



Association of
Farmworker
Opportunity
Programs

Sowing the Seeds of Change:

A Snapshot of Child Labor in America

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Design & Production: Vashti Kelly, *Children in the Fields Campaign* Engagement Manager, AFOP

Managing Editors:

Daniel Sheehan, Executive Director, AFOP

Norma Flores López, Director of the *Children in the Fields Campaign*, AFOP

Ayrienne Parks, Director of Communications, AFOP

Cover photos provided by farmworker youth council members of *Poder Juvenil Campesino*, the *Children in the Fields Campaign* youth council in North Carolina.

The quotes found throughout the report were collected by field staff from farmworker youth in the four states in which the AFOP *Children in the Fields Campaign* is building grassroots support.

What is the Association of Farmworker Opportunity Programs?

The Association of Farmworker Opportunity Programs' (AFOP) mission is to improve the quality of life for migrant and seasonal farmworkers and their families by providing advocacy for the member organizations that serve them.

AFOP has been an advocate for migrant and seasonal farmworkers in the United States since 1971. The thread that binds the Association is the concept that training and education can provide the launching pad to a better and more stable life for the workers who plant, tend, and harvest the crops that Americans consume at their tables.



What is the Children in the Fields Campaign?

AFOP launched its *Children in the Fields Campaign* in 1997 after its member organizations expressed concerns over rampant use of child labor in the agricultural industry, despite the dangerous work and hazardous conditions. The *Children in the Fields Campaign* strives to improve the quality of life of migrant and seasonal farmworker children by advocating for enhanced educational opportunities and the elimination of discriminatory federal child labor laws in agriculture. AFOP has worked with the Child Labor Coalition, National Consumers League, and other advocates to publicize the plight of this often unseen population.

In July 2009, the *Children in the Fields Campaign* embarked on a new phase of its work, initiating a grassroots campaign of community organization and educational outreach thanks to a generous grant from the W.K. Kellogg Foundation. AFOP established regional coordinators for the *Children in the Fields Campaign* in farmworker communities in California, North Carolina, Texas, Michigan, and Ohio. Those staff worked to organize and form community coalitions and farmworker youth councils to build support for educational programs for farmworker children, document the living and working conditions they endure, and raise awareness about persistent use of child labor in our agricultural system.

The *Children in the Fields Campaign* is working to help farmworker children share their stories and become leaders in their own communities through farmworker youth photo exhibits, student-led conferences, and educational materials, such as this one. In addition, AFOP hosts an annual Migrant and Seasonal Farmworker Children Essay & Art Contest. The photographs, videos, and testimonials collected from farmworker children illuminate the struggles and hopes of the nation's most marginalized population and demonstrate the potential that exists for young people who are given the opportunity to work hard in the classrooms instead of working hard in the fields.

AFOP estimates as many as 500,000 children are currently working in U.S. agriculture. Children of migrant and seasonal farmworker families are among the least protected of all working children, despite agricultural work being consistently ranked as one of the most dangerous occupation in the U.S., and **the most dangerous industry for children**, according to Department of Labor statistics.

Since 1997, AFOP's *Children in the Fields Campaign* has been dedicated to ensuring farmworker children are protected and given an opportunity to succeed in life. By educating the public, advocating for educational programs for farmworker children, and supporting fair living wages for all farmworkers, the *Children in the Fields Campaign* strives to give farmworker children the opportunity to get an education and succeed in life.

The *Children in the Fields Campaign*'s goals include:

- Document the level of child labor in agriculture in California, North Carolina, Michigan, Ohio, and Texas;
- Educate leaders and the public at the national and local levels about the conditions under which these children labor;
- Build grassroots and national support for policies and programs that help keep underage farmworker children out of the fields and give them the support they need to stay in school.

Since 2009, the *Children in the Fields Campaign* has informed the public and key decision-makers about the legal discrimination in the Fair Labor Standards Act that perpetuates the cycle of poverty in which farmworker families are trapped. The *Children in the Fields Campaign* created community coalitions composed of farmworker community leaders and youth councils of farmworker children to advocate for public action to change federal policy and promote programs that will assist families and communities in protecting farmworker children. Through the campaign, grassroots and national support has grown for policies and programs that help keep underage farmworker youth out of the fields and in healthier environments. This brief report shows the current conditions for farmworker families in four states using information gathered by *Children in the Fields Campaign* field staff from their work in their respective farmworker communities.

More than half of farmworker youth drop out of high school, and without an education, these children are likely doomed to a life of deprivation and hardships.

