EXECUTIVE SUMMARY

Agricultural workers in California are pressured by their circumstances and employers to keep working in unsafe conditions that increase their susceptibility to contracting COVID-19. Social, economic, and occupational conditions further exacerbate the risks farmworkers face during the pandemic, especially for undocumented farmworkers. This brief describes geographic and racial/ethnic variation of California voters who agree that "undocumented farmworkers should receive the same medical and paid sick leave benefits as documented farmworkers if they fall sick with COVID-19." Findings reflect that regional patterns of voter support across California match on to the political geography of the state. Furthermore, racial/ethnic minorities are also more likely to support expanding equitable paid sick leave and health benefits for all farmworkers than white voters.

The brief also outlines the steps that the California State Legislature, local governments, county Health & Human Services Agencies, and labor unions can take to ensure that all workers in the fields, their families, and their communities are protected from COVID-19.

These findings offer valuable insight as policymakers announce targeted actions to increase outreach and educational campaigns to decrease the risk of COVID-19 among farmworkers. One lesson is clear: cross-sector collaboration between various levels of government, local and state public health departments, and labor unions is needed to protect the health of farmworkers and preserve the nation’s food supply chain.

INTRODUCTION

California's vast agricultural workforce continues to maintain the country’s food supply chain during a critical need despite being subject to many conditions that make them vulnerable to COVID-19. California agricultural workers, 56% of whom are undocumented [4], harvest over a third of US vegetables and two-thirds of the country’s fruits and nuts [5]. A statewide survey by the Institute of Governmental Studies (IGS), in conjunction with the

Overview of Opportunities for Action:

1. AB 2043 should be enacted into law to enforce Cal/OSHA’s COVID-19 Infection Prevention for Agricultural Employers & Employees safety and health guidelines [1], conduct targeted outreach campaigns, and compile and report monthly information on violations reported by farmworkers.
2. Each County Board of Supervisors should have a plan on how they aim to allocate COVID-19 aid from the federal government to combat the pandemic, particularly in vulnerable communities [2].
3. All agrarian counties should implement the Farmworker Resource Program to provide accessible, culturally relevant, and timely information on available resources in Spanish and other indigenous languages farmworkers and their communities speak [3].
4. Labor unions can act as the liaison between farmworkers and Cal/OSHA to help workers report violations.
California Initiative for Health Equity & Action (Cal-IHEA), finds that most California voters support greater economic and health care protections for farmworkers regardless of legal status [6]. In April, the IGS and Cal-IHEA fielded the largest California statewide poll on California voters' attitudes about the COVID-19 pandemic [7]. First, the policy brief examines the survey results on voter support for extending equitable health and paid sick leave protections for all agricultural workers, regardless of their legal status. Second, I draw on original analyses of the data to examine county-level variation and racial/ethnic differences in the level of voter support for expanding protections to all farmworkers [6].

California farmworkers harvest over two-thirds of the country’s fruits and nuts and a third of U.S. vegetables.

This policy brief disentangles who and where proponents of equitable farmworker protections are in the state. The brief also outlines the steps that the State Legislature, local governments, county agencies, and labor unions can take to ensure that all workers in the fields, their families, and their communities are protected.

Dangerous Occupational and Social Conditions
Farmworkers face occupational risks and living conditions that increase their risk of contracting COVID-19 as they work through the pandemic. Factors that exacerbate the risk include high-density living arrangements, inability to socially distance in the field, and lack of personal protective equipment (PPE). For example, a recent outbreak of COVID-19 was reported on a farm in Oxnard, where 176 farmworkers tested positive for the virus [8]. The ripple effects of high infection rates also negatively impact farmworkers’ communities and households. In Monterey County alone, farmworkers make up more than a third of confirmed COVID-19 cases [9]; most of the cases are concentrated in densely populated farmworker neighborhoods such as East Salinas. In counties with large farmworker populations, the death rate from COVID-19 is much higher compared to urban counties. In rural communities, people employed in the agricultural industry, who cannot speak English, and who live in poverty are most at risk of contracting COVID-19 [10].

