

A CASE STUDY OF CONTRACTED SEASONAL WORKERS AND FARM LABOR
CONTRACTORS IN THE STOCKTON AREA

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Cristal Verduzco

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AUTHOR: Cristal Verduzco

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Carol Sexton
Senior Project Advisor

Signature

ABSTRACT

This study was conducted to define the current situation between contracted seasonal workers and farm labor contractors in the Stockton area. Specifically, this study focuses on the perception workers have of farm labor contracted employment. It also addresses the perception farm labor contractors have on the contracting business.

To gather the information needed to compare perceptions, interviews with twelve contracted seasonal workers and two farm labor contractors were conducted in Stockton. The analysis process consists of a detailed account of the problems workers and farm labor contractors encounter in the farm labor contracting business.

The results of these interviews concluded that overall contracted seasonal workers believe they are being mistreated by farm labor contractors. It was determined that the most affected area is wages.

This case study is designed to give insight into the current working conditions farm laborers have to endure. The literature review provides some of the history behind this topic and the analysis provides a snapshot of the current situation. It is recommended that anyone with interest in this topic, take the time to personally experience this field by visiting labor camps, talking to workers, talking to farm labor contractors, etc.

In dedication to my mother and the thousands of field workers who spend their lives laboring without a voice or recognition.

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CHAPTER 1

INTRODUCTION

The United States is a nation built by immigrants, for immigrants. Its founders had the ultimate vision of freedom; a nation in which all people could live peacefully and free of discrimination and oppression. Although the set of principles on which this nation was founded are ideal, its government has failed to live up to its own expectations of freedom. The enslavement of Africans allowed this country to prosper and become wealthy. Because of free labor, plantation and business owners were able to become extremely successful. Eventually, in the 1800s, slavery was abolished, and the United States appeared to thrive on equality. Yet, heavy discrimination remained, and the irony of today is that one of the most discriminated groups of people are immigrants: the people who helped lay the foundation for this nation.

One of the most significant economic contributors in the United States is the agricultural industry. The agricultural industry has always depended on hard physical labor. As in any other industry, farmers want to maximize profit by hiring the cheapest labor possible: immigrants or undocumented workers. Because of their undocumented status, language barriers, and sometimes lack of education, immigrant workers are willing to take on the most labor intensive jobs for the least amount of pay. No educated American is willing to work over eight hours per day, seven days a week for minimum wage. A farmer or farm labor contractor would have to pay any other person twice as much to do the same work. Today, the survival, and most importantly, the

economic profit of the United States' agricultural industry, depends heavily on immigrant labor – the modern day “slaves” of America.

As the world's fifth largest supplier of agricultural products and commodities, California is the number one agricultural state. Logically, the majority of immigrants come to this state in search of employment. Within California, San Joaquin County ranks seventh in gross agricultural production, with over \$2 billion earned in 2007 (San Joaquin County 2008 Annual Crop Report). Two of San Joaquin County's top three agricultural commodities are grapes and cherries. Both of these crops are maintained and harvested by hand, and their survival depends on the work of thousands of immigrant workers. Without them, San Joaquin County and the State of California would suffer tremendous economic loss. Thus, the focus of this study is the Stockton area in San Joaquin County.

Problem Statement

What is the worker perception of contracted employment under farm labor contractors (FLCs)? What is the perception of contracted employment from an FLC's viewpoint? What are the most common problems encountered by workers in the Stockton area while working for FLCs?

Hypotheses

1. Overall, contracted seasonal workers believe they are mistreated by their FLC. They do not take action to defend their rights against an FLC because of fear – fear of losing their jobs, or even worse, deportation.
2. An FLC's objective is to profit from contracting immigrant labor. As such, overall FLCs believe they are treating workers as fairly as deemed profitable.

Objectives

- 1) To catalog the experiences of contracted seasonal workers and farm labor contractors.
- 2) To identify the most common problems perceived by contracted seasonal workers.
- 3) To identify FLCs' perceptions of their treatment of seasonal workers.

Justification

The U.S. undocumented labor force is, without a doubt, a huge contributor to the national economy. With \$36.6 billion of revenue, California is one of the world's largest agricultural producers and exporters. California's agricultural labor force consists mainly of undocumented contracted seasonal workers. The treatment of these employees not only affects the employees and their families, but all of California's 36.8 million inhabitants. Undocumented agricultural workers also have an impact on the world economy as a whole. When workers are forced to

accept low wages, cheap labor becomes available, which in turn maintains low commodity prices.

Although it seems that economic impact represents the main concern involving undocumented workers, human impact is the most important justification for this case study. It is important to inform the public about the harsh reality of the current labor situation in this country. People's lives are being manipulated; in some cases not far from the extreme of modern day slavery. Americans should not continue to live obliviously to these working conditions. This case study will serve to define the situation and to provide real life examples of FLC neglect, as well as the consequences of this neglect on worker morale.

CHAPTER 2

LITERATURE REVIEW

History of Farm Labor Contracting

As described in “Battlefield- El Paso” by Douglas Massey (2009), the United States was built by immigrants. There was a point in this country’s history when migrant worker programs produced labor demand, with plenty of foreign workers to harvest crops and work in the construction industry. One of these programs was the Bracero program of the 1940’s. Prior to the 1920’s, also known as the “classic era of open immigration,” open migration reigned along the Mexican American border (Charvet, Durand, and Massey 2000). Yet, with the outbreak of World War II, the agricultural industry saw a dramatic decrease in the availability of farm laborers. To help meet labor demand, President Roosevelt initiated the Bracero Program, which allowed the legal entrance of thousands of Mexican workers (Martin and Teitelbaum 2001). This program provided a stopgap to the shortage of American workers with more convenient and cheaper sources of labor: Mexican migrant workers. The Bracero Program was started in 1942 and remained in place long after World War II, until its termination in 1964 (Martin and Teitelbaum 2001).

Decades past the Bracero Program, in the 1970s through the early 2000s, the United States has seen a tremendous increase in illegal Mexican migration. As demand for labor

continued to increase, the United States government, manifested by border patrol, began to implement policy that impinged upon the treaty established between the United States and Mexico (Cohen 2001). The treaty specifically stated that all forms of illegal migration would not be advocated by either government (Cohen 2001). Mexican workers continued to pour into the United States, and demand for their cheap labor skyrocketed. The most infamous illegal migration incident in U.S. history occurred in 1954, when the United States border patrol completely opened up the border for recruiting farmers to gain access to migrant workers (Cohen 2001). Through this incident, the United States government made the mistake of encouraging illegal migration.

Because the Bracero Program was believed to encourage the illegal migration of Mexican workers, it was terminated by Congress in 1964 (Martin and Teitelbaum 2001). In regards to farm labor contracting, another reason for the elimination of the Bracero Program was the “increasing evidence of abuses of Bracero workers by employers” (Martin and Teitelbaum 2001). Farm labor contractors and other employers discovered that foreign migrant workers were easily manipulated into accepting meager wages and obscene living conditions.

Throughout the Bracero Program, undocumented workers were often willing to take some of the worst available jobs for negligible pay. For this reason, even though the U.S. sponsored migrant labor contracting programs failed, the demand for cheap Mexican labor never ceased. Workers are no longer allowed to cross the border legally; yet, they are still recruited. During the decades of the 1970s, 80s and 90s, illegal migration of Mexican workers continued to grow, while their distribution concentrated in the most potent agricultural producer in the United States: California (Charvet 2000).

In late 1986, the United States passed the Immigration Reform and Control Act (IRCA). This act provided amnesty to over 2.3 million Mexicans (Charvet, Durand and Massey 2000). The passing of this act not only encouraged Mexican workers to remain in the United States, but also gave hope and encouraged newcomers to enter the country. Another consequence of the passing of the IRCA is the dramatic increase of farm labor contracting undertaken by subcontractors (Charvet, Durand and Massey 2000). The IRCA made the hiring of undocumented workers strictly illegal. To avoid legal penalties, farmers turned to professional farm labor contractors for labor.

Today, Mexican migration to the United States remains a topic of great controversy. In response to the increasing wave of immigrants, new anti-immigration laws were passed. Instead of decreasing immigration, these laws and the dangers of the Mexican American border combined have increased the number of immigrants who settle in the United States (Massey 2009). Consequently, the United States government is now presented with new problems, and immigrants are increasingly referred to with a negative connotation. As seen in previous history around the world, when social and economic problems arise, the majority looks for a scapegoat to blame; in this case undocumented immigrants are perceived as the problem. One of the most discussed issues is the appearance of immigrants in towns which have never had an immigrant population prior to recent years. As a result of increased border patrolling, Massey (2009) has concluded that immigrants have had to come up with new immigration patterns. These new patterns lead to immigrant waves into towns which have never before been exposed to immigrant activity. Consequently residents report that immigration has increased when in reality, immigration paths have only shifted (Massey 2009).

Laws and Regulations Affecting Farm Labor Contracting

Martin and Vaupal (1987) conducted a series of studies using data provided by government organizations such as the Department of Labor and other gathered statistics which concluded that most workers hired by FLCs are undocumented. Currently in the United States, there are over 11.5 million undocumented workers. As stated by Cimini (2005), there are laws in place such as the National Labor Relations Act, which attempt to provide human rights protection for employees. As with any law, NLRA only protects an employee if he or she makes his or her concerns known. This is where the status of being undocumented comes into play and prevents thousands, perhaps even millions, of undocumented workers from reporting employer violations.

There are also regulations in each state which target factors affecting farm labor contracting specifically. The need for these regulations is evident from previous farm labor contracting cases of health hazardous exposure to undocumented workers. Typically, farm laborers live under housing provided by FLCs called labor camps. The United States Department of Agriculture regularly sends inspectors into labor camps. The purpose of these inspections is to regulate living conditions for all agricultural workers. Even so, labor camp inspections fail to keep FLCs in regulation with housing laws.

Current Issues in Farm Labor Contracting

In general, agricultural employees face more health issues than most other occupations, largely due to the working conditions involved in agricultural labor because it involves mostly

physical labor. Along with constant use of the body's muscles come health complications and life-long illnesses such as backaches, swollen joints, and arthritis (Triplett 2004). With the agricultural industry already being prone to health risks, FLCs' neglect to follow federal law is putting the lives of undocumented workers at even greater risk.

The most common health affecting issue neglected by FLCs is the availability of safe drinking water. The Safe Drinking Water Act is a federal law regulated by the Environmental Protection Agency (EPA) which guarantees the quality of water consumed by people living in the United States (Martin 1992). In 1992 the EPA conducted a study in which it took samples from hundreds of small water systems being used to deliver water to numerous labor camps throughout California. Results found that 191 water systems were violating the law and out of those, 141 were not even recognized by the state as public water systems (Martin 1992).

Water problems in agricultural farm labor contracting do not end at quality of the water provided. In many cases, water is not provided at all. Lack of drinking water under triple digit degree weather, as in the case of Asunción Valdivia, has led to hundreds of cases of heat stroke and even death (Triplett 2004). After a ten-hour day of picking grapes under the scorching sun of the San Joaquin Valley, Valdivia collapsed, and instead of sending for an ambulance, the crew boss sent him home (Triplett 2004). Valdivia only made it to his car, where he died of a highly preventable heatstroke (Triplett 2004). This type of neglect is terribly common amongst farm labor contracting.

Seeking medical assistance goes hand in hand with dehydration and other agricultural related health issues. For the most part, undocumented workers do not seek medical attention when they are injured (Triplett 2004). When a worker is injured, the injury is usually reported to

the crew leader, and the crew leader decides what to do. To avoid legal and monetary conflicts with the FLCs or growers, injuries are usually ignored.

Another highly neglected health hazard is exposure to pesticides and other chemicals used in the agricultural industry. Although both documented and undocumented agricultural workers are exposed to pesticides, undocumented workers are usually the ones who fail to seek medical attention, which results in greater health-affecting consequences. According to the EPA, 300,000 acute pesticide-related illnesses are reported every year (Martin 1992). The actual number is probably quite larger, but due to the failure of undocumented workers to properly report all incidents, actual exposure is not known.

