



in our own backyard

THE HIDDEN PROBLEM OF
CHILD FARMWORKERS IN AMERICA

<http://www.ourownbackyard.org>

Part I: The Hidden Problem

Harms of Child Labor

Human Rights Watch describes the dangers posed to child farmworkers and the long-term effects of their labor.

*Source: Fingers to the Bone: United States Failure to Protect Child Farmworkers,
Human Rights Watch, 2000*



Children working in agriculture face an alarming array of dangers. On a daily basis they may be exposed to carcinogenic pesticides, dramatically unsanitary conditions, heat-related illnesses, and hazardous equipment. Their immature and still-growing bodies are more vulnerable than adults' bodies to systemic damage, and their lack of experience makes them more susceptible to accidents and work-related sicknesses.

Despite their greater vulnerability, children are afforded no more protection than adults-to the contrary, they essentially receive *less* protection, in that health and safety standards now in place have been formulated with adults in mind. The Environmental Protection Agency's (EPA) pesticide reentry intervals (REIs) for example-which set the minimum period of time that workers must be kept out of a field after pesticides have been applied-are determined using the model of a 154-pound male.¹⁸ Nor do Occupational Safety and Health Administration standards take into account the special risks facing children.¹⁹

Pesticides

When I was fourteen I worked in the fields for two weeks, chopping the weeds around the cotton plants. . . . I woke up one night, I couldn't breathe; I was allergic to something they were spraying in the fields. I stopped breathing . . . I tried to drink water but I couldn't so I ran into my mom's room 'cause I didn't have no air in me and I was like [wheezing gasps] trying to get air in there but I couldn't . . .

At the hospital they said I was allergic to something out there . . . something they were spraying. . . . They sprayed the fields in the morning. We'd be out there when they were doing it, or when they were leaving, or we could see them doing other fields. They'd spray by plane. -Richard M., seventeen years old²⁰

On June 27, 1997, seventeen-year-old migrant farmworker Jos_ Antonio Casillas collapsed and died while riding his bike near his home in rural Utah. Emergency workers found white foam streaming from his nose. According to Jos_'s uncle, the day before he died the boy had been soaked with pesticide sprayed from a tractor; a week earlier he had also been sprayed, while working in a peach orchard. After the second spraying he showed symptoms of severe pesticide poisoning, including vomiting, sweating, diarrhea and headaches. He had received no training from his employer regarding pesticide dangers and the symptoms of exposure, and reportedly slept in his pesticide-soaked clothing the night before his death.²¹

Exposure to pesticides is a serious risk to all farmworkers. The Environmental Protection Agency estimates that as many as 300,000 farmworkers suffer pesticide poisoning each year,²² while the Natural Resources Defense Council estimates as many as 40,000 *physician-diagnosed* poisonings occur each year.²³ Only a small percentage of pesticide-related illnesses are reported to government or health officials.²⁴

Few studies have been undertaken regarding pesticide exposure levels among agricultural workers-and none regarding juvenile farmworkers-but those that have show high rates of contamination. Workers in Washington apple orchards, for example, were found to have sixteen times more pesticide residue in their urine than their nonfarmworker neighbors.²⁵

Thousands of pesticides are registered with the EPA and currently in use in U.S. fields.²⁶ Three hundred and fifty are registered for use on food crops.²⁷ At least 101 are probable or possible

human carcinogens.²⁸ In addition to cancer, pesticide exposure has been linked repeatedly to brain damage, endocrine (hormone) disruption, and birth defects.²⁹

The risks are particularly acute for children. In 1998, the Natural Resources Defense Council (NRDC) released *Trouble on the Farm: Growing Up with Pesticides in Agricultural Communities*, a comprehensive report detailing the dangers to children of pesticide exposure. According to the NRDC:

*Children and infants are uniquely at risk from pesticides both because of physiological susceptibility and greater relative exposure. . . .*³⁰

*[T]heir bodies cannot efficiently detoxify and eliminate chemicals, their organs are still growing and developing, and . . . they have a longer lifetime to develop health complications after an exposure. [Furthermore], children are disproportionately exposed to pesticides compared with adults due to their greater intake of food, water, and air per unit of body weight.*³¹

Children and adults working in the fields may be exposed to pesticides in a variety of ways, including: working in a field where pesticides have recently been applied; breathing in pesticide "drift" from adjoining or nearby fields; working in a pesticide-treated field without appropriate protective gear, such as gloves and masks; eating with pesticide-contaminated hands; eating contaminated fruits and vegetables; and eating in a pesticide-contaminated field. Fields are typically sprayed with pesticides on a weekly basis.³²

Workers may also be exposed to pesticides if they drink from, wash their hands, or bathe in irrigation canals or holding ponds, where pesticides can accumulate. Despite the fact that such practices are commonly reported and known to occur frequently, the pesticide level of irrigation canals and holding ponds is not monitored.³³

Immediate signs of acute pesticide poisoning include nausea, vomiting, diarrhea, wheezing, rashes, headaches, and dizziness.³⁴ Long-term consequences may include childhood leukemia, kidney tumors, brain tumors, brain damage, and learning and memory problems.³⁵

Many of the children interviewed by Human Rights Watch reported being exposed to pesticides and experiencing one or more symptoms of pesticide exposure, most commonly headaches, nausea and vomiting, rashes, and dizziness. Some were subjected to pesticide drift when adjacent fields were sprayed while they were working. Others noticed the smell of pesticides in the fields where they worked and saw residue on leaves.

When they sprayed-usually once a week-we would leave the field for half an hour.

Once they sprayed the field right next to where we were working. We all got horrible headaches. One woman was vomiting. The foreman sent her home, but the rest of us had to keep working.

-Damaris A., nineteen years old³⁶

We would smell pesticides once in awhile in the fields. We would get headaches and rashes. Red and itchy rashes all over our hands and wrists. For two or three days the rash would stay. We would tell our supervisors, and they would say "it's normal-it's

from the plants. " We know it's not from the plants! But we'd have to keep working anyway.

-Dina V., nineteen years old³⁷

None of the youth interviewed for this report had received training regarding the dangers of pesticides, safe usage, preventive measures, or what to do in the event of exposure. Such training is required by the Worker Protection Standard of the EPA.³⁸

Some of the teens interviewed did not even know what pesticides were. Javier P., who began working in cotton and onion fields at the age of fourteen, responded to a question about pesticides by saying, "Pesticides? Was that the medicine they put on [the crops]? No, I don't know anything about that."³⁹

Others were unaware of the dangers and symptoms of pesticide poisoning. A fifteen-year old girl, for example, reported that many of her friends had become sick and thrown up while picking strawberries. She attributed these illnesses, however, to "lots of germs on the fruit," and said her friends "got the flu from working in strawberries."⁴⁰

Human Rights Watch spoke with a boy who, when he was sixteen years old, spent a summer using a pesticide backpack sprayer to treat weeds growing in the corn fields of a local landowner. Twice a day, three times a week, he mixed the pesticide and then sprayed it to cover the weeds' leaves. Asked if he wore gloves, a mask, or any protective clothing, he waved his hand dismissively and said "Naw . . ." The landowner had told him it was nothing to worry about.⁴¹

The Fair Labor Standards Act enumerates "Exposure to agricultural chemicals classified as Category I or II of toxicity" as hazardous agricultural conditions. Accordingly, on a farm where the FLSA applies, children aged fifteen and under are prohibited from handling category I and category II pesticides. They may still handle pesticides of lower toxicity, while juveniles aged sixteen and older work without any pesticide-related restrictions.

The EPA's Worker Protection Standard regulates workers' involvement with pesticides. It requires, among other things, the training of all workers involved in mixing or applying pesticides, and the use of protective equipment and clothing when handling pesticides. It does not set any minimum age requirement for mixing or applying pesticides. A separate EPA regulation sets restricted-entry intervals. REIs are no more stringent for juveniles than for adults, despite the heightened risk of juveniles to suffer pesticide-related illnesses or injuries.

Although there have been very few studies to date regarding pesticide exposure among children and youth working in agriculture, the data that do exist suggest that such exposure is commonplace. A 1990 study of migrant farmworker children in New York State found that more than 40 percent had worked in fields still wet with pesticides, and 40 percent had been sprayed with pesticides, either directly from crop duster airplanes or indirectly from drift.⁴²

Juvenile farmworkers, as is the case with all farmworkers, have very little power to protect themselves from the danger of pesticides or other health risks in the fields. If they complain they are likely to be, at best, ignored. At worst, they will be fired. "I encountered a lot of people with blisters and [pesticide-related] health issues," an outreach worker told Human Rights Watch. "When they confronted their farm labor contractor or employer they were fired-gone the next day."⁴³

Children's cumulative exposure to pesticides from all sources, including food, water, dust, and air, is already a source of concern for health professionals.⁴⁴ Additional exposure in the fields makes the risk more urgent still.

Children who live on or near agricultural land, or whose families work in the fields . . . are likely to be the most pesticide-exposed subgroup in the United States. . . . Many of the children with the greatest pesticide exposures are from migrant farmworker families . . . [F]arm children face particularly significant health risks.⁴⁵

Under pressure from a variety of medical, scientific, farmworker, and children's advocacy organizations, the EPA is evaluating current protections for children and assessing their adequacy. "We're concerned that children may be a special population in need," an EPA official acknowledged to Human Rights Watch.⁴⁶ To date, though, the EPA has not taken concrete steps to increase the protection of juveniles working in agriculture or other children living on or near farms.

