



# MSFW discrimination in the time of the Coronavirus

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# *What does the CARES Act mean for undocumented MSFWs?*

The CARES Act opens up several important new rights, some of which benefit farmworkers and undocumented immigrants, some of which do not. For ex., temporary sick leave is available to all, but unemployment compensation is only available to documented workers.



Temporary sick leave provisions: two weeks of paid sick leave related to illness or care related to COVID-19.

Full wage replacement for caring for oneself up to a max \$511/day. Wage replacement when caring for someone else is 2/3 of regular wage. This applies to companies with 50-500 employees. Look for guidance from USDOL for when smaller employers are covered.

Mixed status families are not eligible for the tax rebate – every single family member filed on that return must have a social security number (ITIN not sufficient).



# *What is actually happening in the fields? Are we seeing an increase in abuses now that everyone is under a stay-at-home ruling?*

Farmworkers are being exposed to more pesticides as the demand for production is increasing

Advocates anticipate an increase in cases of wage theft

Farmworkers are not able to practice social distancing



Farmworkers in ornamental plant nurseries and food processing plants are having their hours cut, and do not have resources to purchase groceries.

There's a lack of information, inadequate sanitation & handwashing facilities, crowded housing & transport vehicles, plus a lot of fear among farmworkers if they do get ill.



# *What kind of efforts can be done to reach and get greater compliance from independent farm labor contractors?*

Farm labor contractors serve as the employer for many farmworkers. The use of labor contractors is a mechanism by which farmworkers are cheated of wages and responsibility for abuses is evaded.



Advocates are concerned that labor intermediaries will not be implementing procedures to prevent the spread of COVID-19

Under MSFA / OWPA, farmworkers can file a complaint with the Department of Labor or bring a lawsuit to hold their employers jointly responsible.

# *What are you hearing from farmworkers in your state?*

Farmworkers are confused and scared.

Increased ICE raids and trucks in some areas, forming an even larger, intimidating presence in some communities.



Biggest problem in Immokalee (and presumably elsewhere) is no access to quality food. Empty store shelves are generating a panic among farmworkers who depend on those stores for their food.



# *Now that many children are out of school, what does that mean for MSFW families?*

School is a form of daycare for a lot of farmworkers.

Farmworker parents with kids at home don't know what to do. Many daycare centers also closed.



Families with older children have been leaving the younger children in their care. Kids as young as 10 have been bearing that responsibility. Some people in farmworkers' social networks have been able to provide childcare.





# *What have you heard from farmworkers about their employers screening them for fevers, etc. as they arrive on the job site?*

Yes, some have reported they are being screened – having temps checked or just a glance to see if they have any COVID-19 symptoms, but others are not.



H-2A workers are of highest concern. They're closed off and isolated – we cannot check on them and they live in close quarters with each other.





# *Is there a way to enforce social distancing and other CDC recommendations in transport vehicles and migrant camps?*

Advocates are looking into whether there are legal theories available to enforce CDC compliance.

The U.S. Department of Labor has not issued any guidelines about safety & health. The government should require CDC recommendations be followed.



FJ and other organizations submitted a letter to the Trump administration regarding the H-2A program. (Click [here to be taken to letter.](#))



# *When MSFWs are ill and must stop working, which organizations are helping them:*

- *Isolate from other workers if they are living in camps?*
  - *Connect with doctors or clinicians for treatment?*
- *Recover from lost wages if they do not have sick leave?*

Please see our list  
of resources –  
coming soon!







