person interviews with workers. Statistics only tell part of the story. Workers' own words help paint a more complete picture.

National Data

The U.S. Department of Labor's National Agricultural Workers Study (NAWS) is the most comprehensive source for general data on U.S. crop farmworkers (Carroll 2005). The executive summary from the most recent NAWS report highlights the following:

Seventy-seven percent of hired U.S. crop farmworkers are foreign-born; 38% of these remain in the U.S. less than one year; and 53% of hired crop workers are undocumented. Eighty-one percent of farmworkers' first language is Spanish. On average, these individuals work 34.5 weeks a year and earn an annual salary of between \$10,000 and \$12,499.

New York Data

The main agricultural sector in New York is dairy, which provides mostly full-time work. Temporary workers are predominantly hired to work on New York's fruit and vegetable farms, with leading crops including apples, grapes, tart cherries, pears, cabbage, sweet corn, snap beans, and onions. In New York, farmworkers are employed typically between the months of June and November. Due to the short growing season, some farmworkers work for as little as two months. Many farmworkers live in labor camps located on or near the farms where they work.

Determining how many farmworkers are in New York is not a straightforward task. The answer depends on who is being counted. Some sources include families of farmworkers in their count, since they are eligible for services such as health and education programs; some count only crop farmworkers, including year-round workers; some include all agricultural workers, including workers on horse and dairy farms; and some count only seasonal and migrant workers. Moreover, definitions of "migrant" can vary widely.⁴

The following are examples of demographic data from government and non-profit censuses of New York farmworkers:

- According to a government census, there were 30,811 migrant and seasonal farmworkers in New York in 1988 (U.S. Congress 1990).
- A 1993 report based on NAWS data placed the number of New York migrants, including accompanying family members, at 73,423 (Larson 1993).
- In 1997, the Economic Research Service identified 20,661 “farm wage and salary workers” in New York (Economic Research Service 1997).
- Rural Opportunities, Inc., in a 2000 report on farmworker housing, conducted a New York farmworker census based on data from the National Agricultural Statistics Survey, the New York Department of Labor, and the New York Department of Health. The census estimated 61,578 total farmworkers and that 41,176 of these individuals were migrant or seasonal workers (Bucholz 2000).
- The Cornell Migrant Project reported in 2001 that approximately 47,000 migrant farmworkers and family members are located in New York (Embrey 2001).
- The New York State Department of Education in 2002 identified 15,368 migrant children (aged 0 through 21) in New York (New York State Department of Education 2002).
- The Northeast Center for Agricultural and Occupational Health estimated in 2003 that New York field and orchard harvest workers (excluding dairy, poultry processing, and off-farm packing workers) numbered 17,000 (Northeast Center for Agricultural and Occupational Health 2003).
- In 2000, there were 1,903 guestworkers employed in New York (Embrey 2001). (New York’s guestworkers hail primarily from Jamaica, but increasingly from Mexico, Central America, and South America.)
- The Rural Employment Office of the New York State Department of Labor tracked 11,130 seasonal workers employed in September 2003; these workers were employed fewer than 150 days a year in agriculture, including local, intrastate, interstate, and foreign workers (including 1,870 H-2A guestworkers) (New York State Department of Labor 2002).
- The National Agricultural Statistics Service reported 46,000 total field and livestock workers employed from July 10-16, 2005 in the Northeast I region (including: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont), with approximately 35,000 individuals working more than 150 days of the year and 11,000 individuals working 149 days or less (National Agricultural Statistics Service 2005, 6).

A more comprehensive examination of available data on farmworker enumeration is needed, but it is beyond the scope of this report.

New York Farmworkers: Historical Overview⁵

Throughout the twentieth century, the composition of the farmworker population in New York has shifted dramatically. Until a few years before World War I, New York farms relied mostly on family and local seasonal labor. At that time, the need for short-term seasonal workers grew during a period of rural-to-urban flight, and resulted in a decline of available local workers. In response, growers hired first generation immigrant workers, mostly Italians, from nearby urban centers. In addition, unemployed mine workers from Pennsylvania were among the first “stream” of migrant workers to come to New York along with traditional “hoboes” who followed the rail lines. When they first began to work on New York farms, it was common for migrant workers to be housed with growers or community members. New York’s first migrant camp was probably built between 1910 and 1915 for central New York bean and pea pickers (Hurd 1953, 4).

While migration from the south existed, it was very limited. With the onset of the First World War, European immigration was stemmed, and available farm labor from nearby cities decreased. In response, growers began to recruit workers from the south (Hahamovitch 1997). Also during World War I, the federal government helped growers acquire a supplemental wartime labor force. Federal programs helped supply foreign workers to New York’s farms, mostly from the West Indies, but also from Canada. The U.S. Department of Labor organized one million male youth into the United States Boys’ Working Reserve. These boys staffed mostly northeastern farms (Hahamovitch 1997, 7). Female college students and women from the “leisure class” were volunteer laborers. Women were organized and trained by women’s groups, colleges, and the Women’s Land Army. Aggressive recruitment of local labor also helped agriculture, including work-or-fight laws, which forced work or jail for those not in the armed services or essential jobs (Hahamovitch 1997, 103-112).

After World War I, the use of southern migrants continued, as did hiring immigrant labor from nearby urban centers in New York and Pennsylvania. The Great Depression also facilitated farm labor recruitment due to urban unemployment. As the depression waned and urban workers found city jobs, out-of-state migrant workers increasingly became an important part of New York agriculture (Hurd 1953).

During World War II, the demand for supplementary labor on farms prompted the creation of federal and state programs, such as the New York State War Council and, in turn, the Farm Manpower Service in 1943. Through the latter, 375,000 domestic and foreign seasonal laborers were recruited, with assistance from state and federal government programs, to work on New York’s fruit and vegetable farms from 1943 through 1945.⁶ Much of this recruitment was based on helping the “war effort” by securing local food systems. The vast majority (89%) were local workers. The majority of non-local wartime laborers were southern Blacks. Women again engaged in farm work through the Women’s Land Army. Local youth, aged 11-17, and college students were released from school obligations to work the harvest, including those trained through the Farm Cadet Victory Corps. Specific local programs also supplied labor, such as Brooklyn College’s Farm Labor Project, which sent college students to the town of Morrisville.⁷

A great diversity of workers, including soldiers and sailors, conscientious objectors, and patients from mental health institutions provided relief during World War II.⁸ Other workers included those on rural vacations from the city. Aside from local and state workers, foreign workers, predominantly from Jamaica and the Bahamas, but also from Barbados, Canada, Mexico, and China, worked on New York farms during the Second World War.⁹ Moreover, the U.S. War Department supplied more than ten thousand German and Italian prisoners of war who worked the farms through New York prison camps.¹⁰

Post-war workers were still mostly local. Yet southern migrants, arriving as both families and single males, were a growing population on New York's farms, and accounted for almost 17,000 farmworkers in 1948, up from 7,000, including family members, in 1943 (Hurd 1953). Also included in the post-war New York seasonal agricultural labor force were urban workers who were immigrants from Slavic and Mediterranean countries (Amidon 1946, 8), including Poland and Syria (Close 1945). Pennsylvanian families still migrated to New York for work. Guestworkers included Jamaicans, Bahamians, Puerto Ricans, and Canadians.

From the post-World War II period through the 1980s, Black migrants, predominantly from the south, were the largest group of migrant farmworkers in New York. Southern migrants' continual return to New York was established through their participation in the eastern migrant stream (Griffith and Kissam 1995; Thomas-Lycklama à Nijeholt 1980). (Black workers from the south include Caribbean workers settled in the U.S.) In the 1950s, small numbers of Mexican and Chicano workers traveled to New York from other parts of the U.S. for farm work, and the vast majority were probably American citizens (U.S. President's Commission on Migratory Labor 1951). At mid-century, the Caribbean guestworker program continued providing workers, mostly for the apple harvest in New York. Child and youth labor were also important sources of farm labor, as workers traveling in families worked together. A 1959 demographic study of New York's Black migrants shows that one-third of these workers were under the age of 20 and 18% of Black migrants were under the age of 14 (Larson 1968). By 1960, New York was employing 27,600 interstate farmworkers who were almost exclusively Black migrants.¹¹

Through the 1960s, mechanization displaced many farmworkers and the number of New York's seasonal workers dropped by half (Barr 1988, 5; see also Nelkin 1970, 3). The number of southern Black workers also decreased during this decade due to urban migration and increased job opportunities in southern states, particularly in the service and construction sectors in Florida. Technology that extended the orange growing season further reduced the number of migrants traveling from Florida. Moreover, the children of southern workers received a better education than previous generations, and, as a result, few followed their parents into farm work. The 1970s was a period of declining wages and deteriorating working and living conditions for New York farmworkers (Barr 1988); this may also have contributed to the reduced numbers of Black farmworkers. The 1970s saw a steady fall in the volume of Puerto Rican farmworkers, and they number few today in New York.

A 1985 study conducted in Wayne County—the county with the greatest concentration of migrant farmworkers in the state—found that more than 95% of workers were Black and three-quarters were U.S.-born (Chi 1986). In 1988 Black workers were still the majority of the state’s migrant workers, yet in decreasing numbers, according to another report (Barr 1988, 6). A 1991 case study of New York and Pennsylvania apple workers shows that 25% of workers were born in the U.S. (presumably Blacks), 28% in Jamaica, and 28% in Mexico (North and Holt 1993). According to data from the National Farmworker Job Program in New York, 50% of farmworkers in the program were African American in 1990 and this number decreased to below 30% in 2000 (Pfeffer and Parra 2004, 4).

Anecdotal evidence also suggests that local teenagers, a previously reliable source of seasonal labor, began to opt out of farm work at the end of the 20th century, generating a need for new workers. During this period, farmers in New York increasingly relied on guestworkers, and in

...a historic shift to Latino/a farmworkers had gained momentum.

1986 they made up 41% of the migrant workforce (Barr 1988, 6). In this sense, guestworkers appear to have facilitated the transition from Black to Latino/a farmworkers. Another transitional group in the 1980s included Haitian workers traveling from Florida, many fleeing the Duvalier dictatorship. Most did not stay long in farm work.¹² Latinos/as, predominantly Mexicans, had become a more significant part of the New York farm workforce in the late 1970s, and their numbers have increased steadily ever since. New York continues to host guestworkers each year, predominantly from Jamaica but increasingly from Mexico and other Latin American countries.

After four decades of New York farms’ hiring predominantly southern Black workers for seasonal labor, a historic shift to Latino/a farmworkers had gained momentum. Today the majority of New York farmworkers are Latinos/as.¹³ This Latinization of the workforce corresponds to demographic changes all over the U.S. in the past twenty years.

The increase in the number of Latin American immigrants—both documented and undocumented—in the 1980s and 1990s followed changes in immigration policy, particularly after the 1986 Immigration Reform and Control Act (IRCA). The IRCA offered legal status to undocumented workers in the U.S. who met certain requirements; these workers’ family members also became eligible for residency based on family unification guidelines. Another wave of undocumented immigrants, in turn, migrated to the U.S. to fill jobs left vacant by the formerly undocumented, who, because of their altered legal status, found better employment opportunities.

It is unknown how many farmworkers enter the country illegally in search of employment or are recruited in their home countries, but the National Agricultural Workers Survey estimates that 53% of the agricultural crop workers in the country is working without legal papers (Carroll 2005). However, since many workers have false papers and undocumented workers generally do not wish to be counted, this is

a very difficult number to estimate. The increased militarization of the U.S.-Mexico border following 9/11 has made crossing the border more dangerous and more costly for undocumented immigrants. As a result, we may expect a decrease in the frequency of immigrants' visits home, rather than an actual decrease in the number of immigrant workers (Durand, Massey, and Zenteno 2001). A Cornell University study attests to this phenomenon—workers are settling for years at a time or permanently in New York, as opposed to migrating every year (Pfeffer and Parra 2004).

In common with many other sectors of the state's economy, labor segmentation on New York farms has generally been based on workers' race, particularly since the mid-twentieth century. Historically, Black and Caribbean workers were employed in apple picking while Puerto Rican and Latino/a workers were vegetable pickers and packers. In more recent years, as the number of Latino/a workers has increased, the racial segmentation of work has shifted, with more Latinos/as engaged in every aspect of farm work.

The majority of migrant farmworkers in New York no longer live in labor camps located on the farms where they work (Bucholz 2000), but some do and many live in rural locations. The geographic isolation of living in a labor camp, and even in a rural area, creates many obstacles for farmworkers seeking to access services, as well as for service providers addressing the needs of farmworkers. Service providers do their best to reach out to farmworkers, personally visiting labor camps to identify workers, distributing materials, and explaining their services. Such providers often find their services overburdened and insufficient to reach every worker.

Most farmworkers are not integrated into their local communities. Migrant and undocumented workers, in particular, usually lack independent transportation. It is common for a grower or chief laborer to bring workers into the local community to do their food shopping, but rarely more than once a week; this weekly transportation is required for H-2A guestworkers but not for other workers. Moreover, many undocumented workers live in daily fear of the authorities, which keeps them further isolated from local towns. Not only are workers afraid of deportation,¹⁴ but also of becoming victims of racial profiling practiced by law enforcement agencies. Interviewers heard accounts of police harassment from several of the respondents. Among the foreign-born, the lack of English language skills further distances workers from communities. As a result, communities may not be fully aware of local farmworkers and their needs.

As this report focuses on New York's Hudson Valley, it is worth noting that the Hudson Valley is distinguished from other New York farming areas by the small size of its farms, an arrangement that is a legacy of the tenant farmer system instituted under large manorial estates like Livingston Manor. The valley's farms are scattered over many rural counties and some still subsist on family labor or seasonal local labor. The Hudson Valley is one of New York's main farming areas along with western and central New York, the Finger Lakes area, and Suffolk County on Long Island. These five areas employ 85% of New York's migrant and seasonal workforce, with the Hudson Valley employing 22% (Nolan 1999).

Data Collection Procedures

The data for this project are based on in-depth interviews conducted with farmworkers in six counties in the Hudson Valley. To locate potential respondents, we attempted to construct a list of farms likely to employ and house seasonal workers in the fall of 2002 in the Hudson Valley. To construct this list we referred to the New York Department of Agriculture and Markets list of farms. In addition to this list, we were referred to farms by farmworkers and received leads to four farms from farmworker advocacy organizations. A total of 51 farms were identified. Second, we attempted to visit each farm on the list. Of the 51 farms, we visited a total of 38 farms.¹⁵ (Because farms are usually situated on rural roads they can be hard to locate.)

Several criteria were used to determine whether or not a farm would be included in the final sample. First, the farm had to employ and house seasonal workers in the fall 2002. Second, the farm had to employ farmworkers at the time of our visit. Third, farms had to have labor camps to be included in the sample. Twenty-five of the 38 farms fit these categories.

In the end, interviews were conducted with 113 farmworkers on 19 farms. This study represents workers from farms of different sizes and farms engaged in different tasks. Of the 19 farms, 13 are fruit orchards (mostly apples); two are primarily engaged in growing vegetables; two are nurseries; one was a sod farm; and one is a combination of fruit orchard and vegetable farm. The average number of farmworkers as reported by workers is 19, and ranges from 1 to 58.

The sample is a small percentage of Hudson Valley farms. Accordingly, the sample is a small percentage of Hudson Valley farmworkers.¹⁶ In-depth interviews were conducted because they provide a richer portrait of the living and working conditions of respondents, which would not be possible to obtain through survey data. Interviews also enabled us to ask “how” and “why” questions, which could not be done as easily through a survey.

To conduct interviews, interviewers approached workers during the evening, introduced themselves, explained the project, and distributed material on farmworker services and worker and civil rights. If workers were interested in being interviewed an appointment was made for the interviewers to return. The interview team met with workers in their homes, located in labor camps on the farms on which they were employed. Again, we sought to interview workers who were housed by their employers.

