



FARMWORKER
JUSTICE

2011 ANNUAL REPORT



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Farmworker Justice has provided vigorous and effective advocacy for farmworkers in our nation's capital since 1981. Our mission is to empower migrant and seasonal farmworkers to improve their wages and working conditions, immigration status, health, occupational safety, and access to justice.

We advocate and build coalitions for stronger labor protections, a more humane immigration system, and more vigorous enforcement of existing laws; we bring lawsuits to challenge injustices in the fields and in federal agencies; we help establish worker education programs to improve occupational safety and health; and we use the media to raise awareness of effective solutions among lawmakers and the public.



FARMWORKER JUSTICE



ABOUT

FARMWORKER JUSTICE

Our vision is a nation where farmworkers are organized and their organizations are equipped with the tools to:

End discrimination against agricultural workers in labor laws and demand effective enforcement so that farmworkers enjoy the same workplace rights that protect employees in other occupations and exercise them without retaliation.

Promote higher wages, better working conditions, and comprehensive immigration reform that will improve farmworkers' lives and stabilize the agricultural labor force.

Access health and job safety information to address HIV/AIDS within farmworker communities, limit exposure to toxic pesticides, and reduce preventable workplace injuries.

We believe that the myriad problems that agricultural workers, their families and their communities encounter require a multifaceted approach. Our work is carried out primarily in five areas:

On Capitol Hill

We work in Congress to educate lawmakers about the plight of our nation's agricultural workers, defend against harsh proposals, and advocate for meaningful solutions.

In Administrative Agencies

We help farmworkers voice their concerns in federal administrative agencies to advocate for sensible policies, effective implementation of programs and vigorous enforcement of labor-protection laws.

In The Courts

We represent workers and their organizations in lawsuits challenging illegal actions by government and private employers.

With Farmworkers & Farmworker Organizations

We provide legal advocacy, policy analysis, training and technical assistance to farm labor unions, other farmworker organizations, attorneys, migrant health centers, job training programs, and immigrant advocacy groups. We provide capacity building to community-based programs that serve farmworkers, particularly groups that work to prevent HIV/AIDS and occupational injuries.

In The Public Eye

We conduct media campaigns, internet advocacy, and other effective communications strategies to educate the public and policymakers about farmworkers' issues and promote meaningful solutions.

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Dear friends,

As 2011 drew to a close, many friends asked me, "What explains the remarkable growth of Farmworker Justice during these difficult economic times?"

By the beginning of 2012, our staff had grown to 20 people. The number of health and legal professionals increased, our communications team expanded, and we hired our first Chief Operations Officer. To accommodate our growth, we renovated our office and leased an additional suite.

Around the country, more farmworkers and communities are benefiting from our advocacy, litigation, education and capacity-building. Farmworker Justice has strengthened its collaborations with organizations in the U.S. and abroad to address the needs of farmworkers.

This report highlights the high-impact, creative work we are doing in communities through our capacity-building programs, litigation against systemic abuses by employers and government, advocacy in federal agencies for better policies and stronger labor law enforcement, and advocacy in Congress to stop harmful legislation and support meaningful reforms.

Farmworker Justice's expanded communications team is raising public awareness about effective solutions through news articles, op-eds, editorials, blogs, listservs, Facebook postings, reports, and speaking engagements. By mid-2012, we will have built a new website that will serve many constituencies regarding labor, immigration, health, occupational safety, and corporate responsibility.

High-level White House and federal agency officials and Members of Congress trust Farmworker Justice for legal and policy analyses, testimony and links to farmworkers around the country.

The Board of Directors, chaired by Grizelle Apodaca, completed a thoughtful strategic plan to guide our work for the next five years.

So, what does explain FJ's expansion when so many other not-for-profit organizations that depend on grants and donations have suffered during the nation's economic difficulties?

