

ESSENTIAL *Farm* WORKERS

BRIEFING BOOK



BUSINESS UNUSUAL

ADDRESSING ESSENTIAL WORKERS' NEEDS
DURING & AFTER THE COVID-19 PANDEMIC

a Collaboration Between
the Johns Hopkins Berman Institute of Bioethics &
the University of Colorado Boulder MENV

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ESSENTIAL *Farm* WORKERS

EXECUTIVE SUMMARY

Pandemic and state-of-crisis or not, one thing remains constant: people need to eat. As such, those working within the food system, including and most notably farmworkers, have been deemed “essential workers.” While the demand for food may be non-negotiable, the degree of risk that essential food systems workers face every day they go into work *is* subject to modification. Yet despite the array of safety measures that *could and should have been* implemented--and some that were applied on various farms throughout the country--as of late May 2020, [thousands of cases and deaths from COVID-19 have been reported in counties with large populations of farmworkers.](#)¹

Not only do farmworkers face risks associated with exposure to the virus, but they also face risk of economic harm should they be unable to go to work for a reason related to the pandemic. They also face the risk of retaliation for speaking up about a lack of safety measures. [Additionally, the increased physical and mental stress of worrying about risks to themselves and family put them at an increased risk of infection or more severe effects of infection if exposed.](#)² These risks and needs warrant the implementation of a series of measures that can address and diminish these essential workers’ vulnerabilities while also supporting the enhanced protection of the food supply.

Throughout this briefing book, numerous interventions--including steps that can be taken by employers and options for public policy actions--are suggested. If implemented broadly, these steps will better protect both farmworkers and the future of the food supply.

The briefing book related to farmworkers provides the following information:

[Work & Risks in the Farmworker Sector](#)

Workers in the crops and horticulture sector face risks that primarily stem from the need to meet demand related to food supply, as well as a lack of on and off-farm protections for workers. In addition to the risk of contracting the coronavirus, farmworkers also face the risk of financial harm should they contract the virus, or should they choose not to come to work due to having symptoms of the virus, caring for a sick loved one or at-home child, or because they fear contracting the virus.

¹ Santa Cruz, N. (2020) ‘Deemed essential, US farmworkers face wage reductions, zero protections from COVID-19’, *World Socialist Website*, 8 May [online]. Available at: <https://www.wsws.org/en/articles/2020/05/08/farm-m08.html>

² Wozniacka, G. (2020) ‘Farmworkers Are in the Coronavirus Crosshairs’, *Civil Eats*, 25 March [online]. Available at: <https://civileats.com/2020/03/25/farmworkers-are-in-the-coronavirus-crosshairs/>

COVID-Related Risks Regarding Farmworkers

Farm operations have, in some cases, failed to provide, implement, or enforce adequate or complete safety measures to account for COVID-19. These failures, in conjunction with the lack of financial safety net that is a reality for many of these workers, has put these workers at an increased risk of both COVID-19 infection and psychological harm, as well as economic injury.

Special Risks for Migrant Farmworkers

Migrant farmworkers have an extra layer of occupational vulnerability due to the need to follow crops³. As they move around in search of their next job, they are both exposed to new groups of people and they risk exposing countless others. According to the 2018 National Agricultural Workers Survey (NAWS), 19% of the approximately 2.4 million U.S. farmworkers were migrants.

Access to Healthcare as a Sector

Only 35% of farmworkers report having health insurance -- the majority are uninsured.⁴ Community health centers are the primary source of medical care for many farmworkers and their families as they receive federal funding to provide care. The Families First Coronavirus Response Act (FFCRA) provides support but 96.6 percent of farms employ fewer than 50 employees, exempting them from this Act, leaving very few farm workers with access to this benefit.⁵

Farmworker Collective Action and Voice - Or Lack Thereof

Only four farmworker unions exist today, covering just a tiny fraction of the more than 2.4 million hired farmworkers.⁶ They technically have whistleblower rights, however, with their livelihoods on the line (and, for many, the very real threat of deportation) most farmworkers are afraid to speak out.

Measures to Reduce Risks of Exposure

The risks farmworkers face stretch from on-the-job aspects to beyond-the-job ones. In many respects, whether at work or not, these workers encounter a lack of a safety net that has become even more apparent with the arrival of COVID-19.

Poverty Related Risks to Health & Wellbeing

Farmworkers face additional risks related to COVID-19 due to economic status, risk associated with childcare arrangements, access to adequate resources, increased domestic violence and child abuse, and risk of committing or being the victim of crime to provide for a family.

³ Aleaziz, H. Flores, A. (2020) 'Farmworkers Are Caught Between Coronavirus Fears And Feeding The Nation: "We Are Very Worried"', *BuzzfeedNews* 6 April [online]. Available at: <https://www.buzzfeednews.com/article/adolfoflores/farmworkers-coronavirus-fears>

⁴ National Agricultural Workers Survey (NAWS) *Doleta* (2018) [online]. Available at: <https://www.doleta.gov/naaws/>

⁵ Costa, D., Martin, P. (2020) 'Nine in 10 farmworkers could be covered by the paid leave provisions of the Families First Coronavirus Response Act—but not if smaller employers are exempted', *Economic Policy Institute*, 31 March [online]. Available at: <https://www.epi.org/blog/9-in-10-farmworkers-could-be-covered-by-the-paid-leave-provisions-of-the-families-first-coronavirus-response-act-but-not-if-smaller-employers-are-exempted/>

⁶ U.S. Bureau of Labor Statistics (2019) 'Union affiliation of employed wage and salary workers by occupation and industry' *Economic News Release*, 22 January [online]. Available at: <https://www.bls.gov/news.release/union2.t03.htm>

Adequacy & Resilience of the Farm Labor Workforce

Ensuring that there are enough healthy, safe workers to meet food supply demands is critical. If too many workers become ill, this could severely disrupt consumers' abilities to access food downstream in the food supply chain. Prior to the pandemic, farmers were already struggling with labor shortages.⁷ Demand for farmworkers peaks in the summer, so this problem is only a few months away.⁸

Broader Reasons to Address the Risks to Essential Farmworkers

Beyond the pragmatic and health reasons for addressing the risks these workers face, there is also the need to treat these workers with a high priority placed on safety, security, well-being, social integration, and dignity.

