



FARMWORKER STUDY

[Covid19farmworkerstudy.org](https://covid19farmworkerstudy.org)

Farmworker Overtime

March 8, 2021

Chair Holvey, Vice-Chairs Bonham and Grayber, and Members of the House Business and Labor Committee,

My name is Dr. Lynn Stephen, Philip H. Knight Chair and Distinguished Professor of Arts and Sciences, a Professor of Anthropology, and a participating faculty member in Indigenous, Race, and Ethnic Studies, Latin American Studies, and Women's and Gender Studies at the University of Oregon. My research focuses on labor, farmworker health, immigration, transborder communities, Indigenous social movements, Indigenous immigrants and refugees from Latin America, Mexico, and Central America, and Latinx community histories in the Northwest. I have authored or edited 14 books, three special journal issues and over 90 scholarly articles and chapters in English, Spanish, and Portuguese. I am writing on behalf of the Oregon COVID-19 Farmworker Survey Research Team, a consortium of PSU, UO, and OSU faculty and 11 farmworker serving organizations. I am writing in support of HB 2358, farmworker overtime.

The Oregon COVID-19 Farmworker Survey Research Team convened in response to COVID-19 as a group to conduct a rapid response survey of 300 farmworkers across the state of Oregon, complemented by 900 surveys conducted in California and 300 in Washington. The project's goal is to ascertain the impact of COVID-19 on the health and well-being of the region's farmworkers. The Oregon COVID-19 project surveyed farmworkers in a variety of agricultural sectors in different parts of the state and involved a one hour telephone survey covering the impact of the pandemic on working conditions, access to PPE and other safety measures, housing, ability to quarantine, the financial impact of loss of work on household necessities, access to testing and healthcare and mental health care, causes of stress and anxiety at work and at home, childcare and ability to participate in school from home, and ability to continue sending remittances and worries about family in communities of origin. We are now in Phase II of our project and are conducting in-depth interviews with a smaller number of our 300 initial respondents. We have published a preliminary report that was shared with some of you in the legislature and are about to complete a final report.

As I understand it, HB 2358 guarantees overtime pay to agricultural workers after 40 hours in a work week at one and one-half times the employee's regular rate of pay. This includes farmworkers who are paid by piece-rate (how many crops they produce) or an hourly wage. Oregon would be in good company by joining California, Washington and three other states in granting some kind of overtime pay for agricultural workers. Other workers have this benefit since 1938. HB2358 would extend the same right to farmworkers.



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Farmworkers are important to me as an Oregonian because they put fresh food on my table. They also do so for everyone else in our state—my neighbors, my students, my family, and other workers who keep our economy moving.

The Oregon Health Authority estimates that “174,000 migrant and seasonal farmworkers, and related family members” support Oregon agriculture and put food on our tables.¹ Nationally, farmworkers’ mean and median personal incomes during 2015-2016 were in the range of \$17,500 to \$19,999.² Most work at seasonal jobs—rarely holding full-time, year-round work. About half of farmworkers had some form of health insurance in 2015-2016, but there is no specific data for Oregon farmworkers. More than one third of Oregon’s agricultural workforce is undocumented³, excluding them from the Coronavirus Aid, Relief, and Economic Security (CARES) Act relief and unemployment benefits.⁴ Studies estimate that up to 40 percent of Oregon’s 174,000 farmworkers and families are Indigenous.⁵ Twenty-five percent of respondents (75 respondents) in our study identified as Indigenous.

In our final report we find that sixty-seven percent of farmworkers surveyed reported dramatic loss of work and income during the COVID-19 pandemic. These income losses have not been recovered due to systemic exclusions from important safety-net programs, such as Coronavirus Aid, Relief, and Economic Security (CARES) Act, unemployment, workers compensation and other state and federal support programs. The seasonality of work, wildfires, and recent ice, snow, and power losses compound the effects of lost earnings and heighten the vulnerabilities of farmworkers and their families. The majority (52%) of farmworkers lost months and weeks of work, 12% lost days, and 3% lost hours. In all cases, this significantly reduced their income. Some lost work because the workplace shut down, they were exposed and quarantined, or they cared for someone close to them that got sick. ***To supplement for the loss of wages and increased cost of expenses, 54 percent of farmworkers surveyed went to foodbanks. Sixty six percent of farmworkers who identified as Indigenous sought relief in food banks.*** As a part of this project, I conducted interviews for the initial survey and now follow-up interviews.⁶

¹<https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/DISEASESAZ/Emerging%20Respiratory%20Infections/COVID-19-Weekly-Report-2020-08-26-FINAL.pdf>

² Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: A Demographic and Employment Profile of United States Farmworkers, pp.36. JBS International, 2018.

https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS_Research_Report_13.pdf

³ Occupations with highest shares of unauthorized immigrant workers by state, 2014, continued. (2016, November 02). Retrieved September 17, 2020, from

https://www.pewresearch.org/hispanic/2016/11/03/appendix-d-detailed-tables/ph_11-03-16_unauthorized-app-d-04/

⁴ Bauer, J. (2020, April 06). Oregon Should Assist Laid-off Immigrant Workers Excluded from Federal Aid. Retrieved September 17, 2020, from <https://www.ocpp.org/2020/04/06/oregon-immigrant-workers-excluded-federal/>

⁵ Promoting the Occupational Health of Indigenous Farmworkers, Farquar, et. al, 2008. Journal of Agricultural Safety and Health 15(1): 89-102, http://www.adph.org/ALPHTN/assets/042309_promote.pdf

⁶ All respondents are given pseudonyms to protect their identities.



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Jesus, who has labored in berries, grapes, and other crops, shared the devastation his family has faced this year in an interview yesterday. He and his wife Teresa have not been able to work full time since February of 2020. “First it was the pandemic. We didn’t work for weeks,” he stated. Then came the wildfires. “We went out to work in the blueberries...but it smelled terrible, and we all got really sore throats...we didn’t work for two weeks.” Since that time, he has only worked an average of two to three days per week. Then in February of this year due to the snow and ice his family lost power and “the worked stopped again.” Jesus is really hoping that soon he can work full time and extra hours. He has four kids in school and he and his wife, Teresa, are working as much as possible. Jesus and Teresa deserve the same rights as other workers including minimum wage, collective bargaining rights and overtime pay. They count on getting a majority of their income during the summer and early fall just to meet their basic needs—pay rent and utilities, food, clothing, internet, and other expenses.

I think of Juan and Teresa and all of Oregon’s agricultural workers every morning when I put blueberries in my oatmeal. I want to keep them paid sufficiently for the essential work they perform for all of us. I urge you to vote yes on HB 2358 to ensure farmworkers in Oregon are adequately paid for their labor.

Sincerely,

*Dr. Lynn Stephen
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Distinguished Professor of Arts and Sciences
Professor of Anthropology
Graduate Faculty, Indigenous Race, and Ethnic Studies
University of Oregon*

Additional Signatories:

*-Peter Hanley, Executive Director, CASA of Oregon,
-Dr. Ronald Mize, Professor and Coordinator, Ethnic Studies, Oregon State University
-Miriam Vargas Corona, Executive Director, Unidos, McMinnville, OR
-Jennifer Martinez, Coordinator, Oregon COFS Research Team, Ph.D. Candidate, Public Affairs and Policy, Portland State University*