Farmworker Testimonies:
Stories from the Field

farmworkersny.org
ruralmigrantministry.org
On Wednesday, January 17th, 2018, more than a dozen courageous farmworkers from across the state of New York shared some of their stories with a group of Human Rights Observers and an audience in the Auditorium of the Legislative Office Building in the State Capitol in Albany.

Many shared stories of disadvantage, exploitation and/or experiences of discrimination and oppression. Farmworkers across the nation, including in New York State, do not have the same labor rights and protections as other workers. Farmworkers in NY do not have the right to bargain collectively, the right to a day of rest, the right to overtime pay, or the right to Workers Compensation if they are injured on the job.

Approximately 80,000 to 100,000 farmworkers across New York State encompass a diverse working population. Not every farmworker is a seasonal worker. There are thousands of workers who are employed at the same farm throughout the year and/or year after year.

Farmworkers feed New Yorkers. They work at dairy farms, greenhouses, apple orchards, duck farms, wineries, sod farms, and varied fruit and vegetable farms, to name a few.

The New York farming industry is a multi-billion dollar industry, making it one of the most profitable businesses in the state.
What follows are the testimonies of several men and women who labor on the farms in our state, yet are excluded from the protection of our laws. These brave workers shared their stories with an audience and a Panel of Human Rights observers, including Sam Waterston (Actor, Law and Order), Sr. Doreen Glynn (Justice Coordinator, Sisters of St. Joseph), Tom Gerety (Fmr. Executive Director, Brennan Center for Justice), and Jeanne Mirer (President, International Commission on Human Rights).

“Having listened to the stories of the farmworkers themselves, we know that it is morally imperative for us to stand with them and get this Bill passed. We have been too long in the Capitol urging the passage of this Bill, year after year after year. Now is the time for us to do this moral and just thing for our farmworkers.” - Sr. Doreen Glynn

Farmworkers deserve equal treatment and equal protection under our State labor laws. New York lags far behind other states in protecting the rights of farmworkers. Many have passed legislation granting farmworkers the right to overtime pay and collective bargaining. It is time for New York to become a leader once again by passing the Farmworker Fair Labor Standards Act.
In the 1930s, the passage of New Deal legislation marked the beginning of a new era for workers' rights. One of the groups deliberately excluded by the New Deal was farmworkers. Over seventy years have gone by and New York State farmworkers still lack the rights to a day of rest, overtime pay and the right to bargain collectively - which means they are powerless to ask their employers for what they deserve - equal rights and dignity.

The Justice for Farmworkers Campaign (JFW) was created as a statewide educational and legislative movement aimed at assisting NYS farmworkers in securing the same rights that every other New York State worker receives.

The Justice for Farmworkers Legislative Campaign has had some successes, as farmworkers secured the right to clean drinking water and sanitation facilities in the fields, and the right to the same minimum wage as other workers yet, exclusions still remain. The Farmworkers Fair Labor Practices Act, a Bill currently in the NY State Legislature, would remove these exclusions, and grant farmworkers the dignity and equality they deserve.

You can follow and learn more about the Justice for Farmworkers Campaign by visiting our website at www.Farmworkersny.org.
WANT TO HELP?

*Get involved by contacting your Representatives and let them know that you support this legislation.*

*Let your voice be heard!

Call your State elected official. It will only take 3 minutes of your day!

“Hi, my name is _____ and my zip code is ________ (to verify you live in their district) and I am calling Senator/ Assemblyman Assemblywoman/ Governor to urge them to publicly support the Farmworker Fair Labor Practices Act. Our farmworkers deserve equal labor rights and it is time the state finally passes a law that protects them!”

**Find your state Senator:**
https://www.nysenate.gov/find-my-senator

**Find your state Assemblyperson:**
http://nyassembly.gov/mem/search/

**Office of NYS Governor Andrew Cuomo:**
Phone: (518)-474- 8390

**New York State Assembly**
Phone: (518)-455- 4218

**New York State Senate**
Phone: (518)-455- 2700
Testimony of

NELSON ANIBAL GUERRA LOPEZ

"I am 44 years old. I worked on a farm on 2005. A normal day of work was to get up at 6:00am and I would leave at 6:30am to start work at 7am, to work with machines to dig out trees or with a shovel. My only break was my lunchtime and it was half an hour. I never received any overtime during the time I worked there. The only thing I received was medical services and they paid me two months following the work season. The only thing that is important is that they pay overtime because they never pay overtime and with the break times and this is important not just on the farms, that should be so on all of the jobs, they almost never give breaks. I work now in construction and if there is an American we take a 10-minute break at 10am and lunch is an hour. There aren’t extra hours there."