Key Facts about Farmworkers

What we know about these workers, with important data about what they bring to the workplace.

Ways to Protect & Support Farmworkers and the Food Supply

Throughout this briefing book numerous interventions- including steps that can be taken by employers and options for public policy action--are suggested. If implemented broadly, these steps will better protect both farmworkers and the accessibility of food for consumers.

**ESSENTIAL
FARM WORKERS
BRIEFING BOOK**

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<https://bioethics.jhu.edu/essential>

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Essential Farm Workers - Crops and Horticulture



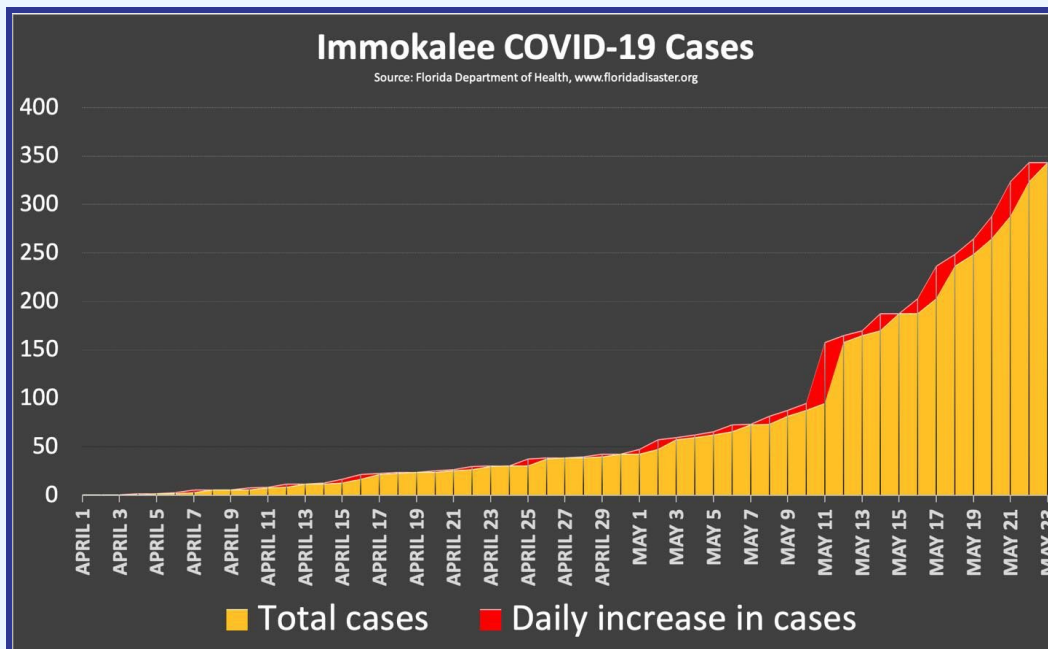
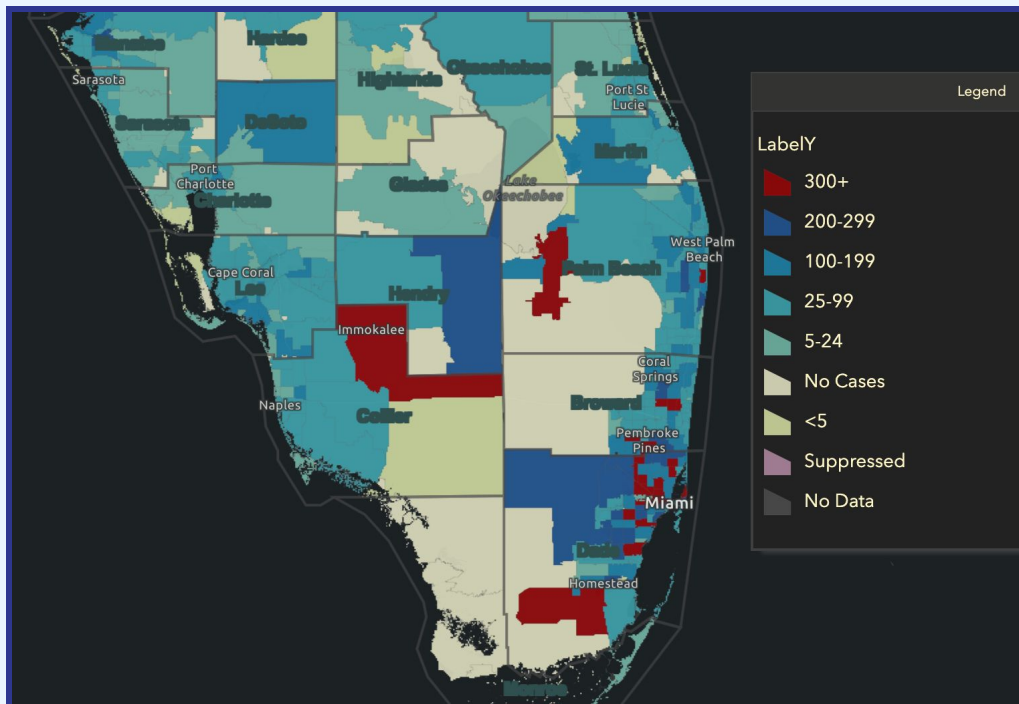
Picture yourself waking up in a decrepit, single-wide trailer packed with a dozen strangers, four of you to every room, all using the same cramped bathroom and kitchen before heading to work. You ride to and from the fields in the back of a hot, repurposed school bus, shoulder-to-shoulder with 40 more strangers, and when the workday is done, you wait for your turn to shower and cook before you can lay your head down to sleep. That is life for far too many farmworkers in our country today. Their dilemma is painfully simple: The two most promising measures for protecting ourselves from the virus and preventing its spread – social distancing and self-isolation – are effectively impossible in farmworker communities. There are no seats in the bus that will provide the six feet of separation necessary to ward off the killer virus. There are no empty rooms in the trailer available for a sick worker to recover in.