Apart from violating health and safety regulations, FLCs take advantage of undocumented workers financially. One of the most basic ways in which undocumented workers are financially battered is wages. Hout and Kesler (2010) have studied wage trends and concluded that immigrant workers are always paid considerably less compared to non-immigrant workers. This is a situation that is highly common and in many cases, may be as extreme as receiving no pay at all. Although farm wages for undocumented workers have steadily increased, they continue to remain extremely low (Huffman 2005). This phenomenon may be due to the continuous oppression towards undocumented workers exhibited by FLCs.

The goal of corrupted FLCs is to get as much money out of a worker as possible. To accomplish this, another common strategy involves ridiculous wage deductions which workers are told cover housing and living conditions offered at FLC labor camps. Many times these living conditions are kept unsanitary and overcrowded. For example, a trailer suitable for up to eight people is packed with up to twenty. Maintaining clean livable conditions in a labor camp is difficult and even worse when workers are expected to live like sardines. The food and board

deductions charged by FLCs are usually highly overpriced. Workers pay as much as they would pay to share a room with one person, but have to share it with up to five others.

The amount of times in which FLCs are actually prosecuted for worker neglect, abuse, and exploitation are very few. In order to show the lack of government enforcement towards farm labor contracting, John Bowe (2003) gives the extreme example of an FLC, Miguel Flores. Although Flores was well known for his illegal behavior towards workers, his FLC license was never revoked. This is the case with hundreds of FLCs throughout California. As reliance on farm labor contracting continues to increase, the future of unprosecuted FLC abuse is predicted to rise (Huffman 2005).

Undocumented Workers Speaking Out Against Farm Labor Contractors

Undocumented workers play an extremely important role in the economy of the United States. As such, they have the right to be protected against corrupt FLC behavior. Federal laws and state regulations attempt to provide undocumented workers with rights but fail to do so. The strongest reason behind this failure is the constant fear of deportation undocumented workers live under (Cimini 2008). The biggest fear of an undocumented worker is being deported. Deportation means losing his or her job, and having to return home empty handed. Fear keeps undocumented workers quiet, and FLCs know this very well.

In order to suppress workers, FLCs often resort to intimidation and violence (Triplett 2004). FLCs are the boss, and whatever the boss says must be true. The most common form of intimidation is the threat of being fired and perhaps even deported for simply reporting an injury or any other type of complaint. Undocumented workers are in a sense disposable to FLCs. If a

person decides to leave, all they have to do is a little recruiting, and they can replace that person with three other workers who are ready to work and stay quiet.

Another major factor preventing undocumented workers from speaking out against violations is lack of education. The majority of undocumented workers are not aware of the laws that protect them. It is not beneficial to the FLCs or other management to inform workers of their rights. For this reason, FLCs aim to keep undocumented workers uneducated, and lack of education keeps workers under terrible working and living conditions.

When a worker decides to leave his or her country behind, he or she sometimes come into the United States alone without a friend or relative to offer guidance. The worker has no choice but to believe whatever FLCs tell them. It is a whole new world, and they keep quiet because of fear of being noticed by the wrong person. Yet another factor preventing undocumented workers from speaking out against FLCs is gratitude. Believe it or not they are thankful for the jobs they are given and the meager compensation they are paid. It is difficult for someone to report, in many cases, the only person in this country they think they can “trust”.

CHAPTER 3

METHODOLOGY

Procedures for Data Collection

With an estimated \$2.1 billion in the total gross value of agricultural production for 2008, San Joaquin County is one of California's top agricultural producers (Rand, Medina, and Melehani 2008). Within California, San Joaquin County is ranked number seven in agricultural gross revenues (Rand, Medina, and Melehani 2008). As such, San Joaquin County is a suitable representative of undocumented workers employed under Farm Labor Contractors. This case study will initially focus on Stockton (the heart of agricultural production in San Joaquin County), and subsequently on its surrounding areas.

In order to gain fair representation of the lives of contracted seasonal workers, interviews will be conducted from workers employed under five FLCs. These FLCs will be chosen based on the amount of workers they manage. Two FLCs will be selected to represent large FLC agencies and two will be selected to represent the smallest FLC agencies. The fifth FLC will be selected to represent an average sized (with regards to amount of workers managed) FLC agency. A minimum of ten contracted seasonal workers from each FLC will be interviewed, amounting to a total of fifty workers. The questions pertaining to each interview will focus on each individual's experience with FLCs and life as a contracted seasonal worker.

Other organizations have previously attempted to get the real story of what goes on in the lives of contracted seasonal workers, but due to the fear of deportation, workers tend to lie about their employment and living conditions. Throughout these interviews, it will be stressed to the participants that the anonymity of all procured information will be preserved, and will in no way be used against them or their families.

Aside from interviewing the workers, the five individual FLCs pertaining to the fifty contracted seasonal workers will also be interviewed. The questions pertaining to this set of interviews will focus on the experience each FLC has with the contracting business, and their experience with government agency interference. Hiring undocumented workers violates government regulations; therefore, FLCs will be wary about asserting that they hire undocumented workers. To encourage them to provide accurate information, they will be reassured that their identities will remain anonymous and, most importantly, that their FLC licenses will not be placed in jeopardy.

To make cataloging of these interviews possible, a specific formatting will be used for each interview. A set of questions will be used as a guide for both the contracted seasonal worker interviews and the FLC interviews (See Appendix 1: Contracted Seasonal Worker Questionnaire and FLC Questionnaire). FLCs will be referred to by a number ranging from FLC1-FLC5, and each contracted seasonal worker will be referred to by a number pertaining to their FLC. For example, the first worker under FLC1 will be identified as W1FLC1, followed by W2FLC1, and so on. This system of identification is necessary to keep all identities confidential.

Apart from keeping a written record of the interviews, they will also be audio recorded. If a worker or FLC refuses to be recorded, then their request will be honored. This will be especially helpful for reviewing the collected information during analysis.

These interviews are to be conducted throughout the first four weeks of Cal Poly's Spring Quarter in 2010. Agricultural harvest in San Joaquin County will be under way, and the population of contracted seasonal workers will be at its peak.

Procedures for Data Analysis

The results of these interviews will be qualitative rather than quantitative, meaning that there will be no numerical analysis of the results. Once all of the interviews have been conducted, they will be cataloged and thoroughly reviewed. Each individual's detailed responses to his or her interview will be included in a cataloged section of this senior project (Appendix 2 and 3). The purpose of these interviews is to extract the most common methods of FLC neglect. The other purpose of these interviews is to extract the ways in which FLCs manage to profit from their workers. Once this information is gathered, it will be broken down into sections in the analysis portion of this report. Worker demographics as well as their sentiments towards FLCs will be summarized and placed into tables.

Assumptions and Limitations

The biggest limitation in this case study is the reliance on human honesty. All of the data collected will be gathered from personal interviews. Due to various reasons, such as fear and insecurity, there is the possibility that the interviewees will provide inaccurate information. This limitation restricts the analysis to the assumption that the contracted seasonal workers and FLCs will provide accurate information. This entire project depends on the testimonies of the

interviewees. Another limitation is that only five FLCs will be interviewed among fifty undocumented workers. This might prevent a fair representation of Stockton's registered FLCs.

Chapter 4

DEVELOPMENT OF THE STUDY

Data Collection Problems

While attempting to collect interviews from the subjects needed to test the hypotheses of this case study, a handful of obstacles were encountered. The most important of these obstacles, finding seasonally contracted farm workers to interview, is also the most basic requirement of this entire case study. The interviewer did not find it feasible to go from house to house asking for field workers. Finding subjects to interview was difficult because most contracted seasonal farm workers refrain from roaming freely about the city in which they live. In order to find individuals to interview, neighborhoods inhabited by field workers had to be identified.

The process for identifying neighborhoods populated by farm workers involved talking to a couple of already known “mayordomos”. (Mayordomos work under FLCs, and they are responsible for supervising and transporting workers to the fields.) After talking to them, it was decided that the South side of Stockton is the most heavily field worker populated area in the city.

Once the geographic region was identified, another obstacle arose; the safety of the person conducting interviews. The South side of Stockton, which would be anything passed Charter Way, is very well known for its violence and gang activity. In the beginning,

interviewees were found by visiting homes, as a precaution it was decided that all interviewing trips would be conducted with a partner, and they would take place in as public of a location as possible.

The third obstacle, relying on worker responses, was premeditated under the assumptions and limitations section of Chapter 3. While conducting interviews, it became apparent that some workers would respond positively when questioned about work/living conditions simply to move forward in the interviewing process. Although they voluntarily agreed to participate in the interview, these particular workers seemed anxious to get the interview over with. Typically these workers were new to the industry; they had spent less than two years working in the United States. Workers that had already worked in the United States' agricultural industry for more than a few years were usually open to a full discussion, and at times even offered their personal opinion.

The fourth obstacle was the difficulty of getting FLCs to interview. FLCs are typically overwhelmed with busy schedules, and harvest season only increases their daily responsibilities. This time of year (cherry season), is a very busy part of harvest season. To accommodate the first FLC interviewed (FLC1), the interview was conducted late at night at the FLCs home. The second FLC interviewed (FLC2) was out of town. According to him cherry season begins in Fresno County. Because of this he travels south with his crews at the beginning of the harvest season, and then makes his way back to Stockton to continue managing harvest crews. Due to his traveling duties, this FLC was interviewed over the phone. Lastly the third FLC was hospitalized due to a diabetic complication, therefore he was unavailable.

The next obstacle, which is the most difficult, has to do with finding FLCs available for interviewing based on their size of operation. Although a list of current licensed FLCs in

California is available through the State's Department of Industrial Relations website, their size of operation is unknown. Contacting all of Stockton's licensed FLCs to find out their operation size would have been tedious and tremendously time consuming.

The determined solution for all of the problems discussed above resulted in a change of sample size and a change in FLC criteria. The sample size of FLCs interviewed changed to three, and the sample size of contracted seasonal workers changed to a minimum of twenty, due to the fact that the availability of workers willing to be interviewed is limited. The criteria for the interviewed FLCs changed from being based on size of operation to the FLCs experience/reputation. The FLCs interviewed were selected from the following three groups: new generation entrepreneur, old generation, and overall respected FLC.

Analysis

The analysis of the interviews conducted will be discussed in the following way. The first section will be discussing the FLC results. The FLC results will then be divided into further sections depending on the subject of discussion such as: worker compensation, housing, etc. The second section will discuss the contracted seasonal worker interviews, and will also be further divided into sections based on subject of discussion. (See Appendices 2 and 3 for interview notes.)

Analysis of Farm Labor Contractor Interviews

A total of two FLCs were interviewed for this case study. The first, FLC1, represents the new generation of FLCs. FLC1 was born in California, raised in Mexico, and later as a teenager returned to the United States to work and complete his high school education. After graduating from high school, he attended Delta College and received his Associate Degree. Now he is in his late thirties and has been running his FLC operation for fourteen years (started in 1996). Apart from running an FLC business, he is also involved in real estate, construction, and other forms of entrepreneurship. He started his FLC business from the bottom up. Before getting his license he worked for an FLC himself. At first he was a field worker and made his way up to mayordomo. His FLC acknowledged his talent for management and suggested he get his contracting license.

When FLC1 first started his business he did not need to recruit workers because his days as a mayordomo had already created a significant following. He searched for work by approaching farmers personally and explaining his inexperienced situation; some farmers gave him work and some did not. After a few years he had successfully established himself as one of Stockton's most successful FLCs. Today FLC1 contracts workers for crops such as cherries, pears, asparagus, apricots, and tomatoes. He has managed up to 700 workers at a time.

