

PASTORAL STATEMENT ON FARM WORKERS

I. Why We Speak

We, the Roman Catholic Bishops of Tucson and Mexicali, offer this statement out of our deep concern for the men and women whose labor in the fields of southwestern Arizona and northern Mexico brings fresh fruits and vegetables to the tables of families in our communities.

This statement was inspired by our experiences in September of last year when we visited a farm worker project sponsored by Catholic Relief Services and our two dioceses in Yuma, Arizona, and San Luis Rio Colorado, Sonora. We were joined on this visit by members of our clergy and diocesan staff, Catholic Relief Services' personnel and members of Yuma County Interfaith. We visited the workers in the fields. We saw the communities in Mexico in which they live. We listened to farm workers and employers share their needs and their dreams.

We offer this pastoral statement to express our solidarity with and support of the workers and employers in our dioceses. It is our hope that these words will raise awareness about the conditions under which they work and will help to bring about positive changes in the agricultural industry in our dioceses.

II. Our Catholic Tradition on the Subject of Farm workers

Our Church has long been concerned about the dignity of labor and, in particular, the plight of farm workers. For more than 100 years, our Popes have affirmed the rights of workers and the rights of those whose livelihood comes from the land. In 2003, both the U.S. and Mexican bishops published pastoral letters about the situation of farmers and farm workers in our respective countries.

The Mexican bishops' letter stated, "In Mexico, where one out of four people lives in the countryside and works directly or indirectly in agricultural activities, the reality is very harsh. The majority of the population lives in poverty and a great number in extreme poverty. As pastors, we call on the faithful to reflect on the problems of the countryside and to seek creative solutions."

In their letter, "For I Was Hungry and You Gave Me Food: Catholic Reflections on Food, Farmers and farm workers," the U.S. bishops stated: "Food sustains life itself; it is not just another product. Providing food for all is a Gospel imperative, not just another policy choice. Agriculture.... is not just another economic activity. A key measure of agricultural, immigration, and labor policies is whether they reflect fundamental respect for the dignity, rights, and safety of agricultural workers and whether they help agricultural work-

They shall not plant... for others to eat - Isaiah 65:22



Bishop Gerald F. Kicanas, left, and Bishop Jose Isidro Guerrero Macias, at right, visit farm workers at San Luis Rio Colorado.

ers to provide a decent life for themselves and their families."

III. Agriculture in Yuma County and San Luis Rio Colorado

Known as the nation's "winter salad bowl," the Yuma area supplies more than 90 percent of the lettuce sold in the U.S. during the months of November through February. This intense demand for produce requires a huge pool of readily available labor. As much as 80 percent of the peak workforce for Yuma agriculture comes from Mexico. Significant numbers of the persons in this workforce do not have documentation that would allow them work in the U.S.

The pool of available farm workers on the Mexican side of the border is very large, but a recent increase in the enforcement of immigration regulations has prevented most workers from being able to cross the border to work in the Yuma County fields. This has caused a serious disruption in the workforce for employers. With the newly passed employer sanctions law in Arizona, employers face even more difficulty finding enough farm workers even as persons in Mexico anxious for the opportunity to work are denied that opportunity. Not only has increased border enforcement interrupted the flow of workers from Mexico, but the daily tightening and loosening of the crossing points has contributed to excessive absenteeism.

Another important factor in the farm labor shortages has been the rapid ex-

pansion of construction and service sector jobs in the Yuma area. This expansion has attracted labor that might otherwise have gone to agriculture.

Employers and workers alike are anxious for solutions that will provide them safe and legal access to jobs and a guaranteed workforce to keep agriculture in the Yuma area strong.

IV. Response of Catholic Relief Services and the Dioceses of Tucson and Mexicali

With the support of our dioceses, Catholic Relief Services set out in 2005 to develop a project to address labor issues in Yuma County by focusing on the H-2A visa system that allows a foreign national entry into the U.S. for temporary or seasonal agricultural work.

Under the H-2A system, workers are only permitted to work for the duration of the season, must be paid at least the normal wage for the industry, and cannot displace U.S. workers. There is no limit to the number of agricultural guest workers that can be brought to the U.S. to work under the H-2A system.

However, agricultural employers have been very reluctant to use the program because it involves a very rigorous, time-consuming, and often confusing process of applications and certifications. In addition, employers must provide workers with government-approved housing. Of all the thousands of workers in the Yuma produce industry, the number of H-2A workers in recent years has never

amounted to more than a few hundred. The burdens of this process are virtually prohibitive for smaller, more local agricultural employers. Family owned farms especially are suffering from labor shortages.