Lupe Gonzalo, an organizer with the Coalition of Immokalee Workers (CIW), has been a farmworker in Immokalee, Florida for 12 years. She spoke openly about the risks faced by agricultural workers, both in the fields and at home. As of May 20th, in Immokalee, which has a population of roughly 20,000 farmworkers workers, there were 249 confirmed cases.⁹ Stories of severe cases are beginning to circulate in the tight-knit farmworker community and new cases are increasing by larger and larger numbers every day. As a result, Immokalee has shot up the list of cities with the most cases in the state of Florida, eclipsing among much larger cities.¹⁰ While people in Immokalee are much more susceptible, they also have less access to testing. There were only three days of walk-up testing in Immokalee, while in nearby Lee County, there has been free drive up testing every day for weeks.¹¹ So, the numbers do not tell the whole story.

⁹ (2020) 'As COVID-19 cases increase nearly tenfold in two weeks in Immokalee, Doctors Without Borders turns to the press for tests, resources...'. *Coalition of Immokalee Workers*, 20 May [online]. Available at: <http://ciw-online.org/blog/2020/05/doctors-without-borders-more-testing/>

¹⁰ (2020) 'Florida's COVID-19 Data and Surveillance Dashboard' *Florida Department of Health, Division of Disease Control and Health Protection*, 27 May [online]. Available at: <https://experience.arcgis.com/experience/96dd742462124fa0b38ddedb9b25e429>

¹¹ Manch, R. (2020) 'Immokalee quickly becoming the epicenter of COVID-19 cases in SWFL', *Fox 4 Southwest Florida*, 25 May [online]. Available at: https://www.fox4now.com/news/coronavirus/immokalee-quickly-becoming-the-epicenter-of-covid-19-cases-in-swfl?fbclid=IwAR2Xbn1Jju8uTWyIYHjUz6V-k6G18LPaHLaPe1rmfz7DdTaqiCH_VJRCi8



COVID19 cases by zip code in FL. Three large red areas are rural communities home to some of the state’s largest farmworker populations – Immokalee, Belle Glade and Homestead – with outbreaks on par with much larger cities. State and local officials must provide accessible testing and urgently-needed healthcare resources to these regions now.

Source: <https://experience.arcgis.com/experience/96dd742462124fa0b38ddedb9b25e429>

OVERVIEW

Farmworkers plant, tend, and harvest the food that the rest of us expect to find at grocery stores and restaurants. Farmworkers -- all who labor in crop and horticulture operations, including migrant seasonal workers regardless of their legal status or authorization to work in the United States -- are deemed essential because the need for food does not cease even as a respiratory virus travels around the globe. If farmworkers were to become ill or restricted from migrating to or around the United States, our farms will be less able to grow and harvest the food that America depends on. A depletion of the farm workforce would contribute to food shortages, especially for crops that require human tending and hand-harvest.

COVID-19 changes the nature, pace, and inherent challenges of farm labor. Always arduous, during the pandemic farm work has become especially nerve-wracking. It is impossible to know whether one of the many other laborers packed on the farm bus or sharing a room in a trailer is shedding and spreading viral particles. Social distancing guidelines are virtually impossible to implement given the nature of the work and the crowded conditions in which farmworkers reside and travel. Moreover, given the average age, baseline health inequities, and regular respiratory ramifications of agricultural labor, farmworkers may also be at risk of severe complications from the virus.

While many other categories of workers were laid off or sent home, the need for farm labor has not decreased. Indeed, the COVID crisis in the United States accelerated around the same time that farmworkers in many parts of the country were beginning their seasonal duties. Pandemic notwithstanding, many farmworkers have continued to work as usual - often with minimal protections. These workers fear losing their jobs if they object to the risks. If they lose income opportunities during the production season, they are unlikely to be able to support their families in the coming year.¹²

Despite a strong will to work, the available farm workforce will likely shrink as some workers become sick or exposed and must isolate. If this occurs, the work that so many of us take for granted will not be reliably performed. Overtime, this will lead to a shortage of certain foods and more sparsely stocked shelves.

Ensuring that all farmworkers have access to personal protective equipment (PPE) and that social distancing requirements are maintained are key to COVID-19 infection mitigation. Farmworkers are at an increased risk of infection due to their living and working conditions. They also often live in fear of retaliation for standing up for themselves and demanding basic things. Workers also have heightened risks of complications from COVID-19 because of inadequate nutrition, access to healthcare and medical support, and underlying health conditions. We must provide farmworkers with the same basic human rights that all people deserve.

¹² Tzalai, Alma P. (2020) 'I harvest your food, why isn't my health 'essential'?', *The New York Times*, 15 April, [online]. Available at: https://www.nytimes.com/2020/04/15/opinion/covid-farmworkers-paid-leave.html?utm_source=FERN+Newsletter+Service&utm_campaign=bbc531a987-FER_N_Friday_Feed_4_17_2020&utm_medium=email&utm_term=0_c95f7f9b8b-bbc531a987-120519941

ON THE JOB RISKS TO HEALTH AND WELL-BEING

COVID-19 RELATED WORKPLACE CHALLENGES

The risk of exposure to COVID-19 as an essential farmworker is heightened due to living and working under conditions that make precautionary practices impracticable.¹³ Such workers have elevated risk of exposure due to:

- **Crowded transportation**
 - Many farmworkers commute to and from their farm jobs via farm transportation--typically old school buses that are infrequently cleaned. This puts them at greater risk of exposure by virtue of being in close proximity to one another to get to the farms where they work.¹⁴
- **Unsanitary working conditions**
 - Though outdoor work spaces are less conducive to transmission of SARS-COV-2 than indoor workplaces, without ready access to bathrooms, washing stations, soap, or hand sanitizer workers struggle to maintain good hygiene.¹⁵ Workers may lack access to sanitizing and cleaning supplies.
- **Close proximity to other workers**
 - The orientation of farm fields and nature of the work makes physical distancing difficult, especially where row spacing is tighter than 6 feet or when equipment requires more than one operator.
- **Shared facilities and tools**
 - Workers routinely share farm tools, equipment, bathrooms, water stations, creating ample opportunity for viral transmission throughout the workday.
- **Crowded congregate housing**
 - Many farmworkers live in labor camps provided by farm employers or labor contractors.¹⁶ These communities are often trailer homes with more than one family living in each, leaving little space per person and obliterating privacy. If one person were to become ill, the entire household, and eventually the rest of the closely packed community, would quickly follow.
 - Even workers who secure their own housing often live in densely packed conditions and in dilapidated structures.
 - Moreover, often these homes are not up to building codes. Substandard in many ways, they often lack basic features, including running or hot water, working showers, and laundry facilities needed to keep infection at bay.
- **Having compensation tied to the pace and productivity of work**
 - Piece-rate compensation schemes create perverse incentives and discourage workers from slowing down, listening to the signals their bodies send, taking handwashing breaks, or implementing new COVID-safety

¹³ Schrottenboer, B. (2020) 'US agriculture: Can it handle coronavirus, labor shortages and panic buying?', *USA Today* 4 April [online]. Available at: <https://www.usatoday.com/story/money/business/2020/04/04/coronavirus-tests-americas-food-supply-agriculture/5096382002/>

¹⁴ Nieves, E. (2020) 'Essential' but Unprotected, Farmworkers Live in Fear of Covid-19 but Keep Working', *Inside Climate Change*, 3 April [online]. Available at: <https://insideclimatenews.org/news/03042020/covid-farmworkers-california-climate-change-agriculture>

¹⁵ Chadde, S. (2020) 'Migrant farmworkers are often forced to live and work in unsanitary conditions. It could make them more susceptible to Covid-19', *Midwest Center for Investigative Reporting*, 20 March [online]. Available at: <https://investigatemitwest.org/2020/03/20/migrant-farmworkers-are-often-forced-to-live-and-work-in-unsanitary-conditions-it-could-make-them-more-susceptible-to-covid-19/>

¹⁶ HOLLY, R. (2016) 'Inside DuPont and Monsanto's Migrant Labor Camps', *Midwest Center for Investigative Reporting*, http://inthesetimes.com/features/monsanto_dupont_migrant_labor_camp_abuses.html

measures.

- **Not receiving adequate or legible information about COVID-19 and necessary precautions**

- Many farmworkers are not getting training on best practices to mitigate transmission or recognize symptoms of the disease. When such training is provided, it is often in English only, not in the workers' own languages.

Farmworkers also lack access to proper personal protective equipment to use while working in fields (e.g., gloves, hand sanitizer, face masks.¹⁷) When farmworkers do have PPE, it can become saturated quickly owing to the hot, sweaty conditions under which they work, necessitating frequent replacement.

The very nature of farmwork also amplifies risks. For example, exposure to dangerous pesticides is not unusual in farm work. Agricultural workers must also contend with lung irritants from dust, pollen and crops. This can trigger asthma attacks in farmworkers and their children and contribute to other upper respiratory disorders. Health officials have found that these conditions may contribute to serious coronavirus infections.¹⁸

Furthermore, the increased physical and mental stress of worrying about risks to themselves and family could compromise a worker's immune system, putting them at an increased risk of infection or more severe effects of infection if exposed.¹⁹

Adding injury to insult, many farm employers withhold pay if farmworkers call out sick. If an employee takes too many days off, they lose points, which may lead to deductions from a small yearly bonus. Thus, many have continued to work even if they are sick, injured, or exposed.²⁰ These dynamics may have led to the pervasive spread of COVID-19 among entire workforces on some large farms. This can be seen on Henderson Farm in Tennessee, where 100% of the 200 employee workforce is infected. Only 1% of these people showed symptoms and that all employees are still working despite testing positive.²¹ In New Jersey, over 400 migrant and seasonal farmworkers have tested positive since May 11th 2020 and two have died.²²

SPECIAL RISKS ASSOCIATED WITH MIGRANT WORK

Migrant farmworkers have an extra layer of occupational vulnerability due to the need to follow crops²³, taking their whole family with them, not having schools for their children. As they move around in search of the next job, they are both exposed to new groups of people and they risk exposing countless others. According to the 2018 National Agricultural Workers Survey (NAWS), 19% of the approximately 2.4 million U.S. farmworkers were migrants. Many interviewed said that they travel in large groups, in vans or buses, to get from job to job because they are dependent on contractors or crew leaders to transport them. The survey also found that 45% of migrant workers and 44% of undocumented workers lived in crowded housing provided by their employers.²⁴

¹⁷ Centers for Disease Control and Prevention (CDC) (2020) *How to protect yourself and others* [online]. Available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

¹⁸ Haedicke, M. (2020) 'The impact of COVID-19 on seasonal farmworkers' *The Conversation*, 6 April [online]. Available at: <https://givingcompass.org/article/the-impact-of-covid-19-on-seasonal-farmworkers/>

¹⁹ Wozniacka, G. (2020) 'Farmworkers Are in the Coronavirus Crosshairs', *Civil Eats*, 25 March [online]. Available at: <https://civileats.com/2020/03/25/farmworkers-are-in-the-coronavirus-crosshairs/>

