

F A R M W O R K E R S A N D T H E L A W

A Report on the
Illegal Treatment of Farm Workers in California



TO SEE WHAT LOVE CAN DO

AMERICAN FRIENDS SERVICE COMMITTEE

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Farm Workers and the Law
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P R E F A C E

This report on a special manpower project was prepared under a contract with the Office of Manpower, Policy, Evaluation, and Research, U. S. Department of Labor, under the authority of the Manpower Development and Training Act. Organizations undertaking such projects under Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this document do not necessarily represent the official position or policy of the Department of Labor.

This report is the result of a team effort by Michael Bennett, Peter Lauwers and Chris Paige on behalf of the American Friends Service Committee's Farm Workers Opportunity Project.

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1) Introduction, Summary

Operation Harvest Hands was an experimental counseling and community development project for seasonal and migrant farm workers that took place throughout California in 1965 and early 1966. Funded under the Manpower, Development and Training Act, Operation Harvest Hands was designed as a California statewide counseling and information gathering project that would assist government agencies in understanding the desires and needs of seasonal and migrant farm workers.

Counselor-interviewers were hired all over California to counsel farm workers and gather information regarding the employment situations and desires of seasonal farm workers in California. The information was recorded on "Counselor-Report Cards." The counselor-interviewers performed two major functions - that of counseling farm workers about their legal, social and employment rights, and that of gathering pertinent information about the individuals contacted with respect to employment, availability for work, working conditions and wages desired. Counselor-interviewers were also asked to submit periodic reports which summarized their findings and made recommendations.

Most of the staff had enough knowledge of the farm labor situation not to be shocked by the disgraceful picture that appeared in the interviewers' reports. What surprised many staff persons was that conditions were not simply "disgraceful," they were illegal under California law. Early field reports make it clear that farm workers were unaware of their legal rights:

They (farm workers) don't know anything about...basic rights and human dignities and will put up with anything because they feel they have to. (Report No. 1624)

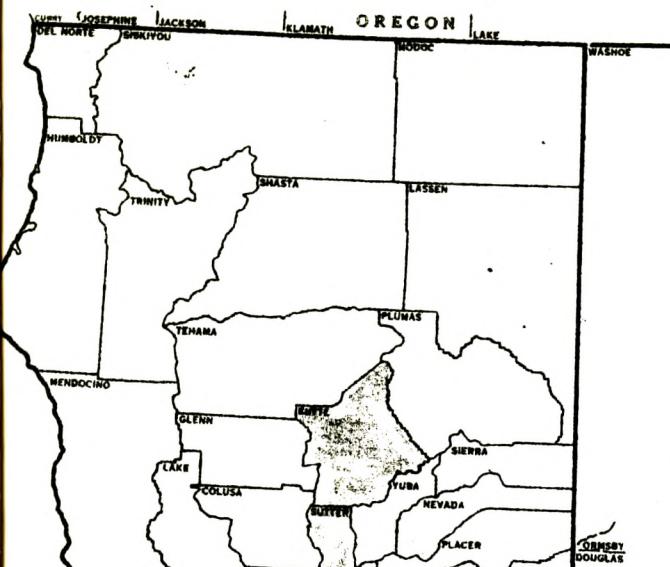
I found that the majority of them (farm workers) are completely unaware of their rights, and some of the laws they are supposed to be protected by. These people need more information, so they can demand their rights. (Report No. 0810)

Some workers evidenced an elementary knowledge of their rights, but expressed despair regarding the enforcement of those rights:

They seem to think that there is no hope for them. They realize they are being exploited. But there is nothing they can do about it. (Report No. 1412)

Farm workers vaguely familiar with laws designed to protect them were usually ignorant of the agencies charged to enforce such laws. Interviewers were asked by farm workers, "Who can we report things to when we get a raw deal?" (Report No. 1618) Some said they had heard of the Labor Commissioner but did not "understand how to go to the Labor Commissioner or anyone else for help." (Report No. 1622) As a matter of fact, even the counselor-interviewers --many of whom were themselves farm laborers--were only vaguely familiar with the laws and almost totally ignorant of enforcement procedures.

The following report attempts to display in the most graphic form possible, some of the illegal and abusive treatment of seasonal and migrant farm workers in the richest state of the Union. The report concentrates on three specific areas which were widely reported by counselors---sanitation, housing and drinking water. These areas are by no means inclusive of all the areas about which farm workers complained to the staff of Operation Harvest Hands. They are, however, representative of the living and working conditions of seasonal and migrant farm workers throughout California.



CALIFORNIA

CALIFORNIA COUNTIES

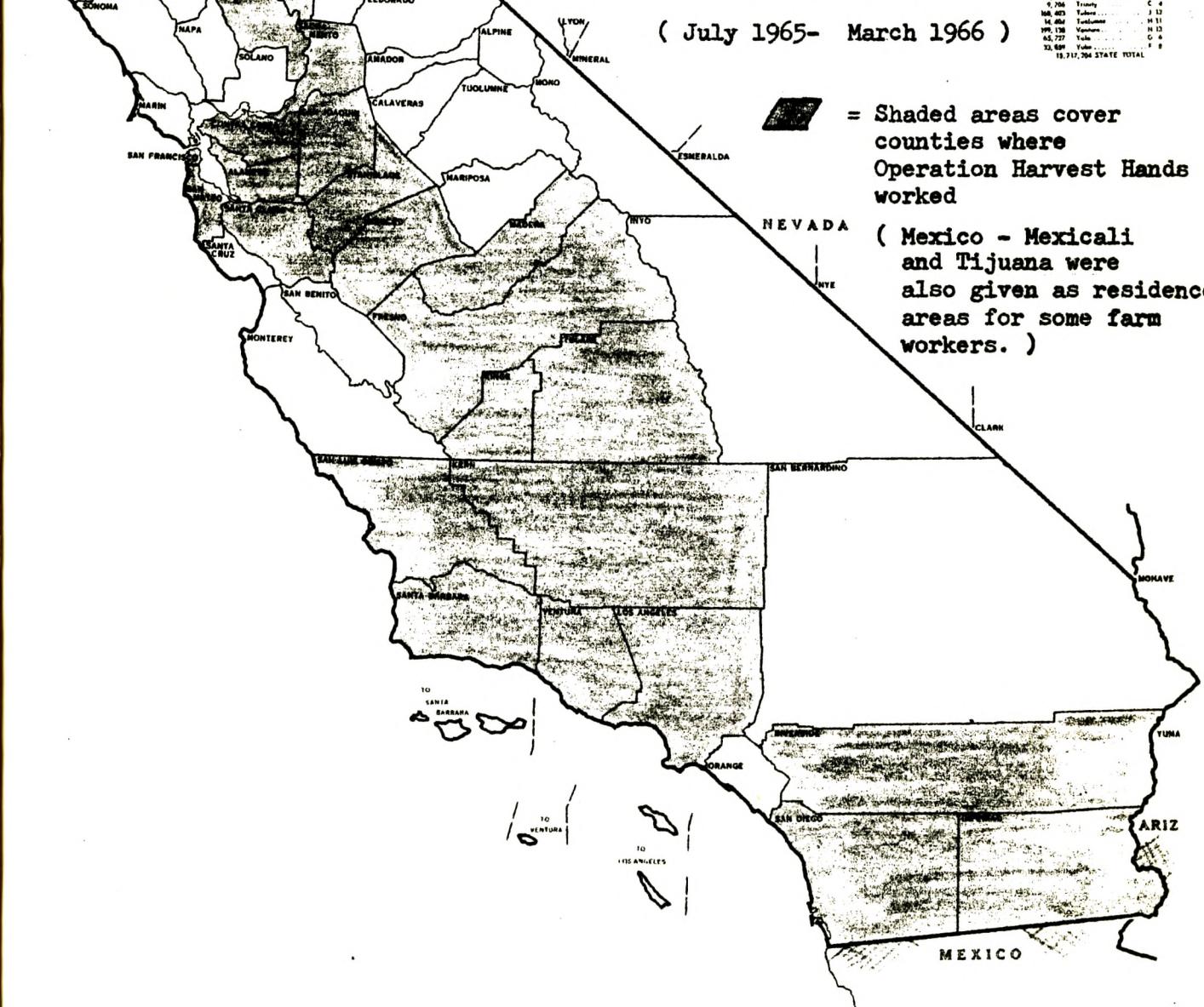
in which
OPERATION HARVEST HANDS

Counseling and Fact-Gathering

(July 1965- March 1966)

= Shaded areas cover
counties where
Operation Harvest Hands
worked

(Mexico - Mexicali and Tijuana were also given as residence areas for some farm workers.)



2) Illegal Treatment of Farm Workers

It should be emphasized that Operation Harvest Hands was not contractually responsible to investigate the illegal treatment of farm workers. Nor did the project ever undertake such activities on its own. The staff never made a systematic attempt to discover illegalities; counselor-interviewers simply reported facts that emerged during the normal course of counseling and collecting data on living and working conditions of farm workers. Unfortunately, in many areas of the State, collecting data on living and working conditions and collecting data on illegal treatment of farm workers were nearly synonymous activities.

Since the Harvest Hands staff ended up documenting--by eyewitness statements and photographs--well over a thousand cases of illegal treatment of farm workers, there is room here to cite only the smallest sample of evidence gathered. The following few pages include a small number of quotations, some from counselor-interviewers and some from their interviewees, but all from persons who were eyewitnesses to that of which they speak. A few photographs--taken by three counselor-interviewers who owned or borrowed cameras--help to illustrate the situations referred to by the quotations. To further clarify the subject matter, the materials have been arranged into violation categories: sanitation, drinking water, housing, and wages; and summaries of the most relevant California laws have been cited at the beginning of each section.

A. Sanitation: toilets and handwashing facilities.

The California Health and Safety Code, Sections 5474.20-5474.31, demands that whenever five or more workers are employed for two or more hours on a food crop, the employer must provide one toilet and one handwashing facility for every forty employees. These facilities have to be within five minutes walk of the place of work. Furthermore, toilets must be properly ventilated and screened, equipped with toilet seats and lids, so constructed to provide privacy, supplied with toilet paper, and maintained in a sanitary manner by the employer. Handwashing facilities must be provided with clean water and soap and be kept in a sanitary condition. (Cf. Industrial Welfare Commission Order No. 14-65) In the State of California the Industrial Welfare Commission regulates the wages and working conditions of women and minors in many industries, including agriculture.