An additional concern with the H-2A system is the fact that workers have all too often been exploited. Wages, housing, and working conditions have often been vastly inferior than promised by employers. Many workers have been cheated out of wages and have not had access to the protection of U.S. laws for wages, worker safety, and living conditions.

After an extensive study of the situation in Yuma and consultation with both employers and workers, Catholic Relief Services determined that the critical needs to process H-2A work visas, to train and prepare workers to be successful on the job, and then to link workers with trustworthy employers could best be met by a new non-profit organization. By taking advantage of existing immigration laws in the U.S., a non-profit, worker-led organization was created to provide Mexican workers with H-2A guest worker visas to work in the fields legally.

This organization, called CITA (Independent Agricultural Workers Center), places these workers with employers who sign a code of conduct pledging fair treatment of workers. CITA is a joint project of our dioceses in partnership with Catholic Relief Services. Through CITA, our Church is attempting to develop a new model of legal, stable, and just farm labor in the produce industry in our border region that will benefit workers and employers alike.

In its first year of existence, CITA has placed 600 workers with employers who have signed a code of conduct that guarantees fair labor practices. These employers have pledged to allow CITA to assist in resolving any disputes.

So far, 3,000 Mexican workers have applied for the visas, and CITA is being quickly expanded to help meet the growing demand of workers and employers for this service.

(It is important to emphasize that CITA does not compete with farm labor contractors, many of whom provide a necessary service in acquiring and managing labor for the farmer. Instead, CITA handles the recruitment, screening, and visa process for reputable farm labor contractors who agree to the code of conduct.

In that way the farm labor contractor can concentrate on managing the workers as they harvest the crops.)

The vision for CITA is that it will become a cooperative temporary employment agency wholly owned by its farm worker members that eventually will offer additional services to its members such as group health insurance, legal servic-

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es, and advocacy for policies to improve working conditions and benefits.

V. Principal Needs and Dreams of Farm Workers and their Families

Farm workers in the Yuma produce industry, especially those crossing from Mexico, face numerous hardships, and we heard many of those expressed during our visit. In addition to CITA's efforts to create more legal avenues for Mexican farm workers, we hope to address some of the unjust working conditions that continue to affect workers and employers. These include:

Weather-related stoppages: During high wind or rains, the workers explained how they have to cover the crops with huge tarps. After placing the tarps, workers have to stay in the fields ready to go back to work if the rain stops, but they are not paid for the time that they must wait. Often the rain continues for the remainder of the work day, so workers go home with less money for their already hungry families. They often catch colds or other illnesses caused by working in the rain.

Pesticides: Dangerous pesticides frequently are used on the crops. Although training is required by law, workers are not always trained on how to avoid contact with the pesticides or about their rights regarding re-entry into recently sprayed fields. Some workers stated that because they are under pressure to work fast, especially during the harvest, they often don't take the time to protect themselves like they should for fear of falling behind and losing their jobs or receiving less pay.

Pay for all hours worked: Virtually all the workers we heard from agreed that they were not paid for all of the hours they worked and/or all of the hours spent on the job. In addition to weather-related stoppages, they are not paid for the time (often an hour or more each way) they spend en route to and from the job site after they have been picked up by the foreman. In addition, workers complained that even when they are paid in cash for all the hours worked, sometimes their pay stubs do not reflect the same number of hours, which can affect their qualification for unemployment insurance.

Overtime pay: Federal law exempts seasonal farm workers from guaranteed overtime pay. The workers believe that it is unfair that they do not receive the same pay as other types of workers in Arizona, while in California a state law has been passed to require farm workers to be paid overtime. The workers said they often have to work 10 to 12 hour days. Also, although workers in packing houses and on permanent job tasks are entitled to overtime pay, they often do not get paid the full time-and-a-half required by law for overtime hours.

Access to medical care: Many workers from Mexico have no access to emergen-

'In the sense that the citizens and faithful in both our dioceses share the border of our two nations, we all are neighbors, and we shall love our neighbors as ourselves.'

cy or other urgent care once on the job in the U.S. Most don't have employer-provided insurance, and workers discussed the fact that they are often either denied service at emergency facilities or put "at the end of the line" when seeking care.

Family issues: Workers from southern Mexico talked about the hardship of being away from their families. Neither legal H-2A workers nor undocumented workers can have their families with them in the U.S. Some of them are a long way from their families and communication is difficult, even if they live on the Mexico side of the border and commute to work in the U.S. with H-2A visas. Many workers also are worried about their teenage children dropping out of school to work to help feed their families. They want to see their children finish their educations and have more opportunities than they did. This is true for workers from the south of Mexico, border commuter workers on the Mexico side, and farm workers living on the U.S. side.