Farmworkers are considered essential workers by the federal and California state governments. However, most lack legal immigration status, which excludes them from public benefits such as unemployment insurance, subsidies for health insurance, and federal pandemic stimulus checks. Within California’s agricultural industry, medical and paid sick leave benefits for farmworkers are vital for combating COVID-19. These benefits prevent further exposure of others and facilitate the

56% of California's farmworkers are undocumented immigrants, compared to just under half nationwide.

appropriate treatment for those who are infected.

Crucially, undocumented farmworkers often do not have access to the same medical and federal paid sick leave benefits as documented farmworkers, further placing them in a vulnerable position and increasing their vulnerability to the detrimental impacts of COVID-19. For example, undocumented workers are excluded from the Federal Families First Coronavirus Response Act Emergency Paid Sick Leave. If this trend continues, COVID-19 will continue to propagate in farms across the state, thereby creating a shortage of agricultural workers. The lack of workers will create further difficulties in meeting the nation’s amplified demand for fruits, vegetables, and nuts.

FINDINGS

CA VOTER SUPPORT TO PROTECT ALL FARMWORKERS

Figure 1 maps county-level voter support for medical benefits and paid sick leave for agricultural workers who get infected with COVID-19 regardless of legal status. In the analysis, neighboring, sparsely populated counties are combined into groups to create regions with more respondents. This map identifies the 37 areas analyzed.

Geographic Variation:

As seen in Figure 1, California’s political geography reflects that, relative to those in the interior of the state, a higher proportion of voters from coastal counties strongly agree that "undocumented farmworkers should receive the same medical and paid sick leave benefits as documented farmworkers if they fall sick with COVID-19."

- The inner regions of California (far north and east of the state) are less populated, rural, have a lower non-white population, and more likely to lean Republican [11, 12].

- Furthermore, voters in counties with a high gross value of agriculture production are more likely than voters in the inner regions of the state to support equitable medical and paid sick leave benefits for all agricultural workers.

- An outlier is Imperial County, which is in the southeast region of the state near the US-Mexico border. Despite having a high proportion of Democratic voters and having a seasonal agriculture industry [13], respondents in Imperial County were less likely to support equitable rights to undocumented and documented agricultural workers who contract COVID-19. Possible reasons for the lower levels of support may be due to the county’s proximity to Mexico, which may increase residents’ actual and perceived competition with migrants for labor and opportunities. Before the pandemic, Imperial County’s unemployment rate stood at 8% [14]—two times greater than the state’s average unemployment rate of 4.2%.

County-Level Findings:

Figure 2 displays how each of the 37 regions analyzed compare to the state average (50%) level of support that "undocumented farmworkers should receive the same medical and paid sick leave benefits as documented farmworkers if they fall sick with COVID-19." The level of support varies from 24% in Yuba, Plumas, Sutter, and Nevada to 69.5% in San Francisco County.

- In San Francisco County, 7 out of 10 voters strongly support equitable medical and paid sick leave for all farmworkers who are sick with COVID-19 regardless of legal status.
Figure 1. Proportion of California Registered Voters Who Strongly Agree that "undocumented farmworkers should receive the same medical and paid sick leave benefits as documented farmworkers if they fall sick with COVID-19" (n= 8,875).

Note: Counties with a yellow dot are the top 10 agricultural economies in the state, as measured by Gross Value of Agricultural Production, 2016-2017. (Source: California Department of Food & Agriculture). We had no respondents from the counties of Sierra, Modoc, or Alpine.