The interview instrument contained a total of 111 questions, divided into two sections. Section one contained 45 questions that were largely close-ended, objective questions (e.g. birth place, age, hourly

wage). The second section contained 66 questions that required workers to rely on their recollection or to give their opinion (e.g. Who has visited you here? How did you make the decision to come to New York for work? Would you want to be a U.S. citizen?). Note that 113 workers answered section one and 111 workers answered section two because two workers were interrupted and could not complete the questions in section two. Therefore, in some cases 113 is the maximum number of responses, and in others 111 is the maximum. Respondents were not required to answer every question; therefore, the number of respondents (n) varies by question.

Seven Spanish-speaking interviewers (the project director and six Bard College students), including two native Spanish speakers, were trained to conduct these interviews. Interviews were conducted face-to-face with one interviewer and, for the most part, two respondents so that individual interviewers could capture respondents' full answers in writing (in one case three workers were interviewed at once, and in eighteen cases the interviews were one-on-one). The project director personally oversaw and aided every interview. On average, the interviews lasted for one hour.

Who are the Hudson Valley Farmworkers?

The data presented in this report offer a complete demographic profile of the Hudson Valley agricultural workforce that we interviewed. The data suggest that the workers are disadvantaged in many respects. The vast majority of respondents are neither citizens nor permanent legal residents, also known as green card holders (hereafter referred to as residents). A majority of respondents do not know their rights. Most speak little or no English, have low literacy levels in their native languages, and receive little formal education. Analyzing these traits together, it is obvious that workers are likely to be susceptible not only to workplace exploitation, but also to community and government neglect.

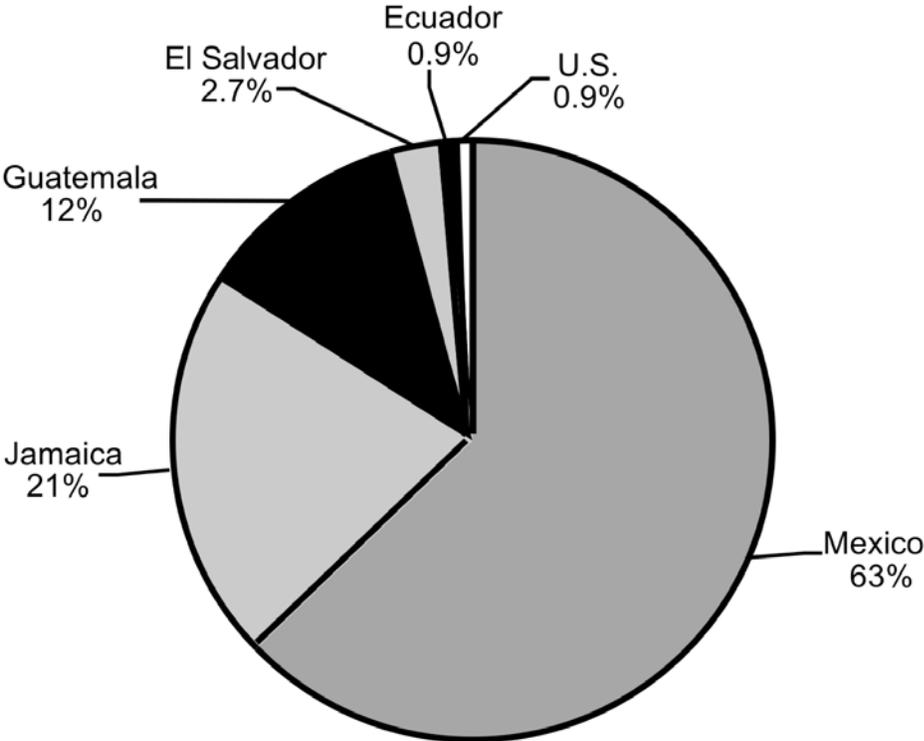


Figure 1. Place of birth (n = 113)

Country of Origin

Foreign-born workers comprise 99% of the workforce included in this study (78% of those interviewed are from Latin America). This is a dramatic change in workers' country of origin since the 1980s when a majority of New York farmworkers were Black (U.S.-born and Caribbean) (Pfeffer and Parra 2004).

Figure 1 illustrates the distribution of farmworkers by place of birth. The most common places of birth for Hudson Valley farmworkers are Mexico (63%) and Jamaica (21%). Other countries of origin included Guatemala (12%), El Salvador (2.7%), Ecuador (0.9%), and the United States (0.9%). It is noteworthy that the only U.S.-born worker self-identified as Mexican.

The data also highlight trends in immigration to the Hudson Valley from particular Mexican states, the largest sending country (see Figure 2). Twenty-eight percent of workers are from two states in Mexico (Hidalgo and Puebla). Nearly half (45%) of all workers and 72% of Mexican-born workers are from four Mexican states (Hidalgo, Puebla, Oaxaca, and Querétaro).

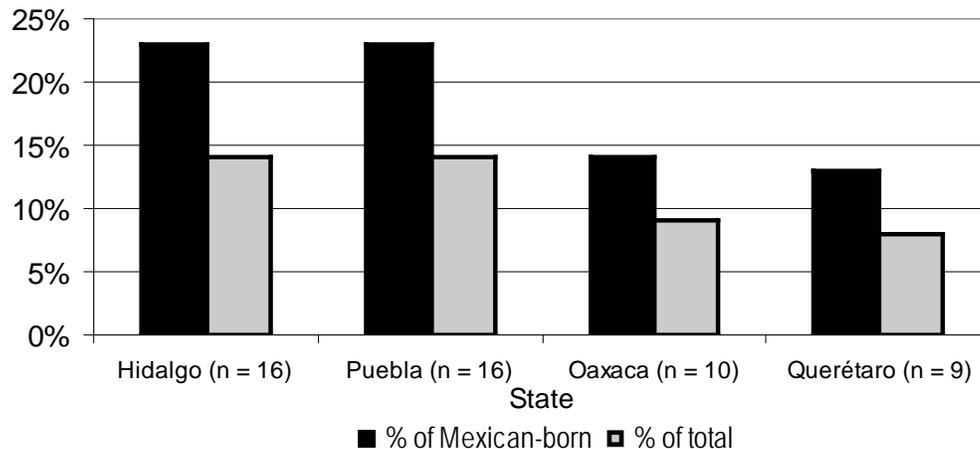


Figure 2. Mexican states represented (n = 113)

In addition to the 113 farmworkers who participated in this study, interviewers identified the place of birth for 293 of the respondents' coworkers. (We asked respondents where their coworkers were from.) We also identified the place of birth for another 42 workers on the four farms where we met workers, but did not interview them. In total, we identified the place of birth for 448 workers in the Hudson Valley.

Of the 448 workers we identified, 62% are Mexican-born and 23% are Jamaican-born; these percentages closely correspond to the place of birth for the 113 workers interviewed (63% and 21% respectively). Guatemalan-born workers represent the third highest percentage in both cases. A small number of workers were born in El Salvador, the U.S., and elsewhere; they accounted for 7.4% of workers identified.

These demographics are representative of the shift from U.S.-born Black workers to Latin American-born workers, which has taken place in the span of about two decades. Foreign workers, whether guestworkers or undocumented, have less bargaining power than other workers (North and Holt 1993). The dramatic increase in foreign-born workers—99% of workers interviewed—translates into an agricultural workforce that is increasingly vulnerable to workplace exploitation. Foreign-born workers, typically, are not knowledgeable about U.S. laws (see section “Knowledge of Laws”) and may not realize the means they have to redress grievances. Foreign-born workers also compare their situations to home, which makes it easier for them to accept low-pay and difficult working conditions.

Legal Status

Corresponding to the increase in foreign-born workers the data suggest an increase in non-citizen and non-resident workers. Again, 1991 data on New York apple workers show this shift. At that time, a majority of workers, 54%, were citizens and residents (North and Holt 1993). In contrast, according to our data citizens and residents account for 8%.

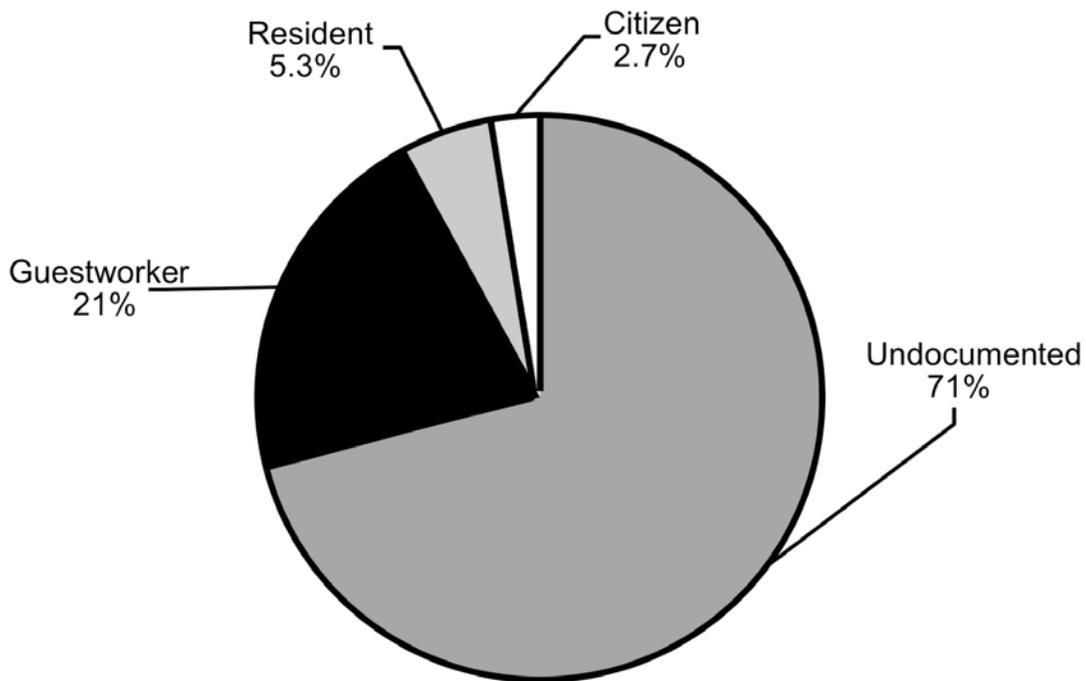


Figure 3. Legal status (n = 113)

Workers were not directly asked about their legal status, although many voluntarily disclosed this information. Questions were asked about how they crossed the border, knowledge of guestworker programs, and interest in becoming a U.S. citizen, through which legal status became evident. [Figure 3](#) illustrates the legal status of farmworkers interviewed.

Seventy-one percent of workers are undocumented, meaning they do not have legal papers to work or reside in the U.S. Approximately one-fifth (21%) are guestworkers who are in the U.S. on temporary work visas. A little more than 5% are residents. And 2.7% are citizens. Only one worker was born as a U.S. citizen; two foreign-born workers are naturalized U.S. citizens.

Table 1. Legal status by place of birth (n = 113)

The high percentage of undocumented workers and guestworkers (92% of those interviewed) is perhaps the most significant factor that exacerbates their vulnerability as workers unprotected by important labor laws (e.g. collective bargaining protections, the right to overtime pay, and the right to a day of rest). Undocumented workers do not legally work or reside in the U.S. They live in fear of authorities, being fired, and deportation. Guestworkers fear they will not be invited to continue to participate in the contracted farmworker program, which is dependent on employer recommendations and home government approval. To minimize the chances of realizing their fears, both undocumented workers and guestworkers tend not to complain about their situations and, in general, are regarded as a docile workforce.

Country	Citizen	Resident	Guestworker	Undocumented
Mexico	1.4	1.4	7	90
Jamaica	4.2	21	75	
Guatemala				100
El Salvador				100
Ecuador			100	
U.S.	100			

None of the Jamaican-born workers are undocumented.¹⁷ All initially came to the U.S. through the guestworker program. The Jamaican-born workers who are U.S. residents or citizens acquired their status primarily through marriage to U.S. citizens. One Jamaican-born worker's residency was sponsored by a parent. In comparison, 90% of Mexican-born and 100% of Guatemalan-born and Salvadoran-born workers are undocumented. The one Ecuadorian worker is a guestworker. Table 1 represents percentages by place of birth for legal status.

Migration - Arrival

Kinship ties and community links are extremely important for how farmworkers find work in the Hudson Valley, exemplified by the fact that, as mentioned above, four states in Mexico account for 45% of workers. This is distinct from a system of farm labor contracting, in which labor contractors act as the primary intermediary between immigrants and jobs. (Contractors were identified on only three of the 19 farms where interviews were conducted.)

Sixty-nine percent of all workers reported that they heard about their jobs through family and/or friends. This figure increases to 85% for undocumented workers. Furthermore, 75% of all workers and 89% of non-guestworkers (i.e. undocumented, resident, and citizen workers) worked in the Hudson Valley with family and/or community members from their home countries. One worker responded saying, "Almost my whole town is here." Acquiring jobs through kinship and community ties is also evident in that 76% of those born in Latin America came directly to New York from their home country, rather than working in another state first (this number excludes guestworkers who usually arrived directly).

For those who did not hear about jobs through kinship or community ties, 20 reported hearing about guestworker positions through their governments; seven heard about jobs through contractors; five from the Rural Employment Office of the New York State Department of Labor (which offers a placement service); two from employers in Florida; and two undocumented workers said their New York employer recruited them in their home country.

When asked how they made their decision to come to New York for work, there were several common answers: 28% responded that the decision was out of necessity, 17% responded that they had applied to be a guestworker, 14% reported they came because they knew someone working here, 13% came to earn more money, and the remaining 28% gave other responses.

Those who spoke of economic necessity told us, "It is a poor living doing farming in Jamaica. We grow food and sell it," "I used to have my own potato farm, but there is no water. Nothing happens with land that is dead," "I worked in a factory, but after a certain age they don't let you work," "At home I only earn enough to eat, the boss pays in food," "I only make enough to feed my family," and, "I make little earnings because I spend the profits on maintaining my farm."

It is clear from workers' reports of the lack of jobs in their home countries that workers do not travel out of a sense of adventure nor to join their kin, but rather out of the need to earn money. The kinship and community ties that help workers find jobs in the U.S. also provide workers with a community of their peers. However, close-knit kin and community ties, while providing a social network, in some ways reinforces isolation by separating workers from the wider communities in which they live.

Migration - Patterns

Studies tend to demarcate migration patterns according to where workers live after their work ends. For example, a 1991 study of New York and Pennsylvania apple workers found that 45% of workers returned to another country when their farm work ended, while 41% of workers were U.S.-based migrants and 14% of individuals lived year-round in New York and Pennsylvania (North and Holt 1993). That study referred to the last group as state residents, implying that they were legal residents or citizens.