I believe that Farmworker Justice has demonstrated, over many years, an unusual degree of effectiveness due to the dedication, skill, creativity, integrity, and unselfishness of our staff, Board of Directors, Advisory Council and volunteers.

No reasonable person, however, would argue that the conditions for farmworkers are what they should be. We have much work to do. Having experienced how additional resources can improve our success, our challenge at Farmworker Justice is to sustain our growth and continue our 30-year history of effective service to farmworkers and their organizations

We can't do it without you. Thank you for your support.

Bruce Goldstein, President

LETTER FROM THE PRESIDENT

BRUCE GOLDSTEIN

LETTER FROM THE CHAIR OF THE BOARD OF DIRECTORS

GRIZELLE APODACCA



It has been my pleasure and honor to serve as Chair of the Board of Directors of Farmworker Justice for the past two years. During that time, Farmworker Justice has nearly doubled in size despite the challenges of our economy and those on Capitol Hill.

Last year the Board and staff engaged in a strategic planning process and set the course for the organization. One area that is of particular interest to me is that of our Farmworker Empowerment Agenda which I am keen to support and promote. The Farmworker Empowerment Agenda arose from our commitment to enabling farmworkers to control their destinies. Among many needed solutions, two top priorities are achieving immigration reform that grants legal status to undocumented farmworkers and their family members, and effectively communicating to policymakers and the public the valuable contributions farmworkers make to our economy and communities.

My term has ended and I am grateful for the opportunity to have served as Chair of our distinguished Board and the most dedicated, hardest working staff I have ever had the honor to know. To quote President Kennedy, it is time we pass the torch to a new generation. I welcome the leadership of Ramon Ramirez, our new Chair, and offer him my full support and promise to continue working to achieve the mission of Farmworker Justice.

Sincerely,
Grizelle Apodaca



HIGHLIGHTS:

Published major exposé regarding the H-2A Program: *No Way to Treat a Guest: Why the H-2A Agricultural Guestworker Program Fails U.S. and Foreign Workers*. The in-depth report interviews farmworkers and documents the widespread mistreatment of workers exacerbated by the inherent flaws within guest worker models. The report provides policy recommendations for both Congress and the Department of Labor. Additionally, Farmworker Justice held a Congressional briefing for the release of the report.

Played a key role in several Congressional hearings addressing agricultural guestworker programs and immigration policy. Farmworker Justice President Bruce Goldstein testified at hearings in the House Judiciary Subcommittee on Immigration Policy and Enforcement and the House Education and the Workforce Protections Subcommittee.

Helped oppose the E-verify bill which requires most employers to electronically check the work authorization of job applicants. Farmworker Justice played a critical role in raising awareness on the impact on farmworkers and argued that the bill would cause significant damage to the agricultural labor force in absence of a solution containing an earned legalization program for undocumented workers.

Marched in solidarity for the repeal of Alabama's HB 56 anti-immigrant law. Farmworker Justice staff participated in the Immigrant National Convention organized by the Fair Immigration Reform Movement and later attended the *One Family, One Alabama* march and rally in Montgomery. Several thousand protesters, led by a diverse coalition, participated in the call to end racial profiling and voter suppression in Alabama and urged the governor to support legislation that keeps families together.

Helping farmworkers improve immigration policy and status

Farmworker Justice plays a leading role in coalition with many groups to educate the public and policymakers about the need for federal immigration policies that would allow undocumented farmworkers to earn legal immigration status leading to citizenship. We monitor and analyze immigration policy proposals and help farmworker organizations and their allies participate effectively in public policy debates. Our goals are to advocate for positive legislation on immigration and the H-2A agricultural guestworker program while defending against harmful legislation.