²⁰ Tzalan, Alma P. (2020) 'I harvest your food, why isn't my health 'essential'?', *The New York Times*, 15 April [online]. Available at: https://www.nytimes.com/2020/04/15/opinion/covid-farmworkers-paid-leave.html?utm_source=FERN+Newsletter+Service&utm_campaign=bbc531a987-FERN_Friday_Feed_4_17_2020&utm_medium=email&utm_term=0_c95f7f9b8b-bbc531a987-120519941

²¹ Luther, S. (2020) 'Rhea Co. farm leader says all of their nearly 200 employees have virus, only 3 symptomatic', *ABC News Channel 9*, 26 May [online]. Available at: <https://newschannel9.com/news/local/rhea-co-farm-leader-says-all-of-their-nearly-200-employees-have-virus-only-3-symptomatic>

²² Shearn, I. (2020) 'Two Fatalities Reported as South Jersey Seasonal Farmworkers with COVID-19 Infections Grows to 400', *NJSpotlight*, 22 May [online]. Available at: <https://www.njspotlight.com/2020/05/two-fatalities-reported-as-south-jersey-seasonal-farm-workers-with-covid-19-infections-grows-to-400/>

²³ Aleaziz, H. Flores, A. (2020) 'Farmworkers Are Caught Between Coronavirus Fears And Feeding The Nation: "We Are Very Worried"', *BuzzfeedNews* 6 April [online]. Available at: <https://www.buzzfeednews.com/article/adolfoflores/farmworkers-coronavirus-fears>

²⁴ National Agricultural Workers Survey (NAWS) *Doleta* (2018) [online]. Available at: <https://www.doleta.gov/naws/>

Because of physical isolation, language barriers, and lack of internet access these workers may have a limited understanding of what is happening with the pandemic and how to stay safe. Many rely on information provided by the farmers they work for, which may not be complete or intelligible. Credible reports indicate that “[a]s government officials across the country issue warnings about the dangers of the novel coronavirus, they are doing so predominantly in English. They’re potentially not reaching the millions of Spanish speakers in the U.S. who aren’t proficient in English to make sure they know how to stay healthy.”²⁵

Finally, it is estimated that over half of the nation’s farmworkers are undocumented and will be excluded from nearly all public relief programs.²⁶

FARMWORKER’S ACCESS TO HEALTHCARE

Just 35% of farmworkers report having health insurance -- the majority are uninsured.²⁷ Community health centers are the primary source of medical care for many farmworkers and their families. These health centers provide comprehensive primary and preventative health care to everyone in their community, regardless of their health insurance status and their ability to pay. Community health centers that serve farmworkers (i.e., migrant health centers) receive federal funds under Section 330(g) of the Public Health Service Act²⁸.

Just 25% of farmworkers and their families seek care at a community health center.²⁹ Low utilization results from:

- long working hours;
- lack of transportation;
- lack of job-protected or paid sick leave;
- language barriers;
- lack of familiarity with the U.S. healthcare system;
- fear that they will be perceived as malingering;
- Immigration status;
- lack of health insurance;³⁰ and
- cost of care.³¹

Workers who are injured or become ill at work may be eligible for workers’ compensation. However, the laws regarding workers’ compensation coverage for farmworkers vary by state and eligible workers may not be aware of or may be reluctant to file workers’ compensation claims due to misinformation or fear of employer retaliation.³²

While Families First Coronavirus Response Act (FFCRA) provides support to employers for the purpose of providing employees with paid leave during the pandemic, businesses with 500 or more employees are wholly exempted from the legislation and

²⁵ Hopper, D. (2020) ‘Growing concern over lack of Spanish translations for COVID-19 resources’ *Immokalee Bulletin* 5 April [online]. Available at: <https://immokaleebulletin.com/coronavirus/growing-concern-over-lack-of-spanish-translations-for-covid-19-resources/>

²⁶ ‘BREAKING: Disruption of agriculture labor needs addressed by agencies’, *Vegetable Growers News*, 19 March 2020 [online]. Available at: <https://vegetablegrowersnews.com/news/breaking-disruption-of-agriculture-labor-needs-addressed-by-agencies/>

²⁷ National Agricultural Workers Survey (NAWS) *Doleta* (2018) [online]. Available at: <https://www.doleta.gov/naws/>

²⁸ ‘Accessing healthcare’ *Farmworker Justice* [online]. <https://www.farmworkerjustice.org/advocacy-programs/health/accessing-healthcare>

²⁹ National Migrant Health Centers Program Grantee Data (2018) *National Health Center Data*, (2018) [online]. Available at: <https://bphc.hrsa.gov/uds/datacenter.aspx?fd=mh>

³⁰ Through the Affordable Care Act (ACA), eligible farmworkers and their families may purchase comprehensive health insurance in the marketplace, but even “affordable care” often isn’t for this economically fragile population.

³¹ ‘Accessing healthcare’ *Farmworker Justice* [online]. <https://www.farmworkerjustice.org/advocacy-programs/health/accessing-healthcare> (Note: Many community health centers offer services on a sliding fee scale, regardless of the patient’s health insurance status or ability to pay. Even still, given farmworkers’ extremely low incomes, cost remains a major obstacle.)

