

Immigrant Workers in the U.S. Food System

The U.S. food system relies on under-paid and under-protected immigrant labor.

Where do immigrants work?

Undocumented immigrants are overrepresented in low-wage food sector jobs and underrepresented in white-collar positions.

A third (31%) of undocumented workers were employed in service occupations compared to one sixth (16%) of native workers in March 2005. Ten percent of undocumented workers are employed in management, business, and professional positions, compared to 35% of the native born population.ⁱ



Undocumented migrants accounted for 30% of the foreign-born population in 2005 and approximately 4% of the total U.S. population.ⁱⁱ



Undocumented immigrant workers make up 4.9% of the civilian labor force, but are found in much higher concentrations in food sector occupations.ⁱⁱⁱ



27% of all butchers and other food processing workers are undocumented.^{iv}



23% of dishwashers are undocumented.^v



Farming, Fishing and Forestry occupations (figures for this sector in particular vary widely)

- Documented immigrant workers = 40^{vi} -75%^{vii}
- Undocumented immigrant workers = 25^{viii} -50%^{ix}



photo courtesy of the CDC

What drives immigration?

Push Factors:

“Free trade agreements strengthen the rights and profits of multinational corporations on the backs of the world’s workers”^x



From 1997-2005, the North American Free Trade Act supported corn and soybean subsidies to the U.S. based Smithfield, the world’s largest producer of pork, allowing them to sell their products 10% below market price. Mexico saw corn imports quintuple from their levels in the early 1990s, and soybean imports jumped more than 150%. Mexican hog, soy and corn farmers found competing with Smithfield and other big American companies that benefited from the U.S. subsidies nearly impossible.^{xi}



Since 1994, the North American Free Trade Agreement (NAFTA) has bankrupted much of rural Mexico, driving over two million smallholders out of the countryside.^{xii}

Abuse of immigrant workers' rights leads to tragedies on the job:

“Thirty-two-year-old Urbano Ramirez was an undocumented worker harvesting cucumbers for one of the farms that supplied the Mt. Olive Pickle Company. One extremely hot, humid day Urbano went to his supervisor and complained that he was not feeling well... he had a bloody nose and nausea, and was fainting. He was denied medical help and was told to sit under a tree. At the end of the day, when the bus came to transport the workers back to the labor camp, Urbano was not under the tree, so the bus left without him. Two weeks later, his fellow workers, who had continued to look for him, discovered his body in a wooded area near the cucumber field, decomposed beyond recognition.”^{xiii}

Pull Factors:

Legal Recruitment of Immigrant Workers

The H-2A temporary foreign worker program allows U.S. employers to hire workers from abroad under a temporary work visa. Foreign workers under H-2A are given guestworker status, and are tied to the specific employer that recruited them.



The Reality of the H-2A Program - “Guest workers recruited under modern programs are often cheated of the pay they’re promised... Employers routinely violate overtime, minimum pay, travel and housing requirements. Contractors must also demonstrate that there are no local workers available to perform the work, and that they’ve tried to find them, but this requirement is rarely enforced.”^{xiv}



Illegal recruitment of immigrant workers in the meatpacking industry: The case of Tyson Food, Inc. - Beginning in 1997, the Immigration and Naturalization Service (INS) carried out a two-year undercover investigation of Tyson Foods, Inc., into whether the company was regularly hiring undocumented workers in violation of federal immigration laws. Tyson managers paid INS agents posing as smugglers \$100-\$200 for each worker brought from the border. The fees were paid with official Tyson corporate checks that fraudulently represented the payments as legitimate “recruitment” expenses.^{xv}

Working in Fear

The threat of deportation makes immigrant workers vulnerable if they speak out against poverty wages and labor abuse

Minimal government oversight of regulation for H-2A guest workers leads to weak enforcement of worker protections in jobs where employee abuse is common.



If workers on H-2A visas lose their job, they are subject to deportation. So temporary workers are put in an extremely vulnerable position with little bargaining power.



To prevent “adverse effects” on the wages of U.S. workers, H-2A requires employers to pay temporary immigrant workers at least the local “prevailing wage” for the specific job. But wage rates often become stagnant and ultimately depressed, hurting both foreign workers and U.S. workers.^{xvi}



Wages for guest workers were always around the minimum wage, but changes in the wage rate formula by G.W. Bush in 2009 changed the hourly rate from \$8.70 to \$6.70. In March 2010 Obama restored the wage rate to \$9.71.^{xvii}

NOTES

i. Passel, J; Cohn, A. “Portrait of Unauthorized Immigrants in the United States.” Pew Hispanic Center. 2008. Web. 23 July 2010. <pewhispanic.org/files/reports/107.pdf.> ii. *ibid* iii. *ibid* iv. *ibid* v. *ibid* vi. “Table 28. Detailed Occupation, by Region of Birth, 2008.” Pew Hispanic Center. Web. 20 July 2010 vii. Oxfam (2004). Like Machines in the Fields: Workers without rights in American agriculture. Trading Away Our Rights: Women Working in Global Supply Chains, Oxfam America: 76. viii. “Table 28. Detailed Occupation, by Region of Birth, 2008.” Pew Hispanic Center. Web. 20 July 2010 ix. Oxfam (2004). Like Machines in the Fields: Workers without rights in American agriculture. Trading Away Our Rights: Women Working in Global Supply Chains, Oxfam America: 76. x. Riley, Kenny. Shafted. Oakland: Food First/Institute for Food and Development Policy, 2003. Page 29 xi. Wise, T; Rakocy, B. “Hogging the Gains from Trade: The Real Winners from U.S. Trade and Agricultural Policies.” GDEI Tufts University. 2010. Web. July 2010. xii. Stiglitz, J. and Charlton, S. (2005). Fair Trade for All: How Trade Can Promote Development. New York, Oxford University Press. xiii. Riley, Kenny. Shafted. Oakland: Food First/Institute for Food and Development Policy, 2003. xiv. Bacon, D. (2005). Talking Points on Guest Workers, www.nlg-laboremploy-comm.org/.../nlg-laboremploy-comm.org_77.pdf. xv. Tanger, S. “Enforcing Corporate Responsibility for Violations of Workplace Immigration Laws: The Case of Meatpacking.” Harvard Latino Law Review Vol. 9. Web. July 2010. xvi. Whittaker, William. CRS Report for Congress “Farm Labor: The Adverse Effect Wage Rate (AEWR). Congressional Research Service. 2008. Web. July 2010; US State Department of Labor. “Adverse Effect Wage Rates - Year 2010.” Federal Register: February 18, 2010 (Volume 75, Number 32). Web July 2010. xvii. *ibid*.