Migrant Farmworkers-
Those Who Would Be Saved

Every year, migrant farmworkers follow the Southeastern migrant stream from Florida to Delaware to harvest truck crops, crops that cannot be harvested by machine because they require human judgment in order to be picked when ripe. Many crops which end up in America's kitchens are harvested by migrant farmworkers: oranges picked in Florida; peaches from Georgia and South Carolina; tobacco, cucumbers, sweet potatoes, cabbage, squash, watermelons, and soybeans in eastern North Carolina; apples in northern North Carolina and Virginia; and mushrooms in Delaware.

North Carolina is in the middle of this migrant stream and is the summer host for 30,000 to 60,000 migrant farmworkers per year. These migrant workers are an increasingly important part of the agricultural economy of North Carolina. North Carolina migrant and seasonal farmworkers (those who live in a community year round but do not work full time at farming) harvested crops which represented almost $2 billion in agricultural production in 1980; yet in North Carolina, migrant farmworkers receive a lower average wage than migrant workers in any other state in the country.

In his opening remarks to the Legislative Study Committee on Migrants (February 26, 1982), North Carolina's Commissioner of Labor, John C. Brooks, stated: "Without migrant farmworkers our crops would rot in the field, and our agricultural economy would be in a shambles." Even so, North Carolina does not have a very good track record concerning farmworkers' rights. In a 1979 report which focused on 20 agricultural states that employed migrants, Duke University Fellow Dr. Joshua S. Richert found that North Carolina was rated rock bottom as 20th among states which afforded legal protections to their farmworkers. The need for legal protection arises out of problems inherent in the crewleader system by which migrant farmworkers are hired. This system can easily lead to abuses concerning recruitment, wages, and the health and safety of the workers.

Recruitment

In the crewleader system, a crewleader contracts with a grower to supply the grower with farmworkers for an agreed-upon sum of money. The money paid by the grower to the crewleader covers the crewleader's salary and fees as well as the migrant farmworkers' wages. Thus, there is a built in incentive for the crewleader to pay the migrant farmworker as low a wage as possible; every penny that is not paid out in wages to farmworkers increases the crewleader's own take. The crewleader decides where the migrant farmworkers will go and what crops they will pick. In many instances, once a migrant farmworker joins a crew, he/she may remain with that crewleader for the rest of his/her life.

While recruiting farmworkers, a crewleader is required by the Farm Labor Contractor Registration Act to inform the migrant worker, in writing, of the wages and conditions of employment, including what will be charged for room and board. However, many migrant farmworkers are not aware of the law and never see the required written statement. In a 1981 report for the North Carolina Chapter of the National Lawyers' Guild (Crewleader Violence Against Farmworkers in North Carolina by James Parker and David Hemingway), a staff attorney with the Florida Rural Services stated that "in his seven years of work with migrants he had never seen a written statement disclosing the information required under the act."

Wages

Migrant farmworkers who are transported across state lines to work on a farm are covered by the Federal Fair Labor Standards Act and are therefore guaranteed the federal minimum wage.

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However, since "reasonable" deductions for food and lodging are permitted under the law, crewleaders are able to exploit their position by making deductions from the migrant farmworkers' wages for expenses for food, cigarettes, and alcohol (illegally sold at the camps), from the crewleader's "canteen". By selling these items at inflated prices, a crewleader is able to drive down the price of the labor, a practice reminiscent of price-gouging in "company towns". Often, housing for the migrant farmworkers is provided free of charge by the grower, but the crewleader will many times, deduct for it anyway. Additionally, crewleaders are able to set the piece rate (the amount of money paid per unit of picked crop) for work at a level below what the average worker could earn at a minimum hourly wage--further reducing the farmworkers' wages. Crewleaders are required by the Federal Wage and Hour Law to itemize all deductions in writing when the farmworkers are paid; many migrant workers are not aware of this regulation and it is not easily enforced.

Health and Safety

The average life expectancy of a migrant farmworker is 49 years, compared with a national life expectancy of 71 years; the mortality rate among the infants of farmworkers is three times the national rate (60 versus 20 per 1000 live births). The health and safety of migrant farmworkers is affected by four major factors: the living conditions of the camps, physical abuse by crewleaders, the lack of adequate health care, and the working conditions in the fields.

Presently, housing standards for migrant camps are regulated by three different agencies under three sets of guidelines: the Rural Manpower Service, the local public health department, and the Occupational Safety and Health Administration (OSHA) Division of the State's Department of Labor. There is much confusion and duplication of effort among these agencies involved, which tends to discourage the grower from keeping abreast of the various regulations. The result is, more often than not, overcrowded and unsanitary living conditions.

North Carolina is the only major migrant state in the country lacking state legislation to prevent physical abuse by crewleaders. The report Crewleader Violence Against Farmworkers in North Carolina documents many instances of abuses by crewleaders, including beatings, threats with weapons, and kidnappings. Physical intimidation has been used to keep some migrants practically enslaved. In the last two years alone, there have been eight migrant slavery convictions in North Carolina. Presently, representatives of the Farm Workers' Legal Services, the National Lawyers' Guild, the North Carolina Council of Churches, and the Migrant Seasonal Farmworkers Association are working on a draft for a state anti-slavery statue.