“There have been so many times when I could have made a report. There are so many things that have gone wrong and that our mayordomo (crew leader) is at fault. But I don’t want to be labeled as a trouble-maker because then it will be really hard for me to find work if I have to move.”
- Mateo, farmworker participating in our health and safety training

Improving farmworker wages and working conditions

Agricultural workers frequently suffer theft of wages, unsafe working conditions, and lack of information about the dangers of their work. Most farmworkers and their families live below the poverty line. We support the campaigns of farm labor unions to improve wages and working conditions and we help farmworkers have a voice in government agencies to improve policies and enforcement of labor protections. When systemic worker rights violations occur, Farmworker Justice litigates against employers. Our goals are to defend against harmful policy proposals, improve labor protections, obtain vigorous enforcement of employment laws, and facilitate innovative improvements in agricultural labor relations that directly impact farmworker lives.



HIGHLIGHTS:

Improved enforcement of worker rights and protections under the H-2A agricultural guestworker program by advocating at Department of Labor for compliance with its obligations when reviewing employers' applications to hire temporary foreign workers. Farmworker Justice notified the Department of Labor of illegal job terms within approved H-2A contracts and as a result of our active engagement, the Department of Labor provided improved guidance and training to state and federal personnel responsible for reviewing the applications.

Set in motion several impact litigation projects in collaboration with co-counsel throughout the United States:

We continued our commitment to reversing the harmful effects of the Bush Administration's regulations that governed the H-2A program in 2009 and 2010 by a lawsuit that seeks to preserve the ability of tens of thousands of H-2A workers employed in those years to recover millions of dollars in underpaid wages. Individual H-2A workers suffered \$1,616 in average lost wages in 2009 and the total loss of wages for all H-2A workers for 2009 is estimated at \$121.2 million.

In Washington State, we commenced litigation against an H-2A employers' association and a ranch operator for wage theft and labor trafficking violations relating to their employment of shepherders. The coercive conditions included restrictions on the workers' movement and contacts outside of the ranch, confiscation of their passports, and threats of deportation if they failed to do as they were told.

In Florida, we prepared to bring an action against a potato grower and labor contractor for labor trafficking and violations of wage laws perpetrated against highly exploitable workers recruited from urban homeless shelters. The contractor preyed upon the workers' vulnerabilities by selling them drugs and alcohol, and taking the money from their wages for these activities. When workers did not have money, they were supplied credit at interest rates of up to 100 percent leaving them in constant indebtedness. The workers were afraid for their safety if they tried to leave without having paid their debts and effectively became indentured. Along with Florida Legal Services, we filed the case in federal court in early 2012.

In Wisconsin, we investigated a large sauerkraut cannery where as many as 300 migrant workers suffered violations of federal and state minimum wage and migrant labor laws over several years. In 2011, guestworkers employed by the cannery were fired after the government announced wage increases for workers in the H-2B guestworker program. The workers' employment at the cannery lasted less than two months; not nearly enough to repay debts that the workers incurred for recruitment fees and expenses related to travel and immigration. Farmworker Justice and co-counsel filed a class action lawsuit in 2012.

FROM THE FIELD:

Miguel comes from Oaxaca, Mexico and has worked in the fields for twenty years.

He told his story to David Bacon

When I first came I went to Oregon and harvested strawberries, cucumbers and blackberries. It was hard because we were paid by the pound when harvesting strawberries and by the bucket when harvesting cucumbers -- not by the hour. I earned about \$300 a week. If you didn't work fast, though, you couldn't earn that.

When I first came alone, I couldn't rent an apartment. I lived under a tree with five others. We lived next to a ranch, but they didn't have any available rooms. It rains a lot in Oregon, and there we were under a tree. The blankets got wet, but we managed to go to work the next day.

I started working the lettuce harvest, and did that for ten years. The lettuce crop is a longer harvest, about six or seven months, so then I didn't work for the other five months. I did it for ten years and then I was done. The harvesting begins at night, so I started my shift at three in the morning, which means I had to leave my house at two. That is what the company required -- begin work at three and go until you're done. We worked in the dark, but there was a light on the machine so that we could see. We worked ten hours, until one in the afternoon. But there were times they made us work twelve hours, which meant we didn't finish until three in the afternoon.