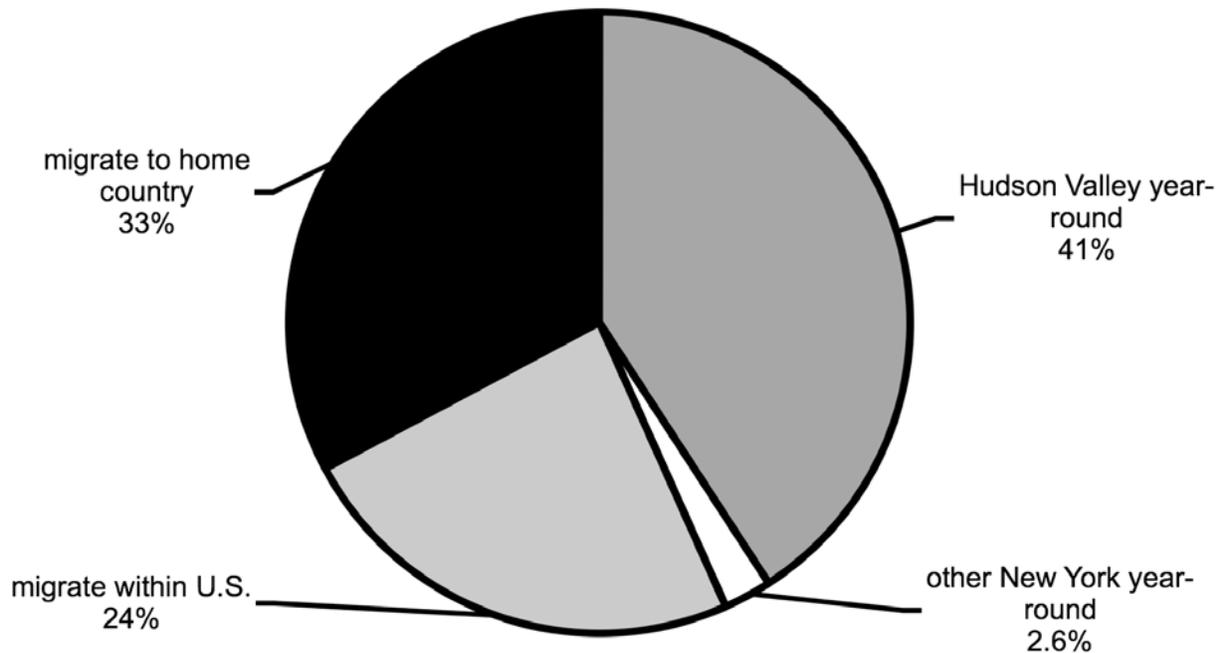


Figure 4. Migration Pattern (n = 113)

Our findings show that 41% of farmworkers live year-round in the Hudson Valley (see [Figure 4](#)). This is about three times the number of workers reported by North and Holt. However, our data suggest that the workers who live year-round in the Hudson Valley fall into two distinct categories. The first category represents workers who expected to live in the Hudson Valley permanently (22% of all workers). Most of these respondents, given their undocumented legal status, would not be referred to as state residents. The second category of workers (19% of all workers) live year-round in the Hudson Valley, yet they do not intend to remain permanently in New York. Instead, they plan to return to their home countries at some future point.

For the farmworkers who remained year-round, in general, their situations can be understood as the result of two main factors. First, distance deters their return home. New York is much further from Latin America than states that have traditionally employed Latin American migrants, such as Florida, Texas, and California. Second, increasing border security, particularly post-9/11, and the consequent rising cost of illegal border-crossings (financially, physically, and emotionally) make it difficult and expensive for undocumented workers to return home every year.

Our findings show that 41% of farmworkers live year-round in the Hudson Valley.

The proportion of farmworkers living year-round in New York is increasing, while the proportion of migrants is decreasing (Parr and Pfeffer 2006). We identified 25 workers, or 22% (none are guestworkers), who have traveled in the eastern migrant stream in the past two years. Most workers in the stream begin their work in Florida; only one reported not having worked in Florida. Other states mentioned in the stream included Georgia, North Carolina, and New Jersey. Of these eastern stream migrants, 21 are undocumented Mexican-born workers (eight arrived in the U.S. in the previous two years), three are Jamaican-born workers who are U.S. residents and who reside in Florida, and one is a U.S. citizen. (One of the undocumented Mexican-born workers decided to switch from working the stream to staying in the Hudson Valley year-round.)

Migration - Pattern by Legal Status

Migration patterns reflect the impermanence of the workforce. [Table 2](#) illustrates the distribution of migration pattern by legal status.

According to the data, one-third of workers intend to migrate to their home country within a year. As mentioned earlier, three-quarters of workers plan to return to their home countries at some point, but not necessarily in the immediate future.

With plans to leave New York and the U.S., most workers are interested in optimizing their income to support their families. For these workers, short-term goals, such as acquiring work and maximizing income, takes precedence over the longer-range goals of increasing wages and improving working conditions.

Table 2. Migration pattern by legal status (n = 113)

Status	Hudson Valley year-round	Other New York year-round	Migrate within the U.S.	Migrate to home country
Citizen	2		1	
Resident	1	1	3	1
Guestworker			1	23
Undocumented^a	35		13	11
New arrival^b (undocumented)	8	2	9	2
total	46	3	27	37

^aThe undocumented category includes workers who arrived in the U.S. at least two years prior to the interviews (52% of workers).

^bTwenty-one undocumented workers (19% of the total group of workers) were in the U.S. fewer than two years. They are identified in [table 2](#) as new arrivals. The migration patterns for new arrivals are based on their plans and not on their recent history.

Migration - Years in New York and U.S.

The number of years workers spent in New York and the U.S. is related to migration and reveals labor pool shifts based on national origin or ethnicity (ethnic succession). The Hudson Valley, like the rest of New York, has experienced the replacement of southern Black migrant and settled-out workers (those who used to be migrants but have settled in an area) by Latino/a workers. (See section "New York

Farmworkers: Historical Overview.”) Due to the number of new workers arriving (19% of those interviewed arrived in the past two years) the average number of years workers spend in farm work is declining. It is unclear whether this trend (one that implies higher turnover) will continue, or if newer workers will remain with employers in the long-term. Data on workers’ future plans suggests that Latin American-born workers do not expect to have long careers in farm work unlike their southern Black and Jamaican-born counterparts. Less than 10% of those interviewed expect to be in their current agricultural in five or ten years. (See section “Future Plans.”)

The Jamaican-born workers in this study worked in New York agriculture almost four times longer than Mexican-born workers. Most planned on retiring from farm work in their 70s, like the southern Black migrant and settled-out workers who came before them. Looking at [Table 3](#) it is readily apparent that Jamaican-born workers have been working on the farms in the Hudson Valley for much longer than Mexican-born workers. These data also show that, whereas Jamaican-born workers are likely to secure work in other states before moving to New York, the majority of Latin American-born workers come directly to New York upon arriving in the U.S.

Table 3. Average tenure

Job tenure is another interesting factor in farm work. Forty-one percent of those interviewed reported working on the same farm for their entire career in New York. (This percentage excludes the 16% who are in their first year of farm work in New York.) Again, the average tenure is significantly higher for Jamaican-born workers than for Latinos/as. This is a logical finding given that Jamaican-born workers have been migrating to the eastern seaboard since the turn of the last century, even before the British West Indies guestworker program was initiated in 1943, while Latin American workers are much more recent arrivals. (See section “Age.”)

Country	Years in U.S. Years in N.Y. Years on farm		
	All	8.3	6.9
Mexico	4.5	4.2	2.8
Jamaica	22	16	14
Guatemala	3.2	2.8	2.4
n	111	112	113

Even with the demographic shift to Latino/a workers, some growers have chosen to continue employing older, more stable Jamaican-born workers (both guestworkers and those living in the U.S.). At the same time, some growers may be “phasing out” the use of Jamaican-born guestworkers. On one farm, Jamaican-born guestworkers reported that, over the past few years, each year their employer brought back fewer Jamaican-born workers and told them that the Mexican-born workers were much less expensive. These Jamaican-born guestworkers expressed their fears that each year could be their last. Interviewers also heard of a case where a grower’s undocumented Mexican-born workers returned as guestworkers. Growers try to balance loyalty to workers, labor costs, and concerns about the legal status of their workers—growers, along with their workers, are fearful that undocumented laborers will be deported.

Gender

Hired Farm labor in the U.S. has always been predominantly male. Ninety-one percent of workers interviewed are male and interviewers are not able to identify any Jamaican-born women. According to North and Holt, “Jamaican women could be hired, but never are” (North and Holt 1993, 404). This gender discrepancy is not surprising given the traditional division of labor along gender lines in the agricultural industry. As long as farm work and farmworker housing continue to be structured to deter the hiring of females and families, this gender discrepancy will not change.

Aside from the individual hiring practices of growers, which have tended to favor male employees, agricultural guestworker programs also predominantly have recruited men. We found workers on two types of guestworker visas, H-2A and H-2B. The different visas relate to the type of work performed. The H-2A visas

guarantee a higher hourly pay rate with more benefits, such as free transportation to and from one’s home country. Until 2000 no woman had been hired in New York as an H-2A worker. In the course of our interviews, we met one female on a H-2B guestworker visa from Mexico.

Many of the women who do work in the agricultural sector commonly hold non-fieldwork jobs. Female farmworkers are most often employed in nurseries (greenhouses) or in packing sheds. None of the women interviewed for this report work in the fields. Some larger farms include their own packinghouses, and, in those cases, a female presence is common in those farms’ labor camps. However, women represent a small minority of the general workforce and, usually, of the workers on any specific farm.

Some growers consider families to be an inconvenience. Families are more expensive because they require more space and have a lower worker-to-bedroom ratio. They are more difficult because children

In short, women workers and even men with families are less desirable because, unlike solo farmworkers, they have obligations other than work.

must be transported to childcare centers or schools. Workers with families are less flexible, since their responsibilities to their children limit their potential to work long hours. In short, women workers and even men with families are less desirable because, unlike solo farmworkers, they have obligations other than work.

Household Structure

The disproportionate number of men to women in our study does not indicate that a majority of interviewees are single or childless. On the contrary, as is common, most men left their families in their home countries to undertake farm work in the U.S. More than half (61%) of the respondents stated that they are either legally married or involved in a common-law marriage. (See [Table 4.](#))

An even higher percentage (71%) reported having children, shown in [Table 5.](#) These statistics illustrate the phenomenon of men migrating alone, without partners or families, in search of work with the goal of sending money back home to their families (remittances). Thirty-one percent of those who are married live with their spouses in the Hudson Valley. None of the guestworkers have spouses with them, whereas the percentage of non-guestworkers who have their spouse with them is 40%.

Table 4. Marital status (n = 112)

Country	% married ^a	% single	% divorced	% separated	% widowed
All ^b	61	30	3.6	2.7	2.7
Mexico	60	33	2.9	2.9	1.4
Jamaica	75	4.2	8	4.2	8

^aMarried connotes legally married, common law marriage (union libre), and living together (juntos).

^bAll indicates all of the respondents.

Of the 80 workers with children, 65% are separated from all their children. For another 7.5%, their children were split between their home country and New York.

None of the Jamaican-born guestworkers have children in New York (most have adult children). Three of the Mexican-born guestworkers have children. Of these, one has children in the Hudson Valley; one has children both in the Hudson Valley and Mexico; and the third had adult children who are in the Hudson Valley and Mexico.

The four U.S. citizens and residents who lived permanently in New York all had children in New York; three of these had adult children.

Table 5. Children (n = 112)

Of the 51 undocumented workers with children, 20 (39%) have children with them; four of these workers have additional children in their home countries. Two workers' children are with separated spouses in New York. Of the 22 undocumented workers who live in the Hudson Valley year-round, 12 have children in New York (one respondent also has a child in the home country and another's child lives with the separated spouse in New York). Four of the undocumented Mexican-born workers in the eastern migrant stream have children with them (one of these also has children at home).

Country	% yes	% no
All	71	29
Mexico	68	32
Jamaica	100	

For the guestworker who leaves behind adult children to work in New York for three months during the apple harvest, this separation may seem a minor inconvenience. In fact many Jamaican-born guestworkers reported that they like to “go back and forth.” However, for the worker who leaves behind his wife and small children for ten months or several years, the separation is more significant. One worker we spoke with had not yet seen his infant son and does not expect to for two more years. Many workers expressed the loneliness they feel. For workers with children, and, in particular, young children, it is obvious that this separation is the result of desperation and poverty, as well as their commitment to providing for their families.

Remittances

Almost all the workers interviewed said that they send remittances home, usually through a wire transfer such as Western Union. Only 5.4% of workers reported never sending any money home. Three of these are Mexican-born siblings who moved to New York permanently with their parents (one of their other siblings sends a small amount home each year). The other two workers are one Jamaican-born U.S. citizen and one Jamaican-born guestworker. Of the 95% of workers who do send money home, remittances varied from \$200 a year (to parents) to almost all one worker's income (to his wife and children).

Two-thirds of workers reported sending money home at least once a month. Sixteen percent reported that their remittance depends on their pay. Another 13% of workers reported sending remittances home quarterly, semi-annually, annually, or according to need. Those who send money home on a monthly basis, or more frequently, averaged \$513 per month in remittances. This represents roughly half of an average worker's monthly take-home pay.

Remittances indicate workers' attachment to the home country and reflect their economic reality. Most farmworkers secure U.S. jobs because they are motivated to improve conditions for themselves and their families in their home countries, not with the intention of settling in the U.S. permanently. (See section "Future Plans.") Moreover, for workers who earn such low wages, remittances reflect their willingness to sacrifice. Keep in mind, these workers also incur the costs of their needs in the U.S., including food, home products, local transportation, phone cards, international travel costs, and, for some, housing.

Age

Perhaps one of the most interesting demographic discoveries relates to the age differences of workers according to their country of birth as illustrated in [Table 6](#). Workers' ages range from 17 to 70 with the average age being 34. The age range of Jamaican-born workers is 41 to 70 with an average age of 53, while Mexican-born workers' ages range from 17 to 59, with an average age of 30. (Eleven of the 71 Mexican-born workers are above the age of 40.)

Table 6. Age (n = 110)

Country	Average	Range
All	34	17-70
Jamaica	53	41-70
Mexico	30	17-59

The most viable explanation for this difference is related to the historical role of Jamaican-born guestworkers in the Hudson Valley and the rather recent demographic shift toward the use of Latino/a workers. As previously stated, all the Jamaican-born workers originally came to work in New York agriculture through the guestworker program. Many of these workers have long relationships with individual growers, for whom they have been working year after year, usually for more than a decade. (See section "Migration - Years in New York and U.S.")

Education

The data indicate a low level of formal education for all workers. The highest grade completed by any of the workers is 12th grade, while the average worker has not advanced beyond the sixth grade.

The generally low level of formal education among the group interviewed for this study, shown in [Table 7](#), suggests that most farmworkers come from a background of great economic necessity with little opportunity for educational or career advancement. It may also reflect political problems. One Salvadoran worker, who attended school until second grade, said that the school closed because of the country's civil war.

Many workers spoke about how their poor education, low literacy level, and lack of English language skills shaped their opportunities: "I don't speak English and it would be difficult to find a job," "I need English, I have no education. One needs connections to be able to get a job here or in Mexico," "I need English...I have no support. I'm just trying to survive. There are too many requirements here to be a mechanic...you need a diploma," "We don't have the opportunity, not much experience," "We are not prepared for other work," "I can't do better. I don't have an education. I can't read well," and, "I don't know English and don't know about other jobs."

Low levels of education and literacy restricted workers' opportunities to find better jobs. Low-paying jobs such as in the fast food industry or in retail stores are not

available to most of these workers. Moreover, the lack of English language skills restricts workers' ability to find and advance in jobs. It inhibits their ability to communicate effectively with their colleagues, managers, and employers and, in general, to assimilate into communities outside of their kin and community networks. Having few prospects, many workers expressed that they feel confined to accept their current employment, including poor working conditions.

Table 7. Formal education (n = 110)

Highest grade completed	% of workers
None	5.5
1 st to 2 nd	6.4
3 rd to 4 th	12
5 th to 6 th	49
7 th to 8 th	5.5
9 th to 10 th	19
11 th to 12 th	2.7

Literacy and English Language Levels

The reading and writing ability of these workers also reflects their low level of formal education. As illustrated in Table 8, more than 20% of workers indicated that they have little to no ability to read or write in their native language. However, the remaining 80% who reported they could read and 78% who reported they could write, displayed a very low literacy level in interactions with interviewers. Very few workers seem to read or write with ease.

Table 8. Literacy (n = 109)

Given the average level of education and literacy, as well as the isolation of farm work and the impermanence of the labor force, it is not surprising that 81% of the Latin American workers interviewed rank their English language skill level between 0 and 2 on a scale from 0 to 5. On that scale, the average self-assessed English language skill level is 1.2.