Every one of our counselor-interviewers reported a lack of field toilets. For instance, an interviewer in Stanislaus County wrote, "I visited field after field where there were no toilets and no water." (Report No. 1621) When toilets were provided, "they are unsanitary," (Report No. 1625) or inadequate for the number of people--"one for a crew of eighty-five people," (Report No. 1622) or as one farm laborer put it,

You have to walk so far to the toilet, it takes thirty minutes there and thirty minutes back, so I work until I have to go and then quit and come home for the day. (Report No. 1617)

Needless to say, handwashing facilities were even scarcer than field toilets. Many workers expressed a desire at least to wash their hands before eating their lunches. Some even expressed a civic responsibility to wash their hands after relieving themselves. For these and other reasons, counselor-interviewers often heard it said, "We need a place to wash our hands." (Report No. 1616)

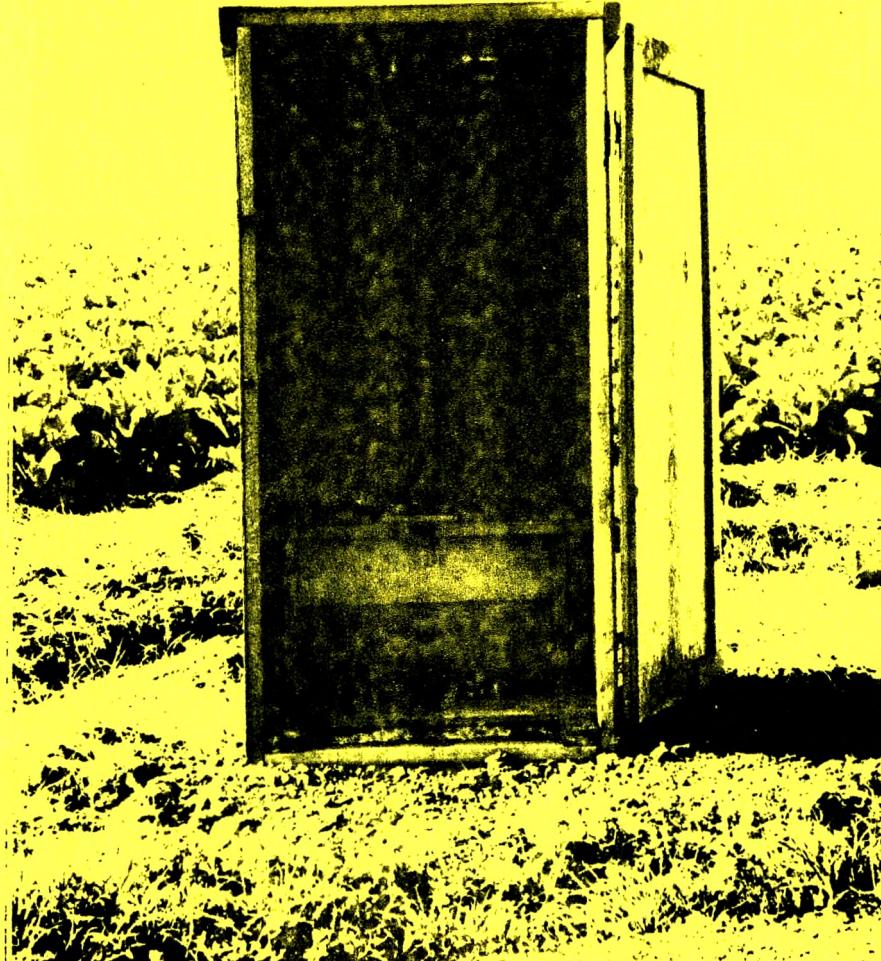
Of course, not all workers are so considerate of the public that later consumes the harvest. When asked about the lack of field toilets and handwashing facilities in a grape vineyard where she was working, Mrs. L. replied, "You don't really need them when it's all growed up like this." (Report No. 0910)

Sanitation

Time and place: August 31, 1965, 10:00 A.M.; in a cauliflower field owned by Mr. René Anderson, two miles south of Patterson on Highway 33, Stanislaus County.

Description: This is one of two toilets for a very large field. The other toilet was over five hundred yards away from the one shown. Both were over eight hundred yards away from large portions of the field.

Remarks: These two toilets were not sufficient to meet the legal criteria for ready accessibility. Neither toilet was properly screened or ventilated.



Sanitation

Time and place: Same as on previous page.

Description: Interior of the toilet pictured on previous page.
Crumpled newspaper below seat cover.

Remarks: The toilet was not maintained in a sanitary condition,
and no toilet paper was supplied.



Sanitation

Time and place: November 2, 1965, 8:00 A.M.; a lettuce field in the 2400 block of East Colonia Road near Oxnard.

Description: Nine female workers were thinning lettuce under the direction of a male field boss. There were no hand-washing facilities and no field toilets.

Remarks: Order 14-65 of the Industrial Welfare Commission, as well as the California Health and Safety Code, states that female workers should be provided toilets and handwashing facilities.



Sanitation

Time and Place: August 31, 1965, 11:00 A.M., in a tomato field owned by Joseph Smith, Junior and Senior, two miles south of Crows Landing, on Highway 33 in Stanislaus County.

Description: Flies are visible on the seat of this field toilet which, by itself, was to serve over one hundred field workers. Many workers had to walk for more than five minutes to get to this toilet. The outside of the toilet is also shown with the workers in the background. There were no handwashing facilities in the field at all.

Remarks: The criteria of sanitation, screening and accessibility were all being violated.



B. Drinking Water.

The California Labor Code, together with Order No. 14-65 of the Industrial Welfare Commission, demand that an employer of agricultural workers provide his employees with cool, fresh, and pure drinking water during working hours. Furthermore, individual paper cups or sanitary drinking fountains must be provided.

Laws requiring employers to provide drinking water with individual cups are violated on a nearly universal basis. From Ventura County a counselor-interviewer reported, "Some people say that they do not have water all day sometimes, and when they do, the containers are unsanitary." (Report No. 6210) "Unsanitary containers" generally mean that employers provide workers "only rusty beer cans for them to drink from." (Report No. 6212) Another counselor-interviewer reported that, generally speaking, "...they have two beer cans for about forty people to drink in." (Report No. 7212)

Sometimes workers were provided a container not quite as crude as a rusty beer can, but it was always a community container instead of the individual paper cups required by law. A counselor-interviewer in Santa Clara county described field after field of women and teenage workers where "they didn't have a bathroom, not even one....and all the people used the same cup for drinking water." (Report No. 8213; cf. 4013, 0910)

Drinking Water

Time and Place: August 31, 1965, 11:50 A.M.; at the side of Highway 33 one mile south of Westley, Stanislaus County.

Description: A truck (California license W73 600) owned by David Avila and Sons, Turlock, was stopped beside the highway, evidently because of defective brakes. The photograph shows the drinking facility and community cup attached to the side of the vehicle.

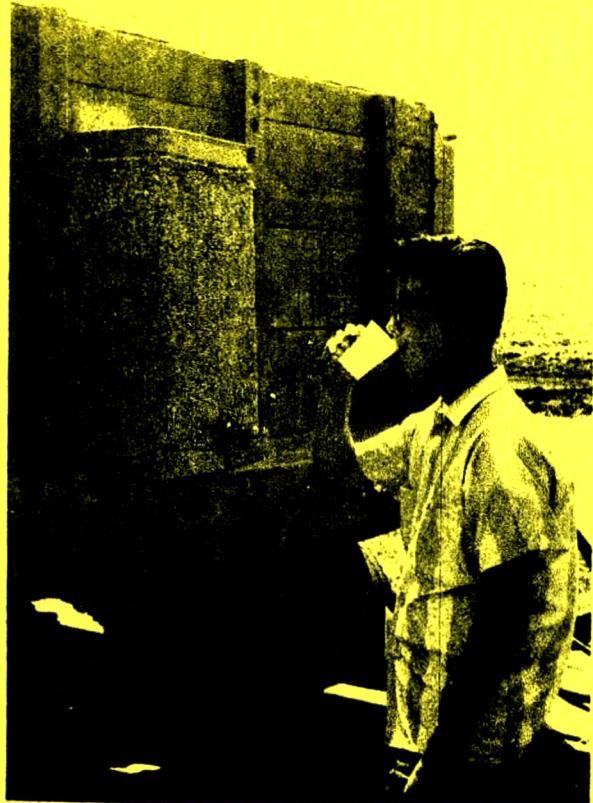
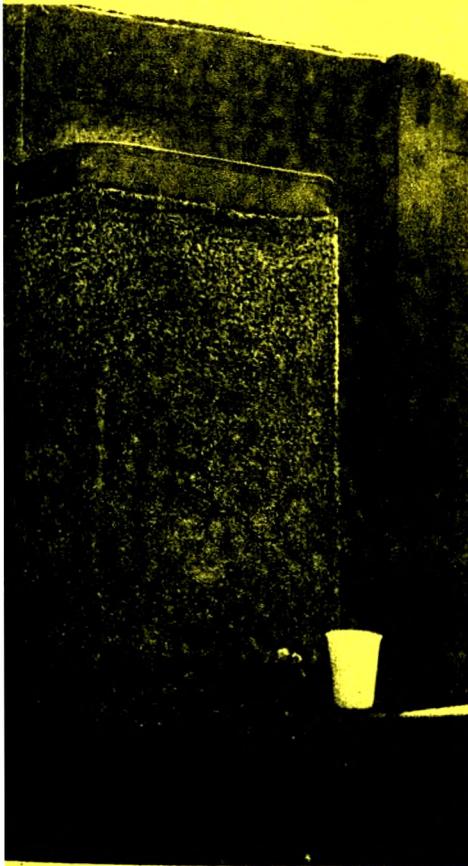
Remarks: Such drinking facilities are common arrangements in the fields.



Drinking Water

Time and place: August 31, 1965, 12:00 noon; beside a melon field owned by ATB Company (Tony Bettencourt), one-half mile south of Westley on Highway 33, Stanislaus County.

Description: The water in this container--which serviced an entire field of melon workers--was cool and clean, but all who drank had to use the single cup shown at the right of water spout.



Drinking Water

Time and place: November 2, 1965, 10:00 A.M.; a tomato field on Doris Avenue, a quarter mile east of West Road (Victoria Rd.), Oxnard.

Description: Thirteen men and three women were gathering twine from tomato stakes. They said there were no toilets or hand-washing facilities available to them. A farm labor truck at the scene (California license K16066) carried a can of water, but no cups were available. Workers said they had to drink from containers they provided themselves; most carried an empty "pop" bottle with them.

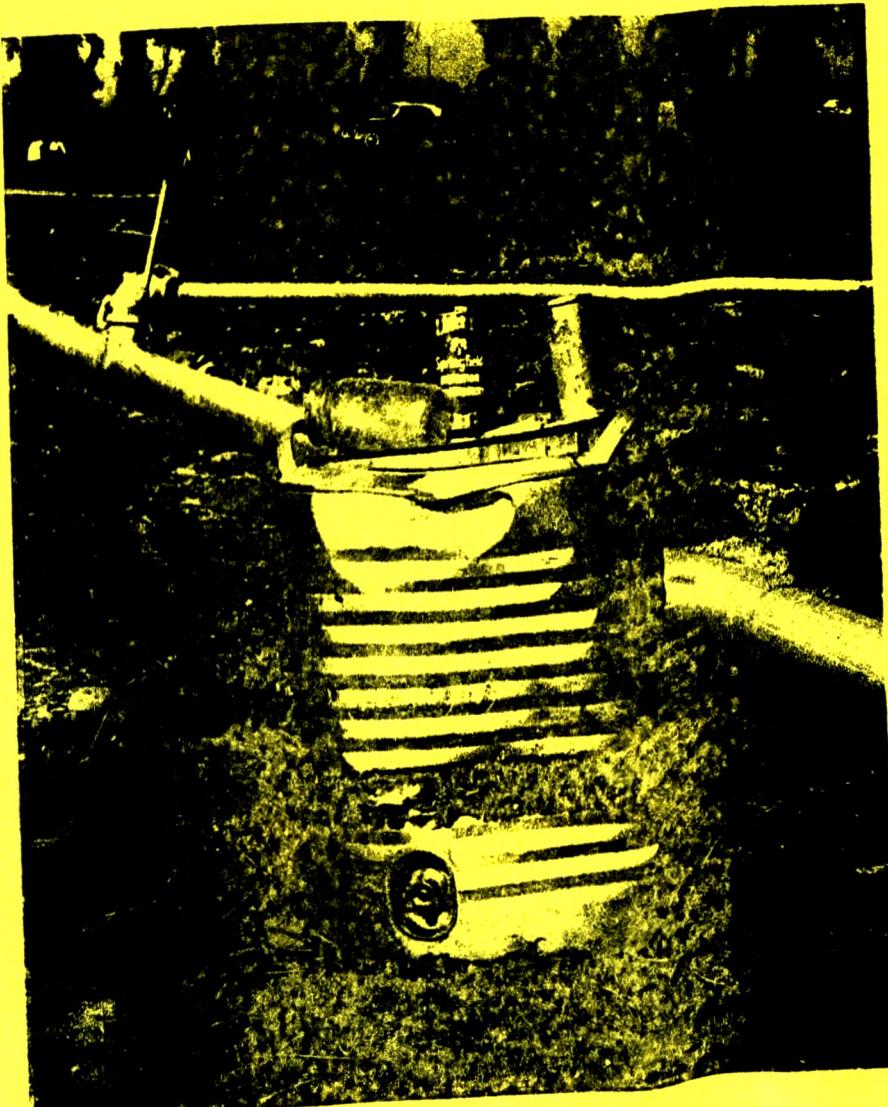
Remarks: Order 14-65 of the Industrial Welfare Commission, as well as the California Labor Code (as judicially interpreted), demands that female workers be provided with drinking water and individual cups to drink from.

