



FARMWORKER JUSTICE
Empowering farmworkers to improve their living and working conditions since 1981



UMOS
Building Better Futures

The United States Congress
East Capitol Street NE and First Street SE
Washington, DC 20004

March 31, 2020

To All Members of the United States Congress,

On March 20, organizations representing the interests of the estimated two to three million US farmworkers shared a letter outlining the pressing health and welfare concerns of the farmworker community during the COVID-19 pandemic, and the threats to the security of our entire food supply.

Farmworkers feed the world through their labor, bringing fruits, vegetables and other crops to homes across the nation. As the country is learning, their work is critical, yet they and their work have not been properly valued. Farmworkers earn poverty wages, work under substandard conditions and face a myriad of health and other issues due to their living and employment conditions.

While the list of concerns related to the COVID-19 and its potential impact on the farmworker community is lengthy, there are also solutions that exist to limit the impact that this virus could have on farmworkers, their families, consumers and other community members. We must ensure farmworkers are not forgotten or left behind as political leaders take swift measures to contain the outbreak and save lives.

Policy decisions must include careful consideration to the unique concerns of differing communities, including all farmworkers. We urge Congress to act quickly in implementing the following policy priorities and recommendations related to farmworkers and the COVID-19.

Economic Security

- Ensure full and equal access to Unemployment Insurance for all farmworkers impacted directly and indirectly by COVID-19, regardless of employer size.
- Provide paid sick leave and emergency family leave for all farmworkers, regardless of size of farm or employer.
- Provide hazard pay to ensure the integrity and abundance of our food supply. Farmworkers are critical to maintaining our food supply and are considered essential workers. They must be compensated accordingly for the risk they assume by continuing to work.
- Relax requirements for individuals to be able to receive Temporary Assistance for Needy Families (TANF) without having to prove that they are participating in work activity or doing the daily employment applications at job centers, including job centers specifically established for farmworkers.
- Provide additional funds to the National Farmworker Jobs Program and other employment and training programs to provide increased farmworker-supportive services and dissemination of coronavirus-related information and materials.

- Provide funding and relief for rent and mortgage payments for farmworker families with members who have been laid off or become ill related to COVID-19.

Education and Technology Equity

- Ensure that farmworker and other rural children have access to food and homework assignments should their school districts close due to quarantine or shelter-in-place orders.
- Establish a remote, home-learning opportunity for English as a Second Language (ESL) children, including tutoring by phone.
- Provide an alternative method for students to submit their homework assignments, including prepaid postage envelopes for children to return homework to schools for grading.
- Provide mandated childcare for essential workers, including farmworker children. Support, where possible, the creation of partnerships in rural communities to fill in the gaps to safe and accessible childcare, such as the collaboration between local YWCA USA and Migrant and Seasonal Head Start programs.
- Considering prolonged school closures and a move towards virtual learning, for many children in low-income, farmworker and rural communities, virtual learning is not an option due to lack of access to the internet or computers, at home. The Education Fund of the Cesar E. Chavez Foundation has surveyed the families it serves about at-home access to technology and computers. The surveys show many or most lack both.
- To ensure our children do not fall behind and have access to the basic tools that would enable them to participate in online education, we urge dedicated investments:
 - in the technology available to rural schools and migrant head start centers, in addition to broadband expansion.
 - directed to tailored support programs and the tools this student population would need to fully participate in online learning.
- Protect children of farmworkers from exploitation in agricultural work sites by providing them with the same rights and employment protections as children working in every other industry. Since schools have been suspended due to the pandemic, children will face increased risks of having to work on farms without adequate protections.
 - Although school buildings are closing for the remainder of the academic year, schools must be considered in session and restrictions on work hours must be enforced to ensure children have an opportunity to complete their academic requirements, including for children ages 12 and older who are permitted by law to work in agriculture. These children should have the same educational opportunities as all other children.
 - Dedicate resources to provide adequate enforcement of current child labor laws to prevent children under the age of 12 from working in the fields, and children under the age of 16 from performing hazardous work.
 - Improve protections for farmworker children to ensure that they have the same rights as children working in all other industries by increasing the minimum working age from age 12 to 14 and the ability to perform hazardous work from age 16 to 18.

Health

- Ensure free access to COVID-19 medical tests and treatment, regardless of immigration status. In particular, immigration restrictions on the new Medicaid State Option for COVID-19 testing should be eliminated to ensure that everyone is able to receive free testing and access treatment and care for the virus.