Long Island, 2017
He arrived to this country 11 years ago in 2006 and since then has worked in a winery. He started by harvesting grapes and slowly advanced to working inside of the winery installations. He, like every worker, has lived the injustice that is to live as a farmworker. Four years ago, he had the opportunity to apply for DACA and lost it because the winery refused to give him a letter that would prove the year he started to work in the winery. It was the only proof that he could obtain for the time that he was in the country. In that year he moved to work indoors, his wages increased, and he started receiving overtime pay, but he does not have medical insurance or receive any compensation if there is an accident. When he complains, he is told his wages will increase, so he is afraid to speak because he thinks he will lose his job. During our conversation he learned about his rights. He says that sometimes they send him outside to pick grapes and now he understands the difference between outside work and inside work and said that now he is not going to work outside. His work is only to pick grapes and pack wine.

*Long Island, January 13, 2017*
"My name is Ana Santamaria and I am 43 years old. I work in a flower greenhouse. I wake up at 5 in the morning to prepare lunch for my children and my husband, enter work at 8 in the morning, and I have to leave my house at 7:30am. I only have one break which is half an hour at 2pm. But if I work until 7pm they usually give us a 20 minute break at 4pm. If I leave at 5pm I arrive to my house at 5:30 but occasionally it varies. Well, sometimes I leave at 7pm and I arrive at 7:30. I do not receive any overtime pay until after 50 hours. If there is an accident at work they bring us to a clinic and they pay for the appointment and the medicine. There hasn’t been medical insurance, but this week they came to offer it to us and deduct it from our pay. I authorize that they read my testimony, so long as its so that they can help us have better treatment and pay us our overtime."

Long Island, January 10, 2018
"I am a worker and I want to omit my name. I am 62 years old and I work in an ornamental plant farm. My job is to plant and prepare the delivery orders. Normally my work starts at 7 in the morning. I have to leave my house at 6:15 in the morning to arrive at my work. They give me half an hour to eat for my lunch. Regularly in the season I leave at 6 and I arrive at my house at 6:45. I do not receive any overtime pay. I work regularly 60 hours per week. I do not receive any insurance nor compensation, the only thing the farm has is a doctor in case of emergency."

"I work at a dairy farm milking cows in eastern New York, I started working in the Spring of 2010, during the first three years I worked an average of 85 hours a week and my pay was 7.50/hour. During this time lapse at various times I asked for a pay increase since I was having excellent results in my work but I never got more than the minimum. When I had one year in the farm, on a day I was working 13 continuous hours, since on that day I was to work 16 hours and I went to take a break I served myself a glass of filtered water, I only took a couple of seconds and then I went back to my work, the same was done by other coworkers, who were American, but they only had 4 hours working and took several minutes to get back to work. The next day the boss and the owner of the farm, after seeing the video recording (of the break), singled me out and scolded me, accusing me that if workers received a low bonus it would be because it was my fault. Between 2010 and 2013, on top of milking 2,400 cows each 8 hour shift, I worked 4 hours outside moving food on the banks or mountains of food, in the winter under polar winds, storms when the temperature was 0 degrees and with boots flooded with snow, at the end I would go back to milk cows for four more hours, which was something really extreme and for the same minimum wage per hour. In 2015, I suffered an injury at work on my left leg, when a cow kicked my knee and because of my prescription medicine I could only work 40 hours a week, however, I had to work 55 hours a week. Starting in November of 2017, all the workers of the farm received a bonus for production, and we were told that 1 dollar of the bonus would pass to our hourly salary for which on the first week of November we received a 1 dollar increase per hour. According to NY Law on December of 2017, you have to give a raise of minimum 0.70 per hour, but starting in January of 2018 we only received an increase of 0.30 per hour. They only transferred 1 dollar of the bonus to the hourly salary to make it seem like a raise, but it is the same money."
ANONYMOUS Testimony

She worked for 3-4 years in greenhouses for the seasons March to October. She planted seeds, organized, and packed plants for deliveries. Her schedule was 7am to 5pm Monday to Sunday. She worked in a greenhouse. The problem was that the managers treated them badly, the owner, who is a good person in her opinion, was almost never there. She has lived in this county for 14 years and the majority of the time has been in the greenhouse. She has 2 children who are 13 and 8 years old.