Generation after generation of farmworker children across the country have been kept from achieving their full potential. Seasonal work, long hours, and migration make it nearly impossible to keep up with schoolwork. As a result, farmworker youth are continually put at a disadvantage, seldom having access to the educational opportunities easily accessed by most other children. Negative stereotypes about these children and their families adopted by local communities make their situation even more difficult. With an educational system that lacks flexibility to meet their unique needs and their exclusion from most federal child labor protections, these children become trapped in a generational cycle of poverty.

Child Labor in U.S. Agriculture

Very small children often accompany their parents into the fields and can be found sitting inside a hot car or playing close to the fields due to a lack of adequate childcare alternatives. Children as young as 12, who are old enough to legally work in the fields, are often found working in the crops that require hand-harvesting. Economic necessity is one of the main reasons why child labor persists in U.S. agriculture. By working, farmworker children are able to help alleviate some of the financial burden in their homes. Farmworkers are not paid a living wage and the majority live under the poverty level, even with their children working alongside them.

Typically, the hand-harvested crops in which farmworker children work are paid by piece-rate. This labor-intensive work requires picking at a quick pace, heavy-lifting, and long hours spent bending or stooped over. Enforcement agents blame the prevalence of child labor in California's agricultural fields on the piece-rate pay system and the lack of enforcement tools to cite employers who do not keep good employee-pay records. These conditions enable growers and farm labor contractors to get away with child labor and wage and hour violations. These violations are more prevalent in remote locations throughout the states.

Enforcement agencies, social service providers, farmworker advocates, and farmworkers themselves, note that they still see children out in the fields, but not nearly as much as they used to in the past.

In North Carolina and Ohio, farmworker youth are most consistently found harvesting blueberries, sweet potatoes, tobacco, tomatoes, peppers, cabbage, chilies, melons, strawberries, beans, apples, and squash. Many times youth can be found working in packing houses, separating and packing the harvest for shipping. On some occasions, farmworker youth are found operating heavy machinery, such as tractors, and using sharp tools during the harvest season.

In Texas, children under the age of 12 are seen in the fields harvesting onions, citrus, watermelon, tomatoes, melons, and cilantro. Additional crops in which children are found working throughout the country include: berries, cucumbers, squash, apples, peaches, beets, onions, melons, corn, beans, peppers, chilies, tomatoes, citrus, sweet potatoes, carrots, tobacco, and Christmas trees. In some cases, youth working alongside their parents are not paid any wages. Instead, parents allow their children to work with them in order to plant or harvest more crops and the children's wages are

added into that of their parents, a common practice when parents are paid on a piece-rate basis. Another factor that contributes to this issue is the fact that most of these young children do not have bank accounts or means to cash a paycheck in their own names. This all results in an inaccurate account of actual dollars earned per hour. Although the pay stubs may indicate the parents are getting paid at least minimum wage, when the wages are divided between all of the family members working, they are often not receiving the minimum wage to which they are entitled.

Due to the extreme poverty most of these families face, migrant youth have few options when it comes to working out in the fields with their parents, or even on their own. These circumstances often cause farmworker children to fall behind in school, limiting their future options. Many migrant education programs are tailored to farmworker children and youth needs; however, with as many as 500,000 children working in U.S. agriculture, the need outweighs the available resources. Agricultural work becomes the only way of life—parents spend their lives working in the fields and teaching their children to work right alongside them.

Following the Harvest

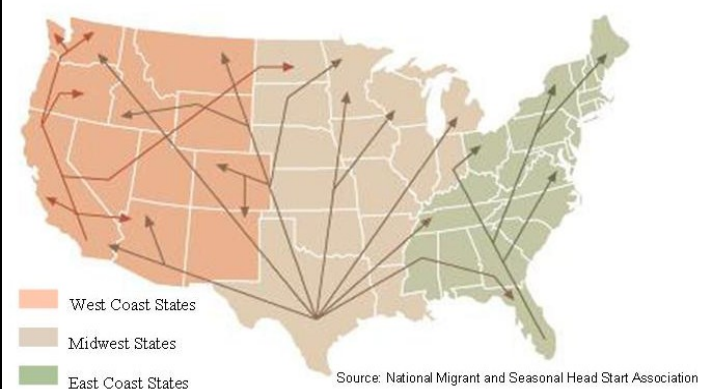
Migrant and Seasonal Farmworkers

Migrant farmworkers relocate their places of residence during the course of a growing season in order to follow the crops. Seasonal farmworkers remain in the same housing, though they may work for different employers over a wide geographical area and work different crops during a season.