Sanitation

Drinking water, water for hand washing, and toilet facilities are the minimum sanitation requirements imposed by OSHA on farms. Even these minimal requirements, however, are often ignored by growers and by the farm labor contractors who bring in workers. Furthermore, Congress prohibits enforcement of these regulations on farms with ten employees or less, essentially exempting small farms from having to protect their workers' most basic health and dignity requirements.⁴⁷ An estimated 95 percent of all United States farms fall under this exemption.⁴⁸

State occupational safety and health requirements may be more or less stringent than federal, or more stringent in some respects but less protective in others. In Arizona, for example, state occupational safety and health requirements apply to all farms with five or more employees, thereby covering many more workers than does federal OSHA.⁴⁹ On the other hand, Arizona state regulations only require one toilet for every forty workers, as opposed to the federal OSHA requirement of one toilet per twenty workers.⁵⁰

Nearly all of the children interviewed by Human Rights Watch for this report said that they had worked in fields or orchards where one or more of these three basic requirements—drinking water, hand-washing facilities, and toilet facilities—was not met. Similar findings were reported in California and North Carolina surveys by others.⁵¹

Lack of Toilet Facilities

In Arizona, comments regarding toilet facilities included:

Portapotties? [Laughs.] No. Every place I've ever been, you just take tissue paper and find a hole.

-John P., age eighteen⁵²

No, I never saw a portapotty.⁵³ I wouldn't expect a portapotty.

-Ricky N., age seventeen⁵⁴

They [portapotties] are too nasty to use. Sometimes they're near, sometimes they're far, but it doesn't matter because no one will use them anyway. Even at the beginning of the season they're horrible. You either have to find another spot or hold it. I usually try to hold it.

-Sylvia R., age eighteen⁵⁵

A top official of the Occupational Safety and Health Division of the Industrial Commission of Arizona-often referred to as "state OSHA" or "Arizona OSHA"-told Human Rights Watch that a lack of toilets was, together with a lack of drinking cups, the "biggest complaint in the fields."⁵⁶ Notwithstanding this, the same official also reported that his agency, which is responsible for enforcing state sanitation regulations, does not do farm inspections on its own initiative and does not do surprise inspections.⁵⁷ He was unable to provide Human Rights Watch with statistics regarding citations for sanitation-related violations in agriculture.

Lack of usable toilet facilities is unsanitary and contributes to the spread of parasitic infection among workers. It can also be particularly dangerous and humiliating for girls and women, in that it leaves them with the unpleasant choice of either public urination-more obvious and awkward for females-or urinary retention. Urinary retention is a cause of urinary tract infections, which are suffered by farmworkers at a higher rate than the general population.⁵⁸ A desire to avoid urination may also lead workers to limit their fluid intake, with potentially grave, even deadly, consequences.

Lack of Handwashing Facilities

Both federal and state occupational safety and health laws require agricultural employers to provide their workers with soap and water for handwashing. Only about half of the teens interviewed for this report said that handwashing facilities were available at their work sites.

Being unable to wash their hands with soap and water increases farmworkers' risk of pesticide poisoning. Pesticide residue on the plants transfers to workers' hands and arms, where it remains until they are able to wash it off. If this is not possible while at work, their skin can remain contaminated for twelve hours or more-however long it takes them to get home and wash-greatly prolonging their pesticide exposure.

Unwashed hands also virtually guarantee that pesticides will be ingested when workers eat their lunch. Workers typically break for thirty minutes for lunch, often sitting right in the fields to eat or moving to the edges of the fields when shade is available.

There was no water for washing hands. Women on the packing tractor can wear gloves but when we picked we just used our hands. Then we would eat our lunch. There was no way to wash our hands first.

-Sylvia R., eighteen, discussing her work picking cantaloupes the previous summer⁵⁹

When employers don't provide handwashing facilities, workers may resort to washing in irrigation ditches, which are unclean and often contaminated with fertilizer and pesticide runoff.⁶⁰ Or the employers or field supervisors may themselves provide dirty and

contaminated water to the workers. "Occasionally farm labor contractors will get water from the ditches or drainage canals and put it in a container as water for the employees to wash their hands with," reported a compliance supervisor with Arizona's Occupational Safety and Health Division.⁶¹ Such water exposes workers to dangerous chemicals and to organic wastes and parasites.

Lack of Drinking Water

Physical labor under hot conditions can rapidly overwhelm the body. Without adequate fluid intake and rest, workers risk devastating dehydration and heat-induced illness, up to and including death. (Heat illness is discussed in the following section.)

The U.S. Occupational Safety and Health Administration and the Environmental Protection Agency recommend that workers laboring under hot weather conditions drink a minimum of eight ounces of water every half-hour.⁶² Very high heat or humidity increases the amount of recommended water, so that, for example, a person working in 90 degree heat under a full sun should drink eight ounces of water every fifteen minutes.⁶³

Federal and state occupational safety and health laws require agricultural employers to supply sufficient amounts of cool water to their workers.⁶⁴ OSHA estimates "Sufficient" at "two to three gallons per worker on a hot day."⁶⁵ Arizona *requires* a minimum of two gallons per employee per day of "suitably cool" water.⁶⁶ Only some growers and farm labor contractors comply with this requirement. Many provide inadequate amounts of water, water that is hot or warm, or no drinking water at all.

Still others provide contaminated water. An Arizona farm was cited in 1997, for example, for providing farmworkers with water contaminated by E. coli, dangerous and potentially fatal bacteria.⁶⁷ An owner of the business, Texas Hill Farms, confirmed to state inspectors that canal water was being given to the farm laborers; office workers were provided with different, uncontaminated water.⁶⁸ The same farm was also cited for failing to provide toilet and handwashing facilities to its agricultural workers. The Arizona Industrial Commission Division of Occupational Safety and Health assessed a total penalty against the business of \$2,250 (\$1,250 for providing contaminated water and \$1,000 for the lack of toilet facilities).

Many teens reported that their foremen or farm labor contractors would bring one five or ten-gallon jug to the work site; when it was gone, no more water was brought in.

We had to share water from one big jug. It wasn't enough. You couldn't drink as much as you wanted. Maybe twice a week we would run out of water completely.

An old man took us there [to the field] in the morning, set us up, then would come back in the afternoon to pick us up. If you ran out of water, if you passed out, tough.

-Ricky N., age seventeen⁶⁹

Other young workers told Human Rights Watch that they had to bring their own drinking water.⁷⁰ Still others bought beverages from co-workers or supervisors who, in lieu of providing water, sold sodas or beer for \$1.00 to \$1.50 each.

The supervisors sold beer for one dollar each. Lots of supervisors did this. People buy it because they are thirsty, not because they want to drink alcohol. They [supervisors]

also sell it to teenagers-whoever. They don't care about your age. . . . People might buy several beers in a shift.

-Sylvia R., age eighteen⁷¹

[Some] farm labor contractors take out an ice chest filled with Coke, charge a dollar or a dollar-fifty for a Coke-this is economic exploitation. [Selling beer] is a health and safety issue.

-Art Morelos, Compliance Supervisor, Arizona OSHA⁷²

Federal OSHA discourages consumption of soda by agricultural workers (the gases make it difficult to drink sufficiently large quantities of fluids) and warns strongly against the consumption of alcohol:

*Alcohol affects the body's temperature-regulating capacities and increases the risk of heat-induced illness. . . . Workers should be strongly urged not to drink any alcohol during hot weather before starting work and until the end of the evening meal after work in order to give their body a chance for full replacement of all lost fluid.*⁷³

In addition to the risk of dehydration and heat illness, on-the-job consumption of alcohol increases the risk of injury from heavy equipment, knives, hoes, ladders, and other farming implements. A paralegal told Human Rights Watch that a seventeen-year old boy was killed in early summer 1998 in the cantaloupe fields near Aguila, a remote town northwest of Phoenix. He and other workers on the crew reportedly were drinking beer as they worked. Drunk, the boy slipped in front of the melon conveyor tractor and was killed.⁷⁴

Hazardous Conditions; Work-Related Illnesses

Heat Illnesses

Heat illnesses can lead to death or brain-damage and are an ever-present danger for field workers. The EPA and OSHA estimate approximately 500 deaths annually from heat illnesses in the United States.⁷⁵ Children are more susceptible to heat stress than adults.⁷⁶

The following coroner's report of a farmworker's death illustrates the deadliness of heat illness and the difficulty in treating a worker once the illness has progressed to a critical stage.

Received a call reporting that a female adult, 18, had been pronounced dead in the Medical Intensive Care Unit by Dr. French at 13:59, May 30.

The decedent had been taken to Hospital by her father at 14:30, May 28, after collapsing while working in a cotton field. The exact location could not be determined. Upon arrival at the hospital, the decedent had a rectal temperature of 107.5 degrees Fahrenheit. She was given oxygen and packed in ice and by 15:10 her temperature had dropped to 103.5. She was suffering from seizures and a constant flow of yellow, watery diarrhea. She was unresponsive the entire time she was at the hospital and her pupils were three to four millimeters wide.

She was transferred to the Medical Intensive Care Unit, where efforts were made to regulate her body temperature and it was reduced to 100.4 degrees Fahrenheit. The seizures continued, however, and she began to have myocardial and renal (heart and kidney) failure and disseminated intravascular coagulation (blood clots throughout her body). She was on dialysis when she died.

The decedent's family reported that she had been working in the fields for three days prior to her collapse. She had taken a tylenol for a headache around noon, May 28, but immediately threw it up.