- San Francisco county's general strong support for undocumented immigrants' protection may be related to the high level of support for equitable economic and health rights for all agricultural workers [12].
- On the other hand, the region encompassing Plumas, Nevada, Yuba, and Sutter counties had the lowest percentage of voters that strongly agreed with the statement at approximately 24%. This finding directly aligns with data indicating a majority of voters in the counties mentioned above voted for Donald Trump in the 2016 election [15]. The exception was Nevada County, which had a 47.4% Democratic vote share.
- The greater Bay Area, including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, along with Los Angeles
County have the highest share of Democratic voters in the state [12]. These counties were more likely to have a higher percentage of voters (50%), relative to the state average, who agree that "undocumented farmworkers should receive the same medical and paid sick leave benefits as documented farmworkers if they fall sick with COVID-19."

**Figure 2. Proportion of CA Registered Voters Who Strongly Agree that "undocumented farmworkers should receive the same medical and paid sick leave benefits as documented farmworkers if they fall sick with COVID-19" (n= 8,875)**

Racial & Ethnic Differences:
Figure 3 displays a breakdown of the level of support for health and paid sick leave benefits for agricultural workers regardless of legal status by voters' self-reported racial/ethnic group.

- As seen in Figure 3, almost 9 in 10 Latino voters in California agree that "undocumented farmworkers should receive the same medical and paid sick leave benefits as documented farmworkers if they fall sick with COVID-19."
- Furthermore, 71% of all respondents in the state strongly/somewhat agree with this statement. Notably, the percentage of Asian, Black, and Latino respondents who agree that undocumented and documented agricultural workers should have equitable paid sick leave and medical benefits if sick with COVID-19 is higher than the state average at 50%.
Public opinion about COVID-19 relief for undocumented immigrants reflects the broader views of immigrants in California [16].

- Three in four Californians have positive attitudes towards immigrants and immigration policy, believing they benefit the state given their hard work and job skills [16]. Asians, Blacks, and Latinos are all more likely than whites to view immigrants as a benefit to the state [17].
- Whites, Native Americans*, and Others** make up the highest proportion of respondents who disagree that undocumented farmworkers should receive the same medical and paid sick leave benefits as documented farmworkers if they fall ill with COVID-19.

Figure 3. Breakdown of Voter Responses by Racial/Ethnic Groups - "Undocumented farmworkers should receive the same medical and paid sick leave benefits as documented farmworkers if they fall sick with COVID-19" (n= 8,875)

* Native Americans made up the smallest proportion (weighted 0.8%) of respondents in this survey and the state — 70 out of the 8,875 respondents identified as Native American.
** "Others" refers to those who identify as multi-racial or who did not identify with any of the racial/ethnic categories listed as response options.

** ACTIONS THE STATE HAS UNDERTAKEN TO PROTECT FARMWORKERS 

In April, California Governor Gavin Newsom issued an Executive Order to create the COVID-19 Supplemental Paid Sick Leave, which provides two weeks of paid sick leave to workers in the food sector, including farmworkers [18].

Furthermore, on July 24, Governor Newsom
issued a series of new safeguards to protect farmworkers [19]. These new protections include

1. Helping agricultural workers isolate through the creation of Housing for the Harvest,
2. Issuing outreach and education campaigns,
3. Extending paid sick leave for agrarian workers who may be ill,
4. Increasing employer resources to guide them on how to provide a clean and safe environment for their workers, and
5. Conducting strategic enforcement and targeted interventions in high-risk industries.

However, it is not enough to have these measures in place if there is no enforcement or if the standards are not implemented. If the information on available resources is not adequately disseminated by trusted sources within the agrarian community, farmworkers will not use them. Moreover, undocumented farmworkers may refrain from accessing needed medical care due to fear of becoming a public charge. During the pandemic, lack of information among workers, fear of retaliation from employers and deportation distress, and the lack of enforcement of worker protections have been hazards that increased the susceptibility of COVID-19 among the state’s undocumented agricultural workforce.

COMBATING DANGER WITH INSTITUTIONAL & POLICY CHANGE

The vast majority of Californians support economic and health care protections for agricultural workers, regardless of legal status [6]. Protecting essential farmworkers from the perils of COVID-19 is vital to sustaining the nation’s food supply chain.