ANONYMOUS Testimony

She works in a greenhouse. The work is seasonal and is from January to June. Sometimes she has to work up to 12 hours per day 7 days a week in February. She receives good treatment at work, they give her the breaks required by law and lunch. Her work consists in planting seeds and small plants and in course select plants by size. Her work schedule is from 7am to 8pm when the season starts or they are busy for February and March, and the rest is from 7am to 5pm. She arrived ten years ago to this country and is legal. She has a son and lives in her house with her family and likes her work.

What is your name?
My name is Uriel Adonay Rosales Martinez.

And your age?
I'm 20 years old.

What type of work do you do?
I work in a greenhouse or nursery. I don't know what you call it. [Points to field]. Yes, right here.

Can you describe your workday? What time do you get up and go to work?
I get up around 6 in the morning. I shower. I change to go to work. From 7am to 6pm. During the day, I complete the orders that the company receives. And that's the whole day, picking up orders that are from 20 to 1000 plants per order.

What time do you take a break to eat?
9:30am.

That's very early!
Yes.

Do you have other times during the day to take a break?
Lunch is at 12pm, and I go back to work at 12:30pm. I also have a break at 2:30pm.

For how long?
15 minutes.

What time do you go back home?
At 6pm.

Can you describe your housing? Who lives there, and who owns it?
The owner is the boss of the company. I live with my brother, my godparents, a brother of my godmother, and a friend from Guatemala.

Do you receive overtime pay if you work more than 40, 50, or 60 hours?
No.

Do you receive any benefits, like health insurance or worker's compensation if you have an accident at work?
I don't think so.

Does anybody?
Maybe citizens, maybe. I don't know. In truth, I don't know.

Long Island, January 5, 2018
"I am 28 years old and I work in a farm. I came to this country 13 years ago to work. I produce flowers and for this season I pick what’s green. When it rains we clean the bulbs of the dahlias and the gladiolas indoors. I get up at 5:30am in the summer and work from 6:30am to 6:30pm. I prepare lunch for my kids, I bring my youngest child to the babysitter, and the older ones get on the bus to school. The bus picks them up and from there I enter work at 8am and I don’t rest until 12pm. I have half an hour, and from there I work until 4pm in this season. In the summer I start at 7am seven days a week. I don’t rest, not even on holidays. Not one day of rest when my kids were on vacation. I don’t receive overtime pay for working more than 40 hours. I do not receive medical insurance and if I get hurt at work I have to take care of myself.

Where I work, she [her boss] does not give us a day off. I think that’s not good because I cannot even talk or even go shopping. The only day that I leave early is Monday. And it’s hard because I cannot even talk with her about this. She questions me a lot and I think it isn’t good to tell her everything I need to do. If I do not come to work she gets annoyed and questions me a lot and gets very annoyed and speaks strongly with me and uses the word stupid. She only treats the Latino workers like this, but she gives the American workers days off. The majority of workers are from the state of Guerrero [in Mexico] and when we have to say where we work she does not want us to say that we work with [her boss' name]. She wants to keep us invisible.

Long Island, January 5, 2018
Can you tell me your name?
Yes, my name is Boris.

And your age?
26 years old.

What type of work do you do?
I work on a floral plant farm. A nursery.

Describe your work day.
What time do you get up and go to work?
There's an order for getting up in the house that I live in because I live in the house of the owner of the field, on the land where we work, at the edge is the house where we live.

Each person gets up at a different hour?
Yes because we take turns in the bathroom because there are only two. So one person gets up at 5, another at 5:30, another at 6.

And you?
At 5:30am.

The earliest!
Yes, at 5, I get up.

Getting up at that hour, are you very tired?
A little.

How many people live in your house?
5, 6, 7... 9 people. Yes, so, we have to bathe quickly in order for everyone to have time to get ready. But yes, at 7am we start to work, from 7am until 6pm is the regular work time. But when it's a busy time or there are a lot of purchase orders, we leave around 7pm, 7:30pm.
What time do you have your lunch break?
We take a lunch break at 12:30pm.

How long is your break?
30 minutes.

Do you have other times during the day for breaks?
Yes, we have 15 minutes of break.

One time?
Two times per day.

What time do you return to your house?
Like I said, we live there on the edge of the farm, so we only walk a little and we are home.

So around 7?
Yes, basically.

Can you describe your housing? Who lives there?

Who is the landlord?
The landlord is, as I said, our boss because he’s the owner of the house. So basically, it’s just my family that lives there.

Your family?
One could say family because I live with my godparents. My godparent works there. His children work there. So we are a classic family.

How many rooms are there?
Only 2.

For how many people?
9 people. Or 10 people.

