

# Public Health Approaches to Guestworker Safety and Health in Louisiana: Lessons from the COVID-19 Pandemic

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## Background

- The H-2B Guestworker program provides foreign, unskilled temporary labor to non- agricultural industries
- Guestworkers play an integral role in the American economy which has been highlighted during the COVID-19 pandemic
- Cases of labor abuse and trafficking have been consistently reported under the H-2B program
- The true magnitude of the gaps in oversight, protection, and enforcement are unknown due to limited data as workers fear retaliation from employers.

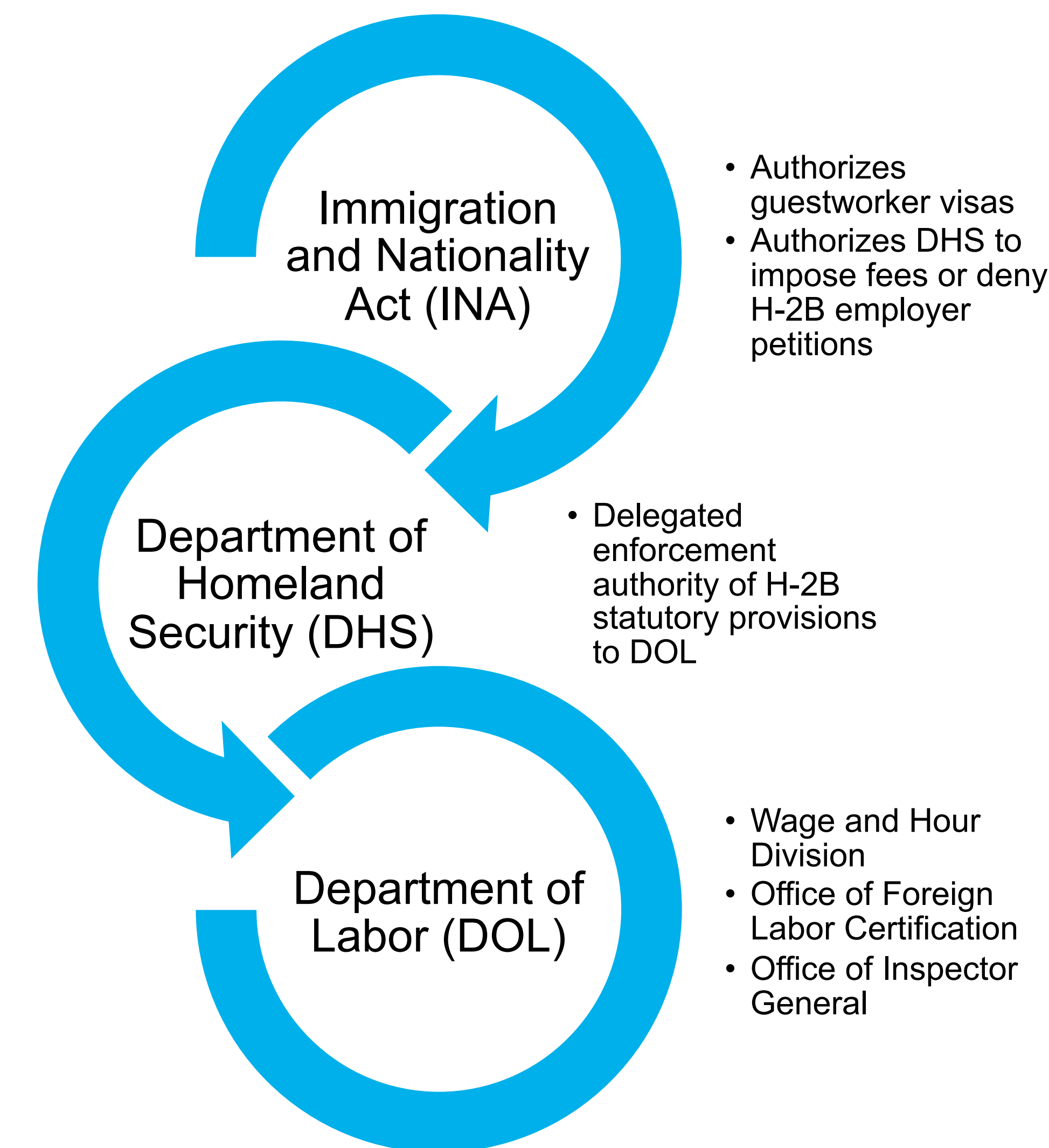
## A History of Abuse

- 2012: C.J.'s Seafood investigation revealed plethora of abuses including forced 24-hour shifts, workers locked in plant, and threats of violence to workers and workers' families in Mexico to discourage workers from complaining about abuse.
- 2016: A study at several LA processing plants found 30% of the guestworkers experienced violence or physical abuse, 44% were paid less than contract wage, and 34% had at least one work related injury
- 2017: a study of 19 guestworkers reported almost 50% of workers experienced a work-related injury and 57% feared employer retaliations for complaining about worksite

## Role of Guestworkers in LA Economy

- In 2020, Louisiana had the 4<sup>th</sup> highest number of H-2B visas issued in the U.S
- The majority of visa holders work in sugarcane, crawfish, landscaping/groundskeeping, and food processing.
- As much as 70% of Louisiana's crawfish industry is staffed by guestworkers.
- In 2019, 31 crawfish plants employed guestworkers.
- The total annual economic impact on Louisiana's economy exceeds \$300 million, and more than 7,000 people depend directly or indirectly on the crawfish industry
- Louisiana's crawfish industry is the largest freshwater crustacean aquaculture industry in the U.S. Approximately 90% of the U.S. farmed and wild crawfish production comes from Louisiana

## Mechanisms of Enforcement



## Tools of Protection



## Lessons from COVID-19

- During 2020, an outbreak occurred of more than 100 workers at three Louisiana crawfish farms developed symptoms of COVID-19.