The United States Weather Bureau reported that the high temperatures for May 25 through May 28 were 93, 96, 102, and 107 degrees Fahrenheit, respectively.⁷⁷

Many of the young workers interviewed by Human Rights Watch had suffered from mild to moderate heat illness, with symptoms including dizziness, headaches, nausea, and vomiting. Two reported witnessing cases of heat illness—one of a sister, another of a boyfriend—so severe that the afflicted person was unable to work for an entire week "He had the heat inside him," described one. "He was very pale and throwing up." "He was sick from the sun."⁷⁸

Musculoskeletal Trauma

The strenuous and often awkward labor of farmwork increases the risk of injuries, including chronic repetitive stress disorders and musculoskeletal trauma. Several teens told Human Rights Watch that they suffered from chronic back and/or neck pain when they were working in the fields.

Early adolescence is a time of rapid growth, which makes teenage workers more vulnerable than adults to musculoskeletal disorders.⁷⁹ Agricultural work in particular has been linked to musculoskeletal trauma, due to the stresses on the body of constant bending, lifting, twisting, and other awkward or punishing work.⁸⁰ Furthermore, because back pain is generally rare among adolescents as a whole—and a history of back pain is a risk factor for new back injuries—medical experts conclude that "the long-term consequences of back strains among adolescent workers are of substantial concern."⁸¹

Hazardous Equipment; Work-Related Injuries

In a Florida orange grove in January 1999, two young farmworkers fell off the tailgate of a moving pickup truck. Several crates of oranges fell on top of them, killing one of the boys and wounding the other. The boy who died, Miguel Angel Ramos, was either fourteen or fifteen years old; the other boy was fifteen. The accident occurred on a school day.⁹³

Agriculture is the most dangerous occupation open to juveniles in the United States.⁹⁴ Farmworkers routinely use knives, hoes, and other cutting implements; operate or work near heavy machinery; work on ladders; and work with or near pesticides and other dangerous chemicals. Children working in agriculture in the U.S. make up only 8 percent of the population of working minors overall, yet account for 40 percent of work-related fatalities among minors.⁹⁵ An estimated 100,000 children suffer agriculture-related injuries annually in

the United States.⁹⁶ Minors working in agriculture have also been found to suffer a higher frequency of severe and disabling injuries than those working in all other occupations.⁹⁷

Daniel F., sixteen, described to Human Rights Watch an injury he suffered the previous year, when he was fifteen years old and working at a large hydroponic tomato nursery in Willcox, Arizona.⁹⁸

We were putting plastic on the ground, rolling it down off of big long rolls. There was a big hole in the floor. [As Daniel F. explained, this appears to have been the open end of a pipe, perpendicular to and flush with the floor.] I couldn't see it; it was covered with plastic. I stepped in it, fell in, whacked my knee.

Daniel F. underwent treatment for several months, including multiple visits to an orthopedic specialist, magnetic resonance imaging, and anti-inflammatory injections and pills. For two months he was on crutches; for three months he was in a knee brace.

The doctor said I will never be 100 percent cured. I can't play soccer anymore; before the accident I was in a league. I can't really play basketball. My knee still bothers me. For example, if I run it gives in . . . even if I walk sometimes it can do that.

The nursery paid for Daniel F.'s medical expenses and he received workers' compensation. But the company also sent him a letter to sign-a liability release, by his description-from their insurer.

Even at the age of fifteen, Daniel F.'s work at the nursery in the summer was legal-under current Arizona and federal law, hydroponic nurseries are not classified as hazardous workplaces. Daniel F. told Human Rights Watch of other injuries that occurred at the hydroponic nurseries, as did a legal aid attorney involved in several claims against Bonita. "They are taking farmworkers and having them do work they are not accustomed to. It is more heavily industrialized than farmwork, [with] trolleys going around the ceiling, big vats of water, people driving little carts. . . . These are not injuries a farmworker would look out for. That industry ought to be declared hazardous."⁹⁹

Tractors and other motorized farm equipment represent very serious hazards, and the FLSA prohibits their operation by children aged fifteen and younger. Abidance by this prohibition, and enforcement when it is violated, is another matter. Human Rights Watch interviewed a sixteen-year old who had worked full time for the three previous summers-when thirteen, fourteen, and fifteen years old-driving a tractor.

Even those not operating farm equipment themselves may be in danger. According to Art Morelos of the Industrial Commission of Arizona, "a common safety hazard in cantaloupe and lettuce fields, where the packing is done in the field, is that the tractor will be set to move without a driver. It goes very slowly, but is still dangerous."¹⁰⁰ In fact, it can be deadly, as illustrated by the incident noted earlier in this chapter, in which a drunken seventeen-year reportedly fell in front of a cantaloupe packing tractor and was killed.

For all workers, but especially for field workers, fatigue increases the risk of injury. Long hours, early morning hours, and work in very hot conditions all increase fatigue, as does the heavy physical labor entailed in most agricultural work. The relative inexperience of young workers also increases their risk of accidents and injury.

Cuts from knives were the injury most commonly reported to Human Rights Watch by young workers. Several knew of other people who had been injured badly, their fingers cut off by knives or their hands mangled in machinery.

A boy working in the Yuma area told Human Rights Watch of a knife injury he suffered when he was fifteen years old.¹⁰¹ He cut his finger with a broccoli-harvesting knife. "That knife was so sharp," he said, showing his finger with a curved scar about three inches long running the length of it.

The field supervisor did not have a first-aid kit-only Band-Aids. According to the boy's older sister, the cut was bad and needed medical attention.¹⁰² However, because her brother was both underage (at fifteen, he was too young to be working legally during school hours) and undocumented, he was not taken to a local hospital or clinic. Instead, he was taken across the border to his parents' house in Mexico and from there to a Mexican hospital, where he received multiple stitches. The delay from the time of the injury to the time of treatment was between two and three hours.

Advocates and workers report that it is typical for injured workers to go to Mexico for treatment, for a variety of reasons. The employer may want to avoid workers' compensation claims in order to keep their rates low. The worker may be undocumented and afraid of discovery, or afraid they will be denied treatment at a clinic or hospital in the United States. In addition, health care services for farmworkers are often very far away and difficult to access.

Depression and Substance Abuse

Farmworkers in general have high rates of depression.¹⁰³ Extreme poverty and hardship, the stress of job uncertainty and frequent moves, and social stigmatization and isolation are contributing factors. This is true for children and youth as well. Studies have also linked depression in teenage workers to long hours of work in high-intensity, low-skilled jobs-precisely the kind of labor undertaken by farmworkers.¹⁰⁴

As a result of these pressures, farmworkers are vulnerable to substance abuse, which can alleviate pain and offer a temporary escape from difficult lives. In addition, though, some substance abuse is directly related to work. This includes not just the unsafe practice, encouraged by some avaricious employers, of drinking beer sold at the work site. It also includes drugs taken for the express purpose of getting more work done.

Some farmworker youth use drugs "in order to fulfill the demands of work," according to Emma Torres, a former farmworker who now coordinates a border health and substance abuse prevention project in the Yuma area.¹⁰⁵ This is particularly true for boys and young men working at the piece rate, where the pace at which one works directly determines earnings. "They use speed to make it through the day," says Torres.¹⁰⁶

The farmworker is like a machine: the harder they work the more they will earn. So they push their body to the max. That's why they do drugs-not to feel high, but with the purpose of extracting more work from their body . . . But the body can only take so much, and after a few years they end up disabled, young, and on the street, begging. They don't qualify for Social Security, they have no insurance . . . but their hands or backs don't work anymore.¹⁰⁷

Underage Workers

No one ever cared how old I was.

-Ricky N., who began working in the fields at the age of fourteen.¹⁰⁸

"Underage worker" is a slippery concept in agriculture, as children are legally permitted to work at very young ages. Under certain not-too-rigorous circumstances, federal and most state laws permit children as young as twelve to work for hire in agriculture, an age far younger than that permitted in other occupations. Under more limited conditions, even children aged ten and eleven can work as hired farm laborers.

Enforcement of these laws, weak as they are, is lax. Growers and farm labor contractors frequently hire underage workers, a category that includes children under the age of sixteen working during school hours, children aged thirteen or younger working without parental consent, and children under the age of sixteen who engage in hazardous agricultural tasks.

State laws regarding the minimum age of employment as a hired farmworker vary widely. According to a 1997 survey by the Child Labor Coalition, eighteen states have no minimum age requirement for children working in agriculture.¹⁰⁹ In Oregon, the minimum age is nine; in Illinois it is ten.¹¹⁰ Fourteen states require a minimum age of twelve; in nine states the minimum age is fourteen.¹¹¹ Only one state, Nevada, has set sixteen as the minimum age for hired farmworkers.

The Fair Labor Standards Act (FLSA) sets the federal minimum age for child labor. (Whichever legal standard—state or federal—is most stringent is the one that applies.) The Fair Labor Standards Act dates back to 1938 and reflects a radically different era in the United States, a time when "agriculture" was synonymous with "family farm," and a quarter of all Americans still lived and worked on farms. Initially, farmworkers were excluded entirely from the law's protection, and restrictions on child labor in agriculture were not added until 1974.