	% able to read	% able to write
Yes	80	78
A little	13	13
No	7.3	9.2

It is worth noting that not all the Latin American-born workers identified Spanish as their first language; one Mexican-born worker identified an indigenous language and another identified an indigenous language along with Spanish.

Future Plans

For most workers, their future plans include low-wage work and returning to their home countries. Their future plans are very humble and reflect workers' knowledge of their limited opportunities.

Interviewers asked workers about where they plan to live in the future. Three-quarters of workers answered that they plan to return to their home countries at some point. At the same time, 57% of workers stated they would like to live permanently in the U.S. When asked whether they would like to become a citizen, three-quarters of workers interviewed said yes. Yet, more than half of these same respondents specifically stated that their future plans include living in their home country or that they do not want to live in the U.S. permanently.

Reasons for these discrepancies are two-fold. First, many workers reported that they desire to be a citizen or a resident so they could have the freedom to return easily to their home countries, without having to cross the border illegally or being tied to the guestworker program. Second, many workers pointed out that, while they want to be citizens and live permanently in the U.S., it was unlikely that their families would be able to join them and they wish to live with their families. For example, one worker said, "Yes, I want to stay here, but not alone. I want my children with me. Being without my family is sad for me and for them."

Workers' commitments to their families and to their children's futures are clear. Many workers commented on this: "I want to be in Guatemala with my family, but I don't know if I will find work there," "I keep working so my children can have an education," "I dedicate myself to my children," "I want to be with my family, I will work in any job," "I don't want to worry about not having enough money to help my children," and "I work so my children will have professions."

The single U.S.-born worker gave a biting response when asked about his future plans. He said he would be president because "the poor do not help the poor."

When asked what job they would do if they could do any job they wanted, only five workers (4.5%) responded with aspirations above low-skill jobs. These responses included a singer, a woodworker, an office worker, a storeowner, and a government worker. Other workers indicated that they desire future work in agriculture (27%), restaurant work (14%), construction (10%), or as a mechanic (5.4%). Less than one-tenth of workers (7.2%) reported that they expect to be in their current agricultural job in five or ten years.

A few workers articulated their awareness of how limited their opportunities are. One young male worker responded that he wants to be a lawyer, followed by he and his coworker breaking out into loud laughter. Similarly, a young female worker responded that she desired an office job and then she and her sister laughed out loud. Interviewers observed that in both cases the laughter was simultaneous in response to the obvious joke of finding professional work. The single U.S.-born worker gave a biting response when asked about his future plans. He said he would be president because "the poor do not help the poor."

We asked workers what prevented them from doing the work they wanted. The main responses indicate a lack of opportunity (21%), poor English language skills (19%), legal status (10%), skill level (10%) and transportation (6.4%). (See section "Service Needs.") Workers elaborated: "No skills, no education. I can't read well, I can't do better," "I have no documents, no English, no transportation. It can't happen," "I have no social security number and was fired from my restaurant job, but I can work on a farm," "It is difficult for

an undocumented worker. It's hard to find work," "I already have a job and it is difficult to find another job," "I go home to Mexico and this job waits for me," "I got laid off construction work and the grower called me. I'll try again," and "You do not have opportunities with the [guestworker] system. You come here, work and go back." Based on workers' responses, it is obvious that farm work is an easy job to secure.

Moreover, there are certain structures built into farm work that help employers secure and keep workers, which, at the same time, prevent workers from seeking other jobs. For farmworkers, housing, childcare, and medical care all may be tied to their employment. These can be powerful incentives for them to remain in low-paying, undesirable jobs.

Federally-funded programs such as health clinics, education, and job training programs are designed specifically to serve farmworkers. These programs attempt to lessen some of the poverty-related problems of this population. At the same time, the programs do nothing to alter the economic factors and larger structures that keep farmworkers in poverty. In this sense, the federal government recognizes that agricultural work reinforces poverty.

New York has a childcare program for farmworkers, with the majority of its funding from the New York State Department of Agriculture and Markets. One young worker reported that she would much prefer to return to her better paying and less arduous job at McDonald's but that the free childcare offered with her farm job is an incentive to continue working on the farm. Similarly, when housing is offered along with a job, it can be extremely difficult for workers to leave. Workers on one farm told us they want to leave their jobs but fear that they would not be able to secure housing if they left agriculture due to the difficulty of obtaining references, credit, or funds for a security deposit. Several, in fact, reported experiencing these difficulties. With regard to the benefit of living in farmworker housing, workers stated: "Rent is too much elsewhere," "I don't pay rent here, I am better off here," and "In the city you get paid a lot, but save nothing."

Childcare and housing are good benefits, but when services are tied to a particular job as opposed to an income level or some other factor, workers may find themselves staying in jobs that they don't want. Moreover, this situation creates dependency between workers and their employers and paternalism between the federal and state governments and workers (Linder 1992). Certainly, these government-funded farmworker programs are vital to the lives of farmworkers. However, this is a complicated issue that raises larger questions: Why aren't farmworkers paid enough so they can afford these services on their own and why aren't other low-wage workers eligible for such services?

Many farmworker service programs, such as childcare and free medical care, are funded by the government, not the industry. Even the construction of grower-provided farmworker housing might be funded by government grants or low (or no) interest loans. In effect these programs, which are marketed as job benefits for farmworkers, serve as a direct subsidy to growers, who might otherwise be compelled to pay higher wages so that farmworkers could obtain these kinds of services independently.

Work Conditions

The interviewers found that workers' exclusive goal is to optimize their income and, as the data show, they are willing to sacrifice on many levels to do so. They work in difficult manual labor for little pay, and have a high tolerance for poor housing as well as facing a lack of respect from employers.

Table 9. Work tasks (n = 113)

Tasks

Farmworkers engage in manual labor tasks. Any grower will explain that the work is not easy. It is strenuous, dirty, and often conducted in extreme weather. Those who work on farms are prone to injury and illness. Agriculture is one of the most dangerous industries in the U.S. and, along with mining, has the most workplace fatalities (U.S. Department of Health and Human Services 2002b).¹⁸

The type of work performed by the farmworkers in this study include a broad scope of tasks: picking fruit, cutting vegetables, planting, packing, hauling boxes, sod landscaping, managing other workers, and preparing food (this last item is included because the workers engaged in this task are employed by a grower and live on a farm). However, the vast

Task	% of workers
Harvesting only	49
Packing	27
Planting & harvesting	15
Landscaping	3.5
Driving	2.7
Managing	2.7
Preparing food	0.9

majority (90%) of workers interviewed are primarily engaged in planting, harvesting, and packing. [Table 9](#) presents the percentage of workers engaged in different tasks. Sixty-four percent of farmworkers undertake harvesting, whether it is picking fruit or cutting vegetables, almost one-quarter of these respondents also work during the planting season. On two different farms, three workers reported working at farmers' markets in addition to their farm tasks.

Compared to Jamaican-born workers, Mexican-born workers are more frequently employed in packinghouses. In fact, only one Jamaican-born worker reported working in a packinghouse. Eighty percent of Jamaican-born workers reported working exclusively as fruit pickers, while only 40% of Mexican-born workers are employed exclusively as fruit pickers. This is evidence of the racial segmentation of farm work, which has some basis on the notion that certain racial groups are more suited to particular farm labor tasks.

We learned from repeated anecdotes that those with racialized views of farm work contend that Blacks (presumed to be of larger physical stature) perform better at work that involves standing, such as orchard work, and that Latin American workers (presumed to be of smaller physical stature) are more suited to “stoop” work, such as harvesting vegetables. We also heard that the presumed large hand size of U.S. Blacks and Jamaican-born workers is thought to help them to pick fruit, such as apples, more efficiently.

The Jamaican-born workers included in this study are all employed on apple orchards, consistent with the long-standing practice of bringing in Jamaican-born guestworkers for the apple harvest. In workplaces with both Jamaican-born and Latin American-born workers, growers usually segregated workers both in housing and in tasks, according to race. Where they did engage in the same task, such as apple picking, the workers are often segregated—for example they would be assigned different areas of an orchard for apple picking. This segregation served as a source of tension between workers who often imagined that the other group received favored treatment from the boss.

Job at Home

Ninety workers (80% of those interviewed) indicated that they perform farm work in their home countries. Of this group, 38 workers reported they engage in subsistence farming. Eleven workers who previously performed farm work reported having different, more recent jobs at home. Four respondents work in a tortilla factory, while six work as, respectively, an apparel factory worker, a mason, a woodworker, an autoworker, a taxi driver, a grocery store owner, and a construction worker. One reported owning a grocery store.

The Jamaican-born workers included in this study are all employed on apple orchards, consistent with the long-standing practice of bringing in Jamaican-born guestworkers for the apple harvest.

Of the 23 workers who do not engage in farm work at home, five are housewives, two work in a bakery, and two in construction. Ten workers hold jobs as, respectively, a carpenter, an artisan, a laborer, a mechanic, a taxi driver, a butcher, a factory worker, a security guard, a merchant, and a tour guide. Four workers do not have jobs in their home country. Some guestworkers told us that they are able to maintain their jobs at home even though they came to the U.S. for a few months a year. Others said that, because they leave the country every year, it is very difficult to secure work at home.

The high rate of workers who engage in farm work in their home countries suggests that this population consisted mostly of workers from rural areas, where, typically, poverty is more pronounced and opportunities are more limited. Those hailing from urban areas also gave testimony of limited opportunities. A former garment worker from Mexico told us that once workers turn 50 years old, the factory manager fires them because of their age. The jobs workers hold at home also reflects a low level of job skills.

Farmworkers do not have the right, under New York State law, to a day of rest. Yet, most workers (79%) reported usually having one day of work off during a typical week.

Hours

Inconsistency marks most farm work jobs. Workers reported fluctuations in the hours and days they work from week to week. When asked how many hours they worked, it is difficult for most workers to say and more than half reported that their hours vary. This is due to the fact that farm work is heavily dependent upon both seasonal demands and weather.

Twenty-two percent of workers regularly work more than six days a week; 14% work seven days a week, and 8.3% work part of the seventh day. An additional 7.4% of interviewees reported that they sometimes work seven days a week. The number of days respondents work ranges from 4 to 7 days.

To provide an accurate picture of a “typical” workweek, the interviewers asked workers to report the average number of hours they work per week. The average answer is 49 per week.

Farmworkers do not have the right, under New York State law, to a day of rest. Yet, most workers (79%) reported usually having one day of work off during a typical week. There may have been weeks—at peak harvest, for example—when workers have no day of rest, while they may have two or three days in a row without work during another point in the season, perhaps due to inclement weather. (Four workers could not give any estimates because they said their hours vary too much. One observed, “The contract says eight hours a day, 48 a week, but it depends, sometimes it is two days [work].”) Year-round workers reported that there are fewer work hours in the winter.

Pay

Perhaps the best way to compare pay rates is to look at an hourly rate. The minimum wage in 2002 was \$5.15 an hour. The average hourly rate for those interviewed is \$6.92. Almost half of the workers earn between \$6 and \$7 an hour. Those making less than \$6 an hour account for 11% of the sample, including 4% who earn the minimum wage. Twenty-six percent of interviewees earn between \$7 and \$8 an hour and 14% earn \$8 or more. Keep in mind, these workers do not have the right to overtime pay.

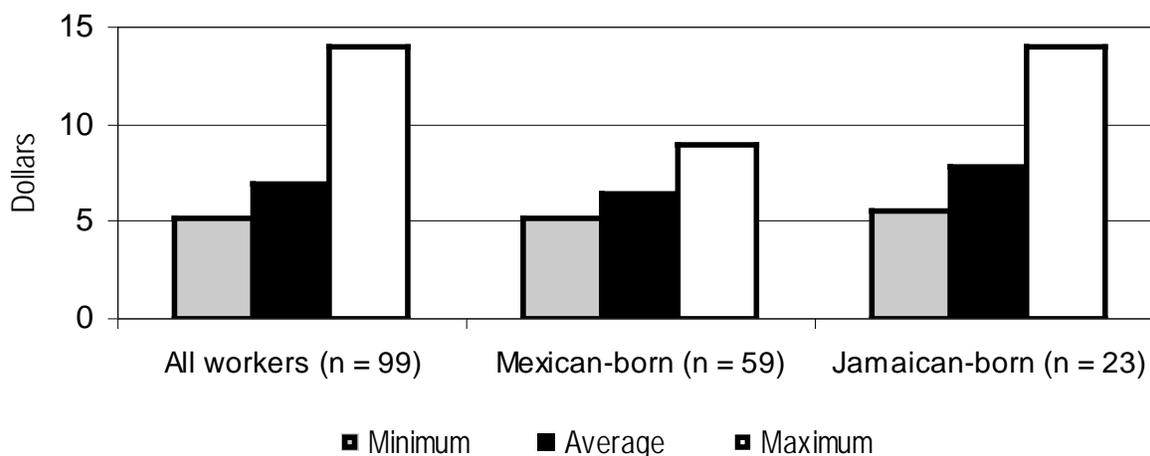


Figure 5. Hourly pay rate

As is evident in [Figure 5](#), Jamaican-born workers' average and maximum pay is higher than that of Mexican-born workers. This is because a majority of guestworkers are Jamaican-born and guestworkers have a federally established pay rate that is higher than the minimum wage. For several years this rate has been around \$8 an hour. If guestworkers are removed from these statistics, the average hourly rate decreases by \$0.26, from \$6.92 to \$6.66.

Two of the U.S. citizens included in this study earn \$6 an hour. The other U.S. citizen earns \$14 an hour; this worker is the highest paid by \$4 an hour (it should be noted this worker holds a supervisory position). Two of the U.S. residents earn \$5.50 an hour, while three others earn between \$7.25 and \$8.10; the sixth did not report an hourly rate. The average hourly rate for undocumented workers is \$6.56.

Not every worker reported that they are paid by the hour. On one farm, two undocumented workers reported earning \$50 a day and a third reported earning \$300 a week (other workers on this farm reported hourly wages ranging from \$5.75 to \$6.00, which correspond to these daily and weekly rates). On another farm, a worker reported making a piece rate wage of \$18 for 20 bushels of apples and told interviewers

that he picks 60 to 100 bushels a day, working between eight and ten hours a day. This would amount to between \$60 and \$80 a day, equaling an hourly rate ranging from \$6 to \$10. Workers may have the option to make a piece rate wage, but only if it exceeds their guaranteed hourly rate—the state minimum wage or the guestworker wage.

It is not surprising that 84% of workers said they think they should be paid more. Their responses range from \$6.50 to \$18.00 an hour, with an average response of \$8.53. For the 11 guestworkers who answered the question, the average response was \$11.22, around \$3 higher than their hourly rate. For the 55 undocumented workers who answered the question, the average response was \$8.14, \$1.58 higher than their average hourly rate. Most workers, despite their responses, do not expect to earn more. Interviewers were told, “I know it is not possible to be paid more,” and, “We’re not paid well; we can’t ask for more.”

