

# United Forest Voice

Newsletter of the Alliance of Forest Workers and Harvesters

Fall 2011

## “TOGETHER WE CAN MAKE A DIFFERENCE”

### Inside this issue:

#### Editor's Welcome

Salud y Seguridad en el Trabajo: Alliance Initiates Rare Promotora Program

El Jardín Comunitario de los Píneros/Forest Workers' Community Garden

Defend Your Rights as a Forest Worker

Life, Liberty and the Pursuit of Happiness for Immigrants?

## Salud Y Seguridad en el Trabajo

### Alliance Initiates Rare Promotora Program for Forest Workers

**It takes excellent working conditions to do excellent forestry.** Forest workers are highly skilled in restoring and maintaining forest health. They carry out the plans that the managers and planners put in place, and when they are given the pay, benefits and respect they deserve, forest restoration objectives can be met efficiently.

However, reality is far removed from this ideal. Research by scholars, journalists and the Alliance itself has demonstrated that labor laws are routinely violated. Workers are sometimes not paid their full wages and are often not paid overtime. Workers who come to the U.S. on H-2B visas are subject to many other abuses as well (see “New Regulations Stand to Increase Abuse of H-2B Forest Workers,” *United Forest Voice*, Spring 2009, page 1).

Forest services work is also very dangerous. Although injury and fatality rates are higher for loggers, forest workers suffer higher rates nationally than workers in other industries. Data from accepted workers' compensation claims show that in Oregon forest workers suffer almost double the rate of on-the-job injuries and illnesses as private industry as a whole. Due to incentives employers and workers have to not report injuries, these rates are likely higher than official statistics indicate. And the fatality rate for forest workers in Oregon is even higher; it is 9 times the rate of private industry.<sup>1</sup>



Why is this the case? Interviews the Alliance conducted with forest workers during the spring and summer of 2010 revealed that:<sup>2</sup>

- Workers are typically not provided training
- Workers are pressured to work faster all the time, at a pace that drives them to exhaustion and creates conditions under which accidents are more likely to occur;
- Workers are not given rest breaks;
- Workers are not provided fresh drinking water; sometimes workers are not even allowed to bring their own water; they are told instead to drink from creeks;
- Workers are sometimes given worn out or ill-fitting safety equipment;
- Workers are told not to report injuries, or to lie about them at the hospital;
- Workers are threatened with dismissal if they complain.

How can we ever change these working conditions? Promotora programs—in which members of the worker community are trained as lay health educators for helping workers improve safety and health and better understand their rights—have been successfully used among farmworkers for 30 years or more. However very few, if any, such programs have ever been

implemented to specifically address the unique occupational hazards forest workers face.

In collaboration with the Labor Occupational Health Program (LOHP) at the University of California, Berkeley, and Lomakatsi Restoration Project, the Alliance began designing a pilot promotora program for forest workers in southern Oregon in late 2009. The program is called “Salud y Seguridad en el Trabajo” (Si Se) (Health and Safety on the Job) and is supported by the National Institute of Occupational Safety and Health (NIOSH), the Department of Labor's Occupational Safety and Health Administration (OSHA), and the Pacific Northwest Agricultural Safety and Health (PNASH) Center at the University of Washington.

We assembled a program advisory committee consisting of workers, workers' wives, and representatives from NIOSH, LOHP, Lomakatsi and the Alliance. This committee compiled a list of occupational safety and health issues and identified the top six priority issues at its first meetings in September, 2010. The Alliance has hired women from the forest worker community as Promotoras de Salud. Erika Bucio and Francisca Cortes worked with the advisory committee on developing a questionnaire, and Francisca and Maria Cortes interviewed 150 forest workers in southern Oregon (continued on page 2)



The Mission of the AFWH is to promote forest stewardship that is respectful of all workers and harvesters and the land.

### Editor's Welcome

“You ask about work and you ask about pay, and you find that we make less than a dollar a day.” Well, workers make more than a dollar a day now, but they are still struggling with low pay and poor working conditions as they were when Woody Guthrie wrote the ballad of the *1913 Massacre* back in the 1940s. There are bright spots in the struggle, however, and the Alliance has been making steady progress in addressing wage and health and safety issues affecting forest workers. Last August the United States District Court, Eastern District of Pennsylvania, ruled on our lawsuit (see *United Forest Voice*, Spring 2009) ordering the Department of Labor to revise how it calculates prevailing wages. The new methodology results in prevailing wages averaging \$4.38 **higher** than wages under the old rule.

