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GENDER AND PRECARIOUS WORK IN AGRICULTURE

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Introduction

In 2005, the US Equal Employment Opportunity Commission (EEOC) filed a lawsuit against Central Coast Packing, a Salinas, California, packing plant, on behalf of Maria Cejas, a fieldworker who alleged that her manager sexually harassed her (Akkad, 2005). According to reporting by Dania Akkad for the Monterey County Herald, Cejas claims to have been inappropriately touched by a supervisor while packing broccoli in 2002. Though Cejas objected, the supervisor persisted, exposed himself, and made lewd comments to her. According to the lawsuit, the supervisor went on to fire her after she continued to object to the harassment the following season; furthermore, Central Coast Packing did not take action to stop the harassment. Women fieldworkers are especially vulnerable to sexual harassment and often fear they will be fired or deported if they complain about incidents of abuse. Daniella Payes of California Rural Legal Assistance, who was cited in the Monterey County Herald article, asserts that Latin American *machista* culture may play a part in the issue, arguing that women may blame themselves for their own abuse. While Cejas' case moved to mediation in 2006, most women farmworkers are not so lucky in seeing justice served when they experience sexual violence.

The case against Central Coast Packing illustrates that women farmworkers in US agriculture are vulnerable to severe forms of reproductive injustice, which functions to control and discipline their labor and to keep food cheap. Reproductive justice is a theoretical framework originally coined by grassroots women's organizations in the US to highlight, from an intersectional lens, the systemic constraints on women's access to the conditions necessary to secure their reproductive needs and rights. Indeed, several major non-profit organizations recently released reports on the shocking labor conditions faced by women farmworkers in the US, and on the systemic nature of sexual harassment against Latina farmworkers (Bauer and Ramírez, 2010; Centro de los Derechos del Migrante, Inc. [CDM] and Penn Law, 2018; CDM, 2020; Meng, 2012; Kominers, 2015).

Workplace sexual harassment implicates both individual incidents of abuse and the structural inequalities that undergird them. Although its popular and theoretical treatment has tended to favor an individualized treatment of violence as deviant behavior, data on women farmworkers in the US reveals that sexual violence is systemic to agricultural industries. The legal system that immigrant victims of sexual violence in the US might otherwise use to access justice is by and

large inaccessible to female farmworkers because it puts the burden on them to come forward and report their situation (Block, 2014). In this chapter, we employ a reproductive justice framework to assess the gendered forms of labor control that keeps women farmworkers vulnerable and their labor cheap. Our review of the literature on migrant farmworkers in US agriculture demonstrates that sexual violence functions to discipline women workers into conforming to precarious forms of work. Precarious labor conditions—by which we mean non-permanent, low-wage, and unsafe work—makes it difficult for women to protest against discrimination or harassment. Moreover, patriarchal norms in Latin American cultures intersect with the social and economic vulnerabilities that place farmworkers in precarious labor conditions, making it more difficult for women to respond to incidents of abuse.

Reproductive injustice and labor control

Reproductive justice is a theoretical framework originally developed in the 1990s by a coalition of organizations of women of color in the US, today known as SisterSong, to demonstrate the inadequacy of the reproductive rights movement, led by white middle-class women, to properly address their reproductive concerns (SisterSong, n.d.). The SisterSong Collective (n.d., para. 1) defines reproductive justice as "the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities." Through its intervention in the abortion debate, the reproductive justice movement succeeded in pushing the women's rights agenda forward from a narrow focus on family planning to a more expansive view addressing questions of access, intersectionality, and the broader set of human rights that impede reproductive needs and choices.

SisterSong's definition of reproductive justice is applied in this chapter as a framework for analyzing how agricultural employment conditions and contexts can function to control women's labor. The right to "maintain bodily autonomy" is analyzed below with respect to farmworkers' rights to live and work free of sexual violence and to express their sexuality. The rights to "have (or not have) children and to parent children in safe and sustainable communities" is analyzed with respect to the health concerns arising from the inadequacy of wages to support families, pesticide exposure among pregnant women and children (as well as men), unsafe and indecent housing conditions, and extended family separation intrinsic to guest worker programs in agriculture. In this way, this chapter follows Cohen and Caxaj (2018) in using a reproductive justice framework to reveal the labor struggles of migrant farmworker women but employs a more expansive use of the concept to assess not only issues of bodily autonomy (sexuality and biological reproduction), but also the ways that living and working conditions for farmworkers impede on their rights to safely and securely parent their children.

