

Unions fight against abuse of migrant laborers

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NUEVO LAREDO, MEXICO - Alberto Hernandez had picked tobacco in the US for nearly a decade, and even he was easily sucked into the scam: an eight-month contract, and a \$9-an-hour job in the US – visa and transportation included – all for \$700 up front.

When he came home to his wife and three children that day, after the bus to take him to the US never showed up, his wife burst into tears.

Two years later, he awaits a 36-hour bus journey from Nuevo Laredo along the US-Mexico border to the tobacco fields of North Carolina, where he'll work for the next five months. This time he has paid not a single fee nor left his wife with any debt.

The difference is due to new efforts by leaders in Mexico, through the Ohio-based Farm Labor Organizing Committee (FLOC), to protect migrant laborers from the thousands of unscrupulous recruiters who prey on them as they try to navigate the guest-worker program to earn a living in the US. But interfering in the recruiters' lucrative trade is proving difficult – and deadly.

In April, a union organizer was tortured and murdered in the union's Monterrey office.

FLOC has vowed to fight on and expand its reach throughout Mexico – especially if an overhaul of US immigration laws, which was reintroduced to US Senate debate last week, augments the numbers of guest workers heading to the US – and, thus, the abuse at the hands of recruiters.

"We can't stop this now, it's just going to go further and further," says Castulo Benavides, the director of FLOC in Mexico. "If they kill me, someone else will take my place, and this will keep moving forward."

How guest workers get swindled

For over 60 years, Mexicans have crossed the border legally each year, to harvest tobacco in North Carolina, extract meat from crabs in Maryland, pick blueberries in Maine, among other menial jobs. In 2006, some 37,000 workers got visas to carry out agriculture and other low-skill labor. More than three-fourths come from Mexico.

Most US growers rely on private agencies to recruit guest workers under the H2A agriculture and H2B nonagriculture programs, representing tens of millions of dollars, according to a recent report by the Southern Law Poverty Center. Some recruiters are legitimate. Others fan across countries like Mexico, charging prices often starting at \$600, about six months' worth of earnings for many laborers.

FLOC opened its office in Mexico in 2005, a year after winning a historic agreement with the North Carolina Growers Association that temporarily puts the burden of recruitment fees and visa costs onto employers in that state, not on the workers heading there.

"The enormous corruption was the first thing we discovered," says Baldemor Velasquez, FLOC's president in Ohio. "People are desperate. They will pay."

But not any more.

Organizers risk lives to prevent abuse

Dozens of men stand under trees in a run-down park in front of a church in Nuevo Laredo. Mr. Benavides circulates among clusters of men and hands them union brochures detailing their rights. Joe Mueller, a Christian Peacemaker, stands in the background, monitoring Benavides's movements in light of current threats against the union.

The murder of Santiago Rafael Cruz, who was born in Oaxaca and had worked the tobacco fields in North Carolina with Benavides before moving to Monterrey in 2007 to help expand union activities, while shocking, didn't come out of nowhere. The offices had been robbed twice – their computers and all members' contact information on it – and their staff workers have received anonymous death threats.

The federal government has installed closed-circuit cameras, and gave the two staff members cellphones that dial directly to the attorney general and investigative police in an emergency. They also pay for police to cruise past their offices three or four times a day.

Police in Monterrey charged a man they say confessed to the murder, and have dismissed Cruz's union work as a motive. But union officials are pressing for further investigations. They say they believe a flurry of meetings they held this spring throughout Mexico teaching Mexicans how not to fall prey to bribes could have been the motive.

"When you are down there trying to fight corruption, you are fighting people with the money," Velasquez says.

For now, however, FLOC's reach is limited. While they have made a difference for the 7,000 members they claim in Mexico, their agreement is only in North Carolina, and, unless renewed, it could expire next year. Observers say that the model could be repeated among other unions, and even other countries, but that for now it's a new idea.

FLOC is now focusing on similar agreements with growers in Kansas, Kentucky, Virginia, and Michigan. They are also considering opening an office in Nuevo Laredo, where many visas are processed. In addition, they have formed committees in small Mexican towns to help with outreach.

Still, while many groups help workers with legal and health rights, few have addressed abuses of recruitment at home. "FLOC is a very small organization, but they are trying to change [the system] mightily," says Cindy Hahamovitch, an expert on guest-worker programs at the College of William & Mary in Williamsburg, Virginia. "They turned guest workers into union members. That had never happened before."

President Bush has worked hard to expand the guest-worker program, lauding it in his 2007 State of the Union address. Yet if the US program were to expand, observers worry there will be little oversight. The Southern Poverty Law Center came out with a report recently calling for a complete overhaul of the guest-worker program if it is to be expanded, because of safety violations, wage abuses, and recruitment abuses.

"I don't think many are aware of how these things work at the ground level," says Don Villarejo, California Institute for Rural Studies.

"Imagine how I felt," says Mr. Hernandez. When scammed, he not only lost the \$700 fee; he missed the 2005 US agricultural season, settling for a daily wage he makes in an hour in the US. Hardest was the \$1,500 loan he took out at 20 percent interest. "I had \$1,500 in debt and no means to pay it off. I spent months just paying interest."

He never considered crossing illegally into the US because he says he has far too much to lose. But it was mighty tempting, he adds, as he follows the crowd toward the buses that will take them across the border, a grin on his face.