This ruling is a good reminder of how important it is to keep good records in case you are not paid all your wages, or feel that your rights have been violated somehow. Find advice on page 3 of this issue of the *United Forest Voice* on record keeping and what you can do to defend your rights as a worker. In this issue we also introduce two new Alliance projects aimed at improving the lives and livelihoods of forest workers. Our new promotora program is for helping workers improve health and safety on the job, and our community garden is for forest workers to supplement their family income with fresh, healthy, organic produce they grow themselves.

— Carl Wilmsen



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Maria Cortes, Erika Bucio, Francisca Cortes, Valeria Velasquez, and Andres Cortes designing the Sí Se Program

**Promotora Program cont'd.**

about working conditions and safety and health on the job. The dangers of forest services work have not been studied very much. The survey will thus provide invaluable information on the kinds of injuries forest workers suffer, how often they are injured, and dangerous conditions under which they work. The survey is an opportunity for forest workers to tell their stories, and to have their voices heard. We will publish the results in this newsletter (so stay tuned) and other media outlets. Of course the main purpose of the survey is to identify priority issues for the Sí Se Program to focus on. We will work with the advisory committee on interpreting the survey responses. The results will then be used to inform development of educational materials for the promotoras to use in training sessions with workers on preventing occupational injuries and illnesses. Those training sessions are scheduled to start in late summer 2011.

1 Oregon Department of Consumer and Business Services. 2005. Occupational Safety and Health in Oregon's Forests: Logging and Forestry Services CY 2000-2004. Salem, OR: DCBS Information  
 2 This research was supported by a grant from the Sociological Initiatives Foundation.

**ALLIANCE OPENS MEDFORD OFFICE**

Thanks to a generous donation from Robert McWilliams and Mari Stein, the Alliance opened a branch office in Medford in December, 2010. The office, located at 2281 Table Rock Road, number 28, is the center of operations for the Salud y Seguridad en el Trabajo (Sí Se) program. Stop on by if you are in the neighborhood. Or give us a call at (541) 734-9117, or toll free (866) 850-1110.

**El Jardín Comunitario de los Pineros**  
**Forest Workers' Community Garden**



This past year, a longstanding dream of Alliance members to create a community garden became a reality. Forest workers continually look for alternative sources of income to support their families. The wives/mothers of these families do what they can to earn extra income for the family as well. Way back in 2004 a group of these women proposed the idea of a community garden in the Medford/Ashland area. For one reason or another, all previous attempts to start a community garden failed. In 2010, however, Dr. Barbara Sibley and her husband, Will Prust, donated the use of one acre of their property just outside of Ashland to the Alliance for the garden. Barb is a bilingual pediatrician with a practice in Medford that serves many families like the ones involved in the garden. She and Will had been thinking for some time about starting a garden on their property as a way to help such families supply themselves with fresh, nutritious vegetables and fruits at low cost, and to teach children about healthy eating habits. El Jardín Comunitario de los Pineros was thus born of Barb and Will and the Alliance sharing a common dream.

Six families participated in the garden in 2010, and one forest worker's wife, Crystal Reyes, volunteered as the garden coordinator. The Families grew tomatillos, tomatoes, summer and winter squash, green sweet peppers, jalapenos, banana peppers, and many other spicy peppers, pumpkins, lima beans, garbanzo beans, beets, carrots, radishes, corn, cilantro, parsley, purslane (which actually grew as a weed, but is delicious), and tons and tons of cucumbers.



Front Row: Barb Sibley, Enrique Santos, Crystal Reyes,  
 Back Row: Carl Wilmsen, Pedro Maya, Isabel Maya, Aurelio Cortes, Francisca Cortes.

Twenty-four people, 11 adults and 13 kids, ate this food regularly, and the families shared food with another 40 people (neighbors and friends). In addition, at the end of the season, they donated over 300 pounds of fresh produce to the local food bank! Fourteen extended families are participating in the garden in 2011, cultivating 22 plots. Some families are raising chickens this year too.

