

# **Empowering Female Farmworkers against Sexual Violence**

## **Policy Brief for U.S. Senator Kamala Harris**

The Me Too Movement has revealed the magnitude of sexual assault and harassment against women, especially in the workplace, setting off a wave of sexual abuse allegations against perpetrators and empowering women to speak out against the normalization of sexual and gender-based violence. A number of high-profile women in the media have used their platforms to denounce sexual assault and harassment in the workplace, raising public awareness about the pervasiveness of sexual discrimination. While the Me Too Movement has created important changes for women in a number of fields, from music to science, the impacts of the Me Too Movement have yet to improve conditions for women in the agricultural industry.

Women farm workers are one of the most exploited groups of workers in our nation. Like their male counterparts, women farm workers are not protected by federal labor laws that entitle most American workers to minimum wage, overtime pay, and disability compensation. In addition to enduring long days, incurring physical injuries, and receiving unfair pay, these women face chronic gender-based discrimination. A startling percentage of women farm workers report being sexually harassed or assaulted on the job, and these incidents often go unreported.

Reporting sexual assault can be extremely difficult, even for women in positions of power with access to information, resources, and legal protection. Female farm workers face a number of obstacles that can prevent them from taking action against sexual assault. Many women are unlikely to report incidents of sexual assault because they are unaware of federal antidiscrimination laws protecting workers from sexual and gender-based violence. If these women do take action, the legal process required to report and investigate sexual assault allegations can be extremely difficult for non-native English speakers to navigate. In addition, many women are reluctant to file sexual assault complaints with federal agencies because they fear being deported by federal immigration authorities.

The U.S. must empower female farm workers against sexual and gender-based violence by transforming the discriminatory culture of the agricultural industry and educating women about their rights to report and prosecute perpetrators of sexual assault. In order to reduce sexual violence in the workplace, all farm employees must be legally required to complete sexual harassment prevention training programs. In addition to these programs, employers must be required to conduct

informational trainings about how to report incidents of sexual and gender-based violence.

### **Scope of the Problem**

Hundreds of thousands of female farm workers face sexual violence or harassment in their workplace. According to a study out UC Santa Cruz, 80% of Mexican women working in the Central Valley have experienced sexual assault (Waugh, 2010). In reports, women have described incidents of rape, stalking, unwanted touching, vulgar and obscene language by their supervisors, employers and others in positions of power. (Waugh, 2010)

Women farm workers are extremely vulnerable to sexual violence because of their status as working Latina immigrants. Employers often threaten to fire the women if they complain about sexual assault or report them to immigration authorities.

Women with work visas are especially reluctant to report incidents of sexual assault because they are dependent on their employers for legal status. For women that do report sexual violence or harassment, they face a lengthy legal process that is almost impossible to navigate without a comprehensive understanding of English. Women farm workers must battle an extraordinarily exploitative power dynamic, inadequate legal protections, and insurmountable cultural barriers that render them defenseless against perpetrators of sexual assault and harassment. The U.S. government has only compounded the problem by excluding these women from basic labor protection laws, thereby stripping them of their power to fight back against sexual violence.

### **Gaps in Current Protections for Female Farm Workers**

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, national origin or sex, including sexual harassment. Title VII also prohibits retaliation, including threats to turn workers over to immigration authorities, against workers who report discrimination (Kominers, 2015). Though Title VII protections apply to unauthorized workers, it fails to provide comprehensive protection against the uniquely exploitative abuses female farm workers face because of their status as working-class Latina immigrants. Title VII provides a defense for employers by requiring accusers to use their employer's procedures to file a report of sexual assault or harassment immediately following the incident. If the accuser fails to do so, her employer may not be found guilty of sexual abuse under federal law. The unequal power dynamic between female farm workers and their employers make it extremely unlikely for these women to come forward with allegations of sexual assault against their bosses. In addition, the EEOC does not enforce Title VII if employers have 15 or fewer employees or

independent contractors. In California, it's estimated that contractors and other third-party employers supply about 50-75 percent of the farm workers for seasonal work (Kominers, 2015). As a result, women on small farms or those hired through an independent contract are legally defenseless against sexual assault or harassment.

In response to the need to expand protections for unauthorized workers victimized by sexual and gender-based discrimination, Congress enacted the U Visa program to encourage survivors of sexual assault to report their perpetrators. U visas grant legal immigration status to unauthorized workers to reduce victims' fear of being deported for coming forward with sexual assault allegations. However, only 10,000 visas are issued annually, and that cap has been met midway through every year since the program was enacted (Kominers, 2015). Not only are there not enough visas to provide comprehensive protection for survivors of sexual assault, many women don't know this option exists. Though the program aims to reduce fears of deportation, the certification process required to apply for a U visa involves assisting law enforcement officials in investigating or prosecuting a crime. If these officials refuse to certify a woman, she can be deported. It is not uncommon for officials to refuse certification because many view the U Visa as a green card for undocumented immigrants.

### **Policy Recommendation: Required Informational Sessions**

In order to empower women to report incidents of sexual assault, female farm workers must be provided with information about their legal protections and the procedures for reporting incidents of assault. Farm employers must be legally required to ensure their employees attend informational sessions that provide a comprehensive overview of current antidiscrimination laws, options for addressing sexual assault, such as the U Visa program, and a detailed explanation of how to file a complaint with the EEOC or their local social service agency. These sessions should be provided in the workers' native language. In addition to these informational sessions, all farm workers, including supervisors and employers, must be required to attend mandatory sexual harassment prevention programs. These programs will aim to inform employees about what constitutes sexual harassment and assault, the laws surrounding sexual and gender-based violence, and the legal consequences for committing these crimes. Because the culture of the agricultural industry tolerates pervasive sexual and gender-based violence against women, these training programs should help cultivate a respectful workplace culture by promoting gender equality norms. By implementing a comprehensive and thorough training program that aims to educate, raise awareness, and transform sexist cultural norms in the agricultural industry, policy makers can take steps to

empower female farm workers to take action against sexual violence in the workplace.

## References

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