

FRESH FRUIT BROKEN BODIES: EXECUTIVE SUMMARY AND POLICY IMPLICATIONS

FRESH FRUIT, BROKEN BODIES EXECUTIVE SUMMARY

The experiences of Mexican migrant farmworkers are at the heart of ongoing debates over immigration reform and health care policy, yet their stories remain largely invisible. In this new book, *Fresh Fruit, Broken Bodies*, physician and anthropologist Seth Holmes provides an unparalleled inside look into the lives of Mexican migrant workers and the marginalization and health problems they face as they attempt to navigate complicated agricultural, medical, and legal systems.

Based on five years of research in the field (including berry-picking and traveling with migrants back and forth from Oaxaca up the West Coast), Holmes uncovers how market forces, anti-immigrant sentiment, and racism undermine health and health care. Holmes' material is visceral and powerful—for instance, he trekked with his informants illegally through the desert border into Arizona, where they were apprehended and jailed by the Border Patrol. After he was released from jail (and his companions were deported back to Mexico), Holmes interviewed Border Patrol agents, local residents, and armed vigilantes in the borderlands. He lived with indigenous Mexican families in the mountains of southern Mexico and in farm labor camps in the United States, planted and harvested corn, picked strawberries, accompanied sick workers to clinics and hospitals, participated in healing rituals, and mourned at funerals for friends. The result is a "thick description" that conveys the full measure of struggle, suffering, and resilience of these farmworkers. In the vehement debates on immigration reform and health reform, this book provides the necessary stories of real people and insights into our food system and health care system for us to move forward to fair policies and solutions.

Reviews of the book point out its policy importance. Anna Lappé from the *Real Food Media Project*, wrote "Holmes reveals the struggles of the millions who work in our fields, every year, to put food on our tables. In deliberations about immigration and farm policy, these are the stories that should be at the center. Holmes' helps us put them there."

HIRED FARM WORKERS

By every measure, hired farm workers are a vulnerable population and none more so than indigenous Mexican workers, such as those highlighted in Dr. Holmes's book, *Fresh Fruit, Broken Bodies*. They are disproportionately impacted by inequities in health care and poor treatment in the workplace rights and are frequently disempowered by lack of legal status.

You, as an honorable member of the US Congress, have the unique opportunity and power to help change the status of hired farm workers by addressing three issues:

1. Immigration status disparities
2. Health disparities
3. Work place disparities

FARM WORKERS AND IMMIGRATION REFORM

Immigration reform should be fair to farm workers by removing the exploitable condition of "illegal or undocumented" labor and replacing it with workers who have labor rights, can organize, cannot be deported because they speak up for their labor rights, and have a potential path to permanent legal status and citizenship. Many economists and immigration scholars argue that if there is a demand for labor, people will keep coming to the United States with or without immigration reform.

- Congress should create a work visa program for manually skilled workers as part of comprehensive immigration reform and eliminate guestworker programs.
 - A work visa program needs to be adopted that requires visa holders to work a certain number of days in agriculture but that is fair to immigrants by giving them full labor rights, allowing them to change jobs if employers are abusive, giving them access to insurance payments that they help to fund, and permitting them to come and go legally from the country as they need.

- This same program would be fair to employers because it would provide all employers an equal opportunity to access this labor pool and would place no additional cost burdens on them.
- Guestworker programs are problematic because they consistently restrict workers' rights and provide the negative incentives to both workers and employers, resulting in the continued use of undocumented labor.
- The best approach to eliminating undocumented labor would be to allow a pathway to legalization for immigrant laborers.ⁱ

ADDRESSING HEALTH DISPARITIES

Hired farm workers provide Americans with the fresh fruit and vegetables that allow us to be healthy while working under such difficult circumstances that their own health suffers greatly. In effect, immigrant farm workers sacrifice their own health to work to help us have the food we need to be healthy. These immigrants suffer disproportionately from occupational as well as environmental health risks. Additionally, they do not have access to health care provided to most employees in the United States. These immigrants deserve health care. Members of Congress could take the following initiatives without changing current U.S. law:

- Improve safety and labor law enforcement by providing additional field inspectors to the staff of U.S. Department of Labor's Wage and Hour Division and OSHA.
- Consider the creation of an independent public oversight review board focused on agriculture.
- Expand the nation's commitment to housing opportunities for farm workers, especially through long-term funding.
- Expand and strengthen the public health workforce that serves farm families and hired farm workers.ⁱⁱ

Researchers have developed recommendations to improve access to health care services for immigrant farm workers, including:

- Provide health care access to immigrants undergoing the legalization process.
- Provide transportation services to improve access for workers lacking private vehicles or public transportation.
- Address language and cultural barriers to health care access, including for indigenous migrants from southern Mexico.
- Educate workers about their rights and responsibilities while working in the United States, including access to services.ⁱⁱⁱ

ADDRESSING INEQUALITIES IN THE WORKPLACE

Though there are many legal protections for workplace rights, many of these are not followed for farm laborers.

- All provisions of federal labor standards that govern conditions of employment in the private retail sector, wholesale trade, transportation, construction and manufacturing industries should apply to hired farm workers on an equal basis.
- Exceptions to federal labor law could be allowed for family farms, but only as defined in the Food Security Act of 1985.
- The National Labor Relations Act should stop excluding agricultural and domestic workers from the federally protected right to engage in concerted action to improve wages and working conditions. (Though exceptions should be allowed, under memorandum of understanding agreements with the federal agency, for states that have *stronger* labor relations statutes for agricultural and domestic workers.)
- To inform policy, new research should be funded investigating the links between legal protections and health outcomes. The NIOSH-NAWS survey is one of the few studies that includes information about farm size, and reports that workers on farms with 10 or fewer employees, exempt from OSHA regulation under the "small farm" Congressional directive, had significantly higher rates of self-reported health problems as compared with larger farms. The effects of the "small farm" exemption under OSHA could be better informed by new research.^{iv}

ⁱ Immigration Reform and Labor Requirements in Manually-Skilled Industries: A Market-Based Approach. February 2013. David Runsten, Richard Mines, and Sandra Nichols. Policy Brief no. 2013-1. Community Alliance with Family Farmers. Davis, CA. www.caff.org

ⁱⁱ Health-related Inequities among Hired Farm Workers and the Resurgence of Labor-intensive Agriculture. 2012. Don Villarejo. Health Program, The Kresge Foundation, Troy, Michigan.

ⁱⁱⁱ Arcury TA Quandt SA. 2007. "Delivery of health services to migrant and seasonal farmworkers." *Ann Rev Pub Health*; 28: 345-63.; Hoerster KD Mayer JA Gabbard S Kronick RG Roesch SC Malcarne VL Zuniga ML. 2011. "Impact of Individual-, Environmental-, and Policy-Level Factors on Health Care Utilization Among US Farm workers." *Am J Public Health*; 101(4): 685-92.

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