**CONTACT US**

In California:  
 Alliance of Forest Workers  
 And Harvesters  
 PO Box 6722  
 Albany, CA 94706  
 510.525.4053  
 alliancefwh@sbcglobal.net

In Oregon:  
 2281 Table Rock Rd., #28  
 Medford, OR 97501  
 541.734.9117 or  
 866.860.1110 toll free

**Visit Our Website:**

[www.alliancefwh.com](http://www.alliancefwh.com)

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## DEFEND YOUR RIGHTS as a Forest Worker

Do you get paid for all the hours you work? Are you paid the prevailing wage? Are you paid overtime when you work more than 40 hours in a week? Are you always paid on time? Do you get extra pay instead of benefits (usually about \$3.50 per hour on top of your regular pay) when working on public lands? If you answered no to any of these questions, you may be able to file a claim with your state's labor office or with the U.S. Department of Labor.

The US Department of Labor does many investigations of employers every year, and during the past five years they recovered nearly \$330,000 in unpaid back wages for forest workers working in the western U.S. Today, minority forest workers are some of the most mistreated by employers who do not follow the law. The best protections against mistreatment are knowing your rights and keeping good records. Here are some tips on what you should know, what records to keep, and where to go for more information.

If you work in tree planting, pre-commercial thinning and/or as a general forest laborer on federal land, your employer is required by US labor laws to inform you of any minimum wage standards and benefits, or extra pay workers are due instead of benefits. There are different minimum wages for different kinds of work in the forest. To find out what your minimum wage



should be and what labor laws apply call the nearest office of the US Department of Labor's Wage and Hour Division. Tell them the name of the company employing you and the area where you work. If you are not getting the pay you deserve, the Wage and Hour Division can do an investigation. Ask the Dept. of Labor to keep your call confidential if you want them to. Ask again each time you call.

The key to successfully filing a claim is keeping good records. **When you start a job, find out and write down:**

- \*The name of the company with the contract you are working under.
- \*Locations of the units where you work, at least the name of the forest (national or private) or nearest town.
- \*Type of work: planting trees, thinning, piling, fire fighting, etc.
- \*Wage your employer said you would be paid.
- \*The wage you are being paid per hour.
- \*Any extra pay you are given in exchange for not getting benefits.
- \*The times you start and stop working each day and the dates when you work.
- \*Any charges your employer makes you pay to purchase any materials or services.

If you write these down, then you will be prepared to answer questions the Department of Labor will ask you if you believe your rights are being violated. The Wage and Hour Division distributes handy, pocket-size booklets called "Work Hours Record-keeper" for writing down all this information. You can get them free of charge from the Wage and Hour Division or from the Alliance.

### Steps to Filing a Claim of Labor Rights Violations

Make sure you have the necessary information ready (as much as possible from the list above)

Call the State Labor office for the state where your employer's office is located. Or call the U.S. Department of Labor

If you would like help, call a worker organization like the Alliance and ask for our help.

Be both active and patient with your complaint.

Be sure to notify the Labor office if you move or change your phone number.

### Who to Contact

U.S. Dept of Labor, Wage & Hour Division

Regional Offices:

Portland, OR, office, for Oregon and Wahkiakum and Klickitat counties in Washington: (503) 326-3057. Spanish usually available in Portland, or try the Eugene field office at (541) 465-6447.

Seattle, WA, office, for Washington outside of Wahkiakum and Klickitat counties: (206) 398-8039

Sacramento, California, office, (916) 978-6123 Spanish available

San Francisco California, office (415) 744-5590 Spanish available

National toll free number - 1 (866) 487-9243 [4USWAGE]

U.S. Forest Service 1 (800) 531-0095

Please also call us at the Alliance—(541) 734-9117 or toll free (866) 850-1110—for help and to coordinate efforts among forest workers. Only by working together can forest workers achieve justice in their workplace.

## Life, Liberty and the Pursuit of Happiness for Immigrants?

By Carl Wilmsen

We need comprehensive immigration reform lest we lose sight of our fundamental values as a nation. The core of our democratic value system is the very principle upon which our nation was founded: "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness." Yet, living up to this principle has been a continuous struggle since Thomas Jefferson first penned these words in June of 1776.

