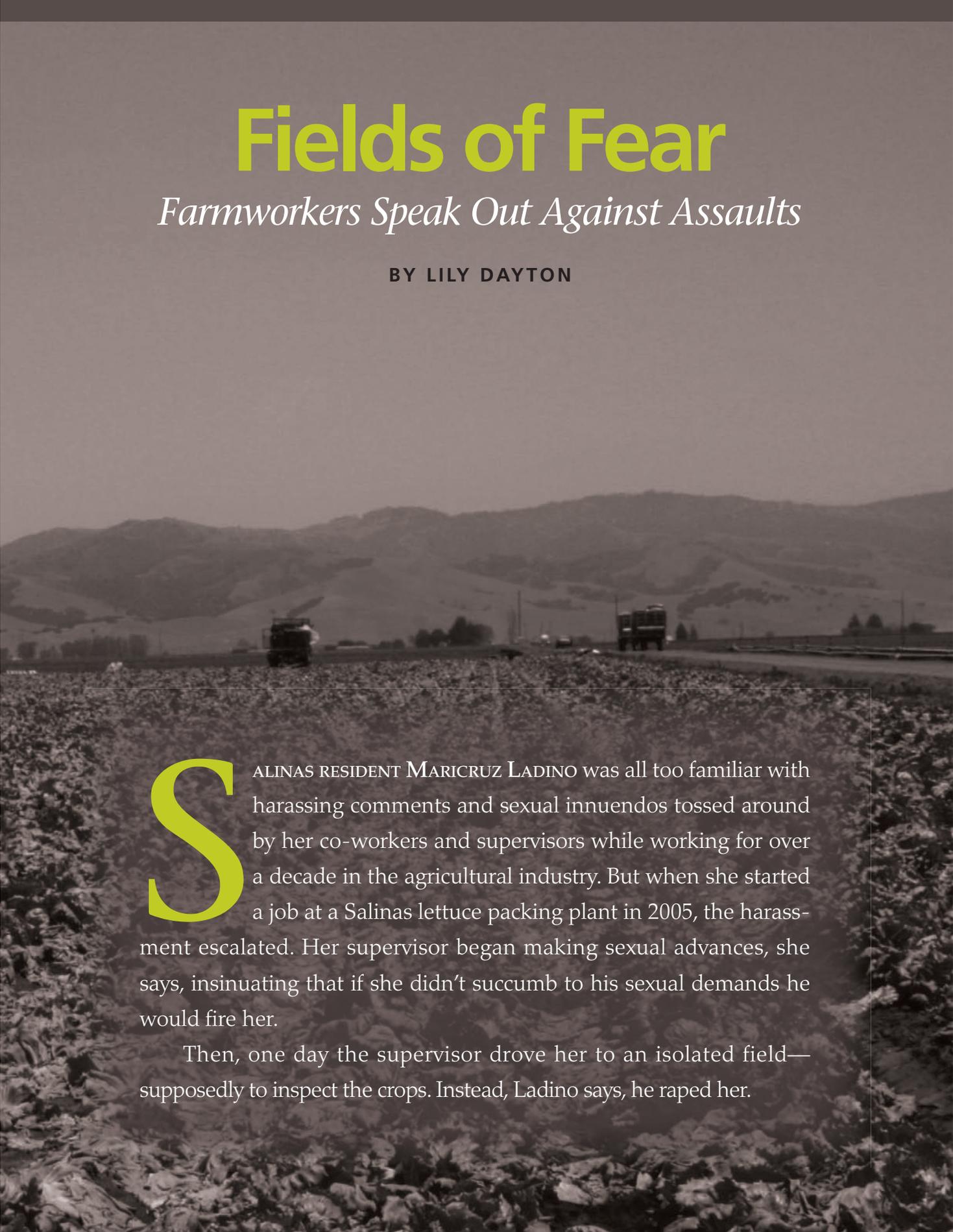




Fields of Fear

Farmworkers Speak Out Against Assaults

BY LILY DAYTON



SALINAS RESIDENT MARICRUZ LADINO was all too familiar with harassing comments and sexual innuendos tossed around by her co-workers and supervisors while working for over a decade in the agricultural industry. But when she started a job at a Salinas lettuce packing plant in 2005, the harassment escalated. Her supervisor began making sexual advances, she says, insinuating that if she didn't succumb to his sexual demands he would fire her.

Then, one day the supervisor drove her to an isolated field—supposedly to inspect the crops. Instead, Ladino says, he raped her.