Along with the steps the State has taken to protect farmworkers, further actions from diverse stakeholders in California can help decrease the spread of COVID-19 among farmworkers and their communities. One solution to keep the agricultural community healthy is Assembly Bill (AB) 2043, introduced by Assemblymember Robert Rivas. A second solution is to mandate that all County Board of Supervisors establish a plan to appropriately spend CARES Act federal funding to target assistance to those most in need. Next, to protect farmworkers and prevent the spread of COVID-19, all agricultural counties should implement a Farmworker Resource Program (FRP). The FRP is currently present in Ventura County, which provides accessible, culturally relevant, and timely resources in Spanish and other indigenous languages farmworkers and their communities speak. Finally, labor unions can continue to take a stand in protecting farmworkers from the increased susceptibility of contracting COVID-19 due to unsafe working conditions. Below I discuss each of these actionable items.

LEGISLATIVE RESPONSE: IMMEDIATE STEPS FOR THE STATE

AB 2043, Agricultural Employee COVID-19 Health and Safety Act, is the nation’s first relief package that outlines a framework for adequate protections from COVID-19 for essential agricultural workers [20]. The bill has three main stipulations:

1. Mandate the California Division of Occupational Safety and Health (Cal/OSHA) COVID-19 workplace safety guidelines;
2. Directs the Cal/OSHA Standards Board to implement safety and health standards for COVID-19 infection prevention including sanitation practices, availability of PPE, and conditions that allow physical distancing; and
Conduct targeted outreach between Cal/OSHA and community-based organizations to educate agricultural workers on COVID-19 and how to participate in prevention efforts.

One of the central components of AB 2043 is also to enforce Cal/OSHA Standards, which as of July 2020, are guidelines and not requirements [1]. These standards have four overarching recommendations, including employee training on COVID-19, measures to prevent the spread of COVID-19 at the workplace, procedures to increase physical distancing, and proper sanitation practices. Mandating these, instead of maintaining them as suggested guidelines, for agricultural employers and employees would establish safe occupational standards for agrarian workers, so they may continue fulfilling their crucial role in a safe environment.

Furthermore, AB 2043 also requires that Cal/OSHA compiles and reports monthly information relating to complaints involving a workplace of agricultural employees, any investigation by the division of those workplaces, and the findings or results of any investigation. These reports would be publicly available online.

AB 2043 seeks to officially codify and extend several of the initiatives declared by Governor Gavin Newsom on July 24, 2020.

LOCAL COUNTY GOVERNMENTS
Each County Board of Supervisors should have a plan on their allocation of COVID-19 aid from the federal government to combat the pandemic [2]. Having a plan is particularly essential in farmworker communities where individuals may not have the resources to get tested, lack CARES Act stimulus checks, and fear employment retaliation for voicing workplace concerns. For instance, targeted and accessible testing sites should be created for agricultural workers, including in the workplace, to address clinic and work schedule incompatibilities. Using federal funding to establish targeted testing sites is particularly important in rural counties where there is a shortage of health clinics and providers.

Transparency of the allocation of federal aid spending is also vital. Reports have surfaced regarding certain localities, including Fresno County, not allocating funds equitably to ensure that those most hard hit by the pandemic are protected [21].

DISSEMINATING LOCAL INNOVATION TO SUPPORT FARMWORKERS
Another way of protecting agricultural workers in the state is by scaling up local programs like the Farmworker Resource Program (FRP) in Ventura County [3]. According to the program’s website, the FRP aims to form trust and relationships with the farmworker community to facilitate the use of available resources [3]. By using the FRP as a framework for other counties’ Human Services Agencies programmatic endeavors, particularly in rural regions, these agencies can assist in connecting farmworkers to resources and support in and outside the workplace. The FRP provides information on available housing, health, labor, immigration, and COVID-19 resources in Spanish and other indigenous languages and assists with navigating public agencies.

