The Role of the EEOC in Protecting the Civil Rights of Farm Workers

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The agricultural industry is one of the nation's largest industries and employs nearly one million farm workers, a large percentage of whom are women. Many are immigrants and some are undocumented, making them especially vulnerable to workplace violations including sexual harassment. Female farm workers have recently complained about sexual harassment in the fields to the U.S. Equal Employment Opportunity Commission ("EEOC"), the federal agency charged with enforcing the nation's laws against employment discrimination. This Article traces the historical lack of protection for farm workers under U.S. law, and the reasons for the EEOC essentially ignoring this large workforce. Despite this embarrassing legacy, this Article notes that the EEOC has undertaken significant steps to address the civil rights of farm workers through active investigation and prosecution of agricultural employers.

The role of equal employment opportunity laws is very simple but critical. Equal opportunity insures that people can work, and consequently, determines workers' quality of life. Issues such as whether there is food on the table, whether their children will have clothes, whether they will have a roof over their heads, and whether they can do their work free of harassment are all at stake. Although these may seem like basic humanitarian concepts, equal opportunity is a radical concept, an aberration, when viewed against the backdrop of U.S. law and social practice. After all, only

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for the last thirty-five years after the passage of Title VII of the Civil Rights Act of 1964, has private employment discrimination on the basis of race, color, sex, national origin, and religion been unlawful. And not until 1992, under the Americans with Disabilities Act ("ADA"), was it unlawful to deny employment opportunities in the private sector on the basis of disability.[1]

While the civil rights movement fought for these laws, the movement has had an ambivalent attitude toward farm workers — an ambivalence deeply rooted in our nation's history. The Wagner Act of 1935, now known as the National Labor Relations Act ("NLRA"), did not cover farm workers.[2] The lack of coverage reflected a racial, national origin, and class bias against Mexican and Filipino farm workers. Mexican farm workers had been a large part of the agricultural workforce in the western part of the United States. However, during the Depression of the 1930s, hundreds of thousands were repatriated or deported.[3]

Professor Antonio Rios-Bustamante noted:

> [B]oth repatriation and voluntary returns were the results of the systematic campaign against Mexicans by local authorities and private agencies. Methods used to repatriate Mexican workers included persuasion, intimidation, violence, and forced repatriation. Through these methods, approximately 500,000 people left the country.[4]

The start of World War II required farm workers (significantly white in the 1930s) to shift from agriculture to the military or war-related industries. This left a vacuum in agricultural employment and growers once again looked to Mexico for labor.

Professor Rios-Bustamante described the *bracero* program as follows:

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[1] The Equal Pay Act became effective in 1963. *See* 29 U.S.C. § 206(d) (1994). The Age Discrimination in Employment Act became effective in 1967. *See* 29 U.S.C. §§ 621-634 (1994).

[2] The NLRA was passed during the Depression to give needed federal support to employee organizing and to collective bargaining. *See* THE DEVELOPING LABOR LAW 26 (1992). Section 2(3) of the NLRA excludes the following groups from the term "employee" for coverage: (a) agricultural laborers, (b) domestic servants, (c) independent contractors, (d)supervisors, (e) employees subject to the Railway Labor Act, and (f) public employees whether federal, state, or local. *See* 29 U.S.C. § 152(3) (1994).

[3] *See* MEXICAN IMMIGRANT WORKERS IN THE U.S. 24-26 (Antonio Rios-Bustamonte ed., 1981) (describing methods of repatriation and deportation, which affected some 500,000 Mexicans).

[4] *Id.*

> The renewed interest in securing Mexican labor gave rise to the Emergency Farm Labor Program. Known as the bracero program, it was established through the 1942 Bilateral Agreement between the United States and Mexico. It gave U.S. business and government more regulation over Mexican labor. In June 1942, the State Department and the Mexican government signed an agreement for the importation of 50,000 Mexican workers. . . .[5]

Between 1953 and 1956, the *bracero* program increased greatly, reaching a total of 445,000 workers in the Southwest and Michigan. By 1959, twenty-five percent of this country's southwestern workforce was Mexican.