The reproductive justice framework is apt for an intersectional analysis of how precarity is produced and reproduced in the labor force. As Silvia Walby (1988) argued three decades ago, in most sectors of the economy, women and men partake in distinct types of work commensurate with differences in pay, working conditions, and power relations. According to Walby, gendered inequities in workplaces have less to do with differences in training and education between women and men, and more to do with the gendered requirements of the unpaid work of social reproduction that awaits many women (and few men) outside of the workplace.

This classic argument about gender segregation in the workforce is brought into sharp relief in agricultural industries. Mexican immigrant women began to cross over to the US in higher numbers in 1964, following the end of the Bracero program, a trend that increased significantly in the 1980s (Waugh, 2010). While in Mexico, many worksites are segregated by gender, farm labor in the US places women and men workers in close proximity. Because this contradicts

paternalistic norms in the household, women feel more at risk working alongside men (Waugh, 2010). Poverty, migration, and new ways of working all serve to isolate women from their social networks and supports, increasing their vulnerability to gendered forms of violence (Waugh, 2010). For Latin American women in US agriculture, traditional gender hierarchies are compounded by their race, class, age, and citizenship status vulnerabilities, enabling new and exacerbated forms of labor abuse.

Intersectional dimensions of precarious farm work in North American agriculture

The US hired farm workforce is changing. As border policies have tightened, immigrant farmworker communities from Mexico and Central America are moving away from historical livelihood practices based on circulatory and migratory agricultural work in the US. An estimated 80% of farmworkers in the US are "settled," meaning that they work at one agricultural business that is located within 75 miles from their home, representing a doubling of the settled share of the farmworker population in the last 20 years (United States Department of Agriculture, 2020). This means that farmworkers are more likely than in earlier periods to live in family units and raise children in the US, often in mixed-status households (households with both undocumented parents -- meaning they are not formally authorized to live and work in the US -- and children who hold US citizenship because they were born in the US).

The US hired farm workforce is also increasingly feminized. Data from the 2018 American Community Survey shows that 25% of farm laborers are women, up from approximately 18% in 2009 (USDA, 2020). Although this number may represent an increase over earlier periods, it is still significantly lower than women's 45% share of all US private wage and salary workers (USDA, 2020). Thus, women represent a minority in the agricultural workforce, which makes them more vulnerable to labor abuses because they have little recourse to support from other female coworkers or from the men in authority figures who control the terms of their work. Other salient characteristics of the US hired farm workforce relate to ethnicity and citizenship status; 64% of waged agricultural workers are of Hispanic ethnicity (a vast majority of whom are of Mexican origin), and an estimated 48% are undocumented (USDA, 2020).

In parallel with these demographic transitions in the farm workforce, agricultural employers have increasingly come to depend on a seasonal guest worker program, called the H-2A visa program, to gain access to workers for short periods on an annual basis. There is no legal limit on the number of H-2A visas that can be issued in the US in any given year. The rising sense of labor shortage in US agriculture—at least partly due to the same border tightening patterns that have given rise to more settled immigrant work patterns—has created an explosion in employer demand for foreign agricultural guest workers. Indeed, the number of H-2A visas issued in 2018, was close to 200,000, more than three times higher than the number issued a decade before (US consular affairs data cited in Weiler et al., n.d.). Women are sorely under-represented among H-2A workers, at only 6% of all participants in the program, due to the well-known practice of gender discrimination during recruitment and hiring (CDM, 2020).