The law is woefully inadequate to protect today's hired farmworkers, who are overwhelmingly employed as wage laborers in commercial enterprises, and not on the family farm, including the hundreds of thousands of workers aged seventeen and under. The FLSA standards differ between agricultural and nonagricultural work. Employment of children thirteen or younger is forbidden in nonagricultural occupations. Children aged fourteen and fifteen may work in nonagricultural settings for limited hours outside of school: up to three hours on a school day; up to eighteen hours in a school week; up to eight hours on a nonschool day; and up to forty hours in a nonschool week. They may not work before 7 a.m. or after 7 p.m. (9 p.m. in the summer). Youth sixteen and older may work in any nonhazardous nonagricultural occupation.¹¹²

For children working in agriculture, the FLSA is much less protective. Children younger than twelve may work unlimited hours outside of school, if this work takes place on a small farm with a parent's written consent.¹¹³ Children aged twelve and thirteen may work unlimited hours outside of school on any farm with written parental consent, or without written consent on a farm where a parent is employed.¹¹⁴ Children aged fourteen and fifteen may work unlimited hours outside of school on any farm, without parental consent.¹¹⁵ There are no hourly restrictions on the agricultural work of children who are sixteen or older.

In addition to allowing agricultural employers to employ children for longer hours and at younger ages, the FLSA also permits sixteen and seventeen-year olds to engage in *hazardous* agricultural work.¹¹⁶ In other occupational settings, eighteen is the minimum age for

hazardous work.

Under federal law, then, it is legal for a twelve-year old child to harvest asparagus from 3 a.m. to 8 a.m. seven days a week, bending over in the pre-dawn cold and wielding a knife, then stumbling on to school. The same child would be prohibited from working in any nonagricultural work (other than wreath-making or newspaper delivery). A fifteen-year old may work fifty hours a week during the school year if she works in agriculture, but only eighteen hours a week if she works at Burger King.

Many of the youth interviewed by Human Rights Watch had dropped out of school before the age of sixteen in order to work full time in the fields. Employment of these children violated the law. Although federal law permits children to perform farmwork for unlimited hours outside of school, it does not permit the employment of children aged fifteen and under during school hours.

In most cases, children told Human Rights Watch that they were not asked their age prior to employment. When they were asked their ages, and/or to show proof of age, the fact that they were under sixteen did not deter the farm labor contractors or growers from hiring them anyway. All of the juveniles believed their employers knew them to be underage.

Jessica G., for example, left school two years ago at the age of fifteen to work in the melon fields near Yuma, where the season runs from November to April.¹¹⁷ She worked from 4:00 a.m. until 3:00 or 4:00 p.m.-an eleven or twelve-hour day. She earned \$36 a day; at about \$3 an hour, well below minimum wage. "It's very difficult work," she said. "You're outside all day, with just a couple of short breaks." "I was very tired at the end of the day." Both the manager of the farm and the farm labor contractor who hired Jessica G. were friends of her family. Four of the five children in Jessica G.'s family have worked in the fields. Their grandmother raised them, as their mother always worked in the fields as well.

Richard M. told Human Rights Watch about his first agricultural job, when he was fourteen.

As long as you're fifteen you can get a job. My uncle drives you to the field and tells the contractor he has a new worker. He'll put you on the payroll. . . . They do ask to see your social security and your birth certificate. When I was fourteen I showed them my social security and my birth certificate. . . . Yeah, I wasn't old enough to work out there.
-Richard M., seventeen years old¹¹⁸

But Richard M. did work at that field, until he got sick two weeks later from pesticide poisoning.

Blanca Rodriguez, now an attorney working with farmworkers in Washington state, recalls working in the asparagus fields with her parents from the age of five or six on. The asparagus harvest generally runs from April through June, coinciding with the last portion of the school year.

*We'd get up at 2:00 a.m., go to the fields, and then go to school. That's why parents do it, because they can still send their kids to school. And in high school we would stay a bit later with our parents, then go to night school. The high school still has a night school option for asparagus cutters during the season.*¹¹⁹

According to Rodriguez, children as young as ten and eleven still work in the asparagus fields. Not all go to school at the same time; some drop out for the season, or drop out for the asparagus season and stay out for the summer and early fall, until the apple harvest ends in October.¹²⁰

In two cases looked at by Human Rights Watch, underage workers were badly injured on the job; in one of these, the worker was subsequently denied compensation and fired for being underage. The case of Flor Trujillo (her real name) is described more fully in the chapter titled "Health and Safety Risks." Trujillo was hired at the age of fifteen to work in a fruit-packing plant in central Washington state. Under Washington law, work in a packing plant is considered hazardous, and workers must be at least sixteen years of age. At the time she was hired, Trujillo was not asked her age. A few weeks later, she and about one hundred of her co-workers were poisoned by carbon-monoxide fumes inside the plant. Seven of the poisoned workers were fifteen or younger. Within a month of the incident, Trujillo received a letter from the company, Brewster Heights Packing, Inc., telling her that she could no longer work there because she was underage. Trujillo did not receive any compensation from the company for the danger in which it placed her, her resulting illness, or her lost income.¹²¹

In Willcox, Arizona, a fifteen-year old boy suffered a permanently-disabling injury to his knee while working at Bonita Nurseries, a Dutch-owned hydroponic tomato nursery. This case is discussed further in the chapter "Health and Safety Risks."

Frank M., a boy interviewed in central Arizona, began working in 1996, the summer he was thirteen. His job was to drive a tractor up and down dirt roads, wetting the roads so the dust wouldn't fly in the face of the workers. He said he drove at about 25 miles per hour.¹²²

Under the FLSA, driving a tractor or other farm vehicle is considered hazardous, and therefore prohibited for any juvenile under the age of sixteen. "It was under the table until last year, when the boss put me on the payroll," said Frank M.. "He knew how old I was."¹²³

Not only was Frank M. working illegally, but his employer was underpaying him too, giving him one hundred dollars a week for roughly a forty-hour work week; in other words, about \$2.50 an hour-just over half of the minimum wage at that time.

Other boys also told Human Rights Watch about their early years of work:

I worked the cotton fields starting when I was twelve, weeding with a hoe between the plants. I worked from 4:00 a.m. to 2:00 p.m. [ten hours], with a thirty minute break for lunch. You just go up and down the rows. There were lots of kids out there, twelve, thirteen years old.

-Mark H., nineteen¹²⁴

Mark H.-working ten hours a day at the age of twelve in the cotton fields of central Arizona, where the temperature routinely rises above 110 degrees-was working with his parents' knowledge. His aunt, a friend of the grower, had gotten him his job. Because the work took place during the summer, and therefore outside of school hours, and because he worked on a small farm, the fact of his employment was, for the most part, perfectly legal (with the exception that his parents had not provided written consent regarding their son's employment). In violation of the FLSA, he was paid below minimum wage, earning only about \$3.50 an hour. He was paid under the table, without Social Security deductions being made on his behalf, also an illegal practice. Yet in the four years that Mark H. worked summers in the

field, to his knowledge not a single state or federal authority ever checked on his employer's practices.

I pitched watermelons. Now that's some hard work. You throw it down the line, one to the other, standing about five feet apart.

That's when I was fourteen. I worked pitching watermelons from about 4:00 to 8:00 p.m. Because in the morning I was doing other work. I chopped cotton from four or five in the morning until noon. Then they make you go home and rest. Then watermelon.

So it was like, eight hours in the morning, then four hours at night. Cotton and watermelon is hard work. I'd get home about eight, go to sleep around ten, then get up at four. . . . It's hard. You can faint. You have to drink lots of water.

-Dean S., sixteen years old¹²⁵

Dean S. worked twelve hours a day at the age of fourteen, sleeping only six hours a night. He chopped cotton and pitched watermelons, both difficult and exhausting forms of work with a high risk of injury. The fact of his summer employment was entirely legal, however-as a fourteen year old, employers could hire him for farmwork without any hourly restrictions whatsoever, except that he not work during school hours.

Wage and Hour Concerns

Wage Fraud: Earning Less than Minimum Wage

With some exceptions, juvenile farmworkers are entitled by law to earn the prevailing minimum wage.¹²⁶ Since September 1, 1997, the federal minimum wage has been \$5.15 per hour. (As of this writing in late 1999, members of Congress are discussing a rise in the minimum wage.) From October 1, 1996 to August 31, 1997, the minimum hourly wage was \$4.75; from April 1, 1991 to October 1, 1996, the federal minimum wage was \$4.25. In those states with a higher minimum wage-Washington voters, for example, approved a minimum wage of \$5.75 in 1998-employers must pay the state-mandated minimum wage.

Agricultural employers may pay either an hourly rate or a piece-rate. If they pay by a piece-rate, the earnings for all hours worked in a work week must be sufficient to bring the average hourly wage up to at least minimum wage.¹²⁷

Depending on the speed, skill, and strength of the worker-and the worker's co-workers, if he or she is working as part of a team-piece-rate wages can be either beneficial or problematic. The strongest, fastest, and most experienced workers can earn in excess of minimum wage (although usually not above \$7.00 or \$7.50 per hour). Slower or weaker workers, or those just starting out in agriculture, may earn less than half of minimum wage. Adolescents can fall into either one of these two groups, although it is usually only older adolescents, often male, who excel at piece-rate work. Success at piece-rate work, however, can carry an additional price in terms of its toll on the body.¹²⁸

Approximately one-third of the juveniles interviewed by Human Rights Watch reported earning significantly less than minimum wage. Most of these teens worked for small growers.

Not all were paid by an hourly minimum wage or by piece-rate-several were paid instead a fixed lump sum per day or per week.