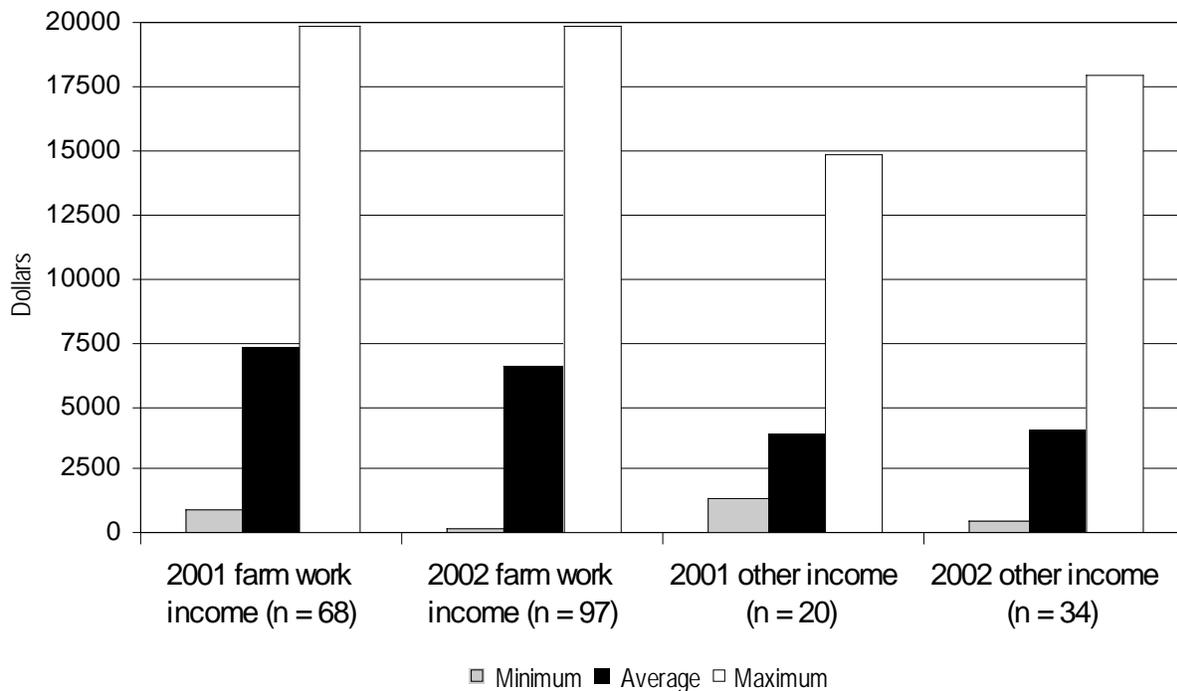
Sixteen percent of those interviewed do not think they should be paid more. This group comprised one citizen, three guestworkers, two residents, and 11 undocumented workers; seven of these individuals worked year-round, with an average hourly rate of \$7.43. These workers told us, “The boss increases pay every year,” “I’m paid well for what I do,” and, “If I had to pay rent, then yes [I should be paid more].”

Some guestworkers would not say how much more they thought they should earn, but they offered some opinions, “There is a fixed rate in the contract, you are stuck with this,” “You want more, but you can’t get it so you have to accept it,” “We are not going to get more,” “It is set by the government,” and, “Government decides, can’t get upset about what they say.”

Workers reported average annual incomes from farm work in the Hudson Valley of \$6,643 in 2002 and \$7,345 in 2001 illustrated in [Figure 7](#). These are rough estimates reported by the workers. Many workers reported that they earned more in 2001 than in 2002 because of a significant crop loss due to weather damage in 2002.

Forty-four percent of workers earn \$6,000 or more from Hudson Valley farm work in 2002. These included 29 workers (30% of total) who earn \$10,000 or more; all work at least nine months of the year. This group comprised one citizen, two residents, one guestworker, three undocumented workers who return home for a short time every year, and 22 undocumented workers who live in the Hudson Valley year-round.

Most workers...do not expect to earn more. Interviewers were told, “I know it is not possible to be paid more,” and, “We’re not paid well; we can’t ask for more.”



Note: The n is lower than most questions because 19% of workers started their employment on New York farms during the previous two years, additionally some workers had difficulty estimating the amount of their annual pay.

Figure 6. Annual income, farm work and other income

Another characteristic of the Hudson Valley farmworkers included in this study is that 36% reported income from another source for 2002. Forty-three percent of these workers earn income from other farm jobs in the U.S. (Two of these workers also reported that they work in construction.) Twenty-three percent made earnings from farm work in their home countries. Of the respondents engaged in farm work, their average additional income is \$4,290 a year ranging from \$1,000 to \$18,000.

Thirty-four workers reported income from outside the agricultural industry. These jobs included three in landscaping, two in factories (one in the U.S. and one in Mexico), two in construction, two as day laborers in New York, and two in New York restaurants. One worked as a cleaner in New York, another as a security guard in Mexico, one as a refinery worker in the U.S., and one as a tour guide in Jamaica. The average additional annual income for this group is \$4,580, ranging from \$500 to \$10,000.

Those who earned more than \$10,000 with additional income include one U.S. citizen, two guestworkers with jobs at home and one year-round farmworker. It is worth noting that, for 89% of workers interviewed, their total income (Hudson Valley farm work plus other income) is lower than the U.S. 2002 Federal Poverty Guidelines for a family of three (\$15,020).¹⁹

With regard to annual income, it is evident that workers who lived year-round in the Hudson Valley earn the most of all the workers interviewed. In contrast, those who travel in the migrant stream earn the least. Those traveling along the eastern seaboard earned the least because they are in the region for the shortest amount of time, and also because they make the lowest hourly rate—none of their wages exceed \$6.35 with an average of \$6.00 per hour (compared to the \$6.92 average for all workers). Moreover, an evaluation of the income of those workers in the eastern migrant stream shows that their 2002 annual total earnings (for Hudson Valley and other work) range from \$3,000 to \$10,500, with an average of \$5,524. Participation in the eastern migrant stream, rather than undocumented legal status, corresponds to both the lowest hourly pay and lowest annual pay.

Participation in the eastern migrant stream, rather than undocumented legal status, corresponded to both the lowest hourly pay and lowest annual pay.

Employer - Language

Interviewers asked workers if their employer speaks their language. (All Jamaican-born workers said, yes, so the following data do not include these respondents.) Consider that English is not the first language for a majority of workers interviewed and that the average self-assessed English language skill level of these workers is 1.2 on a scale from 0-5. Eighty percent of workers said their employer does not speak their language at all, 14% said their employer speaks their language “a little” or “some,” and 5.8% said, “yes,” their employer speaks their language.

Breaking this down by farm, workers reported that employers on 12 farms do not speak their language, on three farms speak their language “a little” or “some,” and on one farm speaks their language. (On the three other farms all the farmworkers spoke English.)

When workers and their superiors do not speak the same language, workers are at a disadvantage. Workers can learn about their job tasks from other workers and are able to get a sense when their superiors are pleased or displeased. However, for workers to communicate directly with their superior, particularly if they have a complaint, can be very difficult.

Employer - Respect

When asked if their employer treats them with respect, 72% of those interviewed answered in the affirmative, as shown in [Table 10](#). Some elaborated, “very amiable,” “good boss,” and “doesn’t yell or curse.” A little more than five percent gave mixed responses and said sometimes they are treated with respect. For the remaining 23% who responded that their employers do not treat them with respect, some of these workers told us, “Before yes, but not now. Not after 9/11,” “His mind changes very often and that

is not the way,” “He gets mad easily when we don’t understand him,” “He’s violent, demanding, strong, has no patience,” “They treat us like nothing, they only want their work,” “There should be a department of labor to come and inspect the workplace or come and train us about pesticides. Also they should give clean water and a more decent wage. Sometimes the boss does not care,” and, “They treat us like slaves.”

Table 10. Employer treatment

The data are also displayed according to farm, as reflected in [Table 10](#). On 68% of farms, workers are in agreement that the employer treats them with respect. On two farms (11%) workers are in agreement that the employer does not treat them with respect. On one farm, workers are in agreement that their employer sometimes treats them with respect.

On three other farms (16%), workers responses varied. On two farms, workers’ responses varied according to their place of birth. On one of

these farms, Jamaican-born workers reported being treated with respect and the Latinos/as reported not being treated with respect. The Jamaican-born workers told us, “We never work with the Mexicans. We are divided.” On the other farm with only Latino/a workers, one nationality reported being treated with respect while the other did not (they worked and were housed separately). On the third farm, a large family of Mexican-born workers reported being treated with respect, while Mexican-born male workers (housed in a different area) reported not being treated with respect.

Workers reported that the lack of respect is frustrating and demeaning. While many workers might take the opportunity to change employers if they are not respected, these farmworkers, as mentioned earlier, cannot change jobs with ease due to barriers of opportunity, poor English language skills, legal status, lack of job skills, and lack of transportation. They even return year after year to work for disrespectful employers because job security outweighs other concerns.

Employer treats workers with respect	% of workers	% of farms
Yes	72	68
Sometimes	5.4	5.3
No	23	11
Responses varied		16
n	110	19

Sick/Personal Days

According to workers, employers are generally understanding when it comes to workers needing time off. While farmworkers do not have the legal right to a day of rest, all the workers said they could get a day off if needed. Twenty-two percent said it is “easy,” “no problem,” or “just tell boss.” They also told us, “Say you are sick, the boss makes arrangements for a doctor,” and, “Say you need time to go shopping, the boss lets you.” Three workers mentioned they would not be paid for the day. One said, “I would work more hours one day so the next day I could leave early.” Three said they could get the day off but observed, “Sometimes he gets mad,” “Tell boss, maybe he gets annoyed,” and, “Depends on boss.”

Housing

In the labor camps visited by interviewers for this study, housing ranges from trailers and cement block barracks to large houses. Some are well-maintained while others are run-down. Certain housing offers ample space for dwellers, while other domiciles seem crowded. The trailer of one guestworker is meticulously clean with a homey feel. In contrast, a small two-bedroom trailer in disrepair houses eight workers and has four bare mattresses piled up in the living room.

In general, workers in very poor housing do not complain much about it.

Some housing is entirely unadorned, where the most personal item on display are a workers’ discarded boots. Other housing have a wide array of personal touches, from posters and photographs to party favors and workers’ cooking utensils from home. In another trailer a worker has an abundance of plants and a fish tank.

Interviewers asked workers what they would change about their housing if they had the opportunity. Sixty percent said that they would not change anything. Twenty-four percent responded that they would like to have fewer people or more space. Fourteen percent of workers desire repairs, while two workers said they would change everything, and one wanted potable water. While 60% of workers said they would not change anything about their housing, this is not an indication that they have clean and well-kept accommodations. Rather it reflects their willingness to tolerate poor housing conditions.

Interviews took place in workers’ homes. Therefore, interviewers have some insight into housing conditions. In general, workers in very poor housing do not complain much about it. For example, half of the workers in an overcrowded, dirty, and run-down trailer reported they want repairs and fewer people, yet the other half said they would not repair anything and that the trailer is fine. In another instance a family with three small children is housed with the husband’s father and male cousin in a run-down, two-bedroom trailer, but no one complained. The cousin said, “You get adapted,” and the older man said, “It’s difficult for me,” but when asked what they would change about their housing both said, “nothing.”

Similarly, in a three-bedroom trailer, with a broken outdoor light, two families, both with babies, live with two adult men, and no one complained. In another case eight workers share a room in a house and interviewers saw thin, bare, filthy mattresses, yet again not a worker complained. Finally, three workers who live in a two-bedroom trailer that is clean, but sparsely furnished, did not report until after the interviews that they do not have beds or mattresses and that they sleep on the floor. This reluctance—to ask for mattresses—reflects the psychology of extreme compliance that is shaped by their vulnerability. In short, workers seem to have a very high tolerance for poor housing conditions. This, again, is a sign of their willingness to sacrifice, as well as their very humble roots.

Work as much as possible?

It is commonly assumed that foreign-born and migrant workers (the vast majority of the workers in this study) want to work as many hours as possible to maximize their earnings. Seventy-nine percent of the workers interviewed said this is true. Some said, “Yes, because after November the work ends,” “I would take night jobs,” “You work when you can get it,” “It is necessary for the finances,” “If you can do better, you got to,” “If I can get work, I’d like to work more,” and “Because of my kids.”

Of the 16% who said “no,” one told us, “When I first came, yes, but now, no.” Another worker told us, “If you work more, they expect more.” Another 4.7% of workers said it depends on the situation. Farmworkers’ willingness to work long hours is largely due to the seasonal nature of the work. Instead of having income from one job dispersed over twelve months, workers rely on seasonal jobs, sometimes strung together over many months, to support them and their families for the entire year.

Farmworker Services

Available Services

Farmworkers in the U.S. are offered a range of services supported by federal, state, and local governments, as well as by non-profits, community organizations, local religious congregations, and individuals. The most extensive services are offered in the areas of health and education. Other services for farmworkers include pesticide training, day care, legal services, immigration counseling, English language classes, substance abuse programs, job training, job placement, housing, domestic violence counseling, women's support groups, high school equivalency programs, soccer leagues, recreation, arts programs, emergency services, Medicaid, and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Additionally, employer-maintained farmworker housing is inspected. Representatives from the state and county Departments of Health visit labor camps to conduct inspections for adherence to workplace housing regulations. For fewer than five workers, the task is undertaken by representatives from the New York Department of Labor.²⁰

Our interviews show that most respondents are not fully aware of the services available to them and, furthermore, do not fully take advantage of them. Again, this reflects the difficulties these workers encounter in assimilating in their host environments in even the most basic ways.

As mentioned earlier, agricultural work is one of the most dangerous occupations in the U.S. Workers are exposed to pesticides, extreme heat, animals, and farm machinery—all which can lead to illness, injury, and death.²¹ Health programs across the country cater to farmworkers' specific needs and offer low-cost services. Health services are offered through mobile units, clinics set up at local hospitals, and clinics close to farms, some of which are seasonal. However, nationwide, migrant health clinics serve only 20% of their targeted population due to their limited funding and capacity, workers' migrations, and other issues (Hawkins 2002). (See section "Service Obstacles.")

Migrant students are often left behind and have the highest dropout rate of all U.S. high school students. In New York, a migrant student has less than a 50% chance of finishing high school (Apicella 2003). Many factors conspire to create an environment of disadvantage for migrant students: changing schools through the year (sometimes more than once); balancing schoolwork and farm work; experiencing isolation from local communities; encountering language barriers; and suffering from a lack of communication from one school to the next. State-level migrant education providers act as liaisons between parents and teachers, they also offer tutoring, summer programs, and other resources. In 1996, the National Migrant Education Hotline was established to enroll youth in migrant education programs and to secure referrals for other services to improve students' school experiences.

The key to the success of farmworker services is outreach, not just to workers, but to employers as well. Service providers have multilingual outreach workers who travel to workers' homes to identify their needs and facilitate services. In addition, employer organizations, such as the Farm Bureau, inform employers of available services.

The job of an outreach worker is a difficult one. There are limited opportunities to find workers at home in the evening hours. The outreach workers usually have to make contact with workers when they return from work, but outreach workers cannot arrive too late. Upon returning from the fields and packinghouses, workers tend to give priority to washing themselves and to dinner preparation. Outreach workers must balance their work with trying to be respectful of workers' personal time. Locating labor camps, especially in the dark, can also be a challenge. Moreover, outreach workers often have many hours of traveling involved in their visits.

Agencies are working together to better serve farmworkers. In New York, there are regional networks of service providers that meet to discuss ways to improve communication among service providers and between service providers and workers. Some of these networks have compiled comprehensive listings of service providers. These are extremely useful for outreach workers, since outreach workers make referrals to other providers, particularly in response to workers' inquiries.

The key to the success of farmworker services is outreach, not just to workers, but to employers as well.

Visits by Outreach Workers

For this report, interviewees were asked if anyone had visited them in their homes. Forty-six percent of workers reported that they had not been visited by anyone, while 54% reported visits, although not all workers reported who their visitors were. The most common answers were migrant health representatives, reported by 15 workers; Department of Labor representatives, reported by 11 workers; and migrant education representatives, reported by nine workers. (The questions were not designed to ask for specific names of organizations, but most likely the health representatives were from Hudson River HealthCare's Community Health program, or one of its affiliated clinics, and migrant education representatives from one of New York's Migrant Education Outreach Program offices.) Workers also reported visits by representatives from community organizations, legal services offices, and English language instruction programs. It should be noted that for this question workers were not given a list of organizations to pick from, so their answers were not limited or prompted. Instead, interviewers asked workers to rely on their memories. Ten workers also reported visits by family and friends. The infrequency of visitors to the farms included in this study—even by providers of farmworker services—may partly account for worker isolation and reflects service providers' lack of resources.