Farm employers draw on socially constructed gender roles and gender stereotypes to construct what they believe to be the ideal workforce for different agricultural jobs (for a study in the Canadian context, see Preibisch and Encalada Grez, 2010). The conventional association of farm labor with a "man's" job has produced a greater demand for male than female labor. There is evidence that agricultural employers using the H-2A visa program advertise abroad for workers of a specific gender (even though this is illegal under the Civil Rights Act of 1964 and the Age Discrimination Employment Act of 1967), a practice that is silenced by the US government

through its refusal to investigate abuses that take place during foreign labor recruitment (CDM, 2020).

Gender is not the only determinant of workplace segregation. Walby (1998) observed that workplaces tend to employ minority women in "ethnic niches," paying them lower wages and subjecting them to higher rates of job insecurity and informality. In agriculture, gender intersects with citizenship status, ethnicity, and age to shape the occupational hierarchy (Block, 2014; Holmes, 2013; Kim et al., 2016; Thomas, 1985; Wells, 1996). The review of the literature for this chapter finds that citizenship status, ethnicity, and age are all significant risk factors for sexual violence for farmworker women (Meng, 2012).

Several studies have found that being a racial minority and having low-class status increases one's vulnerability to sexual harassment (Krieger et al., 2006; 2008, cited in Murphy et al., 2015). The vulnerability of farmworker women to sexual violence is compounded for undocumented women, whose fear of detention and deportation gives powerful men a leverage point to control their labor (Kim et al., 2016). The combination of their citizenship status and the geographical isolation of their workplaces renders their suffering invisible, even in the age of #MeToo (Fitzgerald, 2020). Indigenous Mexican and Central American farmworkers comprise an increasingly important share of the US farm labor force and face severe discrimination, particularly those who are undocumented (Stephen, 2001; Murphy et al., 2015). Indigenous women farmworkers are even more vulnerable to sexual harassment and assault due to language barriers, lower levels of education that undermine their access to workplace training and education, and the continued perpetration of discrimination they face in their home countries by non-indigenous immigrants once in the US (Meng, 2012; Murphy et al., 2015).

Age also appears to be a determinant of vulnerability to sexual violence for Latina women (Salzinger, 2000; Wilson, 2003). Murphy et al. (2015) found in their study of indigenous women workers in Washington state that young women experienced more cases of sexual harassment, subjugation to which sometimes coincided with lighter work or preferential treatment in other realms. The fact that children may work on any farm in the US when they reach the age of 14 without requiring parental consent demonstrates that young girls are at particular risk (Fitzgerald, 2020).

In the section that follows, we apply the reproductive justice framework to assess gendered forms of precarious work and labor control among the migrant and immigrant populations working in North American agricultural industries.

Reproductive injustices on the farm

Sexual violence

Agricultural workers, and particularly female agricultural workers, face a severely high incidence of sexual violence, most often perpetrated by supervisors, employers, or male coworkers (Bauer and Ramírez, 2010; Meng, 2012; Kominers, 2015; Waugh, 2020). Fitzgerald et al., (1995, cited in Waugh, 2010) separate sexual harassment into three categories: gender harassment, unwanted sexual attention or assault, and sexual coercion. In her study of 150 women farmworkers, Waugh (2010) found that 80% had experienced at least one of these forms of sexual violence at work. Data on women farmworkers' experiences of sexual violence may undercount the real incidence of sexual violence due to the significant fear of retaliation and the seasonal nature of the work (CDM, 2020; Meng, 2012; Kominers, 2015). A vast majority of the time (97%, according to Waugh, 2010), the perpetrator of sexual violence is a supervisor or a coworker. Meng (2012) finds that other actors with the power to give or take away work or benefits are also com-

mon perpetrators, including foremen, owners, and farm labor contractors. These men, who are often of Latin American origin themselves, can leverage their authority to hire and fire women workers—and often also their firearms or other weapons—as a means of achieving their ends (Kominers, 2015).

Several factors help explain the extreme vulnerabilities of women farmworkers to workplace sexual violence, including the disproportionate representation of men in supervisory roles, the geographical isolation of work in remote fields, the requirement to bend while working in close proximity to men, *machista* gender norms that put women in subordinate positions relative to men in Latin American cultures, and economic vulnerability (Waugh, 2020; Kominers, 2015). Additionally, for many women farmworkers, their coworkers are their neighbors or otherwise a part of their social networks in the United States, complicating their responses to sexual harassment, or silencing them completely (Waugh, 2020; Kominers, 2015).

