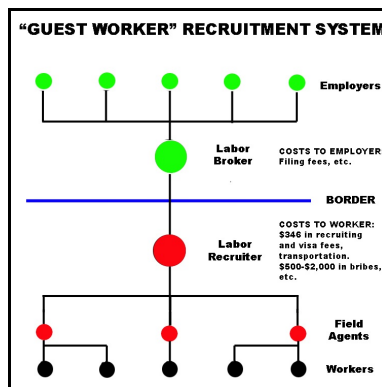


Labor Recruitment in "Guest Worker" Programs



At the Ohio remembrance of Santiago Rafael's sacrifice for the rights of immigrant workers, FLOC President Baldemar Velásquez talked about the struggle that brought us together to achieve justice in the whole system of farm labor, from recruitment of workers to working conditions.

FLOC currently represents some 6,000 H2A "guest workers" from Mexico under labor contracts. The problems and abuses in "guest worker" programs have been well documented (<http://www.splcenter.org/legal/guestreport/index.jsp>). The H2A program is specifically for agricultural workers, and generally functions in the following manner:



- **Employers** in the U.S. who want to bring in "guest workers" must file an application with the U.S. Department of Labor, documenting the need, arrangements, etc., and providing information to the U.S. Department of Homeland Security.

Many growers go through **Labor Brokers**, organizations that process the applications and make arrangements to bring in the workers.

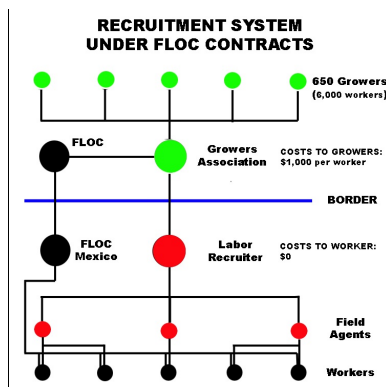
- The employer or Labor Broker then usually works with a **Labor Recruitment Agency** ("contractors") in the sending country to find workers, and usually also to process visas, arrange transportation, etc.

The Labor Recruiter usually has a network of local **field agents** and runners, who identify individuals who want to go the U.S. to work, and sign workers up for the recruitment agency, collect basic information, passports, fees, etc.

While abuses may occur at any point in the system, the worst corruption usually occurs with the field agents in the sending country. These agents have been known to demand bribes for a person just to be placed on a recruitment list, charge excessive fees for visa processing and transportation, etc. Many workers have told FLOC that they arrive in the U.S. already in debt from \$500 to \$2,000 or more. Almost all the workers live in poverty, and some have mortgaged their ancestral farms and homes in villages to pay these fees. It is estimated that for just those workers under FLOC contracts, this corruption amounts to over \$2,000,000 a year.

The major problem in this system is that the **worker has no voice** in the whole system, from start to finish. It is very common that when a worker complains he is fired and deported, and often put on a blacklist so that he can never get a visa to work again in the U.S.

The Recruitment System Under FLOC Agreements



In the FLOC labor agreements which include H2A workers, two significant rules apply:

1. FLOC has negotiated a **seniority system**, where workers with the most experience receive priority in a list of people to be hired each season. When all the workers at the highest level have been placed in jobs, then those at the next level are placed in existing jobs, and so on.

This list is sent to the labor recruitment agency in Mexico, whose field agents contact those on the list about the jobs available to verify that they want to go North for the season, the times of employment, etc. Those workers are then processed for visas and transportation North.

This list is also verified by the FLOC office in Mexico, and sent on to the leaders of local worker committees in communities across the country so they are informed. If there is a problem, such as an error in the list or a member is not contacted by the local agent, the member contacts the FLOC office in Mexico to pursue the issue. In serious cases, an official complaint can be filed and the case investigated by an independent commission overseeing the contractual agreements.

2. FLOC filed and won a federal court case where it was found that the **employers are responsible for all costs** of recruiting, since they are the ones to benefit by the workers' employment. In working out arrangements with the grower's association, workers under FLOC contracts make no payment for visas or other costs. They do pay in advance for their transportation up North, as a guarantee the worker will fulfill his obligation to the employer, but is reimbursed for this cost immediately upon arrival.

FLOC has informed its members both in the U.S. and in Mexico about this ruling, and advised all workers that if anyone tries to charge them for any costs this should be reported and a complaint filed.

The current arrangements for H2A workers under FLOC labor agreements has had several impacts:

- The workers bear **no costs** for recruitment or job placement, including visas and transportation. Thus they arrive at the work site debt-free, and all earnings go towards their primary goal of employment, to support their families back home. They do have to pay for incidental costs, such as local purchases of food and clothing, but the bulk of their money goes towards fulfilling the strong sense of responsibility they feel to their families.
- Most important, FLOC workers now have a **direct voice** in the recruitment system. It is because of their reporting problems to the union in the first place that FLOC worked out the rules governing recruitment. They also have a direct role in member meetings and conventions, where major union policies are decided. Even more significant, FLOC workers themselves are directly responsible for **enforcement** of the agreements. If a worker encounters a problem at any point in the system of recruitment and employment, he himself can immediately speak up, report the problem to the union, and if necessary file an official complaint to be investigated.