The *bracero* program, which lasted nearly twenty years beyond World War II (when it was supposed to end), ensured growers of a vulnerable Mexican workforce and effectively stymied union organizing.[6]

Despite the lack of coverage under the NLRA, farm workers have organized and won contracts through strikes and sacrifice. For example, in Hawaii, the International Longshoremen's and Warehousemen's Union ("ILWU") organized thousands of Japanese and Filipino sugar cane cutters and pineapple pickers in the 1930s and 1940s. Farm workers in Ohio and North Carolina gained union contracts through the Farm Labor Organizing Committee, and farm workers also formed unions in Texas and Arizona. In 1975, largely due to the efforts of the United Farm Workers ("UFW"), the California Agricultural Labor Relations Act became the first state law that recognized the bargaining rights of farm workers. But generally, there has been minimal labor law and virtually no equal employment law enforcement in the agricultural industry.

Agribusiness is one of California's largest industries, employing nearly one million people annually, while nationwide the industry

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[5] *Id.* at 26.

[6] Filipinos had been a major part of the agricultural workforce in the 1920s and 1930s. *See* HARVARD ENCYCLOPEDIA OF ETHNIC GROUPS 359 (Stephen Thernstrom ed., 1980) (indicating that Filipino agricultural workers numbered 5603 in 1920 and more than 45,000 shortly before 1930). However, the Philippine Independence Act of 1934 (Tydings McDuffie Act) stripped Filipinos of their status as noncitizen nationals of the United States and regarded them as aliens for most purposes under the immigration laws. *See* Cabebe v. Acheson, 183 F.2d 795, 799 (9th Cir. 1950) (citing § 8(a)(1) of Tydings McDuffie Act). The act served as an exclusionary law by reducing Filipino immigration to a quota of 50 per year. *See* Philippine Independence Act of 1934, 48 Stat. 456 § 14 (codified as amended at 48 U.S.C. § 1244 (1994)). This divestiture of noncitizen national status was challenged unsuccessfully in *Rabang v. Boyd*. *See* 353 U.S. 427, 433 (1957).

employs over one and a half million people.[7] California's top six agricultural corporations alone have thirteen billion dollars in annual sales.[8] And recently, the industry has catered not only to domestic markets, but also to the expanding global markets in Canada, Europe, and Asia. The industry also has available a ready supply of immigrant labor from Latin America because of hardships in Mexico and Central America, the latest brought on by Hurricane Mitch.[9]

Despite the size of this industry, there were very few EEOC cases in agriculture. Additionally, there were no sexual harassment cases filed in court until September 1998, when the EEOC's San Francisco office filed a lawsuit against a Salinas area labor contractor on behalf of two Latinas.[10] This lack of involvement reflects in part the Commission's traditional focus on the discrimination issues of African Americans in urban areas, with much less attention given historically to the concerns of Latinas/os and Asian Americans.[11] To a certain extent, the EEOC was understandably driven by a "black v. white" framework, much like the rest of the civil rights community in analyzing and addressing issues of racial minorities.[12]

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[7] *See* Jodi Wilgoren & Martha Groves, *Senate Eases Rules for Agricultural Guest Work Labor*, L.A. TIMES, July 28, 1998, at A1.

[8] *See Big Six Produce Companies*, *in* 5 RURAL MIGRATION NEWS NO. 1 (Jan. 1999).

[9] In early 1993, the World Bank announced that 100 million people were living in countries other than their places of birth and international migration had reached epic portions. *See The Seekers*, 257 NATION 124, 124 (1993). Soon after, the United Nations High Commissioner for Refugees reported that there were over 44 million refugees in the world. *See* Paul Lewis, *Stoked by Ethnic Conflict, Refugee Numbers Swell*, N.Y. TIMES, Nov. 10, 1993, at A6.

[10] *See* EEOC v. C. & M. Packing d/b/a Fresh West Harvesting, C98-20978 (N.D. Cal. 1999) (on file with author); *Sexual Harassment: Contractor Agrees to Settle EEOC Charges of Harassing, Retaliating Against Laborers*, [Mar. 1999] Daily Lab. Rep. (BNA) No. 49, at A-8, A-8 (Mar. 15, 1999).

[11] Of 110,000 cases in its inventory in 1995, less than five percent of the cases were filed by Latinas/os or Asian Americans. Less than 10% of the cases alleged national origin discrimination.

[12] For a discussion on the limits of the "black v. white" framework on advancing non-black minorities civil rights concerns, see Juan F. Perea, *The Black/White Binary Paradigm of Race: The "Normal Science"*, 85 CAL. L. REV. 1213, 1219-20 (1997), 10 LA RAZA L.J. 127, 133-34 (1998). Professor Perea wrote:

> Many scholars of race reproduce this paradigm when they write and act as though only the Black and White races matter for purposes of discussing race and social policy with regard to race . . . . If one conceives of race and racism as primarily of concern only to Blacks and Whites, and understands "other people of color" only through some unclear analogy to the "real" races, this just restates the binary paradigm with a slight concession to demographics . . . . This paradigm defines, but also limits, the set of problems that may be recognized in racial discourse.