Social and labor supports, such as workplace policies on sexual harassment and gender equity, may be too flimsy to undo women's oppression on the field, forcing Latina farmworkers to navigate uncomfortable and dangerous experiences on their own (Waugh, 2010). Sexual harassment policies and managerial oversight often do not make it as far as remote fields (Waugh, 2010), in large part, because they are not required under federal law to do so (Kominers, 2015). Moreover, Latina women farm laborers depend on often meager pay to support themselves and their households, so when the men that work alongside these women subject them to sexually degrading comments and behavior, many women farm laborers cannot leave their jobs (Waugh, 2010).

Pottenger et al. (2019) shared an interview Dolores Bustamante, a farmworker who was a single mom who worked alongside many men. The men thought she was promiscuous and harassed her at work. After years of harassment, she began a relationship with one man in order to protect herself but suffered domestic abuse as a result. She and her family moved often to follow seasonal farm work, and each move precipitated more domestic abuse. "I had to choose between living with this man or leaving him and enduring the harassment by men at work. Being a single woman made me a target" (Pottenger et al., 2019, 93). She further stated that education on sexual harassment was especially lacking for women participating in the H-2A guest worker program. "Sometimes when workers are told not to harass women in the workplace they will say 'after work I can tell you whatever I want because I am not going to be working'" (Pottenger et al., 2019, 93). Bustamante learned about sexual harassment, the rights of farmworkers, and the responsibilities of farm owners after she began working with women's groups and worker advocacy groups (see below).

Such forms of sexual violence have serious, often long-term impacts on victims. These effects may include psychological trauma, including but not limited to depression and post-traumatic stress disorder; physical pain and discomfort; disruption of family life when husbands and other family members react negatively to women who share their experiences; and workplace effects for refusing to engage in sexual activities with authority figures, such as cutting hours and pay, termination of employment, loss of a seasonal job in the season following the harassment, and wrongful eviction from employer-owned housing (Meng, 2012).

Constraints on sexual expression

Freedom of sexual expression is another facet of bodily autonomy that is often undermined by the living and working conditions faced by farmworkers. Several studies in the Canadian context have found that migrant women farmworkers are impeded from forming sexual relationships due to employer surveillance of farmworker labor camps and attempts to control

their mobility (Cohen and Caxaj, 2018; Preibisch and Encalada Grez, 2010). Moreover, LGBT farmworkers face additional layers of discrimination when their sexuality is disclosed to others (Meng, 2012). The documentary *Migrant Dreams* demonstrated how powerful labor contractors leveraged power over LGBT temporary guest workers on Canadian farms by threatening to tell their family members in traditionally conservative countries of origin (Sook Lee, 2016). However, there is some evidence that women farmworkers from conservative Latin American cultures, where their sexuality is controlled by traditional patriarchal norms, enjoy greater sexual freedom in the US, although they still face sexualization in the workplace as a means of labor control (Castañeda and Zavalla, 2003).

Inadequate wages to raise families

Settled farmworker families within the US also face concerns with respect to the safety and security of the conditions under which their children are raised. The average farm wage in 2019 was just under $14 per hour, only 60% of the average non-farm wage (USDA, 2020). The very low wages paid to US farmworkers create significant concerns for parents with young children. Farmworker families often do not have enough left over to pay for childcare after paying for food and rent, forcing some without local support networks to make the difficult decision to bring their children to work in the fields, sometimes having to hide children from their employers (Stephen, 2001). Agricultural workplaces are among the most dangerous in the US, and young children face significant health risks such as pesticides, equipment, and heat when they are brought to work by their parents (Mohan and Walker, 2016). A more recent study with farmworker women about their childcare needs found that women are aware of these risks and that 97.5% missed work rather than bring their children to the workplace, although the authors warned that these results may be biased due to the disincentives to participants of disclosing such practices to the researchers (Liebman et al., 2017).