Farm workers in Mexican fields: We also visited with workers in the wheat and onion fields on the Mexican side of the border. Many of these workers come from the south of Mexico. Regardless of industry or crop, the workers described situations much worse than those in the U.S. in terms of pay, exposure to pesticides, access to water and sanitation facilities, safety, and overall treatment. The onion workers we visited, for example, spend hours stooped over in the fields cutting, sizing, and wrapping onions in bunches of twelve. They are paid about 25 cents U.S. for each dozen bunches. This back-breaking work earns the better workers about \$2 or \$2.50 U.S. per day. We also visited the areas where the farm workers live, many of them in tarpaper and stick shacks. Water in irrigation ditches that contain raw sewage is used for washing clothes. There is no plumbing, and in some cases no electricity.

VI. Employer Concerns

In addition to hearing from the workers, we also listened to a panel of agricultural employers. Their primary concern is the need for an able and available workforce. They specifically endorsed and expressed appreciation for the Church's efforts to assist them through the CITA

job placement program under the H-2A visa system.

They identified as an important issue the H-2A law requirement that they must provide certified housing for Mexican workers, regardless of whether those workers commute every day from communities just across the border. The employers stated that the H-2A law does allow for "commuter workers" who reside within a certain distance of the job site to remain in their own homes and exempts the employers from providing housing to these workers. The Department of Homeland Security, however, has refused to allow this rule to be applied in the case of cross-border workers, regardless of the short distance involved in the commute. The employers provide this housing at great expense, often to see it go unused. They shared data from the employment programs of the State of Arizona that show only two percent of border-based Mexican workers want to remain in the U.S.

VII. In Support of Policy Change for our Farm workers

Moved by the testimony of the men and women who labor in our fields and the concerns of their employers, we commit ourselves – and urge our people to join with us – in calling for these policy changes:

- As California has done, Arizona legislators should change state law to require overtime pay for seasonal agricultural workers.

- Employers and legislators should be encouraged to change the practice of not paying workers for time spent in transit to and from the job site and for lost time due to weather.

- Pesticide safety guarantees (training and information) must be strengthened so as to ensure that all workers clearly understand the risks and their rights to protection.

- The U.S. Department of Labor and Department of Homeland Security should change their interpretation of the H-2A housing requirement so that employers do not have to provide housing to commuter workers who don't need it.

- Special efforts should be made to ensure that the children of farm workers finish school and are able to make the most of their education.

- Dialogue should be initiated with Mexican legislators at the state and federal levels to determine how to best strengthen worker rights and protections for farm workers in Mexican fields.

- We join our Bishops' Conferences in calling for comprehensive immigration

reform at the federal level and, in particular, for the passage of the Agricultural Job Opportunity, Benefits, and Security Act (AgJOBS). This bipartisan bill would be a very positive step toward reversing the discrimination and exploitation of the undocumented farm worker. It enjoys broad support from both employers and workers' organizations and a majority of senators and representatives. The AgJOBS bill also would streamline and improve the H-2A guest worker program, giving workers the right to appeal to federal court for enforcement of their rights and to receive higher wages.

VIII. Conclusion

Both the Old and New Testament call us to embrace and care for the stranger, the laborer, and the outcast. God reminds us that we too shall love the stranger, for we were once strangers in the land of Egypt (Dt. 10:19). Jesus continues this tradition, teaching us to see him in the face of the stranger and serve him by feeding the hungry, giving drink to the thirsty, and welcoming the stranger (Mt. 25).

In the sense that they come from another country, the farm workers from Mexico who toil in the fields of Arizona are the "stranger" we shall love. In the sense that the citizens and faithful in both our dioceses share the border of our two nations, we all are neighbors, and we shall love our neighbors as ourselves.

We call on the faithful in our dioceses to join us in praying for the farm workers and growers who bring abundance to our tables, often under very arduous working conditions and challenging economic conditions. As bishops, we have committed to celebrating a special Mass together each year at the Yuma-San Luis border to honor the invaluable contributions of farm workers and agricultural employers to our communities and our dioceses.

Father, God of goodness,
you give us the land
to provide us with food.

Hear the prayers of your people
and give all who work on that land
a full measure of human
dignity and justice.

May we bring the spirit
of Christ to all our efforts,
and may these efforts yield a
rich harvest of justice, peace, and love.

We ask this through Christ our Lord.*

Most Rev. Gerald F. Kicanas,
Bishop of Tucson
Most Rev. José Isidro Guerrero Macías,
Bishop of Mexicali

* Prayer written by His Eminence Roger Cardinal Mahoney