The second FLC interviewed, FLC2, has a completely different background than FLC1. He is from an older generation of FLCs, and was born and raised in Guerrero, Mexico. He only attended school up to the third grade. FLC2 first arrived in California in 1957 when he was recruited by the Bracero Program. Soon after arriving, in 1960 he became a resident, and by 1970 he had his FLC license. He was a licensed FLC for over thirty-five years. FLC2 has done

everything from harvesting crops, crew management, farming, and farm labor contracting. Due to improper management, he lost his FLC license a few years back, and is now working under his son's license (FLC3).

FLC2 manages workers for the same crops as FLC1 (cherries, pears, asparagus, and apricots), but contrary to FLC1 he sometimes works outside of the Stockton area in Sacramento County, Lake County, and Fresno. Also contrary to FLC1, FLC2 is not involved in any other businesses outside of being an FLC. He has an obvious passion for farm labor contracting, and says he would never consider doing anything else.

Worker Wages/Compensation

According to FLC1, by law FLCs are required to pay their workers on a weekly basis; farmers may pay workers bi-weekly. There are two methods of payment. The first is an hourly rate and the second is by contract. Both FLCs confirm that they pay their workers no more than the minimum hourly wage required by the State of California. (Both FLCs claim to report their workers' wages. They also both claim to make appropriate paycheck deductions for unemployment, workers compensation, and disability.) The only time contracted seasonal workers earn more than minimum wage per hour is when they are working under a contract. Working under a contract means that they are being paid per box or container of fruit or vegetables. The only reason FLCs pay them more than minimum wage is because it is required so by law, when working under a contract.

FLC1 went into great detail about how he determines how much to pay his workers. He said everything to do with money depends on how much the farmer who has contracted him to

do the job is paying him. Apart from charging the farmer minimum wage, the FLC charges a certain percentage of minimum wage per hour. The percentage charged depends on the dangers of the crop being harvested and ranges from 38-45%. For example, the cherry or pear harvest has a higher percentage charge than asparagus harvest because workers are required to use ladders. Climbing ladders for harvest creates more liability for FLCs. The increase in percentage charge provides monetary security to help cover costs of any incidents.

FLC1 also explained that more profit can be made when paying workers by contract. When a contract is established with a farmer, an FLC may decide to charge a high percentage charge. As long as the workers are earning above minimum wage, the FLC may keep the leftover percentage charge. Workers could be earning more money, but instead the FLC reaps the benefits. As FLC1 put it, farm labor contracting is a business therefore he is constantly looking for ways to make/save money.

FLC2 did not go into detail about how he pays his workers. He simply said that it is either done by hourly wages or contract. He did say however that he pays workers \$18-\$20 per bin of pears and \$6 per box of cherries. Although cherries are more expensive than pears at the supermarket, workers receive lower compensation per box of because the cherry container is much smaller than a bin of pears.

Worker Housing/Food

For the most part, currently both FLCs do not open labor camps. (FLC2 opens a labor camp in Lake Port for up to twenty days during pear pruning season.) Food prices have skyrocketed and therefore FLC1 explained that labor camps are no longer profitable. Apart from

a dramatic increase in food prices, labor camp cooks are now demanding much more pay. FLC1 said he used to pay a cook \$70 per day and now cannot find one that charges less than \$100-120 per day. A few years ago when labor camps were profitable, he claims to have been able to house and feed a worker for only \$3 per day. He would charge workers \$10 per day therefore making a \$7 profit from each worker per day. Labor camps hold anywhere from 20 to 150 workers at a time. If on average he housed 100 workers, he was making \$700 per day of pure profit.

Government Inspections

Both FLCs are inspected by the Occupational Safety and Health Administration (OSHA). Inspectors look into things like drinking water, shade availability, sanitation, etc. According to FLC1, inspections occur maybe once every harvest season. Both FLCs stated that they keep everything up to code, but FLC1 went into further detail about how he prepares for inspections.

According to FLC1 in order to protect himself from inspections, he has a worker's manual which he distributes to all of his employees. He keeps them informed about all of their rights and makes sure to follow through with them. Apart from this, FLC1 also said that he is friends with most of the inspectors. Whenever an inspection is coming up he receives a phone call from the OSHA office, and is alerted of the upcoming inspection. This gives him enough time to make sure everything is up to code.

If he is not warned about an upcoming inspection, he relies on his friendships with the various inspectors. He said that usually just taking them out to eat or other monetary compensations prevent them from reporting any irregularities. FLC2 did not go into detail about how he has dealt with inspections, but it is probable that that his strategy is similar to FLC1's.

Injuries, Health Hazards, and Other Common Problems

Being an FLC comes with great liability. One of the perks of hiring an FLC is that health liabilities fall on the FLC instead of the farmer. Both of the FLCs interviewed made it clear that they have insurance, and rapidly report any injuries and/or illnesses found amongst their employees. Although injuries, according to the FLCs, are rare they are very careful about how they deal with them because they both have been previously sued. FLC2 explained that if anyone is injured on the job or in one of his labor camps, they are immediately taken to Dameron Hospital; a hospital located in downtown Stockton. FLC1 responded in the same way; he has insurance and calls an ambulance whenever needed.

When it comes to health hazards, both FLCs claim to inform their workers on the dangers of working in the fields. FLC1 does so by providing his employees with a workers manual that discusses the most common hazards. The mayordomos are commonly in charge of talking to their crews about the precautions they should take including: wearing appropriate foot gear, information on pesticides, and the importance of staying hydrated.

When asked about the most common problems they have to deal with, FLC1 responded saying that being an FLC is extremely stressful. You have to be on top of everything. FLC2 responded by saying that he hardly has any problems, he has been working as an FLC for so long that he already knows how to deal with whatever difficulties come along.

Analysis of Contracted Seasonal Worker Interviews

Worker Demographics

All of the workers interviewed were from some part of Mexico. The ages ranged from sixty-two to fifteen years old. The majority only completed a few years of elementary school. There was one worker (W4FLC1) that actually received a college degree, but still found herself working in the fields for FLC1 and FLC2. She studied accounting in Mexico for three years, and worked as an accountant for a flower company in Toluca, Mexico. Amongst her responsibilities were accounts pertaining to Wal-Mart and Costco. Even though she had a career going for her, she decided to work in the United States because she would be earning more than twice of what she earned in her accounting profession, which was roughly \$600 per month.

As stated above, all of these workers came from Mexico. The majority of the workers are undocumented and travel back and forth between Mexico and the United States. A few of them are new comers and the rest have been working in the United States' agricultural industry for years. The most typical way of finding work with an FLC occurred through word of mouth by family members or friends that already worked for or had worked for an FLC. Coyotes are also heavily involved in recruiting workers for FLCs. W4FLC1 is an example of someone who was recruited by a coyote. All of the workers currently live in Stockton. (For Detailed FLC and Worker Demographics See Table 1)

Table 1. FLC and Worker Demographics

	Age	Sex	Origin	Education	Agricultural Experience
FLC1	35+	Male	U.S.	AA Degree	17+
FLC2	75	Male	Guerrero, MX	3rd Grade	60+
FLC3	Mid 20s	Male	U.S.	Unknown	5 Years
FLC4	Unknown	Male	Unknown	Unknown	Unknown
W1FLC1	Mid 20s	Male	MX	HS Diploma	3+ Years
W4FLC1	38	Female	Toluca, MX	AA Degree	3+ Years
W1FLC2	46	Male	Sinaloa, MX	HS Diploma	6 Years
W2FLC2	15	Male	Queretaro, MX	Elementary	3 Months
W3FLC2	40	Female	Michoacán, MX	8th Grade	20+
W4FLC2	62	Female	Guerrero, MX	3rd Grade	40+
W1FLC3	27	Male	Sinaloa, MX	3rd Grade	10 Years
W1FLC4	36	Male	Guerrero, MX	Unknown	1 Year
W2FLC4	21	Male	Mexico	Elementary	2 Years
W3FLC4	18	Male	Mexico	Elementary	2 Years
W4FLC4	33	Male	Mexico	Elementary	6 Years
W5FLC4	34	Male	Chiapas, MX	Unknown	3+ Years

FLC/Worker Interaction

For the most part, field workers do not communicate with their FLCs often. Their immediate supervisors are the mayordomos therefore they report to them. However, for the most part whenever they do talk to their FLCs, they are treated with respect. The only complaints about FLC interaction came from workers working for FLC2. According to W3FLC2, he always kept an eye on his workers, but he was not approachable.

Payroll

Throughout the interviews, the subject which received the most negative attention was payroll. The workers interviewed are not satisfied with what they are getting paid. They all receive minimum wage, but feel that the hourly rate is not worth the work they put in. This feeling seems to be connected to the fact that all workers documented and undocumented have benefits deducted from their checks. They all contribute to the pool of unemployment, disability, and social security benefits. The problem with this system is that most workers, being undocumented, will never use these benefits. They are contributing to a system which does not recognize them as employees.

Some FLCs take advantage of this situation and take things even further. W1FLC1 claims to have been deliberately “ripped off” by FLC1. He worked for FLC1 for about 6 months. When tax season came around, he requested a W2 form from FLC1. FLC1 claimed that he had never employed this worker; that there was no record of him in his files. W1FLC1 believes that FLC1 reported his earnings under a different social security number, perhaps belonging to a family member or friend. W1FLC2 experienced the same situation from FLC2. Another incident with payroll occurred to a few of the workers interviewed. The FLC would pay them in cash instead of with a check. They think the FLC did this in order to deduct even more money from their paychecks. Paying them in cash prevented evidence of corruption.

FLCs are capable of easily changing a workers hourly wage. It all seems to depend on how much they want to keep. Another common complaint among the interviews dealt with working under a contract. W3FLC2 explained that farmers tend to pay more per bin or box than

FLCs. In her case, she worked for a farmer that paid \$8-\$10 per box of cherries. Once the farmer hired an FLC, pay was reduced by two dollars to \$6 per box of cherries. According to this worker, FLCs profit from workers at a rate that is unnecessary and unjustified.

The next problem having to do with payroll became apparent while interviewing two labor camp cooks. A typical labor camp cook works from 4am to 7pm; 15 hour shifts, 7 days a week. However labor camp cooks do not get paid by the hour, they get paid by the day. One of the labor camp cooks interviewed (W4FLC2) has worked for FLC2 for over ten years. When she first started working, in 1995, she was making as little as \$50 per day. Per hour that comes out to be \$3.33; less than half of minimum wage. Today, according to the experienced labor camp cooks interviewed, a cook earns \$100-\$120 per day making that \$6.67-\$8.00 per hour; at times barely making it to minimum wage. Up until 2006, W4FLC1 was still getting paid \$65 per day; \$4.33 per hour.

Health and Safety

The only complaint in regards to safety came from someone working for FLC2. Worker W1FLC2 explained that when he first arrived to work for his FLC, he was given a ladder and thrown right into harvest season. He had no prior experience in harvesting crops, and he had no idea as to how he should set up his ladder or how to use it to harvest. Everything he learned, he learned from self experience, and advise his co-workers gave him. He said that it was very difficult to learn, but once he got the hang of it things got easier. The FLC's mistake here was lack proper training.

Another common incident related to health and safety was discussed by W4FLC4. As stated by FLC1, at the time of contracting employees, they are given workers manuals and other packets of information to read and sign. The problem with this, according to W4FLC4, is that the majority of field workers are illiterate. The right information might be provided, but what good is it if they cannot read it. W4FLC4 admitted to being one of these workers. He signs the documents because he needs employment, and he will not be hired if they are not signed. He does not know what they say but he does know they liberate FLCs from some liabilities. (Labor camp food safety will be discussed under Labor Camp Living Conditions.)

