



A state of fear: Human rights abuses in North Carolina's tobacco industry

America's migrant farmworkers toil for sub-poverty wages under some of the most dangerous working conditions in the nation. Oxfam America and the Farm Labor Organizing Committee have completed a joint study of the tobacco industry's impact on the human rights of farmworkers in the fields of North Carolina. The following is a summary of the findings.

The present US agricultural system is dependent on foreign men and women to harvest our crops. Yet in North Carolina, roughly nine out of 10 farmworkers on whom agricultural producers rely do not have a temporary agricultural worker H-2A visa, the only legal way for foreign laborers to do this work in the US. The result is that these individuals have little recourse when working conditions are poor.

Fear dominates the workers' lives—fear of arrest and deportation, fear of employer retaliation, fear of being unable to repay the thousands of dollars demanded by the recruiters and smugglers who brought them across the border to these jobs.

During 2010 and 2011, Oxfam America and the Farm Labor Organizing Committee (FLOC)

conducted face-to-face interviews with men and women who work the fields and with other stakeholders in North Carolina's tobacco supply chain. Interview questions covered wages, working conditions, and employer-provided housing. Of the hundreds of farmworkers contacted, 103 participated in the study: 89 were undocumented, two had expired visas, seven had H-2A visas, and five had permanent-resident status or were US citizens. The majority of participants—78—were Mexican citizens. Others were Guatemalan, Honduran, or American.

Of the 10 tobacco companies contacted as part of the research, two participated. Growers, nongovernmental organizations, and government officials participated as well.

Advances of the uncorrected research report, "A state of fear: Human rights abuses in North Carolina's tobacco industry," are currently available by contacting Briana Connors at (919) 731-4433 or bconnors@floc.com. A PDF of the final report will be available to download at oxfamamerica.org/a-state-of-fear in summer 2011.



FLOC





Research methodology

Oxfam America is piloting a unique methodology developed by the Canadian organization Rights & Democracy that allows communities to assess the impact of private-sector investments on their human rights. This methodology focuses on empowering local stakeholders. Central to this initiative is Rights & Democracy's Human Rights Impact Assessments for Foreign Investment Projects, which includes a step-by-step CD-ROM guide developed and field-tested by Rights & Democracy. The guide leads users through all phases of conducting a rights assessment, from how to form a research team to synthesizing results into a final report. For the FLOC project, Oxfam adapted the tool to look at private-sector investment domestically. Oxfam hopes these reports will support the efforts of local partners and community organizations to articulate their rights and to engage with investors and governments from a place of knowledge and power.

Key findings

Widespread human rights abuses

Interviews revealed that farmworkers endure frequent violations of both internationally recognized human rights and state and federal laws that should protect them. The study identified human rights violations in several areas.

Lack of just and favorable working conditions

 **WAGES** | One in four farmworkers—22 out of 86 workers—reported that they were paid less than the federal minimum wage of \$7.25 per hour, and 57 of the workers said that their pay was not enough to meet their basic needs.

 **WORKING CONDITIONS** | A majority of workers interviewed reported regularly suffering symptoms of green tobacco sickness, a form of acute nicotine poisoning caused by absorption of excessive amounts of nicotine through the skin. These symptoms include dizziness, vomiting, weakness, coughing, nosebleeds, and headaches. They also said that growers fail to provide them with protective clothing, such as gloves, or training that would enable them to take steps to protect themselves.

Heat stroke is the leading cause of work-related death among farmworkers. Many workers reported not being given sufficient breaks or clean water, as well as often being pressured by supervisors to work faster.

Several participants reported working in a field while pesticides were being sprayed, and more than one third reported pesticide-related illnesses.

Lack of adequate housing

 Nearly all of the workers living in employer-provided housing described problems such as inadequate or nonfunctional showers and toilets, overcrowding, leaky roofs, lack of locks, lack of heat, lack of ventilation, beds with worn-out mattresses or none at all, infestations of insects and rodents, lack of laundry facilities, and inadequate cooking facilities.

Lack of freedom of association

 Few workers said they felt free to join a union or collectively bargain with their employer. Many said fear of incarceration and deportation or of being fired keeps them from speaking out about problems.

Among the H-2A workers who are covered by a collective bargaining agreement between FLOC and the North Carolina Growers' Association, attitudes were more positive, reflecting the importance of workers' having a voice and an effective and safe grievance procedure.

Growers are losing ground

Changes in the industry in the last decade have made it impossible for many growers to survive on the income from their tobacco: Profits have shrunk, and growers can't cover rising production costs. Growers also expressed an inability to influence the prices the tobacco companies offer and their policies for grading harvests.

For growers, the H-2A visa program is complicated and costly, causing many to turn to labor contractors to find workers, which usually means hiring an undocumented workforce.

Most manufacturers fail to include farmworkers in farm audits

 Of the 10 tobacco companies contacted, only Philip Morris International and Philip Morris USA were willing to cooperate in the study. Both companies have developed policies for good agricultural practices, which set standards for labor management and farm safety that all growers from whom they buy tobacco must follow. However, the companies failed to include farmworkers in the development of the standards. Nor did they include farmworkers in their assessment programs. Philip Morris International said it was working on programs to improve its outreach to farm labor. To date, however, what companies perceive is happening on many farms has not been substantiated by the reality workers face.