Do you receive overtime pay if you work more than 40, 50, or 60 hours?
No, never. We’ve never had it. My godparent has worked for this company for thirty years, and in the 30 years that he’s been working there, he’s never received overtime. Never received compensation. Never had anything. But basically, we work a regular time, which is good in the summer, 68 hours a week, nearly 70 hours a week, but we don’t have overtime.

Do you receive any benefits, like health insurance or worker’s compensation if you have an accident at work?
No, I mean according to the rights of workers, yes, but I don’t know.

You don’t have these?
No, that is, I haven’t had an accident, so I haven’t had a problem. In some cases, they say the bosses will try to help the people who have had an accident, but it’s not the case at my company.

At your company?
No, at other companies. At mine, no. No one’s had any accidents.

But do you have health insurance?
No.

Long Island, December 22, 2017
My name is Will Thomson, I’m 26 and I worked as a greenhouse assistant at a large hydroponic farm in Brooklyn, New York. Our work was very repetitive and relatively monotonous. Each day began at 7:20 sharp with harvest. Working in pairs we would cut a large section of basil or lettuce and then rotating with our coworker to bring it to the pack house. After a few hours of harvest we would start to clean. We would scrub the long PVC pipes out of which the plants grew, lifting them out of the racks they were set in and washing them down with an industrial cleaner. We would then transplant younger plants into the cleaned pipes, putting each plant into small holes in the pipes. It would often get very hot in the greenhouse, in both winter and summer. In summer despite the windows being open we would often be dripping with sweat and in the winter, although cold outside, heaters inside the greenhouse would make it muggy and oppressive behind the glass. We took a 30-45 break for lunch, and besides stopping to get water, we didn’t take any other structured breaks during the day. At the end of the day we would crawl under the racks and piping that held the plants and sweep up the debris, which was particularly hard on our knees. Our day would end strictly at 3:30, so our hours wouldn't exceed 40 hours a week. Although overtime pay was available we were reprimanded if our hours went over 40 hours per week. Although benefits were available to us, the medical insurance was not affordable for the greenhouse employees who made between $9-12 per hour. One of my coworkers had medical issues and was nervous about not being able to afford the healthcare. Many of our coworkers were recent immigrants, mostly who worked in the pack house, largely from Tibet and Nepal. There seemed little effort to clearly communicate issues like health care availability and other small benefits provided. Because of issues like low wages and management pushing us to work faster to finish the days under 40 hours a week, myself and a number of other coworkers talked about trying to organize a union and reached out to a service union for assistance. However, after a number of meetings with the union representatives they told that it would be very difficult for us to organize because we were not classified differently than other rural farm workers, so we did not have the protections afforded a majority of the regular workforce like the right to organize a union. After this the drive to organize for better conditions fell away, and while we still grumbled about working conditions we felt like we had little power to change them. Brooklyn, 2017.
What's your name?
Antonio.

And your age?
I was born in 1951. I'm 66.

What type of work do you do?
My type of work is, people always call it agricultural work because it’s in a field. I work at an ornamental plant company. This has been my work for 10, 11 years.

How many years?
12 years.

And you grow ornamental plants?
Yes, ornamental plants. It’s a nursery. A nursery [points outside], this field.

Can you describe your workday? What time do you wake up and go to work?
I get up at 5 in the morning. From March until September, I work until 6 at night. And September until now, from 5 until 3:30pm. I work 8 hours now. That’s my work schedule.

What time do you take a break to eat?
At 7pm.
Do you have other times during the day when you can take a break?
Only at lunch, for half an hour.

What time do you come back home?
6:30pm.

Can you describe your housing? Who lives there? Who owns it?
Here where I live? Here, the owner is another person. We rent it. We are renters of this house.

But the owner is part of your family or someone else?
We have the house by contract for the winter. My whole family lives here. We have a contract to rent it for the year.

Each year you have to renew the contract?
Yes.

Who lives here?
My children, my sons-in-law, my grandchildren, my whole family.

Can you describe the housing? How many rooms does it have?
6 rooms, 3 upstairs, 3 downstairs.

Do you receive overtime pay if you work more than 40, 50, 60 hours?
No, there's no overtime.

Do you receive any benefits, like health insurance or worker's compensation if you have an accident at work?
Health insurance, maybe, if there's a serious accident at work, it's possible the company will pay a little.

But not for all of it?
Not for all of it. They have emergency insurance, but nothing more than that.

Long Island, December 22, 2017
“My name is Victor Hernandez and I originally from Guatemala. There are a lot of injustices and a lot of wage theft. When I first came to this country, I worked in Delaware at a chicken company. In that company, I had fifteen hours of training, and after 40 hours of work I had overtime.