Labor Camp Living Conditions

The labor camps described by these workers are all located in the rural outskirts of Stockton or other cities, usually in the middle of the fields the occupants harvest. In previous years they have housed workers during the asparagus and pear harvest/pruning seasons. These labor camps consist of a kitchen/cafeteria building and the worker barracks. At some locations, like in Isleton, these buildings are fixed to the ground. In other locations they are simply mobile homes or trailers parked together. The labor camps are accessible by single dirt roads.

W1FLC3 described labor camps in great detail. He lived in a labor camp managed by FLC3 (FLC2's son) located in Lake Port. The workers' barracks or dormitories were long rectangular rooms; big enough to house over a hundred workers. The rooms were divided into sections. Each section contained several steel bunk beds, smaller than your typical twin bed. The workers were all given up to two foam mattresses for comfort. W1FLC3 stated that he had to put his belongings under his bed, and had just enough room to walk around the bed. According to

this worker, labor camp dormitories are required to have at least this amount of space for workers to live in and maneuver.

Aside from housing contracted seasonal workers, these labor camps house a head cook, cook's assistant, a "campero" (camp janitor), and sometimes mayordomos. The cooking staff lives in dormitories located in the same building as the kitchen. The campero usually sleeps in the barracks with the workers.

The sanitation and overall cleanliness of these camps is deemed appropriate by the workers interviewed. The camps camperos are in charge of cleaning the barracks as well as the camp restrooms and surrounding areas on a daily basis. There were no complaints in this department.

According to the workers, running water is available in all of the camps. It is not always safe to drink, but they do use it to shower, etc. Whenever a camp does not have safe drinking water, the FLC provides tanks full of clean water. This water is used for cooking purposes and drinking.

Typically labor camps provide housing and food for over one hundred workers. The food is purchased by the FLC or a designated buyer (usually not the cooks). The meals are planned out and prepared by the cook and cook's assistant. They prepare three meals per day: breakfast at 5am, lunch by 10am, and dinner around 5pm. (Field workers start their work day very early and end early as well.) Breakfast consists of coffee, oatmeal, bread, eggs, beans, and tortillas; the same thing every day. Lunch is usually in the form of burritos, and is picked up and delivered to the workers out in the fields. The meal includes bean and egg burritos, as well as burritos containing beef or pork. Dinner always includes beans, rice or soup or salad, tortillas, and a main course. The main course might be grilled chicken, stew, carne asada, and very rarely seafood.

According to both labor camp cooks interviewed, the food purchased by the FLC or designated person, is always of the lowest quality. One of the cook's (W4FLC2), who has worked for several FLCs, went as far as to say that some of the food purchased was already expired. She remembers several occasions in which the meat was so severely spoiled that it was turning green. Whenever she reported spoiled food to the person in charge of purchasing it, he would order her to boil it a little longer and serve it anyway. Aside from the meat being spoiled, the bread and tortillas sometimes had mold. She would spend hours separating the good bread and good tortillas from the bad.

When asked about labor camp food, the workers did not have many complaints, but cook W4FLC2 said that they were always complaining. She says that their main protest pertained to constantly having to eat the same food. They did not like the food, but there was no way for the camp cook to improve it. She recalls a few incidents in which the workers complained of stomach aches. They blamed it on her cooking, but she blames it on the spoiled food.

Overall sentiments towards living conditions in labor camps are neutral. FLCs are providing workers with decent housing conditions. The workers interviewed have all paid \$10-\$12 per day to stay at a labor camp; equivalent to paying very cheap rent to stay in town.

Worker Suggestions

The caution in which field workers live is evident from their reaction when approached. The purpose of these interviews had to be thoroughly explained and repeated in order to gain their trust, especially when interviewing young inexperienced workers. Workers that had little experience either had very little to say or they had no comment at all. Workers that have been

working in the agricultural industry for years were more opinionated and willing to share information. Whenever workers were interviewed together, having peers involved seemed to push them to reveal personal feelings about FLCs. (See Table 2. For a Summary of Individual Worker Sentiments)

Table 2. Summary of Individual Worker Sentiments

	Wages	Health/Safety	Labor Camps	Overall FLC Relationship
W1FLC1	FLC1 failed to report his earnings	NO COMMENT	NO COMMENT	Does not trust FLCs but he still works for them
W4FLC1	Has been paid far below minimum wage (\$65 for 14 hour shifts)	Claims FLCs purchase low quality food	No negative sentiments	Remains positive about FLCs
W1FLC2	FLC2 failed to report his earnings	He has seen much improvement	Labor camps are clean, never satisfied by the food	Believes FLCs are not approachable
W2FLC2	Believes he is receiving good pay	Mayordomos advise them well	NO COMMENT	Sees his FLC daily but has never spoken to him
W3FLC2	FLCs pay much less compared to farmers	Received safety instructions	NO COMMENT	Believes FLCs are not approachable
W4FLC2	Has been paid far below minimum wage (\$50 for 15 hour shifts)	Reported expired/spoiled food	Overall feels positive about labor camps	Believes FLC1 and FLC2 are approachable
W1FLC3	Is paid well (\$70 per day regardless of the hours worked)	Feels he has always been properly trained	Overall feels positive about labor camps	Has requested raises from FLCs and received them
W1FLC4	Mainly satisfied with minimum wage	Has witnessed fainting of a co-worker	NO COMMENT	NO COMMENT
W2FLC4	Works 10-12 hours per day, 6-7 days a week for minimum wage	A lot of injuries during grape harvest	NO COMMENT	FLCs have good legal representation, workers do not
W3FLC4	Works 10-12 hours per day, 6-7 days a week for minimum wage	NO COMMENT	NO COMMENT	NO COMMENT
W4FLC4	Works 10-12 hours per day, 6-7 days a week for minimum wage	NO COMMENT	NO COMMENT	NO COMMENT
W5FLC4	Has been paid in cash, believes FLC kept more money	NO COMMENT	NO COMMENT	NO COMMENT

A few workers had very strong opinions about the FLC system. For example, W4FLC4 felt very passionate about the current court system. He said that he has never sued an FLC but

that he has known a few friends that have. According to this worker, the problem here is that FLCs have money to hire good lawyers; they can afford to spend months and even years going to trial. Workers cannot afford to be out of work for extended periods of time and much less afford prominent lawyers. In the end workers give up battles against FLCs. He believes workers need better overall representation.

W4FLC4 stated that the root of the problem goes even deeper than money. Due to their undocumented status, language barriers, and lack of education/information workers are afraid to speak out. There are cases in which workers are not aware of their rights, and cases in which they are very much aware but fear the consequences of speaking out; they feel powerless.

This worker also had complaints towards government inspections. He said that whenever they inspect fields, which rarely occurs, they are distracted by FLCs. He is aware that FLCs are warned of upcoming inspections. Because of this, he believes inspectors never see the real working conditions; FLCs have plenty of time to make sure everything is up to OSHA standards. W4FLC4 believes the industry needs more inspectors; inspectors that are trustworthy.

Observations

Throughout the interviews, there were two major observations. The first has to do with housing and living conditions. The interview conducted with W2FLC2, took place at his residence. He lives on the South side of Stockton in a house owned by a farm working family. The family occupies the house, and they rent out the garage to field workers. The garage is located at the back of the house, away from street view. It is an average sized two-car garage.

Aside from it being a garage and not living quarters, its size would be suitable for a few people to live in. This particular garage has over ten workers currently living there.

At the time of the interview there were five steel bunk beds, similar to the ones found at labor camps, lined up against the left wall. To the right there was a stove and a sink; their kitchen. In the center of the garage, there was a dining table. The worst part about this living situation, besides the overcrowded living conditions, is how disgusting the place was. Everything was covered in filth! The stove and overall kitchen area was black from cooking grease, and there was rotting food debris everywhere.

The second observation came also while interviewing W2FLC2. When asked his age, he hesitated and responded “eighteen” only after being told to do so by one of his roommates. This worker looked no older than sixteen or seventeen years old. His naive characteristics and lack of experience became obvious throughout the rest of his interview. He came to the United States with his older brother and it is his first year working the asparagus harvest season. He seemed very positive about the whole experience. When he was asked about his wages, he said he did not know how much he was getting paid, but that his brother had told him it was a good season.

Halfway through the interview, his older brother came into the garage and told him they had to leave. It turns out the older brother was extremely angry that his brother was being interviewed. Earlier he had gone into the main house demanding to know who had given permission to the interviewers. Through a co-worker, W1FLC3, it was later confirmed that W2FLC2 is an underage worker. He is only fifteen.

Chapter 5

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Summary

In Chapter 1, the problem statement, hypotheses, and objectives of this case study were stated. The main purpose of this case study is to show contracted seasonal worker sentiment towards FLC employment, and vice versa. The hypotheses stated that overall contracted seasonal workers feel that they are being mistreated by FLCs, and that they do not speak out against FLCs because of fear. The hypotheses also stated that FLCs aim at profiting from immigrant labor; they treat workers as fairly as deemed profitable. The objectives of this case study – to catalog the experiences of undocumented workers and farm labor contractors, to identify the most common ways in which undocumented workers are mistreated, and to identify how FLCs manage to get away with mistreating workers – were successfully completed by conducting a total of fourteen interviews, including two FLCs and twelve contracted seasonal workers.

The interviews were all documented and are included in Appendices 2 and 3 of this case study. The information provided by these interviews made it possible for the hypotheses to be evaluated. For workers and FLCs in the Stockton area, the responses support the hypotheses of this case study. The following sections go into further depth on the testing of the hypotheses.

Testing the Case Study's Hypotheses

The hypotheses for this case study were tested by reviewing the answers provided by the interviewees. Each individual's attitude toward farm labor contracting was assessed to determine the overall sentiment of the experience.

Results of Testing the Contracted Seasonal Worker Hypotheses

The responses collected from the contracted seasonal worker interviews evidently support a portion of this case study's hypotheses. To some extent, the majority of the workers interviewed feel that they are mistreated by their FLC. The employment factor which received the most negative attention was that of worker wages. Most workers feel that they are underpaid, in as much as there is major evidence of FLC corruption in the current pay system (See Table 2. in Chapter 4 for Details).

The second factor which draws negative worker sentiment concerns the enforcement of government regulations by inspectors. FLCs have formed internal friendships or connections with government employees. As such, inspectors are prone to overlook FLCs that do not provide their employees with the working conditions required by law. Affected workers with experience are well aware of this situation, but feel incapable of reporting their FLC.

The third factor which received severe negative attention concerns food provided in the labor camps. Both labor camp cooks revealed that FLCs purchase the cheapest, lowest quality food. Many times the food is expired when purchased. By the time it reaches the labor camps, it has been infested by mold and other bacteria. Labor camp cooks are forced to serve spoiled food,

inducing illness in the workers, often in the form of stomach flu. This is a severe problem because spoiled foods could lead to the spread of disease by salmonella and possibly lead to death of workers.

The second part of the contracted seasonal worker portion of the hypotheses was also corroborated by the results of these interviews. Evidence of awareness amongst the workers became obvious throughout the interviewing process. Experienced workers know that they are being mistreated, and they also know that there are laws to protect their rights. What prevents them from taking action to protect these rights (as stated by W4FLC4) is usually induced by overall fear, lack of representation, and lack of monetary support.

Workers such as W3FLC1, W4FLC1, W1FLC2, W3FLC2, W4FLC2, and W4FLC4 provide evidence to support the hypotheses. Workers that did not discuss low wages, lack of inspections, low food quality or other incidents were mostly new and inexperienced.

Results of Testing the FLC Hypothesis

The responses collected from the FLC interviews, indicated that the FLC portion of this case study's hypotheses hold true. Overall the most important consideration to an FLC is the amount of profit gained from contracting seasonal workers. With this goal in mind, workers are treated as well as deemed profitable. For the most part, FLCs attempt to comply with laws and regulations, but at times fail to do so. The example of FLC1's internal communication with OSHA employees serves as evidence to show how an FLC might manipulate the inspection system.