Drinking Water

Time and place: November 2, 1965, 10:30 A.M.: a strawberry field in the 500 block of Central Avenue (directly across from Rio Mesa High School), near Oxnard.

Description: The water container pictured here provided drinking water for the ten men and fifteen women harvesting strawberries. The can rested in full sunlight, and the lid was a jar which let in dust particles. The only utensils to drink from were the two used "pop" cans and a glass jar which sat atop the water container.

Remarks: The workers in this field were provided with toilet facilities which met the specifications of California law.



Drinking Water

Time and place: November 2, 1965, 7:30 A.M.; in a celery field, three-quarters of a mile east of Harbor Blvd., on Gonzales Road, near Oxnard.

Description: When one of the twenty-five male workers was asked where he got drinking water, he said to look under the farm labor truck parked nearby. The picture here shows the faucet and single drinking cup that workers had to use. The truck belonged to Demco Farms, Inc., P. O. Box 1221, Oxnard, (California License BTF 882).

Remarks: Several workers remarked that they normally drank from the irrigation ditches, since the truck was so far from where they worked. Asked if there were any toilet or handwashing facilities, the workers said that there were none, and they usually washed and relieved themselves in the irrigation ditches as well as drinking from them.



Drinking Water

Time and place: November 2, 1965, 11:30 A.M.; beside a cabbage field at the corner of "K" and Second Streets, Oxnard.

Description: Twenty-five male cabbage harvesters were provided water from the container pictured here. The single "Pepsi" bottle served as the drinking utensil for all workers. (A sign on the side of the truck read, "Hello, Der, West Side Growers.")



Drinking Water

Time and place: November 2, 1965, 9:30 A.M.; in a lettuce field a mile west of Ventura Blvd., on Gonsales Road.

Description: Several farm labor trucks stood around the field--each marked "Tanaka Bros., Oxnard"--but none carried water. When asked where the twenty male workers obtain drinking water, one of them said they normally drank from the leak in the irrigation pump pictured below.

Remarks: Workers said there were no toilets or handwashing facilities. They had to relieve themselves in the field.



C. Housing (Labor Camps)

The diversity of laws regarding labor camps makes it inappropriate to list them at the beginning of this section. We will therefore simply cite the specific laws relevant to the violations spoken of in the text. Most laws regarding labor camps will be found in the California Labor Code, sections 2410 - 2425, and in "Rules and Regulations to Implement, Interpret, and Make Specific Provisions of the Labor Code Relating to Employee Housing," published by California Division of Housing. All the laws cited in the text of this report are summarized on pages six and seven of the "Short Guide To Laws Pertaining to Farm Workers in California," which is attached to the end of this report.

Counselor-interviewers working in areas where labor camps exist frequently encountered illegalities in the construction and maintenance of these facilities. For example, a report from Richgrove stated that "fifty workers are quartered in a room twenty-five (25) by fifty (50) feet." (See California Labor Code, sections 2414-2415)

The walls were full of holes which kept the workers cool during the winter...The place had only two toilets for all fifty workers. The toilets were constantly flooded from water from the showers which were located at a higher level. (Report No. 7700, "Case Study of R. S.")

(See California Labor Code, sections 2412, 2418, 2419, 2419.5, 2419.6)
Another counselor interviewer reported that in Stanislaus County:

The Patterson Farm Labor Camp has been flooded (poor drainage for rain). It is a muddy mess right now...all the garbage cans are full, turned over and scattered around. Where the area is flooded in front of the cabins, board walks have been laid, but for a while when it was raining, the water went right in the houses.
(Report No. 1625)

(See California Labor Code, sections 2411, 2420b, and note 16228 in the Division of Housing document cited above.)

Poor drainage, filthy grounds, lack of toilet facilities, and cramped sleeping quarters were only a few of the illegal conditions Harvest Hands counselor-interviewers discovered in the labor camps. In violation of section 2415 of the California Labor Code, many camp sleeping units were not provided with any heat. On the contrary, cracks in walls and roofs allowed cold winds and rains free access into many quarters. (See California Labor Code, section 2412) Numbers of housing units and toilet facilities were without electricity even when such services were available to the camp management. (See California Labor Code, section 2411, and note 16230 in the Division of Housing document cited above.)

Though labor camp facilities were generally in disgraceful condition, the quarters provided for single men and braceros were nearly always better cared for and usually met the minimum standards established by the State. The family facilities were the ones maintained without regard to law or human decency. Many workers felt that growers were trying to discourage farm worker families. The foremen and camp managers could handle single men easier--they were not as prone to demanding fair treatment in the fields. Many workers interviewed felt that growers would do anything they could to get braceros, and to discourage domestic family workers was one step in this process.

Housing

Time and place: August 31, 1965, Westley Farm Labor Camp, and Patterson Farm Labor Camp, Stanislaus County .

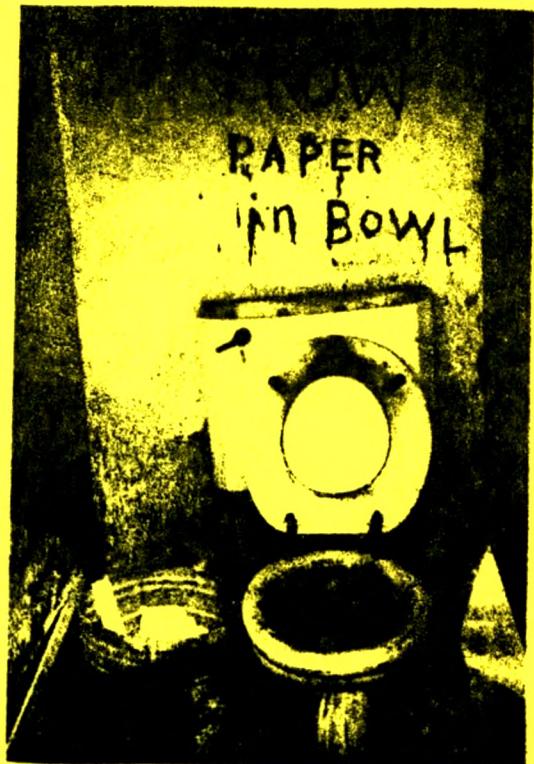
Description: Garbage facilities in the family housing areas of the two camps.

Remarks: California Labor Code, section 2420a, requires that covered metal receptacles shall be provided by the management for garbage and rubbish, and that these receptacles "shall be emptied daily or oftener" and that their contents be burned, buried or otherwise disposed of. Also see section 2413 of the same Code.



Time and place: Labor Supply Camp (private housing) 2962 South Elm Avenue Fresno, California; December, 1965.

Remarks: The toilet facilities and the camp grounds in this private camp were in violation of the Labor Code. One picture portrays the inside of one of the camp toilets. The other shows water standing on the camp grounds due to inadequate drainage. Note that the water goes right up to the doors of the camp houses.



Housing

Time and Place: August 31, 1965; Westley Farm Labor Camp, Stanislaus County.

Description: Unscreened toilet facilities in one portion of the camp.

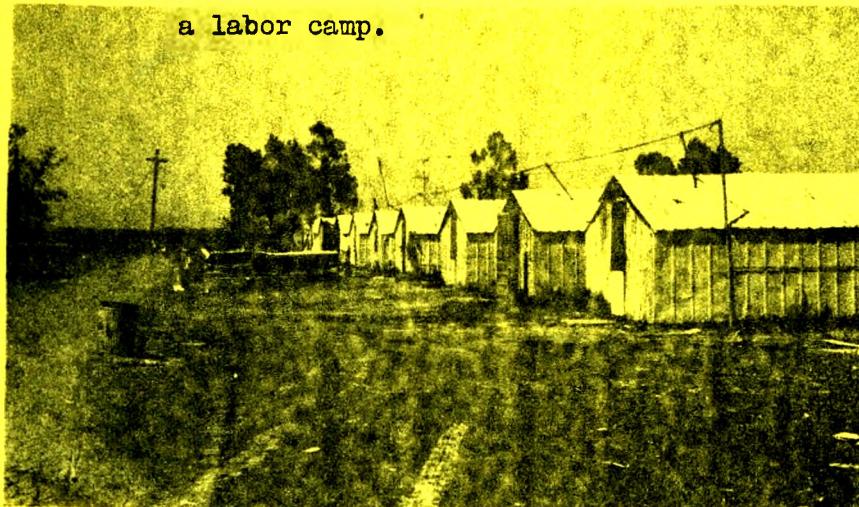
Remarks: The California Labor Code, Section 2419.5, requires that "all exterior openings in toilet buildings shall be screened with wire mesh of net less than 16 mesh."



Time and Place: Same as above.

Description: A row of nine family housing units served by the toilet facilities pictured above.

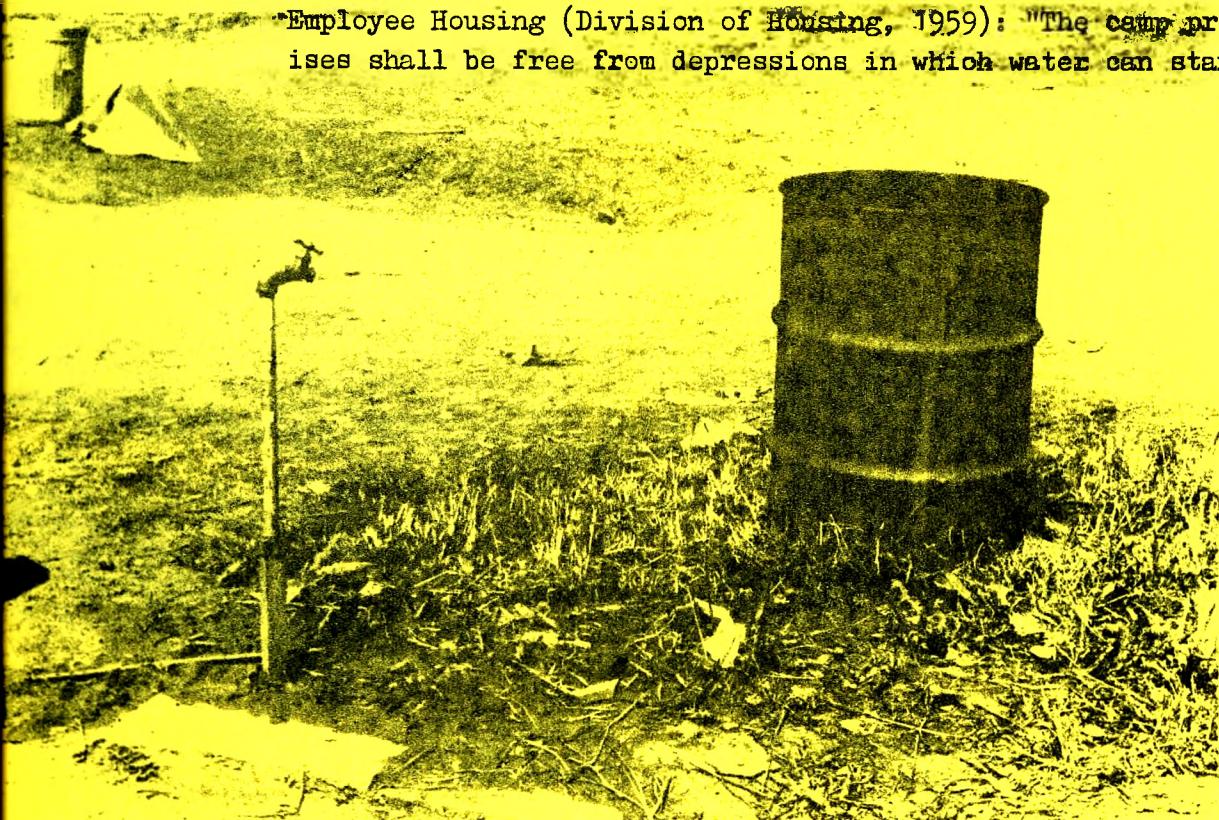
Remarks: The California Labor Code, section 2419, requires that there shall be not less than one toilet for each sex for every 15 employees or fractional part thereof living in a labor camp.