Loading boxes of lettuce after the field has been harvested.



My wife and I both worked the lettuce harvest for ten years, but I couldn't take the early hours anymore. I would get home at three in the afternoon and have to go right to sleep in order to get up early the next day. My children didn't even know me because I would go to sleep as soon as I got home.

I started working in the gleaning [going through the field picking what's left after it's been harvested once already]. There weren't enough hours of work, though, so now I'm working the cabbage harvest. I work from six in the morning to four in the afternoon.

In addition to low pay, there are a lot of contractors out there that don't allow workers a break at the required time, or even a break at all. At work I want the contractor to consistently let us take breaks at our scheduled times of 9:00 a.m. and noon. There are many contractors that don't rehire us if we don't work the way they demand. They speed up the machine and we're expected to keep up.

I work in the fields and earn \$8.50 an hour. I hope my children will be able to have good jobs someday.

Strengthening occupational safety and health of farmworkers

Farmworkers are unnecessarily exposed to many health and safety risks when working in fields and orchards. Agricultural workers deserve safe working conditions - from adequate drinking water to eliminating exposure to pesticides. Farmworker Justice advocates for major occupational safety policies; litigates to require stronger pesticide safety rules; and helps develop standards to limit farmworkers' exposure to toxic pesticides. Our goals are to win greater protections for farmworkers from preventable work-related hazards and provide useful, culturally appropriate information to help farmworkers avoid injuries and illnesses.

“Nobody makes enough money in the job. So the more time you wait after pesticides have been sprayed and stop cutting, the less you are going to make since everybody gets paid by how much they cut, not by how many hours they are working...but probably the biggest reason that everyone goes right back into the fernery after pesticides have been sprayed is that the patrón (boss) says it’s fine, even when it is not.”

-Farmworker participating in our pesticide safety training

“I feel especially nervous that I don’t have a good mask to wear. I know pesticides are dangerous, and sometimes I feel sick after I’ve been breathing them all day. But when I ask my patron (boss) to give me one, he’s only ever given me those paper ones that don’t actually do anything.”

-Farmworker participating in our pesticide safety training

HIGHLIGHTS:

Strengthened partnerships with community-based farmworker organizations to develop a network of farmworker peer health educators. We trained 30 *promotores de salud* from farmworker communities in Florida, Arizona, and California. These *promotores*, in turn, conducted outreach to over 8,200 farmworkers on workplace safety and environmental health.

Conducted advocacy before the Occupational Safety and Health Administration to win new safety standards:

Petitioned and submitted testimony to the agency to include agricultural workers in regulations containing fall protection standards, which OSHA plans to update.

Advocated for inclusion of agricultural workers under a national Injury and Illness Prevention Program (“I2P2”) that OSHA is developing.

Filed a petition urging OSHA to issue a heat stress standard for outdoor workers that would include agricultural workers.

