



Worker Justice Center of New York

March 25, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, New York 12224

Senate Majority Leader Andrea Stewart-Cousins
188 State Street, LOB Room 907
Albany, NY 12247

Assembly Speaker Carl E. Heastie
188 State Street, LOB Room 932
Albany, NY 12248

Subject: Protecting New York State Farmworkers from COVID-19

Dear Governor Cuomo, Majority Leader Stewart-Cousins, and Speaker Heastie:

The agricultural workforce is essential to New York's economy and to the security of our food supply, yet farmworkers are among the most vulnerable workers in our state. As they labor each day to put food on our tables, the threat to farmworkers presented by COVID-19 is immediate. Farmworkers are uniquely isolated and face extreme challenges in securing food and supplies. They lack access to transportation, making it more difficult for them to seek testing and medical treatment. We have also heard from workers that some employers are failing to take the necessary measures to ensure worker health and safety in the workplace, and even less so on farm labor camps where workers often live in over-crowded and unsanitary conditions. Meanwhile, many of the organizations that serve agricultural workers—such as our own—are currently unable to carry our normal programming and support services due to work-from-home policies put in place to prevent the further spread of the virus. We are therefore calling on you as lawmakers to take swift action to ensure the health, safety, and well-being of New York's farmworkers during the COVID-19 pandemic. Specifically, we are calling on lawmakers to enact the following measures:

- Task all relevant state agencies with **developing a coordinated plan** to address and respond to the unique needs of the agricultural workforce during this crisis. This plan should include:



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- Creating linguistically accessible **health and safety and know-your-rights materials** targeting farmworker communities, including audio-visual materials for workers with limited literacy
 - Ensuring **accessible free testing and treatment for COVID-19** for all farmworkers as medically appropriate, regardless of immigration status, including special attention to foreign guestworkers now entering the country with H-2A visas
 - Coordinating with local food pantries and other essential service providers so that the **basic needs** of farmworkers (including potable water, necessary paper products, and hand sanitizer) are met, regardless of immigration status
 - Working with law enforcement to **prevent predatory price-gouging**
 - Appointing **designated points of contact** within each relevant government agency to ensure responsiveness to farmworker community concerns
 - **Removing barriers** to accessing all available benefits to eligible farmworkers telephonically
 - **Responding to localized outbreaks** affecting the agricultural workforce
- Require agricultural employers to **inform workers of their rights to emergency paid sick leave, paid family leave, temporary disability insurance, unemployment insurance, and worker's compensation**—regardless of immigration status—and provide information about how to access these benefits in the primary language of their employees.
 - Extend **unemployment benefits to H-2A workers** affected by COVID-19.
 - Provide **direct financial assistance to farmworker families regardless of immigration status**, especially to those facing financial hardship because of a COVID-related death or illness, or due to loss of income resulting from the closure of schools and childcare programs.
 - Mandate **health & safety protocols specific to COVID-19 for agricultural operations and farm labor camps**, including:
 - Readily accessible hand-washing facilities with soap and clean water or hand sanitizer
 - Proper ventilation of all work areas
 - Proper social distancing at work and during transportation to work
 - Regular disinfection of surfaces in both work areas and shared living spaces
 - Provision of proper personal protective equipment to protect workers from exposure to the virus



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- Sanitary housing conditions, including beds that are spaced 6-feet apart
- Special protections for workers over 60 and/or those with underlying health conditions
- Designated quarantine housing for workers showing symptoms of COVID-19 (separate sleeping quarters, bathrooms, and cooking areas)

The nation has lauded New York's proactive response to the COVID-19 crisis, by taking the above-referenced measures we believe that we can give New York's farmworkers their best chance to persevere through the COVID-19 crisis while providing New York and the nation the food we need.

Respectfully,

Lauren Deutsch, Esq.
Executive Director
Worker Justice Center of New York

Co-Signed By:

Alianza Agrícola
Cornell Law School Labor Clinic
Food Chain Workers Alliance
Hispanic Federation
Mujeres Divinas
National Employment Law Project
New York Civil Liberties Union
New York Immigration Coalition
Retail, Wholesale and Department Store Union
Rural and Migrant Ministry
RWDSU/UFCW Local 338
SEIU 32BJ
UFCW Local 888
United Food and Commercial Workers International Union
Workers' Center of Central New York



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