That framework, unfortunately, could not address the other issues of nonblack minority workers or the xenophobia and "racialized patriotism," that drove public policy and debate, thereby resulting in the further political isolation and vulnerability of immigrant workers. Consequently, the EEOC did not significantly respond to the changing phenomena in the workplace over the last decade or two, changes that industries' expansion, international and domestic instability, and global migration prompted.

Compounding this problem was the fact that by the 1990s the EEOC was sometimes viewed by civil rights advocates as irrelevant, poorly trained, ill-prepared to address the discrimination issues of the decade, and indifferent to the civil rights concerns of new Americans and emerging communities. And the impact of this perceived dysfunction was felt by farm workers — an extremely vulnerable population that oftentimes is nonwhite, noncitizen, and non-English speaking. Additionally, it is a population that often cannot vote, that has little money, that may have the worst jobs, that is unorganized, that may live in fear of deportation, and if deported may face extreme poverty, persecution, or both. And on top of that, it is part of a sector that is blamed for everything: unemployment, disease, crime, drugs, etc. *In essence, this population is ten times more vulnerable than others, and consequently makes the challenge to the EEOC that much more important.*

But where there is challenge, there is also opportunity. I believe the EEOC has at least planted the seeds for significant enforcement in the agricultural industry. In 1995, the Commission began developing its National and Local Enforcement Plans. As part of

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Id.; *see also* Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post Structuralism and Narrative Space*, 81 CAL. L. REV. 1243, 1267 (1993) ("To focus on the black-white racial paradigm is to misunderstand the complicated racial situation in the United States."); Adrienne D. Davis, *Identity Notes Part One: Playing in the Light*, 45 AM. U. L. REV. 695-96 (1996) ("A historical assessment of the relationship of other groups of color to a black/white paradigm reveals the paradigm as not only undescriptive and inaccurate, but debilitating for legal analysis, as well as civil rights oriented organizing.") (footnote omitted); Richard Delgado, *Rodrigo's Fifteenth Chronicle: Racial Mixture, Latino-Critical Scholarship, and the Black-White Binary*, 75 TEX. L. REV. 1181, 1185-86 (1997) ("The black-white binary . . . assumes that you are either black or white. If you are neither, you have trouble making claims or even having them understood in racial terms at all."); Perea, *supra*, at n.2 (noting works that discuss inadequacies of black-white binary); Deborah Ramirez, *Multicultural Empowerment: It's Not Just Black and White Anymore;* 47 STAN. L. REV. 957, 957-59 (1995) (arguing that civil rights struggle focused on black-white dichotomy); William R. Tamayo, *When the "Coloreds" Are Neither Black nor Citizens: The United States Civil Rights Movement and Global Migration*, 2 ASIAN L.J. 1, 7-9 (1995) (stating that although civil rights movement ultimately benefited many minority groups, initially it failed to protect nonblack minorities).

the local effort, EEOC staff met with farm workers and their advocates in Fresno, California. We were told that hundreds, if not thousands, of women had to have sex with supervisors to get or keep jobs and/or put up with a constant barrage of grabbing and touching and propositions for sex by supervisors. A worker from Salinas, California eventually told us that farm workers referred to one company's field as the *field de calzon*, or "field of panties," because so many supervisors raped women there. While these stories were horrendous, the women's complaints were not surprising. The number of harassment charges filed with the EEOC and state agencies has risen from just under 7000 in fiscal year 1991 to nearly 16,000 in fiscal year 1998. And those charges represent just the tip of the iceberg.

Soon after that meeting, our office launched an education and outreach campaign. The campaign began training the staff of California Rural Legal Assistance ("CRLA") on the law of sexual harassment and joined with Lideres Campesinas, a farm worker women's leadership network to conduct trainings in the Salinas area and the central valley. Subsequently, CRLA's senior staff attorneys gave an important presentation to the leadership of the EEOC's West Coast offices regarding the agricultural industry, its structure, the players, and the projected labor needs.