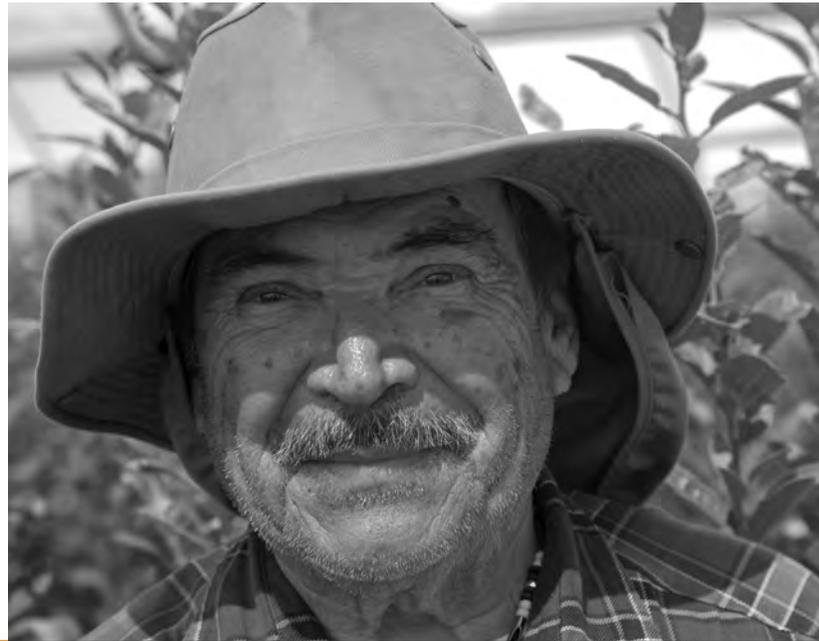
Urged the Environmental Protection Agency to require pesticide labels to include Spanish translations. EPA’s request for public comment resulted from a 2009 petition by Farmworker Justice and the Migrant Clinicians Network seeking bilingual labeling on pesticide containers. The comments were filed on behalf of a diverse coalition of 55 farmworker, environmental, labor, and civil rights organizations.

Authored and published *Eye on Farmworker Health* - an electronic newsletter distributed quarterly to 1,500 recipients. The newsletter contains recent developments in research and policy on farmworker health.



Building Healthier Farmworker Communities

Health is a basic need and right for everyone. Unjust disparities exist in the levels of physical, psychological, and emotional well-being farmworkers and their family's experience. We have developed a variety of initiatives to help build capacity among health service and community providers to better respond to the directed health needs of farmworkers. From HIV prevention, environmental health education, to community mobilization, our goal is to empower farmworkers with the information, skills, and resources necessary to reduce and eliminate health disparities and support farmworker efforts to create and sustain healthy communities.



“The heat affects me a lot when I am working. I want to go slower, but then if I do, I really won't make enough money at all. Sometimes I start to feel a little dizzy, and so then I stop for a minute or two to recuperate my strength” – Elidia, farmworker participating in our heat stress education training

HIGHLIGHTS:

Farmworker Justice's Board of Directors signed a resolution recognizing HIV/AIDS prevention as an organizational priority and called upon Farmworker Justice collaborators, partners, and individuals to support efforts around HIV prevention among farmworker and Latino communities at the local and national levels.

Hosted free-of-charge HIV testing at the National Council of La Raza's conference held in Washington, DC.

Developed four customizable Spanish-language Public Service Announcements urging HIV testing and provided training to HIV/AIDS service providers on how to use local media. Additionally, 2011 Farmworker Justice Award winner Astronaut José Hernández recorded a Public Service Announcement urging testing and supporting the work of Farmworker Justice.

Created the *Healthy Fields, Healthy Kids* outreach curriculum focusing on the hazards of lead and pesticide exposures at home. This training provides farmworkers with practical steps that can be taken to mitigate exposure of environmental health hazards affecting their children. Farmworkers often live in housing that is not lead-free and many workers are not aware of the danger take-home pesticide residues present to other members of their household.

FROM THE FIELD:

Lorena is a young farmworker and single mother from Oaxaca.

She told her story to David Bacon.



To go pick blueberries I have to get up at four in the morning. First I make my lunch to take with me, and then I get dressed for work. For lunch I eat whatever there is in the house, mostly bean tacos. Then the person who gives me a ride to work picks me up at twenty minutes to five. He charges me eight dollars each way, to take me to work and back home. Right now they're paying six dollars for each bucket of blueberries you pick, so I have to fill two extra buckets just to cover my daily ride.

I've worked with many contractors doing many different jobs. I try to choose a contractor that has the kind of work that will allow me to make enough to pay for my lunch, ride and rent. I have a daughter, Liliana, who's four, so I also have to make enough to pay for the babysitter. I have to work and I have to support her, which is why I'm picking blueberries. I pay the babysitter weekly -- she charges me eight dollars a day.