The area in which an FLC's search for profit becomes apparent is in employee wages. When working under contracts, FLCs have the opportunity to pay their workers above minimum wage. As expressed by FLC1, FLCs choose not to pay workers more so that they can increase their own profits. As long as the worker is paid slightly above minimum wage, the FLC may decide to keep the remainder of which would have otherwise gone to the workers. While FLCs may not be breaking any laws with respect to wages, they are profiting at the expense of their employees.

Conclusions

Farm labor contracting, at least in the Stockton area, has come a long way. For the most part, it appears that FLCs have significantly improved working conditions. As shown by FLC1, they are taking on health and safety responsibility by informing their workers of the potential dangers in the work fields, and when necessary, providing medical attention. Because of this, most workers are well aware of the most common dangers to be found in agriculture. For example, they know not to approach pesticides unless they are trained to do so. They also know that keeping their bodies hydrated is extremely important, especially since heat stroke is very common amongst field workers. Access to information and safety awareness has made these workers feel safe in the fields.

Aside from an improvement in the availability of information pertaining to the work environment, the farm labor contracting industry has tremendously improved living conditions in labor camps. Overall, when asked about labor camp living conditions, the workers interviewed responded positively, since the labor camps provided by their FLCs provided them with decent

housing. The only major complaint in regards to living conditions concerned food quality. Workers are not satisfied by the food they are served, and with good reason; it is the cheapest, lowest quality food the FLCs can find.

Although the results of these interviews show evidence of some progress in the improvement of labor conditions, there still remains a need for significant change. The validity of this case study's hypotheses has shown that the farm labor contracting system still has several fundamental issues. Field workers continue to be mistreated by FLCs, especially from a monetary standpoint. The undocumented status of the majority of field workers allows FLCs to manipulate their earnings freely. Not only do farm workers continue to work for meager wages, but many, as stated by a few of the interviewees, are prevented from filing tax returns. For the most part, workers are aware of FLC mistreatment, but refuse to take action.

Recommendations

This case study was created with the intention of informing the general public about issues affecting farm workers, FLCs, and the overall farm labor contracting system. Prior to reading the interviews or the results of these interviews, someone interested in farm workers (especially if they have never been around farm workers) should take the time to learn the history of farm labor contracting. This case study's literature review provides only a snapshot of that history. After gaining an understanding of the past, the reader will be better able to judge the current conditions of farm labor contracting. It is highly recommended that anyone interested in the farm labor contracting business take the time to personally experience this field by visiting labor camps and communicating with workers.

The analysis portion of this case study breaks down the interview results by separating the FLC interview results from the contracted seasonal worker interviews. The main issues echoed amongst the interviewed workers and FLCs are discussed under the previous sections in this chapter. The reader should review these results and use Appendices 2 and 3 as a reference for further understanding.

Anyone seeking to expand this type of research should consider the following: the most important and difficult part of this case study was finding workers and FLCs to interview. Most contracted seasonal workers are continually on the move and do their best to remain unrecognized. The best time of year for farm worker interviews falls between February and August, in the peak harvest months of the San Joaquin Valley (note that for other regions, the harvest season might be different). Workers are usually found in poor communities. The easiest way to find out where they live is to establish contact with a mayordomo, while actually finding workers takes a little bit of detective work.

Once workers are located, it is very important to explain the reasons behind the interviews. Most workers are heavily intimidated by strangers, especially people with whom they do not automatically relate. To gain their trust, it is helpful for the interviewer to explain his or her personal interest in farm labor contracting. Personal insight helps workers connect to the interviewer. This strategy was helpful throughout this case study's interviewing process. If a worker seems especially anxious about conducting the interview, it is best to move on to the next opportunity. The information provided by a nervous worker will more than likely be inaccurate, and agitating the workers should be avoided as much as possible. The easiest and fastest way to take notes, besides recording the interviews, is by typing them as you go.

Scheduling interviews with FLCs represents a difficult task. It is crucial to establish contact with FLCs as soon as possible, within two to three weeks prior to starting the interview process. FLCs maintain a very busy schedule; therefore, an interviewer should always remind an FLC of an upcoming appointment and verify their availability prior to the meeting. If a list of prospective FLCs for interview has not been established, the State's Department of Industrial Labor website offers a complete list of all licensed FLCs in California.

Appendix 1 of this case study includes the guideline questionnaires (in Spanish and in English) used for the interviews found in Appendices 2 and 3. The questionnaires may be used as guidelines for future interviews. Remember that it is important to avoid leading questions.

Last, but not least, the safety of whoever is conducting interviews should always be considered and maintained. Interviews should preferably be conducted in public locations. If that is not possible, the interviewer should always be accompanied by a peer. The most important aspect of the process to remember is that interviews take time. Remember to plan ahead, especially if there are deadlines to fulfill.

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APPENDIX 1

Contracted Seasonal Worker Questionnaires

Basic Demographic Information:

- How old are you?
- Where are you from?
- What is your educational background?
- What types of jobs have you held?

Questions Pertaining to FLC Experience:

- Have you always worked for FLCs?
- How did you learn about this particular FLC?
- Were you recruited by this FLC or did you seek employment by this FLC?
- How long have you worked for this FLC?
- Typically:
 - How are you paid? Hourly or otherwise?
 - What are you paid per hour or otherwise?
 - What is withheld from your paycheck?
 - What benefits, if any, are you given?
 - How often are you paid? Weekly, bi-monthly or otherwise?
 - How do you feel about your work compensation?
 - How many days per week do you work?
 - How many hours do you work per day/per week?
 - How many months out of the year do you work?
 - What months and what agricultural seasons do you work?
 - Do you get any days off?
 - Do you get any paid holidays or sick days?
 - Do you receive any benefits?
- Who is your immediate supervisor?
- If you have any work related questions or complaints who do you report to?
- How often are your complaints resolved?
- Have you had any complaints? If so, what were they and how were they resolved?
- How often do you see the FLC?
- How often do you directly communicate with the FLC?
 - Whenever you communicate with the FLC is he or she respectful or otherwise?

Questions about Living Conditions

- Do you live in town or in a labor camp provided by the FLC?
- If you live in town...
 - What type of household do you live in (i.e.: apartment, townhome, duplex, or house)?
 - Please describe the living conditions.
 - How many people live in your home?
 - How many people live in your bedroom or room of stay?
 - Do you cook for yourselves or does the FLC provide meals?
 - If the FLC provides meals...
 - How many meals does the FLC provide?
 - Where are those meals prepared?
 - Who shops for, prepares, and cooks the food?
 - How much do you pay for the food?
 - How do you pay for the food?
 - What is your general observation on the quality of the food?
 - Do you like the food?
 - Are you all employed by the same FLC?
 - Do you provide your own transportation or is transportation provided by the FLC?
 - If you provide your own transportation, is there a licensed driver?
 - If the FLC provides transportation, does he provide a licensed driver?
- If you live in a labor camp provided by the FLC...
 - Describe the general living conditions.
 - Where is this labor camp located?
 - What type of housing structure do you live in (i.e.: apartments, houses, trailers, etc.)?
 - Approximately how many workers live in this labor camp?
 - What types of beds are provided?
 - How big are the rooms in which you stay and about how many people sleep in each room?
 - Do you have space to store your personal belongings?
 - How many restrooms (including toilets and showers) are located in this labor camp?
 - Could you please describe them?
 - Could you please describe the sanitary conditions of this labor camp?
 - Who cleans the labor camp?
 - Could you please describe the responsibilities of the person in charge of cleaning?
 - What are your feelings on the cleanliness of the camp?
 - Is there safe drinking water at this camp?
 - If the faucet water is not drinkable...

- Does the FLC provide sufficient safe drinking water?
- Do you shower with the faucet water?
 - If so, does your skin have any reactions to the water?
 - If yes can you describe them?
 - Is your FLC aware of the situation?
 - Is he doing anything to improve it?
- Is there a kitchen at this camp?
- Do you cook for yourselves or does the FLC provide meals?
 - If the FLC provides meals...
 - How many meals does the FLC provide?
 - Where are those meals prepared?
 - Who shops for, prepares, and cooks the food?
 - How much do you pay for the food?
 - How do you pay for the food?
 - What is your general observation on the quality of the food and the food sanitation?
 - Do you like the food?

Questions about Health Risks and Medical Attention

- What precautions does the FLC take to avoid injury or spread of illness?
- Are you exposed to pesticides/insecticides or any other type of health hazardous chemicals?
 - If so...
 - What precautions are enforced by your FLC?
- Do you work off of ladders or operate any heavy machinery?
 - If so...
 - Were you properly trained to use this equipment?
 - What precautions are enforced by your FLC?
 - Have you ever fallen off a ladder or been injured by a machine?
 - If so, what happened, was it reported, and what did your FLC do about it?
- Do you feel safe at work?
- If you live in a labor camp, do you feel safe there?
- Whenever there is an injury/illness during working hours (or the labor camp), what is the procedure for reporting that injury/illness?
- Who do you report to?
- Do you feel comfortable reporting an injury or illness to the FLC?
- For injuries/illnesses needing medical attention, is it provided?
- How often do injuries occur?
- Have you ever been injured or sick while on the job or a labor camp?

- If so...
 - What did your supervisor do?
 - Did you need medical attention
 - Were you given medical attention?
 - How was your recovery?
 - Did you have to take any days off?
 - If you took days off, were you still paid?

Closing Questions

- Is there anything else in relation to you experience with FLCs that you would like to add?

Cuestionario Para Las Entrevistas De Trabajadores Contratados Temporalmente

Preguntas Demográficas

- ¿Cuántos años tienes?
- ¿De dónde eres?
- ¿Hasta dónde llegaste con tus estudios?
- ¿Qué tipo de trabajos has tenido?

Preguntas Pertinentes a Su Experiencia con Contratistas

- ¿Has trabajado siempre para contratistas?
- ¿Cómo supiste de este contratista en particular?
- ¿Fuiste contratado por este contratista personalmente o tú lo buscaste?
- ¿Cuánto tiempo llevas trabajando para este contratista?
- Típicamente:
 - ¿Cómo te pagan? ¿Por hora o de otra manera?
 - ¿A como te pagan la hora?
 - ¿Qué cargos retienen de tus cheques?
 - ¿Recibes algunos beneficios médicos o de algún otro tipo?
 - ¿Cada cuanto te pagan? ¿Te pagan semanalmente, cada dos semanas, o de alguna otra manera?
 - ¿Cuáles son tus sentimientos hacia lo que te pagan?
 - ¿Cuántos días por semana trabajas?
 - ¿Cuántas horas al día/por semana trabajas?
 - ¿Cuántos meses al año trabajas?
 - ¿Qué meses y que temporadas de cosecha trabajas?
 - ¿Tienes vacaciones pagadas o días de enfermo pagados?
- ¿Quién es tu supervisor?
- ¿Si tienes alguna pregunta o queja, con quien te reportas?
- ¿Con que frecuencia son contestadas/resorbidas tus preguntas o quejas?
- ¿Has tenido alguna queja? Si es así... ¿Cuáles fueron? ¿Fueron resorbidas? ¿Cómo fueron resorbidas?
- ¿Cada cuanto ves a tu contratista?
- ¿Cada cuanto te comunicas con tu contratista?
 - ¿Cuando hablas con tu contratista, el es respetuoso o no?

Preguntas Sobre las Condiciones de Vida

- ¿Vives en el pueblo o en un campo proveído por el contratista?
- Si vives en el pueblo...
 - ¿En qué tipo de vivienda vives?
 - ¿Por favor describe las condiciones de vida?