When I moved to New York, I was surprised to find out that we had no training to work in the dairy industry. When I worked at the chicken company, we also had lunch breaks and a break. In the dairy industry in New York however, we did not have lunch breaks or regular breaks and we were expected to work 13 hours straight, seven days a week, sometimes working 95 hours a week, without being able to eat or anything.

We would be working, and have to pull a fruit from our pockets and eat while we worked. These are no
conditions for humans to be in. **All of us are human**, blood runs through our veins, even if we are different colors, we all have blood running through our veins. A lot of people say that because we are undocumented in this country, we are not worth anything and have no value, but really we contribute so much to this country. Like so many other immigrants, **we work and we pay taxes**, in our checks they take out taxes and at the end of the year, we do not see any of that returned to us. And who is being exploited? We are.

There are a lot of people who say that we came to this country to take jobs away from people who live here, but we did not come to take away anyone’s jobs, **we do the work that no one else wants to do**. There are people who do not want to work for the minimum wage. In 2011, I started working at a cow ranch. This was the second time I worked at a cow ranch. In the course of 3 years and a half, **I had five accidents**. First I broke a finger, and then I tore my forehead open, and then I fractured a bone in my face, among other accidents, and with none of those accidents my boss helped me or took me to a hospital. One time I asked my boss for permission to go to the hospital, and he told me that I had to ask him 3 days prior for permission. Who knows when they are going to get sick? As agriculture workers, we are excluded from various laws. **We all deserve dignity.**
"My name is Yadira Vasquez and I am 35 years old. My job is in a farm garden. My day starts with waking up at 10 minutes before 6 in the morning. I prepare my waters and also I prepare them for my kids so they bring something to school like snacks, and afterwards I immediately leave for work because my shift starts at 7am. The supervisor tells us what we have to do, it could be to water plants and trees, to keep them moist, to plant small trees, prune the plants, weed the undergrowth, sometimes put mulch, also to take off the extra canvas from the root ball of the trees and the ties of the balls. I only rest 30 minutes at lunch time, and in the summer the day ends at 7pm, but I leave at 6 because I have my three children and I have to pick up the smallest from the babysitter and it’s still very little time to prepare their food and help them do their homework that’s why I leave an hour early but even with that I don’t have enough time. I work between 50 to 55 hours per week without overtime pay and without intermediate breaks during the day, it’s a very long shift. During four years that’s how I worked for the farm, and it wasn’t until this year they offered us medical insurance for 40 dollars a week, but I did not apply because that’s a lot of money and I am a single mother and what I get from my salary is only to pay for my food, rent, and to maintain my children.

And I would like for the supervisors and managers to respect the women the same as the men; and to not take the right to mistreat and abuse with strong
words and curses, in addition to sexual assault by the way they talk and by insinuating that if I don’t accept it I may lose my job. Many times they do all of that just because they have a higher position.

I worked in a potato farm and the supervisor was a Mexican and in that place there was machinery to select and separate the potato. When I went to work there they assigned me a place to work. Well, in the machinery there had to be various people and I had to be in a very narrow space. It was only for one person and well, it was a space only for me. During the time that I worked there the supervisor frequently passed by there, very close to me with whatever pretext and like I said before the space was only for me and he passed behind me. He touched me with his body until I told him to not do that anymore, and to warn me when he needed to pass so that I would move. He just laughed and didn’t do it. That was for three days and on the third day I changed places, but he continued to do the same thing and even though in the other spot there was more space, it didn’t matter to him and he only laughed at the change. He was getting close to me with the pretense of seeing the conveyor belt of the machine that selected the potatoes. He stood behind me and I stopped and I said to him ‘enough’, that he had no need to get close to me and less to touch me and if he did it again I would say to the father of my children, and he told me not to say anything because he did not want trouble and would not do it anymore. But when we had to use the bathroom we had to enter his living space because there were no bathrooms, just the one where he lived and I went to the bathroom and leaving the bathroom he closed the door of his apartment and told me ‘if you want I can give you the salary they pay here without having to come to work you only would have to be with me for a little bit intimately, you know what I mean.’ And I told him that I was not like the others and that if he continued harassing me I was going to tell the father of my children and he opened the door and let me leave. But I did tell the father of my children and the next day he brought me to work and grabbed the supervisor by the chest and told him not to harass me again because I was not alone and he knew how he treated the others well the work there was known, and the next day he called me in to tell me that there was no longer a job for me."