HOUSING



Time and place: Westley Farm Labor Camp in Stanislaus County; August 31, 1965
Description: Above: a view of one of the cabins. Note that the barrel in which trash is burned is located only a few yards from the cabin. Below: A closer view of the barrel and the faucet by it. Note that the drain under the faucet is stopped up by mud.
a
Remarks: This is a violation of Section 2411 of the Labor Code. See note 16228, of Rules and Regulations to Implement, Interpret and Make Specific Provisions of the Labor Code Relating to Employee Housing (Division of Housing, 1959): "The camp premises shall be free from depressions in which water can stand."



Housing

Time and place: August 31, 1965; Westley Farm Labor Camp, Stanislaus County.

Description: A family unit in the labor camp. The gas bottle outside the cabin was provided by the occupants. Beds and bedding were not provided to family units.

Remarks: The California Labor Code, section 2414, requires that "suitable and separate beds shall be provided for all employees." Section 2415 of the same Code requires that camp management provide for heating all units used for sleeping. (See also note 16222 of the Division of Housing document cited in text.)



Housing

Time and place: August 31, 1965, Patterson Farm Labor Camp, Stanislaus County.

Description: A dormitory and kitchen for single men and braceros. Beds and eating facilities were provided for single men, but not for family units.

Remarks: Whenever our counselor-interviewers visited labor camps, they found that the single workers were provided with better facilities than the families. This is a common pattern in California where, historically, there has been a heavy reliance on braceros.



Housing

Time and place: August 31, 1965; Patterson Farm Labor Camp, Stanislaus County.

Description: Bedding provided by the camp to single male employees and to braceros.

Remarks: Neither beds nor bedding was made available to farm worker families living in the camp. California Labor Code, section 2416, requires that "comfortable bedding" be made available to all employees.



Housing

Time and place: August 31, 1965, in the Westley Farm Labor Camp; and November, 1966 in the Patterson Farm Labor Camp, both in Stanislaus County.

Description: Both pictures portray temporary housing provided by the State of California for seasonal farm workers.

Remarks: In the judgment of the staff of Operation Harvest Hands, this type of housing constitutes abusive treatment of farm workers.



Housing



Time and Place: Patterson Farm Labor Camp, November, 1966.
Description: Family housing in the Patterson Camp. Note that the drainage areas around the cabins are inadequate. Wooden pallets have been placed on the ground around the houses, and form walkways.
Remarks: Conditions in this camp had not improved in the period between August 31, 1965, when the camp was first visited and November, 1966, when it was again visited.



Housing



Time and Place: The Patterson Farm Labor Camp, November, 1966.

Description: Above: Toilet facilities in the Patterson Camp for the family units. Below: Swings and play facilities for the children. The toilets pictured above are in the background. Note the poor drainage around the play area and around toilet facilities. The wooden pallets are placed on the ground so that the occupants do not have to walk in the mud that accumulates around the living areas.



Housing

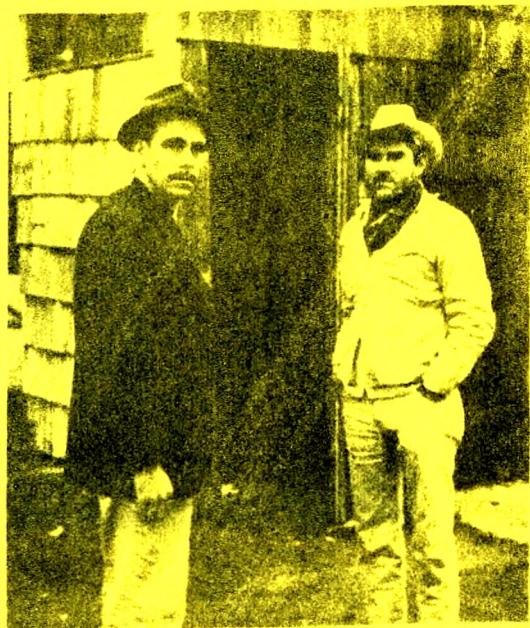
Time and place: The labor supply camp, 1525 and 1539 East Anadale, Fresno, California; December, 1965.

Remarks: The picture portrays garbage collecting on the camp grounds. Periodically the owners burn the garbage. No distinction was made between the area in which the garbage was collected for burning and the play area for the children.



Time and place: Same.

Remarks: This is the entrance to the only shower in the camp. Both women and men use this shower. The shower is improperly lighted and screened.



Housing

Time and place: Labor Supply Camp, 638 Kern Avenue, Dinuba, California; December, 1965.

Remarks: Housing in the camp. Note that the houses sit right on the ground. The planks on the ground provide walking space when the mud is thick.



Time and place: Same.

Remarks: A recently-vacated house on the camp grounds. The house was for rent but the camp owner had not yet cleaned it up. There was no heating arrangement in the shacks in the labor camp.



Housing

Time and place: Labor Camp. Richgrove, California; December, 1965.

Remarks: Units in the labor camp. Note that due to the poor drainage, pallets have been placed on the ground around the units.



Time and place: Labor camp, 2322 Walnut, Fresno, California; December, 1965.

Remarks: A unit in the camp. The worker who lived in this shack complained that his only source of heat was his gas stove in the rear of the unit. Many of the units in the camp had defective lighting and heating facilities.



Housing

Time and place: Labor Camp, 2324 Walnut Street, Fresno, California:
December, 1965.

Remarks: View of one of the units in the camp.



Time and place: Same.

Remarks: General view of the camp entrance.



III. Responses of Operation Harvest Hands to the problem of illegal treatment of farm workers.

Operation Harvest Hands was a short-term experimental outreach and counseling program that lasted but six months as an extensive field project, nine months as a research and development program. It was, therefore, not possible to use Operation Harvest Hands as an in-depth project that might take on various measures towards combatting the problem of illegal treatment of farm workers. The staff of Operation Harvest Hands was, however, able to institute important first steps towards teaching both the large staff of the project and numerous farm workers about the legal problems of farm labor. Further, the project developed a primitive complaint-filing system and was able to prepare and distribute a brief guide of laws and statutes that cover farm labor.

Operation Harvest Hands instituted monthly workshops for the field staff of counselor-interviewers. Law enforcement was included in the list of topics to be discussed at these workshops under the guidance of officials responsible for the enforcement of farm labor laws. Two such state agencies in California are the Division of Industrial Welfare and the Division of Labor Law Enforcement.

The speakers obtained from each agency expressed great enthusiasm that there were persons such as the Harvest Hands staff in the field. The two law enforcement representatives explained their agencies' inability to enforce even the few laws that presently protect farm workers from gross exploitation. The Divisions of Labor Law Enforcement and Industrial Welfare are simply understaffed. Their budgets are barely large enough to provide for the protection of urban industrial workers who, for the most part, are sufficiently aware of their legal rights to approach agency officials when they are mistreated. There is really little hope for the thousands of farm workers who lack knowledge both of their own rights and the agencies responsible for enforcing them, who in addition cannot communicate in the English language

that monopolizes all official offices, and who know they will be fired and black-balled (or worse) if they should register a complaint. The law enforcement officers therefore encouraged the Harvest Hands staff to do all it could both to educate farm workers and to bring them into contact with the agencies charged with their protection.

Immediately following the workshops at which they learned what the laws were and how they were enforced, many Harvest Hands staff members began offering individual workers their help in filing complaints of illegal treatment. Finding many enforcement personnel ready to help, some counselor-interviewers came to regard complaint-filing as the best approach toward bettering farm workers' living conditions.

There were, however, serious difficulties inherent in the complaint-filing approach. For one thing, Harvest Hands was not funded to do this kind of work on a broad scale. Secondly, the Harvest Hands staff was far too small to handle farm worker complaints on an individual basis. Thirdly, not all enforcement personnel were cooperative. Finally, most potential complainants would not cooperative: workers were simply afraid to complain even when they knew their employers' practices were illegal. Mr. W. G., a retired worker who was a foreman for four years for a Mexican contractor in Patterson, described the workers' traditional dilemma this way:

In the fields the domestics are told if they don't like working conditions or wages they can quit and will be replaced with braceros. The braceros are told if they don't like the wages and working conditions they can go back to Mexico. (Report No. 1620)

Though it has been much harder to get braceros since January, 1965, employers still use essentially the same tactics to discourage complainants. Female workers are told they will be replaced by men if they insist on receiving the minimum wage required by Order No. 14-65 of the California Industrial Welfare Commission. (Report No. 4011) Male workers are black-balled by employers if they so much as talk to "outsiders" about mistreatment. (Report Nos. 4916, 6317, 1618)

Concentration on legal education

A more adequate solution to the problem of illegal treatment of farm workers was obviously in order. The path chosen was to concentrate on educating farm workers as to their legal rights and how those rights can be enforced--leaving the utilization of this knowledge up to the farm workers themselves. The first step toward instituting this program was taken when the central staff prepared a "Short Guide To Laws Pertaining To Farm Workers In California." This manual consisted of summaries of statutes and executive orders drawn from the Labor Code, the Vehicle Code, the Education Code, Order No. 14-65 of the Industrial Welfare Commission, and "Rules and Regulations to Implement, Interpret, and Make Specific Provisions of the Labor Code Relating To Employee Housing" of the Division of Housing, Department of Industrial Relations. To facilitate finding various laws, all summaries were arranged according to these categories: wages, working conditions, transportation, labor camps, recruitment and employment practices, farm labor contractors, and minors. Before publication, the Guide was submitted to a counsel on the legal staff of the California Division of Labor Law Enforcement who examined, amended, and approved its contents. The Guide also included the addresses and phone numbers of each office of the several State enforcement agencies. Furthermore, it was printed in both English and Spanish editions for distribution to farm workers throughout California. (Find a copy of both editions attached to the back of this report.

A second step taken by the staff was to arrange workshops on legal education in farm worker communities throughout the State. Many counselor-interviewers had already instituted regular group meetings to discuss such topics as retraining needs, consumer and health education, and social security benefits. Representatives from the Divisions of Labor Law Enforcement and Industrial Welfare were now invited to address these meetings and answer farm workers' questions. In some areas, agency personnel refused to come, and in

others they came and assumed a hostile and defensive posture. But in many areas agency representatives seemed glad to have the contact with farm workers. They not only explained the content and procedures of the law but frankly admitted the inadequacy of the services they were able to offer farm workers--primarily due to lack of manpower. Needless to say, the officers who spoke with frankness were enthusiastically received. In some cases, small groups of workers were invited to accompany their counselor-interviewers on visits to the local office of each enforcement agency.

Finally, one of the most effective measures to assist farm workers with their legal problems was taken when a number of the Operation Harvest Hands staff gave all possible assistance to the development of a new Legal Aid War on Poverty program in the Winter and Spring of 1965-66. By May, 1966, the California Rural Legal Assistance, a \$1.5 million program was funded by the Office of Economic Opportunity as the first statewide legal aid project in the nation that was designed specifically to tackle many of the legal problems outlined in this report. C.R.L.A. now has ten offices throughout California with a staff of lawyers and indigenous community workers who are not only concentrating on legal education but are daily engaged in working through the law courts to bring justice to the seasonal and migrant farm workers of the State. Many of the community relations and central staff of C.R.L.A. were once Operation Harvest Hands counselors or counselor-coordinators. In addition, all of the foregoing information was effectively used by C.R.L.A. staff for in-service training and program development.

OPERATION HARVEST HANDS

409 North Soto Street
Los Angeles, Calif.

SHORT GUIDE TO LAWS PERTAINING TO
FARM WORKERS IN CALIFORNIA

November, 1965

by

Michael Bennett
Operation Harvest Hands

Note: These are not the exact words of the California Codes and Commission Orders, but general guides to laws contained therein.