- ¿Cuántas personas viven en tu hogar?
- ¿Cuántas personas viven en tu recámara o en el cuarto en que duermes?
- ¿Cocinas para ti mismo o provee comida el contratista?
 - Si el contratista provee comida...
 - ¿Cuántas comidas al día provee el contratista?
 - ¿Dónde son preparadas?
 - ¿Quién compra la comida/prepara la comida/cocina la comida?
 - ¿Cuánto pagas por la comida?
 - ¿Se te hace justo lo que pagas?
 - ¿Cómo pagas por la comida?
 - ¿Qué piensas de la calidad de la comida?
 - ¿Te gusta la comida?
- ¿Todos en tu hogar son empleados por el mismo contratista?
- ¿Tienes un automóvil o te provee transportación tu contratista?
 - Si tu provees tu propia transportación, tienes licencia de conducir?
 - Si el contratista provee transportación, también provee a un conductor con licencia de conducir?
- Si vives en un campo proveído por el contratista...
- Por favor describe las condiciones de vivencia.
- ¿Dónde está este campo?
- ¿En qué tipo de vivienda vives?
- ¿Aproximadamente cuantos empleados viven en este campo?
- ¿Qué tipo de camas son suministradas?
- ¿De qué tamaño son los cuartos en que duermen y cuantas personas duermen en ellos?
- ¿Tienes espacio para tus pertenencias personales?
- ¿Cuántos baños (incluyendo tazas y duchas) hay en el campo?
 - ¿Podrías describir los?
- ¿Podrías describir las condiciones sanitarias de el campo?
- ¿Quién limpia el campo y los dormitorios?
 - ¿Podrías describir las responsabilidades de la persona encargada de la limpieza?
- ¿Qué piensas de la limpieza del campo?
- ¿Tienen agua limpia en el campo?
 - Si la agua de la llave no es considerada ser limpia...
 - ¿Provee agua limpia el contratista?
 - ¿Te bañas con el agua de la llave?
 - Si es así, tiene alguna reacción tu piel al agua?
 - Si es así puedes describir lo?
 - ¿Sabe el contratista de las condiciones del agua?

- ¿Ha hecho algo al respecto?
 - ¿Hay una cocina en el campo?
 - ¿Cocinan individualmente o provee comida el contratista?
 - Si el contratista provee comida...
 - ¿Cuántas comidas provee el contratista?
 - ¿Donde son preparadas esas comidas?
 - ¿Quién compra, prepara y cocina la comida?
 - ¿Cuánto pagas por la comida?
 - ¿Cómo pagas por la comida?
 - ¿Qué piensas de la calidad de la comida y las condiciones sanitarias?
 - ¿Te gusta la comida?

Preguntas Pertinentes a los Cuidados de Salud

- ¿Qué precauciones toma el contratista para prevenir lesiones y enfermedades?
- ¿Eres expuesto a pesticidas/insecticidas o algún tipo de químico peligroso?
 - Si es así...
 - ¿Qué precauciones son implementadas por el contratista?
- ¿Trabajas con escalares o con maquinaria?
 - Si es así...
 - ¿Fuiste entrenado para usar ese tipo de equipo?
 - ¿Te has caído o lastimado usando este equipo?
 - Si es así, que paso, fue reportado, y que hizo el contratista?
- ¿Te sientes seguro en el trabajo?
- ¿Si vives en el campo, te sientes seguro ahí?
- ¿Cuando ahí alguna lesión o enfermedad durante las horas de trabajo (o en el campo), que procedimiento sigue el contratista?
- ¿Te sientes con confianza de reportar alguna lesión o enfermedad a tu contratista?
- ¿Cuando hay alguna lesión o enfermedad que necesita atención medica, se la dan?
- ¿Qué común son las lesiones?
- ¿Te has lastimado o enfermado por mientras trabajabas o estabas en el campo?
- Si es así...
 - ¿Qué hizo tu supervisor?
 - ¿Necesitaste atención médica?
 - ¿Te dieron atención médica?
 - ¿Cómo fue tu recuperación?
 - ¿Faltaste al trabajo?
 - ¿Si faltaste al trabajo, te pagaron?

Preguntas Finales

- ¿Hay alguna otra cosa en relación a tu experiencia con contratistas que quieras agregar?

Farm Labor Contractor Questionnaires

Basic Demographic Questions

- How long have you been an FLC?
- Where is your FLC operation based?
- What is your educational background?

Questions on How to Become an FLC

- Besides being an FLC do you do anything else?
- What are the steps you took to become an FLC?
- What type of investments did you have to make?
- What did you find to be the most difficult?
- How did you go about first recruiting workers?
- Can you give me an overview of your FLC operation?
- How do you keep costs low?

Questions Pertaining to FLC Employees

- How do you now recruit employees?
- Do you have the same employees year round?
- Do you provide housing for your employees?
 - If so...
 - What type of housing do you provide?
 - How much rent do your employees pay?
 - How do they pay for housing?
 - Is it automatically deducted from their paychecks?
- Do you provide food for your employees?
 - If so...
 - Where is it prepared?
 - Who prepares it?
- Do you provide your employees with safe drinking water?
 - How is the water transported to the work sites?
 - Once at the work sites where is it stored?
- Typically:
 - How much are your employees paid?
 - How often are they paid?
 - What is withheld from their paychecks?
 - Do you offer any benefits?
 - How often are your employees paid?
 - How many hours do they work per day/per week?

- How many months out of the year do you offer employment?
 - Do they have any paid holidays or sick days?
- What types of problems do you face on a daily basis?
- How often do you have to deal with an illness?
- What is the procedure you follow when there is an injury?
- What precautions do you take to prevent injuries and/or the spread of illnesses?
- What types of government regulations do you have to follow?
- Does some type of government agency inspect your work sites/labor camps?
 - If so...
 - How often do they inspect?
 - What are they looking for?
 - Do you receive a report on your inspection results?

Closing Questions

- What kind of recommendations would you make to someone seeking to enter the FLC business?
- Do you personally enjoy your profession?
- Do you recommend FLC as a career for college graduates?

Cuestionario Para Entrevistas de Contratistas

Preguntas Demográficas

- ¿Cuánto tiempo lleva de ser contratista?
- ¿Dónde queda su negocio?
- ¿Hasta dónde llego con sus estudios?

Preguntas Sobre Como Hacerse Contratista

- ¿Aparte de ser contratista, tiene alguna otra ocupación laboral?
- ¿Cuáles son los pasos que usted tomo para hacerse contratista?
- ¿Qué tipo de inversiones tuvo que hacer?
- ¿Que se le hizo difícil?
- ¿En el inicio, como consiguió trabajadores?
- ¿Me podría dar un resumen general de su negocio de contratista?
- ¿Cómo mantiene sus gastos bajos?

Preguntas Pertinentes a los Empleados

Típicamente:

- ¿Cómo consigue ah sus trabajadores?
- ¿Mantiene los mismos empleados anualmente?
- ¿Provee viviendas para sus empleados?
 - Si es así...
 - ¿Qué tipo de vivienda proviene?
 - ¿Cuánto pagan de renta sus empleados?
 - ¿Cómo pagan la renta?
 - ¿Es automáticamente deducida de su paga o pagan después de recibir su cheque?
- ¿Provee comida para sus empleados?
 - Si es así...
 - ¿Dónde es preparada?
 - ¿Quien la prepara?
- ¿Provee a sus empleados con agua para tomar?
 - ¿Cómo es el agua transportada a los sitios de trabajo?
 - ¿Al llegar al sitio de trabajo, cómo es almacenada?
- Típicamente:
 - ¿Cuánto les paga a sus empleados?
 - ¿Cada cuando les paga a sus empleados?
 - ¿Qué cargos son retenidos de sus cheques?
 - ¿Ofrece algunos beneficios médicos o de otro tipo?

- ¿Cuántas horas trabajan por día/por semana?
- ¿Cuántos meses al año oferta empleo?
- ¿Tienen días feriados o días de enfermos?
- ¿Qué tipo de problemas enfrenta a diario?
- ¿Cada cuanto se le enferma un empleado?
- ¿Cuál es el procedimiento que sigue cuando hay una lesión?
- ¿Qué precauciones toma para prevenir una lesión o enfermedad?
- ¿Qué tipo de regulaciones gubernamentales tiene que seguir?
- ¿Son inspeccionados sus sitios de trabajo/campos por alguna agencia gubernamental?
 - Si es así...
 - ¿Con que frecuencia son inspeccionados?
 - ¿Qué es lo que buscan?
 - ¿Recibe usted algún reporte de los resultados?

Preguntas Finales

- ¿Qué recomendaciones le daría a alguien interesado en ser contratista?
- ¿Disfruta su profesión?
- ¿Le recomendaría esta carrera a un licenciado?

APPENDIX 2

Farm Labor Contractor Interview Notes

FLC1: New Generation FLC May 8, 2010 11PM

1. Started in 1996
2. Stockton Ca
3. Completed one year of college Delta College. Edison. (born here but raised in Mexico until 15)
4. Construction manager, houses, shops, maintenance, porta poties, realtor,
 - a. Must have a variety of businesses. Investment is very important. Especially investments in secure real estate
 - b. Invest when young and be able to support yourself later.
5. Used to work for contractors, supervisor, managed packing sheds for FLC 2 and 3
 - a. He decided to move up in the business.
 - b. Got his contracting license and started looking for work.
 - i. Self employment is very risky! No security.
 - ii. He investigated what companies needed contracting. He explained his situation that he had no experience, etc. Some turned him down and some gave him work. Once you get started farmers call you and people come to you. Everything becomes a lot easier.
 - iii. 2-3 years to become established
 1. He saw it as having no choice. He had to be successful; for his family.
6. He had to buy equipment:
 - a. Everything the workers need to harvest: cherries, asparagus, bathrooms,
 - b. Marianis: Will give you equipment and let you pay later if you provide a blank check in return.
 - c. About \$1500 in prior to harvest investment
 - d. Farmer provides ladders, trailers
 - e. Contractor needs to provide water, people, bathrooms (cheap \$75 a month. He decided to buy them because he needed a lot of bathrooms!)
 - f. Storage is a big problem! If you are just starting out it's better to rent instead of buy.
 - g. Cherries, peaches, apples, tomatoes (crops that need contracted employees)
7. The most difficult part of starting out:
 - a. Dealing with the pressure. You can have the people, work, and money but dealing with pressure is difficult. You feel pressured by the farmers, insurance, bookkeepers, supervisors, government...

- i. You are in the middle of everything! Stresses your life out! It's not easy.
- ii. If you want to support yourself as an FLC you have to have a lot of work. Work brings pressure and pressure complicates life. You don't have a peaceful life. Constantly worried. (has had up to 700 people at once)
- iii. Dealing with different companies every month.
- iv. All contractors work differently.
- v. He gave more responsibilities to his supervisors... sleeps well... goes out... doesn't take things too seriously... Has the farmers deal with supervisors.
- vi. Mix your life with responsibility. Live your life in the moment. (frequently travels with his family to relieve stress) Takes care of his life and family but has his FLC responsibilities taken care of.
- vii. You have to have a limit to how much work you take on. Once everything is out of control... things are bad. Have a controlled limit.
- viii. Has been sued for everything! Has good lawyers and a good reputation. Defends himself by knowing the law.
- ix. He concentrates on sustaining himself and protecting himself from the government. When you get to a certain point of success.. the government interferes and takes you down.