These findings comport with those of a recent National Agricultural Workers Survey, which found that agricultural workers aged fourteen through seventeen earned just over \$4 an hour, on average.¹²⁹ The Department of Labor's Wage and Hour Division has also reported high rates of wage fraud, with more than half of grape growers and farm labor contractors surveyed found to be violating minimum wage requirements.¹³⁰

The following are some examples of the experiences of adolescent farmworkers paid by both the piece-rate and lump-sum method:

- In 1998, Sani H., then sixteen, picked chilies at the rate of fifty cents per bag (about the size of a bushel). He worked from 7:00 a.m. until 3:00 p.m. and earned about \$20 a day, for an average hourly wage of \$2.50.¹³¹

- In 1996, John P., then fifteen, picked apples for piece-rate wages. He worked ten hours a day-from 5:00 a.m. until 3:00 p.m.-and earned between twenty and thirty dollars a day (\$2 to \$3 an hour). Two years later, in 1998, he picked cherries, again working ten-hour days. For that work he was paid \$42 a day, or just over \$4 an hour-one dollar less per hour than minimum wage. This means that John P., who worked Monday through Friday and a half-day on Saturday, was shortchanged \$55 a week by his employer.¹³²

- Mark H. worked every summer from the age of twelve to sixteen in the cotton fields south of Phoenix. He usually worked from 4:00 a.m. until 2:00 p.m. (ten hours), six days a week. The last summer he worked this job, in 1996, the farmer he worked for paid him a flat weekly rate of \$200-about \$3.50 an hour, well below minimum wage at that time.¹³³

- In 1997, when he was fourteen years old, Dean S. worked twelve hours a day for a local farmer: eight hours in the morning in the cotton fields and four hours in the evening pitching watermelon. The most he ever earned was \$50 a day, or about \$4 an hour.¹³⁴

- Ricky N., who also pitched watermelon in central Arizona, earned between \$2.75 and \$3.00 an hour in 1996, when he was fifteen. The federal minimum wage was then \$4.25 an hour.¹³⁵

- When Jessica G. was fifteen, in 1996, she worked in the cantaloupe fields of southwestern Arizona for eleven to twelve hours each day. Each day, she was allowed one fifteen-minute break in the morning and one thirty-minute break for lunch. She earned \$36 a day-about \$3 an hour, which was approximately 65 percent of the minimum wage at that time.¹³⁶

In violation of the FLSA, none of the employers in the above cases provided additional compensation to bring their workers' wages up to the legal hourly minimum. None of these young workers knew they had been cheated of their rightful wages.

The above examples involved juvenile workers on relatively small farms or working for small-scale farm labor contractors. Underpayment of wages, however, is by no means limited to small growers or farm labor contractors. Human Rights Watch interviewed two young women who had previously worked for a major agribusiness. Both of them reported that they-and their co-workers-had been routinely cheated on their pay.

*They take hours away from your pay. This is very common-they short all the workers. Almost always, every check, they cut off a little bit. Like, let's say you work eighty hours-they'll pay you for seventy. So you end up making less than minimum wage.*¹³⁷

According to the girls, the amount cut out of the pay varied from check to check, but the practice was consistent.

*Another thing they do is, sometimes when you're supposed to work eight hours, for example, they make you work more but still pay only for eight.*¹³⁸

Asked if they had ever complained about these practices, the girls said no. "Some of the workers complained but it did no good," they said. They told Human Rights Watch that they believed they had no recourse. Practically speaking, they did not. Their employer was one of a handful of large corporate growers operating on state-owned land in western Arizona. The nearest town to the fields the girls were working in is Wendon, with a population of 450, and the nearest enforcement agency offices-the Department of Labor's Wage and Hour Division and the State of Arizona Industrial Commission-are in Phoenix, two hours away. Nor is there public bus service to Wendon, Aguila, Salome, or any of the other tiny towns in that vast and isolated area west of Phoenix.

The girls said they had once seen a government inspector-for which agency they did not know. They had been prompted on more than one occasion by their supervisors, however, who told them what to say if approached by a government official: "If they ask how much I pay you, say \$5.50," or "say \$6.00," they told us. "And so that's what people would say . . . There are a lot of unfair practices."¹³⁹

Excessive and Inappropriate Hours of Work

In contrast to nonagricultural occupations, the FLSA imposes neither a daily nor a weekly limit to the number of hours children may work in agriculture. Human Rights Watch spoke with several adolescent farmworkers who worked twelve hours a day for six or six and a half days a week, and a few who had worked fourteen hours a day or more.

We would work as much as was needed. You could work up to fourteen or fifteen hours a day. But you're not forced to work more than twelve; beyond twelve is optional.

-Frank M., sixteen, describing the hours he worked the summer he was fifteen, in Avondale, Arizona¹⁴⁰

Under current law there is nothing illegal about employers extracting such long hours from children, unless the work occurs during school hours and the children are under sixteen.

Damaris A., a legal permanent resident of the United States, worked in the fields near Yuma, Arizona from the age of thirteen until she was seventeen. Despite her and her family's right to reside in the United States, a severe housing shortage in the Yuma area prevented them from doing so. Instead, like thousands of others, Damaris A., her younger brother, and her father crossed into the U.S. each day from the city of San Luís Río Colorado, Mexico, into the town of San Luis, Arizona. From there, the workers are driven by bus or truck to work sites near and far.

In order to get to work by 7:00 a.m., Damaris A. would rise at 3:00 a.m., prepare for work, then wait about two hours to cross the international port of entry. The wait was due to the long lines of people crossing through, like Damaris A., to go to work in the fields on the U.S. side. During the peak season, immigration officials estimate that more than 6,000 farmworkers cross the border daily at the San Luis, Arizona port of entry.¹⁴¹ The majority of these workers are, like Damaris A., legal permanent residents of the United States.¹⁴²

Once on the U.S. side, Damaris A. still had to travel to the work site, which could take up to two hours depending on the location of the fields where the farm labor contractor had her crew working.

The peak season for lettuce and cantaloupe in the Yuma area runs from April to November. During the height of the season, Damaris A. worked from 7 a.m. until 9 p.m., six days a week. Occasionally she worked a half-day on Sunday as well. During her fourteen-hour workdays, she was permitted two fifteen-minute breaks and a half-hour for lunch. She earned minimum wage. Some weeks, she worked as many as ninety hours.

At night, Damaris A. would reverse the travel process she had undertaken in the morning: travel to the border crossing, wait two hours or so to complete the crossing, and finally arrive home by midnight. On her busiest days, then, Damaris A. had only three hours of sleep at home before starting all over again in the morning.

This was illegal employment-for three years, Damaris A. was under sixteen and working during school hours. She got her job through her father, who worked for the same grower and was friendly with the foreman. Damaris A. lied about her age and was hired despite producing no documentation of her birth date.

Another young worker, Gerardo L., worked in the melon fields near El Centro, California, when he was seventeen. His work was not illegal-he was old enough to be working full time without restrictions-but it was long and grueling. He worked from 5:00 a.m. until anywhere between noon and 8:00 p.m., depending on the needs of the grower. For one month during the peak harvest, he worked from 5:00 a.m. until 8:00 p.m., seven days a week-105 hours a week. He also had to travel one hour each way to and from work. He was paid minimum wage.¹⁴³

The Effect of Long Hours on Health and Education

Work in excess of twenty hours per week has a substantial and well-documented negative impact on teenagers' health, social development, and education. These issues are discussed further in the chapters on health and education.

The Effect of Farmwork on Education

All of the juvenile farmworkers interviewed by Human Rights Watch had dropped out of school or been held back at least one time. Nationally, the dropout rate for farmworker youth is 45 percent.¹⁴⁴ Reflecting this legacy of under-education, a full 80 percent of adult migrant farmworkers function at a 5th-grade literacy level or less.¹⁴⁵

Several factors contribute to this lack of educational attainment among farmworker youth. Mobility, poverty, and the strain of too many hours of work-all three often the defining characteristics of farm work-are particularly detrimental for children and adolescents in

school.

The necessary mobility of many farmworker families, as they follow the growing cycles of various crops in various locales, brings with it frequent and repeated changes in school. Not only does this interrupt learning, but it also makes it difficult for children to adapt socially to the school environment, and for teachers to teach effectively. According to the National Center for Farmworker Health, changing schools takes an emotional toll on children, who are more likely to drop out if they change schools four or more times.¹⁴⁶

The extreme poverty of their families means that many farmworker children and youth do not have the option of going to school-their families cannot afford for them to study, either because there is not enough money for shoes and clothes or because the children are themselves required to work. "A lot of kids don't even go to school anymore," an outreach worker told Human Rights Watch. "They never get caught because they move around. Their families aren't emphasizing education. They say, 'We need to live day by day; you need to get out there and earn some money.'"¹⁴⁷

One of the most significant causes of low educational achievement is the fact that juvenile farmworkers simply spend too much time on the job. Numerous studies have found that long hours of work-generally defined as twenty or more hours a week during the school year-interfere with scholastic performance.¹⁴⁸ In addition to not having time to study, students who engage in so-called "high intensity work" (again, work of twenty or more hours a week) generally don't get enough sleep, sleeping only seven hours a night rather than the nine they need.¹⁴⁹ As a result, these worker-students are sleepy during school (and on the job, which leads to higher rates of injury), more likely to be tardy or absent, and more likely to fall asleep in class.¹⁵⁰ Their excessive sleepiness interferes with learning; it may also contribute to emotional difficulties.¹⁵¹ Finally, students working twenty or more hours a week are more likely to use stimulants-including caffeine-to compensate for their tiredness.¹⁵²

Statistics are not available regarding the number of juvenile farmworkers working twenty or more hours a week. Anecdotal evidence, including Human Rights Watch findings, suggests that the majority of young farmworkers working during the school year are putting in work weeks of at least twenty hours and often more. A 1992 study found that, nationally, approximately 37 percent of adolescent farmworkers work full time.¹⁵³