They pay six dollars a bucket, and each has to weigh twelve pounds. This is the second year I've picked blueberries. Since I don't have much experience I can only do fifteen or sixteen buckets. Those with more experience can do up to twenty buckets a day. But when the ripe fruit is scarce, I can only pick thirteen. It depends on how many ripe blueberries the field has. To pick a lot, you also have to skip your lunch break.



After a day of picking blueberries, my hands feel tired and dirty and mistreated. Our bodies are hot from working all day and we immediately wash our hands with cold water. Later my hands hurt a lot. They don't give us gloves because they say they will damage the fruit.

I've picked cherries, blueberries, grapes, tomatoes and figs. Picking tomatoes has been the hardest for me because of the buckets you have to carry and dump in the trailers. They're very heavy and it's very hot outside. You run all day long, competing with other workers. You can't allow them to work faster than you, because then they'll fill the trailer quickly, and you'll have to go even faster to catch up to it. Some workers have been doing this four to eight years, so their hands move faster. You always are trying to catch up to them. It's very hard on your back and many people end up with permanent back injuries. It's a very hard job, but you earn money, and get paid according to the number of buckets you fill. First timers like myself earn anywhere from \$60 to \$70 a day.

I like to pick tomatoes also because our day ends early. We're done at about 10 or 10:30 because after that it's too hot to do the work. But every year you hear about workers who faint because of the heat and some even die. You're in danger of fainting if you're working too fast in the heat. It's important that we have water, but you can't drink too much of it. When I first started, I drank a lot of water and I felt like I couldn't stand back up. The contractor sat me down in the shade and gave me a salt tablet. I felt like I was going to faint, but they put me in the shade just in time.

We don't work for about three months during the year. I can't get unemployment benefits, so those months are very difficult. When I'm working I manage my finances and save some money, so it gets me through those months.

I really don't know my daughter anymore, though. She doesn't even call me "mama." She calls my aunt "mama." She doesn't really understand that I get home tired. My aunt says that she'll understand when she's older. I really don't have a vision of my own future yet. I haven't really thought about it. I know I want to work every day.



FARMWORKER JUSTICE ANNUAL AWARDS



*(L to R) Farmworker Justice Board Chair Grizelle Apodaca, Astronaut José Hernández,
Farmworker Justice President Bruce Goldstein*

Farmworker Justice holds an annual award reception where we gather to re-commit ourselves to the mission of empowering farmworkers and honor people who have made important contributions in the quest for farmworker justice. The event is a very enjoyable evening where many public interest people gather.

In 2010 we honored:

Farmworker Justice Award:

José Hernández, migrant farmworker turned NASA astronaut

Shelley Davis Memorial Award:

Janet Murguía, President & CEO, National Council of La Raza

Irma Flores Gonzales Award:

Roman Ramos, Paralegal, Texas RioGrand Legal Aid

10TH ANNUAL SOCIALLY RESPONSIBLE WINE TASTING

The 10th annual socially responsible wine tasting paired the wit and wine expertise of wine-expert Michael Franz with wines from vineyards where workers are unionized and receive better wages and working conditions. Watch our website for announcements of upcoming events and join us for our educational and entertaining evenings.