8. Recruitment:

- a. He had already been a mayordomo so he knew a lot of people. He rented out rooms to people also.
- b. When he started he already knew people. He gets people from mayordomos. A new contractor needs to start out with good jobs. Good money so that workers come back to him.
- c. A good reputation keeps workers coming back to him year round.
- d. Farmer Payments:
 - i. 38%-45% percentage charged to clients.. depending on unemployment EDD, workers comp, and payroll taxes 943 and 940 (state and federal taxes about 15%)
 - ii. You charge minimum wage plus the percentage
 - 1. The extra percentage goes to the three government agencies (4% unemployment, 10% workers comp (depends on crop), 15% payroll)
 - 2. You end up making about 10% of minimum wage
 - 3. You increase your percentage charge depending on the dangers of the job
 - 4. Costs are about 25% to 30%
 - 5. You end up making 5%-10% of minimum wage

- a. For example you make \$10000... from that you get \$750 minus overhead costs. You end up keeping about \$500
 - b. Ag doesn't pay more than minimum wage
 - 6. By contract you can decide what to charge and maybe keep more money.
 - a. By law with contracts workers must earn above minimum wage
 - b. If workers are earning more than minimum wage, an FLC may decide to pay them the least possible (as long as its above minimum wage) and keep the rest as profit.
 - c. Increases the FLCs profit.
- 9. Mayordomos sometimes make more than the contractors! They cheat contractors. They can refuse to bring you people if they like.
- 10. He used to have labor camps.
 - a. Not profitable anymore. The economy screwed up the labor camp system.
 - i. You would charge them \$10 and you could feed them with \$3 a day
 - ii. He had cooks
 - 1. Used to pay them \$70 but now they won't for less than \$100-120 per day.
- 11. WATER:
 - a. He buys good drinkable water.
 - b. Must have fresh water with ice.
 - c. A lot of heat stress going around and this could lead to inspection problems. (GOVERNMENT!)
- 12. FLC is a great business BUT VERY RISKY!!!
 - a. Farmers may decide not to pay you!
 - b. About half of his clients are contracted without contracts
 - i. they can deduct whatever they want
 - ii. he has had clients that owe him 30000
- 13. Must pay weekly BY LAW
 - a. Farmers may pay biweekly
 - b. He pays every Friday. Depends on FLC.
- 14. Government Inspections
 - a. Minors, complaints, applications, water, clean bathrooms, all regulations are inspected.
 - b. Inspectors arrive and they want to screw you over. They say its for the people but bottom line its all money.
 - c. Usually one inspection per harvest.
 - d. He has a system: he is friends with the inspectors

- i. Has a workers manual. He gives them out to all his supervisors. He does this to protect himself. Once they see his name they walk away.
- ii. He gets tips from inspectors!!!! He has his tricks.

15. Recommendations:

- a. Work hard and BE CAREFUL!
- b. Know how to charge. Get good farmers to work with. Keep the people happy.
- c. One bad job: you lose the people and lose money.

16. Does not enjoy his career but he is thankful.

- a. Thanks to being an FLC he has accomplished a lot of things.
- b. A lot of work and pressure but thanks to God and FLC he is a success.
- c. Thanks to his hard work as well!!!
- d. He doesn't make that much money but it serves him as a cash flow. Good system for investments. (Buying real estate and getting involved in construction)

17. Working as an FLC depends on your personality:

- a. If you are curious and want to learn new things and you can challenge yourself: He says go for it! If you have the attitude and capacity and the character to do it GO FOR IT.
- b. Bottom line: We all get old and if you want to live a peaceful life.
- c. He tells his kids to NOT be contractors.
- d. To go out there, get an education, and live a less stressful life.
- e. Try it out. If you don't like it quit. Don't wait until you ruin your reputation.
- f. If you are curious about it, do it but be careful!
- g. Be on top of things! Don't trust just anyone!
- h. Not all FLCs are successful. He grew up in the industry. Take only profitable secure jobs.

18. Last comments:

FLC2: Old Generation FLC

1. 75 years old
2. 1957 started working in the Bracero Program
 - a. Recruited and contracted by the government
 - b. 1960 became legal
 - c. FLC license 1970
 - d. 35 years working as an FLC
 - e. 1995 started to supervisor for San Joaquin Valley
3. Education
 - a. 3rd year of elementary
4. Stockton area, sacramento, lake county
5. Retired
6. Started out as a field worker
 - a. One of walnut grove patrons told him to get his FLC license
 - b. He was good at management
7. Left guerrero in 1960 with his family through the Mexicali
8. Paid \$2000 for his license
 - a. He also farmed onions and chiles
9. Recruitment...
 - a. He would go to Marianis and get workers
 - b. Different employees because the older employees retired
10. Keeping charges low...
 - a. His sons pay him a salary to survive.
11. Labor Camps in LakePort only
 - a. Opened for only 20 days for pear season
12. Pay...
 - a. Depends on season
 - b. By hour or contract
 - c. For a box of pears \$18-\$20
 - d. Cherries \$6
 - e. Depends on the commission given by the company
13. Problems...
 - a. No problems
 - b. If someone is injured they are sent to clinic (Dameron Hospital),
 - c. Has insurance
14. Reccomendations..
 - a. Learn to work from the bottom up
 - b. You need to learn hard labor
 - c. Work will depend on farmers and companies and work availability
 - d. Must have good supervisors
 - e. Must have a payroll of \$50,000 yearly

- f. You lose your license if you don't find work.
15. He loves being an FLC!
- a. If he doesn't work he will die!
 - b. The day he retires completely he sees as the day he will die.

APPENDIX 3

Contracted Seasonal Worker Interview Notes

W3FLC1

1. Worked for FLC1
 - a. Says he always ripped him off.
 - b. Paid \$7.75
 - c. Jorge would not report their earnings to their SS. He would report them to other peoples SS. He tried to go to him to report his taxes but FLC1 said he couldn't find him in his reports. As if he had never worked for him.
 - d. He knows that he has some rights.
2. He finished high school
 - a. Wanted to be a highway patrol but his height prevented him from becoming one.
 - b. And he didn't have any influence.
3. Lives in a garage with 10 plus people
 - a. About 10 people live in the garage.
 - i. Living conditions are horrible!
 - ii. Garage houses 10 plus people and kitchen all in one.
 - iii. They sleep on steel bunk beds
 - iv. The kitchen area is filthy. Covered in black thick layers of grease.
 - v. The living conditions are horrible but they live happily because they have a job.
4. He's from Guerrero

W4FLC1 and FLC3

1. 38 years old
2. She's from Toluca, Mexico
3. She finished high school and studied accounting for 3 years
4. In Mexico...
 - a. She was an accountant for a flower company. She dealt with clients such as Wal Mart and Costco.
5. In the U.S.
 - a. She has worked as a labor camp cook, sold food to workers, and now works at a taco truck
 - b. Even though the work is lower, she gets paid more selling burritos than doing accounting.
6. She found out about her first FLC through "el coyote" (FLC1)
 - a. She was first hired as a cooking assistant
 - b. She worked for him for 4 months

7. Pay...
 - a. She was paid \$65 per day (4 years ago)
 - b. She worked 14 hours a day!!!! (4am-7pm)
 - c. She received a check and all taxes were deducted.
 - d. She feels that it was a lot of work for extremely low pay.
 - e. Supervisor was the head cook W4FLC2
8. The only complaint she has about Jorge is that he paid very little.
9. She lives under the same living conditions as W3FLC3 (her husband).
10. RODOLFO...
 - a. Pays her well and if she complains about the pay he increases it.
11. Labor Camp conditions...
 - a. She believes the conditions are decent. (food, water, sleeping arrangements, etc.)
 - b. She thinks the workers receive a good deal for what they pay for living in the camps.
 - i. You cannot eat three times a day and pay for living somewhere for that cheap anywhere else.
12. A worker that was injured...
 - a. He fell, was injured, and did not work for 3 days.
 - b. Since he didn't report it he didn't get paid.
 - c. He felt intimidated.
 - d. If he would have reported it, the FLC would have taken him to see a doctor.
13. Labor camp food...
 - a. They buy the cheapest food (person in charge of buying food would purchase "pellejos").
14. Inspections...
 - a. They are not inspected by government agencies during the months of December.
 - b. The labor camp is not all being used.
 - c. The camps are not opened if the living conditions are not acceptable.
 - i. Good water, clean atmosphere, etc.
15. La poda...
 - a. Workers are paid by contract.
 - b. They work 12 hrs per day
 - c. They get paid per tree.

W1FLC2

1. 46 years old
2. Es de Sinaloa
3. Finished high school
4. Jobs in the U.S.:
 - a. Picking pears, cherries, apricots, asparagus, yard maintenance, labor, mayordomo para FLC2 (under his son's license)
 - b. FLC2 is a good contractor. Claims that his son only has workers because of FLC2.
5. How did you become aware of the FLC:
 - a. It is very difficult. He has no idea what to do, how to harvest. You are given a ladder and you have to figure out how to harvest on your own.
 - b. Once you learn and come up with your own way to harvest.... You make money.
 - c. At first he worked for FLC1
 - d. He arrived in the U.S. with a brother that already knew the contractors.
 - e. Has been working for FLCs for about 6 years. He comes and goes from Mexico.
6. Payroll:
 - a. Payment depends on the crop. By hour or by contract.
 - b. ALWAYS minimum wage.
 - c. They deduct all taxes from his check
 - d. He tried to do his taxes but it turns out his FLC did not report his earnings! The FLC deducted money and kept it for himself.
7. He doesn't work for Jose because they never pay not even \$20 per bin of pears.
8. He suggests that the
9. No benefits whatsoever.
10. When its harvest season:
 - a. No days off. Harvest continues all week.
 - b. By contract:
 - i. You make more than minimum wage by bin.
 - c. You work all year round but there are times you don't make money.
 - d. He worked during pruning season and he would make \$35-\$40 per day. More than 8 hours a day
 - i. He was paid per tree. He gets paid about \$3.50 per tree. Way under minimum wage.
 - ii. No supervision out in the fields! If I don't work someone else will.
11. He sees his FLC daily.
 - a. FLC checks on stuff but has his supervisors.
 - b. Treatment depends on the contractor. Rodolfo always invites him to go to BBQs at his house, etc.
 - c. Jose not very welcoming. Hardly talks. At first he didn't even let his workers yell or have fun while working.
12. Labor Camps:

- a. Has lived in Isleton and Lakeport.
 - b. You have your campero, cook, bed, bathrooms.
 - c. He had enough room for his things. He says the camp was clean.
 - d. About 120 workers per labor camp (Isleton). Lakeport camps have more workers.
13. Labor Camp Food:
- a. Never satisfied with the food.
 - b. Prepared by the cooks.
 - c. But he never complained about food. Always ate oatmeal, coffee and eggs for breakfast.
 - d. He had to eat whatever they gave him.
 - e. They charged him about \$12 per day for living there.
14. Restrooms:
- a. Camp bathrooms are always clean.
 - b. Porta potties not so much. They are not cleaned daily.
15. Water:
- a. Has been in camps where the water is not drinkable. Absolutely gross but he is always provided with clean water to drink.
16. Living conditions were not good when he got here and he did not say anything because he did not know any better.
17. Health Precautions:
- a. The supervisors have people come in to teach the workers about health hazards.
 - b. For example, you cannot drink and work.
 - c. They also show videos about what they should do to protect themselves from pesticides and how to use ladders, etc.
 - d. He sees change.

W2FLC2

- 1. 18 years old
- 2. Queretaro
- 3. A few years of elementary school
- 4. Asparagus harvest
- 5. Works for FLC3 (FLC2's son)
- 6. He has a brother that has been working for him for 6 years.
- 7. Has worked for him about 2 months.
- 8. He works by contract.
 - a. He fills trailers with asparagus.
 - b. Doesn't know how much he gets paid.
 - c. They take out taxes, etc. from his checks.
 - d. He feels like they pay him well. His brother says this year they are getting paid well. Thanks to God.

9. Works 7 days a week. Rests when it rains.
 - a. 8-10 hours per day. Depends on the asparagus. When its hot the asparagus grows.
 - b. Will follow the next seasonal crop (cherries) not sure how long he will be working.
 - c. Will rest one day before moving on.
10. Chuy is his supervisor.
 - a. Any questions go to chuy.
 - b. Hasn't had any complaints yet
11. Sees his FLC daily.
12. Lives in town. Lives in a garage.
 - a. About 10 people live in the garage.
 - i. Living conditions are horrible!
 - ii. Garage is dormitory for 10 plus people and kitchen all in one.
 - iii. They sleep on steel bunk beds
 - iv. The kitchen area is filthy. Covered in black thick layers of grease.
 - b. He cooks for himself and his brother.
 - c. People living here work for different people.
 - d. Pays for rides to work.
 - i. \$5 per day
 - ii. Driver has a license
13. Health Precautions:
 - a. They are told not to wear cloth shoes. They must wear strong shoes to prevent injury.
 - b. Has not been advised about pesticides.
14. Water
 - a. Always available.
15. He feels safe at work.
16. Has not seen anyone get hurt or get sick.