Women working in Salinas strawberry fields, covered in layers of clothing to protect against unwanted attention. Photo: Lily Dayton

"I kept quiet for a long time," she says in Spanish, explaining how she was afraid to speak out—afraid her supervisor might hurt her more, afraid no one would believe her, afraid of losing her job. As a single mother raising three young daughters on her own, she desperately needed the income to survive. But the abuse continued until she couldn't take it anymore.

"Finally I said, 'No más,'" she says, her gaze unfaltering. "I had to speak because, even though I might die, he was going to pay for what he was doing to me."

We're sitting in a dimly lit Salinas restaurant, a favorite with locals in this Central Coast farming town. Abuzz with the clattering of dishes and the fluttering of Spanish-speaking tongues, the restaurant sits atop some of the most fertile ground in the nation—the Salinas River Valley, a broad swath of land cut through two mountain ranges that loom in the distance. Nicknamed the Salad Bowl of the World, the region has long attracted a large number of immigrants who've fled crushing poverty in their home countries and come here in search of a

better life. Many, like Ladino, are Mexican immigrants. They toil long hours at low wages under sweltering sun, planting, tending and harvesting the crops that fill our grocery stores with fresh produce.

Ladino's steeliness isn't apparent when we first meet. Her dark auburn hair sweeps softly to the side, framing coffee-colored eyes that glisten when she smiles. In her arms she cradles her six-month-old granddaughter, who coos at the sound of Ladino's voice. Around her neck, a gold heart dangles from a chain.

But Ladino's voice deepens in tone as she recounts the events that led to her decision to report her supervisor's abuse to their upper-management boss. Soon after she filed a complaint, her boss handed her a check and told her the company didn't need her anymore. A co-worker advised her to seek help from California Rural Legal Assistance (CRLA), which represented her in filing a civil suit. Though the supervisor denied Ladino's allegations, the company settled before the case went to trial.

For Ladino, the lawsuit wasn't about money. It was about holding the company accountable—and breaking the silence that had held her captive for so long. Empowered by the strength she found in coming forward, Ladino was one of the first women who agreed to speak on camera for the 2013 Frontline investigative documentary, "Rape in the Fields"—a film that brought national attention to the pervasive problem of sexual abuse in the U.S. agricultural industry.

"Speaking out was a way to show people that I am real—and that this happened to me," Ladino says. "Through the film I hope to prevent this from happening to other people."

FIELDS RIFE WITH SEXUAL VIOLENCE

In a Salinas River Valley strawberry field, the loamy scent of rich, black earth fills the air. Verdant rows that dangle with red berries stretch toward the distant mountains. The campesinos work quickly, their hands feverishly plucking ripe berries and dropping them into cartons as they advance in a line down each row. When their carton is full, many run to the *punchadora*, the person stationed beside the field to count each carton. Once their quota card is punched, the campesinos run back into the rows to fill another carton.

The difference between the way the men and women dress for work is striking. Most of the men wear baseball hats to shade their faces, and some pull the hoods of their sweatshirts over their necks as they hunch over in the rows. But the women dress in multiple layers of oversized shirts to obscure their figures, and fasten sweaters and jackets around their waists to cover their bottoms as they bend over to pick fruit. They tie bandanas across their faces so when they look up all you can see are their eyes. Many wear dark glasses.

Bandanas—called *paños* in the fields—shield women's faces from the sun, dust and pesticides, but they also shield them from the unwanted attention of male co-workers and supervisors, says Paula Placencia, a former fieldworker who is now an assistant coordinator for *Líderes Campesinas*, a statewide farm-working women's organization.

Women dress in multiple layers of oversized shirts to obscure their figures. They tie bandanas over their faces so when they look up, all you can see are their eyes.

“When they eat, they only lift a piece of the bandana near their mouth—they don’t take it off,” she says in Spanish. “They don’t want the men to see them.”

If farmworker women don’t cover up in this manner, they are often accused of “asking for it,” says Laura Segura, executive director of Monarch Services in Santa Cruz. “It’s a norm—if they’re getting harassed, they get blamed.”

A 2010 study looking at farm-working women in Central California found that 80 percent of the 150 women surveyed had experienced workplace sexual harassment. Of these, 53 percent described experiences ranging from “inappropriate and offensive physical or verbal advances to gross sexual imposition, and even rape.”

