



Florida Farm Bureau Issue Brief

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Agricultural Labor

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Issue

Farmers and ranchers face a shortage of workers who are willing and able to work on farms and in fields. Comprehensive immigration reform must assure that, going forward, American agriculture has a legal, stable supply of workers. This includes attracting a sufficient number of competent, willing and able employees to sustain and grow production; allowing the recruitment and hiring of non-resident agricultural workers when the need is demonstrated; and allowing an opportunity for some current non-resident agricultural workers to apply for legal resident status.

Background

American agriculture faces a shortage of workers every year. A 2006 Farm Bureau economic analysis concluded that \$5 billion to \$9 billion in annual production is in jeopardy if the employee shortage cannot be met. Jobs in agriculture are physically demanding, conducted in all seasons and often transitory. To most U.S. residents seeking employment, these conditions are not attractive. Yet for many prospective workers from other countries, these jobs present real economic opportunities.

Employment of those who are in the U.S. illegally is a violation of federal law and consequences for employers can be severe. Effective reform must begin at the border with greater efforts to prevent the entry of illegal non-residents. While employing illegal non-residents is a violation of law, determining the legal status of prospective employees can be difficult, if not impossible, for growers. An employer is strictly limited in what he or she may ask of prospective employees to determine if they are authorized to work. If the employer requests more or different documents than allowed by law, or more than the original documents provided by a prospective employee, the employer could be subject to a Department of Justice investigation or a lawsuit for unlawful discrimination.

When no domestic workers can be found to work on farms and ranches, agricultural employers may recruit and hire temporary foreign workers under the H-2A temporary agricultural worker program. However, the H-2A program is bureaucratic, expensive, does not cover all parts of agriculture and does little to encourage grower participation. It requires employers to provide free housing and transportation from a worker's home country and to pay a base wage rate that is historically well above market levels, making it expensive. The program properly requires employers first to recruit domestic workers before bringing in foreign guest workers, but it unreasonably favors domestic workers even *after* the H-2A workers arrive and begin to work at an agricultural workplace.

In 2008, reforms to the program were implemented in an effort to make it more efficient and less burdensome to employers. On Feb. 12, 2010, the Department of Labor issued a final rule that repealed those modest changes and reinstated provisions that make the program even more difficult and expensive.

Farm Bureau Policy

FFBF Policy:

Immigration at the Federal Level

Recognizing that immigration is a federal issue, we oppose immigration legislation, ordinances or rules at the state or local level that would prevent the sustainability of Florida agriculture.

AFBF Policy:

Reform of U.S. Immigration Law is Essential for U.S. Agriculture

Farm Bureau has supported comprehensive immigration reform legislation and endorsed bills that came to the floor of the U.S. Senate in 2006 and 2007. In the end, only reform through legislation can solve this problem. In seeking a meaningful legislative solution to agriculture's worker shortage, Farm Bureau believes that comprehensive immigration reform must include the following:

An effective, usable, foreign worker program

Farm Bureau strongly supports permanent reforms to the H-2A agricultural guest worker program that:

- Allow employers to pay workers a prevailing, market-based wage;
- Accommodate the needs of modern agriculture, including year-round operations, whose labor needs have changed since the inception of the program; and
- Eliminate unnecessary bureaucracy so it is more responsive and timely to employers' and workers' needs, while diminishing its propensity to be a magnet for costly and unnecessary litigation.

A reliable employment verification system

Farm Bureau supports reforms of the current system provided that they are coupled with solutions to agriculture's ongoing labor shortage, provide a safe harbor for employers who act in good faith and are proven to work in the agricultural sector.

An adequate transition provision

Farm Bureau opposes amnesty but supports providing an opportunity for some of those who have worked in agriculture to adjust to legal status.