Another problem concerning inadequate health care is the lack of coordination among health care facilities which deal with migrant patients. Since health records are not transferred along with the migrants as they travel the harvest circuit, physicians have no reliable information about the types of tests and treatments a migrant has received. Needless repetition of some tests, such as x-rays, can harm the migrant.

Unsanitary facilities and unsafe working conditions also contribute to the poor health among farmworkers. For instance, use of a common cup in distributing water to workers in the field helps spread infectious diseases, including diseases brought into the United States by refugees who have joined the migrant stream.

Inadequate protection from pesticide poisoning is also a health problem for migrants. Skin rashes, eye infections, and uncommon lung diseases (referred to as "Pesticide Pneumonia") are all side effects which many migrants experience after working in a sprayed field. Often, health workers are able to tell, without asking, what crop a migrant has been picking by the skin rashes on different areas of his/her body: rashes under the arms and on the hands indicate tobacco; on the hands only, cucumbers; on the hands and shins, sweet potatoes. The rashes result from handling the sprayed crop while picking and loading it into the trucks.

Recommendations

Several recommendations for protecting migrant farmworkers from exploitation by crewleaders are outlined in a report by Rep. Fulcher's aide, David Johnson, (Legislation to Define a Fair and Equitable Relationship Among Farmers, Farm Labor Contractors and Farm Labor-

Continued on page 28.
The North Carolina Agricultural Marketing Project (NCAMP) is another group that helps small farmers organize to market their produce. NCAMP works on a smaller scale than that proposed by the Piedmont Vegetable Marketing Cooperative. It serves restaurants and independent grocery stores as well as private citizens through various farmers markets and direct marketing systems. There are eighteen cities and towns in North Carolina that have farmers markets or direct marketing arrangements. "This year," says Richard Pipan, co-director of NCAMP, "we are moving towards bulk marketing, which gets food to groups not served by the present distribution system -- schools, food buying clubs, and religious groups. So now we're trying to organize citizens as well as growers in order to expand the number of people who can benefit from cheaper, fresher food."

There are several ways planners and private citizens can work towards a better distribution and marketing system, according to Pipan. One way is to insist that local produce be featured in chain grocery stores. Planners can help by amending approved use ordinances to include farmers markets. For example, the town of Wilson, North Carolina has a system where any public land, church or school can be used for a farmers market on a permit basis. As pointed out by Pipan, existing structures can be used for a farmers market -- new facilities need not be constructed. Durham, North Carolina uses a recreation center for a farmers market.

With the establishment of better marketing opportunities, vegetable and fruit production is indeed a viable alternative to tobacco production for many farmers, especially those with small farms. The need to explore such alternatives is becoming more urgent as reforms to the tobacco program are proposed. A recent editorial in the Raleigh News and Observer succinctly noted: "To the public officials and the farmers of North Carolina, the message should be clear: diversify."

Continued from page 26.

ers) to the Legislative Study Committee on Migrants. Among them are:

-Regulating crewleaders by establishing eligibility standards for licensing by the state.
-Establishing contractual guidelines concerning migrant farmworkers' wages.
-Legislating standards for piece rate work to guarantee the farmworkers at least the equivalent of the minimum hourly wage.
-Enacting a uniform housing code.
-Assigning migrant farmworker camp inspections to one agency, the Division of Health Services, which already has the trained personnel and has easier access to the camps through its regional offices.

In order to facilitate communication among health care facilities concerning tests and health care treatments of migrant farmworkers, health records could be transferred along with the school records of migrant children; North Carolina presently has a computerized transfer system for school records already in operation.

Presently, because of a national policy also followed by the state, only three OSHA standards which cover general industry are applied to agricultural work (one concerning tractors, anhydrous ammonia and minimum housing conditions for migrant camps). Existing standards for general industry, and/or new standards need to be extended to agricultural workers. For example, worker protection standards concerning warnings for pesticide spraying (including the posting of warnings in fields which are being sprayed or have been sprayed), establishing safe re-entry times for working in fields which are sprayed, and providing gloves, eye goggles and other equipment for protection against pesticide poisoning are all needed to ensure a safe working environment for farmworkers.

North Carolina is a state of highly productive farmland; it is the nation's largest producer of both tobacco and sweet potatoes, it ranks second in growing cucumbers for pickles, fifth in snap beans, cabbage, and green peppers, sixth in peaches, seventh in apples, but last in wages and in legal protections for the migrant workers who pick those crops.

On February 26, 1982, the first meeting of the Legislative Study Committee on Migrants in North Carolina was convened. Co-chair Rep. Malcolm Fulcher, from Carteret County, stated "I hope this commission will not be just another study commission." The migrant farmworkers who pick North Carolina's crops will soon be returning for the summer harvest. They have little time left for inaction.