The United States Department of Labor (DOL) has never had statutory authority to limit the number of hours that sixteen and seventeen-year olds may work during the school year. Citing "the extensive research about the adverse effects of high-intensity work while school is in session," the National Research Council recommended in 1998 that Congress provide DOL with the necessary authority to impose such limits.¹⁵⁴ In doing so, the council noted that:

*[T]he historical reasons that justified the exemption of those 16 and older from the hour limitation no longer apply. Furthermore, high-intensity work . . . has been associated with unhealthy and problem behaviors, including substance use and minor deviance, insufficient sleep and exercise, and limited time spent with families, and it is associated with decreased eventual educational attainment.*¹⁵⁵

In agriculture the situation is much worse, as there is no hourly restriction for *any* children working during the school year. Even children as young as twelve may legally work any number of hours during the week, regardless of the damage done to their health, their studies, and their overall well-being.¹⁵⁶

Special Risks to Girls

Young female farmworkers face additional pressures and concerns, including frequent subjection to sexual harassment, discussed below. Children of farmworkers, and especially girls, often are responsible for significant duties in the home-caring for younger siblings, grocery shopping and food preparation, laundry, and housecleaning. Even for those who do not work yet in the fields, these responsibilities take the place of necessary study and sleep time, increasing the chances that they will drop out of school. "Instead of doing homework, they are caring for their baby brothers and sisters and taking care of the house. That's where [the family's poverty] is hurting them," according to Raúl Redondo, an outreach worker in Yuma, Arizona.¹⁵⁷ In addition, farmworker girls and young women have very high pregnancy rates. In Yuma County, where agriculture is the primary occupation, the teen pregnancy rate is 85.2 per 1,000;¹⁵⁸ the U.S. average, in contrast, is 54.4 per 1,000.¹⁵⁹

Sexual Harassment

Sexual harassment of female workers is a top concern of farmworker advocates. Due to various factors, farmworker girls and women are exceptionally vulnerable to sexual harassment and assault. They work in isolated areas in a male-dominated occupation-female crew leaders and supervisors are unheard of-where education regarding sexual harassment is in its infancy. Often, they do not speak English, do not know that sexual harassment is illegal, and in any case have no one to turn to for help. Many of them are undocumented-that is, they have no legal status allowing them to be in the United States-and therefore are even more hesitant to report the harassment.

According to several advocates interviewed by Human Rights Watch, girls and women are subjected routinely to sexual advances by farm labor contractors and field supervisors. If they refuse, they-and members of their family-face retaliation in the form of discharge, blacklisting, and even physical assault and rape.

Two girls picking cantaloupes for a prominent agribusiness told Human Rights Watch that they had been sexually harassed by their respective supervisors. Co-workers also harassed one of the girls. Both were embarrassed in speaking about this and reluctant to provide details. One of the girls, though, gave the following account of harassment she experienced the previous summer, when she was seventeen.

This supervisor, he was about forty-five years old, he was telling me sexual stuff. He said it in a serious way; I felt threatened. One time he told me to go with him to get ice, in his pickup. . . . on the way he asked me to go out with him. I told him no. "Why not?" he asked. He kept asking me questions, trying to talk me into it. For weeks he kept asking me. There was no one to complain to.

-Sylvia R., eighteen years old¹⁶⁰

These girls, who worked in a remote area two hours west of Phoenix, reported that sexual harassment of young farmworker women was common. Furthermore, both had heard reports of women being attacked, and both said they knew a local woman who had been raped by her supervisor. "He always insisted on giving her a ride home, and she ended up raped," said Sylvia R.. "That happens." Human Rights Watch asked Sylvia R. if anything happened to the man. "No," she replied. "He's the boss."

Human Rights Watch interviewed a woman in Yuma-not a minor-who said she was fired after resisting a sexual assault by her supervisor.

One day my supervisor saw me downtown and offered me a ride home. How could I say no? He's my supervisor! I know his wife! . . . But when we got to my house he tried to come inside. He said "Oh, María, I want you so much!" and grabbed my breasts. I pushed him off me! I was shocked!

The next morning when I got to work I was told to go home-they said there was nothing for me. I asked why. They said the supervisor didn't want me there anymore. After three years!

-María, mid-fifties¹⁶¹

Although any woman working in the fields or the packing sheds is vulnerable to such abuse, young women are thought to be at an even higher risk for sexual assault and harassment. "Young women are particularly vulnerable," said Cindy O'Hara, a trial attorney with the Equal Employment Opportunity Commission (EEOC) in San Francisco.¹⁶² "It's often the first job they've had, and they're not equipped to deal with [the harassment]. They don't have a lot of experience. A lot have just recently immigrated and gotten jobs. They feel they don't have a lot of options. Many of them are single parents."¹⁶³

Sexual harassment in agriculture is particularly difficult to combat. As noted, the victims of the harassment often live and work in geographically remote and isolated areas, may not speak English, and usually do not know that they have any legal recourse against the abuse. Culturally, they may be embarrassed to talk about it, according to O'Hara. They also may face anger from husbands or boyfriends who accuse them of encouraging or enjoying the harassing behavior. "There is a lot of guilt and anxiety [among harassment victims]," said O'Hara. "They think, 'What did I do to bring this on?' and become afraid to work, afraid it will happen again."

The most pressing deterrent to coming forward with a complaint is the fear of losing their job. As eighteen-year-old Sylvia R. told us, "Everyone is scared to say anything because they threaten them. If they say something they will lose their job."¹⁶⁴

In February 1999, the San Francisco District office of the EEOC reached a \$1,855,000 settlement with Tanimura & Antle, one of the largest lettuce growers and distributors in the United States. The EEOC alleged that a production manager for the company subjected employee Blanca Alfaro to quid pro quo sexual harassment, requiring "sexual favors" as a condition for employment. Alfaro also allegedly was subjected to a hostile work environment in the form of "constant unwelcome sexual advances by that production manager and another management employee."¹⁶⁵ Alfaro was fired shortly after she complained about the harassment. In addition, the EEOC alleged that Tanimura & Antle unlawfully retaliated against employee Elias Aragón after he protested the harassment and mistreatment of Blanca Alfaro.¹⁶⁶

Sharing in the settlement will be an as-yet unknown number of current and former employees who were also subjected to sexual harassment in Salinas, California, Huron, California, and Yuma, Arizona.¹⁶⁷

The EEOC's San Francisco office also settled a sexual harassment case in early 1999 against farm labor contractor C & M Packing, doing business as "Fresh West."¹⁶⁸ That case settled on

behalf of four female claimants for \$90,000. Like Tanimura & Antle, Fresh West has facilities in Yuma, Salinas, and Huron.

These victories are attributable to EEOC outreach efforts and to the fact that, in the words of attorney O'Hara, "there are some brave women out there." Still, these two cases represent but a tiny fraction of the sexual harassment that is occurring in the fields and packing plants of the United States. The EEOC and state attorneys general—who also typically have civil rights jurisdiction—must make it a priority to engage in persistent outreach and education of workers, supervisors, farm labor contractors, and employers, and mount vigorous enforcement actions against harassers when complainants do come forward.

¹⁸ United States General Accounting Office, "Pesticides: Improvements Needed to Ensure the Safety of Farmworkers and their Children," Washington, D.C.: U.S. General Accounting Office, March 2000, GAO/RCED-00-40, p. 19.

¹⁹ See National Research Council and Institute of Medicine, *Protecting Youth at Work: Health, Safety, and Development of Working Children and Adolescents in the United States* (Washington, D.C.: National Academy Press, 1998), pp. 173-174. Furthermore, almost all OSHA standards do not apply to agricultural workplaces. *Ibid.*, p. 174.

²⁰ Human Rights Watch interview, Casa Grande, Arizona, October 27, 1998. Wheezing is a symptom of pesticide poisoning. Natural Resources Defense Council, *Trouble on the Farm*, p. 5.

²¹ Association of Farmworker Opportunity Programs, "Did Pesticides Kill Jos_ Antonio Casillas?" *Washington Newslite*, <http://www.afop.org/newsletter/july98/pesticide.html>.

²² United States General Accounting Office, "Hired Farmworkers: Health and Well-Being at Risk," Washington, D.C.: U.S. General Accounting Office, 1992; GAO/HRD-092-46, p. 3.

²³ Natural Resources Defense Council, *Trouble on the Farm: Growing Up with Pesticides in Agricultural Communities* (New York: Natural Resources Defense Council, October 1998), p. 6.

²⁴ According to a draft report by the Arizona Department of Environmental Quality, both the federal General Accounting Office and the Arizona Department of Health and Safety found, in separate studies, "a serious problem" of underreporting of pesticide-related illnesses. Arizona Department of Environmental Quality, "Occupational Exposure to Toxic Materials and Pesticides," p. 2, http://earthvision.asu.edu/acerp/section3/Chp_12HH.html. The primary author of this report was Tim Flood, M.D., Medical Director, Chronic Disease Epidemiology, Arizona Department of Health.

²⁵ Matt Crenson, "Pesticides May Jeopardize Child Farmworkers' Health," *Children for Hire*, an Associated Press series, December 9, 1997.

²⁶ Youth Advocate Program International, "U.S. Farmworker Children Lack Needed Workplace Protection," *Youth Advocate Program International Report*, vol. 3, no. 1, Spring 1998, <http://www.yapi.org/rpt.htm>, p. 3.

