



June 18, 2020

United States Senate
Washington, DC 20510

Re: Justice for Migrant Women's Policy Priorities for the Next COVID-19 Response Bill

Dear Senator:

The pain of the COVID-19 pandemic is being acutely felt by migrant farmworkers, whose work is already undervalued, despite the critical role they play in the nation's food supply. As Congress develops the next legislative package to address the COVID-19 pandemic and its economic fallout, Justice for Migrant Women respectfully urges you to ensure that support and safeguards are included for the physical safety, health, and economic security of migrant women and their families.

Migrant women, who comprise approximately 900,000 of the nation's 2.5 million farmworkers, have long endured sexual assault at work and in migration, with few resources to support them. Sexual violence and harassment is high in agricultural workplaces because of severe imbalances of power between supervisors and workers, and the systematic barriers that prevent the report of this abuse. They also encounter additional barriers when seeking safety and services. The current crisis has exacerbated the threats and challenges women face even further.

Farmworkers have been performing essential work to ensure food remains on the tables of American families during the coronavirus pandemic, and yet struggle to put food on their own tables. Most farmworker families have not been helped by the economic relief measures in the CARES Act and other legislation Congress has passed to address the COVID-19 pandemic. The Department of Homeland Security has appropriately designated farmworkers as essential workers.¹ It is time that our federal policies treat them as such, regardless of their immigration status.

Many farmworkers lack basic measures to keep themselves safe from COVID-19. Handwashing stations with soap, masks, and even toilets are lacking at many worksites. Physical distancing in farmworker housing and transportation is not being practiced uniformly, and in some cases, those sick with the virus are not being isolated from others in housing, and are still going into the fields to work because they cannot access sick pay. Meanwhile, school disruptions are

¹ Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, Office of the Director, Cybersecurity & Infrastructure Security Agency, U.S. Department of Homeland Security, March 28, 2020.

leading to migrant children spending more time engaged in farm labor, with all the risks that entails, while their educational advancement suffers.

We therefore strongly encourage the inclusion of the following measures in the next legislative package to address the threats that the COVID-19 pandemic's health and economic crises pose to the health, safety, and economic security of migrant women and their families.

Enhancing Access to Safety and Services for Survivors

None of the COVID-19 relief packages that have been enacted to date have directly addressed the need to increase access to safety and services for survivors of sexual assault. There is also a need to provide resources for community-based organizations primarily focused on providing culturally specific services for racial and ethnic minority communities who face a disproportionate impact of the pandemic and the economic crisis, as well as additional barriers to safety. Justice for Migrant Women supports the requests put forth by the National Task Force to End Sexual and Domestic Violence. In particular, we urge you to:

- **Provide \$100 million in additional funding for the Sexual Assault Services Program** administered by the DOJ Office on Violence Against Women (OVW) to assist sexual assault services programs in meeting the emergency needs of survivors;
- **Provide \$40 million in funding** through the Family Violence Prevention and Services Program (HHS) **to address the disproportionate impact of COVID-19 on racial and ethnic minority communities by providing culturally specific services** and support to women and youth of color who are victims of domestic violence and sexual assault;
- **Provide an additional \$10 million for the OVW Rural grant program** to assist survivors of domestic violence and sexual assault in rural areas and improve the response to child abuse;
- **Prevent the detention or deportation of immigrant survivors** with pending applications for protection under the Violence Against Women Act / Trafficking Victims Protection Act; and
- **Ensure that additional resources are provided directly to Tribal governments** to increase access to safety and services for survivors in Tribal communities where resources to respond to COVID-19 are scarce.

Economic Relief

Make Economic Impact Payments available to ITIN users

The majority of farmworkers were unable to receive the CARES Act's Economic Impact Payments (also known as recovery rebates), because at least one adult in each household used an individual tax identification number (ITIN) in their tax filing.

- **The HEROES Act provides a remedy and should be enacted: make tax filers that use ITINs eligible for the CARES Act's direct payments, and apply this same principle to any additional rounds of Economic Impact Payments.**

Premium Pay

The HEROES Act creates a premium pay program in which employers may apply for grants to provide their essential workers with \$13 per hour in premium pay for work performed from January 27, 2020 until 60 days after the COVID-19 public health emergency designation is rescinded, with a cap of \$10,000 in total payments per employee. The HEROES Act includes agricultural workers in the definition of essential workers, making any employer of agricultural workers eligible for grants to provide their workers with premium pay.

- **We support inclusion of the pandemic premium pay provisions of the HEROES Act to provide farmworker families with the recognition and much needed income that they deserve for risking increased exposure to COVID-19 in order to maintain the nation's food supply.**

Child Care

Child care is critical for farmworker women to be able to work and earn income while knowing that their children are safe and supported. Without child care, farmworker women have to make the difficult choice of staying home and losing income, thus falling further into poverty, or going to work and leaving their children unattended. Left with this difficult choice, some mothers feel compelled to bring their children with them into the fields where they may be exposed to extreme heat, pesticides, dangerous equipment, and other hazards. The Migrant and Seasonal Head Start program (MSHS) provides a solution for these families. Children enrolled in MSHS are able to be cared for in a safe and supportive environment that advances their development while their parents are at work.

