

## News Release

**OPA News Release: [06/16/2010]**

**Contact Name: Sonia Melendez**

**Phone Number: (202) 693-4672**

**Release Number: 10-0850-NAT**

### Statement by US secretary of labor on US farmworkers and their families

**WASHINGTON** — U.S. Secretary of Labor Hilda L. Solis today issued the following statement in response to the report "Weeding out Abuses: Recommendations for a Law-abiding Farm Labor System" co-authored by Farmworker Justice and Oxfam America:

"This report makes clear that farmworkers face a number of challenges and that for too long the federal government has not taken the steps necessary to empower and protect these workers. When I came into office, I immediately began to change the way the Department of Labor approaches farmworker issues.

"As secretary of labor, I have made a priority of ensuring farmworkers are paid a fair wage, provided safe and healthy working conditions and given the opportunity to update their job skills. We've changed regulations, put more investigators in the field, made clear we won't stand for the exploitation of children in the fields and refocused our efforts on behalf of this important community.

"While I'm very proud of what the Obama administration has accomplished on behalf of farmworkers in the last year, I look forward to continuing to work with the farmworker community on ways to protect the wages, safety and health of this important part of America's labor force."

**Editor's Note:** A list of action steps taken by the U.S. Department of Labor to improve working conditions for farm labor follows this statement.

# # #

The U.S. Department of Labor has:

- Published new H-2A regulations that significantly strengthen worker protections for H-2A workers and domestic workers performing the same work alongside H-2A workers. The new regulations provide enhanced enforcement tools for the department, including revocation and debarment authority for the Wage and Hour Division, and an increased bonding requirement for labor contractors.
- The Wage and Hour Division is focusing on protecting youth working in agriculture through a variety of strategies. It has and will continue to increase investigations and outreach to farmers, farm labor contractors, workers, parents, teachers, others who provide services to farmworkers and other federal agencies. Ending illegal child labor is a top departmental priority, and Wage and Hour Division investigators are using every tool available — from imposing civil money penalties to using the "hot goods" provision — to end these violations.
- The department has explored additional regulatory changes to further bolster protections for children in the fields. The secretary is seeking to collaborate with Congress to address the protection gap in U.S. law for child farmworkers.
- More than 250 new Wage and Hour Division field investigators have been added in the last year.
- The department has worked with Congress, which recently appropriated additional funds to the department for enforcement activities in industries that are likely to employ foreign workers temporarily working in the United States under a work visa. The Wage and Hour Division and the department's Office of the Solicitor plan to use some of these funds to ensure that labor conditions for agricultural workers meet all the department's requirements.
- The department's Occupational Health and Safety Administration brought together nearly 1,000 participants to the National Action Summit for Latino Worker Health and Safety in Houston, Texas. The goal of the summit was to reduce injuries and illnesses among Latino workers by enhancing knowledge of their workplace rights and improving their ability to exercise those rights.
- The department's fiscal year 2011 budget request requested for its Employment and Training Administration the first funding increase in more than 20 years for the National Farmworker Jobs Program, which is authorized by the Workforce Investment Act. This increase would restore funding to the levels originally envisioned under the Workforce Investment Act while supporting services for 1,027 additional migrant and seasonal farmworkers and their families through the National Farmworker Jobs Program grantee community.
- The department's Employment and Training Administration's National Farmworker Jobs Program facilitates coordination of services through the public workforce system's One-Stop Career Centers for migrant and seasonal farmworkers. This coordination enables these workers to gain access to all available services, including education and career pathways, occupational skills training and other employment assistance leading to jobs that provide stable, year round employment both within and outside agriculture. Grantees, which include public agencies, private, nonprofit organizations and community-based organizations, are present in nearly every state. Between July 1, 2008, and June 30, 2009, these grantees provided services to 18,501 migrant and seasonal farmworkers.
- National and regional monitor advocates monitor and review state workforce agencies for compliance with Wagner-Peyser regulations affecting migrant and seasonal farmworkers on a continuing basis. Regulations require the provision of employment and training services to migrant and seasonal farmworkers that is qualitatively equivalent and quantitatively proportionate to services provided to non-migrant and seasonal farmworkers. The national monitor advocate ensures that state workforce agencies operate and maintain the nationwide Job Service Complaint System for filing and processing customer complaints related to alleged violations of state and/or federal employment laws, with special emphasis and follow-up on complaints filed by migrant and seasonal farmworkers.
- The Wage and Hour Division has enforced temporary farm labor camp requirements regarding the field sanitation provisions of potable drinking water, toilet and hand-washing facilities in those states in which it has enforcement authority under the Occupational Safety and Health Act. Fourteen states operate their own Occupational Safety and Health Authority-approved and -funded plans that further bolster enforcement of these standards.
- The department has announced the inclusion of the H-2B Temporary Nonagricultural Worker Program in its semiannual agenda, which lists all of the regulations the department expects to have under active consideration for promulgation, proposal or review during the coming one-year period. The department believes there are insufficient worker protections in the current attestation-based labor certification model. The proposed rule will address the critical issue of U.S. worker access to the jobs for which

6/17/2010

## OPA News Release: Statement by US s...

employers seek H-2B workers through a re-engineered program design, which focuses on enhanced U.S. worker recruitment and strengthened worker protections.

- The Wage and Hour Division today is implementing higher penalties for the illegal employment of children in agriculture. These increased penalties and reinvigorated enforcement by the Wage and Hour Division will help ensure children are safe and are given a chance to live long and productive lives.

**AILA InfoNet Doc. No. 10061761. (Posted 06/17/10)**