



April 28, 2010

Dear Universal Periodic Review Council,

We appreciate the opportunity to submit information for this important Universal Periodic Review of the United States. Enclosed in this submission are examples from the current abusive system that has affected agricultural workers in this country for some time.

Our organizations jointly submitting this information are the Farm Labor Organizing Committee (FLOC) and Oxfam America. FLOC is one of the preeminent immigrant rights organizations with over thirty-eight years of experience in organizing, training, and public education. FLOC is the lead organization for organizing migrant workers to gain union protection in the US East, South, and Midwest. Oxfam America is an international relief and development organization that creates lasting solutions to poverty, hunger, and injustice. Together with individuals and local groups in more than 100 countries, Oxfam saves lives, helps people overcome poverty, and fights for social justice. FLOC is a long-standing partner of Oxfam America's Decent Work Program.

The agricultural system in this country is one where workers have experienced rampant violations for decades. Agricultural work is one of the most precarious in the United States. Workers lack the ability to realize sustainable livelihoods from the current supply chain structure; and existing legal protections and government oversight are insufficient to uphold core labor rights. This submission intends to put a focus on a neglected workforce where for too long government, corporations, and society have turned a blind eye.

Compared to international labor standards, U.S. law provides weak protection for worker rights. Agricultural workers are excluded from the *National Labor Relations Act*, which gives employees the right to engage in concerted activities for the purpose of mutual aid and protection. Under the *Fair Labor Standards Act*, agricultural workers on small farms are not protected by the minimum wage provisions. The *Migrant and Seasonal Agricultural Worker Protection Act of 1983*, the federal employment law for farmworkers, excludes temporary agricultural guestworkers (H-2A) from its coverage.

The United States has only ratified fourteen of the United Nations' International Labor Organization's 188 conventions, which prescribe protections for a wide range of issues and types of work. In addition, the United States has not ratified the International Covenant on Economic, Social and Cultural Rights, which includes core labor rights.

Agriculture is routinely ranked as one of the most dangerous occupations in the country. The strains of hard physical labor, accidents and exposure to toxic pesticides and the elements are some of the risks farmworkers confront daily. As a result, U.S. farmworkers have an average life expectancy of only 49 years. Farmworkers are the poorest workers in the country, earning average annual incomes of \$7,500 for individuals and about \$10,000 per family.

In the tobacco fields of North Carolina, we are working to end this injustice. The Farm Labor Organizing Committee (FLOC) began a campaign to improve living and working conditions for thousands of workers who pick tobacco for RJ Reynolds, one of the largest tobacco corporations in the United States. Reynolds makes billions of dollars in profits each year while the workers who harvest their tobacco face serious human rights abuses in the tobacco fields. Reynolds has refused to work with FLOC to find a solution to these abuses. Currently, fewer than 10% (about 8,000) of the migrant agricultural workers in the state enjoy union protections, and FLOC is working to bring more of North Carolina's agricultural laborers into the union.

Each spring tens of thousands of workers arrive in North Carolina and other parts of the Southeast to begin preparing the fields and planting tobacco. These farmworkers face daily hardships such as long hours of stoop labor, abusive employers and inadequate water and breaks during the workday. Outside of the fields, most workers live in overcrowded, dilapidated labor camps. Tobacco pickers are routinely exposed to pesticides in the fields, but are rarely provided with protective clothing. Furthermore, the housing often lacks adequate shower and laundry facilities to wash off pesticide residue.

The workers who pick tobacco also suffer from work-related illnesses from the toxins in tobacco. Green Tobacco Sickness (GTS) is a highly prevalent occupational illness whose symptoms include nausea, vomiting, headache dizziness, abdominal pain and difficulty breathing. GTS also raises body temperature, increasing susceptibility to severe dehydration. Unfortunately, most tobacco farmworkers do not have access to adequate healthcare to treat conditions such as GTS. In the past several years, nine farm workers have died while working the fields of North Carolina, most due to heat stroke. Several of those deaths have occurred in the tobacco fields.

The 9th session's Universal Periodic Review of our country marks a crucial moment for the United States and the global community to acknowledge the human rights abuses prevalent in our fields. It is time to reveal the truth that has plagued this industry for decades.

The Farm Labor Organizing Committee, in partnership with Oxfam America, is currently implementing a human rights impact assessment of the tobacco supply chain in North Carolina. Methodology developed by Rights and Democracy enables tobacco farmworker communities and support organizations to systematically analyze and document the effects of private investments. With this report we are using advocacy and public education to seek greater accountability from RJ Reynolds and the government and ultimately to initiate a dialogue with companies that can improve workers' human rights.

The final report, to be released in the fall 2010, will contain key information and testimonies from relevant stakeholders in the tobacco supply chain. This will be the first time such an in-depth human rights assessment with farmworkers and their communities will have been conducted. The report will shine a necessary light on a community that has been neglected for too long. We look forward to sharing the report with you when it is released.

Sincerely,

The Farm Labor Organizing Committee and Oxfam America

Enclosed attachments:

- *Like Machines in the Fields: Workers without Rights in American Agriculture*, Oxfam America. 2004.
- *Worker Testimonies from North Carolina Tobacco Fields*, Farm Labor Organizing Committee. 2010.
- *New Americans in the Tar Heel State: The Economic and Political Power of Immigrants, Latinos, and Asians in North Carolina*, Immigration Policy Center. 2009.
- *RJ Reynolds Campaign Fact Sheet*, Farm Labor Organizing Committee. 2010.