

2016

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## Recommended Citation

Murillo, Vanessa, "Latin@s in the Labor Work Force" (2016). *2016 Symposium*. 1.  
[https://dc.ewu.edu/srcw\\_2016/1](https://dc.ewu.edu/srcw_2016/1)

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Latin@s in the Labor Work Force

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Author's Note

Vanessa Murillo is an Eastern Washington University Student. This paper was presented at the 19<sup>th</sup> Annual EWU Research and Creative Works Symposium on May 18, 2016 in Cheney, WA and submitted as an assignment for Chicana/o Latina/o Politics in America (CHST 320)

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### Abstract

This study focuses on the overrepresentation of Latino/as in farm labor jobs and the factors causing this trend, including the lax employer verification requirements. Using peer review sources, this work assesses the extent to which the federal government is complicit by allowing certain industry sectors such as the agribusiness with less stringent employment verification requirements than the technology or scientific industry. The study shows this bias application of laws create a form of exploitation and an underclass of Latina/o immigrants locked out of better job opportunities. Finally, this research points out to DACA, the executive order issued by President Obama as evidence of this claim.

*Key words:* Latinos, agricultural, immigration, undocumented, labor force

### Latin@s in the Labor Force

The United States has always had a history of involvement among immigrant workers, especially of work having to do with agricultural labor. Since the beginning of the 20<sup>th</sup> century U.S. agricultural sectors depended on immigrant laborers to perform agricultural occupations at low rate jobs. For the longest time Latinos have been on the outskirts of the least prominent jobs in the United States, because non-Hispanic whites don't want to be a part of the so called 'bad jobs' (Maldonado, 2009). Throughout this research, the overrepresentation of Latinos in the labor force will be examined and factors will be discussed as to why Latinos continue to constitute the largest growing ethnic minority group in agricultural jobs. Federal treaties like the Bracero program are one of the main reasons why Latinos have historically been a part of agricultural labor force in the U.S. Not only were Mexican immigrants brought to the United States as a result of the Bracero Program for jobs but this also influenced their permanent establishment in the U.S. labor force. The growing numbers of Latinos continues to increase in the labor force due to lax employer verification of work permits, when they contract or employ immigrants or undocumented immigrants. The workers lack access to government support that would prevent their exploitation and mistreatment because of the insufficient information provided by employers regarding their worker's rights (Padilla , Scott, & Lopez, 2014). Another major factor for the exploitation of Latinos in this type of occupation is their legal status in the United States. Many immigrants travel to the U.S. for a so-called "better life" but end up working in low-end jobs. One fact that all Latinos do have in common is that they are "underrepresented in the union movement and despite efforts by affirmative action legislation, they continue to face discrimination" (Figueroa, 1996, p. 1073). The overrepresentation of Latinos in this area of work is evident and two executive orders, DACA and DAPA, issued by

President Obama will be analyzed to determine its affects on the Latino community.

### **Guest Worker Programs**

During World War II the United States was in desperate need of workers because many Americans were fighting in the war. At this time guest worker programs were a good alternative in order to help out the shortage of workers but these immigrants had to return to their native country as soon as the contract would terminate. The guest worker program was not targeting specific groups but it typically focused on the labor from Mexico because of the proximity of the two countries.

One of the first guest worker programs enacted in the United States was the Bracero program. The Bracero Program was also known as the Emergency Labor Program. This program was a bilateral agreement between the United States and Mexico, under the accordance that Mexican workers were brought to the U.S. to work in the agricultural labor sector and then recruited workers to work on their farms (Baker, 2004). Not only were the workers given legal status to work, but also the American government agreed to pay them the same wages as American workers. These negotiations were of no problem and the program ran efficiently. “Under the Bracero Program 215,000 Mexican workers entered the United States between 1942 through 1947” (Baker, 2004, p. 84). By 1947 congress was ready to end this system because its initial purpose was to help the labor shortage during the war, but many American farms feared that they would still be short of workers. In an effort to keep this program the agricultural lobby petitioned congress to continue the program (Palmunen, 2005). The program went from being government to government to grower and worker. The process of grower to worker caused an increase in illegal immigration due to the fact that growers found it easier to hire undocumented workers than to go through the system associated with the Bracero Program of hiring workers

outside of the United States (Palmunen, 2005). Soon after this, Mexican workers noticed that already being in the U.S. would make it easier for them to get contracted through this program. Between 1942 through 1964 about 4.6 million contract workers were hired under the Bracero Program (Baker, 2004, p. 85). During this period there were several instances of worker exploitation, poor housing standards, lax recruitment policies and restrained wages causing them to leave their job and work illegally for other employers (Palmunen, 2005).