LABOR UNION ENGAGEMENT
In the age of COVID-19, workers’ unions have been an ally for agricultural workers. Ensuring that all workers have safe work conditions is critical to warrant farmworkers' safety and the safety of their families and communities.
After an outbreak of almost 100 positive COVID-19 cases in a Primex Farm in Wasco [22], farmworkers demonstrated outside the pistachio farm with the support of the United Farm Workers (UFW) union [23]. Primex Farm had kept information about the positive cases from its employees and had not provided adequate PPE to their workers, resulting in over 60 family members becoming infected [22]. In California, agricultural workers organizing alongside UFW have called on Attorney General Xavier Becerra to investigate whether agricultural employers are taking the necessary steps to protect their workers [23]. It is important to note that AB 2043 would facilitate Cal/OSHA investigations of Primex Farm and other employers that keep information from employees regarding COVID-19 infections in the workplace.

Labor unions like the UFW should be supported in their proactive role to ensure workers’ rights are protected by advocating for the enforcement of worker’s health and occupational standards and educating workers about their rights. California is the only state in the nation where agricultural workers can receive two weeks of paid sick leave [18]. However, there is no enforcement of this protection, and various agrarian employers have failed to pay workers for their lost time, including Primex Farms [24].

Given that Cal/OSHA’s enforcement of workplace rights is dependent on individual workers’ reporting of violations, labor unions can educate and empower agricultural workers to report any violations they experienced in the workplace. Unions can also play an essential role in communicating with employees regarding COVID-19 cases in the workplace; thus, it is crucial to identify a union contact that can help employees remain informed of their rights and possible outbreaks in the workplace.

Another example of what the UFW has done to help protect farmworkers and facilitate the enforcement of workers’ protection is to develop a streamlined form to report violations regarding COVID-19-required practices [25]. The questionnaire aims to facilitate communication of the violations to the worker’s respective local Occupational Safety & Health Agency (OSHA).

PUBLIC ENGAGEMENT
Beyond the state, county, and unions, the public can also play a key role in supporting and protecting essential agricultural workers. This support can include signing petitions, uplifting the stories and experiences of agricultural workers, donating to community-based organizations (CBO’s) in the trenches, and providing direct support to agrarian communities.

OTHER OPPORTUNITIES FOR ACTION
1. Employers, including agricultural growers and contractors, should be required to report positive cases of COVID-19 infections among their employees to Cal/OSHA, the local health department (LHD), and other employees who were potentially exposed. Disclosing potential outbreaks in the workplace should become the standard to prevent further propagation of the virus in the workplace and the communities where workers live.

a) According to the Cal/OSHA Title 8 section 342 requirement, any serious injury, illness, or death occurring in any place of employment or connection with any work must be reported by the employer to the local Cal/OSHA district office immediately [26]. For COVID-19, this includes hospitalizations and
deaths among employees, even if work-relatedness is uncertain.

2) The various sources of guidance and recommendations for employers can create confusion; thus, the state should collaborate with the California Department of Public Health (CDPH) and Cal/OSHA to establish a baseline set of requirements for agricultural employers to prevent COVID-19. For example, one of these requirements would be that agrarian employers develop an outbreak prevention plan.

3) An Executive Order should mandate the use of CDPH’s recommended guidance checklist for employers experiencing an outbreak of COVID-19 in their workplace [27]. The guidance checklist suggests employers should:
   a) Prepare for the identification of COVID-19 outbreaks in their workplace.
   b) Prepare to share information with the LHD and other stakeholders.
   c) Understand the requirements for reporting employee cases to Cal/OSHA.
   d) Identify additional employee cases and close contacts of cases to control further spread in the workplace.