A central question throughout our nation's history has been to whom do these rights apply. It is well known that the founding fathers accorded these rights only to white men who owned real estate. Over the course of our more than 200 year history, different social groups, with the assistance of sympathetic supporters, have fought to secure these rights for themselves. Workers organized themselves into unions and other organizations to claim and protect their rights. During most of the nineteenth century abolitionists fought to end slavery, only to face a backlash, once having done so, that abrogated many rights initially granted to freed slaves. In the twentieth century the civil rights movement sought equal rights for all people of color. Women, too, organized to gain rights typically accorded only to men. The latest high profile struggle is the battle to gain equal rights for gays, lesbians, bisexuals and transgenders.

Immigration is thoroughly enmeshed in the struggle for equality because the question has always been which immigrants, under what conditions, should be admitted to full membership in the citizenry, to enjoy all the rights and live up to all the responsibilities pertaining thereto. From the very beginning of U.S. history, influential voices inside and outside Congress have argued for restricting immigration because they believed, at different points in time for different immigrant groups, that Germans, Irish, Italians, Slavs, Greeks, Jews, Chinese, Japanese, Mexicans and many other peoples who somehow appeared "different" would undermine American culture and/or were incapable of upholding American democratic institutions. And yet, we have also always had an open invitation to immigrants.

Lady Liberty, standing sentinel over New York harbor, is the symbolic embodiment of this invitation. She beckons famously with the words "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore; Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!" We sweeten the invitation to enjoy equal rights under the law with the offer of jobs.

We want workers. We want men and women who will plant and harvest our crops, thin our forests to prevent catastrophic wildfires and fight the fires that do break out, dig our ditches, build our homes, clean our homes, maintain our lawns, trees and shrubs, prepare our restaurant meals and clean up after we are done eating - the list goes on and on. We want workers so badly, we look the other way when they come to this country illegally.

Indeed, we do more than look the other way: we invite them. Countless cities across the country have street corners and vacant lots

where day laborers gather every morning in hopes of landing a job for the day, a few days, or even better, several weeks. Some cities even officially designate these areas as day laborer hiring sites. Countless homeowners across the nation hire maids and nannies to clean their houses and care for their children. If they ask the worker for proof that s/he has permission to work in this country, the Immigration Reform and Control Act of 1986 does not require them to verify that the worker's papers are legitimate.

Therein, as the Bard would say, lies the rub. We essentially have a "don't ask, don't tell" policy with regard to illegal immigration. We have it because it gives employers a huge advantage: it provides them with a workforce that is afraid to protect its collective rights.

What happens to workers in this situation? Consider the example of forest workers. The workers who thin our forests and clear them of brush to prevent catastrophic wildfires and restore forest health are now mostly immigrants from Latin America. The work is hard and dangerous, and the workers are often abused. They are shortchanged on their wages, and sometimes not paid at all. They are typically not given rest breaks, and not supplied with potable drinking water, but instead are told to drink out of contaminated streams. They typically receive little to no training, including safety training, and are issued worn out or inoperable safety equipment. In an industry with injury and fatality rates well above average, they are pressured to continue to work even if sick or injured. If they ask to receive medical care, or complain about anything, they are fired and often blacklisted.

The situation is even worse for workers who come to the U.S. on foreign ("guest") worker visas. The temporary foreign worker program ties the worker to the employer who brings him or her here. If the worker is unsatisfied with the pay or working conditions, s/he must fulfill his/her contract with that particular employer or go home. For many, going home is not an option because of the debt they incurred, in the form of recruitment, visa and other fees, in coming here. Because such workers cannot participate in the free labor market, the temporary foreign labor program is a form of modern-day indentured servitude. Like indentured servants throughout the sweep of history, workers are frequently terribly mistreated. They are often not paid what they were promised, are forced to live in substandard housing, have their movements controlled by their employers, are exposed to dangerous working conditions, and, for women, are subject to frequent sexual abuse.

This is how we, as a nation, make good on our open invitation to immigrant workers. In inviting them here, through our high demand for their labor, and then robbing them of their unalienable rights to life, liberty and the pursuit of happiness, we undercut our American values of freedom, fairness and equal rights under the law. Indeed, we need not fear that immigrants, whether with or without papers, will undermine these values; we need to fear that we will destroy these values ourselves.

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Albany, CA 94706  
Po Box 6722  
AFVH