In 1996, Blanca Alfaro went to the CRLA office in Salinas and complained that she had been fired. It was eventually learned that a hiring official and other supervisors had sexually harassed her and then terminated her for protesting. Her case was eventually referred to the EEOC. I promptly organized a training session for EEOC staff on credibility assessments of rape and other sexual harassment victims that are non-English speaking immigrants. Drawing upon my experience representing political asylum applicants and scores of battered immigrant women, I emphasized that it was an abuse of discretion for a federal agency to discredit a witness without other relevant credible evidence.[13] And, in cases in which

[13] Under federal case law, it is an abuse of discretion (requiring reversal) for an administrative agency to discredit a witness if there is no credible evidence to support that conclusion. *See* Nasseri v. Moschorak, 34 F.3d 723, 726 (9th Cir. 1994) (noting that credibility findings must be supported by "specific, cogent reasons"); Turcios v. INS, 821 F.2d 1396, 1400 (9th Cir. 1987) (holding that evasiveness in answering questions does not necessarily establish lack of credibility; an examiner must evaluate untrue statements in light of all circumstances in case); McMullen v. INS, 658 F.2d 1312, 1318 (9th Cir. 1981) (stating that finding of lack of credibility must be reasonably supported by evidence).

the only witnesses to harassment are the victim and the harasser, properly crediting the victim's testimony is absolutely crucial.

In addition, trainers from a rape crisis organization and the San Francisco Police Department's Rape Unit discussed methods of interviewing rape victims and harassers. Misinterpretations of body language, eye-to-eye contact or the lack of it, and the consequent erroneous credibility assessments when the charging party was an immigrant woman could have devastating consequences. Thus, challenging the cultural limits and culturally based assumptions of staff was necessary to properly investigate Alfaro's and other potential victims' charges.

After months of investigation the EEOC concluded that Blanca Alfaro had indeed been harassed and retaliated against and that her boyfriend was also terminated in retaliation. The company, Salinas-based Tanimura & Antle, the largest lettuce producer in the U.S., denied the allegations.[14] While the matter was under litigation review, the U.S. Supreme Court issued key rulings on sexual harassment holding that an employer is vicariously liable for the harassment of a supervisor if it results in a tangible employment action, and is liable for other harassment (hostile work environment) if the employer failed to exercise reasonable care to prevent and promptly correct any sexual harassment, *and* the victim unreasonably failed to use the preventive or corrective measures provided.[15]

Obviously, the rapist (supervisor) will either deny that the rape happened or state that the sexual activity was consensual. Those statements, alone, however are rarely sufficient to discredit the witness. As the Ninth Circuit Court of Appeals cautioned:

> The [fact finder] must not only articulate the basis for a negative credibility finding, but those reasons must be substantial and must bear a legitimate nexus to the finding. Thus, there must be a rational and supportable connection between the reasons cited and the conclusion that the [victim] is not credible. In cases of this nature, where the principal and frequently only source of evidence is the petitioner's testimony, it is particularly important that the credibility determination be based on appropriate factors.

Aguilera-Cota v. INS, 914 F.2d 1375, 1381 (9th Cir. 1990).

The fact finder must have a legitimate, reasonable and articulable basis to question a party's credibility. *See id.* at 1382. At the same time, it must be remembered that "minor inconsistencies, minor omissions, or misrepresentations of unimportant facts cannot constitute the basis for an adverse credibility finding." *Id.*

[14] Tanimura & Antle had $1 billion in annual sales. *See Big Six Produce Companies, supra* note 8, at 1 (noting that Tanimura is relatively new, lettuce-based company).

[15] *See* Faragher v. City of Boca Raton, 524 U.S. 775, 808 (1998); Burlington Indus., Inc. v Ellerth, 524 U.S. 742, 765-66 (1998).

After months of negotiation with our office, CRLA and the Women's Employment Rights Clinic of Golden Gate Law School, Tanimura & Antle signed a significant consent decree in February, 1999. While making no finding of liability, the consent decree provided for $1.855 million for Blanca Alfaro, Elias Aragon, and a class of farm workers that officials may have harassed or retaliated against.[16] Farm workers can file claims until July 31, 1999. The EEOC will review the claims and award money from the fund. The decree also provided for extensive training of managers, supervisors and employees. The employer agreed to not rehire the alleged harasser and the employer has reprimanded others. To its credit, at a joint press conference, Tanimura & Antle stated that it wanted to move forward, to set a new tone in the industry and to ensure that victims of harassment could complain without fear of retaliation.