Shortly, after the Bracero Program the H-2 Program was allowed in the United States. This program was another contributor to the influx of Latin Americans into the labor work force. Employers were allowed to use H-2 workers under the approval of the Secretary of Labor that allows immigrants entry into the United States for temporary or seasonal agricultural work and this would not affect the wages and working conditions of people employed in the U.S. The H-2 program and the Bracero Program go hand in hand because they obtained similar provisions. At first, H-2A visas were issued to only Caribbean workers who worked in the harvest of sugarcane, tobacco, and citrus (Baker, 2004). In the late 1970's H-2 workers spread to other types of labor work force and Mexican workers were admitted to work under the H-2 program. Although there are no certain number of H-2A visas the government issues, in recent years the American government has sanctioned about fourteen thousand annually (Palmunen, 2005). In more recent years, about 1.2 million people entered on temporary work visas from 2000 to 2003 each year. Mexico continues to have the highest number of temporary workers at about 10.26%. Of the 14,094 visas issued in 2003 Mexicans held 9,924 of them (Palmunen, 2005, p. 51). Latinos continue to be over-represented in programs offered by the United States to workers outside of the country making them one of the groups that consistently out number other groups.

### **Lax Employer Work Verification Requirements**

The relationship between Latinos and the United States is caused by the demand of workers in the labor force by employers. “Latino/as were 13% of the total U.S labor force in 2005, and will constitute about a quarter of the total U.S labor force by 2050” (Maldonado, 2009, p. 1017). Despite these numbers Latino/as continue to be overrepresented in “low wage jobs” meaning jobs where the wage pay is low, they don’t have a stable job, lack of benefits and a poor chance of advancement. Factors like these, place workers at risk for poor health care, and facing hardships such as housing and food insecurity (Padilla , Scott, & Lopez, 2014). Many Latino/as working endure difficulties because an employer does not supply them with sufficient or correct information as to what, rights they have as employees. An employer’s primary goal is to have the job done by workers at any cost and under any circumstances. Often times an employer hires based on their perception of certain workers in regards to who will fit the job best. In a recent study done by, Marta Maria Maldonado, she explains how employers hire Caucasian or Latino/a workers in different agricultural sectors (2014). Although employers say that ethnicity/race has nothing to do with Latinos making up the majority of the numbers in low paying jobs when asked whether race is a contributing factor, employers feel uncomfortable answering the question and refer to it as irrelevant because they abide by the ideology of “color-blindness” and not seeing racial differences as one of their central frames in the work force (Padilla , Scott, & Lopez, 2014, p. 1022).

Many employers tend to assume that Latinos are the only ones who are willing to attain low-end jobs because Americans have never sought this type of work. They tend to believe that it’s within a Latinos nature to acquire certain jobs like farm work, forestry, domestic work, meatpacking and construction because its part of their culture and what was imbedded in them (Maldonado, 2009). But this is not true. For instance, 10 out of 28 white employers implied that

culture was one of the reasons why the Latino/a presence was high in low-end jobs (Maldonado, 2009). They stated “its not that whites are physically not able” to work “its just not culturally within them” (Maldonado, 2009, p. 1026). Culturally speaking Latino/as are targeted towards not performing in more prominent jobs because employers feel that professional and ownership positions are not something they are capable of doing. They assume that Latino/as are reluctant in telling others what to do when placed in higher job positions because they lack self-confidence. In fact white employers say that “ their nature is to do menial-type labor, they are not ashamed” and that for Caucasians working in agricultural sector like ditch digging or fruit picking is not acceptable (Maldonado, 2009, p. 1026). Even though Latinos constitute mostly blue-collar jobs and low-skilled jobs they are generally underpaid in comparison to white workers (Figueroa, 1996).