³² ‘Accessing healthcare’ *Farmworker Justice* [online]. <https://www.farmworkerjustice.org/advocacy-programs/health/accessing-healthcare>

businesses with fewer than 50 employees enjoy a small business exemption.³³ Data suggests that nearly all farms in the United States have fewer than 500 employees (99.8%); nine out of every 10 farmworkers (88.3%) are employed on those farms and would be covered by the FFCRA's new paid leave provisions. However, most farms--96.6 percent--also employ fewer than 50 employees, leaving very few farm workers with access to this benefit.³⁴

FARMWORKER COLLECTIVE ACTION & VOICE

Farmworkers as a group have one of the lowest unionization rates of any sector.³⁵ Only four farmworker unions exist today, covering just a tiny fraction of the more than 2.4 million hired farmworkers who toil on American farms and dairies. In addition, with the growth of the agricultural guest worker program that brought in more than 240,000 H-2A workers last year, an even smaller percentage of farmworkers are backed by a union. Although federal and state laws don't explicitly forbid farmworkers from unionizing, they withhold protections for labor organizing that make unionizing far less risky. In a state where bargaining isn't specifically protected, farmworkers may decide to form a union, but an employer does not have to negotiate with them and can retaliate against workers acting collectively.³⁶

Farmworkers technically enjoy some whistleblower protections, which means that they can report unsafe or hazardous conditions without being retaliated against. The Occupational Health and Safety Commission takes the position that "workers must never be silenced by the threat of losing their jobs when their safety or the safety of the public is at stake."³⁷ However, with their livelihoods on the line (and, for many, the very real threat of deportation) most farmworkers are afraid to speak out. If terminated for whistleblowing, these very marginalized workers would have little practical recourse and few alternative job prospects.³⁸

³³ U.S. Department of Labor (DOL) (2020) 'U.S. Department of Labor adds to guidance for workers and employers explaining paid sick leave and expanded family and medical leave benefits under the Families First Coronavirus Response Act', *News Release*, 28 March [online]. Available at: <https://www.dol.gov/newsroom/releases/whd/whd20200328>

³⁴ Costa, D., Martin, P. (2020) 'Nine in 10 farmworkers could be covered by the paid leave provisions of the Families First Coronavirus Response Act--but not if smaller employers are exempted', *Economic Policy Institute*, 31 March [online]. Available at: <https://www.epi.org/blog/9-in-10-farmworkers-could-be-covered-by-the-paid-leave-provisions-of-the-families-first-coronavirus-response-act-but-not-if-smaller-employers-are-exempted/>

³⁵ U.S. Bureau of Labor Statistics (2019) 'Union affiliation of employed wage and salary workers by occupation and industry' *Economic News Release*, 22 January [online]. Available at: <https://www.bls.gov/news.release/union2.t03.htm>

³⁶ Wozniacka, G. (2019) 'Less than 1 Percent of US Farmworkers Belong to a Union. Here's Why', *Civil Eats*, 7 May [online]. Available at: <https://civileats.com/2019/05/07/less-than-1-percent-of-us-farmworkers-belong-to-a-union-heres-why/>

³⁷ Beach, C. (2016) 'OHS finalizes protections for food safety whistleblowers', *Food Safety News*, 20 April [online]. Available at: <https://www.foodsafetynews.com/2016/04/osh-finalizes-protection-for-food-safety-whistleblowers/>

³⁸ Food Integrity Campaign, *Worker Rights*. [online]. Available at: <https://www.foodwhistleblower.org/issue/worker-rights/>

MEASURES TO REDUCE OR COMPENSATE FOR RISKS OF WORKPLACE COVID-19 EXPOSURE OR ILLNESS

Farmworkers do not have the luxury of working from home or performing work remotely; they are one of the few classes of workers who, during this pandemic, must be available to perform work in person if the nation's food supply is to remain intact. The most important mitigation measures for reducing the spread of COVID-19 and protecting these essential, and often overlooked, workers from risks in and out of the workplace include:

- Providing workers with personal protective equipment, including face masks and gloves in quantities sufficient to support effective utilization;
- Ensuring that social distancing within farm buses and on fields takes place by training workers on how to keep a safe six-foot distance from one another and adding more buses to enable proper spacing;
- Removing financial incentives to work more closely or to skip precautions; replacing them with incentives to support co-worker, community and food safety.
- Ensuring that farmworkers have access to paid sick leave for at least 80 hours, enabling workers to stay home when sick or exposed -- and making sure that these benefits are paid out when claimed;³⁹
- Providing workers with sufficient and frequent breaks to support good hand hygiene and help mitigate burnout, while also facilitating or enforcing distance during breaks;
- Providing handwashing stations in and around farm worksites and in farming communities;⁴⁰
- Protecting workers from retaliation when they raise safety concerns to their employers, representatives, regulatory bodies, or the press, when they request PPE or protocols to protect them from contracting COVID-19, or when they take precautionary or recuperative time off;⁴¹
- Ensuring that farmworkers have both economic and physical access to health insurance, workers' compensation insurance, COVID testing, and medical care;
- Properly sanitizing transportation, work, and lodging facilities daily in between use (especially if a farm operation has a presumptive or confirmed case of COVID-19);
- Training farmworkers on mitigation measures in a language they can understand (using demonstration if they cannot read); and
- Encouraging farmworkers to report conditions that impair their ability to implement best practices and providing avenues for reporting of safety protocol breaches by others, alongside robust protections against retaliation.

³⁹ Many states have different laws regarding when farms are required to provide sick pay. For example, New York state passed legislation recently requiring employers with more than 10 employees to provide sick leave to workers who must stay home due to coronavirus concerns. Tzalan, Alma P. (2020) 'I harvest your food, why isn't my health essential?', *The New York Times*, 15 April, [online]. Available at: https://www.nytimes.com/2020/04/15/opinion/covid-farmworkers-paid-leave.html?utm_source=FFRN+Newsletter+Service&utm_campaign=bbc531a987-FFRN_Friday_Feed_4_17_2020&utm_medium=email&utm_term=0_c95f7f9b8b-bbc531a987-120519941

⁴⁰ (2020) 'A ticking time bomb...', *Coalition of Immokalee Workers*, 6 April [online]. Available at: <http://ciw-online.org/blog/2020/04/a-ticking-time-bomb/>

⁴¹ Bierer, L. (2020) 'Farmworkers During the COVID-19 Pandemic: How Our Lifeblood is at Risk' *Philadelphia Legal Assistance*, [online]. Available at: <https://philalegal.org/FarmworkersCOVID19>

POVERTY-RELATED RISKS TO HEALTH AND WELL-BEING

Farmworkers have an additional layer of risks to their health and wellbeing due to factors related to their economic status, access to resources such as school meals, and increased risks of violence and abuse at home. These risks are always present in these communities, but are severely heightened by the changes brought about by COVID-19.