Service Usage

Nearly half (49%) of farmworkers interviewed for this study used available services. Seventy-eight percent of Jamaican-born workers reported never having used any services. The only service that Jamaican-born workers reported using was medical assistance.

There are several factors that explain why more workers do not utilize apparently needed services. First, workers do not know about available services. Second, in cases where workers do know about services, they face barriers to accessing them, in particular, lack of transportation. Third, workers do not expect services to be available to them. (See section “Service Obstacles.”) The services workers reported using appear in [Table 11](#).

One of the services reported was Mexican grocery stores. For workers, such stores have been an important connection to the food products and music of their home cultures. These stores also offer phone cards for sale and, often, the opportunity to wire money internationally. Some grocers provide service referrals to workers. (The increase in the number of Latino/a grocery stores across the state is a strong indication of the growing population of Mexican-born and other Latin American-born workers, not just farmworkers, in New York.)

Table 11: Services Used (n = 105)

Provider	Number of workers
None	54
Health	40
Education	9
ESL tutor	5
Mexican grocery	4
Pesticide training	4
The Alamo ^a	2
Dental	2
Legal services	1
Independent Farmworker Center (CITA) ^a	1
Child Health Plus	1

Note: Respondents reported using up to three services each.

^aNonprofit organization serving farmworkers.

Service Needs

To understand workers' needs, interviewers asked them directly what assistance they needed. Twenty workers responded they do not need anything and five said that their employer helps them. More than two-thirds of workers reported needing services; shown in [Table 12](#). Workers' needs are related to securing a better job (i.e. finding better work conditions, securing transportation, finding full-time work, obtaining drivers' licenses, and seeking job training) or to securing a basic item (i.e. medical help, Medicaid/WIC, clothes, etc.). These are the needs of workers in poverty.

Upon evaluation, interviewers concluded that workers, particularly new ones, do not expect services to be offered and would probably not seek out services on their own. Upon meeting farmworkers, we distributed a list of available services. It was apparent that the service sheets we developed and provided, while a valuable resource, were not easily understood by farmworkers due to their low literacy level. Indeed, interviewers personally saw workers struggle to understand the information. Typically, they might show such items—a booklet on worker rights or a brochure on Lyme disease—to other workers who are more literate. Sometimes workers save written material and show it to their families at home; their children often read these items to them, including English language materials, since they learn English in school. Interviewers took time to read through the information with workers and answer questions. However, for workers to truly understand written resources, a much more concerted education campaign is necessary.

Table 12. Services needed (n = 77)

Service	Number of workers
ESL Instruction	47
Immigration info	16
Medical	7
Better work conditions	6
Transportation	6
Full time work	4
Driver's license	4
Medicaid/WIC	3
Clothing	2
Information	2
Job training	1

Note: Respondents reported needing up to three services.

That workers desired to improve their work opportunities is illustrated when their service needs are compared to the responses workers gave when asked what prevented them from doing the work they want to do. (See section “Future Plans.”) The most frequent responses to the latter question were lack of opportunity, poor English language skills, legal status, skill level, and transportation. It appears that workers’ needs are related to their desire to position themselves to get better jobs.

Service Obstacles

A 1999 report by Hudson River HealthCare discusses the barriers to primary health care for migrant and seasonal farmworkers (Nolan 1999). One of the major impediments to accessing health services cited by the report is lack of transportation. Other obstacles include lack of privacy to make a call to a service provider, lack of telephone access, low wages, and long hours. According to the 1999 report, undocumented workers fear applying for public health benefits and generally mistrust institutions that require paperwork of any kind. Workers may also be discouraged from seeking care by growers or crew bosses. Moreover, the report shows that, given the high level of illiteracy among farmworkers, they are not always able to follow written instructions, and providers may be unable to verbally communicate in the workers’ native languages. Finally, providers may also be ignorant of workers’ cultural practices that may affect on their health.

Our data corroborate the findings from the Hudson River HealthCare report. Fifty-two percent of workers reported facing obstacles to securing services. The primary barrier to accessing services is lack of transportation, as reported by 37% of workers. Workers were able to report more than one obstacle. Twenty-five percent of workers we interviewed reported other reasons: lack of time, lack of English language skills, lack of information, change in the assigned outreach person, fear, service providers’ requests for documentation, and because, “People don’t keep their promises.” Twenty-two percent of workers reported that they have no need for any services and 26% said there is no particular reason why they do not use services.

It is important to highlight important findings from these data. As noted previously, there are specific services available to farmworkers in areas such as health and education, either free of charge or for nominal fees. These services are advertised to workers by coalitions of providers, including the New York Department of Labor’s outreach workers who approach workers directly with this information. The fact that half of workers use services and half reported obstacles to using services may be an indication of the general difficulty workers have in attending to their needs and their wishes. The fact that only half of workers interviewed take advantage of what might be available to them—including farmworker-specific services—indicates workers’ willingness to sacrifice, their reluctance to complain, and their vulnerability.

Transportation

According to worker responses, access to transportation for local needs varies greatly as noted in [Table 13](#). Forty-two percent of workers reported transportation is provided by their employer. All the Jamaican-

born guestworkers and the Ecuadorian guestworker have transportation provided by their employer. The five Mexican-born guestworkers rely on their own vehicle or one belonging to a member of their extended family. Of the citizens, two have transportation provided by their employer and one owns a car. Of the residents, four have transportation provided by their employer, and one owns a car. In other words guestworkers, U.S. residents, and U.S. citizens all have transportation provided by their employer or through their extended family.

The same is not true for undocumented workers. In contrast to citizens and residents, 29% of undocumented workers have transportation provided by their employer, 23% rely on family and friends, 16% own or share a car, and 33% reported they do not have access to transportation, and, therefore, have to pay for a “ride,” meaning an informal or formal taxi.

Table 13. Mode of transportation by worker (n = 113)

Transportation	Number	%
Provided by grower	48	42
Pay for a ride	26	23
Rely on friends or family	22	19
Own or co-own car	17	15

Only undocumented workers reported paying for local transportation. The cost for a round-trip ride to the supermarket ranges from \$2.25 to \$40.00, depending on the distance and the number of workers.

We can also examine these data by farm, as presented in [Table 14](#). On 37% of the farms, the

Table 14. Mode of transportation by farm (n = 19)

Transportation mode	Number	%
Grower provides transportation	7	37
Grower provides transportation for guestworkers only	3	16
Grower does not provide transportation	9	47

growers provide transportation to all workers at least once a week (only one of these farms employs guestworkers exclusively for whom employers are required to provide weekly transportation). On 16% of the farms, the growers provide transportation for guestworkers (as required) and not for other workers, who, in both cases, are Latinos/as. Of the remaining 47% of farms, growers do not provide transportation. Obviously, farms are located in rural areas where access to local communities, merchants, and other needs require transportation. The reliance on others for this basic need inhibits workers' independence and promotes their isolation.

Facilitation of Services

As part of this project, interviewers gave farmworkers information packages that included service providers' names, phone numbers, hours of operation, and services offered. Interviewers also tried to facilitate farmworkers' use of services when it was requested (regardless of whether they participated in an interview), to help workers and allow the interviewers to learn about the process of obtaining services.

We were able to help workers with several issues. One worker asked for help with an immigration issue because he heard that immigration authorities had detained a family member. Based on information the farmworker provided, and with the help of a service provider, the Migrant Labor Project (MLP) discovered the whereabouts of the family member. Another worker asked for help with a medical bill and the MLP assisted in significantly reducing the bill with the help of a service provider. Interviewers provided several brochures about local programs for a third worker who wanted information on technical classes. In each of these three cases, we used our knowledge, resources, and connections to help workers with their needs. These are three instances in which workers were unable to help themselves.

Workers' general fear of authority further complicates their capacity to access services.

Requests for English language instruction—the most common request—were made by groups of farmworkers on 12 farms. Where appropriate, we gave workers information about local classes and drop-in centers. Interviewers also called service providers to set up English language classes for workers.

The interview team identified several barriers to facilitating English language instruction for farmworkers. Two service providers had waiting lists; one office told us the wait would be at least six months. Some providers had a policy of not tutoring in students' homes. One provider only offered tutoring in the summer. Another provider required workers to provide documentation, thus excluding almost all the farmworker community in need of this service. Moreover, in at least two cases, the MLP representatives had to call providers back several times even though we were told that our calls would be returned. Despite these setbacks, the MLP managed to set up English language instruction for workers on three farms.

The experiences of putting together a list of service providers and of facilitating workers' needs helped us to understand better what workers might face when they navigate the protocols for accessing services. One provider told us there is a \$60 fee for a service that is supposed to cost \$10. In another case, we were told that a client needs to present the identification card that proves his or her farmworker status (no such identification card exists). Although the majority of service providers gave us information over the telephone in both English and Spanish, we found several offices that only offered information in English. Some offices offered Spanish only at particular hours. It is easy to imagine that a worker without English language skills and without a basic knowledge of service availability and standards would be deterred from making use of these services if he or she encountered any difficulty in the process. Workers' general fear of authority further complicates their capacity to access services.

Current Policy Debates

Farmworker Policies

The U.S. has a long history of contentious debate about farmworker policies. This debate continues today at the national and state levels. The ongoing debate in Albany concerning farmworker labor laws was, in part, stimulus for this report. Among the most persistent issues are the following: What laws should farmworkers be covered under, and should they be the same laws that apply to other workers? Should foreign workers be employed in agriculture and what legal status should be accorded to them? Should farmworkers be covered by collective bargaining protections?

There are largely two standpoints in the debate on farmworker laws. One side argues that farmworkers deserve the same rights as other workers and that a system that provides them with anything less invites worker exploitation. The other side argues that agriculture is already one of the most regulated industries, with multiple agencies responsible for inspecting farms' adherence to labor, housing, and other laws. Of course, the debate is much more complicated than this.

The precedent for excluding farmworkers from labor laws can be traced to the efforts of the National Recovery Administration during the early New Deal period—efforts that were racist and which accommodated southern reliance on low-wage, oversupplied Black labor (Linder 1992). Farmworkers were not included in the 1933 National Industrial Recovery Act or the 1938 Fair Labor Standards Act.²² Such policies also excluded domestic workers (at the time, the second major employment sector for Black workers).

The National Labor Relations Act (NLRA) of 1935, which established certain collective bargaining protections (fostering workers' ability to help themselves) did not include domestic and agricultural workers, who were predominantly Black (Edid 1994; Linder 1992; Rothenberg 2000). Yet, the influence of growers on the NLRA was not restricted to just those of southern provenance, nor were farmworkers excluded only on racist grounds. Rather, excluding farmworkers from collective bargaining protections was a result primarily of growers' general opposition to farmworker organizing (Linder 1992).

These laws established precedence for subsequent federal labor legislation. The labor laws of most states also reflect those of the federal government. As such, farmworkers in New York (as in other states) do not have the right to a day of rest, the right to overtime pay, or collective bargaining protections.

Federal and state laws concerning agricultural workers cover a variety of concerns, from pesticide training to transportation safety to housing standards. Two significant federal laws are the Farm Labor Contractor Registration Act (1963)—the first federal law to address farmworkers' living and working conditions—and

the Migrant and Seasonal Agricultural Worker Protection Act (1983). In addition, some states have passed their own laws protecting farmworkers. The New York legislature was one of the first states to establish safety guidelines for worker transportation and housing. In the past decade, New York has enacted laws affording farmworkers more rights. These laws include a 1996 drinking water law, a 1998 sanitation law, and a 1999 minimum wage law. Farmworkers and advocates have devoted significant time and attention to these laws. While New York has passed other laws pertaining to farmworkers, this report focuses on these three.

The second enduring issue concerns the use of a foreign agricultural workforce. Those who argue against the use of guestworker programs usually claim that they take jobs away from U.S. citizens and residents, help to maintain a low wage floor, and exploit workers who have no political voice. Conversely growers regularly report a lack of available labor. They argue that, even when local workers may be available, these workers are often unwilling to take farm jobs. In response, farmworker advocates contend that if wages, benefits, and working conditions improved, employers could attract U.S. citizens and residents for farm jobs. Such is the rationale of labor market competition, they observe, which guestworker programs and the use of undocumented labor undermine. To this, U.S. growers counter that they are forced to contain labor costs because of international competition with agricultural producers in countries where workers' wages are significantly lower.

Given the instability of seasonal agricultural work, the trying conditions, and the low wages, employers have consistently drawn on foreign workers who are more willing to accept lower pay and poorer working conditions than U.S. citizen or resident workers.

... employers have consistently drawn on foreign workers who are more willing to accept lower pay and poorer working conditions than U.S. citizen or resident workers.

Perhaps more important than the use of foreign workers is the legal status of foreign workers and how this affects the landscape of farm work. Employers point out that undocumented workers are vulnerable to deportation, and, consequently, they might be taken away from the farms at critical times. Advocates argue that workers' undocumented status and accompanying fear not only make them vulnerable to exploitation by employers, but also reduce their bargaining power as low-wage laborers. Guestworker programs also have critics on both sides. Growers often complain that the application procedures are time-consuming and complicated, and that delays in processing threaten to deprive them of labor. Other critics argue that federal guestworker programs reduce the likelihood that farm jobs will become more competitive, and, therefore, provide little incentive for growers to make jobs more attractive to U.S. citizens and residents. Furthermore, farmworker advocates insist that guestworker programs should be re-designed to give workers the opportunity to acquire U.S. citizenship.

The final, and often most heated, issue surrounding farmworker policies is whether or not farmworkers should be covered by collective bargaining protections. Should employers be required to recognize and negotiate with farmworker unions and should workers be protected from employer discrimination stemming from workers' union involvement? The primary argument against farmworker unions is employers' concern that an entire year's work could be lost due to a strike at a critical time, such as the harvest. This was a tactic used by the Industrial Workers of the World (IWW or Wobblies) during unionizing efforts in California in the early twentieth century and the legacy of their consequences remains strong today. Moreover, growers contend that not only are their livelihoods at stake, but also consumers' access to food. This argument invokes agricultural exceptionalism: that the agricultural industry requires special consideration and treatment due to the perishable nature of its products. The opposing argument maintains that agriculture is not exceptional and that industries such as construction, landscaping, tourism, and other service industries (which also have seasonal considerations), are similarly vulnerable to major setbacks due to striking workers, setbacks that also affect the consumer.

One of the intentions of the collective bargaining protections established through the NLRA was, in fact, to deter strikes; the rationale being that if workers had another outlet for their grievances, they would not strike (Schauer and Tyler 1970). The strike is workers' most powerful bargaining tool and the threat of a strike exists, whether or not it is legally recognized—including in New York agriculture. Strikes and work stoppages, however, have been extremely uncommon in New York agriculture (Edid 1994). Moreover, undocumented workers are not likely to strike since they risk exposing their legal status and, in turn, risk detention and/or deportation. Putting aside the issue of strikes, advocates contend that farmworkers deserve representation for dealing with grievances, the same as other workers. Conversely, employers point to examples where workers have collectively negotiated work changes on their own.

Table 15. Knowledge of laws (n = 108)

Knowledge of Laws

This study investigates how much farmworkers know about their own rights and the policies that influence their living and working conditions. The interview questions focused on two major topics of political debate: 1) guestworker programs and 2) union organizing among farmworkers. The level of awareness of these issues among farmworkers is

	Number	%
Yes	27	25
A little	20	19
No	61	56

quite low, as anticipated, and, therefore, it is difficult to gauge their opinions. Nonetheless, through a variety of questions, it is possible to extrapolate workers' inclinations.

To elicit workers' views on their rights, it is necessary first to assess their knowledge of laws and policies. Interviewers began by asking workers if they knew about existing laws for farmworkers. The answers are reported in [Table 15](#). Of the undocumented workers, 15% reported that they knew the laws.