When Latino/as are hire to perform work, most of the times they are not informed about the laws that offer unemployment insurance and workers’ compensation. In addition, employers hiring Latinos do not emphasize the importance of the safety laws that are legally guaranteed in an agricultural workplace by the Occupational Safety and Health Act (Padilla , Scott, & Lopez, 2014). The regulations that fall under the OSHA are not always enforced by the employer causing inadequate risks to workers like “exposure to pesticides, heat exhaustion, and heat stroke” making agricultural labor work dangerous because of the insufficient resources given to Latino workers in this industry (Padilla , Scott, & Lopez, 2014, p. 158). In comparison employers tend to take the easy route when their workers are undocumented by not providing information to the IRS that could track data about their workers because the employer could prevent themselves from being charged certain wage theft policies (Green Coleman, 2015). This is also another form of exploiting the Latino community because many are not paid the hours



they work or are not paid the minimum hour wage and in doing this it is a violation of the Fair Labor Standards Act the group being affected the most from these actions are immigrant women (Green Coleman, 2015).

### **Immigration Status**

Little is known about the impact of a worker's legal status can have on their job. There are undocumented Latinos and there are also legal immigrants, but depending on their status in the country their job opportunities can be deprived. For instance, the Immigration Reform and Control Act of 1986 made "it unlawful to knowingly hire any person who cannot demonstrate authorization to work in the United States, and imposed sanctions for either record-keeping or hiring violations by an employer" (Lowell, Teachman, & Zhongren, 1995, p. 617). According to the general accounting office the IRCA was accounted for a widespread of discriminatory practices in relation to their employees (Lowell, Teachman, & Zhongren, 1995). In addition, employers assume a worker's legal status of being undocumented because of the language they speak or their ethnicity, but this is not always true as to whether a worker is undocumented or not.

While the IRCA has made an impact on which employers tend to hire foreign-appearing workers, recent studies have shown that immigrants' employment status and earnings are substantial and that immigrants' have a relatively higher employment and mobility in comparison to native-born workers (Edwards & Liu, 2015). Latinos' economic capital is tied to their skill set that includes education, English proficiency, and work related experiences. As Latinos continue to assimilate culturally and economically their employment rates improve breaking down dogmas that are viewed negatively towards Latino workers. Despite legislation that inhibit the employment of undocumented immigrants into some farming jobs, agriculture

employers are one group of Americans' that rely heavily on undocumented immigrants and Latinos to harvest fruits and vegetables on the country's farms. It is evident that many Latinos come to the United States to work by seeking economic opportunities. This is difficult to do however because Americans believe undocumented immigrants are taking jobs from Americans, but when the United Farm Workers union offered to help unemployed Americans acquire farm jobs, only three people accepted (Baragona, 2010). Its not that undocumented or legal Latinos are taking jobs away from Americans its that Latinos are concentrated in areas where low paying jobs or labor intensive jobs are offered and Americans aren't willing to do the same type of labor work. Benefits and labor conditions are a major factor as to why the agricultural sector is not a job where many Americans are willing to work in.

There is no disclaiming the apparent wage earning of an undocumented Latino in comparison to a U.S. worker but according to Francisco L. Rivera Batiz, the wage difference among these groups is not the result of employer exploitation but the result of low skill levels (1999). Most undocumented Latinos have low levels of schooling, English proficiency and are relative newcomers in the U.S. labor market resulting in them being less skilled than Latinos who are of legal status in the United States and making undocumented Latinos prone to facing more difficulties in the United States. Both Latinos of legal and undocumented status are predominately employed in blue-collar jobs but undocumented immigrants are exclusively blue-collar workers. For instance, about 93.2% of male undocumented workers were employed in blue-collar jobs and 87.4% of female undocumented workers were employed, and compared to legal workers 86.8% of male workers were employed and 69.2% of female workers were employed in blue-collar jobs, this explains that it doesn't matter if workers are undocumented or documented they make up the majority of the workers in blue-collar jobs. (Rivera-Batiz, 1999, p.

101). While the numbers between undocumented and documented Latinos in relation to those employed in blue-collar jobs they continue to be employed in similar occupations despite their legal status. If Latinos do want to acquire better paying jobs in the future, schooling and being able to communicate in English are two factors that need to be taken into consideration in regards to being employed as workers in professional, technical, managerial sales and administrative employees (Rivera-Batiz, 1999). Although there are differences between Latinos with different legal status's there are more commonalities when related to the work force. The low wages of Latinos in the United States are partly "associated with exploitation or discrimination based on their illegal status and legalization of undocumented workers provides considerable positive effects on the earning of these immigrants" (Rivera-Batiz, 1999, p. 112).