(Consult the appropriate law enforcement agencies for the precise wording of the laws.)

SOME IMPORTANT LAWS PERTAINING TO AGRICULTURAL WORKERS IN CALIFORNIA

I. WAGES

- A. Minimum wages
- B. "Show up pay"
- C. Travel pay for false recruitment
- D. Rate of compensation statement
- E. Posting rate of compensation
- F. Wage payment periods
- G. Statement of wages
- H. Wage deductions
- I. Payment of discharged employees
- J. Payment of employees who quit
- K. During a strike
- L. Enforcement

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- A. Drinking water
- B. Toilets and handwashing facilities
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V. RECRUITMENT AND EMPLOYMENT PRACTICES

- A. Racial discrimination
- B. Membership in a labor organization
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- D. During strikes
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VI. FARM LABOR CONTRACTORS

- A. Display of license
- B. Note relevant laws in other sections of compilation
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VII. MINORS

- A. Age limits
- B. School attendance
- C. Permits
- D. Posting the law
- E. Working hours
- F. Dangerous jobs
- G. Enforcement

I. Wages.

A. Minimum wages.

1. For Women: \$1.30 per hour, or a piece rate that yields \$1.30 per hour to at least eighty per cent (80%) of the women employed. (IWC, 14-65)
2. For minors sixteen (16) and seventeen (17) years old: \$1.10 per hour, or a piece rate that yields \$1.10 per hour to at least eighty per cent (80%) of the minors employed. (IWC, 14-65)
3. Sugar Beet Workers: There is a minimum wage for all sugar beet workers, under the law provided for under the Federal Sugar Act, but the law is at this time, practically unenforceable. For details see your County Agricultural Stabilization and Conservation Office, United States Department of Agriculture.

B. "Show up pay." Any woman or minor (16 and 17 years old) who is required to report for work and does report, and is furnished with less than four (4) hours of work, shall be paid for at least four (4) hours of work. (Exception, when "An Act of God" prevents working) Payment shall be at a rate not less than the minimums specified above. (IWC, 14-65)

C. Travel pay for false recruitment. If a farm labor contractor recruits a farm worker and gets him to come to a proposed jobsite and does not then provide employment, the farm contractor shall pay the farm worker wages for all the time the worker is caused to be away from the place of recruitment. The wages shall be at the rate of pay agreed upon for the job for which the worker was originally recruited. (Labor Code 1695.6)

D. Rate of Compensation Statement. A farm labor contractor must have ready for inspection by his workers a written statement showing the rate of compensation he receives from the grower and the rate of compensation he is paying his employees. (Labor Code 1695)

E. Posting rate of compensation. A farm labor contractor shall post, both at the jobsite and on all vehicles he uses to transport workers, the rate of compensation he is paying his workers. This information shall be displayed prominently both in English and in Spanish. (Labor Code 1695)

F. Wage payment periods. Workers employed by a farm labor contractor shall be paid at least every two weeks, and payment shall include all wages earned up to and including the fourth day before the pay day. Furthermore, wages shall be paid on a day designated in advance by the farm labor contractor. (Labor Code 205)

Wages. (cont'd)

G. Statement of wages.

1. All employers shall furnish to each minor and female worker, when he is paid, a written statement showing the payroll period covered, gross wages paid, and all deductions from his wages. (IWC, 14-65)
2. All farm labor contractors shall furnish to each worker, when he is paid, a written statement showing all deductions from his wages. (Labor Code 1696.5)

H. Wage deductions. An employer shall not deduct from a minor or female worker's wages or require a refund for an accidental breakage or loss of equipment. (IWC, 14-65)

I. Payment of discharged employees.

1. If an employer discharges an employee, all unpaid wages earned up to the time of discharge are due and payable immediately, (Labor Code 201) at the place of discharge. (Labor Code 201)
2. If a group of workers is laid off because the season has ended, the employer must pay all in full within seventy-two (72) hours; and payment must be made by mail to any worker who so requests and designates a mailing address. (Labor Code 201)

J. Payment of employees who quit. An employee who quits shall be paid seventy-two (72) hours of when he tells his employer of his intention to quit. (Labor Code 202) Furthermore, he shall be paid at the office or agency of the employer in the county where the employee has been performing labor. (Laobr Code 208)

K. During the strike. The unpaid wages earned by striking employees shall be paid on the next regular payday. No deductions shall be made by the employer. (Labor Code 209)

L. Enforcement. A-1, A-2, B, G-1 and H are enforced by the Division of

1. Industrial Welfare, California Department of Industrial Relations.
2. C, D, E, F, G-2, I-1, I-2, J and K are enforced by the Division of Labor Law Enforcement California Department of Industrial Relations.

I. Working Conditions.

A. Drinking Water. An employer shall provide workers with suitably "cool, fresh and pure" drinking water during working hours. Individual paper cups shall be provided or sanitary drinking fountains. (IWC 14-65; Labor Code 2441; cf. Parkhurst vs. Industrial ACC. Com. (1942) 20 C2d 826, 129 P2d 113)

B. Toilets and handwashing facilities. Whenever five (5) or more workers are employed for two (2) or more hours, the employer shall provide one toilet and one handwashing facility for every forty (40) employees. These facilities shall be within five minutes walk of the place of work. Toilets shall be properly ventilated and screened, equipped with toilet seats and lids, so constructed as to provide privacy, supplied with toilet paper, and maintained in a sanitary manner. Handwashing facilities shall be provided with clean water and soap and be kept in a sanitary condition. (IWC, 14-65; Health and Safety Code 5474.2) (These laws apply to male workers only when they are working an edible crop; women and minors are covered in all crops.)

C. Rest periods. Minor and female workers shall be allowed rest periods at the rate of ten (10) minutes for every four hours worked. Rest periods shall be, insofar as practical, in the middle of each work period. Rest periods shall be counted as hours worked for which there shall be no deductions from wages. (IWC, 14-65)

D. Meal periods. No employer shall have any woman or minor work more than five (5) hours without a meal period of at least thirty (30) minutes. (IWC, 14-65)

E. First aid. First aid supplies shall be easily accessible where minors and/or women are working. Such supplies shall be kept in a dustproof and sanitary container. (IWC, 14-65)

F. Lifting.

1. No female worker shall be required to lift any object more than twenty-five (25) pounds. (IWC, 14-65)
2. "B" is enforced by local health officers and the California Department of Public Health; violations also should be reported to the Division of Labor Law Enforcement, California Department of Industrial Relations.
3. All other violations should be reported to the Division of Labor Law Enforcement, California Department of Industrial Relations.

III. Transportation.

- A. Passenger accommodations. Each worker riding in a farm labor bus or truck must be provided at least eighteen (18) inches seat space. The maximum number so determined shall be plainly marked on the outside of the vehicle near the entrance. It is unlawful for the driver or other person in control to permit more passengers to board than can be so provided.
- B. Safety equipment. A farm labor bus or truck shall be equipped with at least one fire extinguisher, two reflectors, flares, and (if the passenger compartment is separated from the driver's compartment) a horn, buzzer or other signaling device whereby the passengers can gain the attention of the driver in event of emergency. (Vehicle Code 31407)
- C. Speed limit. Farm labor busses and trucks shall not be driven more than fifty (50) miles per hour when transporting passengers. (Vehicle Code 22414)
- D. Posting Operator's name on vehicle. A farm labor truck or bus owned by a farm labor contractor shall have displayed prominently at its entrance the name of the labor contractor and his labor contractor's license number. (Labor Code 1696.2)
- E. Enforcement.
 - 1. A, B, and C are enforced by the California Highway Patrol.
 - 2. D is enforced by the Division of Labor Law Enforcement, California Department of Industrial Relations.

V. Labor camps.

A. Camp grounds.

1. Standing water must be immediately drained or filled to prevent the breeding of mosquitoes and other insects. (Labor Code 2411, note 16228) *
2. Garbage and rubbish shall be deposited in covered metal receptacles which shall be emptied at least daily and the contents burned, buried, or otherwise disposed of so as not to become offensive or unsanitary. (Labor Code 2420b)

B. Sleeping quarters. Buildings or tents in which workers sleep:

1. Shall be located no closer than seventy-five (75) feet from barns, pens, or other livestock quarters. (Labor Code 2411, note 16229)
2. Shall provide shelter against the elements and exclude dampness. (Labor Code 2412)
3. Shall be kept clean and in a reasonably sanitary condition.
4. Shall be provided with safe heating equipment when it is needed to maintain a minimum temperature of 60°F. (Labor Code 2415, note 16222)
5. Shall be provided artificial lighting--electric light whenever electrical service is available. (Labor Code 2411, note 16230)
6. Shall have sufficient windows to provide reasonable ventilation, and all windows shall be screened to keep out insects. (Labor Code 2413, 2413.5, 2413.6)
7. Shall have not less than two (2) exits (at least one of which shall be an exterior way to the ground) for every story above the first when a building has more than one floor. (Labor Code 2412.5)
8. Shall be kept in good structural condition, and all equipment (wiring, etc.) in it shall be kept in good repair. (Labor Code 2411 and notes, 2412 and notes)

C. Beds. Separate and reasonably comfortable beds must be provided all workers. (Labor Code 2414). A space of at least thirty (30) inches shall be allowed between each single bed. (Labor Code 2415a). A space of at least four feet shall be allowed between each set of double bunk beds. (Labor Code 2415c). There shall not be more than two (2) tiers of beds, one above the other. (Labor Code 2415d).

D. Mess halls.

1. Buildings used for dining or cooking must be provided screened (mosquito-proof) windows and doorways. (Labor Code 2417, 2413.5, 2413.6)

IV. Labor camps, cont'd.

D. Mess halls, cont'd.

2. Mess halls and utensils used therein shall be kept in a clean and sanitary condition. (Labor Code 2417, 2417.5)

E. Toilet facilities. At least one toilet facility shall be provided for each sex for each fifteen (15) employees living in the camp. (Water flush toilets are normally required.) Toilets must be ventilated, screened, and maintained in a clean and sanitary condition at all times. (Labor code 2419, 2419.5, 2419.6)

F. Hand washing facilities. Wash basins lined with water-proof material shall be provided at the ration of one (1) for every thirty (30) occupants of the camp. Where wash troughs are used, every twenty-four inches of trough shall be equal to one(1) wash basin. (Labor Code 2419, note 162429)*

G. Bathing facilities. One shower of each sex shall be provided for each fifteen (15) workers. Showers must have a continuous supply of hot and cold water, must be constructed and maintained in water-proof condition, must be ventilated, must be properly drained, and must be kept in a sanitary condition. (Labor Code 2418 and footnotes)

H. Drinking water. Fresh and pure drinking water shall be provided for all workers. Faucets shall be conveniently placed and shall discharge into sinks or hoppers and not be allowed to flow upon the ground. Tanks used for storage of water must be kept in a clean and sanitary condition. (Labor Code 2420.5)

I. Enforcement. All sections are enforced by Division of Building and Housing Standards, California Department of Housing and Community Planning.

* Notes are from "Rules and Regulations to Implement, Interpret, and Make Specific Provisions of the Labor Code Relating to Employee Housing, " Division of Housing, California Department of Industrial Relations, 1959.