What we heard*

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We don't make much, but we have to stick it out and work all the time. Even though it's not much, with the little they give us we can't look for another job....we are illegal and we don't have many rights.

—Manuel Rodriguez, farmworker in Nash County, North Carolina



Tobacco work is hard, but they don't pay us like it is...the chemicals are very strong and they make you dizzy, sometimes you vomit, you get nauseous, it's very tough....Your whole body feels tired, you don't know... if it's the spray [chemicals] or the tobacco.

—Jaime Arroyo, farmworker in Johnston County, North Carolina



I think our housing is disgusting. Not everyone has a mattress to sleep on, and there are 10 men in one room. There are three showers, but only one works, and the same goes for the toilets. We don't have a refrigerator or good ventilation.

—Aparicio Rosales, farmworker in Wilson County, North Carolina



There is nothing we can do. Nobody here complains because people don't like to be retaliated against or fired, so they don't say anything.

—Juan Martinez, farmworker in Wilson County, North Carolina



We recognize that human rights within our supply chain are an area of increasing focus for stakeholders.

—Paige Magness, Altria Client Services on behalf of Philip Morris USA

* For the protection of farmworkers and growers who participated in the study, their names have been changed, and photos are not in any way connected to the participants.

Farmworker profile

Fernando came to the US from Mexico four years ago, driven by a dream we all share: a better life for his family. What he has found, instead, is suffering.

Fernando has six children and a wife to support. Now, at age 48, he finds himself in a job as a tobacco harvester, which he considers dangerous, not the least because of all the chemicals farmers use on their fields. "I get sick a lot," said Fernando. "Coughing blood, nose bleeds, vomiting, diarrhea, and it makes my eyes red." Despite that, Fernando said no one in charge has ever told him about the hazards of working in the tobacco fields.

At the start of a new week recently, Fernando didn't feel well enough to go to work. He had been battling a cold and a cough exacerbated by the vapors from the boxes of tobacco he had been working with. "I could not get up," he said. But the day after, he dragged himself back to work. "I have been like this for the whole season," Fernando said. "I think that it should be an obligation from the boss to pay our wages even when we are ill—when one has been helping him throughout the season. But if I don't go to work, I won't get paid."

The \$7.25 an hour Fernando earns isn't enough to allow him to cover major medical expenses and meet the obligations he has to his family as well. "I have had many accidents," he said, recounting the time a fall put him in the hospital for two days. "I got the bill from the regional hospital...I paid for the medicines, but I could not pay for the hospital bill. It was too much." Nor does the pace of the work—set by the boss—allow enough time for full recovery. "When my arm and hand were caught in the machine the doctor gave me two weeks off work," said Fernando. "But the boss only gave me two days off work. And that is how I was with all these ailments—even working with my hand bandaged. So they make you work almost by force." The boss scolds and yells, added Fernando. "All he is interested about is to work fast. We don't matter to him," he said.

Stakeholders in the tobacco industry supply chain

In a successful supply chain, there is a symbiotic relationship and give-and-take among stakeholders. The current tobacco supply chain shows evidence of being out of sync.

MANUFACTURERS

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Because our contracts are with the farmers or in many cases even just the supplier, who then, in turn, has to contract with the farmers, traditionally we have not had the practice of systematically reaching out to the labor on the farm. That has to change.

—Till Olbrich, vice president regulatory policy, Philip Morris International



GROWERS

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The risk-to-reward ratio is badly out of balance...the grower is taking all the risk. ...Growers are not being paid enough to sustain themselves. ...We are living on the equity of our farms and our equipment, and that is not sustainable. At some point you've got to repair the tractor or go buy a used one or a new one.

—Tobacco grower in North Carolina



FARMWORKERS

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Some [employers] pay minimum wage of \$7.25 and some pay less. ...The contractor decides the pay rate and we have to either take it or not. ...If they say they are paying less, there is not much more to do. We need work. ...We are happy to have work.

— Farmworker in Johnston County, North Carolina



What's needed: An industrywide solution

Past strategies for addressing abuses among farmworkers have centered primarily on enforcement efforts focused on the bottom two links in the supply chain—the workers and their employers. But the persistence and severity of those abuses make it essential to adopt a new, industrywide approach that holds the tobacco companies, which control the industry, more accountable for conditions in the fields:

- Manufacturers must ensure respect for international human rights just as strictly as they ensure the quality and quantity of tobacco from their growers. Companies can no longer solely rely on government agencies that are poorly resourced and ineffective at protecting a population prevented from speaking out because of their vulnerability.
- Industry leaders should create a council that brings together manufacturers, growers, farmworkers, and their chosen representative, allowing all parties to have a voice and creating an effective tool for workers to ensure legal compliance in the workplace. A safe and legal work environment would benefit all.
- Manufacturers should act to ensure stability in the tobacco industry by allowing more grower input in their pricing formulas and by using multiyear contracts, agreed to earlier in the season, giving the growers more time to plan.



Oxfam America

Oxfam America is an international relief and development organization that creates lasting solutions to poverty, hunger, and injustice.

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Farm Labor Organizing Committee (FLOC)

FLOC is a labor union committed to securing better wages and working conditions for migrant farmworkers. Affiliated with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), FLOC works to ensure that all migrant workers in agriculture have a voice in the workplace and enjoy equal protection of basic human rights.

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