- **We urge Congress to allocate \$350 million for Migrant and Seasonal Head Start programs, to cover additional costs of providing services to children under the age of 5 who have at least one parent working in agriculture during the pandemic – with \$100 million set aside to cover technology costs.** Of this total, \$250 million will cover the costs associated with opening MSHS programs that are in compliance with CDC COVID-19 specific instructions which require MSHS programs to secure twice the classroom space in order to limit classes to no more than 10 children. These additional classrooms will have to be staffed and provided with adequate supplies, including instructional materials as well as CDC required cleaning and protections.

Health and Safety

Migrant Health Centers

The need for culturally competent primary and preventive healthcare, with expertise on the unique occupational hazards faced by farmworkers, is especially acute during this time. COVID-19 “hotspots” have already emerged in a number of rural counties with significant farmworker populations. While recent legislation has provided some funding for rural health centers, more is needed.

- **Justice for Migrant Women supports the HEROES Act's \$7.6 billion funding level for community health centers, with a set aside for migrant health centers, so that these critical local providers can detect, prevent and diagnose COVID-19 and to enable them to stay open by offsetting revenue losses.**

Protections for Young Children

Under current law, children as young as 12 years old can work in agriculture with virtually no limit on the number of work hours outside of the school day. Furthermore, children performing hazardous agricultural work can be as young as 16 years old, while hazardous non-agricultural work is reserved for adults. With the COVID-19 pandemic disrupting normal school schedules, children risk spending more time in the fields, being exposed to greater physical harm, while losing out on their educational advancement.

With the majority of work-related fatalities for children occurring in the agriculture sector, and past findings that child agricultural workers drop out of school at four times the national dropout rate, it is imperative for Congress to address child labor in agriculture.

- **We urge you to protect child workers by including the Children’s Act for Responsible Employment and Farm Safety (H.R. 3394) in the next bill that addresses the COVID-19 pandemic.**

While retaining exemptions for family farms and educational programs like 4-H and Future Farmers of America, the Children’s Act for Responsible Employment and Farm Safety would bring age and work hour standards for children in agriculture up to the standards for children working in all other industries; establish a minimum penalty for child labor violations; increase the maximum civil monetary penalties and maximum criminal penalties for child labor violations; provide children with greater protections against pesticide exposure in agriculture by raising the labor protections to EPA standards, and include reporting requirements on work-related injuries and serious illness.

Workplace safety

Many farmworkers lack the basic necessities needed to keep themselves safe: handwashing stations and soap in the fields, masks, and, even, toilets. All of these are items necessary to abide by the CDC’s guidelines to prevent the spread of COVID-19. While the CDC and U.S. Department of Labor issued interim guidance on June 1, 2020 on how to protect agricultural employers from COVID-19 on work sites and in shared housing and transportation, the guidance does not require any employer to implement it and does not provide protection for workers from retaliation if they report infection control problems.

- **Similar to the HEROES Act, legislation must require that all workplaces develop and implement infection control plans based on the CDC’s guidance, with retaliation protections for workers who report concerns, and information posted where workers will routinely see it, in a manner that is accessible in the languages written and understood by the farmworkers on each worksite, such as Spanish and indigenous languages. Such requirements must also be tied to agricultural employers’ eligibility for any tax credits or economic relief.**

In addition to the priorities above, Justice for Migrant Women also supports the inclusion of the following provisions:

- Free COVID-19 testing and treatment for all, including undocumented farmworkers;
- Increased access to Supplemental Nutrition Assistance Program benefits by removing eligibility restrictions and ensuring that child nutrition programs develop plans to

serve migrant children, in order to provide aid to the 50 to 65 percent of migrant and seasonal farmworker households that are food insecure;

- More robust family leave and sick pay policies so that all farmworkers, regardless of the size of the farm they work on, can be eligible for paid sick leave from the day they are sick until they, or the dependent they care for, have recovered;
- Until the bipartisan Farm Workforce Modernization Act (H.R. 5038) can become law, provide farmworkers with immigration status and work authorization that protects them from deportation;
- Access to free broadband and electronic devices, as designed in the HEROES Act's Emergency Connectivity Fund and Emergency Broadband Benefit, so that migrant children are able to continue their education when schools have to provide remote learning;
- Rental protections and assistance so that families don't lose their homes, including \$309 million in rural rental assistance as included in the HEROES Act, and cancelling rent payments for the duration of the current national emergency declaration as included in the Emergency Rent and Mortgage Cancellation Act (H.R. 6515).

Justice for Migrant Women stands ready to work with you in advancing the policy priorities above, so that the needs of migrant farmworker women and their families are no longer overlooked in the federal policy response to the health and economic impacts of the COVID-19 pandemic. Our team can be reached at policy@justice4women.org or (419) 773-4009.

Sincerely,



Mónica Ramírez
Founder & President
Justice for Migrant Women

cc: The Honorable Joaquin Castro, Member of Congress
Chair, Congressional Hispanic Caucus