- **Economic status:** “Average and median farmworker household incomes ranged from \$20,000 to \$24,999. By comparison, the median US household income for the same year was over \$54,000 and the average household income exceeded \$76,000.”⁴² Life on the economic margins makes it almost impossible for farmworkers to do anything that might jeopardize their continued employment, even if such actions would protect their health or wellbeing.
- **Risks from childcare arrangements:** Farmworkers typically struggle to find affordable child care. During the pandemic, this has become more difficult because schools and daycare centers are closed. Working parents may be tasked with paying out-of-pocket for childcare that they otherwise would not have spent money on because the child would normally be at school. Interactions with the childcare providers and other children on congregate care settings can create conditions conducive to the spread of COVID-19. Moreover, even when children are cared for in their own homes, the aforementioned crowded and substandard conditions also pose health challenges.
- **Access to Resources:** Many farmworker families rely on subsidized meals for their children five days a week. School closures have interrupted (or at best made it more challenging to access) this important form of nutrition assistance. Closures of schools, libraries and other public spaces may also have impaired farmworker families’ access to the internet, other information sources, school supplies, translators, and social connections to the wider community.
- **Domestic Violence/child abuse:** As stress rises, so does domestic violence and child abuse. A marked increase during COVID-19 has already been documented in other countries and is likely to increase in the U.S. as well.⁴³ While there is no evidence that farmworker families have demonstrably higher rates of domestic violence than others, their stressful living and working conditions at baseline combined with the heightened anxiety due to COVID-19 make this an area of potential concern.
- **Risk of Committing or Being a Victim of a Crime:** The risk of committing a crime rises when a person is unable to satisfy their basic needs or provide for their family. For example, people in poor households have a higher rate of being involved in firearm-related violence compared to persons above the federal poverty line⁴⁴ The same study reveals⁴⁴ that people in poor households or households living below the federal poverty level

⁴² (2018) ‘Farmworkers’ Low Wage Rates Have Risen Modestly; Now Congress May Pass a Law to Lower Them’ *Harvesting Justice*, 19 September [online]. Available at: <https://www.farmworkerjustice.org/fj-blog/2018/09/farmworkers-low-wage-rates-have-risen-modestly-now-congress-may-pass-law-lower-them>

⁴³ Grierson, J. (2020) ‘Domestic abuse killings ‘more than double’ amid Covid-19 lockdown’, *The Guardian*, 15 April [online]. Available at: <https://www.theguardian.com/society/2020/apr/15/domestic-abuse-killings-more-than-double-amid-covid-19-lockdown>

⁴⁴ Bureau of Justice Statistics (2014) *Household poverty and nonfatal violent victimization, 2008-2012* [online]. Available at: <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5137>

have more than twice the rate of violent victimization as persons in high-income households.

ADEQUACY & RESILIENCE OF THE FARM LABORER WORKFORCE

Fortunately, the risk of direct transmission of the coronavirus passing from farmworkers to consumers through food products is low.⁴⁵ However, widespread infections among farmworkers could make it difficult for farmers to harvest crops. Even before the pandemic, farmers in many agricultural areas were already struggling with labor shortages.⁴⁶ COVID-19 could make this problem worse, potentially causing the loss of crops that cannot be harvested in time. Demand for farmworkers peaks in the summer, so this problem is only a few months away.⁴⁷

The H-2A visa program authorizes noncitizen agricultural laborers to work in the United States. This program allows farmers to recruit workers for seasonal agricultural jobs, provided the workers return home within 10 months. But the H-2A program doesn't cover enough workers to meet the needs of the food system. In 2018, only 243,000 visas were issued under the program – far less than the total number of workers needed to power the farm economy. In the spring of 2020, there has been concern that fewer workers will apply for H-2A visas to work on U.S. farms and will remain in their home countries. On the other hand, some worker advocates worry that the federal government will authorize more H-2A workers under looser regulations as a way to prevent other farmworkers from leveraging the labor shortage for safer working conditions or better wages.

WORKER SUPPORTS IN CONTEXT: REASONS TO ADDRESS RISKS TO FARMWORKERS

For practical reasons--namely, so that food will remain available to consumers--ensuring that the risks to farmworkers are addressed, and ensuring that this group of workers' needs are met, is essential. It is also critical to remember that those within this group of workers are not merely employees to be exploited for the purpose of food production, but rather *people* with unique lives, families, and financial, physical, and psychological needs. Addressing the risks to these workers is morally urgent, whether you adopt a utilitarian perspective--that taking good of the needs of these people will ultimately be beneficial for the needs of the whole-- or a moral imperative one: that we should always treat another as someone who has dignity and intrinsic worth.

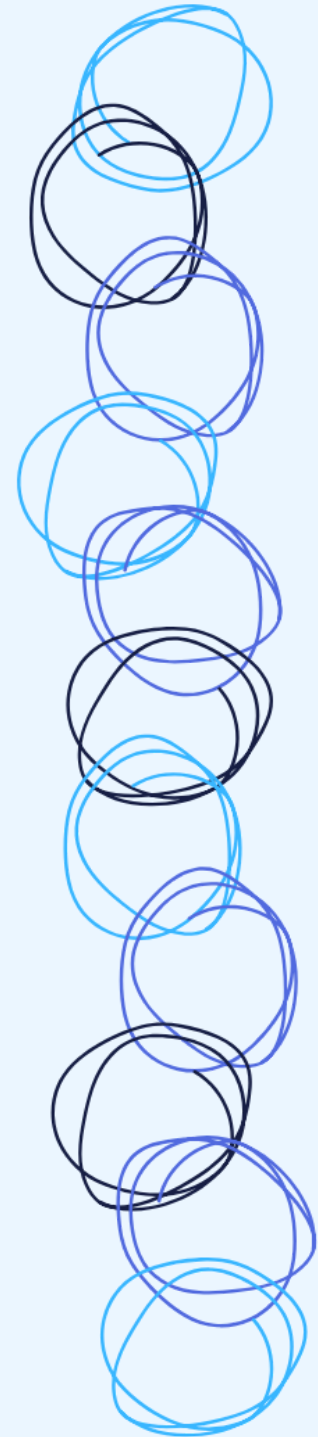
⁴⁵Food and Drug Administration (FDA) (2020) 'Food safety and the coronavirus disease', 21 April [online]. Available at:<https://www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19>