In a 2012 Human Rights Watch report, several farmworkers said that some supervisors and foremen view sexual relations with employees as a “perk of the job.” An earlier U.S. Equal Employment Opportunity Commission (EEOC) report states that hundreds, if not thousands, of farm-working women in California have had to have sex with supervisors to get or keep their jobs. Farmworkers from Salinas referred to one company’s field as the field de calzón or “field of panties” because so many supervisors raped women there.

Other than a handful of reports, there are no statistics measuring how often sexual harassment, or even sexual assault, occurs in California’s agricultural industry. “No one is tracking it locally,” says Segura. “We just started tracking it in our agency because we couldn’t find any data at all.”

But the number of women seeking assistance at CRLA offices around the state suggests that the problem is severe and ongoing in California—especially since the people who seek help represent a fraction of the total number who’ve been victimized.

“Our office sadly sees an average of two, maybe three, cases of female farmworkers who were raped by their supervisors each year,” says Michael Marsh, directing attorney of the Salinas office of CRLA. Each week, one or two women come into the Salinas office with complaints of sexual harassment, including inappropriate comments, touching, groping, sexual coercion and displaying sexual images on cell phones.

“It used to be pornography magazines in the back of a truck, and the supervisor would flash pages to women,” he says. “Those days are gone. We get cases where supervisors show employees inappropriate photos and videos on their cell phones three or four times a year.”

Placencia has also seen incidents where men use their cell

phones to take photos or videos of women while they bend over at work—another reason for women to cover up their behinds with jackets, she says.

Men who don’t engage in harassment, or laugh at the sexually inappropriate jokes, are often harassed as well, says Marsh. “In 5 to 10 percent of cases, the victims are men,” he says. “A lot of times these are humble, quiet guys who aren’t seen as masculine. They’re not making comments, not showing pictures to women, so they’re harassed for being feminine. When they complain to the supervisor, he tells them to suck it up.”

A VULNERABLE WORKFORCE

“This population is one of the most vulnerable in our workforce today,” says Lisel Holdenried, staff attorney in the Salinas office of CRLA, explaining that farmworkers often work in isolated areas where women are easy targets for predators. Shame and limited English proficiency can prevent them from reporting sexual violence once it occurs.

In addition, a large proportion of California’s agriculture workforce is undocumented, with some estimates as high as 90 percent. Undocumented workers are often hesitant to report abuse to authorities because they are afraid of deportation. Sometimes, abusers even threaten to report their victims to immigration authorities in order to keep them silent.

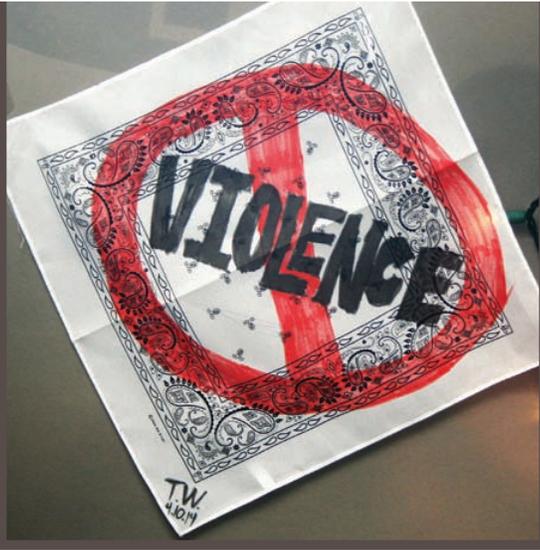
To remedy this problem, Congress created the U visa—a visa that offers protection to victims of violent crimes who are willing to cooperate with law enforcement. Once a U visa is approved, a victim can live and work legally in the United States for four years, with the eligibility to apply for permanent resident status at the three-year mark.

“I think of it as a path to safety,” says Holdenried, who has helped several clients obtain their permanent resident cards after receiving a U Visa. But she adds that there are more applicants than visas available, and many applicants end up on a waiting list.

In addition, says Segura, many farmworkers come from countries where their government is corrupt, and they often don’t trust police, government or even social service agencies. “When they come here, they are often not aware of services available or even what their rights are. Under these circumstances, people are not likely to come forward and report.”

Recent increases in deportation rates due to the Secure Communities program has increased fear of law enforcement within the farm-working population. “Secure Communities destroyed the decades worth of trust the community police had achieved in working in partnership within the community of color,” says Segura. “As a result, our community is now more hesitant to call law enforcement to report crimes because of fear of deportation.”

