

***League of Women Voters Grand Traverse Area Leelanau Unit
Committee Report on a Study of Agricultural Migrant Worker Visas
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Summary of Interviews

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Introduction

Other members of the Committee have addressed you today on subjects that are essentially substantive — that is, they have presented information regarding the nuts and bolts of proposals, programs, policies, and legislation affecting the employment of migrant workers in the agriculture industry primarily here in northwest Michigan and elsewhere in the State.

My role is a little different. I am going to speak not to the substance of those matters, but to what local farmers and workers think and feel about them. In order to obtain that kind of information, which the Committee considered crucial to an full understanding of the problems, we interviewed nearly 25 individuals, including employers and workers, a fruit processor, a vineyard owner, and an official of a state farming organization.

This summary of the employer/worker interviews was compiled with the following three factors in mind:

- (1) The statements of those interviewed have not be edited or subjected to any kind of critique on the part of the Committee.
- (2) Virtually every statement contained in this summary could be preceded by the phrase “an employer, or several employers, said . . . “ I will not speak such a phrase with each statement, but please keep in mind that this is a summary of what the persons interviewed told the Committee.
- (3) What the interviewees told the Committee may or may not have been completely accurate in objective factual sense, although we have no reason to question their understanding of the issues. What we do know, however, is that what they told us is a true and honest statement of how they perceived and understood the facts and what their opinions were regarding them.

The Summary of the Interviews has been broken down into five subject areas.

I. What Is the Basic Reason Area Agricultural Employers Hire Migrant Workers?

- \$ Annually, from June 1 to November 1, area agricultural producers need migrant workers to harvest their crops. Some employ as many as 40 seasonal and full time employees. Workers engage in preparing and handpicking cherries, strawberries, apples, asparagus, potatoes, and other crops. They also work spreading mulch, hoeing, cutting, pruning, and harvesting hay and straw, as well as performing farm maintenance.
- \$ Farmers often employ a minimum number of full time workers, and then seasonally hire additional workers, some of whom are local citizens and others who are foreign nationals. On some farms, housing is provided free to the worker when work is underway. If the workers work for processors or for another farmer between harvests, they are charged rent.
- \$ Workers are obtained through Michigan Works Center, newspaper ads and word of mouth. Full time workers are looked for within the local community. All foreign seasonal workers are from Mexico, and some need a translator. Many employers prefer to hire families, which they feel are more reliable than field crews.
- \$ Some area producers are fortunate enough to have employed the same foreign workers over an extended period of time. Some such workers even live permanently on a farmer's property in housing owned by the farmer. Such situations are usually very stable from an employment standpoint at least before 9/11; since then, however, they are not without problems. Some of the families employed long-term in that fashion have become American citizens, as are the children born in this country, and some are not; the immigration status of family members may therefore vary significantly.
- \$ In the process of hiring foreign migrant workers, it should be noted that some employers remarked that the several federal immigration agencies (noted in the Glossary), as well as the Department of Homeland Security can be very difficult to work with.

II. Are Migrant or Seasonal Workers Needed in Northwest Michigan?

- \$ Seasonal workers are good people, not criminals, work hard, and return the next day to do the same hard work. They will "bend over backward to get the job done." Moreover, there is real skill in picking fruit, a factor that is not understood outside the farming community.
- \$ Without foreign seasonal workers, there would be less crop production and harvest, and U.S. Farms would be in peril. We would import more food, which is now cheap in our country but is likely to increase in price because of an inevitable increase in demand.

- \$ A very important factor requiring the employment of migrant workers is that there is no other viable, dependable source of farm labor. Even with 10% unemployment, U.S. citizens are not attracted to agricultural jobs.
- \$ Leelanau County faces real challenges because it is at the end of the migrant stream. There is no large asparagus crop to begin the picking season. We used to have a large crop of strawberries but that has declined all over Michigan, and that crop has become just a fraction of what it used to be. The Leelanau processing plant is the last to do strawberries in the state. Southwestern Michigan has more variety and a greater succession of crops than Leelanau.
- \$ When a farmer cannot hire pickers, he doesn't have a reliable crop to bring to the processor. One area processor reported that he is 99% sure he is going to get his strawberries from Mexico next year. And, as an astute businessman, he would likely have to process them in Mexico as well.
- \$ Some migrant families come back to this area every year; some have worked here for as long as 30 years. At least one farmer had a crew leader with contacts in the migrant community. He worked with three other farmers to keep the crew busy. Local teenagers were hired to run the machines; migrants did the hand picking. Most migrants get jobs because their families have worked here.
- \$ Farmers recited in detail the precarious financial circumstances in which fruit farming is carried on even in normal times and why a good, skilled, readily available labor force is an absolute necessity. The scenario goes like this: Fruit crops are especially vulnerable to the weather and must be picked at the peak of ripeness to get the sugar content high enough for the farmer to get a good price. If a storm is coming, wind and hail can wipe out an entire crop for the season. Fruit with bruising can only be used for juice which gets a much lower price. When the fruit is taken to the processor, several samples are taken from several boxes of fruit and is tested and the farmer gets a test score for his load of fruit. Fruit that tests into the 90% and up get the best price. Fruit in the 85% range may only get half the price. If a truckload of fruit tests into the 70% range the farmer usually has to dump the entire load. For these reasons, workers may be expected to work a 12 or 14 hour day at the peak of the season and harvesting may continue far into the night or the farmer may lose thousands of dollars. And if workers are not available at all, or are in short supply, it can be disastrous for the farmer, for without migrant workers, no crop can be picked or processed.
- \$ Accordingly, a farmer can go into bankruptcy if he cannot find workers to harvest his crops in a timely manner — an example being the situation in the Manistee area in 2010 when seasonal workers couldn't be found to harvest asparagus. Labor is the farmer's highest production cost, but without hand pickers for wine grapes, blueberries, and apples, honey crisp apples particularly, our area farmers could be in serious trouble.