This $1.855 million award is likely the largest sexual harassment award in the agricultural industry, and not surprisingly, California, Arizona, the Latina/o press, and the *Wall Street Journal* gave the case significant publicity. The Associated Press photos of Blanca Alfaro holding her five-year-old daughter and of company Vice-President Mike Antle behind the EEOC seal said a thousand words.[17]

More importantly, the case also sent a strong message to an industry that the EEOC long ignored, and opened the door for other farm worker women to step forward to file claims or charges.[18] Yet, there are still barriers to overcome. One major factor is workers' immigration status and the fear it creates for some discrimination victims. Undocumented immigrant women workers or women workers that have undocumented members at home, may fear that an employer will retaliate against a complaining employee by calling the Immigration or Nationalization Service ("INS") and have her deported. Thus, in weighing the abuse on the job versus the potential that she and her children may face dire consequences of poverty or persecution in her home country if deported, she may feel compelled to endure the abuse.

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[16] EEOC v. Tanimura & Antle, C99-20088, 867 Fair Empl. Prac. Cas. (BNA) 29 (N.D. Cal. 1999)

[17] *See* Illana DeBare, *Record Settlement in Farm Workers' Suit; Lettuce Grower Will Pay $1.85 Million in Harassment Case*, S.F. CHRON., Feb. 24, 1999, at B1.

[18] Since the filing of the *Tanimura* consent decree, scores of women farm workers have filed EEOC charges against other growers and labor contractors.

However, Title VII protects undocumented workers, and furthermore, immigration status is irrelevant in finding liability in sexual harassment cases and in awarding damages. When employers threaten to deport an employee after an employee complains of a labor or employment rights violation, this constitutes unlawful retaliation. *Thus, advocates must ensure that immigration status, immigration law, and the INS are not used as weapons in the hands of a violating employer.* The last thing that we can afford is a perception that filing charges with the EEOC can lead to deportation. That chilling effect would only embolden harassers and encourage them to harass without any fear of punishment.[19]

But, aside from matters of sexual harassment, there are other issues of age, sex, national origin, and disability discrimination that we must address.[20] I only note that given the enormous potential

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[19] Not too long ago, the U.S. Supreme Court noted that, "application of the NLRA helps to assure that the wages and employment conditions of lawful residents are not adversely affected by the competition of illegal alien employees who are not subject to the standard terms of employment." Sure-Tan, Inc. v. NLRB, 467 U.S. 883, 892 (1984) (holding that undocumented workers are covered by NLRA). The National Labor Relations Board noted:

> [I]f full remedies are not granted, the illegitimate economic advantage to unscrupulous employers that knowingly employ undocumented workers has an even deeper corrosive effect on congressional policies respecting the workplace; undocumented aliens are extremely reluctant to complain to the employer or to any of the agencies charges with enforcing workplace standards for fear that they will lose their jobs or risk detection and ultimately deportation by the INS. Thus, workplace abuses can occur in secret and with relative impunity.

A.P.R.A. Fuel Oil Buyer Groups, Inc., 320 N.L.R.B. 408, 444 (1995), *aff'd*, 134 F.3d 50 (2d Cir. 1997).

On October 22, 1999, the EEOC released its "Enforcement Guidance on Remedies Available to Undocumented Workers Under Federal Employment Discrimination Laws," which emphasizes that the EEOC will not ask immigration status, will seek to obtain full remedies for all workers, and will pursue retaliation charges against employers who threaten deportation or otherwise use immigration law to undercut civil right law. *See* EEOC Compl. Man. (BNA), Notice No. 915,002 (Oct. 22, 1999).

[20] Seasonal older agricultural workers are not being rehired despite years of service in violation of the Age Discrimination in Employment Act. *See* 29 U.S.C. §§ 621-634 (1994). Women are not promoted into supervisory jobs in the fields, and Latinas/os are rarely promoted in to office jobs with agricultural entities. *See* Interview with Marcos Camacho, General Counsel for the United Farm Workers Union, in San Francisco (Nov. 15, 1999) (notes on file with author); *see also* EEOC v. Willoughby Farms, Civ. No. C96-20670 (N.D. Cal.) (settled Mar. 13, 1997) (alleging that company refused to renew long-term agricultural employees over 40). On June 22, 1999, the full Commission of the EEOC held a hearing in Houston, Texas, addressing the issue of "Low Wage Workers," at which advocates for migrant workers noted issues of discrimination, *inter alia*, sex discrimination, harassment, and retaliation that affect these workers. *See Witnesses Tell EEOC Meeting in Houston of Problems*

for physical injuries, there are likely many disabled farm workers who could perform their jobs with some accommodation[21] and many more that have had a history of disability and were consequently and unlawfully denied future employment.[22] One obvious barrier is that many minorities are not aware of their rights under the Americans with Disabilities Act ("ADA"). According to the National Organization on Disability, less than ten percent of minority people with disabilities know about the ADA, and it took three years for the ADA to be translated into Spanish.[23] Furthermore, advocacy by the disability rights movement in the farm worker and minority communities is still in an embryonic stage.[24]

