

Standing with Nevada's Farmworkers: Community Outreach and the Future of Justice Work

BY LORENA CASTENADA AND ALEXANDRA RAWLINGS, ESQ.

The Workers' Rights Law Project of Nevada Legal Services (NLS) provides legal assistance to Nevadans with employment-related legal issues, such as wage and hour violations, workplace discrimination, and unfair labor practices. This practice group within NLS also has a specific focus on reaching one of Nevada's often overlooked labor sectors: farmworkers. Spread across the state of Nevada are more than 3,000 farms,¹ with an average farm size of nearly 1,800 acres – which is the third-largest average in the U.S.² These farms are primarily comprised of cattle and calf, dairy, and hay farms.³

Nevada's farms are overwhelmingly located in rural counties with Elko, Humboldt, Eureka, Washoe, and Pershing holding the most farmland in the state.⁴ In order to meet the need for temporary and seasonal agricultural labor, the U.S. agricultural sector attracts thousands of foreign migrant workers each year. Beginning with the Bracero Program in 1942, the U.S. began to allow for the temporary entry of Mexican farmworkers to meet the labor shortage during World War II and the internment of Japanese American farmworkers. The current iteration of the Bracero Program, the H-2A Visa, allows foreign migrant workers lawful status while performing agricultural labor of a temporary or seasonal nature. Although workers from 86 countries are eligible to receive H-2A visas, the vast majority of H-2A workers are from Mexico. During their employment, these farmworkers

frequently live in barracks located on farm property and work long hours to keep up with demanding growing seasons.

Due to geographic and social isolation, lack of transportation, language barriers, and reliance on their employers, farmworkers are at high risk for workplace abuses. Some of the most reported issues are unsafe work environments including injury from chemical exposure, insufficient housing – including lack of access to running water – wage theft, and withholding documents. In instances where employers have withheld paychecks from farmworkers, NLS has been successful in obtaining these paychecks by delivering demand letters to the employers.

However, reporting these violations occurring on remote farms can be fraught with difficulty. Where legal services are already scarce across rural northern Nevada, farmworkers

CONTINUED ON PAGE 24

Standing with Nevada’s Farmworkers

encounter additional hurdles to report these violations. Often leaving the farm and finding a person who speaks their native language during their few hours off the job is impractical, making access to legal services nearly impossible.

One way that NLS seeks to address these needs and overcome existing barriers is through outreach activities and community justice work. Lorena Castenada is the farmworker outreach coordinator for NLS’s northern Nevada offices. She travels to various farms, meets with farmworkers, and hears their concerns.

When travelling to farms, the farmworker outreach coordinator also provides information regarding the legal rights and protections applicable to farmworkers and connects individuals with local health providers and lawyers as needed to address workplace concerns. To address one of the most

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commonly reported issues of wage theft, farmworkers can file complaints with the U.S. Department of Labor Wage and Hour Division (WHD), which is responsible for enforcing a number of statutes extending health and safety standards, as well as wage protections, for farmworkers. Among these statutes are the Fair Labor Standards Act, the Migrant Seasonal Agricultural Worker Protection Act, and the Field Sanitation Provisions of the Occupational Safety and Health Act. As WHD investigations of workplace violations can often take years, H-2A farmworkers can apply for temporary lawful status in the U.S. to facilitate investigations, a status termed “Deferred Action for Labor Enforcement,” or simply “Deferred Action.” In addition, if a farmworker

has been the victim of a crime such as human trafficking, they may be eligible to pursue a U-Visa or T-Visa, which provides pathways to permanent residency.

Many farmworkers assume that they will not be eligible for legal aid or other community services based on their temporary status. In addition, they fear potential adverse immigration consequences and retaliation from employers for reporting violations. However, individuals who are victims of workplace violations and other crimes

are eligible for legal aid services regardless of their immigration status.⁵ Just reaching farmworkers to inform them that help is available can be one of the biggest hurdles in legal services delivery.

NLS’s work is part of a growing movement of community justice workers who are aiming to close the gap in the country’s need for civil legal assistance.⁶ Community justice workers are trained to offer assistance in civil legal issues and are typically embedded in the communities they serve. Much of the focus of the community justice worker model has been in rural areas where legal assistance is sparse and offers a promising transformation in the field of civil legal services delivery. In addition to providing direct legal assistance, the community justice worker movement is also dedicated to policy reformation regarding the provision of legal services and bringing additional resources to communities in need.

In line with this method, Nevada’s Farmworker Resource Council (FRC) aims to better coordinate services between providers at federal, state,



and local levels to enhance the quality and reach of their efforts in farmworker communities. The FRC hosts monthly meetings on the last Wednesday of each month. NLS hosts these monthly meetings on Zoom, with up to 50 individuals participating in each meeting. Participants in these meetings include local colleges, state government representatives, radio correspondents, healthcare providers, food pantries, religious organizations, and other interested stakeholders. At these meetings, participants share information regarding current trends in farming communities and unmet needs of farmworkers. They aim to strengthen relationships between service providers, learn about others’ services and streamline referrals, and prevent duplicative services to better allocate time and resources and maximize the benefit to farmworkers and their families. The FRC meetings are instrumental in connecting service providers with one another and enable farmworkers to access the services they need. For example, as a result of the FRC’s work, participants have been able

to refer prospective clients to NLS, and NLS has connected farmworkers with local food banks when employers have failed to provide adequate meals, enabling farmworkers to keep their pay rather than spend their hard-earned money on food.

Ultimately, the purpose of this community outreach and justice work is to improve the living and working conditions of farmworkers and their families, as well as give meaning to the rights imparted to farmworkers under the law. NLS stands alongside Nevada’s farmworkers so that they are not alone when seeking justice.

ENDNOTES:

1. "Economic Analysis of the Food and Agriculture Sector in Nevada," Nevada Department of Agriculture (2021) (available at: https://agri.nv.gov/uploadedFiles/agrinvgov/Content/Media/economic_analysis_21.pdf).
2. "Nevada – We Grow Things Here!" Scot Rumberg, USDA's National Agricultural Statistics Service (Dec. 12, 2019) (available at: <https://www.usda.gov/media/blog/2019/12/12/nevada-we-grow-things-here#:~:text=According%20to%20the%202017%20Census,average%20for%20all%20U.S.%20states>).
3. *Id.*
4. *Id.*
5. <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/can-lsc-grantees-represent-undocumented>
6. [FrontlineJustice.org](https://www.frontlinejustice.org)

LORENA CASTENADA is the farmworker outreach coordinator for the Workers’ Rights Law Project. She brings more than 30 years of experience working with farmworkers and other laborers to Nevada Legal Services. Castenada hails from a family of farmworkers and is the child of a farmworker and bracero worker (today known as an H-2A worker). She spent her childhood playing in the fields and orchards where her parents worked, and later worked those same fields herself, following in the footsteps of her father and grandfather who walked with Cesar Chavez and Dolores Huerta (United Farmworkers of America). The fight for better working conditions, housing, and wages, as well as recognition for the essential role that farmworkers hold in our society is one that she is proud to share. She has been recognized by U.S. Senators Jacky Rosen and Catherine Cortez Masto as well as former Nevada governor Steve Sisolak for her hand in creating the Nevada Farmworker Resource Council and the contributions made to farmworkers in Nevada.



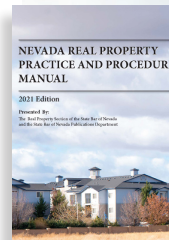
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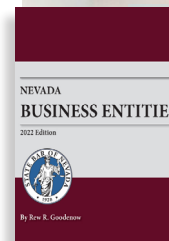
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