- Ensure farmworkers can feed their own families by removing eligibility restrictions for nutrition assistance, including the federal Supplemental Nutrition Assistance Program (SNAP) benefits. Studies of migrant and seasonal farmworkers have found that food insecurity rates range from 50 to 65 percent of the population.
- Enact a feeding program in rural communities that ensures children of farmworker families are provided nutritious meals while practicing safe social distancing during school closures due to COVID-19.
- Paid sick leave for all farmworkers, regardless of size of farm, documentation status, and employment status. Workers should be eligible to apply for this leave from the first day that they are sick, rather than having to be out of work or sick for a prolonged period to qualify. Farmworkers should not have to fear losing their job or wages, or possible immigration detention when they feel sick themselves, have a known exposure to COVID-19 and need to self-isolate, or if they need to care for a sick family member.
- Dedicated investments in rural health care, including but not limited to increased funding for migrant health centers and rural hospitals, as well as health care infrastructure such as broadband to support telehealth services and medical equipment, including respirators, testing kits, and personal protective equipment for medical and outreach staff.
- Support the implementation of a COVID-19 special enrollment period for federal and state health insurance marketplaces to ensure workers can access comprehensive, affordable health insurance. This is especially important if a worker tests positive for COVID-19 and requires treatment. Currently, only testing is available for free.

Immigration and Migration

- Cease immigration enforcement activity during the COVID-19 pandemic, with the exception of serious criminal law violations.
- Declare all places of employment with essential workers, including farms as well as housing and transportation used by farmworkers, to be sensitive locations where Immigration and Customs Enforcement (ICE) measures will not be undertaken except in the most extraordinary of circumstances involving critical public safety issues.
- Reunite migrant families who have been impacted by family separation.
- There is a real risk and threat of a COVID-19 outbreak for people in detention. As the overwhelming majority of people in immigration detention do not pose a threat to public safety and are not an unmanageable flight risk, it is urgent that the detained population be significantly reduced.
- Ensure that farmworkers are eligible to receive the economic relief and COVID-19 rebates that have been proposed as a part of the COVID-19 stimulus packages, regardless of their immigration status, whether they filed taxes in the last two calendar years and irrespective of whether they filed their taxes with a social security number.
- Provide assurances that existing H-2A visas will remain valid for farmworkers currently in the US to complete agricultural labor contracts. Should restrictions be placed on these programs, ensure that guest workers are permitted to return to their country of origin or provided with temporary housing in the US, if border closures or travel bans are in effect that would make it impossible for them to return home.
- Require employers that utilize the H-2A temporary foreign agricultural worker program to adopt occupational safety and health plans and practices for their US and foreign workers as described below.

Occupational Safety and Health

- All farms should comply with the Occupational Safety and Health Administration (OSHA) Field Sanitation Standard and it should be enforced for all workers, regardless of size of farm. Currently, farms with less than 11 employees are excluded.
 - Employers should provide more hand-washing stations with clean water, soap, and single use towels for workers to wash their hands thoroughly and frequently.
 - Allow adequate time for workers to wash their hands more frequently, with time built in to walk to and from the stations, without retaliation.
 - Employers must provide separate cups for workers to access clean drinking water; while already a requirement, it should be a practice implemented more so now.
 - Employers must increase the number of restrooms and the cleaning frequency of restrooms using bleach or other approved cleaning agent.
- Employers should be required to develop a written plan that follows Center for Disease Control recommendations to help prevent transmission of COVID-19 in the workplace as well as farmworker housing units, including through social distancing, providing adequate soap and handwashing facilities and sanitizers, training of farmworkers and their supervisors, and posting of information in appropriate languages where workers will routinely see the information. The plan should address protections regarding transportation and/or housing if the employer provides or arranges housing and/or transportation for farmworkers. The plan also should include emergency responses.
 - Transportation
 - More vans and buses for workers that will allow for adequate space between workers, deep disinfection of the bus/van after each ride, provision of sanitation supplies on the vans and buses such as hand-sanitizer.
 - Housing
 - Adequate ventilation, availability of sufficient sanitation supplies (specifically for kitchens, bathrooms, and sleeping spaces), adequate hand-washing supplies (soap, water, paper towels), and move beds so that they are at least 6 feet apart.
 - Separate adequate housing facilities for farmworkers who have tested positive for COVID-19 during the time period that they must remain in isolation and housing for those who must be quarantined if they have had exposure to individuals who tested positive to the virus.
 - Ensure that all shared bathroom, bathing and cooking facilities, as well as housing, are properly disinfected if or when individuals test positive for COVID-19.
- Pesticide handlers and applicators regularly deal with chemicals that range in toxicity and include Restricted Use Pesticides, which can be deadly. It is of vital importance that these workers have access to the basic Personal Protective Equipment, such as masks and respirators, as required by pesticide labels and federal law to minimize the risks of pesticide poisoning. The existing shortage of masks threatens the ability of these workers to do their job safely. This concern applies to workers in agriculture, as well as those that apply pesticides in or around homes, schools, hospitals and industrial establishments.

Violence

- Provide stimulus funding for all non-profit organizations, especially those providing humanitarian relief, legal services, violence prevention and support for survivors, along

with other charitable organizations that serve the farmworker community and the public at large.