Poverty makes farmworker women more dependent on their jobs—and, thus, more hesitant to speak out against sexual abuse in the workplace. According to the National Center for Farmworker Health, the average farmworker earned \$12,500 to \$14,999 in 2009. Like Ladino, single mothers are particularly vulnerable to workplace harassers because their children’s livelihood can depend on the whim of the abuser.



The Bandana Project protests the danger of assault for women who work in the agricultural industry. Photos: Lily Dayton

"When it's a co-worker who's harassing a female farm-worker, women are generally able to deal with the situation better—they're more free to report the behavior to their supervisor, and they have an easier time deciding what to do," says Marsh. But when the harasser is a foreman or supervisor who has the power to hire and fire her, adjust her work hours, give her a raise or take disciplinary action, "the risks for women are much higher."

"It's very common for a mayordomo [foreman] to say, 'what a nice butt you have,' or 'if you don't let me touch you, I won't help you,'" says Ladino, adding that, sometimes, women smile when men say these things.

"There are women that laugh even though they feel uncomfortable," she says, explaining that it's not because they think it's funny. "It's because they want to avoid a disciplinary action, or to avoid losing their job."

Undocumented immigration status combined with dire poverty makes farm-working women less likely to speak up, and this makes them extremely vulnerable to abusive supervisors. "And the abuser knows this," says Placencia. "He knows her economic situation, he knows she needs the work. He knows that if she's undocumented she's not going to report him."

CALIFORNIA LAW

Under current California law, a company with 50 or more employees must provide supervisors with two hours of sexual harassment prevention training once every two years—more than most other states. The prevalence of sexual harassment and abuse, however, suggests the two hours of training are not a sufficient solution. And though employers must provide employees with a copy of their sexual harassment policy, the training requirement only applies to supervisors.

"The reality is that most employers do 'train' their employees on sexual harassment—they call them 'tailgate trainings,'" says Marsh. "The supervisor stands on the back of a pickup truck and, in a lot of these trainings, just reads the information sheet."

To help remedy the situation, Sen. Bill Monning, D-Carmel, introduced SB 1087 to the State Senate—legislation that would impose sanctions on farm labor contractors that hire supervisory employees who have previous charges of sexual

assault or sexual harassment. In addition, the bill would require that farm labor contractors have two hours of sexual harassment prevention training each year, and that each of their employees also receives two hours of training annually. The bill passed out of the Senate in May and is currently under consideration in the Assembly.

Commenting on the bill, Monning said that what galvanized this issue for him was seeing the film "Rape in the Fields" and realizing the lack of recourse farm-working women face when attempting to file sexual harassment complaints within growing operations.

"We're trying to find a solution on the front end, through education of farm labor contractors, education of their foreman and education of employees—so people know what constitutes sexual harassment, that it is illegal, and what recourses there are for people to complain about sexual harassment in the workplace."

SEEKING PROTECTION

On a San Benito County berry farm in August of 2012, the raspberry vines were so overgrown that you couldn't see down the rows. A berry picker inched her way down one side of a shaded row, filling her bucket with raspberries, alone. When she got to the middle of the row, the foreman was waiting for her—exposing himself. He ripped her clothing and sexually assaulted her. The berry picker managed to break free, run away and call her supervisor. Later that day, she made a sheriff's report. The investigators found enough evidence to arrest the foreman, who was charged, prosecuted by the District Attorney of San Benito County and later convicted of sexual assault.

According to court documents, at the sentencing trial the victim said the following words, translated to English: "It's the saddest thing that has happened to me in my life. For me it's like a wound that's there, and it's always becoming sore again, and it's bleeding, and for me I just don't know how I'll be able to get out of this trauma."

In April of 2013, the foreman was sentenced to three years in prison. But when the victim went to file a civil claim against Reiter Berry Farms, the company at which the sexual assault had occurred, she found that amid the pile of papers she'd

signed when she was hired was a mandatory arbitration agreement. The victim had come from a small town in Oaxaca, spoke no English and had a second-grade reading level in Spanish. Unknowingly, she had signed away her right to a trial by jury. Instead, the case would go to arbitration—a process that is often weighted in the employer's favor, according to the advocacy group Public Justice. Once a decision is determined in arbitration, there is no right of appeal.

When questioned about this case, Luz Rodriguez, human resources manager for the northern district of Reiter Affiliated Companies, responds, "Reiter simply doesn't know what happened in the criminal case. We were not involved after the arrest."

Referring to the arbitration agreement, she adds, "It is a policy that must be signed prior to employment."

