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HAPpenings!

HAP is dedicated to providing attention to the needs and social development of the Hispanic immigrant community via a focus on leadership formation, community organizing and advocacy

HISPANIC AFFAIRS PROJECT

The Shepherd campaign in Colorado

Fighting against one of the state's lowest paying industries

Grave human rights violations are happening right in our backyard

Many Coloradans are unaware that herders come to labor in the most desolate and isolated regions of the west

The shepherders are required to be on call 24 hours per day, 7 days per week, living in small campers without electricity, running water and bathroom. Campers are exempt from typical H2A farmworker housing standards



Foreign Labor Certification Data Center
Online Wage Library:

- ◆ 2405 Shepherders were hired with H2A visas to work in the US in 2012, the vast majority of them with contracts of \$750/mo. earning them only \$9000/yr.
- ◆ Under decades' old regulations called "Special Procedures" for this industry salaries have remained artificially low for the workers since then. Most of the shepherders we meet are the sole support for households of four or more.
- ◆ 100 % of the U.S. poverty rate for a household of one is \$11,490. For a household of four it would be \$23,000. The shepherders have expressed that \$1000 a month would be an acceptable salary.

Western range operations produce nearly 60 percent of the nation's lamb and wool

Ranchers act as personal accountants for shepherders, keeping track of expenses, making purchases and transactions, and transferring money home for them

For decades, there is not a domestic labor force willing to work as shepherders.



This herder spent 3 months alone at 12,226 feet high on Engineer Pass, Hinsdale County. The HAP team spent 2 days to find him.

Close To Slavery. Guest worker program in United States

Rafael is a Peruvian with an H2A visa who has worked for many years in the sheep industry in Colorado. He and his companions faced serious consequences after Rafael appeared on television to speak about his partial vision loss from working in the snow without proper eyewear. His employer saw the interview and decided not to renew his contract; he also refused a Grand Junction doctor's offer to treat Rafael's eyes free of charge. There were four other Peruvians working on the same ranch at the time. They told their employer that if he did not renew Rafael's contract, they would no longer work for him. The rancher decided to renew Rafael's contract; shortly thereafter, Rafael suffered a work-related accident which resulted in the

amputation of one of his fingers. The rancher then terminated the employment of Rafael and the other four workers without any reasonable explanation. For example, one of the workers was fired for sleeping at 6:30 a.m.; he was told that a sheepherder is required 24 hours a day, 7 days a week. Rafael has now lost the legal status afforded by the H2A visa. He is working to save up enough money to return to his country. H2A range worker visas link sheepherders to their employers in a way that renders them completely vulnerable to their employers, thanks to obsolete labor regulations. **In other countries, such an arrangement would literally be considered human trafficking.**

Overworked, Underpaid and the Wage Theft

Hotchkiss, February 14, 5:30 p.m.

Interview with a sheepherder preparing a lawsuit for wage theft

"My boss was always hard on me, but I finally had enough when he sent me to the mountains without the basic necessities for survival. I spent an entire week without food, water or propane gas. I had to find another sheepherder to ask for food and water, and to borrow his cell phone to call my boss; I called him twice to tell him that I was tired of his mistreatment and that he needed to pick up his sheep because I was quitting. When my boss arrived, he took me and his sheep to another place without acknowledging my request. I told him, once again, that I had been working for him for 10 months and that nothing had changed. He said that if I quit, he would not pay me my monthly salary. I told him to send someone else the next day to take care of his sheep because I was going to leave. A friend came and picked me up and helped me find another job. A few days later, I called him to ask for the money he owed me. He that his

son owned that ranch and that I should speak with him; when I spoke with the son, he said that his father owned the ranch. The debt is \$500 for 25 days of work. I have a wife and a daughter and I am only asking for what is rightfully mine. This money represents nearly a month of work for me... Recently, I met a kind man and I told him what had happened with my former employer. The man felt so badly that he gave me \$100. This is the truth."

Annually, 19 billion dollars are stolen through obligated extra hours and/or violations of minimum wage. This crime is often connected to trafficking people with legal work visas in this country



In one year, 5,200 Colorado workers contacted the Colorado Department of Labor & Employment (CDLE) to report wage theft. This department receives 30,000 calls with questions related to this issue. Lack of resources and lack of authority to penalize employers who violate this law inhibit solutions. At this time, employers who ignore a request from the CDLE are not subject to any legal consequences.