Workers do have some opportunities to learn about the laws that protect them. At the time of this research, the New York Department of Labor distributed a booklet to workers on their rights titled *Protection for Farmworkers*, Farmworker Legal Services of New York provided workers with a one-page flyer on basic rights, and the Farmworker Law Project conducted outreach with their *Harvest Calendar*, which details some farmworker rights (these are all offered in English and Spanish).

Moreover, it is a requirement that all farmworkers receive a formal document detailing the specifics of their jobs, either in the form of a work agreement or a guestworker contract. From our observations and interactions with workers, it appears that the low literacy level of workers prevents their full understanding of written material. Furthermore, undocumented workers also may have also assumed that they do not have rights since they do not have the legal right to work in the U.S., a misconception that is shared by many U.S. citizens. This, of course, is not true. Labor protections cover workers regardless of immigration status, even undocumented workers.

Given that less than 10% of workers are U.S. citizens or residents, combined with the reported low levels of both literacy and English language proficiency, it is not surprising that only one-quarter of respondents know their rights. Workers' lack of knowledge of the laws that protect them increases their vulnerability since it is unlikely that workers will challenge employers who break labor laws. The first step in workers' ability to defend themselves against exploitation is the ability to recognize a violation of their rights.

Implementation of Newer Laws

In the last decade New York has passed laws directly affecting workers' daily working conditions. Interviewers asked the workers included in this study about the implementation of three of these laws, which, as indicated previously, are the focus of this report.

The drinking water law requires growers to provide drinking water for all workers in the fields. (Previously, drinking water was not required to be provided by an employer with four or fewer employees.) When looking at the data by farm, respondents said that on 79% of the farms, growers provide drinking water for field workers, as well as packinghouse workers. Workers reported that on 16% of the farms growers do not provide drinking water. On 5% of farms, workers reported that growers provide water for Jamaican-born workers, but not for Mexican-born workers. One worker, on a farm where the employer does not provide water, commented that water would be supplied if workers wanted it, but that it is easier for workers to bring their own water.

The sanitation law requires growers to provide toilets and hand washing facilities in the fields if there are five or more workers. For fewer than five workers, the law requires growers to offer transportation to sanitation and hand washing facilities. (Earlier, the law only covered workers if they numbered 11 or more.) Again, looking at the data by farm, on 79% of farms, both field workers and packinghouse workers reported having access to sanitation and hand washing facilities. Workers reported that on 11% of farms growers do not provide sanitation for field workers and on another 11% of farms growers provide sanitation, but no hand washing facility.

In 1999 the New York minimum wage was changed to include farmworkers. All the workers interviewed reported earning the minimum wage. Four workers, all on the same farm, reported that they are not paid weekly, as required by law; instead, they are paid every other week.

Workers asked interviewers questions about these three laws; workers, in turn, asked the interviewers other legal questions. One worker wanted to know how much an employer could take out of each paycheck for repayment of a loan. Another worker who has to arrive at 7:30am for the bus to the fields, which arrives at 7:45am, wanted to know if he should be paid starting at 7:30 or at 7:45. Another group of workers wanted to know if their employer is overcharging them for rent. When workers had questions about the law, interviewers tried to find answers for them in the materials we provided. Otherwise, we contacted service providers to obtain the answers.

Guestworker Programs

Thirty-five percent of workers interviewed had heard about the guestworker program. Workers who were hearing about the programs for the first time were eager for more information. For undocumented workers the prospect of obtaining a visa is very attractive, particularly considering the dangers they confronted when crossing the border illegally. On the face of it, guestworker programs seem like an attractive option. However, 44% of respondents who had heard about the program said the program makes it difficult for workers to improve their situations.

Of the pool of workers interviewed for this study, 35% reported that they had heard of the guestworker program; this includes 24 guestworkers and six former guestworkers. Aside from these 30 guestworkers, only 8.2% of the remaining workers (all Latino/a) had heard of the guestworker program. This is a significant lack of awareness. These workers asked for details about the program and many responded that, for undocumented workers, any means for obtaining legal permission to work holds great appeal.

Interviewers asked workers who had heard about the guestworker program whether—given the choice—they would prefer the guestworker program or amnesty (a program whereby immigrants could gain U.S. resident and/or citizenship status). Not surprising, 90% said they would prefer amnesty and 10% said they would prefer the guestworker program. A few workers did not formally answer the question, but told interviewers that they enjoyed traveling annually between the U.S. and Jamaica and said they would take either amnesty or the guestworker program, as long as they could continue this migration pattern.

Workers who had heard about the guestworker program were asked if they thought the guestworker program makes it difficult for workers to improve their situation. Thirty-nine percent said “no,” 17% were “unsure,” and 44% said “yes.” However, of those who responded “no” (meaning that the guestworker program does not necessarily make it difficult for them to improve their situation), 86% of these workers reported that they prefer amnesty to the guestworker program.

Of the workers who indicated that the guestworker program does make it more difficult for workers to improve their situation, several elaborated. A former guestworker who is now a U.S. citizen said, “Look at the facts. We have it better. If the guestworker breaks the contract they lose the job. I can tell the boss, ‘Do it yourself.’ Boss and I can get pissed at each other and later we break it down and we compromise. If the boss gets on my nerves, we joke. Guestworkers can't do this.” Another guestworker said, “We never can find another job.” One told us, “We don't get to go out. We are tied to one farm.” Interviewers also heard, “I can't find another job, have to stay on the rules.” Another worker said, “When they come here they make more money [per hour] but they are here for only a couple of weeks.”

Several guestworkers commented during interviews that the guestworker program should include more benefits. For example one person told us, “We are tired. We have been here for so long. There are no benefits. People are afraid of the boss and the [Jamaican] government.” Another said, “What does the program do for us? Do we have a farmworker pension?” And one worker recommended adding the following question to the interview: “Do you think you should get benefits after you stop working here?” A few workers also expressed that while they earn more in the U.S. than they could in Jamaica, being on the “contract” made it difficult to find stable employment at home.

“Boss and I can get pissed at each other and later we break it down and we compromise. If the boss gets on my nerves, we joke. Guestworkers can't do this.”

Experience with Unions

In part, this study gauges the level of interest of Hudson Valley farmworkers in joining a farmworker union or engaging in an organizing campaign. Since farmworkers are not covered by collective bargaining protections under New York's labor law, such efforts would be difficult and especially risky for undocumented workers. However, the intention was to measure farmworkers' interest in union membership, rather than the feasibility of success of a union campaign.

Interviewers asked workers about their exposure to unions. The responses are shown in [Table 16](#). Eighty-six percent of those interviewed have no direct experience with membership in a union. In fact, many workers said that they did not know what a union was.

Table 16. Exposure to unions (n = 107)

Several workers who had direct experiences with unions gave interviewers their impressions. One worker who was a union leader in Mexico said that his experience was “amazing.” A Jamaican-born worker conveyed that in Jamaica without a union, “You can get fired and all your services would go down the drain.” Another Jamaican-born worker explained that the union helped him receive higher pay in his job. Three workers said the union was “good.” Another worker told interviewers, “You have to be in a union to have bargaining power.”

	Number	%
Former union member	15	14
Knew union member	7	6.9
Neither	85	79

A few workers who had indirect experience with unions also made comments that the union was good. Of the workers who had some experience with unions and gave comments, all were positive or neutral.

Experience with Contractors

The questions about unions were juxtaposed with questions that detailed workers’ experiences with the labor contracting system. Unlike other parts of the state and the country, a majority of farm laborers in the Hudson Valley are not employed through a farm labor contracting system, a trend that the data from these interviews support. Workers on three of the 19 farms in this study said they worked for contractors, but that those contractors only supplied part of each farm’s workforce. Thirty-one percent of workers worked for a contractor at some point, and 12% are working for a contractor at the time of the interview, as illustrated in [Table 17](#).

Comments about the farm labor contracting systems varied. Some workers seemed indifferent; four said it is the same as working without a contract. Eight others said that it was a good or average experience to work for a contractor.

Eleven workers commented that contractors are bad. Two workers said that their contractor stole their money. One worker said, “In Florida money went missing,” in reference to experiences with a contractor. Three complained that their contractor receives a cut of the workers’ pay and one reported that a contractor makes them work faster.

Table 17. Exposure to contractors (n = 89)

Employed by contractor	Number of workers	% of workers
Now	11	12
In the past	17	19
Never	61	69

Note: This question was not applicable to guestworkers.

Preference for Work Arrangement

Interviewers asked workers what work arrangement they would prefer if they could choose between working as a guestworker, as an employee through a contractor, as a union member, or none of these. These categories are not mutually exclusive, but were presented as such during the interviews. (Note that interviewers informed a majority of workers of the meaning of “guestworker” and many of the meaning of a “union.”) Workers responded with a variety of answers.

Forty-eight percent said they prefer “none of these,” 40% said that they would prefer membership in a union, 3.4% said employed by a contractor, 2.3% said working as a guestworker, and 6.8% said, “it depends.” Workers also gave details for why they made their choices. It is noteworthy that, of the 22 workers who had direct or indirect experience with unions, 10 chose union, five said none, four gave no reply, two said “it depends,” and one chose guestworker.

For workers who said “none of these,” interviewers heard, “They both take a lot of money,” and, “We do not have time.” A resident told us, “[I would join a] union if working in construction, but not farm working because strikes and unions would cause problems on farms. Not a contractor because they are dishonest, don't pay right amount. Didn't like the guestworker program.” Two undocumented workers said they are obliged to work for the contractor. And we heard from guestworkers, “We cannot take part in these things,” and, “We have no option right now.” Finally one worker said, “None of these, I would just like a friend.”

Respondents who said they would prefer to work as union members explained, “Because I will know more and know how to do more things,” “With a union, the law succeeds,” “More rights,” “A union will be

partially responsible [for covering you] for accidents,” “A union fights for certain things for you. It’s someone to talk to,” and, “A union listens to the worker.” Another five workers made disparaging comments about working for contractors.

For those who did not answer the question, three said they do not want to work for a contractor. And a guestworker expressed, “There’s no possibility for a union.” Another guestworker said, “We can’t take part [in a union] this year, next year. It doesn’t matter.”

Of those who preferred a contractor, two said working for a contractor is all they know, and one commented, “What is a union exactly? I’m okay with a contractor. I don’t know how long I would work for a contractor, but it’s been fine.” An undecided worker told us, “Sometimes with the union you go on strike and you don’t work for a long time. It works both ways.”

To summarize, 35% of workers interviewed are aware of the guestworker programs, 31% have direct experience with a contractor, and many workers do not know what a union is. Almost half said they would prefer none of the above work arrangements and 40% of workers said they would prefer to work as a union member. Confusion about these options certainly made it difficult for workers to give accurate opinions. Given this, it is noteworthy that such a high percentage chose the union option.

Interest in a New York Farmworker Union

To better understand workers’ opinions, interviewers often posed several questions on the same topic. In addition to asking workers if they preferred a union work arrangement to a contractor or guestworker arrangement, interviewers also asked workers, “Would you want to be a part of a farmworker union in New York State?” Sixty-one percent said “yes,” they would want to be part of a New York farmworker union, 31% said “no,” and 7.8% remained “unsure.”

Of the respondents who said “no,” some guestworkers explained, “Because we don’t live here,” and, “Everything is running fine.” Interviewers heard from others, “You have to do what the union says,” “Too much hassle,” “They are too bossy,” and, “There is no time and sometimes the boss does not like that.”

Individuals who responded “yes” commented, “Because everyone would be in it, the union talks for the people,” “So we can have a backup,” “Because I had a bad experience,” “For the improvement of everything and for the workers,” “Yes, we can see the need to help us,” and, “There’s no one to support us.” Two workers said a union would be “good,” and seven explained that with a union they expected to get paid more.

Many workers do not know what a union is.

While two questions on union preference were posed, the results varied with 61% saying “yes” to a union when it was in the form of a yes-no question whereas, 40% of respondents said that they would choose a farmworker union over the other options. This discrepancy can in part be explained by widespread confusion about what a union is and does, and about the rights and perceived risks of undocumented workers or guestworkers to take part in union activity.

In several cases, responses to union-related questions seemed contradictory or based on misunderstanding. For example, one Mexican-born worker initially expressed a preference for unions and said, “In a union we do any work fast,” and later expressed a lack of interest in being in a union and said, “I don't want to work in the fields.” Another Mexican-born worker at first reported no preference for a union, then expressed interest if it meant higher pay, and then reversed position again by citing lack of time for such things and possible retaliation from the employer. Still another reported no interest in working for either a union or a contractor because of the fees they charge, but then showed interest in joining a union with the intention of earning better pay and said, “Because we're forgotten.”

Responses may also have been influenced by whether or not workers see union membership as a realistic possibility. This is indeed the case for some guestworkers. One Jamaican-born guestworker explained simply, “We can't take part in any of these things.” Another expressed that if a guestworker took part in a union, that worker would be cut off from the guestworker program. And, as mentioned above, two workers said they are obliged to work for the contractor, which they understood as barring them from participating in a union. Misinformation makes it difficult for workers to truly evaluate their own options. Certainly whether or not they have to pay union dues and how much these dues cost would be an important factor in their decision.

Several of those who responded with an interest in being a part of a union commented on some of the advantages that unions offer: protection against abusive contractors and employers, higher pay, more benefits, and the ability to negotiate contracts. Some workers feel that unions offer greater security. According to one worker, with a union, “you know what you are getting.” Others said a union would provide workers with a better understanding of their rights. One worker commented that a union would “help us fight for amnesty.” Others are interested in a union because workers would be “more united” and “because a union speaks for the people.”

Conclusion

The data presented in this report offer an in-depth look at Hudson Valley farmworkers—their demographics, their working conditions, their need for and utilization of services, and their views on farmworker policies. Farmworkers' voices are often unheard and underrepresented. This is due not only to their isolation from neighboring communities, but also to the fact that 92% of these farmworkers are either undocumented workers or guestworkers and, as such, have neither the right to vote, nor the skills, confidence, or resources to make their opinions sufficiently heard.

Service providers, advocates, and employers are regularly confronted with issues workers face, not the least of which is their legal status. Yet the general public is under-informed, due to both the segregation of farmworkers as a population and the public's lack of desire to learn more. Furthermore, public agencies have not funded research on farmworkers to the degree they have funded research on agricultural commodities and agricultural economics. As a result, there is an imbalance in the research available to policymakers. In general, the interests of farm owners are heard much more loudly than those of workers.

The vulnerable situation confronting the majority of today's Hudson Valley agricultural workforce is best understood as the result of their exclusion from labor laws, such as overtime pay and collective bargaining protections. Workers in other industries have had such protections since the passage of New Deal legislation dating back to the 1930s. Moreover, for today's New York immigrant workers, three factors, detailed below, intensify their vulnerability: 1) fear of deportation and job loss due to workers' lack of citizenship or resident status, 2) aspiration to return and permanently reside in their home countries, and 3) rationalization of their situations through comparison to workers at home and not to other U.S. workers.

1) **Fear:** The vast majority of farmworkers interviewed (92%) are neither residents nor citizens, 71% are undocumented and 21% are guestworkers. These workers fear possible deportation and job loss. (For guestworkers, job termination may result in being sent home and the cessation of visa privileges.) Consequently, they live and work in a climate of fear, which inhibits their ability to complain and redress grievances.

2) **Aspiration to Return Home:** Workers' behavior and decisions are guided by their plans to return to and permanently reside in their home countries after a period of several years. While this may or may not come to fruition, the *intention* to return home inhibits workers' desire to improve their situations in the U.S. and, as a result, workers are willing to make tremendous sacrifices. This sacrifice is perhaps most apparent in the fact that more than half left wives and children behind to work in the U.S. It also extends

to the daily tolerance of substandard work environments: long hours of manual labor (including in extreme heat), low pay, overcrowded and sometimes substandard housing, lack of transportation and the accompanying isolation, and the inability to directly communicate with their employers due to language barriers.