V. Recruitment and employment practices.

- A. Racial discrimination. No farm worker shall be refused employment on account of his race, religious creed, color, national origin, or ancestry, with the exception of workers who reside on the land where they work, (Labor Code 1420, "Fair Employment Practices Act 1413). Furthermore, no employer shall discharge or otherwise discriminate against any person because he has filed a complaint or assisted in any proceeding in regard to the Fair Employment Practices Act. (Labor Code 1420)
- B. Membership in a labor organization. No person shall compel a farm worker to enter into an agreement, written or verbal, not to join or become a member of any labor organization as a condition of securing or continuing employment. (Labor Code 922)
- C. Travel pay for false recruitment. If a farm labor contractor recruits a farm worker and gets him to come to a proposed jobsite and does not then provide employment, the farm labor contractor shall pay the farm worker wages for all the time the worker is caused to be away from the place of recruitment. The wages shall be at the rate of pay agreed upon for the job for which the worker was originally recruited. (Labor Code 1695.6)
- D. During strikes.
 - 1. A farm labor contractor shall not send or transport any worker to any place where the labor contractor knows a strike or lockout exists unless he first tells the worker that such conditions exist. (Labor Code 1696)
 - 2. Any person who advertises for or seeks employees to work at an establishment while a strike or lockout is in progress must "plainly and explicitly mention" in all his written or verbal communications that a strike or lockout exists. (Labor Code 973)
 - 3. An employment agency shall not send out an applicant to any place where a strike or lockout, or other labor trouble exists without notifying the applicant of such conditions. The agency shall also enter a statement of such facts upon the receipt given to the applicant. (Labor Code 1641)
- E. Enforcement.
 - 1. A is enforced by the Fair Employment Practices Commission, California Department of Industrial Relations.
 - 2. B, C, and D are enforced by the Division of Labor Law Enforcement, California Department of Industrial Relations.

VI. Farm Labor Contractors.

- A. Display of license. A farm labor contractor shall carry his license at all times and exhibit it to all persons with whom he intends to deal (in his capacity as a farm labor contractor.) (Labor Code 1695)
- B. Note relevant laws in other sections of this compilation. Look especially under "wages," "transportation," and "recruitment and employment practices."
- C. Enforcement. A is enforced by the Division of Labor Law Enforcement, California Department of Industrial Relations.

VII. Minors.

- A. Age limits. Minors under twelve (12) years of age are not permitted to work, unless they be the grower's own children.
- B. School attendance.
 - 1. Minors between the ages of eight (8) and sixteen (16) must attend school full-time unless granted special written permission by school authorities. (Education Code 12101)
 - 2. Minors sixteen (16) and seventeen (17) who have not graduated from high school and who are employed regularly must attend continuation classes for at least four hours per week. (Education Code 12551; cf. 12553)
- C. Permits.
 - 1. Minors sixteen (16) and seventeen (17) years old who are required to attend school, and all minors under sixteen (16) years must not work without first obtaining a permit to work from school authorities. (Education Code 12304, 12551, 12701, 12702; Labor Code 1299)
 - 2. Employers must obtain a permit to employ from school authorities before employing a minor under sixteen years of age. (Education Code 12301, 12304, 12251, 12651)
- D. Posting the Law. Every owner or operator of a farm employing parents having minor children in their immediate care must post in a conspicuous place a notice stating minors are not allowed to work unless permits to work have been secured. (Education Code 12270)
- E. Working hours.
 - 1. Minors under sixteen (16) years shall not be permitted to work more than eight (8) hours in one day or forty-eight (48) in one week. (Labor Code 1391, 1394a)
 - 2. Minors under eighteen (18) years shall not be permitted to work before 5:00 A.M. or after 10:00 P.M. (Labor Code 1391)
 - 3. Employers must post in a conspicuous place a notice stating the hours minors in his employ are working. (Labor Code 1299)
- F. Dangerous jobs. No minor under sixteen (16) years may be employed in a job dangerous to his life or limb, or injurious to his health or morals; or in the operation of any motor car or truck; or in moving machinery. (Labor Code 1292-1294)
- G. Enforcement. All sections are enforced by the Division of Labor Law Enforcement, California Department of Industrial Relations.

INDUSTRIAL WELFARE DIVISION, CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS:

BAKERSFIELD	225 Chester Avenue	327-5388
EL CENTRO	588 Broadway	352-7583-
EUREKA	619 Second Street	442-5748
FRESNO	2550 Mariposa Street	268-7151
INGLEWOOD	520 North La Brea Avenue	674-2066
LONG BEACH	230 East 4th Street	436-4286
LOS ANGELES	107 South Broadway	620-3930
OAKLAND	1111 Jackson Street	834-3460
REDDING	2115 Akard Avenue	241-5100
SACRAMENTO	1107 Ninth Street	445-5403
SAN BERNARDINO	476 West Base Line Street	889-9959
SAN DIEGO	1350 Front Street	232-4361
SAN FRANCISCO	455 Golden Gate Avenue	557-1977
SAN JOSE	888 North First Street	294-0405
SANTA ANA	1624 West 19th Street	541-2286
SANTA BARBARA	411 East Canon Perdido	962-7618
SANTA ROSA	750 Mendocino Avenue	546-6350
STOCKTON	31 East Channel Street	466-2556
VAN NUYS	6931 Van Nuys Blvd.	782-5960

LABOR LAW ENFORCEMENT DIVISION, CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS:

BAKERSFIELD	2030 19th Street	327-4827
FRESNO	2550 Mariposa Street	268-7151
INGLEWOOD	2930 West Imperial Hwy.	757-9166
LONG BEACH	230 East 4th Street	432-8978
LOS ANGELES	107 South Broadway	620-2100
OAKLAND	1111 Jackson Street	834-3460
POMONA	436 West Fourth Street	623-4306
SACRAMENTO	1107 Ninth Street	445-8478
SAN BERNARDINO	478 West Base Line Street	889-1131
SAN DIEGO	1350 Front Street	232-4361
SAN FRANCISCO	455 Golden Gate Avenue	557-0539
SAN JOSE	888 North First Street	294-7413
SAN MATEO	440 Peninsular Avenue	342-7235
SANTA ANA	1624 West 19th Street	547-5696
SANTA BARBARA	411 E. Canon Perdido	962-2718
STOCKTON	807 N. San Joaquin	466-3412
VALLEJO	856 Tuolome Street	644-7755
VAN NUYS	6931 Van Nuys Blvd.	782-3733

FAIR EMPLOYMENT PRACTICES COMMISSION, CALIFORNIA DEPARTMENT OF INDUSTRIAL
RELATIONS:

FRESNO	2550 Mariposa Street	268-7151
LOS ANGELES	322 West First Street	620-2610
SAN DIEGO	1350 Front Street	232-4361
SAN FRANCISCO	455 Golden Gate Avenue	557-1546

BUILDING AND HOUSING STANDARDS DIVISION, CALIFORNIA DEPARTMENT OF HOUSING
AND COMMUNITY PLANNING: (offices concerned with labor camps)

AUBURN	1113 High Street	885-6144
BAKERSFIELD	225 Chester Avenue	324-6437
CHICO	341 Broadway	343-5182
EL CENTRO	558 Broadway	352-2650
EUREKA	619 Second Street	442-5748
FRESNO	2550 Mariposa Street	268-7151
JACKSON	Airport Administration Bldg.	267-5400
LOS ANGELES	322 West First Street	620-2760
MARIPOSA	c/o County Assessor's, Court H	966-3934
MARYSVILLE	712 E Street	743-2121
MERCED	550 West 22nd Street	723-4561
MODESTO	902 Scenic Drive	524-1251
NAPA	809 Coombs Street	255-2540
OAKLAND	1111 Jackson Street	834-3460
REDDING	2115 Akard Street	241-5100
RIVERSIDE	3570 Ninth Street	683-5042
SACRAMENTO	1107 Ninth Street	445-2137
SALINAS	307 Soledad v	424-4807
SAN BERNARDINO	478 West Base Line Street	884-6461
SAN DIEGO	1350 Front Street	232-4361
SAN JOSE	888 North First Street	294-4154
SAN LUIS OBISPO	P.O. Box 1229	543-5300
SANTA ROSA	750 Mendocino Avenue	542-3713
SANTA ANA	1619 West 17th Street	547-0855
SANTA BARBARA	411 E. Canon Perdido Street	966-2914
SONORA	48 West Yaney	532-2801
STOCKTON	807 North San Joaquin St.	466-3412
UKIAH	305 North Main Street	462-8850
VENTURA	3418 Loma Vista Road	642-9679
VISALIA	County Bldg. Dept. Court House	732-5511
WOODLAND	517 Main Street	662-4016

OPERACION CAMPESINO

409 North Soto Street
Los Angeles, California
90033

GUIA BREVE A LEYES PERTENECIENTES A
CAMPESINOS EN CALIFORNIA

Noviembre 1965

por

Michael Bennett
Operacion Campesino

Nota: Estas no son las palabras exactas del
Codigo y Ordenes Comisionarias de
California sino guias generales de las
leyes contenidas en ese.

(Consulte las agencias apropiadas por
la letra precisa de las leyes)

ALGUNAS LEYES IMPORTANTES PARA LOS
TRABAJADORES AGRICOLAS DE CALIFORNIA

I. SALARIOS Y SUELDOS

- A. SALARIO O SUELDO MINIMO
- B. PAGO POR PRESENTARSE AL SITIO DEL TRABAJO
- C. PAGO DE TRANSPORTACION CUANDO NO EXISTE EL EMPLEO
- D. TABLA DE LA TASA DE COMPENSACION
- E. DEBE PONERSE A LA VISTA LA TARIFA DE COMPENSACION
- F. PERIODOS DE PAGO DEL SALARIO
- G. DECLARACION DE SALARIOS O SUELDOS
- H. DEDUCCIONES DEL SUELDO O SALARIO
- I. PAGO A LOS TRABAJADORES DESPEDIDOS
- J. PAGO A LOS TRABAJADORES QUE DEJAN EL EMPLEO
- K. DURANTE UNA HUELGA
- L. COMO SE HACE CUMPLIR LA LEY?

II. CONDICIONES DE TRABAJO

- A. AGUA POTABLE
- B. EXCUSADOS Y LAVABOS
- C. PERIODOS DE DESCANSO
- D. PERIODOS PARA LOS ALIMENTOS
- E. PRIMEROS AUXILIOS Y CURACIONES
- F. LEVANTAMIENTO DE PESOS
- G. COMO SE HACE CUMPLIR LA LEY?

III. TRANSPORTACION

- A. COMODIDADES A LOS PASAJEROS
- B. EQUIPO DE SEGURIDAD
- C. VELOCIDADES MAXIMA Y MINIMA
- D. EL VEHICULO DEBE OSTENTAR EL NOMBRE DEL DUEÑO
- E. COMO SE HACE CUMPLIR LA LEY?

IV. CAMPAMENTOS DE TRABAJADORES

- A. TERRENOS DE LOS CAMPOS
- B. DORMITORIOS
- C. CAMAS
- D. COMEDORES
- E. INSTALACIONES SANITARIAS (EXCUSADOS Y OTRAS)
- F. INSTALACIONES DE ASEO (LAVABOS Y OTRAS)
- G. BANOS
- H. AGUA POTABLE
- I. COMO SE HACE CUMPLIR LA LEY?

V. CONTRATACION Y EMPLEO (PRACTICAS JUSTAS)

- A. DISCRIMINACION RACIAL
- B. MEMBRECIA EN UNA ORGANIZACION OBRERA
- C. PAGO DE TRANSPORTACION POR FALSA CONTRATACION
- D. DURANTE LAS HUELGAS
- E. COMO HACERSE CUMPLIR LA LEY?

VI. CONTRATISTAS DE TRABAJADORES AGRICOLAS

- A. DEBEN MOSTRAR LA LICENCIA
- B. VEA OTRAS LEYES APLICABLES, EN OTRAS SECCIONES
- C. COMO SE HACE CUMPLIR LA LEY?

VII. MENORES DE EDAD

- A. EDAD MINIMA PARA TRABAJAR
- B. ASISTENCIA A LA ESCUELA
- C. PERMISOS
- D. DEBEN PONERSE LAS LEYES EN VISIBLE
- E. HORARIOS DE TRABAJO
- F. TRABAJOS RESGOZOS
- G. COMO SE HACE CUMPLIR LA LEY?

