

Farm Labor Conditions and Health Outcomes of Female Mixtec Farmworkers on California's Central Coast

Camarena-Ojinaga Lourdes, Getz Christy, Martínez Concepción

Recommendations

From our analysis data gathered during our study of indigenous women farmworkers living and working in Oxnard and Santa María, California, we have developed recommendations for improving labor and health conditions of farmworkers. We recommend changes in both the public and private sectors to mitigate health disparities faced by agricultural workers in general, and indigenous women agricultural workers specifically. Strengthening relevant civil society organizations and formal and informal farm labor networks is also critical to ensuring that vulnerable populations benefit from proposed changes. Health and healthcare-focused education and individual empowerment are necessary but not sufficient interventions. Structural food system changes with a focus on improving workplace and employment status-related social determinants of health is critical to reducing the stark health disparities faced by this population.

Below we detail our specific recommendations:

POLICY & REGULATION

United States:

- 1) Ensure that all federal, state and local labor laws cover farmworkers, who are excluded from federal labor protections guaranteed by the Fair Labor Standards Act. While California has partially addressed and remedied these exclusions through the 1975 California Agricultural Labor Relations Act and subsequent legislation, it is important to continue to advocate for labor-friendly policy at all levels to ensure equity for farmworkers under labor law.
- 2) At the federal level, advocate for the Agricultural Worker Program Act, which would create a path to legal permanent residency (Blue Card) and citizenship for agricultural workers. Structural change in immigration policy should significantly improve social and workplace determinants of health.
- 3) It is critical to end the epidemic of underenforcement of labor law in agriculture that enables many farm labor employers to avoid full compliance. The state of California must provide Cal/OSHA and other relevant agencies with a sufficient budget to enforce standards; and fines and penalties for infractions must be realigned to incentivize standards compliance. Pesticide violations reported by our interviewees who work on non-certified farms highlight the particular need for improved oversight and enforcement of regulations for pesticide applicators, specifically California's recently-revised Certification of Pesticide Applicators Rule.
- 4) Ensure adequate regulatory oversight of the H-2A visa program. In California, H-2A employment expanded 500% between 2012 (3K workers) and 2017 (15K workers), largely for work in the berry and vegetable fields of California's Central Coast. (Martin 2018), and

a number of our interviewees were working on H-2A visas. Because the H-2A program is known for rampant labor violations and because H-2A workers do not qualify for public benefits other than emergency Medicaid, this rapid growth makes regulation even harder and poses increased risks for these workers, many of whom are indigenous women. We also recommend changes to the H-2A program, including eliminating the requirement that visas must be tied to a specific employer and allowing for the possibility of adjusting visa status after US arrival.

- 5) Ensure adequate regulatory oversight of the farm labor contractor sector, which is known for rampant labor violations and often operates under the regulatory radar. California has more than 1,500 registered Farm Labor Contractors (FLCs), who hire more workers than are employed directly by farms.

Mexico:

- 1) The first recommendation deals with the need to organize with certain frequency information modules and support for female farmworkers both in certified and non-certified farms by the Mexican Consulate with the purpose of bettering the labor conditions and work risks of indigenous women farmworkers, and to inform them of their work and health rights.
- 2) During our fieldwork we identified that some indigenous women who are from the state of Oaxaca in Mexico do not have their official Mexican identity documents, such as birth certificates or the voter identification card from the National Electoral Institute (INE), which serves as an identity document. To help remedy this problem, we recommend that the National Institute of Indigenous People (INPI) set up a civil registry module within the Mexican Consulate in order to register these women, which in itself is a function of the Consulate. This would not solve for some of them their status as undocumented workers but it would allow them to be officially recognized as Mexican citizens and be thus more protected by the Mexican Consulate.
- 3) We recommend the formulation of an integral work plan for indigenous female farmworkers in this area, coordinated by the National Institute for Indigenous Peoples and the Mexican Consulate program “Ventanilla de Atención Integral para la Mujer (VAIM)” that attends to women, in order to promote in an active and permanent way the personal, economic and social well-being of female farmworkers in order to take their vulnerability into account.

PRIVATE SECTOR

- 1) We urge food system businesses to model and incentivize equitable labor practices within food supply chains. Our findings suggest that equitable labor conditions, including a robust wage structure, employee bonuses, health insurance, child care and paid time off, are correlated with improved physical and mental health. Some industry leaders like Costco currently prioritize suppliers who have demonstrated a commitment to equitable and transparent labor practices. While not a substitute for policy and regulatory interventions, this type of business-to-business pressure around good labor practices, operationalized by social certification programs like the Equitable Food Initiative (EFI), can shift industry norms and raise the social equity bar for the entire food system.

- 2) Additionally, we recommend that all companies and industry organizations in the produce industry endorse and follow the guidelines of the industry's [Ethical Charter](#), thereby committing both to responsible labor practices and to the promotion of such practices within the industry. (see ethicalcharter.org)
- 3) We recommend that all farms, not just those certified to provide good labor conditions, reconcile work requirements with the living conditions of indigenous women workers. Changes can be undertaken by considering the impact this kind of work has on the health of the workers. It is important to consider improving hygiene in the bathrooms provided for workers, the quality of drinking water, and the provision of areas to protect workers from heat exposure. Additionally, farms must provide workers with the necessary tools for work so they do not have to acquire these themselves.
- 4) Farms should also ensure that their worker communication is not just in Spanish, but also in indigenous languages, to ensure that indigenous workers are fully integrated into and benefitting from all supports and programs provided by the company.

CIVIL SOCIETY

- 1) To the extent possible, state and private actors should coordinate health programming and outreach through local non-profit organizations that have long standing and positive relationships with the community. The Mixteco Indigena Community Organizing Project (MICOP), which is also home to Radio Indigena, is a trusted and effective community partner both in Ventura County and in the city of Santa Maria, where many of California's Mixtec and indigenous communities live and work. MICOP, with a primarily indigenous staff, engages in community-building "through education and training programs, language interpretation, health outreach, humanitarian support, and cultural promotion." (see <https://mixteco.org/about-us/>) Given that Mixtec farmworkers often occupy precarious, temporary employment, networks and support from within the community are especially important. As an example of a successful partnership, MICOP partnered with a major farmworker-focused health plan to better understand barriers and opportunities indigenous farm workers face in accessing care, to help indigenous plan members navigate its health plan systems and services, and to work with support health plan leadership in improving health plan access and systems for the indigenous community.
- 2) We also recommend that public agencies and private foundations increase their support of these types of non-governmental institutions, which are so pivotal in both accompanying and advising the women workers and in providing educational programs relating to health and labor rights.

Martin, P. 2018. "H-2A Expansion in California." Presentation at *NAFTA, H-2A, Immigration, and the ALRB* Symposium, April 14, UC Davis.

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