



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

VOICES FROM A PUBLIC SQUARE

#NoMás

To be a female farmworker today is to face the sort of sexual harassment and assault that secretaries and other female office workers faced in the 1950s and 60s. Supervisors create and maintain hostile work environments. Inappropriate touching and hostility toward women are commonplace.



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As an attorney for farmworkers, I am frustrated by how little progress we have made in resolving this problem. Years ago, one of my first clients was a farmworker who suffered six months of daily comments by her supervisor about her body. On numerous occasions, he attempted to coerce her into having sex with him by threatening to fire her or have her deported. She lived in constant fear. Finally, finding her alone at the edge of a field one evening, her supervisor raped her.

Ironically, Guadalupe did not come to my office to report the sexual assault. She came with a family law question. Did she have to list the “father’s” name on the birth certificate? The assault had resulted in a pregnancy. Not knowing any of this, I congratulated her on the pregnancy. Only then did she break down in tears and explain that her supervisor had raped her. When I asked her why she had not reported the rape to me earlier, she said she was embarrassed and, in any case, did not think there was anything that could be done about it.

Little has changed. According to one report¹ hundreds, if not thousands, of farmworker women have been compelled to have sex with their supervisors to get or keep jobs, and many others suffer a constant barrage of sexual comments, groping, and propositions for sex. Another survey² found that 90 percent of farmworker

10 is the minimum age for farmwork



Female farmworkers are often left vulnerable to attacks by sexual predators. Photo by David Bacon.

women reported that sexual harassment is a major problem in the workplace. A 2012 report by Human Rights Watch³ states that in most instances the perpetrators of such harassment are supervisors, foremen and farm labor contractors.

Last year, I settled the case of a farmworker who alleged she was raped by her supervisor in a truck at the side of a field at 5 a.m. before the rest of the crew had arrived. Maria had accepted a ride from him because the company van was full.

Farmworker women endure many difficulties to support their families. Threats by farmers to call immigration authorities on some complaining workers are implicit and explicit. The power imbalance is extreme. Workers understand that supervisors have absolute power to discipline and fire workers. And farmworker women often lack information and support to challenge bad behavior.

The root of the problem is that our society has dehumanized farmworkers. When city dwellers speed by farmworkers on the highways of California, they do not see people working upright, standing on two feet, eyes focused on the horizon. They see bundles packaged against the sun and wind, hunched over as if on all fours, with eyes focused toward the ground. In short, they see animals, not human beings.

Focus groups of California registered voters organized by the Rural Community Assistance Corporation⁴ indicate that citizens understand that living and working conditions for farmworkers are extremely substandard. But these same citizens justify the conditions, arguing that farmworkers chose their own lot or, conversely, that these conditions must be an improvement from conditions in Mexico. In any case, so many farmworkers are “illegals,” so what should they expect?

We'll Have Impunity In the Fields Until We See the People In Them As Fellow Human Beings

We need to change society's view of farmworkers. Schoolchildren should learn about the contributions farmworkers make to our economy and society and the problems farmworkers face. An effective media campaign—funded by the agricultural industry and the government—should be launched that educates the public and humanizes farmworkers in the public eye. And while some news organizations—such as the Center for Investigative Reporting, Univision and PBS/Frontline—have done commendable work on the sexual harassment of farmworker women, more needs to be reported.

Laws must also be enforced.

Protection requires speed, but, right now in California, the federal Equal Employment Opportunity Commission (EEOC) takes a year or more to assign an investigator



Photo by David Bacon



Michael Marsh meeting with a client in CRLA's Salinas office.

to a case and another one to three years to complete an investigation. During those long waits for justice, witnesses disappear, especially in a migrant labor market, making difficult cases nearly impossible to prove. Harassers become emboldened.

California employers are required to train supervisors about sexual harassment every two years and to give all employees information about sexual harassment every year. But many agricultural employers fail to provide any meaningful training whatsoever. In Guadalupe's case, her employer, one of the largest agricultural companies in the world, gave workers a sexual harassment information sheet that was so poorly translated into Spanish that it stated "if you report sexual harassment to your supervisor, you will be retaliated against."

Maria reported her attacker to the local sheriff, but most women do not report the assaults to authorities. Even when they do, it can lead nowhere. Maria's attacker was interviewed by deputies but never charged with a crime. The silver lining was that Maria's victimization and her cooperation with law enforcement formed the basis for her successful application for a "U" visa, which is granted by USCIS to victims of certain violent crimes who collaborate with authorities to investigate or prosecute those crimes. As knowledge of "U" visas becomes more widespread among the farmworker

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community, I expect that more farmworker women will come forward to report these crimes.

Our office works closely with a rape crisis organization, medical personnel and local law enforcement. But in many areas, rape crisis organizations are non-existent or underfunded. Lawyers win settlements for victims but do little to address the underlying causes of the problem. Rural law enforcement officers are not as empathetic to the complaints of assault victims as many of their urban counterparts. All this must change.

Farmworker women may not wear our country's uniform or carry a weapon into battle, but the work they perform is just as important. They deserve equal protection against sexual harassment and assault.

Michael Marsh is the Directing Attorney of CRLA's Salinas office. He wrote this for www.zocalopublicsquare.org.

1 William R. Tamayo. "The Role of the EEOC in Protecting the Civil Rights of Farm Workers" U.C. Davis L. Rev., 1999-2000. 1075

2 Maria L. Ontiveros. "Harassment of Female Farmworkers - Can the Legal System Help?" Women's Labor in the Global Economy: Speaking in Multiple Voices. Ed. Sharon Harley. New Brunswick, N.J.: Rutgers University Press, 2007. 103edu/rmn/more.php?id=1529_0_3_0 (At peak season, over 440,000 agricultural workers are employed in California. <http://www.calmis.ca.gov/file/agric/ca2009emp.xls>)

3 Human Rights Watch. "Cultivating Fear: The Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment" May 2012

4 Jan Matthews/Moore Methods, Inc. "CA Farm Worker Focus Groups" CA Registered Voters December 1999