Long Island, January 12, 2017
"My name is Cristina Perez, I am from Oaxaca, Mexico. I came to this country in 2003. I will tell you briefly about my history,

I decided to come to this country to look for new opportunities but it was hard for me like any other person to adapt to a new culture like the language, customs, and environment. Since the time that I arrived in this country I started working in the agriculture. It was very difficult because I had to work heavy jobs that involved harvesting fruits and vegetables. I migrated through different states and I have now resided in Upstate NY for many years and my knowledge has increased a lot. I am learning English and learning more about my rights as a worker. Also I have a beautiful family, thanks to God.

It has been very difficult for me. Recently I was working harvesting apples in very cold and rainy weather. However that was not enough to prove that I am a productive person because **the supervisor did not like**
that I asked permission for time-off. He wanted the workers to be there without having to ask for any time-off at all. As a mother I ask for permission to take my children to doctor’s appointments and school meetings but he does not like that. He would say that I "don’t like to work" and that is why I am asking for so much time-off but it is to take my kids to necessary appointments. Also, as a woman I received many verbal abuses, nothing respectful. It is very difficult to deal with a supervisor with a personality that it is so potent. **But we have to endure our supervisor's screams in order to keep our jobs.** As you can see the supervisors use their power to take advantage of us in many different ways. **This supervisor told me more then once, “If you do not do what I say or follow my orders then you are useless for me.”** For example; one time one of my girls needed to go to several doctor’s follow-up appointments because they detected arthritis on her one of her legs when she was only a toddler! I couldn’t miss those appointments and so he said *"are your appointments more important than losing your job?"*

These are things that we have to go through because we do not have a right to speak and not be unjustly fired, so we want to be treated fairly. **We do not want to suffer from verbal abuse, sexual harassment, or sexual abuse.** This is just my example, but there are many women that go through similar situations. I deserve to ask for a day off and be able to have one the same as any other industry in New York State.

Life goes on and we have to continue to seek opportunities not just for me but for my co-workers and for thousands of workers in this state’s agriculture. I want my kids to go on with their education and have a better life.
"Since I came to this country I’ve worked in agriculture. Not too long after arriving I started working on dairy farms. The first dairy farm that I worked on was from 2006 to 2010. In that farm I was working 80 hours per week, I never got paid overtime. I was only getting paid the minimum wage, so I needed to work that many hours to make enough to support myself and my family. In this farm from Genesee County I learned that we get bonuses every time according to the quality of the milk produced that month. Sometimes it was a very good bonus. We would get a bonus of $300 to $400 that month on top of our weekly wages. The farmer mentioned that we receive them from the buyers because the buyers want great quality milk. A way to ensure this quality is to compensate the workers, to motivate us to work well for a great bonus. In 2010 I left to go and find better opportunities, but on the contrary nothing was easy for me. Since I left that farm from Genesee county, I had moved several times from farm to
farm for a better pay and better treatment. What I found was worse because in one farm the manager was putting too much pressure on me to work harder and harder with the same minimum pay. I moved around also because farmers will give me 40 hours per week and only paid a minimum with no overtime and no significant bonus per month for the milk quality produced. What I learned from my first dairy work is that all farmers get bonuses to compensate their workers depending on the quality of the milk production. But in my present job I don’t get any of the bonuses from the quality. They said that it is already included in the transportation that they provide us with to go grocery shopping and in the housing provided, but all farmers provide housing.

I arrived at my present location in 2013. about one and a half years ago I had an accident on one of my fingers from my left hand being smashed in a door. I still worked all night and finished my shift. My finger was in very bad condition, it was bleeding badly from the cut from the door. I told the farmer but nobody took action until 8 days later when they took me to a clinic. The doctor asked why I waited too long to come, I responded that I had no way to get there unless the farmer sent me with one of their drivers.

In 2015 I got surgery for colon cancer. I got well enough and had to go back to work because I had no family near by to support me. On the contrary I have to work to send money to my family in Mexico.

In 2017 I had another accident, another door squished my right arm. I had a surgery in August because my shoulder muscles were torn apart. Right now I am in recovery.
What is your name and age?
What type of work do you do?
My name is Jose Garcia. I worked, I have worked in many things. At the moment, I am not working, but I have worked at processing plants, onion and potato factories. Also, I have worked picking apples, trimming grapes and apple trees and dairy farms. I have also worked with Christmas trees.

And why were you not working?
Right now, it's because of a syndrome I have. I have problems with my nerves. They give me a lot of pain and they cause a lot of problems, and even on my fingers [shows thumbs]. Because of that, I cannot really show it because one day I hurt myself with a nail, and a friend who thinks he is funny said, "We could give you the little "Like" hand from Facebook. I did not like that.

