



## THE SOUTHERN POVERTY LAW CENTER'S SUGGESTIONS FOR THE NEW ADMINISTRATION RELATED TO AGRICULTURAL WORKERS

This Administration has enormous opportunities to make life better for farmworkers in the United States. Farmworkers perform grueling work and suffer from desperately high rates of poverty and dangerous working conditions. The Administration should move quickly to do the following things:

### I. Strengthen Enforcement of Laws that Protect Farmworkers

- The Department of Labor: Dramatically increase enforcement of the Migrant and Seasonal Agricultural Worker Protection Act, the Fair Labor Standards Act, and the H-2A program requirements. Increase the strategic quality of enforcement, especially by using the joint employer approach and hot goods injunctions. Enforce *Arriaga v. Florida-Pacific Farms*, 305 F.3d 1228 (11<sup>th</sup> Cir. 2002).
- The EEOC: Focus the EEOC on the rampant discrimination affecting farmworkers and guestworkers. This should include issuing EEOC Guidance on Title VII coverage of undocumented workers and guestworkers and focusing strategic litigation on cases involving farmworker and guestworkers.
- Agencies Related to Health and Safety: Dramatically increase enforcement of safety and health regulations affecting farmworkers, particularly related to field sanitation and pesticides.

### II. Reform the Immigration System

*We support comprehensive immigration reform, but know that that may take time. In the meantime, the Administrations should take the following actions:*

- Support quick passage of the Agricultural Jobs Opportunity, Benefits and Security Act (“AgJOBS”) and effective implementation of the earned legalization program and the changes to the H-2A agricultural guestworker program.
- Oppose further expansion of guestworker programs, which are inherently abusive.
- End workplace raids.
- End 287(g) programs and create an ICE watchdog.

### III. Change or Strengthen the Laws To Alleviate Severe Worker Exploitation

- Reverse the upcoming Bush Administration H-2A and H-2B regulations through Congressional and/or administrative action, and support for judicial action, if needed.
- Promulgate substantive labor protections for H-2B workers.
- Pass a law regulating foreign labor recruitment. Such a provision should contain a private right of action and should hold the employer in the U.S. responsible for the actions of the agent recruiter.
- Work to end agricultural exceptionalism as codified in a myriad of statutes and regulations. For example, among other things, work to remove the overtime exception for agricultural workers.
- Work to remove the LSC restrictions that affect farmworkers.

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