- Ensure additional funding and flexible resources for organizations and entities that provide shelter, housing assistance, and supportive services to meet the needs of victims of sexual violence, domestic violence, and trafficking, as well as to cover operational accommodations for the safety of survivors and staff during the pandemic.
- Provide increased funding for those who support and serve victims of crimes, particularly given that crime rates have historically risen during times of crisis.
- Increase resources to support the mental and emotional health of victims and survivors who might be triggered and experiencing high rates of anxiety, depression and other health issues resulting from the chaos and insecurity related to the COVID-19 pandemic.
- Provide additional financial support to ensure meaningful access to services and care for all individuals who do not speak English as their primary language.
- Support policies to prevent ICE enforcement measures at all sensitive locations, including expanding access to law enforcement assistance and court services without fear of repercussions from federal immigration enforcement.

Even though farmworkers have been denied many of the basic protections afforded to other workers and workforces in the past, Congress must take into account the ongoing and emerging needs of the farmworker community. These priorities must be considered as protocols, policies and programs are being developed to create an all-community plan to address, curb and end the COVID-19 pandemic.

For the health of our communities and the security of our entire food supply, Congress must act now to implement these policy recommendations.

Signed,

Justice for Migrant Women

Farmworker Justice

MAFO, A National Partnership of Farmworker & Rural Organizations

National Migrant & Seasonal Head Start Association

UFW Foundation

UMOS

9to5

Adams State University Cultural Awareness & Student Achievement Center

Advanced Economic Solutions Inc.

Advocates for Basic Legal Equality, Inc.

American Federation of Teachers

Asian Pacific American Labor Alliance, AFL-CIO

Association of Farmworker Opportunity Programs

Augsburg University

Bautista Medical Group

California Coalition Against Sexual Assault

California Rural Legal Assistance Foundation, Inc.

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities

Center for Constitutional Rights

Centro Campesino

Centro de los Derechos del Migrante, Inc.

Child Labor Coalition

Children's Defense Fund-California

CLUW of Southwestern PA
Coalition of Florida Farmworker Organizations
Coalition of Labor Union Women
Coalition of Labor Union Women- CA Capital Chapter
Coalition on Human Needs
Community Action Agency
Delta Tau Lambda Sorority, Inc.
Disability Rights Education & Defense Fund
Empliyee of a farmer
Enlace Comunitario
Episcopal Farmworker Ministry
Equal Pay Today
Equal Right Advocates
Equality North Carolina
Farmworker Advocacy Network
Fiscal Policy Institute
Food Empowerment Project
Futures Without Violence
GreenLatinos
Hispanic American Leadership Organization
Hispanic Association of Colleges and Universities
Hispanic Federation
Hispanics in Philanthropy
IAACOMA
Institute for Women's Policy Research
Justice at Work (Pennsylvania)
Justice for Migrant Families WNY
La Cooperativa Campesina de California
La Union Del Pueblo Entero (LUPE)
Labor Council for Latin American Advancement
Labor Occupational Health Program
Last Mile4D
Latino Chamber of Commerce of South Eastern Wisconsin
League of United Latin American Citizens (LULAC)
Legal Aid at Work
Legal Aid Society of Metropolitan Family Services
Lingua Consulting, LLC
Little Saigon TV
Los Angeles LGBT Center
MALDEF
MANA, A National Latina Organization
Mariselspeaks
Massachusetts Migrant Education Program
Maui Economic Opportunity, Inc.
MAZON: A Jewish Response to Hunger
Media Voices for Children
MeToo Movement
Mexica-Arts
Mexican American Council (MAC)
Mi Familia Vota
Michigan Immigrant Rights Center

Migrant Justice
Migrant Legal Aid
MUJER, Inc.
Multicultural Efforts to end Sexual Assault (MESA)
National Association of Latino Arts and Cultures
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Consumers League
National Domestic Workers Alliance
National Employment Law Project
National Employment Lawyers Association
National Farm Worker Ministry
National Latinx Psychological Association
National Organization of Sisters of Color Ending Sexual Assault
National Partnership for Women & Families
National WIC Association
National Women's Law Center
New Economics for Women
New York Immigration Coalition
NorCal Resist
Oxfam America
PCUN, Oregon's Farmworker Union
Presente.org
Public Advocacy for Kids (PAK)
Redlands Christian Migrant Association
SER-Jobs for Progress National Inc.
Southwest Suburban Immigrant Project
SPLC Action Fund
T'ruah: The Rabbinic Call for Human Rights
Teachers College, Columbia University
The Voices and Faces Project
The Workers Lab
Toxic Free NC
United States Hispanic Leadership Institute
United We Lead Foundation
Virginia Sexual & Domestic Violence Action Alliance
Voto Latino
We All Rise
WeCount!
Women's Law Project
Woodburn Downtown Association (Woodburn, OR)
Worker Justice Center of New York
World Without Exploitation
YWCA of the University of Illinois

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