4) As indicated in AB 2043, Cal/OSHA should compile and report monthly complaints of agricultural employees, investigation findings by the division of those workplaces, and the results of any investigation.
   a) Data is needed to determine who is infected, why the infection occurred, and how workers were infected to make informed decisions and legislation that will help lower the number of infections among agricultural workers.
   b) All county LHD, in collaboration with employers, should track and make data on cases of COVID-19 publicly available to ascertain disparities in risk and direct the allocation of resources to prevent, identify, and treat COVID-19 among vulnerable populations.
   c) For example, in a study of 900 farmworkers in California, Oregon, and Washington, the California Institute for Rural Studies found that agricultural workers are experiencing worsened pre-pandemic vulnerabilities. Among respondents, 46% experienced unpaid job loss, and 54% reported cost, lack of insurance, and/or lack of sick leave as barriers to accessing healthcare. Only 54% of worksites provided face-coverings, with contractors being less likely to give masks to farmworkers [28].

CONCLUSION

Farmworkers’ contributions are vital to maintaining the food supply chain before and during the pandemic, not just for the state but for the nation. Meanwhile, farmworkers are pressured by their circumstances and employers to keep working in unsafe conditions that increase their susceptibility to contracting COVID-19. Regional patterns of voter support across California match on to the political geography of the state with coastal regions being more supportive. Furthermore, racial/ethnic minorities, including Latinos, Asians, and Blacks, are also more likely to support expanding equitable paid sick leave and health benefits for all farmworkers compared to white voters. Overall, however, there is broad support among California voters to provide equitable rights for agricultural workers. The State Legislature, local governments, county Health & Human Services Agencies, local health departments, and employers should all do more to protect the health of farmworkers. This brief outlines the particular steps that each body mentioned above can take to collaborate
and ensure the health and safety of all farmworkers regardless of legal status.

DATA & METHODOLOGIES

The findings in this report are based on a Berkeley IGS Poll completed by the Institute of Governmental Studies (IGS) at the University of California, Berkeley, in conjunction with the California Initiative for Health Equity & Action (Cal-IHEA). The poll was administered online in English and Spanish between April 16 and 20, among 8,785 voters statewide.

The survey was administered by distributing email invitations to stratified random samples of the state's registered voters. The overall sample of registered voters with email addresses was stratified to obtain a proper balance of survey respondents across major segments of the registered voter population.

Post-stratification weights were applied to align the sample to population characteristics of the state's overall registered voter population. The results are subject to a sampling error of approximately +/-3 percentage points at the 95% confidence level. Results based on subgroups of this population would be subject to larger margins of sampling error.

Given that the sampling frame is only composed of registered voters, the findings are generalizable to California's registered voter population and not to the state's general population.

LIMITATIONS

Sub-groups of California residents who were not registered to vote were excluded from the sampling frame. Approximately 80% of eligible Californians are registered to vote [29]; thus, the remaining fifth of eligible voters, lawful permanent residents, undocumented immigrants, and Californians who have been convicted of a felony are not represented in our sample.

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ENDOTES

1. COVID-19 Infection Prevention for Agricultural Employers and Employees, in
Safety and Health Guidance. 2020, California Department of Industrial Relations Division of Occupational Safety & Health Publications Unit: California.

2. Payments to States and Eligible Units of Local Government. 2020, United States Department of Treasury.


5. California Agricultural Production Statistics. California Department of Food and Agriculture.


7. IGS Poll. 2020; Available from: [https://www.igs.berkeley.edu/research/berkeley-igs-poll](https://www.igs.berkeley.edu/research/berkeley-igs-poll).


13. Parvini, S., This corner of California is suffering economic misery despite boom all around it, in Los Angeles Times. 2019.


23. Sherman, J. Nearly 100 Primex Farms workers have gotten COVID and workers say the company is still failing to protect them. 2020; Available from: https://ufw.org/primexcaag/.


25. Toma Acción Para Archivar Quejas con OSHA. 2020, United Farm Workers.


29. Historic Voter Registration 2020, Elections and Voter Registration: California