Given the imbalance of power between growers and farm workers, government can play a critical role in helping farm workers. Realistically, very few lawyers in the private bar will take on farm worker or other immigrant employment matters. Recent restrictions prevent rural legal services programs from participating in class actions and obtaining attorneys fees, thereby negating substantial investment in drawn out litigation. And thus, in many cases the EEOC may be the only recourse.

But having previously been co-counsel in litigation challenging governmental misconduct against immigrants I understand the fear and distrust in immigrant communities.[25] Accordingly, some may ask, why should farm workers trust the government after the government has so long neglected and sometimes abused them?

Obviously, a victory like *EEOC v. Tanimura & Antle* is significant, but much more needs to be done to win that trust. The EEOC must build relationships and partnerships and achieve more victo-

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Faced by Low-Wage Workers, [June, 1999] Daily Lab. Rep. (BNA) No. 121, A-4, A-4-A-6 (June 24, 1999).

[21] The Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (1994), prohibits discrimination on the basis of disability, a record of disability or perceived disability. *See id.* § 12112. Furthermore, if an employee has a disability, the employer may be required to provide a reasonable accommodation to the employee providing that she can perform the essential functions of the job. *See id.*

[22] *See* Patricia Kirkpatrick, *Ships Passing in the Night: Disability Rights and Minority Activism*, 4 THIRD FORCE, No. 1, 28 Mar./Apr. 1996.

[23] *See id.* (stating that, "unemployment is so extreme among minority people with disabilities . . . because of exclusionary practices and attitudes, dual or triple discrimination of employers and vocational rehabilitation providers (due to race, gender, and/or disability), inaccessible work environments and inadequate levels of education").

[24] *See id.*

[25] *See* International Molders & Allied Workers, Local 164 v. Nelson, 799 F.2d 547, 550 (9th Cir. 1986) (noting that district court delayed 18 months before granting immigrant plaintiffs' injunction and case took four years to get to trial).

ries. That commitment includes being open to criticism, suggestion and debate about methods, approaches and frameworks.

Being relevant and meaningful to the lives of farm workers and other underserved communities requires the recruitment of staff, despite Proposition 209, with the necessary bilingualism, biculturalism, awareness of the social demographics, industrial trends, community ties, and skills to build relationships and partnerships.[26]

The EEOC must gain an institutional understanding of the workforce and industrial trends. It must dare to be creative, and must not be marginalized by its own intransigence or neglect. That marginalization would further marginalize the populations we are required by law to serve. As EEOC Chairwoman Ida Castro stated, "[w]ith farm worker women, we are dealing with perhaps the most vulnerable sector of the workforce. Accordingly, the EEOC must be vigilant and will continue to address issues in the agricultural industry."

The stakes involved are captured by a female farm worker's statement describing the impact of years of harassment:

> I have a lot of fear that things will happen to me. I'm not the same any more. I don't have the same happiness as before. I don't want this to happen to my daughter or other women. It's just ruined my life completely. I haven't talked to a doctor because I don't have medical insurance. I have endured it alone. We are poor women, from the fields. We just want to have work and happiness, to give what you can, not to get a fortune. And they betray all that. And sometimes I can't stand it. . . . I'm stumbling and stumbling.

Overcoming decades of neglect of farm worker issues by the civil rights community and by the EEOC is a daunting challenge. Yet, in an industry filled with millions of vulnerable workers — especially non-English speaking immigrant women — it is imperative that civil rights agencies devote adequate resources and make the industry a priority. As this article attempts to illustrate, the EEOC, the agency charged by law with protecting these workers' civil rights, has at least planted the seeds for stronger enforcement in

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[26] In 1999, EEOC office in San Francisco recently hired the staff attorney of Lideres Campesinas, and the San Antonio and Houston officers hired two attorneys from Texas Rural Legal Aid and two attorneys from the Mexican American Legal Defense and Education Fund.

agriculture, and those seeds will grow as the EEOC builds partnerships with farm workers and advocates.