Moreover, even though undocumented immigrants are still covered by some federal labor laws, including the Fair Labor Standards Act and Title VII of the Civil Rights Act, they are often fearful of standing up for their rights when they are violated (Bauer and Ramírez, 2010). A survey of 150 women farmworkers who were currently or had at some point been undocumented found that virtually all had experienced some form of wage theft (Bauer and Ramírez, 2010). Furthermore, farmworkers in most states are excluded from critical protections that other workers enjoy, such as overtime pay, collective bargaining, workers' compensation, and some basic health and safety protections (Bauer and Ramírez, 2010).

Pesticide exposure

There are several aspects of the working and living conditions of farmworkers that can undermine the health, safety, and security of pregnant women and farmworkers' children. In the first place, agricultural working conditions can create significant risks for pregnant women. Research has demonstrated that physically demanding work under extreme heat can cause pregnant farmworker women to experience dizziness, fainting, negative effects on their blood pressure, sunstroke, agitated fetal movement, dehydration that is passed along to the fetus, and other negative health consequences (Flocks et al., 2013). Women farmworkers' exposure to pesticides—sometimes applied to fields even while men, women, and children are working outdoors—was connected to a series of severe birth deformities among workers in south Florida tomato fields in 2004 (Bauer and Ramírez, 2010). Elvira Carvajal, who was interviewed by Pottenger et al. (2019), explained that even pregnant workers at her farm workplace are

directly exposed to many chemicals, and restroom facilities are not kept clean. According to Pottenger et al (2019), bathroom breaks were granted sparingly, and Carvajal was singled out for needing more bathroom breaks as a result of her pregnancy. Workers also had to bring their own water.

Indecent housing conditions

Farmworker housing conditions present another impediment to safely raising children. A study of farmworker family housing conditions in North Carolina identified deteriorated housing conditions, overcrowding (too many residents for the available space inside the home), a lack of basic appliances for keeping the home and clothing clean, and proximity to agricultural fields as common risk factors that can undermine the health of workers and their children growing up in the homes (Early et al., 2006). Moreover, farmworkers are regularly exposed to pesticides on the job that either drift into farmworker homes (which are often located close to fields) or are carried inside on work gear and clothing, posing health risks to children (Rao et al., 2007). Moreover, since women are most often responsible for domestic work, their exposure to pesticides may be increased when washing work clothes. Farmworker women are often not provided with complete and adequate education on the health risks of pesticide exposure and may engage in behaviors that exacerbate these risks (Rao et al., 2007).

Family separation

Temporary visa work programs interfere with the right to raise families to the extent that they sanction and even require extended periods of family separation. In the H-2A program, although workers are technically allowed to bring their dependent family members to the US with them, they would have to apply on their own for their H-4 (dependent) visas and most likely reside in the farm labor camps or seek their own housing. As such, while officially permitting families to stay together, the program in practice denies it (CDM, 2020). Most often, male migrant farmworkers are separated from their families, inducing significant emotional suffering (Schmalzbauer. 2015).

Resistances to gendered forms of labor control

Farmworker women suffer under oppressive structural forces in the food chain and immigration system that impede their access to reproductive justice, but they are anything but passive victims. Many women are taking actions that promote systemic change. This section looks at these resistances at different scales—workplace mitigation and resistance and community and national level organizing—to demonstrate the efforts women farmworkers and their supporters are taking to transform the structures that opress them.

Mitigation practices and resistances in the agricultural workplace

Women farmworkers are resourceful in finding ways to mitigate the risk of sexual harassment in the workplace. For example, they cover their bodies—sometimes with only eyes and ears showing—both to protect themselves from the environmental dangers of agricultural work and to insulate themselves from sexual harassment (Kim et al., 2016; Waugh, 2010). Given their geographical isolation and small numbers relative to large male crews and supervisors, however, mitigation of harassment is extremely difficult.

