

The Need for Legal Services for Farmworkers

Farmworkers live and work along the margins of society. Their voices are rarely heard by the decision makers who dictate the policies that affect their lives. Today, they do not even benefit from the same labor protections as the rest of the nation's labor force. Most farmworkers work long hours without receiving overtime pay. In North Carolina, the majority of farmworkers are not covered by worker's compensation, leaving them dependent upon charity if they are injured on the job. Seasonal and migrant farmworkers continue to struggle as the poorest in our nation, the majority earning less than \$7,500 annually. They suffer great injustices in the workplace.

Dedicated civil rights champions helped to gain farmworkers some legal rights over the years. However, farmworkers face great barriers in exercising these rights. These barriers include the seasonality of agricultural work, lack of economic resources, language barriers, strict control from their employer, and physical isolation.

There are an estimated 150,000 migrant and seasonal farmworkers in North Carolina who grow and harvest food for the nation each year. In NC, the tobacco, cucumbers, sweet potatoes, apples, Christmas trees, and other vital crops that sustain the agricultural economy of the state, are hand picked, cut, processed, and harvested by migrant and seasonal farmworkers. Many of these workers travel annually to North Carolina from Mexico, Texas, Florida, and other states. The majority are Hispanic. There are more foreign temporary agricultural workers with the H-2A visa program in North Carolina than any state in the country and their numbers are increasing every year.



Common Violations of Farmworker Rights

- Not paying the minimum wage
- Paycheck deductions, reducing their wages below minimum wage
- Payment for fewer hours than actually worked
- Spraying pesticides while workers are in the field, and other violations of EPA regulations



- Not providing breaks, drinking water, hand washing or bathroom facilities in the fields in violation of NC safety standards
- Substandard housing conditions
- Intimidation of and retaliation against workers who make a complaint, seek medical assistance, or consult with a lawyer

Program Initiatives

Legal representation of farmworkers and their families, dealing with a number of issues including but not limited to: worker's compensation claims, recovering lost wages, redressing violations of health and safety standards such as pesticides, and retaliatory employment discrimination cases.

Legal representation of survivors of domestic abuse seeking legal immigration status. Survivors of abuse who are threatened by their spouse or sponsor with hindering the immigration process are now able to assert their rights under the Violence Against Women Act.

Outreach to migrant labor camps. Staff members conduct regular outreach visits during the growing and harvesting seasons to isolated farmworkers. They inform workers about their rights and how to exercise them. An important component of outreach is the newly formed *Witness for Justice* Program.

Community education. Because the farmworker population is transitory and isolated, the Unit makes an active effort to provide information about legal rights through radio, newspaper, skits and visits to community gathering places. The Unit also educates churches, students, and social action organizations about farmworker legal issues.

Our toll free number:
1-800-777-5869



The new *Witness for Justice* program, modeled after the successful international organization, Witness for Peace, introduces concerned individuals to the life of the migrant laborer. Volunteers with the program accompany Legal Services' outreach teams on visits to migrant labor camps just outside of the Triangle area. WFJ volunteers have the opportunity to make a connection with workers on an individual basis, reducing the level of isolation that migrants feel from the larger community.

During outreach visits, volunteers observe and participate in the sharing of information about legal rights to migrant farmworkers.

The experiences of volunteers have motivated them to:

- organize food and supplies for workers in need
- invite workers to church services to help ease their isolation
- educate others in their communities about farmworkers and the issues affecting them

WFJ volunteers serve a vital role in asserting the right of migrant farmworkers to receive visitors as well as establishing relationships with this isolated population.

CALL THE FARMWORKER UNIT FOR MORE INFORMATION

Educational Resources

- Speakers
- Newspaper articles
- Pamphlets in Spanish and English:
 - Know Your Rights*
 - Conozca sus derechos*
 - *The H2A Contract*
(for workers with the H-2A program)

Legal Aid of North Carolina, Farmworker Unit
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Legal Aid of North Carolina Farmworker Unit



Photo provided by Student Action with Farmworkers

***Defending the legal rights of
North Carolina's farmworkers***

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(a non-profit organization)