# Resources



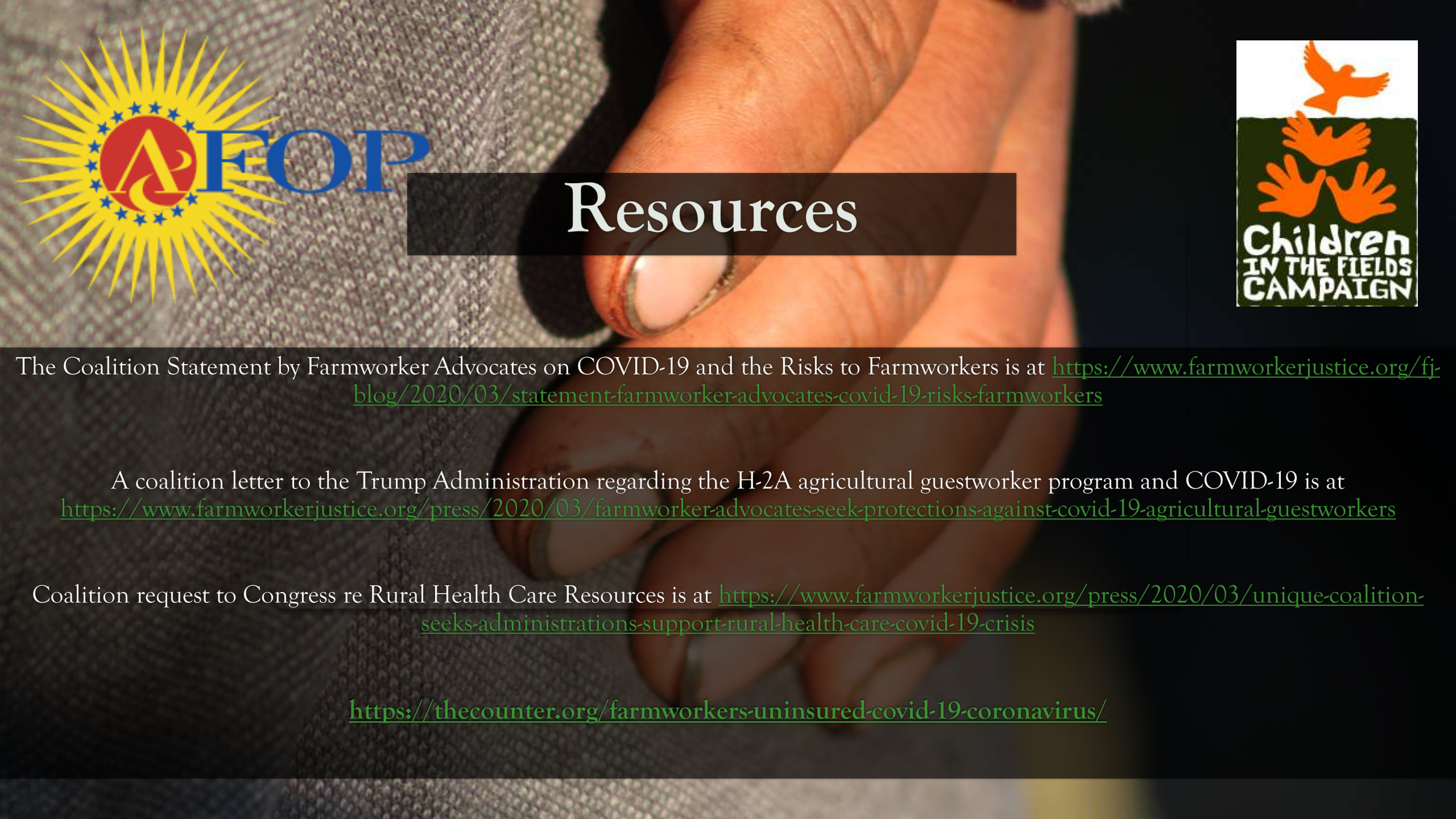
<https://floridafarmworkers.org/>

<https://www.farmworkerjustice.org/>

<https://www.migrantclinician.org/>

<https://ufw.org/covidaction33120/>





# Resources



The Coalition Statement by Farmworker Advocates on COVID-19 and the Risks to Farmworkers is at <https://www.farmworkerjustice.org/fj-blog/2020/03/statement-farmworker-advocates-covid-19-risks-farmworkers>

A coalition letter to the Trump Administration regarding the H-2A agricultural guestworker program and COVID-19 is at <https://www.farmworkerjustice.org/press/2020/03/farmworker-advocates-seek-protections-against-covid-19-agricultural-guestworkers>

Coalition request to Congress re Rural Health Care Resources is at <https://www.farmworkerjustice.org/press/2020/03/unique-coalition-seeks-administrations-support-rural-health-care-covid-19-crisis>

<https://thecounter.org/farmworkers-uninsured-covid-19-coronavirus/>