²⁷ Learning Disabilities Association of America et al., "Request that Pesticides be Tested for their Toxicity to the Developing Nervous System," letter to Carol Browner of the Environmental Protection Agency, May 12, 1999, p. 2. The letter was signed also by Consumers Union, Natural Resources Defense Council, Science and Environmental Health Network, Physicians for Social Responsibility, and the U.S. Public Interest Research Group.

²⁸ Natural Resources Defense Council, *Trouble on the Farm*, p. 8, citing Dr. Lynn Goldman of the U.S. Environmental Protection Agency.

²⁹ See *Ibid.*, pp. 7-9.

³⁰ Natural Resources Defense Council, *Trouble on the Farm*, p. 12.

³¹ *Ibid.*, p. viii.

³² Human Rights Watch interview with Frank Zamudio, Arizona Department of Agriculture Pesticide Worker Safety Investigator, Yuma, Arizona, October 1, 1998.

³³ Arizona Department of Environmental Quality, "Occupational Exposure to Toxic Materials and Pesticides," p. 11, http://earthvision.asu.edu/acerp/section3/Chp_12HH.html.

³⁴ Natural Resources Defense Council, *Trouble on the Farm*, pp. 6, 23.

³⁵ Natural Resources Defense Council, "Farm Children Face Hazards from Agricultural Chemicals," press release, October 22, 1998, p. 1.

³⁶ Human Rights Watch interview, Somerton, Arizona, October 1, 1998. Damaris A. had been a field worker since the age of thirteen, primarily in the Yuma area and in western Arizona.

³⁷ Human Rights Watch interview, Aguila, Arizona, April 29, 1999.

³⁸ Code of Federal Regulations, Title 40, Part 170. Agricultural workers must be trained by their employer-unless they show proof of previous training within five years-regarding the hazards of pesticides, where and in what form pesticides may be encountered, routes through which pesticides can enter the body, signs and symptoms of pesticide poisoning, emergency first aid for pesticide poisoning and how to obtain emergency medical care, decontamination techniques, hazards from drift, hazards from pesticide residues on clothing, and an explanation of other protective Worker Protection Standard requirements, including application and entry restrictions and the required posting of warning signs. United States Environmental Protection Agency, *The Worker Protection Standard for Agricultural Pesticides-How to Comply* (U.S. Government Printing Office: Washington, 1993).

³⁹ Human Rights Watch interview, Willcox, Arizona, March 16, 1999.

⁴⁰ Human Rights Watch interview with Tiffany B., age fifteen, Casa Grande, Arizona, November 3, 1998.

⁴¹ Human Rights Watch interview with Thomas K., Willcox, Arizona, March 16, 1999.

⁴² Natural Resources Defense Council, *Trouble on the Farm*, p. 18 (citing Pollack, S. et al, "Pesticide exposure and working conditions among migrant farmworker children in western New York State," American Public Health Association Annual Meeting, 1990.)

⁴³ Human Rights Watch telephone interview with Amelia Lopez, former Arizona Department of Economic Security outreach worker in western Arizona, March 18, 1999.

⁴⁴ See generally Natural Resources Defense Council, *Trouble on the Farm*, chapter five ("Surrounded by Pesticides").

⁴⁵ Natural Resources Defense Council, *Trouble on the Farm*, p. vii.

⁴⁶ Human Rights Watch telephone interview with Kevin Keaney, EPA Branch Chief for Certification and Worker Protection, October 19, 1999.

⁴⁷ Congress exempts small farms from enforcement of all OSHA standards by attaching riders to annual appropriations bills. See National Research Council and Institute of Medicine, *Protecting Youth at Work*, p. 174.

⁴⁸ National Research Council and Institute of Medicine, *Protecting Youth at Work*, p. 159.

⁴⁹ Human Rights Watch interview with Art Morelos, Compliance Supervisor for the Industrial Commission of Arizona, Division of Occupational Safety and Health, Tucson, Arizona, October 15, 1998.

⁵⁰ Industrial Commission of Arizona, Division of Occupational Safety and Health, Field Sanitation Regulation R4-13-670; U.S. Department of Labor, Occupational Safety and Health Administration, Fact Sheet No. OSHA 92-25, "OSHA's Field Sanitation Standard."

⁵¹ In North Carolina, a survey found that only 4 percent of farmworkers had access to drinking water, handwashing facilities, and toilets. National Center for Farmworker Health, "Who Are America's Farmworkers?," <http://www.ncfh.org/aboutfws/aboutfws.htm>, p. 5. In California, a survey of several hundred adolescents working in agriculture found that they "repeatedly mentioned" lack of clean bathrooms and accessible drinking water as key concerns. Arroyo and Kurre, "Young Agricultural Workers in California," p. 37.

⁵² Human Rights Watch interview, Willcox, Arizona, March 16, 1999.

⁵³ A "portapotty" is a portable toilet.

⁵⁴ Human Rights Watch interview, Casa Grande, Arizona, October 27, 1998.

⁵⁵ Human Rights Watch interview, Aguila, Arizona, April 29, 1999.

⁵⁶ Human Rights Watch interview with Art Morelos, Compliance Supervisor, Industrial Commission of Arizona, Division of Occupational Safety and Health, October 15, 1998, Tucson, Arizona.

⁵⁷ Ibid.

⁵⁸ National Center for Farmworker Health, "Who Are America's Farmworkers?" pp. 5-6.

⁵⁹ Human Rights Watch interview, Aguila, Arizona, April 29, 1999.

⁶⁰ See Ibid., p. 4. Farmworkers' use of irrigation canals to bathe and wash was reported to Human Rights Watch by several farmworkers and farmworker advocates, including Augie Zaragoza, Director of Project PPEP's Casa Grande office (Human Rights Watch interview August 10, 1998, Casa Grande, Arizona), David Dick and Maria Elena Badilla, Director and Paralegal respectively of Pinal-Gila Legal Aid in Coolidge, Arizona (Human Rights Watch telephone interview, September 1, 1998), and Amelia Lopez, former Arizona Department of Economic Security outreach worker (Human Rights Watch telephone interview, March 18, 1999).

⁶¹ Human Rights Watch interview with Art Morelos, Compliance Supervisor, Industrial Commission of Arizona, Division of Occupational Safety and Health, October 15, 1998, Tucson, Arizona.

⁶² United States Environmental Protection Agency, "A Guide to Heat Stress in Agriculture," EPA-750-b-92-001, May 1993, pp. 17-19.

⁶³ Ibid.

⁶⁴ See, for example, 29 C.F.R. 1928.110 (the federal Occupational Safety and Health Administration's Field Sanitation Standard) and Arizona Industrial Commission Regulation R4-13-670 (Field Sanitation).

⁶⁵ Ibid., p. 24.

⁶⁶ Arizona Industrial Commission Regulation R4-13-670.

⁶⁷ Industrial Commission of Arizona, Division of Occupational Safety and Health, Inspection Report, Case Number 126996610, September 19, 1997 (reviewed by Human Rights Watch).

⁶⁸ Ibid

⁶⁹ Human Rights Watch interview, Casa Grande, Arizona, October 27, 1998.

⁷⁰ A California survey found that 75 percent of adolescent farmworkers brought their own water to work. Arroyo and Kurre, "Young Agricultural Workers in California," p. 31.

⁷¹ Human Rights Watch interview, Aguila, Arizona, April 29, 1999.

⁷² Human Rights Watch interview, Tucson, Arizona, October 15, 1998.

⁷³ United States Environmental Protection Agency, "A Guide to Heat Stress in Agriculture," EPA-750-b-92-001, May 1993, pp.24-25.

⁷⁴ Human Rights Watch telephone interview with Maria Elena Badilla, paralegal with Pinal-Gila Legal Aid, Coolidge, Arizona, September 1, 1998. According to Badilla, the boy's body was returned to Mexico and no worker's compensation or other claim was filed.

⁷⁵ United States Environmental Protection Agency, "A Guide to Heat Stress in Agriculture," EPA-750-b-92-001, May 1993, p. 1.

⁷⁶ Ibid.

⁷⁷ Ibid., p. 2.

⁷⁸ Human Rights Watch interview with Jane T., October 27, 1998, Casa Grande, Arizona.

⁷⁹ National Research Council and Institute of Medicine, *Protecting Youth at Work: Health, Safety, and Development of Working Children and Adolescents in the United States* (Washington, D.C.: National Academy Press, 1998), p. 93.

⁸⁰ See Ibid., p. 156.

⁸¹ Ibid., p. 94.

⁹³ Association of Farmworker Opportunity Programs, "Child Dies in Orange Grove Accident," *Washington Newslines*, http://www.afop.org/newsletter/jan_feb99/kiddies.html.

⁹⁴ According to the National Safety Council, agriculture is second only to mining in occupational fatalities. Arroyo and Kurre, "Young Agricultural Workers in California," *Labor Occupational Health*

Program, Center for Occupational and Environmental Health, School of Public Health, University of California, Berkeley, November 1997, pp. 23-24, citing National Safety Council, "Accident Facts," 1996. The Department of Labor prohibits employment of youth under the age of eighteen in mining.

⁹⁵ National Research Council and Institute of Medicine, *Protecting Youth at Work*, p. 153.

⁹⁶ Ibid.

⁹⁷ Arroyo and Kurre, "Young Agricultural Workers in California," p. 28, citing a study in Washington state.

⁹⁸ Human Rights Watch interview, Willcox, Arizona, March 16, 1999.

⁹⁹ Human Rights Watch telephone interview with Gary Restaino, then-staff attorney for Community Legal Services Farmworker Program, Phoenix, Arizona, April 26, 1999.