3) **Rationalizing their Situations:** These farmworkers, many of whom are recent arrivals in the U.S., rationalize their economic and social reality in terms of their homes. They evaluate their situations in relation to those in their home countries and not in relation to other U.S. workers. As a result, workers accept poverty-level wages in the U.S. as a means of economic advancement at home.

In short, the data and analyses in this report strongly underscore the need for increased protections for New York farmworkers. The most obvious avenue for addressing workers' concerns and limiting their exploitation is for the New York State Legislature to provide them with the same rights and protections as other workers. **Overtime pay** would diminish some of workers' vulnerability by providing them with more economic security. A **voluntary day of rest** would allow workers to decide if they want to work more than six days a week, and provide time for leisure and other non-work activities. With **collective bargaining protections**, workers could use their labor power as a state-sanctioned tool for negotiating on behalf of their own interests. It would also allow for workers to join a labor union, traditionally workers' strongest ally.

The inclusion of farmworkers in New York's labor laws is necessary for all farmworkers—citizen or not. Labor protections would offer workers more economic security and safe avenues to address their concerns. Moreover, farmworkers should be covered by the same laws as other workers and not by separate laws.

For more than half a century, government and independent reports in New York State have called for the improvement of the working and living conditions of New York's farmworkers, primarily through extending the same legal protections and rights to farmworkers that other workers in the state enjoy. This report brings a fresh perspective to the work of other studies through its detailed examination of the relatively recent Latin American-born workforce, which now accounts for the majority of the New York agricultural labor force.

These workers, who pay taxes (through employer deductions and, for some, through filing tax returns), shop in local stores, and staff a vital industry, are U.S. workers, and, therefore, are denied the opportunities and protections that most non-agricultural U.S. workers enjoy. This is one of the reasons that the vast majority of U.S. citizens no longer choose to do farm work. If information about farmworkers' lives were more widely known, we believe that they would be more likely to be perceived as part of the public to which they surely belong, but are all too often excluded.

Appendices

Appendix A: Objectives of Full Project

This project had several goals:

Identify migrant worker demographics.²³

Identify migrant worker needs not addressed by existing programs and services.

Identify migrant worker attitudes on issues such as collective bargaining, their rights, guestworker legislation, and access to conflict resolution.

Educate migrant workers about their rights and services available to them.

Facilitate migrant workers' access to available services.

Publish, distribute, and promote a report on findings.

Objectives one, two, three, and six are satisfied in the body of this report. This appendix offers a brief description of the fulfillment of objectives four and five.

To educate farmworkers about their rights, the Migrant Labor Project (MLP) created information packages. These packets included a one-page flyer on basic farmworker rights published by Farmworker Legal Services of New York, the 52-page handbook *Protection for Farmworkers* published by the New York Department of Labor, *Harvest Calendar* published by the Farmworker Law Project, and *Know Your Rights* published by the American Civil Liberties Union, detailing civil rights and liberties (all are available in Spanish and English).

To educate farmworkers about available services, the MLP developed five service sheets in both English and Spanish for the six counties targeted in this study: Putnam, Dutchess, Orange, Ulster, Columbia, and Greene (these last two were combined for one sheet). We consulted all the service providers included in our listings and used their input to develop these sheets. The sheets provided contact information, services provided, and hours of operation for local service providers. They were written with careful consideration of literacy level. Additionally, since the Hudson Valley has a high rate of Lyme disease, we included *Understanding Lyme Disease*, an illustrated brochure with information on ticks and Lyme disease, published by the American Lyme Disease Foundation (in English and Spanish).

The MLP distributed these information packages to 210 farmworkers. Our representatives personally gave and explained the material to 150 farmworkers, and left the material with roommates for 60 other farmworkers.

We learned several lessons from this experience. First, concern for literacy level is very important. Written material should be kept very simple and, where appropriate, illustration should be used (for example a picture of a doctor next to health services information). Second, a large font size should be used and information should be spaced liberally on the page. Third, less is more. Information should be kept simple and to the point. A comprehensive list of available services is probably not appropriate for workers. However, a comprehensive list of services would be a wonderful tool for an outreach worker who might refer workers to services. Finally, while written material is valuable, this value would increase greatly if accompanied by an oral explanation. Even something as simple as reading the material out loud to workers and giving them time to ask questions would help with workers' comprehension.

Appendix B: Field Operations

Interviewers, led by the project director, initially visited workers to introduce themselves and the project, distribute information packages, and ask if workers were willing to participate in our study. If a worker said "yes," the project director set up a time to return and, when possible, obtained a phone number to confirm the appointment. The MLP did not remunerate workers for their participation. We did give them information packages and offered help with services, regardless of whether or not a worker participated in the interview.

Student interviewers received instruction from the project director. All interviewers completed human subjects training in compliance with the Bard College Institutional Review Board.

The vast majority of workers were interested in participating in this study, in fact, only a few workers declined to participate. Two workers completed half of the interview and then had to stop owing to some other duty (their answers are included). The team interviewed a total of 120 workers. Seven of the interviews were not used, as those respondents were not employed as farmworkers at the time.

Finding workers was not always easy. We confronted the same obstacles that outreach workers typically encounter. These included navigating unlit rural roads after sunset, locating rural addresses, uncertainty about whether workers actually occupied the labor camps, and having limited evening hours to introduce ourselves (we did not call on workers after 8pm and we tried to complete interviews by 9:30pm). Moreover, in a few cases, workers were hesitant to open their doors, though all eventually did so. Farmworkers might be suspicious of unexpected guests for many reasons, perhaps most prominently due to the isolated location of their homes (even from the closest road) and the fear that the guest may be unwelcome. In our experience, this was more common for Jamaican-born workers than for other workers. In one case, after hearing our knocking at their door, workers turned off the lights and the T.V. Interviewers persisted and the workers ultimately opened the door. When they saw us and determined

that we did not pose a threat, they invited us in. “We don’t open the door at night. We’re Black,” they explained. For the interviewers, this was a poignant example of workers’ experiences of racism and fear.

We faced several challenges securing and conducting interviews. In several cases, interviewers showed up for scheduled appointments and workers were not available. Many circumstances arose—workers worked late and when they arrived home wanted to eat their dinner, they forgot, they had an opportunity to go to the store, or they were not home. On several occasions interviewers returned to labor camps two or three times for interviews. Moreover, the shortened 2002 harvest, due to weather damage, meant that we missed the opportunity to interview workers who left the Hudson Valley earlier than expected. In one case, we arrived at a camp and learned the workers were to depart in two days. They graciously invited us to return to interview them the following evening—they were eager to participate in this study.

The high rate of respondent cooperation may be attributed to several factors. In initial meetings, we offered only introductions and a short presentation about the project. We did not request nor expect to hold interviews during this initial introduction. As a result we were able to communicate the seriousness of this study by showing respect for workers’ time. Interviewers dressed casually to make workers more comfortable. Only one of the seven interviewers was male, and women conducted all the initial visits to describe the project. It appears that this helped secure interviews, since workers probably perceived women as less intimidating than men. The main interns on this project were native Spanish speakers, and this undoubtedly lent the project credibility in the eyes of Latino/a farmworkers. It also ensured a comfort level for Spanish speaking workers. Native Spanish speakers conducted all the initial visits, along with the project director. Our affiliation with a college seemed to both impress workers and put them at ease. The fact that six out of seven of our interviewers were students also helped establish a less intimidating relationship with workers. Finally, workers’ loneliness and lack of contact with outsiders should not be underestimated as a factor facilitating interviews. Many workers were obviously enthusiastic about having the opportunity to share their stories.

Our interview instrument was in both English and Spanish. Interviewers told workers that they did not have to answer any question that they did not want to, and no reason had to be given. Only a few questions were of a multiple-choice nature. Most were open-ended, and workers were free to interpret the questions as they saw fit. If a response proved to be inappropriate, or if a worker asked us to explain a question, interviewers would rephrase the question with the guidance of the project director. The format and content of interview questions evolved during the first three weeks of interviews as we incorporated suggestions from workers and interviewers.

Endnotes

¹ See, in particular, Beulah Amidon. 1946. *What's next for New York's Joads?* New York: Consumers League of New York. Dorothy Nelkin. 1970. *On the season: aspects of the migrant labor system*. Ithaca: New York State School of Industrial and Labor Relations Cornell University. Donald Barr. 1988. *Liberalism to the test: African-American migrant farmworkers and the state of New York*. Albany: SUNY New York State African American Institute. Task Force Report: Farmworker Collective Bargaining. 1991. *Agricultural labor markets in New York State and implications for labor policy*. Ithaca: Cornell University. New York State Senate-Assembly Puerto Rican/Hispanic Task Force. 1995. *Separate & unequal: New York's farmworkers*. Albany: New York State Senate-Assembly Puerto Rican/Hispanic Task Force, Joint Temporary Task Force on Farmworker Issues.

² In the summers of 1966-1968, sixteen university students took jobs as farmworkers and lived in 14 labor camps, mostly in New York, to conduct an ethnographic study of migrant farmworkers. See William H. Friedland and Dorothy Nelkin. 1971. *Migrant agricultural workers in America's Northeast, Case studies in cultural anthropology*. New York: Holt Rinehart and Winston.

³ A Guestworker is a foreign worker who has a visa to work temporarily in the U.S. Guestworkers mentioned in this report had H-2A or H-2B visas. H-2 workers may work in the U.S. up to 364 days and then must return to their country of origin; there is a possibility of extension. The East Coast guestworker program began in 1943 as the British West Indies Temporary Alien Labor Program, which complemented the West Coast Bracero program with Mexico (1942-1964).

⁴ Migrant farmworkers travel for work and live in temporary housing. However, there is no agreed upon definition of "migrant." Indeed, different federal and state programs have varying definitions. Criteria include those who travel: greater than seventy-five miles from home to work; across a school district line; or to a place where they cannot return home for the night. In New York, there is an increasing number of workers who are staying year-round for several years at a time to avoid the rising dangers and costs of crossing the U.S.-Mexico border. For this reason, we met many "migrants" who lived somewhere that was not their primary home and who intended to return to their primary home, perhaps in three months or in three years.

⁵ Sources of this history are from reports by the Consumers League of New York (Amidon 1946; Close 1945), the U.S. Department of Labor (Mirengoff 1954), the New York Interdepartmental Committee on Farm and Food Processing Labor (Hurd 1953), and the New York African American Institute (Barr 1988), as well as from stories collected by Margaret Gray.

⁶ Except where noted, the data for this paragraph is from the Hurd Report (Hurd 1953). The report uses the term "volunteer seasonal workers" to describe all seasonal workers, including prisoners of war.

⁷ Brooklyn College sent more than 500 students to work on farms during the war (Brooklyn College n.d.).

⁸ The Hurd report mentions "inmates of institutions" (Hurd 1953, 3). A document describing archival data on the New York State War Council, Farm Manpower Service lists correspondence regarding "the possibility of recruiting laborers from non-traditional sources, such as state mental health facilities (Norris and Engst 1999, 52)."

⁹ Also in the New York State War Council archive, a summary description of photographs includes, "Chinese labor as part of the Farm Manpower Service" (Norris and Engst 1999, 53). These workers were probably recruited from New York City.

¹⁰ For an examination of German prisoner of war camps in New York during WWII see George T. Mazuzan and Nancy Walker. 1978. *Restricted areas: German prisoner-of-war camps in western New York, 1944-1946*. *New York History* 59 (1):55-72.

¹¹ This number is from the New York State Employment Service (Nelkin 1970, 3). Puerto Ricans had been brought to the U.S. for agricultural work beginning in the early 1900s, but it was not until the 1940s that their recruitment expanded through a program between the Puerto Rican and U.S. Departments of Labor. In 1948, New York hired 1,051 Puerto Ricans from Puerto Rico (as opposed to New York City, where Puerto Ricans were also recruited) (Hurd 1953, 6). By 1953, New York employed 3,000 Puerto Ricans in agriculture (Mirengoff 1954, 1). In the surrounding states including Pennsylvania, New Jersey, and Massachusetts, Puerto Ricans developed a more concentrated ethnic niche in agriculture. For research on Puerto Rican farmworkers in New Jersey see Gloria Bonilla-Santiago. 1986. A case study of Puerto Rican migrant farmworkers organizational effectiveness in New Jersey. PhD diss, Department of Sociology of Education, City University of New York, New York.

¹² Haitian-born workers still make up part of the New York agricultural workforce.

¹³ While this overview represents general trends, interviewers heard accounts from service providers and workers of New York farmworkers hailing from South America, Bangladesh, China, South Africa, Poland, and the Philippines.

¹⁴ Since the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 went into effect in 1997, the procedure commonly referred to as deportation is properly referred to as removal. We use the term deportation in this report based on its common use.

¹⁵ Interviewers visited a total of 38 farms, found workers on 23, and conducted interviews on 19. A variety of reasons accounted for the fact that we were not able to conduct interviews on all the identified farms. Specifically, on nine farms interviewers could not find workers or labor camps (perhaps none existed); on three farms workers had left for the season (the 2002 harvest was shortened due to crop weather damage from the spring of 2002); three farms had no workers (interviewers learned this from non-farmworkers living in labor camps and growers); on three farms interviewers met one worker each and did not have a chance to return for interviews; and on one farm interviewers met workers, but they were leaving the next day and could not arrange interviews.

¹⁶ As shown in the section titled New York Data, it is difficult to determine the number of farmworkers in the state, let alone the Hudson Valley. Data from the New York State Department of Labor show 2,202 seasonal farmworkers (who work fewer than 150 days) in the Hudson Valley as of September 30, 2002 which corresponds to the dates of our data collection (New York State Department of Labor 2003). The 113 farmworkers we interviewed are 5.1% of that total and the 448 we identified are 20% of that total. However, we cannot be sure that the farmworkers we interviewed are or would be categorized as seasonal by the New York State Department of Labor.

¹⁷ One Jamaican-born U.S. resident told us that when he broke the guestworker contract in the 1970s he was undocumented, and had to hide from immigration authorities. From their stories, it appears that this was also the case for four of the other five Jamaican-born residents or citizens, although they did not specifically tell us this.

¹⁸ For more information on work-related injury, illness, and death, see the National Safety Council website at www.nsc.org/issues/agrisafe.htm and also the National Center for Farmworker Health at www.ncfh.org/factsheets.php.

¹⁹ The U.S. Department of Health and Human Services 2002 poverty guidelines were \$8,860 for one person, \$11,940 for two people, and \$15,020 for three people (U.S. Department of Health and Human Services 2002a).

²⁰ Other services for farmworkers exist and other government agencies oversee their living and working conditions; this is not meant to be an exhaustive list.

²¹ See endnote 18 above.

²² Agricultural workers were also excluded from other New Deal projects under the Agricultural Adjustment Administration, the Civilian Conservation Corps, the Farm Security Administration, the Tennessee Valley Authority, and Relief programs such as the Federal Emergency Relief Administration and the Works Project Administration. For a comprehensively documented account of these exclusions and their root in racism see Marc Linder. 1992. *Migrant workers and minimum wages: Regulating the exploitation of agricultural labor in the United States*. Boulder: Westview Press.

²³ In the original project objectives, we used the term “migrant” expecting that the workers living in farm labor camps would be migrant workers in the most specific sense—those who came and went each year. We did, however, as previously mentioned, meet many farmworkers who expected either to live in New York year-round permanently or to return to their home countries in a few years.

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The Bard College Migrant Labor Project (MLP) works to improve the conditions of migrant laborers and their families in New York State, particularly the Hudson Valley, through community and campus education, direct service, research, and advocacy work.

The MLP also works with a coalition of organizations involved in the Justice for Farmworkers Campaign, which advances farmworker rights through a legislative agenda. Additionally, the project works with local agencies and organizations dedicated to serving the migrant community. In doing so, the MLP helps spread awareness of services available to migrant workers, and promotes student involvement in these services.

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