### **Executive Orders by President Obama**

The Latino population in the United States keeps increasing in numbers, especially among different communities. The children of undocumented immigrants are growing up and some face the reality that they are not legal citizens of the United States, which causes some of them to feel hopeless and stall their educational goals. It wasn't until June of 2012 that President Obama proposed DACA, which stands for Deferred Action for Childhood Arrivals program, which would grant the right for a social security number and the right to work to the immigrant youth (Zug, 2015). DACA has given many undocumented youth opportunities to work, and attend institutions of higher education regardless of their legal status (Martinez, 2014). About 500,00 undocumented youth applied to DACA in 2014 and more than half have been approved and of the ones that were approved approximately half were born in Mexico (Martinez, 2014). In comparison, according to the U.S. citizenship and immigration services in 2016 about 932,837 youth that are Mexican have also been approved (2016). DACA has given the undocumented

youth the desire to continue with schooling and pursue employment jobs that wont have to be in low wage jobs. They'll have the desire to find jobs that will have a better pay and that will grant them benefits. But despite the enthusiasm that DACA has given to the undocumented youth, some recipients are granted legal presence but not lawful status and their deferred status is valid only as long as the policy is in place which means as long as the program is still enacted by the government they can still abide by the regulations that DACA offers but otherwise their status can change when congress or a new presidential candidate decides to detract it (Martinez, 2014). Even though DACA allowed them to apply for social security numbers and a driver's license it did not provide assistance with the cost of education after high school or make them eligible for financial aid. Although this reform provides some relief for the youth to work, live, and receive a college education it doesn't alleviate their legality and illegality.

An equally important policy to DACA is DAPA, which stands for Deferred Action for Parents of Americans and Lawful Permanent Residents. President Obama announced this executive order on November 20, 2014 that was focused on the action on immigration. This policy would affect the biggest growing population in the United States and would defer the deportation of up to 5 million undocumented immigrants (Breisblatt, et al., 2016). The impact that DAPA would have if it were to be enacted would not only be on the undocumented immigrants but also on the American society. One benefit this would have on families is it will keep them together. About 3.7 million undocumented immigrants have children who are U.S citizens' or lawful permanent residents but despite the number of children who can legally reside in the United States this affects their well being when their parents are at a higher risk of being deported (Breisblatt, et al., 2016). The deferred action will also improve the welfare of communities because local officials agree that DAPA is a way to advance public safety and

encourage trust building between the authority and immigrants communities. In addition, DAPA focuses on granting undocumented immigrants renewable work permits for up to 3 years and exempt them from deportation. The renewable work permits will likely improve their income, and help them support themselves, their families and contribute to the economy (Breisblatt, et al., 2016). If undocumented workers are granted temporary work authorization, they are more prone to spending on goods and services from U.S. businesses, pay more taxes, which will in return have a positive impact on the economy as a collectiveness. Although DAPA is yet to be decided by the Supreme Court by the end of June 2016, the benefits that this policy would contribute to the United States couldn't be any more positive.

It is important to know that Latinos and undocumented immigrants have contributed greatly to this nations economy and society. The implementation of guest worker programs brought in a wave of immigrants whose futures depended on the work they were granted to do in the United States because working in their home countries was not an option for many of these workers. Guest worker programs gave a rise in the number of Latinos in the labor work force for a temporary agreement but this opened the door for many immigrants to make this nation their permanent home in hopes for a better life. Since many of these Latinos have a low education and English is not their primary language, blue-collar jobs such as agriculture and construction sectors are their only source of income and many face hardships in this type of working conditions. Stereotypes that employers have of Latino workers prevent, them from advancing in their jobs. For instance, employers have the notion that Latinos were made for labor-intensive tasks and that those are the only tasks they can perform. When in reality, a worker's legal status, English proficiency and their fear of being deported prevent undocumented Latinos from pursuing better-paying jobs. The minority group of Latinos who are undocumented are hopeful

that they will be granted the right to work by the end of President Obama presidency and after all their arrival to the United States has bettered the nation as a whole.

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