¹⁰⁰ Human Rights Watch interview with Compliance Supervisor Art Morelos, Tucson, Arizona, October 15, 1998.

¹⁰¹ Human Rights Watch interview with Benjamin C., Somerton, Arizona, October 1, 1998.

¹⁰² Human Rights Watch interview with Damaris A., Somerton, Arizona, October 1, 1998.

¹⁰³ National Center for Farmworker Health, "Who are America's Farmworkers?" p. 6.

¹⁰⁴ National Research Council and Institute of Medicine, *Protecting Youth at Work*, p. 131.

¹⁰⁵ Human Rights Watch telephone interview with Emma Torres, Project Coordinator, Bridges in Friendship (a project of the Border Health Foundation), Somerton, Arizona, October 19, 1998.

¹⁰⁶ Human Rights Watch interview with Emma Torres, Somerton, Arizona, September 30, 1998.

¹⁰⁷ Human Rights Watch telephone interview with Emma Torres, October 19, 1998.

¹⁰⁸ Human Rights Watch interview, Casa Grande, Arizona, October 27, 1998.

¹⁰⁹ These states are Alabama, Arizona, Delaware, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming. Child Labor Coalition, "1997 Child Labor State Survey," National Consumers League, Washington, DC, 1997, p. 12. The Child Labor Coalition conducts a state child labor survey every two years.

¹¹⁰ Ibid.

¹¹¹ States with a twelve-year minimum age requirement are Arkansas, Georgia, Idaho, Indiana, Kansas, Maryland, Minnesota, New Jersey, New York, South Carolina, Virginia, Washington, and Wisconsin. Those with a fourteen-year minimum age requirement are Alaska, California, Connecticut, Hawaii, Missouri, Montana, New Mexico, Rhode Island, and West Virginia. Ibid.

¹¹² 29 U.S.C. section 213.

¹¹³ 29 U.S.C. section 213(c)(1)(A). A "small farm" is one which did not employ more than 500 man-days of agricultural labor during any calendar quarter of the preceding year. 29 U.S.C. section 213(a). Five hundred man-days would typically be reached by seven employees working six days a week during a calendar quarter. Human Rights Watch telephone interview with Gary Restaino, then-staff attorney with Community Legal Services Farmworker Program, April 26, 1999.

¹¹⁴ 29 U.S.C. section 213(c)(1)(B).

¹¹⁵ 29 U.S.C. section 213(c)(1)(C).

¹¹⁶ 29 U.S.C. section 213(c)(2).

¹¹⁷ Human Rights Watch interview with Jessica G., Somerton, Arizona, September 30, 1998.

¹¹⁸ Human Rights Watch interview, Casa Grande, Arizona, October 27, 1998.

¹¹⁹ Human Rights Watch telephone interview with Blanca Rodriguez, attorney with the United Farm Workers, Sunnyside, WA, March 10, 1999.

¹²⁰ Ibid.

¹²¹ Human Rights Watch telephone interview with Flor Trujillo, March 24, 1999.

¹²² Human Rights Watch interview, Casa Grande, Arizona, October 27, 1998.

¹²³ Ibid.

¹²⁴ Human Rights Watch interview, Casa Grande, Arizona, November 3, 1998.

¹²⁵ Human Rights Watch interview, Casa Grande, Arizona, November 3, 1998.

¹²⁶ The minimum wage requirements of the Fair Labor Standards Act do not apply to: (1) farmworkers, including minors, whose employers used less than 500 man-days of farm labor during every calendar quarter of the previous year; (2) non-migrant hand-harvest laborers who are paid on a piece-rate basis and who worked in agriculture less than thirteen weeks the previous year; and (3) workers sixteen years of age and younger who are employed at the same farm as their parent and who are hand-harvest laborers paid at a piece rate. 29 C.F.R. 780.300.

¹²⁷ Unless the worker falls under one of the exempt categories; see preceding footnote.

¹²⁸ See the chapter "Health and Safety Risks" regarding cumulative injuries and substance abuse.

¹²⁹ Cited in U.S. General Accounting Office, "Child Labor in Agriculture: Characteristics and Legality of Work," Washington, D.C.: U.S. General Accounting Office, 1998; GAO/HEHS-98-112R, p. 7.

¹³⁰ U.S. Department of Labor, "Compliance Highlights: 1998 Agricultural Activity Report, Wage and Hour Division," March 1999, p. 2 (regarding California findings); U.S. Department of Labor Wage and Hour Division, Phoenix District Memorandum, "Phoenix District Grape Survey," November 10, 1998 (regarding Arizona findings). The Department of Labor surveys did not distinguish between juvenile and adult workers.

¹³¹ Human Rights Watch interview, Willcox, Arizona, March 16, 1999.

- ¹³² Human Rights Watch interview, Willcox, Arizona, March 16, 1999.
- ¹³³ Human Rights Watch interview, Casa Grande, Arizona, November 3, 1998.
- ¹³⁴ Ibid.
- ¹³⁵ Human Rights Watch interview, Casa Grande, Arizona, October 27, 1998.
- ¹³⁶ Human Rights Watch interview, Somerton, Arizona, October 1, 1998.
- ¹³⁷ Human Rights Watch interviews with Sylvia R. and Dina V., Aguila, Arizona, April 9, 1999.
- ¹³⁸ Ibid.
- ¹³⁹ Ibid.
- ¹⁴⁰ Human Rights Watch interview, Casa Grande, Arizona, October 27, 1998.
- ¹⁴¹ Carol Mell, "Keepers of the Green: Workers from Mexico fuel Yuma County's agriculture industry," *The Yuma Daily Sun*, <http://www.yumasun.com/news/index.shtml>.
- ¹⁴² Ibid., quoting Mike Valadez, Immigration and Naturalization Service Assistant Port Director for San Luis, Arizona.
- ¹⁴³ Human Rights Watch interview, Casa Grande, Arizona, November 3, 1998.
- ¹⁴⁴ United States General Accounting Office, "Hired Farmworkers: Health and Well-Being at Risk," Washington, D.C.: U.S. General Accounting Office, 1992; GAO/HRD-092-46, p. 37. Among non-farmworkers, the dropout rate is only 29 percent. Ibid.
- ¹⁴⁵ Diane Mull, "U.S. Farmworker Children Lack Needed Workplace Protection," *Youth Advocate Program International Report*, vol. 3, no. 1, Spring 1998, p. 3, (citing U.S. Department of Education, "The Education of Adult Migrant Farmworkers," vol. 2, 1991).
- ¹⁴⁶ National Center for Farmworker Health, "Who are America's Farmworkers?" <http://www.ncfh.org/aboutfws/aboutfws.htm>, p. 7.
- ¹⁴⁷ Human Rights Watch telephone interview with Amelia Lopez, former Arizona Department of Economic Security outreach worker, March 18, 1999.
- ¹⁴⁸ See generally National Research Council, *Protecting Youth at Work*, chapter five, "Work's Effect on Children and Adolescents," and in particular pp. 115-120.
- ¹⁴⁹ National Research Council, *Protecting Youth at Work*, p. 96.
- ¹⁵⁰ Ibid., p. 97.
- ¹⁵¹ Ibid.
- ¹⁵² Ibid.

¹⁵³ Arroyo and Kurre, "Young Agricultural Workers in California," Labor Occupational Health Program, Center for Occupational and Environmental Health, School of Public Health, University of California, Berkeley, November 1997, p. 31, citing a 1992 United States Department of Agriculture study.

¹⁵⁴ National Research Council, *Protecting Youth at Work*, p. 11.

¹⁵⁵ Ibid.

¹⁵⁶ As previously noted, the National Research Council has addressed this disparity, recommending that the distinction between agricultural and nonagricultural occupations be eliminated, and that the more stringent nonagricultural restrictions apply to all working children. It should also be noted that, technically, children aged ten and eleven may also work as hired farmworkers under a special waiver system administered by the U.S. Department of Labor. As a practical matter, however, the issuance of such waivers has stopped or occurs on a very rare basis.

¹⁵⁷ Human Rights Watch interview, Yuma, Arizona, September 30, 1998.

¹⁵⁸ L. Anne Newell, "State, Pima show better rates of teen pregnancy," *Arizona Daily Star*, April 6, 1999. The rates are for girls 15 to 19-years old.

¹⁵⁹ Patricia Donovan, "Falling Teen Pregnancy, Birthrates: What's Behind the Declines?" *The Guttmacher Report on Public Policy*, vol. I, no. 5, October 1998 (<http://206.215.210.5/pubs/journals/gr010506.html>).

¹⁶⁰ Human Rights Watch interview, Aguila, Arizona, April 29, 1999.

¹⁶¹ Human Rights Watch interview, Yuma, Arizona, September 30, 1998.

¹⁶² The Equal Employment Opportunity Commission is a federal agency charged with enforcing federal civil rights laws as they relate to employment.

¹⁶³ Human Rights Watch telephone interview, May 5, 1999.

¹⁶⁴ Human Rights Watch interview, Yuma, Arizona, September 30, 1998.

¹⁶⁵ EEOC News (press release), "EEOC and Tanimura & Antle settle sexual harassment case in the agricultural industry," February 23, 1999, p. 1.

¹⁶⁶ Ibid. The retaliation against Mr. Aragón allegedly included verbal abuse, suspension without cause, and discharge.

¹⁶⁷ Human Rights Watch telephone interviews with EEOC attorney Cindy O'Hara, May 5, 1999, and April 25, 2000.

¹⁶⁸ Ibid.