III. What Are the Major Employment Problems Facing Agricultural Employers?

- \$ Migrant workers must work for growers with housing facilities. Some farmers without that capability rent housing for their workers from other farmers. Obviously, there is a cost to maintain and build housing. Because of huge cuts in the Michigan Agriculture Department budget, inspectors were let go and housing inspections decreased. Housing must be licensed to be eligible for use by migrant workers. Minimum standards are a necessity.
- \$ The workers are sometimes paid \$9.50 an hour, but at picking time are paid piecemeal. As such, they a worker can earn up to \$200 a day during picking season. Also, since they work as a team, the money stays in the family. The faster they work, the more money they make. Hence, when local youth are part of the crew or others who do not have as much experience it slows them down and reduces their pay. This is not much of a problem, however, because most farmers do not hire many locals. It is reported among farmers that the skilled migrant work force looks down upon less-skilled local workers, and that this can lead to problems in the field.
- \$ Some area employers expect to hire more migrant workers in the future than they do now. Some of those employers are thus very concerned about the “fear factor” among migrant workers who travel across the country who are very afraid of being stopped in “immigrant unfriendly” states. One farmer’s workers came back this year from Florida, but he has heard from them of other workers who are not willing to travel as much as before. This farmer also mentioned that migrant workers do not like to go into Traverse City and tend to stay close to the farm out of fear of unwarranted traffic stops, etc.
- \$ A farmer stated, quite vehemently, that one thing that bothered him was that as an employer he had to pay unemployment taxes when his workers were unemployed — even though the workers would never receive unemployment compensation. That, he thought, was bureaucratic stupidity.

IV. What Are the Major Employment Problems Facing Migrant Workers?

- \$ If a farm shows substantial turnover in employees, it is a place where migrants will not want to work. Reportedly, there are still a couple of farms where exorbitant fees are charged to take the workers to do their shopping and laundry, or receive medical care.

- \$ Social issues are critical, according to the employers. Understanding the situation from the worker's perspective, several area employers related how migrant families live in constant fear of being arrested and deported, without notice and basically without any rights.
- \$ Farmers felt it was unconscionable to put migrant families in constant fear of legal reprisals and deportation. One farmer told of witnessing children screaming and crying for their father when one of his workers was taken away. Migrant families are thus traumatized and torn apart when someone in their extended family is detained and deported. If one member of a migrant family becomes involved with the law, they all become involved. For example, if one member became likely to be deported it's very likely the entire family, and perhaps members of an extended family, would up and leave. Family is very important to migrant workers.
- \$ These incidents also affect the employers, who we found to be compassionate persons sensitive to these problems. Moreover, oppressive action by the government can affect the quality the work of migrant workers and their punctuality on the job.
- \$ Several farmers said that people should get over the idea that Mexican workers want to become American citizens. They don't. They just want to work, earn a fair wage, and go home.

V. What Do Area Farmers Think About the Programs Known As H2A and E-Verify?

- \$ According to most area farmers, the H2A program is not working in Michigan. One of them reported to us that there are some 40,000 migrant workers working in the state in the peak season, but no more than 200 are processed through H2A.
- \$ One farmer felt the program should not be changed or altered — it should be scrapped — and others agreed. There's just no way it can be fixed; it's too expensive and it's too political. The government should dump the present system and start over.
- \$ At least one employer does not use H2A because he uses a migrant labor service. He assumes that the service uses H2A, but does not know that for certain. However, he would use a local regional placement service; others said they would not use such an employment service, governmental or private, but only because they were able to hire sufficient workers on their own.

- \$ Several employers felt that, with a few exceptions, Michigan legislators are clueless about the problems facing the agricultural community. For example, many felt that if the E-Verify Law is adopted in Michigan, it would be disastrous to the migrant worker employment situation in the State.

VI. What Do Area Farmers Think Should Be Done To Improve the Situation Involving the Employment of Migrant Workers?

- \$ The main concern with hiring agricultural workers is that of obtaining workers who have sufficient skills. Local youth have not worked out because they do not work as hard as migrant workers and do not have the skills needed to work quickly.
- \$ There was a general understanding of the current proposals regarding the visa/permit programs for foreign agricultural workers. However, some employers emphasized that any changes needed to be at the federal level rather than a patch-work of state agricultural worker laws, especially when so many workers work in a variety of states. Several also expressed concern over the Arizona type laws that bring so much fear into the lives of the workers.
- \$ In sum, there was a clear consensus that the success of an agricultural produce business in this area was the availability of skilled agricultural workers. Not just anybody can walk into an orchard or a vineyard and work.