Migrant farmworkers move from state to state, typically following migrant farmworker streams to follow the harvests. There are three main streams in the U.S.: the Eastern Stream, the Midwestern Stream, and the Western Stream. The Eastern Stream begins in Florida and travels up to states like Ohio, New York, and Maine. The Midwestern Stream begins in southern Texas and branches off into the Midwestern states. This stream is the most divergent, with some farmworkers traveling to Washington State, while others go to Florida. The Western Stream begins in southern California and hugs the West Coast to Washington State, or can head northeast from Central California to North Dakota.

During the summer months, farmworkers come in from Texas, Florida, and Oklahoma to work in the Ohio fields, making it a receiving state. Most growers in Ohio who hire migrant farmworkers have on-site labor camps to provide basic housing for families. Some camps allow only men to reside in order to prevent families from distracting the men from the

Typical U.S. Migrant Farmworker Stream



Migrant farmworkers move from state to state to pick crops, typically following one of three main streams.

farm work. Farmworkers typically reside in Ohio from June to September, but some workers may come in earlier in April and leave later in October. The small town of Willard, Ohio seems to be where the largest seasonal farmworker population resides during the harvest season; children under the age of 12 are not typically seen in the fields there and it is rare to see a child under the age of 16 working in these fields. The low number of farmworker youth in the fields has been attributed to two organizations providing services to migrant families in the area: Teaching and Mentoring Communities (TMC), and Ohio Migrant Education Center (OMEC).

TMC offers daycare through a number of its programs for children ages three months to six years old; services include transportation, diapers, food and activities for the children. OMEC provides summer classes for children in kindergarten through 12th grade, with a six-week program that provides transportation and meals for the students enrolled. Significantly fewer students over the age of 14 who take advantage of the programs. According to the high-school-age farmworker youth, the extra credits received through participation in the OMEC program are not needed, and passing proficiency tests are not seen as a challenge. These farmworker youth, like most American youth, feel summer vacations are important. Some spend the summer months caring for siblings, while only a small number of them are actually working in the area. The youth who are working, range in age from 16 to 18, and work harvesting peppers, tomatoes, cucumbers for pickling, onions, and squash. Young female farmworkers can be seen working in the packing houses where the crops are prepared for shipping.

The Effects of Farm Work

Mobility is the number one factor keeping migrant farmworker children from completing their education. The lack of educational attainment for migrant children can be mostly attributed to their late entry and early withdrawals from school when they travel to follow the harvest. With many of the migrant farmworker students beginning the school year late, they do not get the same quality of instruction as students who are not migrant farmworker youth. Some farmworker youth, in order to not fall behind in school, travel back to their home state with a sibling or by themselves, while the family finishes out the harvest. These youth are forced to take on more responsibility than their peers to ensure they get all of the school credits they need.

Migrant farmworker youth typically have an increased

“Well this past year I went to Nebraska. And, we had to camp out in a tent in the field because we couldn’t afford a house. All I can remember were those cold rainy days.”

***-Albert, 12
Farmworker youth***

Texas is known as a home state; the largest proportion of migrant farmworkers claim Texas as the place where they establish a year-round residence. It is also regarded as a sending state, since that is where the migrant stream begins, and where the farmworkers will return once the season has ended to await the start of the next season. Many families travel together to other states in pursuit of the seasonal harvest. Other families may also migrate within the state, as seen in both Texas and California.

In many cases, farmworkers will travel alone to follow the crops and leave their families behind to stay in the home state; this can be seen especially in families with school-age children. The farmworker children may stay at home with relatives or even by themselves when it is time for their parents to migrate, in order to avoid interruption in their education.

Children can enroll in migrant summer school, which all districts in the state of Texas are required to offer. Younger students are enrolled in the TMC or the Migrant Head Start program, which provides child care and a comprehensive program of health, parent involvement, and social services for preschool children of low-income migrant and seasonal farmworkers.

workload, with months of make-up assignments, usually without direct teacher instruction. This results in migrant farmworker youth completing the assignments without necessarily comprehending the lessons. In addition, the disparity in the curriculum from state to state poses yet another education hurdle for farmworker youth to overcome. Many farmworker youth return to their home states and are faced with a multitude of dilemmas, such as not getting credit for the school work completed in receiving states; falling behind in course work; and failing a grade. In most cases, farmworker students are discouraged by all of the aforementioned aspects and drop out of school altogether.

Although a number of special programs and services available to assist farmworker youth in completing

their education, much still remains to be done to close the achievement gap. Although California has stricter child labor regulations for work in agriculture, enforcement continues to be a problem, among other barriers. California has the largest population of migrant students in the United States, with approximately 330,000 students, according to a 2006 report by the California Department of Education. Included in that number are the out-of-school youth.