NOTES: This kid is probably not 18. When I asked him his age, he asked if it was necessary to answer that question. Also another one of the workers said he was 18 before he even got the chance to tell me. It's his first year working in the U.S. He is still very naïve and thankful for having a job. Does not know his rights, he simply trusts in his brother's experience to guide him. When the brother saw that I was interviewing him, he made up an excuse to take his little brother away. His older brother was extremely angry at the fact that the boy was talking to me. I made sure to once again tell them everything is anonymous and that it would in no way affect them.

W3FLC2

1. Female 40 years old
2. Michoacan
3. 8th grade education
4. Jobs

- a. Harvesting cherries, pears, cucumber, onion
 - b. Packaging fruits
 - c. Cannery work
5. How she found out about FLC2...
- a. Her dad already worked for him
 - b. She seeked him out for employment
 - c. Worked for 3 years
 - d. She lived in a trailer located on a cherry field.
 - i. The farmers were old and passed on the work to otilio.
6. Pay...
- a. Per box \$5.50
 - b. Weekly pay
 - c. She was paid by check, all usual deductions and she did her taxes every year.
 - d. She feels that the pay was very low.
 - i. Before FLC2, the farmer would pay \$8-\$10 per box.
 - ii. The contractors always paid much less.
 - iii. The contractor was quoted telling the farmer that he was an idiot for paying the worker s so much. So whenever the farmer was in charge he lowered the price to \$6 per box.
7. Work schedule...
- a. Worked from 6-1 or 230pm
 - b. Depending on when the packing shed was up to capacity in production
8. FLC relationship...
- a. Saw him daily
 - b. Didn't really talk to the FLC much.
 - c. He was always keeping an eye on them but never talked to them.
 - d. She didn't like the FLC. He wasn't very respectful and was always serious.
 - e.
9. Safety...
- a. Were trained in regards to safety
 - b. Always provided water and restrooms
10. She never saw any type of injustice.
- a. Her only complaint is the low wages.
 - b.

W4FLC2

- 1. 62 years old
- 2. Worked for FLC2 for 10 year
- 3. From guerrero, mexico
 - a. Became legal during the amnesty of 1988

4. Studied up to 3rd grade
5. Housekeeper, field worker, cook
6. FLC2 is her cousin
 - a. She knew he was an FLC in Stockton and she moved here to work for him
 - b. She was already contracted when she moved
 - c. He guaranteed her work as a cook
7. Pay...
 - a. Working as a cook she was paid per day \$50
 - i. Worked 16 hours a day!! $50/16=\$3.13$ per hour
 - b. When she worked as a harvester
 - i. She was paid by contract
 - ii. She earned above minimum wage because she was very good at harvesting.
 - iii. She would harvest about 30 boxes per day (equivalent to that of a male worker)
 - iv. \$2.00-\$2.50 per box
 1. \$2.00 the first 4 years and then it went up
 - c. She was paid weekly
 - d. At first she was paid in cash
 - i. As of 1997 she started getting paid by check
 - ii. She always reported her earnings
 - e. She definitely feels she was paid very little. Especially while working as a cook.
 - i. She worked all day for so little!!!
 - f. Worked 7 days a week
8. Supervision....
 - a. Supervised by Miguel
 - b. She would report to Miguel
9. Relationship with FLC...
 - a. He was nice and respectful
 - b. They are cousins.
 - c. No complaints.
10. Life in a labor camp....
 - a. Only lived there as a cook.
 - b. She got her own room (next to the kitchen).
 - c. Steel beds with foam mattresses.
 - d. The camp was always clean because there was a campero.
 - e. The workers were always kept separate from the female cooks.
 - f. She had her own restroom.
 - g. Food...
 - i. A guy would purchase the food

1. He used to argue with the workers all the time
2. He would say they were starving and wouldn't know better from good or bad food
- ii. They always bought the cheapest meat
- iii. The meat would sometimes be EXPIRED!
 1. It was green!! But the person in charge of buying would insist on her cooking it.
 2. She had no choice but to serve it.
 3. She recalls getting diarrhea from the meat.
 - a. The workers would complain of stomach aches.
- iv. The bread and tortillas would sometimes go bad too...
 1. The cooks would pick out the good bread and throw away the bad bread.
 2. Sometimes some would be served and the workers would complain.
- v. Meals
 1. Breakfast: coffee, oatmeal, eggs, bread, beans and salsa
 2. Lunch: some type of meat burritos and also bean burritos
 - a. Lunch was picked up and delivered to the fields
 3. Dinner: a meat broth, beans, rice, tortillas, salsa. If they didn't make rice they would prepare a salad for the workers
- vi. The workers would blame her for the spoiled meals. But it wasn't her fault. She had to make the best out of what they gave her.

11. Typically...

- a. The workers lived well.

12. Injuries...

- a. If a worker was injured he wouldn't go to work. He would not get paid.
- b. Most of the time they were not taken to the clinic.
- c. A worker cut his hand during the asparagus harvest season...
 - i. She would tell him to go see the doctor.
 - ii. Person in charge of food purchases didn't allow it.
 - iii. The problem was that FLC2 wouldn't find out about the injuries.
 - iv. The supervisors would lie.
 - v. The cut got infected and it wasn't until then that he was taken to the hospital.

NOTES: sometimes it's not the FLCs fault that workers are not seen by doctors, etc. Supervisors will neglect to inform the FLC. Usually an FLC will not risk losing his license.

1. 27 years old
2. Sinaloa, Mexico
3. 3rd grade, he is barely learning to read and do basic math
4. He has worked...
 - a. Harvesting, forklift driver, packaging fruits, tractor driver, cook, and as a mayordomo
5. Has worked for FLC2 and his sons
6. Found out about FLC3 through FLC2
 - a. He left FLC2 because FLC3 offered him a better position (mayordomo)
 - b. Has been working for FLC3 for 3 years.
7. Pay...
 - a. He gets paid \$70 per day
 - b. Hours depend on the days work (3-whatever time it takes to complete the job), never goes past a few hours
 - c. He gets paid by check and has all the usual deductions
 - d. He does not do his taxes. He is NOT given a W2 form
 - e. If he is injured, the FLC offers insurance. (awesome!) He has never needed it.
 - f. He gets paid weekly
 - g. He is happy with what he is making because it's good pay. He pays better than Otilio.
 - h. Works 7 days a week
 - i. Works 10 months out of the year (asparagus, cherries, peaches, pears)
 - j. Sick days are paid but he does not get vacations paid.
8. He is his own supervisor.
 - a. He reports directly with Rodolfo.
 - b. He has never complained.
 - c. He sees his FLC daily
9. Housing
 - a. Lives in town (Stockton)
 - b. Rents a room from a family
 - c. Shops for and makes his own food.
 - d. 3 people live in his home
10. Labor camp life
 - a. Has lived in isleton, lakeport,
 - b. He lived in rooms with 3 steel bunk beds with each. Some had 8 or 9. (16-18 men per room)
 - c. The rooms ranged from 3x4, 6x4, 5x4
 - d. He had to put his stuff under the bed and barely had enough room to walk (demanded by law)
 - e. 9 toilets and 8 showers.

- i. Clean restrooms, cleaned everyday
 - ii. Always had toilet paper and hand washing soap
 - f. 100-160 men
 - g. Campero cleans the camp daily.
 - h. Camp had heaters
 - i. One of the camps didn't have drinkable water
 - i. The flc would provide safe drinking water
 - ii. He showered with the unsafe water. Was not drinkable only
 - j. The camp had cooks
 - i. 3 meals per day
 - ii. Prepared in the camp kitchen
 - iii. The food is purchased by the FLC
 - iv. He purchases the cheapest food but it is still edible
 - v. Chicken costs 20 cents per piece
 - vi. Prepared and cooked by a camp cook
- 11. Health precautions...
 - a. The supervisors train the employees
 - b. They are given classes on how to do the work
 - c. They are advised in regards to pesticides and they do not work when the fields are sprayed
 - d. Depending on the season he works with tractors and ladders
 - i. He was trained for 3 days (tractor driving)
 - e. He fell off a grape harvester (different FLC)
 - i. He injured his arm but he didn't go to the doctor
 - ii. He didn't say anything to his FLC
 - iii. There was no permanent damage
 - f. He feels safe at work and the camps
 - g. If a worker is injured, he is taken care of by the FLC.
- 12. He asked for a raise (while working as a cook) and he got it
- 13. He has never experienced an injustice but his friends have
 - a. A group of his friends were not paid \$2000 each (directly contracted by a farmer)
 - b. They sued and got \$5000 each

W1FLC4

1. Does not know his age. Born in 1974.
2. From Guerrero, Mexico
3. Arrived about a year ago.
4. Picks grapes near Livermore
5. Minimum wage \$8.25 per hour
 - a. Gets paid by check

- b. Does not file taxes
 - c. Depending on work he works 5-6 days per week
- 6. Recalls an incident last December when a worker fainted.
 - a. Cause was alcohol consumption
 - b. The FLC took him to the doctor
- 7. This worker has also worked the tomato season
- 8. Currently rents with coworkers in Stockton

W2-4FLC4

1. 21 years old, 18 years old and 33 years old
2. The two youngest have been here for 2 years
 - a. The eldest has been here for 6 years
3. Works in vineyards
 - a. Removes leaves for good grape development
4. Pay..
 - a. Minimum wage
 - b. 10-12 hrs per day
 - c. 6-7 days a week
5. Injuries...
 - a. Hardly any before harvest season
 - b. During harvest season people cut themselves a lot with the hook used for harvest
 - c. If the injury is reported, they are given medical assistance
6. These workers all live together in town.

NOTES: The two young workers had nothing to say. They are too new to farm labor to see the reality of the situation. When asked if they were satisfied with what they earned, they said yes. The older worker made a face and started talking about what he thinks is wrong with the current farm labor system...

- FLCs have money to hire good lawyers...
 - Workers can't afford to defend themselves
 - Workers need better representation
 - For the most part workers are aware of their rights but they know they won't win a battle against an FLC, even if the situation involves a serious injury.
 - He says he has seen cases in which a worker will sue an FLC, but the worker ends up giving up because trial is postponed for years. Workers cannot afford to be out of work for so long.
- The illegal status and language barrier prevents workers from speaking out.
 - Personally he says he doesn't put up with anything he does not believe is right.
- He says that farm laborers are informed of work hazards such as pesticides.
 - At the point of signing a work contract, employees are given pamphlets of information to look over and sign.
 - The problem with this is not always the language but the fact that a lot of these workers are illiterate!
 - They sign the documents anyway.
- Inspectors don't go out to the fields!
 - They hardly ever get to witness the real working conditions because FLCs have friends in government agencies which warn them of upcoming inspections.
 - Once an FLC is informed, he makes sure everything is in order; for inspection anyway.

- WE NEED MORE INSPECTORS!!!
- This worker said he hardly ever talks to his FLC.
 - The FLC makes his daily rounds but almost always stays in his truck.
- He reports everything to his mayordomo.
 - Mayordomos have a lot of control
 - They take advantage of people

W5FLC4

1. 34 years old
2. From Chiapas, Mexico
3. Gets paid minimum wage
 - a. 8 hrs per day
 - b. 5-6 days per week
4. Has worked for cash before
 - a. Reason FLC pays in cash is because they keep some of the money you earn.
 - b. He doesn't feel like he has enough information to fight back.
5. Lives in town

NOTES: This worker seemed very nervous. He kept looking side to side. I didn't want to question him for long.