What is your age?
I think my age is 30 years.

Describe your day at work, in your most recent job.
Describe your day. At what time do you get up and go to work? At what time do you take your break?
In the potato farms, I would get up at 5, 5 in the morning. In the apple farms, the same, at 5 in the morning, from 5 to 7. In the potato farms only until 5:15.
At the dairy farms, there are times when you have your lunch break and there are times when you do not have time. It was a matter of having time always. It's also the pressure that is generated by a worker because a dairy farmworker gets to work at a certain hour. Then on occasion, you have problems with a new cow and you have to take it in. If I lose five minutes, at the end it's 15 or 20 minutes. Then whoever picks up the milk will get bothered because they have to go three other dairy farms. And then, basically, on
occasion, you have time to eat, but you hardly eat. The whole time, you get 15 minutes of a half hour, you only get 15. In another dairy farm, not because on occasion I took care of smaller cows, and on occasion, I had some cookies in my bag, and I had to take them.

I would go in at three in the morning and I would stay there until 6. 6 in the afternoon. And on occasion, I did not have any time to eat. Sometimes, there were a lot of smaller cows. On those days, you took care of 30 small cows. I would lose a lot of time, I would be milking, all of them. So, that was a lot of time and I could not eat during my time and with the same pressure.

My supervisor always, if I did not finish at that time, he would say "If you do not finish at that time, I will not pay you more." There were times I would work two or three more hours but they were apart. If you did not finish your work by the time they said, they are 3 or 6, you have to punch your card at 6, and if you did not finish by 6, then, those hours you worked after you did not get paid. And with that dairy farm, I was able to get my check with the help of the Department of Labor.

Describe your home. Who lives there? Who is the owner?

Well, right now there's an activist, where I live. Before, I paid rent, but on those occasions, I did not get paid much for rent and to eat. Before, an organization talked to this woman, who is an activist, and she did us a favor of giving us shelter. That's why I live there now.

Have you received overtime pay if you have work more than 40, 50, or 60 hours?

No. My biweekly payment was of 900, 946 dollars. At the dairy farm.

Have you received any benefits like health care or compensation if you had an accident at work?

I did not have any compensation.

And health benefits?

No. What I have noticed is that an organization of clinics, called Finger Lakes, and they help farmworkers a lot.

But at your work, no?

No.

Long Island, January 10, 2018
"My name is Dolores Bustamante. I have been working as a farmworker for 10 years now. I have worked in different states: Florida, Georgia, North Carolina, Maryland, and New York. I came to this country 14 years ago, and now I feel that I am part of this country.

The difficulties that we have is that we do not have the right to overtime pay, medical insurance, or the right to a day of rest. We as agricultural workers, during the harvest season, do not have a fixed schedule. We go to work when the sun is rising and leave when the sun has set. I have lived this firsthand.

For example, I will describe my routine. I get up at 5:30 am, prepare my food for lunch, say goodbye to my daughter, and get in the car to go to work. Once I arrive at work, my day starts at 7am, I start pruning apple trees until 10am. At 10am we have our first break. At 12 pm, I have a half-hour lunch, and at 3:00 I have another
15-minute break. Fortunately, where I am working now we are paid 15 minute breaks. **But in many other ranches they do not give us 15 minutes break and they do not pay us.** We finish working at 4:30 or 5pm. I return to my house, cook something for dinner, rest a little, and go to sleep to start another day.

When it is by contract, we do not have breaks throughout the day. If we rest we are not paid for that rest time. Because one earns money according to how much one is able to work. At the same time I have to get up earlier, usually at 5am.

**Agricultural work is usually not stable, we often go from one place to another.** I also want to emphasize, that in some farms we agricultural **workers have to work under extreme heat, cold, and rain.** Right now I do not get paid overtime if I work more than 40 hours a week. In most of the farms that I’ve worked, we suffer from not having accessible toilets in the field. This is still true today. Can you imagine yourself as a woman working among men, where do you go to the bathroom? It is something that we do not have and it is very important and necessary.

Personally, in the state of NY, as a woman I have experienced discrimination. Not all the farms accept women. It has to be a man; men have to take care of women if they are couples. **They do not accept women, because they think that we cannot do the work that men do.** But really I think we can do it. In the farm that I currently work in, however, they do accept women.

I like working in the fields. However, I think I would like it more if we had fairer pay, a day of rest, more benefits, and access to bathrooms."
"My name is Crispin Hernandez, I am one of the organizers of the Syracuse worker center. I am 23 years old.