Migrant students in California typically attend some of the worst, poorest-performing schools in the state, and this also has a dramatic impact on their ability to succeed. Roughly half of all migrant students attending public schools were enrolled in low-performing schools. As a result, migrant students need more programs to help them pass the exit

exams and assist them with language arts. California's exit exams have become the biggest stumbling block migrant students encounter and often are the main reason given for dropping out of school. Unfortunately, California is not alone—Texas students are also experiencing difficulty in passing the state assessment exam needed to graduate high school.

"Sometimes I have to skip school to work. I try my best in school so that my children don't have to go through what I've been through and so they can have a better life for themselves and finish school with no problem."

***-Eliazar, 13
Farmworker youth***

Child Labor Laws

Current federal labor laws allow children as young as 12 to work in the agriculture industry, with far fewer protections than those provided for working children in any other industry. Additionally, boys and girls who are just 12 years old, can work unlimited number of hours outside of school hours. Agriculture is the only industry that allows minors to perform work deemed as "hazardous" because of exemptions in federal labor laws. For example, at the age of 16, youth are allowed to use heavy equipment as long as it is performed on a farm—a dangerous task strictly reserved for adults in all other industries. All of this is disconcerting, but even more so given the fact that U.S. Department of Labor (USDOL) statistics consistently rank it as the most dangerous industry for minors.

In 2011, U.S. Representative Lucille Roybal-Allard again re-introduced the Children's Act for Responsible Employment (CARE Act – H.R. 2234). The CARE Act aims to address the inequities and harsh conditions faced by children employed in U.S. agriculture. In North Carolina, a child labor bill called the "Protect Youth/Family Farm Employment Bill" was introduced in the State House of Representatives in 2011 by State Representative Jonathan Jordan. The bill would have extended the protections of North Carolina's child labor laws to children who work in agriculture, while still allowing children of farming families to continue working on the family farm. Both the CARE Act and the "Protect Youth/Family Farm Employment Bill" were referred to their respective Committees where no further action was taken.

All states are required by law to adhere, at

minimum, to the federal child labor laws, but states can institute stricter state laws. Most states follow the federal child labor laws while some have more stringent minimum age and maximum hour requirements. North Carolina and Texas follow the federal child labor laws for agriculture established by the Fair Labor Standards Act (FLSA). Ohio is slightly stricter in the law with higher minimum age and maximum hour requirements.

California's child labor laws resemble the federal laws, allowing children who are 12 and older to work in agriculture outside of school hours if their parents permit. However, during school hours, the minimum age is 18; the minimum age is 16 if the youth is not required to attend school. However, it is also illegal for a child under 12 to accompany their parent to an "agricultural zone of danger" that the parent does not own themselves. These zones include work sites with water hazards, chemicals, moving equipment or any agricultural occupation prohibited to minors under age 16. Similar to the FLSA, California law allows minors aged 16 and older to do hazardous work in agriculture, but does have stronger maximum-hour requirements.

In 2011, the USDOL published proposed rules to increase the protections for children who work in agriculture. These were the first changes introduced in 40 years to the child labor laws, and came almost 10 years after the National Institute for Occupational Safety and Health (NIOSH) made recommendations for such rules. Unfortunately, these rules were withdrawn in 2012 after pressure grew from the agricultural lobby on Congress and the Administration.

Observations from the Fields

One of the many challenges faced by farmworker families is dilapidated and unsanitary housing conditions. Making matters worse, many farmworkers have limited access to transportation. For example, some families are forced to rely heavily on crew leaders and growers for trips to the store to cash their checks, buy food, or to go to the clinic to seek medical assistance. In these instances, the farmworkers are charged, often large percentages of their incomes, for this transportation.

In Texas and North Carolina, it is becoming increasingly uncommon for families to travel together outside of their states in search of the harvest. The number of “unaccompanied youth” seems to be increasing in the migrant community. In contrast, California’s migration is generally within the state, with many families traveling together. Families that travel to Ohio, especially with younger children, tend to migrate together, while older youth may opt to stay in their home states to attend school.

Unaccompanied Youth

The term “unaccompanied” youth refers to youth who are not in the physical custody of a parent or guardian. A great deal of “unaccompanied youth” are also “out-of-school” youth, meaning they are youth ages 13 to 22 who are not and who have not earned either a high school diploma or general equivalency degree (GED).

