



Civil Rights Issues Affecting Migrant and Seasonal Farmworkers in Michigan



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Farmworker Demographics and Overview of Issues

Speaker: Thomas K. Thornburg, Co-Managing Attorney

For several generations, migrant and seasonal farmworkers have helped sustain and harvest over 40 labor intensive crops throughout Michigan. A 2006 study estimated that migrant and seasonal farmworkers and their children number over 90,000 in Michigan annually. Although the total annual field value of Michigan's hand-harvested crops is over \$2 billion, the annual income for a farmworker family of five remains well below the federal poverty level. Michigan's farm labor force is 99% Hispanic or Latino and is comprised of a significant foreign-born population, mainly of Mexican origin. It is estimated that the majority of farmworkers in Michigan (57%) speak Spanish as their primary language. Contrary to popular opinion, the great majority of farmworkers in the upper Midwest (over 70%) are "lawfully present" and authorized to work in the United States. Family-based migration (primarily from Texas and Florida) is a unique factor in Michigan's migrant workforce, with the number of children and teens accompanying farmworkers estimated at over 40,000 annually.

Familial Status Discrimination in Farmworker Housing

Speaker: Megan A. Reynolds, Attorney

Many migrant farmworkers travel to Michigan with non-working spouses and children. Both the federal Fair Housing Act (FHA) and the Michigan Elliott-Larsen Civil Rights Act prohibit discrimination in housing on the basis of familial status. These statutes make it unlawful to refuse to rent or otherwise make unavailable or deny, a dwelling to any person because of familial status. They also prohibit statements with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on familial status. Under federal precedent, the FHA is applicable to temporary farm labor camps because the camp units are "dwellings" of the workers for the duration of their employment. Nevertheless, some Michigan growers have openly announced their intention to discriminate on the basis of familial status in job orders posted with Michigan Works! and in other public forums.

The Migrant Housing Licensing Crisis

Speaker: Stephanie L. Little, Law Graduate

Numerous migrant farmworkers throughout the state of Michigan are forced to live in deplorable conditions. Although state and federal law mandates certain minimum standards for migrant housing camps, these laws have not been rigorously enforced. The Michigan Department of Agriculture (MDA) is responsible for inspecting and licensing all camps in the state where five or more migratory agricultural workers are housed, but this agency has not been adequately staffed for nearly a decade. Recent budget cuts have resulted in additional reductions in the Michigan Migrant Labor Housing Inspection staff, and the MDA has announced that over 100 camps throughout the state will not be inspected or licensed this year. It is estimated that this decision will result in extreme underenforcement of conditions-based housing violations and a severe reduction in the availability of safe and sanitary housing for thousands of Michigan's migrant farmworkers.

Environmental Justice and Michigan's Migrant and Seasonal Farmworkers

Speaker: Rachel M. Udow, Pesticide Action Campaign Coordinator

The Environmental Protection Agency defines "environmental justice" as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies." Michigan's farmworkers and their family members, the majority of whom are Hispanic or Latino and reside in low-income households, are subjected to a disproportionately high number of environmental and health hazards. This elevated risk is due not only to the hazardous nature of farm work, but also to the inadequate and unequal protection of farmworkers under federal and state health and safety regulations. Such systemic failures to provide equal protection for Michigan's farmworker families result in many preventable workplace illnesses and injuries and constitute a breach of environmental justice.

Access to Vital Documents

Speaker: B. Daniel Inquilla, Co-Managing Attorney

Immigrant farmworkers often face barriers on a state and local level when they try to access basic documents such as driver's licenses and marriage licenses. State and local officials make determinations of ineligibility that are contrary to law. In addition, officials often interpret laws against the interests of immigrants. The inability to obtain vital documents negatively impact immigrants in various ways and leave them extremely vulnerable to abuses by private and governmental actors.