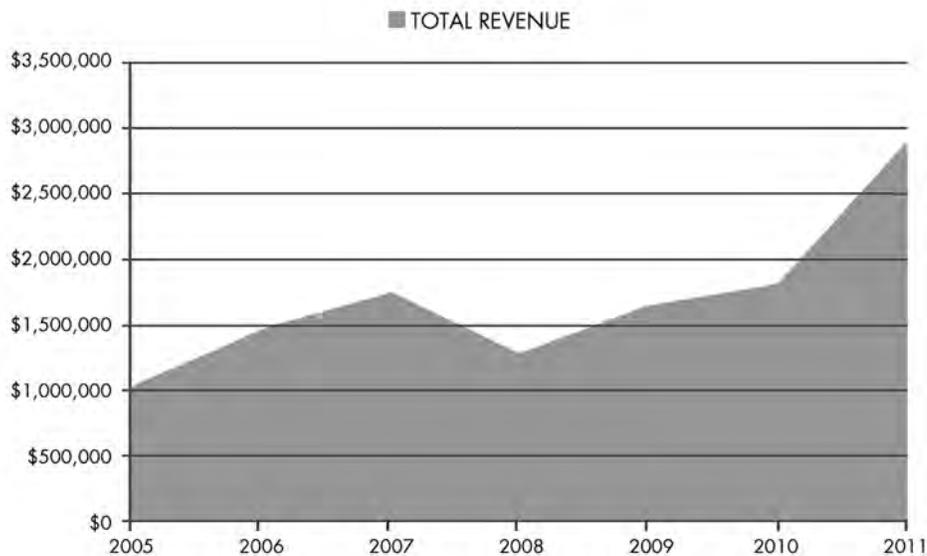
FINANCIALS

AUDITOR'S STATEMENT OF FINANCIAL POSITION As of December 31, 2011 and 2010

	ASSETS	
	2011	2010
CURRENT ASSETS		
Cash and cash equivalents	\$1,680,865	\$1,130,318
Investments	-	0
Grants receivable	635,277	324,794
Other receivables	993	27,217
Pledges receivable	0	25,000
Prepaid expenses	<u>18,629</u>	<u>5,007</u>
Total current assets	<u>2,335,764</u>	<u>1,512,336</u>
FIXED ASSETS		
	117,737	110,244
Less:		
Accumulated depreciation & amortization	<u>(110,394)</u>	<u>(102,514)</u>
Net fixed assets	<u>7,343</u>	<u>7,730</u>
OTHER ASSETS		
Deposits/Grants Receivable, net of current maturities	<u>10,299</u>	<u>10,299</u>
TOTAL ASSETS	<u>\$2,557,901</u>	<u>\$1,530,365</u>
	LIABILITIES AND NET ASSETS	
CURRENT LIABILITIES		
Total current liabilities	<u>179,271</u>	<u>106,226</u>
LONG-TERM LIABILITIES		
Deferred rent	0	5,144
Total liabilities	179,271	111,370
NET ASSETS		
Unrestricted	1,590,448	935,262
Temporarily restricted	<u>788,182</u>	<u>483,733</u>
Total net assets	<u>2,378,630</u>	<u>1,418,995</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$2,557,901</u>	<u>\$1,530,365</u>

AUDITOR'S STATEMENT OF
ACTIVITIES AND CHANGE IN NET ASSETS
For the Year Ended December 31, 2011 and 2010

	2011 Total	2010 Total
REVENUE		
Federal grant revenue	\$966,729	\$572,539
Contributions and support	1,844,771	1,086,010
Contracts	0	42,822
Investment income	5,910	4,126
Other revenue	13,416	1,696
In-kind contribution	12,506	33,810
Litigation fees	<u>75,031</u>	<u>88,585</u>
Total revenue	2,918,363	1,829,588
EXPENSES		
Total program services	1,862,145	1,292,109
Core Operations and Administrative	<u>96,583</u>	<u>102,953</u>
Total expenses	<u>1,958,728</u>	<u>1,395,062</u>
Change in net assets	959,635	434,526
Net assets at beginning of year	<u>1,418,995</u>	<u>984,469</u>
NET ASSETS AT END OF YEAR	<u>\$2,378,630</u>	<u>\$1,418,995</u>



OUR CONTRIBUTORS

Farmworker Justice would like to thank the following philanthropic organizations for their grants and donations:

FOUNDATIONS

The Ford Foundation
The Kresge Foundation
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Centers for Disease Control and Prevention, Division of HIV/AIDS Prevention, Capacity Building Branch

Centers for Disease Control and Prevention, (under contract to JBS International, Inc. Aguirre Division)

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