I. SALARIOS Y SUELDOS

A. SALARIOS Y SUELDOS MINIMOS

1. Para mujeres: \$1.30 la hora, o a destajo de manera que rinda \$1.30 por hora cuando menos al 80 por ciento de las mujeres empleadas. (IWC, 14-65)
2. Para los menores de edad; pero que tengan 16 o 17 años: \$1.10 por hora o a destajo, pero que rinda cuando menos al 80 por ciento de tales menores de edad \$1.10 por hora. (IWC, 14-65)
3. Trabajadores del betabel: hay un salario mínimo para todos los trabajadores del betabel (remolacha azucarera, bajo la Ley Federal del Betabel; pero actualmente esta ley es casi imposible de hacerse cumplir. Para mayores detalles pongase en contacto con su Oficina de Estabilización Agrícola del Condado, dependiente del Departamento de Agricultura de Los Estados Unidos.

B. "PAGO POR PRESENTARSE AL TRABAJO." Cualquier mujer o menor de edad (pero que tenga 16 o 17 años) a quien se pida presentarse al trabajo y se presente, y se le dan menos de cuatro horas de trabajo, debe recibir el pago de, cuando menos, cuatro horas. (Excepción, cuando una causa de fuerza mayor o acto de Dios impida trabajar) El pago habrá de hacerse a razón de no menos que el sueldo o salario mínimo especificado arriba para las mujeres o menores de edad. (IWC, 14-65)

C. PAGO DE TRANSPORTACION PARA FALSA CONTRATACION. Si un contratista (sin una orden de trabajo de buen fe) contrata a un trabajador agrícola y lo hace ir a un sitio dado y luego no le da trabajo, el contratista tendrá que pagar al trabajador sus salarios por todo el tiempo que el trabajador ha sido inducido a estarse lejos del lugar de la contratación. Los salarios habrán de ser a la tasa de sueldo convenida para el trabajo para el cual fue contratado el trabajador originalmente. (Código del Trabajo, 1695.6)

D. DECLARACION DE LA TASA DE COMPENSACION. Una contratista de trabajadores del campo habrá de tener siempre preparada para mostrarla a sus trabajadores una declaración por escrito que les diga claramente la tasa de compensación que el recibe de los cosecheros y la tasa que está el pagando a sus empleados. (Código del Trabajo 1695)

E. MOSTRAR LA TASA DE COMPENSACION. Un contratista de trabajadores agrícolas deberá exhibir en forma muy visible, tanto en el sitio del trabajo, como en los vehículos que use para transportar a los trabajadores, la tasa de compensación que el paga a sus trabajadores. Esta información habrá de ser "expuesta prominentemente tanto en inglés como en español." (Código del Trabajo 1695)

F. PERIODOS DE PAGO DE SALARIOS. Los trabajadores empleados por un contratista en labores agrícolas habrán de recibir su paga eada dos semana cuando muy tarde, y la paga habrá de ser

tregada incluyendo todos los salarios ganados hasta e incluyendo el cuarto dia antes del dia de pago. Lo que es mas, los salarios habran de ser pagados en un dia designado con anticipacion por el contratista de los trabajadores agricolas. (Codigo del Trabajo 205)

G. DECLARACION DE SALARIOS.

1. Todos los patronos deberan suministrar a cada mujer o menor de edad que trabaja, al pagarle, una declaracion por escrito que muestre el periodo de la lista de raya cubierto, el total de los salarios en bruto, y todas las deducciones que se hayan hecho de tales salarios. (IWC, 14-65)
2. Todos los contratistas de trabajadores agricolas deberan suministrar a cada trabajador, cuando se le paga al mismo, una declaracion por escrito que muestre todas las deducciones sus salarios. (Codigo del Trabajo 1696.5)

H. DEDUCCIONES DE LOS SALARIOS. No debera deducir un patron, de los salarios de una mujer o de un menor que trabaje con el, ni pedirle que lo reembolse por ningun implemento o herramienta que rompa por accidente, o se le pierda. (IWC, 14-65)

I. PAGA A LOS TRABAJADORES DESPEDIDOS.

1. Si un patron despide a un trabajador, todos los salarios ganados hasta el momento del despido son debidos y pagaderos inmediatamente (Codigo del Trabajo 201) en el lugar en que se despida al trabajador. (Codigo del Trabajo 201)

2. Si un grupo de trabajadores es dejado sin trabajo porque la temporada ha terminado, el patrono debera pagar el total de los salarios devengados antes de 72 horas; y el pago debera hacerse por correo a cualquier trabajador que asi lo solicite y de una direccion postal. (Codigo del Trabajo 201)

J. PAGO DE LOS EMPLEADOS QUE DEJAN EL TRABAJO. Un empleado que deja su trabajo debera ser pagado en las setenta y dos horas (72) despues de aquella en que informa a su patrono sus intenciones de abandonar el trabajo. (Codigo del Trabajo 202) Ademas, debera ser pagado en la oficina o agencia del patrono en el condado donde el trabajador ha estado efectuando su trabajo. (Codigo del Trabajo 203)

K. DURANTE UNA HUELGA. Los salarios pendientes de pago ganados por los trabajadores que se declaran en huelga habran de ser pagados el dia regular de pago proximo al dia en que se declare la huelga. No deberan hacerse deducciones por el patrono. (Codigo del Trabajo 209)

L. COMO SE HARÁ CUMPLIR LA LEY?

1. A-1, A-2, B, G-1 y H son vigilados y efectuar su cumplimiento por la Division de Asistencia Industrial, del Departamento de Relaciones Obrero-Patronales de California (Industrial Relations)
2. C, D, E, F, G-2, I-1, y I-2, J y K, seran hechas cumplir por la Division de Aplicaciones de la Ley del Departamento de Relaciones Obrero-Patronales de California (Industrial Relations)

II. CONDICIONES DE TRABAJO

A. AGUA POTABLE. El patrono habra de suministrar a los trabajadores agua buena para beber "fria, fresca y pura", durante las horas de trabajo. Se habra de suministrar a los trabajadores vasos de papel individuales o fuentes sanitarias para tomar agua. (IWC 14-65;Codigo del Trabajo 2441; cf. Parkhurst v. Industrial ACC. Com, (1942) 20 C2d 826, 129 P2d 133)

B. INSTALACIONES SANITARIAS (Excusados y Lavabos). En cualquier tiempo en que sean empleados cinco o mas trabajadores por dos (2) horas o mas, el patrono habra de suministrar un excusado y un lavabo, los cuales seran aumentados cuando los trabajadores excedan de cuarenta (40). Estas instalaciones deberan estar a menos de cinco minutos andando, del sitio del trabajo. Los excusados habran de tener la ventilacion apropiada y estar guardados por malla de alambre que impida el acceso de los insectos, equipados con asientos y cubiertas, de tal manera construidos que den a los trabajadores privacia, con papel sanitario apropiado, y se mantendran en condiciones sanitarias (IWC, 14-65; Health and Safety Code 5474.2) (Codigo del Departamento de Salud y Seguridad). Estas leyes son aplicables a los trabajadores varones solo cuando estan trabajando en un plantio o cosecha cuyos productos sean comestibles.

C. PERIODOS PARA LAS COMIDAS. Ningun patrono habra de tener a ninguna mujer o menor de edad trabajando mas de cinco (5) horas sin un periodo para tomar alimentos, el cual habra de ser, cuando menos de treinta (30) minutos, (IWC, 14-65)

D. PERIODOS DE DESCANSO. A las mujeres y a los menores de edad (pero que tengan 16 o 17 anos) habra de permitirseles descansar a razon de diez (10) minutos cada cuatro horas de trabajo. Los periodos de descanso seran, hasta donde sea practico, a la mitad de cada periodo de trabajo. Los periodos de descanso deberan ser contados como horas trabajadas de las cuales no se habran de hacer deducciones de salarios (IWC, 14-65)

E. PRIMEROS AUXILIOS Y CURACIONES. Las medicinas, y otros articulos para curacion en caso de accidentes, accesos de enfermedad, etc., deberan ser facilmente accesibles donde trabajen mujeres y menores de edad. Tales medicamentos y curaciones se conservaran siempre en un gabinete o receptaculo al que no entre el polvo y sea sanitario. (IWC, 14-65)

F. LEVANTAMIENTO DE COSAS PESADAS.

1. No se exigira a ninguna mujer que trabaje que alce ningun objeto que pese mas de veinticinco (25) libras.(IWC,14-65)
2. Ningun trabajador o trabajadora menor de diez y seis (16) anos de edad sera requerido de llevar ningun objeto que pese mas de diez (10) libras o mas subiendo una escalera. (IWC, 14-65)

G. COMO SE HARA CUMPLIR LA LEY?

1. Todas las violaciones relacionadas con los menores de edad y las mujeres, deberan ser informadas a la Division de Asistencia Industrial, del Departamento de Relaciones Obrero-Patronales de California (Industrial Relations)
2. "B" es hecha cumplir por los funcionarios locales de Salubridad Publica del Departamento de Salud de Estado de California; las violaciones deben informarse tambien a la Division de Cumplimiento de la Ley del Trabajo, del Departamento de Relaciones Obrero-Patronales (Industrial Relations)
3. Todas las otras violaciones habran de ser informadas a la Division de Cumplimiento de la Ley del Trabajo del Departamento de Relaciones Obrero - Patronales (Industrial Relations)

III. TRANSPORTACION.

A. COMODIDAD PARA EL PASAJE. Cada trabajador que sea transladado en un autobus o camion para trabajadores debera tener cuando menos diez y ocho (18) pulgadas de espacio en el asiento. El numero maximo asi determinado debera estar claramente marcado en el exterior del vehiculo, cerca de la entrada. Es contra la ley que el chofer u otra persona en control permita a mas pasajeros abordar en exceso del cupo marcado.

B. EQUIPO DE SEGURIDAD. Cada autobus o camion para trabajadores debera estar equipado cuando menos con un extinguidor del fuego, dos reflectores relampagueantes y, si el apartamiento para el chofer esta separado del apartamiento de los pasajeros, habra de haber un timbre, claxon u otro dispositivo para hacer senales, mediante el cual los pasajeros puedan atraer la atencion del chofer en cualquier caso de emergencia. (Codigo de Vehiculos 31407)

C. VELOCIDAD MAXIMA. Los autobuses y camiones para trabajadores no deberan ser conducidos a mas de cincuenta (50) millas por hora cuando lleven pasajeros. (Codigo de Vehiculos 22414)

D. COMO SE HARA CUMPLIR LA LEY?

1. El cumplimiento de A, B, y C es de la jurisdiccion de la Policia de Vifilancia de los Caminos de California.
2. El cumplimiento de D esta a cargo de la Division de la Cumplimiento de la Ley, del Departamento de Relaciones Obrero-Patronales (Industrial Relations)

E. EL VEHICULO DEBE LLEVAR VISIBLE EL NOMBRE DEL OPERATOR. Todo autobus o camion para trabajadores que sea propiedad de un contratista de trabajadores agricolas habra de mostrar prominentemente, a la entrada, el nombre del contratista y el numero de su licencia como contratista. (Codigo del Trabajo 1696.2)

IV. CAMPAMENTOS DE TRABAJADORES.

A. TERRENOS DE LOS CAMPOS.

1. Toda agua estancada debera ser secada o rellenoado el charco u hoyo para impedir la cria de mosquitos u otros insectos. (Codigo del Trabajo 2420b)

2. Los desperdicios de la comida y la basura deberia ser depositada en receptaculos de metal cuando menos diariamente y el contenido debera ser incinerado, enterrado o eliminado de manera de que no se haga nocivo o insalubre. (Codigo del Trabajo 2420b)

B. DORMITORIOS. Los edificios o las tiendas de campana en que duermen los trabajadores:

1. Deben estar situados a mas de setenta y cinco (75) pies de las trojes, chiqueros, u otros encierros de animales. (Codigo del Trabajo 2411, nota 16229)

2. Deben de poder dar proteccion contra los elementos y debe de poder impedir la entrada de la humedad. (Codigo del Trabajo 2412)

3. Deben de ser mantenidos limpios y en una condicion razonablemente sanitaria. (Codigo del Trabajo 2412)

4. Deben de tener calentadores seguros que mantengan la temperatura por lo menos a 60 F. cuando el calor se necesite. (Codigo del Trabajo 2415, nota 16222)

5. Deben de tener iluminacion artificial -- luz electrica cuando el servicio de electricidad se pueda obtener. (Codigo del Trabajo 2411, nota 16230)

6. Deben de tener suficientes ventanas para dar ventilacion razonable; las ventanas deben tener tela de alambre para impedir la entrada de insectos. (Codigo del Trabajo 2413, 2413.5, 2413.6)

7. Deben de tener no menos de dos salidas (una de las cuales debe llegar al exterior del edificio) para cada piso, cuando un edificio tiene mas de un piso. (Codigo del Trabajo, 2412.5)

8. Deben de estar en una condicion estructural buena, y todas las instalaciones (lineas de la luz, etc.) conservadas en buen estado. (Codigo del Trabajo 2411 y notas, 2412 y notas.