Women also find direct and indirect ways to respond to their harassers. In Waugh's (2010) study, women used several strategies, including confronting the perpetrator directly (verbally or physically), ignoring the person or walking away, avoiding the person, reporting perpetrators to other people in authority, telling coworkers or family members, or quitting their jobs. In the absence of sufficient protective measures in the workplace, women farmworkers sometimes educate each other about their rights and engage in mutual encouragement to file complaints against abusers (Kim et al., 2016). However, there is evidence that women farmworkers often do not receive information from their employers on what to do in the case of sexual harassment, leaving them without access to support (Murphy et al., 2015). Moreover, as described above, women sometimes face severe forms of retaliation when confronting or filing complaints against individual abusers, thus making community-level organizing and support systems all the more important.

Resistances at the community level

Dolores Huerta, one of the co-founders of the famed United Farm Workers union that won significant labor rights for California farmworkers, reminds us that women are consistently in leadership roles in labor organizing but "when the history gets written, they only recognize men" (Huerta and Rosenbloom, 2018, p. 518). Indeed, women have long played an essential role in organizing farmworkers to resist the structural causes of their exploitation. In Texas, for example, with its large share of settled families among the migrant farmworker population, women provide leadership in an organizing movement focused not only on the workplace but also on family needs and women's roles in social reproduction, and have done so for decades (Edwards, 2011; Jepson, 2005).

The hidden nature of women's roles in labor organizing is changing as the farmworker organizing movement increasingly takes on a female face. The *Alianza Nacional de Campesinas* is the first national women's farmworker organization in the US created by women farmworkers and women from farmworker families (Pottenger et al., 2019). The *Alianza* particularly focuses on ending sexual harassment for women farmworkers, as well as helping pregnant workers address discrimination and receive maternity leave (Pottenger et al., 2019). The *Alianza* famously published a letter in *Time* magazine when the #MeToo movement was emerging in 2017 to draw attention to the plight of women farmworkers and proclaim solidarity with victims in Hollywood and across the US (Alianza Nacional de Campesinas, 2017). Another salient example is the female-led organization Community to Community in Washington state, which explicitly adopts ecofeminism in its guiding framework and integrates women's and family-oriented concerns throughout its approach to transforming the food system (Community to Community, 2020).

Conclusions and recommendations for future research

As this chapter has demonstrated, farmworkers in the US are subject to gendered forms of labor control and oppression. An intersectional approach has helped to demonstrate how gender, citizenship status, ethnicity, and age all work to compound these vulnerabilities in agricultural workplaces. These experiences of subordination and labor discipline can be theorized as reproductive injustices that create lasting and harmful effects on working bodies and on families. Using the reproductive justice framework, we have demonstrated that rights to bodily autonomy and to raise children in safe and secure conditions are violated among farmworkers through sexual violence, constraints on the expression of sexuality, pesticide exposure among pregnant women and children (as well as men), indecent housing conditions, and extended family separation. However, we have also sought to demonstrate that women farmworkers should

be construed as anything but passive victims of violence and oppression. Rather, they act at multiple scales—from the workplace to community and national organizing strategies—to resist and transform the structures that oppress them.

We conclude with several recommendations for future research on the reproductive injustices faced by US farmworkers and their families. This field is underexamined in the literature in general, and resources should be dedicated to better understanding how to promote reproductive justice—which SisterSong reminds us is a human right—among those who produce our food. First, the rising labor shortage in US agriculture has encouraged agricultural employers to turn more and more toward the H-2A agricultural guest worker program (Martin, 2018), which research has shown to be rife with abuse, including gendered forms of abuse (CDM, 2020; Newman, 2011). Researchers should explore how the isolated conditions faced by participants in this guest worker program, where workers migrate alone and have few opportunities to develop any supportive networks in the communities where they live and work, shape particular forms of reproductive injustice as well as opportunities to resist. Second, the labor shortage has also increased employers' reliance on labor contractors to meet labor demand on short-term contracts. Such contracts strip away a layer of institutional protection by further removing workers from farm owners. This creates a context that is ripe for labor and sex trafficking, reduced pay, and more limited access to healthcare, all of which compound existing reproductive injustices faced by farmworkers. We advocate for a research agenda that adjusts to the rapidly changing farm labor context in the US and gendered forms of labor control and discipline as they emerge and evolve.

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