⁴⁶ Duvall Z. (2019) 'Another year of farm labor shortages' *American Farm Bureau Federation*, 10 July [online]. Available at: <https://www.fb.org/viewpoints/another-year-of-farm-labor-shortages>

⁴⁷ Karst, T. (2020) 'Coronavirus spurs concerns for farmworkers', *The Packer*, 16 March [online]. Available at: <https://www.thepacker.com/article/coronavirus-spurs-concerns-farmworkers>

Key Facts About Farmworkers

1. Data from the Bureau of Labor Statistics (2019) shows that the total number of agricultural workers employed was 2,425,000. Of those, 47 percent were women, 77.7 percent were white, 12.3 were black or African American, 6.5 percent were Asian, and 17.6 percent were Hispanic or Latinx.⁴⁸
2. The median age of farmworkers is 47.8.⁴⁹ Approximately 38 percent of agricultural workers are age 55 and older. Additionally, approximately 17 percent of farmworkers are in the 25-34 years of age category, a category that encompasses the average ages in the United States to have a child for the first time.⁵⁰ Workers in this age group may be parents of young children.
3. With an average life expectancy of just 49 years, farmworkers fall ill and die young at far greater rates than the general population. They are especially prone to respiratory illnesses like asthma, chronic bronchitis and fungal infections, according to reports compiled by the National Center for Farmworker Health Inc.
4. About half of the estimated 2.4 million farmworkers in the United States are believed to be undocumented. Farmworker population demographic estimates have a low degree of confidence because the workforce has incentives to remain "below the radar."
5. The most commonly spoken language among migrant and seasonal farmworkers is Spanish. Many others speak indigenous languages.
6. Average and median farmworker household incomes ranged from \$20,000 to \$24,999. By contrast, the median US household income for the same year was over \$54,000 and the average household income exceeded \$76,000.



⁴⁸ U.S. Bureau of Labor Statistics (2019) 'Employed persons by detailed industry, sex, race, and Hispanic or Latino ethnicity', *Labor force statistics from the current population survey* [online]. Available at: <https://www.bls.gov/cps/cpsaat18.htm>

⁴⁹ U.S. Bureau of Labor Statistics (2019) 'Employed persons by detailed industry and age', *Labor force statistics from the current population survey* [online]. Available at: <https://www.bls.gov/cps/cpsaat18b.htm>

⁵⁰ Bui, Q. and Miller, C.C. (2018) 'The age that women have babies: how a gap divides America', *The New York Times*, 4 August [online]. Available at: <https://www.nytimes.com/interactive/2018/08/04/upshot/up-birth-age-gap.html>

Ways to Support Farmworkers

Farmworkers need and deserve safer work environments and greater security in general, and especially during this pandemic. To adequately protect essential farmworkers in this time of crisis -- and, in turn, a major portion of the U.S. food supply -- a number of actions are required.

Appropriately assess risks. An appropriate response to risks requires an adequate and accurate assessment of risk. Some workers may be at a much greater risk of severe response if they contract the coronavirus, including those workers who are older or have underlying medical conditions.

Adequately respond to risks. Once risks have been identified, farm employers should implement policies and safety measures that adequately respond to those risks. Risk mitigation measures include:

- **Provide adequate benefits for workers.** If farmworkers do not receive sufficient benefits, including paid sick leave, they may be dissuaded from staying home if sick or suffering from any symptoms of the virus. Additionally, workers should also be provided adequate breaks and meal times, which support worker mental health and wellbeing and encourage workers to take time to properly wash hands, which may otherwise be forgone if workers feel pressured for time.
- **Implement policies related to safety, self-protection training, and PPE.** All farm operations should ensure that all employees have access to personal protective equipment, such as hand sanitizer and masks, *and are trained* on how to use these items correctly. Farmworkers should also be trained on proper hand washing/sanitizing techniques.
 - Additionally, employees should undergo training on how to mitigate virus spread, including maintaining social distancing on break times.
 - Other protective measures, such as wearing masks, need to be required when proper 6 foot spacing between workers on transportation buses and in fields cannot be maintained.
 - These measures *must* be provided in appropriate languages and regularly updated to reflect evolving understanding of risks.
- **Implement cleaning and sanitation protocols.** Restrooms, transportation buses, and all other shared spaces must be sanitized regularly.
- **Provide workers access to testing.** Currently testing is not available or accessible to many farmworkers. Doctors Without Borders issued a press release about its work in Immokalee,⁵¹ FL, in partnership with the Coalition of Immokalee Workers, calling upon local agencies to provide free testing for all farmworkers in the community, as a result, this will begin on May 29th, 2020. *This needs to be provided across all farming communities, nationwide.*
- **Use transparency.** Notify workers about the number of positive cases on farms and possible points of close contacts, enabling informed personal risk assessments.
- **Improve housing density and quality** so that workers are able to properly distance outside of working hours. Provide shelters for COVID-19 positive and exposed workers in farming communities to reduce spread.

⁵¹ (2020) 'As COVID-19 cases increase nearly tenfold in two weeks in Immokalee, Doctors Without Borders turns to the press for tests, resources...'; *Coalition of Immokalee Workers*, 20 May [online]. Available at: <http://ciw-online.org/blog/2020/05/doctors-without-borders-more-testing/>