"People should care about this issue, that a female farmworker who was sexually assaulted in her workplace couldn't choose to have her case heard by a jury," says Holdenried, who represented the victim in the criminal case and is currently representing her in arbitration. "A farmworker should not have to choose between having a job or having access to the courts."

This San Benito case is one of the few where the sexual assault of a farmworker has been prosecuted in criminal court. Of the dozens of cases involving the sexual assault of farmworkers that the EEOC has brought to civil court, according to "Rape in the Fields," not one has been criminally prosecuted.

"Sometimes you don't have a [criminal] case because there's a lack of evidence," says Detective Larry Bryant, with the Monterey County Sheriff's Department, Sexual Assault/Domestic Violence Unit. In order to determine guilt, criminal cases have a higher standard of proof than civil cases. And if victims don't report an assault right away, there often isn't enough evidence to build a case.

Still, Bryant has been investigating sex crimes in Monterey County for 17 years, and he's only recently received his first case involving the rape of a farmworker by her supervisor. "I've heard of less than 10 cases," he says. "I don't think it's rare at all. I really think it's underreported."

He adds, "If a case crosses my desk, I'll take it on aggressively. But they're not crossing my desk."

SPEAKING OUT

In downtown Santa Cruz, the coastal town about 40 miles northwest of Salinas, passersby stop at a window display of a mannequin dressed in farmworker clothes. The mannequin's hooded face is obscured with a bandana, and a red sweatshirt is secured to her waist. Surrounding the shrouded mannequin are a half-dozen white bandanas, each decorated with phrases like "No violence" and "Stop sexual exploitation of farmworker women."

Constructed by Monarch Services, the display is part of the Bandana Project, a national campaign organized by Alianza Nacional de Campesinas/National Farmworker Women's Alliance. To show their support for farmworker women, groups around the nation have been gathering to decorate white bandanas since 2008. The project has been embraced by many organizations in California—including Monarch Services, Líderes Campesinas and CRLA.

"A bandanna worn in the field is a symbol of oppression," says Mónica Ramírez, the secretary for Alianza and creator of the project. "Using the symbol of the bandana is a way of taking back the power. By decorating bandanas, we're showing farmworker women that we are fighting for them—that we are not afraid of the perpetrators. It gives us a way to open up the discussion with art."

Working to stop sexual abuse of farmworkers—and encouraging women to speak out when abuse occurs—is a goal that has been championed by several organizations in California's agriculturally rich Central Coast region. Líderes Campesinas organizers like Placencia meet with farmworker women in homes, teaching them about their rights, listening their concerns, offering support and directing them to resources that exist in the community. To help each other talk about difficult subjects such as workplace harassment and assault, Líderes members decorate bandanas and perform theatrical skits.

Martamaria Rosado, outreach coordinator for the Salinas office of the Monterey County Rape Crisis Center, travels to farmworker communities, passing along information about sexual assault and crisis support. In the past year, Rosado has visited a farm labor camp in Soledad and several area growers' employee health fairs. Once a month, she accompanies the local Spanish radio station, La Preciosa 100.7/100.9 FM, into the fields for their lunchtime promotion contest. While the radio station passes out free lunch to a winning field crew, Rosado gives the workers information about sexual assault and where they can find help.

"This is a population that is underserved, and it has a lot to do with a fear of coming forward," says Rosado. "It's really great to go out to the fields because many of these people aren't likely to come to us. It's a great way to reach them."

After a pilot run last year, Monarch is gearing up to start the "Campos Seguros" program, where it plans to partner with area growers, sending advocates into the fields to train workers about sexual harassment and assault prevention. Monarch has scheduled outreach presentations with several farm labor camps and apartment complexes that house farmworkers. Later this summer, it plans to hold a Community Summit with a screening of "Rape in the Fields" to foster a community-wide dialogue about how to make agricultural fields safer workplaces for women.

Meanwhile, near her home in Salinas, Ladino stands at the edge of a lettuce field. This time, she's not wearing a bandana or baggy shirt. Her reddish-brown hair blows in the wind. She recounts how, after appearing in the film, it was difficult to find work at local farms. She tried working in an office for a while, but decided that office life wasn't for her. She struggled with her English—and she missed the fields. "My father always worked in agriculture," she says. "I like to cultivate and harvest crops. And, well, it's more beautiful."

So Ladino returned to farm work. She says she's not afraid anymore. If anyone makes a remark that bothers her, she tells them to stop—right away. She dreams that someday she can create a support center where survivors can come and she can encourage them to talk.

"Everyone asks me why I speak out," she says. "It's because I want to help. We all have the right to speak." **CHR**