There is a large amount of “unaccompanied” and “out-of-school” youth traveling along the Eastern Stream, working in the fields on their own or with distant relatives. These youth are especially susceptible to crimes, such as wage theft and unsafe living and

“Last summer, my family and I went to Michigan to do migrant work. We had experienced bad horrible heat, wages lower than \$3 an hour, and a house with no air conditioning or plumbing. We migrants deserve a better environment to work in because humble migrant workers like us greatly help feed America.”

**-Jose, 12
Farmworker youth**

working conditions, a vulnerability compounded by the fact they are traveling alone. Complaints are not frequently made, as many farmworkers fear being denied work by growers.

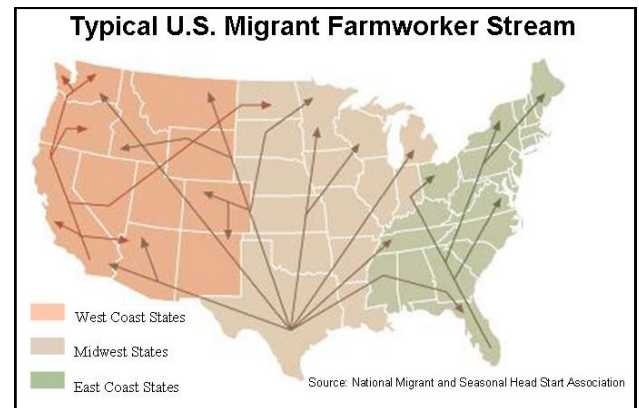
Ohio has made great strides in improving relations between growers, service providers, and agencies with the formation of the Farmworker Agencies Liaison Communication and Outreach Network (FALCON), a 20-member umbrella organization whose members address the concerns of the approximately 89,000 agricultural workers in Ohio’s Henry County. Increased communication has created better working and living conditions for the migrant and seasonal farmworkers in that region. The growers involved with the organization, while continuing to pay low wages in the interest of making a profit, are concerned with the quality of life in the camps. They provide housing and private bathrooms with running water, unlike most of the other camps in the area. Despite these positive changes, some farms in Henry County still refuse to allow anyone, including farmworkers, to drive their vehicles into the camps, controlling access to resources and services.

Many farmworker families often share grower provided living spaces, or live in labor camps where communal outhouses and barracks are the accepted norm. Photos were taken in occupied farmworker camps.



Key Findings

- There are three main streams migrant farmworkers follow each year: Eastern, Midwestern, and Western.
- Farmworker youth are found harvesting piece-rate crops, labor-intensive work that requires picking at a quick pace, heavy-lifting, and long hours spent bending or stooping over.
- Typical crops in which children are found working are hand-harvested crops, such as: berries, cucumbers, squash, apples, peaches, beets, onions, melons, corn, beans, peppers, chilies, tomatoes, citrus, sweet potatoes, carrots, tobacco, and Christmas trees.



- Migrant farmworkers relocate from their places of residence during the course of a growing season in order to follow the crops. Seasonal farmworkers remain in the same housing, though they may travel to different employers over a wide geographical area, and work different crops during a season.
- Poverty and migration make it difficult for farmworker children to create a different future for themselves, and the family's poverty dictates that all able-bodied family members work.



- Mobility is the number one factor keeping migrant farmworker youth from completing their high school education. Migration and working in agriculture interferes with children's ability to get an education.
- The Fair Labor Standards Act sets age 12 as the legal limit for farm work, with an exemption allowing even younger children to be employed in limited circumstances. There is no limit to the number of hours outside of school a child may work, while children employed in all other occupations are subject to limited work hours.
- Agriculture is the only industry that employs workers under the age of 16 to perform tasks identified as "hazardous." Despite the well-documented dangers of agricultural employment, children working as farm laborers have fewer legal protections than children working in any other industry.
- Hazardous child labor is work in dangerous or unhealthy conditions that at times results in a child being killed or injured as a consequence of poor safety and health standards and working conditions. Some injuries may result in permanent disability. Children doing repetitive bending and stooping, and lifting objects too heavy for their size and ability are common hazards.
- Unaccompanied youth generally refers to minors who are not in the physical custody of a parent or guardian. A great deal of "unaccompanied" youth are also "out-of-school" youth, meaning they are youth ages 13 to 22, who have not earned either a high school diploma or general equivalency degree (GED), and are not enrolled in or attending school.





Young farmworker girls working in the blueberry fields of North Carolina during a hot summer day.

“I believe people think food comes from a machine or something. They don’t really know that the food comes from us.”

*-Edgar, 16
Farmworker youth*



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