Our Migrant Range Workers

Rangely – November 27

“I’m from Mexico and I have been working for many years on this ranch. I was told by my boss a few days ago that there was little work and that it would be better for me to return to Mexico, where he would send me the 8 months of pay he still owes me. I told him that I am going to stay. I do not want to leave because my boss does not always pay his workers as promised. The last unpaid worker was a Peruvian who came with an H2A visa for a 3 year contract. When he finished, his employer sent him back to his country with the promise that he would send him the \$3,000 still owed him. As of today, he has still not paid the man. He gives us food and what we need to survive, but not all of our monthly salary. This is how we have been living all this time.”

San Miguel County– Thanksgiving Day

“Last year, my boss came to visit on Thanksgiving. He asked if anyone had come to visit me. I told him that no one had come. I remember his words clearly, ‘You don’t need to talk to anyone. There are lots of bad people here, especially the Mexicans. If one of them comes, you take your rifle and shoot them.’ - I am glad that you (HAP volunteers/staff) visit us because we have someone to talk with; we are so grateful to all of the people who donate things for you to bring

us, like phone cards to call our families. We are thankful for this support because we did not have any help before you began visiting us.”

Gunnison– October 24

“In just a few days, I will be returning to my homeland and I have asked my boss for a few days off so I can go shopping to bring home things to my family. He said that he didn’t know if he could. Up to this point, our employer always keeps us at the job site until it’s time to take us to the airport. He doesn’t even tell us what day we are going to travel. But now we are aware that this is not right and I am asking for a few days off to shop for my family.”

Montrose– November 2

“I have been a shepherd for 16 years. My boss paid me \$850 monthly before, but last year he told me that he couldn’t pay that anymore. Now he’s paying me \$800 a month. They change rules about our jobs and we have no say at all.”

Delta– August 16

“Our boss wants us to continue working on his ranch. We’ve done a very good job for him. Three months ago, he even brought me a refrigerator, but I can’t use it because he hasn’t brought me any gas. The other day, he was almost in tears, telling us that he loves us like his own family.”

Weak legislation to regulate the industry and an extremely strong rancher lobby have led to decades of inhuman and unjust circumstances, including: wage theft, lack of medical attention, and neglect of basic needs, such as having days off from work, being allowed to receive visitors and having proper refrigeration storage options for food.

Range workers service providers are routinely harassed and faced with threatened or actual police force while trying to serve range workers. Many range workers reside in employer owned labor camps. Outreach workers including legal aid, health care workers, and other worker advocates regularly experience harassment by growers who threaten them with arrest for criminal trespass.



Above: A shepherd receives food provided by Sharing Ministry-Montrose, Pueblo CRS- Rice Bowl grant, CLS and ally churches. Thanks to your support, we are able to take food to shepherds weekly!



HAP participates in the Catholic Migrant Farmworker Network, CMFN. Photo: a community project in McAllen, Texas where a group of women take English classes while their husbands follow crops to northern states, including Colorado



A report by Migrant Division of Colorado Legal Services

- ◆ Almost 73 percent of the herders reported having zero days off over the course of a year
- ◆ More than 80 percent were not permitted to leave their ranch
- ◆ Approximately 35 percent were paid less than once a month
- ◆ 85 percent were not allowed to have visitors who were not ranch employees
- ◆ Roughly 70 percent reported never having access to a functioning toilet
- ◆ 85 percent were never permitted to engage in social activities
- ◆ Almost 50 percent reported not having the opportunity or ability to read their employment contracts



The federal Fair Labor Standards Act (FLSA),²⁹ which sets the federal minimum wage and generally provides an overtime premium for hours worked over 40 in a week, exempts H2A workers in important ways. They are completely exempt from overtime coverage.



- ◆ An overwhelming majority of the herders were not permitted to participate in activities such as shopping for personal necessities or attending church
- ◆ Upon arrival in the United States, 42 percent of the herders had their identity documents taken by their employers. These documents included their passport, H2A Visa and their I-94 arrival/departure documents by USCIS.
- ◆ Even herders' access to the use of a phone was often inconsistent. When asked how often they had access to a phone, 37 percent of the herders said they sometimes" had access to a phone, while 20 percent said they "never" had access and 19 percent "always" had access to a phone
- ◆ Many herders reported that their employers did not permit them to have any visitors, including coworkers. 85 percent of the herders said their employers would not allow them to have visitors who did not work at the ranch



"in the desert, yes, because the boss isn't watching you". —A Colorado Sheepherder, when asked if he is permitted to have visitors

Yes, I want to support HAP!

Please indicate your donation amount:

\$20 \$35 \$50 \$100 Other \$ _____

I would like to contribute annually: \$ _____ \$ _____ Quarterly \$ _____ Twice a year

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Please make check out to:

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