



## Farmworker Justice Priorities for the Department of Labor

The next Administration has an opportunity to transform the farm labor market and end a history of shameful treatment of the nation's migrant and seasonal farmworkers. It can do so through a combination of enforcement of current employment laws, creative collaboration with farm labor organizations, and support for immigration-related legislation. The public will praise the Administration for such change.

Several factors make this possible, including: the growing political power of the Latino community; the concern among consumers for safe, healthy food and socially-responsible conduct by corporations; continued expansion of the labor-intensive fruit and vegetable sector, including increased exports; major food corporations' concern about protecting their brand; the recognition by farm labor representatives, agribusiness management and legislators in both parties that there must be immigration reform; and increasing effectiveness of farm labor organizations.

- **A Special Assistant to the Secretary of Labor should be given responsibility and authority to coordinate a creative campaign using all units of the Department of Labor to effectuate these goals.** DOL should revive its high-level, internal coordinated enforcement committee on farmworkers, which is in regulations already.
- Reverse the upcoming Bush Administration H-2A regulations through Congressional and/or administrative action, and support for judicial action, if needed.
- 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.
- Step up enforcement of the Migrant and Seasonal Agricultural Worker Protection Act, the Fair Labor Standards Act, and the H-2A program requirements:
  - Hire more Wage-Hour investigators and attorneys in the Solicitor’s office.
  - Gather data. DOL should survey violations in sectors of agriculture to document the need for enforcement, and expand the National Agricultural Workers Survey (NAWS), an important data source.
  - Emphasize serious sanctions for violation of employment laws when undocumented workers or H-2A guestworkers have been exploited.
  - Increase the strategic quality of enforcement, especially by using the **joint employer** approach and **hot goods** injunctions. The former helps ensure that growers take responsibility for the treatment of farmworkers, rather than attempting to shift it to farm labor contractors. The latter helps persuade the food industry to accept responsibility for ensuring that its suppliers are not violating farmworkers’ rights under employment laws.
  - DOL should launch a public education campaign in collaboration with farmworker organizations to inform farmworkers about their legal protections.