C. CAMAS. Debe suministrarse camas razonablemente comodas a todos los trabajadores. (Codigo del Trabajo 2414) Debe haber un espacio entre cama y cama, de, cuando menos, 2 pies y medio. (Codigo del Trabajo 2415a). Si las camas son de las dos pisos, el espacio entre estas debe ser de, cuando menos 4 pies. (Codigo del Trabajo 2415c). No deberan usarse camas o literas de mas de dos pisos. (Codigo del Trabajo 2415d).

D. COMEDORES Y COCINAS.

1. Los edificios usados para comer y cocinar deben estar provistos de puertas y ventanas con tela de alambre (a prueba de mosquitos) (Codigo del Trabajo 2417, 2413.5 2413.6)

IV. CAMPAMENTOS DE TRABAJADORES.

D. COMEDORES Y COCINAS.

2. Los comedores y las cocinas y todos los artefactos y ba-jillas en los mismos habran de mantenerse limpios y en condi-cion sanitaria. (Codigo del Trabajo 2417, 2417.5)

E. EXCUSADOS. Debera proveerse cuando menos un excusado para cada quince (15) personas que vivan en el campamento. (Normalmente se requieren excusados con agua corriente de los llamados in-gleses.) Los excusados deberan estar ventilados, con tela de alambre en todas las ventanas, puertas y otros orificios de los muros o el techo, y deberan mantenerse siempre en condicion- es sanitarias y de completa limpieza. (Codigo del Trabajo 2419, 2419.5, 2419.6).

F. LAVABOS. Los lavabos deberan estar esmaltados, cubiertos de porcelana, vidriados o chapeados con metales inoxidables o cual-quiera otro material que resista la accion del agua y la humedad, y debera haber uno por cada 30 ocupantes del campamento. Donde se usen artesas largas (abrevaderos), cada 2 pies de la artesa equivaldra a un (1) lavabo. (Codigo del Trabajo 2419, nota 162429).

G. BANOS. Una regadera de cada sexo sera necesaria para cada quince (15) trabajadores. Las regaderas deben tener abasto continuo de agua tibia y fria, debera estar construida y man-tenida en condiciones de que el agua no la deteriore ni gotee, debe ser ventilada y el agua debera escurrirse facilmente en el piso sin estancarse ni formar lama, y habra de conservarse en condicion sanitaria. (Codigo del Trabajo 2420.5)

I. COMO HACER CUMPLIR LA LEY? Todas las secciones seran vigila-das y su cumplimiento se exigira por la Division de Standards para Edificios y Viviendas del Departamento de Alojamiento y Planeacion de la Comunidad.

Las notas son de "Reglas y Disposiciones para implementar, interpretar, y dar instrucciones especificas del Codigo del Trabajo relacionadas con el alojamiento de empleados, Division de Viviendas, del Departamento de Relaciones Obrero-Patronales 1959.

V. PRACTICAS DE CONTRATACION Y EMPLEO.

A. DISCRIMINACION RACIAL. No debera negarsele empleo a ningun trabajador agricola por razones de raza, credo religioso, color, origen nacional, o ascendencia. (Codigo del Trabajo 1420) "Ley de Practicas Justas de Empleo 1413). Lo que es mas, ningun pa-trono debera despedir ni discriminar de algun otro modo contra ninguna persona por que haya presentado alguna queja o ayudado en alguna gestion o trámite relacionados con la Ley de Practi-cas Justas de Empleo. (Codigo del Trabajo 1420).

B. MEBRECIA EN UNA ORGANIZACION OBRERA. Nadie debe obligar a un trabajador agricola a celebrar ningun compromiso, ni por escrito ni verbalmente, de que no ingresara o se hara miembro de ninguna organizacion obrera, como condicion para obtener empleo o para conservar el que tiene. (Codigo del Trabajo 922)

C. PAGO DE TRANSPORTACION CUANDO NO EXISTE EL TRABAJO. Si un contratista de trabajadores agricolas, sin tener un pedido en buena fe por trabajadores, contrata a un trabajador y lo hace ir a un sitio propuesto para empleo, y luego no proporciona el trabajo ofrecido, el contratista deberá pagar al trabajador agricola los salarios por todo el tiempo que hizo estar al trabajador lejos del sitio de reclutamiento. Los salarios deberan ser a la tasa convenida para el trabajo para el cual fue contratado originalmente el trabajador. (Codigo del Trabajo 1695.6)

D. DURANTE LAS HUELGAS.

1. Ningun contratista de trabajadores agricolas debe enviar trabajadores ni transladarlos a un lugar en el que sepa que hay huelga o paro, a menos de que haya informado que existen tales condiciones, al trabajador. (Codigo del Trabajo 1696)
2. Cualquiera persona que anuncia ofreciendo trabajo o solicita trabajadores en un sitio en que este en marcha una huelga o paro y durante la duracion de la huelga o paro, deberá "mencionar llana y explicitamente" la huelga o paro en sus comunicaciones verbales o por escrito. (Codigo del Trabajo 973)
3. Ninguna agencia de empleo mandara un solicitante a un sitio donde existe una huelga o paro, o otro disturbio de trabajo sin avisarle al solicitante de tales condiciones. La agencia tambien le dara al solicitante, sobre su recibo, una declaracion de estos hechos. (Codigo del Trabajo 1641)

E. COMO SE HARA CUMPLIR LA LEY?

1. El cumplimiento de "A" sera exigido por la Comision de practicas Justas de Empleo, del Departamento de Relaciones Obreros-Patronales (Industrial Relations) de California.
2. El cumplimiento de B, C, y D sera exigido por la Division del Cumplimiento de la Ley del Departamento de Relaciones Obrero-Patronales (Industrial Relations) de California.

VI. CONTRATISTAS DE TRABAJADORES AGRICOLAS.

A. MANIFESTACION DE LICENCIA. El contratista de trabajadores agricolas debe de tener en si mismo a todos tiempos su licencia de contratista, y debe mostrarsela a todas las personas con quienes haga negocios (como contratista de trabajadores agricolas). (Codigo del Trabajo 1695)

B. VEA OTRAS LEYES APLICABLES EN OTRAS SECCIONES DE ESTA COMPIACION. Vea especialmente a leyes bajo de "SALARIOS Y SUELDO", "TRANSPORTACION" Y "PRACTICAS JUSTAS DE CONTRACION Y EMPLEO."

C. COMO SE HACE CUMPLIR LA LEY? El cumplimiento de "A" sera exigido por la Division del Cumplimiento de la Ley del Departamento de Relaciones Obrero-Patronales (Industrial Relations) de California.

VII. MENORES DE EDAD.

A. EDAD MINIMA PARA TRABAJAR. Menores de edad de menos de doce (12) años no seran permitidos trabajar, excepto si son hijos del agricultor.

B. ASISTENCIA A LA ESCUELA.

1. Menores de edad entre las edades de ocho (8) y diez y seis (16) años deben de asistir a todas sus clases escolares a menos que tengan permiso escrito especial de las autoridades escolares. (Codigo de la Educacion 12101)

2. Menores de edad de diez y seis (16) y diez y siete (17) años quienes no han graduado de la secundaria y que son empleados regulares deben de asistir a sus clases escolares por, cuando menos, cuatro horas por semana. (Codigo de la Educacion 12551; cf. 12553)

C. PERMISOS.

1. Menores de edad entre los diez y seis (16) y diez y siete (17) años a quienes se les obliga la asistencia a la escuela, y todos los menores de diez y seis (16) años y menos deben conseguir un permiso para trabajar de las autoridades escolares antes de que se les permita trabajar. (Codigo de la Educacion 12304, 12551, 12701, 12702; Codigo del Trabajo 1299)

2. Antes de emplear a un menor de edad de menos de diez y seis (16) años, el patrono debe de conseguir, de las autoridades escolares, un permiso para emplear. (Codigo de la Educacion 12301, 12304, 12251, 12651)

D. EXIBANSE LAS LEYES EN LUGAR CONSPICUO. Cada dueno o director de granja donde se emplean padres de familia con hijos en su cargo inmediato, debe exhibir en un lugar conspicuo las leyes ordenando que todos los menores de edad, sin permisos para trabajar, no se les permitara trabajar. (Codigo de la Educacion 12270)

E. HORARIOS DE TRABAJAR.

1. Menores de edad de diez y seis (16) años no seran permitidos trabajar mas de ocho (8) horas al dia o cuarenta y ocho (48) horas por semanas. (Codigo del Trabajo 1391, 1394a)

2. Menores de edad de diez y ocho (18) años no seran permitidos trabajar antes de las 5:00 de la manana o despues de las 10:00 de la noche. (Codigo del Trabajo 1391).

3. Patronos deben de mostrar en un lugar conspicuo el horario permitido a los menores bajo su servicio. (Codigo del Trabajo 1299)

F. TRABAJOS PELIGROSOS. Ningun menor de edad de ~~diez~~ y seis (16) años sera empleado en trabajos en que se arriesgue la vida o los miembros o que danen su salud o su moralidad; en la operacion de ningun camion o carro de motor, o de maquinaria movil. (Codigo del Trabajo 1292 - 1294)

G. COMO SE HACE CUMPLIR LA LEY? Todas las secciones seran exigidas por la Division del Cumplimiento de la Ley, del Departamento de Relaciones Obrero-Patronales (Industrial Relations) de California.

The Farm Workers Opportunity Project

Oxnard, California

The Farm Workers Opportunity Project was originally designed as an experimental and demonstration Manpower Development and Training Act program that would assist in the elimination of the Mexican bracero program. Funded by the U.S. Labor Department's Office of Manpower, Policy, Evaluation and Research in the midst of the "Farm Labor Revolution" of 1965, the project gave 208 seasonal farm workers an intensive basic education for periods up to one year. The trainees took 30 hours of training a week for which they received MDTA training allowances. Ninety percent of the workers in the program were recent immigrants from Mexico or Spanish-speaking Mexican-Americans. The education program was supported by an individual and group counseling program that took place during the week ends or evenings. Group counseling which was directed at both trainees and other farm workers in the area, gave rise to numerous community organization activities among farm workers in Ventura County. Farm workers organized buying clubs, an alumni association, fiestas and the Santa Paula Crusade Against Poverty an independent community organization that obtained a War on Poverty grant from the Office of Economic Opportunity.

A supplemental agreement with the U.S. Department of Labor in June, 1965 became "Operation Harvest Hands" which was a nine month survey, counseling and community development program. Operation Harvest Hands took place throughout California with a part time and full time staff of counselors that visited 20,000 farm workers from Yuba City in the North to the Mexican border in the South.

The Farm Workers Opportunity Project has completed a number of special studies and reports on farm labor. These have included reports on the wages, working conditions and training desired by farm workers; farm workers and the law; the seasonal farm worker and community organization; a brief history of the bracero program and the University of California and the farmer.

As of mid-1967, the American Friends Service Committee's Farm Workers Opportunity Project continues to offer a research and technical assistance program to seasonal farm workers. This includes a limited program development function and the issuance of special studies on farm labor problems.