Prior to working with the center, I worked in a New York dairy farm. There were two shifts, one during the day and the other one at night. If I had to work in the morning, I had to get up at four to eat and get ready. I had to work 12 hours, from 6am-6pm. **They told me I had half an hour for lunch, but it wasn’t true.** Because the work is very intense and does not allow time to take 30 minutes of rest. **There was a lot of pressure to get the work done and work as fast as possible.**

I lived in the Rancho, but the conditions were very bad. Where I lived there were bugs, cockroaches and mice. It was a trailer where there were 8 people already living there and **the only free space to sleep was a couch in the living room.** I would arrive tired after working 12 hours. Many times I could not sleep, because the other companions got up to make food and get ready for the night shift. It was a tough situation and difficult to deal with. The conditions were so bad that the workers decided to organize and nowadays everyone has his or her own room. That's why the houses are in good condition now. **That achievement was thanks to the workers and their voices.**
After 40 hours we were not paid overtime. **We as agricultural workers are excluded from overtime, the right to organize, and a day off.** Other workers in construction, McDonald's, Wal-Mart etc., get paid overtime. But we, who are feeding all the families of the world, are excluded from the labor laws. We agricultural workers are one of the strongest industries. Thanks to us there is fruit, milk, vegetables, etc. We are contributing a lot to this country and it is not fair the level of injustice that agricultural workers experience on the farms. It is not fair that after so many years there are still many incidents at work because there are not many regulations in place. We are also vulnerable to wage theft, and **we want justice to be done!**

I want to share a little bit about the injustices that I have lived. I had an accident at the end of 2012. I was spraying a cow, but I was new and did not have much experience working with the cows. Then, the cow flattened my hand, which resulted in a very ugly injury. My gloves were on, and when I pulled the gloves off my hand I was bleeding a lot. I went to the employer and her daughter, and I asked them for help. **They did not take me to the hospital or give me first aid.** Then I went to the doctor on my own. And as expected, the owners **did not give me rest days.** Everything would have been different if I had medical insurance and workers' compensation.

In all the three years I was at that farm, I saw many injustices, and incidents. What happened to me was the result of not being trained when I started the job. In November 19, 2017 **a worker died as a result of not having the proper training.** He got stuck in a machine and died. We need the ranches to train us before doing any kind of work, to avoid incidents.

I saw how my colleagues worked all the time, very hard and for many hours. For example, there were two people. One had 40 cows on each side, and the other had 20 likewise. Really the work that I did and the work my colleagues do is very heavy and there is a lot of pressure. For example, now in the winter, it is very cold, everything freezes and there is a lot of water. This is very important because just by not milking the cows for 8 hours, they will get sick. They get something called mastitis, it’s really bad for the cows, and then it’s hard to get the milk out of them. And that’s why **it does not matter that the weather is 20 below zero, or that there is snow and rain.** A farmworker needs to be available to work 24 hours a day.

Sometimes, the employer would arrive to check on us, after we had been working for many hours. He would come in shouting at us. **He did not see us as human beings.** In general, in this sector of agriculture, they do not see us as humans and they exploit us. **The owners treat cows better than the workers.** I did my job as best as I could. We
deserve respect and for people to see us as human beings. The work we are doing is very important, and therefore they employers should give us all the equipment we need. At this place we even had to buy our own gloves.

One day the employer's manager physically assaulted one of the workers in front of everyone else at the farm. After seeing such treatment, I made the decision to organize a protest on May 1st, 2015. After the protest, the owners used intimidation tactics to make me leave the farm. I was resisting that for about a month and a half. Giving the intimidation tactics, I also made the decision to organize a committee of workers inside the farm. Four farmworkers and myself started organizing. Then the owners intimidated us with the state and county police, when we were giving a health and safety talk. We decided to meet for eight days, only me and my partner Saul because the other three workers were scared and did not continue with us. At that time, we were with the worker justice center and the workers' center of central New York.

We went trailer by trailer distributing bulletins, describing what had happened those eight days. Across the street the owner's son stopped with a motorcycle wanting to interrupt what we were doing. The next day they fired us unfairly. The explanation we got from the owners was that the cost of milk was very low in price and that there were many workers, so they had to evict two workers and those workers were us. But clearly it was a lie. The owners of this farm knew they could fire us, because we do not have the right to collectively bargain. If we had this right, they would not have fired us.

That is why I demanded the state of NY and the governor give us the right to organize. We demand again today in the capitol. With the help of God and all people, we will continue fighting so that we are treated like human beings! We will not rest, and together we will fight for victory always!
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