**Farmworker Justice Update: 09/29/17**

**Farmworker Justice and the UFW Organize Broad Coalition of Labor, Civil Rights, Farmworker, Immigration and Religious Groups on Letter to Congress Opposing Anti-Immigrant, Anti-Worker Guestworker Proposals**

On September 27, a broad coalition of almost 150 national and local organizations sent a letter to Members of Congress regarding immigration and employment policies affecting agricultural workers. The coalition of national and local organizations was organized by Farmworker Justice and the United Farm Workers. In addition to farmworker-serving organizations, it encompassed organizations in the labor movement, such as the AFL-CIO and the International Brotherhood of Teamsters, immigration advocacy and civil rights groups including UnidosUS and the Leadership Conference on Civil and Human Rights, and faith-based organizations such as the Episcopal Church and the Alliance of Baptists.  The letter was sent in anticipation of the [likely introduction](http://www.thepacker.com/news/rep-goodlattes-guest-worker-plan-would-replace-h-2a) of Rep. Goodlatte’s (R-VA) “Agricultural Guestworker Act,” a bill that would undermine the wages and working conditions of all agricultural workers through the creation of a modern-day Bracero program.  The letter also addresses efforts by other members of Congress to add a “rider” containing substantive legislation onto spending bills to expand the scope of the H-2A program in a way that will hurt both US and immigrant workers. As expressed by the signers of the letter, Congress should pass legislation that provides farmworkers with a path to lawful permanent residency and eventual citizenship, as reflected in the Agricultural Worker Program Act (S. 1034, H.R. 2690), sponsored by Senators Feinstein and Leahy and Rep. Gutierrez.

**“E-Verify” Bill Introduced in Congress**

Earlier this month, Rep. Lamar Smith (R-TX) introduced the [Legal Workforce Act of 2017](https://www.congress.gov/bill/115th-congress/house-bill/3711/titles?q=%7B%22search%22%3A%5B%22HR+3711%22%5D%7D&r=1), a mandatory E-Verify bill which would harm and displace the farmworkers who grow our nation’s food. The legislation would require employers, as well as those recruiting and referring job applicants, to check applicants’ immigration status with a government database. The enforcement-only approach embodied in the Legal Workforce Act would wreak havoc on our economy by causing a huge disruption in agriculture, where much of the labor force is undocumented.  The bill gives some limited leniency to agricultural employers but threatens the approximately one million productive farmworkers in the U.S. who lack authorized immigration status. Those workers would still be at risk of immigration enforcement, including possible deportation, and would be driven further into the margins of society.

Rep. Goodlatte’s announced intention to introduce a bill creating a massive new guestworker program, discussed above, is partly a response to employer concerns about the impact of mandatory verification in agriculture.  While his bill may soften some employer opposition, the bill would not stabilize the current skilled farm labor force and would substitute one second-class, vulnerable workforce for another. A more comprehensive solution is needed, including an opportunity for undocumented farmworkers to earn legal immigration status.

**Fate of Deferred Action for Childhood Arrivals (DACA) Recipients Still Uncertain**

Advocacy continues in a widespread campaign to win a reprieve for the hundreds of thousands of DACA recipients whose status is now in jeopardy due to the Administration’s recent decision to rescind the program. Among these efforts, House Democrats on Monday introduced a [discharge petition](http://thehill.com/latino/352379-democrats-seek-to-force-vote-on-dream-act), a motion to force a floor vote, on the DREAM Act. However, in order for the petition to be successful, a majority of members must sign on to it – which means that some Republican support is necessary. Under the DREAM Act, between 1.2 million and 1.8 individuals could be eligible for work permits and relief from deportation.  Also on Monday, Republican Senator Thom Tillis (NC) introduced the [SUCCEED Act](https://www.congress.gov/bill/115th-congress/senate-bill/1852?q=%7B%22search%22%3A%5B%22Succeed+Act%22%5D%7D&r=1), a conservative alternative to the DREAM Act. The SUCCEED Act has [various problematic provisions](http://www.aila.org/advo-media/press-releases/2017/senate-rep-bill-strays-from-protecting-dreamers) establishing harsher limits on individuals’ ability to participate in the program, become citizens and sponsor family members.  For example, the bill requires Dreamers to wait an extraordinary 15 years before they can apply for citizenship. The fate of DACA recipients will continue to be debated next week as the Senate Judiciary Committee holds a hearing on October 3 entitled “[Oversight of the Administration’s Decision to End Deferred Action for Childhood Arrivals](https://www.judiciary.senate.gov/meetings/oversight-of-the-administrations-decision-to-end-deferred-action-for-childhood-arrivals).”

Farmworker Justice continues to advocate for the passage of a clean DREAM Act. Please join the [National Virtual March](http://virtualmarch.us/) in support of a clean DREAM Act, taking place between September 27 and October 2, to spread the word about this important issue.

**Lawsuit Challenges Discrimination in Hiring by H-2A Program Employer**

Texas RioGrande Legal Aid and the [U.S. Justice Department](https://www.justice.gov/opa/pr/justice-department-files-lawsuit-against-crop-production-services-alleging-discrimination) are both suing an agricultural employer for discriminating in hiring in favor of guestworkers under the H-2A program and against U.S. workers. The company allegedly established job qualifications that were applied to reject U.S. workers but not applied to foreign citizens.  Under the H-2A program, employers often prefer to hire vulnerable guestworkers, which is one reason Farmworker Justice has long called for stronger protections and better enforcement.

***Update on Farmworker Health and Safety***

**Heat Stroke A Danger For Farmworkers**

A common hazard for farmworkers is the danger of heatstroke from high temperatures, often exacerbated by lack of adequate water, rest breaks or shade. A [recent Mother Jones article](http://www.motherjones.com/food/2017/09/farmworkers-hot-days-deadly-mendota-california/) details the development of state-level efforts in California to address this issue and ensure employers comply with the necessary measures to keep farmworkers safe. California’s efforts to prevent heat-related illness among agricultural workers are stronger than those at the federal level and in most states.

**Deaths of Dairy Workers Highlight Lack of Safety and Oversight**

A [recent Washington Post article](https://www.washingtonpost.com/national/deaths-of-farmworkers-in-cow-manure-ponds-put-oversight-of-dairy-farms-into-question/2017/09/24/da4f1bae-8813-11e7-961d-2f373b3977ee_story.html?hpid=hp_rhp-moretopstories2_farmdeaths-630pm%3Ahomepage%2Fstory&utm_term=.fb1f9ca4078e) that highlights the workplace deaths of two Idaho dairy farmworkers puts into stark relief the dangerous conditions faced by farmworkers on dairy farms across the country. Dairies have been consolidating into larger operations and hiring more immigrant workers than in the past.  Agricultural workers, many of whom are foreign-born, suffer fatal on the job injuries at a rate higher than even police officers or construction workers. In 2015, for example, there were 6,700 injuries on dairy farms with 11 or more employees, as well as 43 fatalities. More effective oversight, training and enforcement are needed by government.  Yogurt, ice cream, butter and cheese producers need to accept more responsibility for conditions in their supply chains.