- Two whistleblower accounts filed depicted unsafe working and living conditions and a disregard of public health/COVID-19 recommendations. The report describes conditions so crowded workers had difficulties moving without touching each other. Additionally, there was only one functioning sink for 60 workers, no hand sanitizer, and masks were not provided until the end of May. Workers with COVID-19 symptoms were quarantined in employer provided housing, were not provided with medical consultation or treatment, and did not have appropriate access to tests. During their course of COVID-19, the two whistleblower's conditions worsened to life-threatening, so they left their worksite to seek medical attention at a nearby hospital. In response to leaving, the employer fired both women and threatened to report them to immigration claiming they "abandoned" their jobs.
- This case exemplifies the dangerous working conditions and inadequate safety measures that result from loose government oversight of these worksites under guestworker programs. In addition, this case includes employer retaliatory methods that usually dissuade abused workers from seeking recourse through reporting and other institutional protective means.
- Data reported by the Louisiana Department of Health show that outbreaks at food processing plants resulted in the greatest number of cases, representing about 1 in every 5 outbreak cases. As of March 2021, there were 41 outbreaks and 1059 cases at food processing plants.

## Discussion: The Role of Public Health

Inadequate government oversight make guestworkers vulnerable to labor abuse. Public health can play a more prominent role in worker protection in three main areas: data assessment, engagement, and policy.

Data Assessment	Engagement	Policy
<ul style="list-style-type: none"> <li>• Implement more timely and accurate data collection methods</li> <li>• Analyze health data by occupation to identify patterns</li> </ul>	<ul style="list-style-type: none"> <li>• Collaborate with worker centers and labor advocates to give guestworkers a voice when developing programs and policies that impact these communities</li> <li>• Engage in interagency collaboration to contribute to the monitoring and enforcement of labor laws</li> </ul>	<ul style="list-style-type: none"> <li>• Promote fair labor practices in all policy interests</li> <li>• Promote fair labor practices in the local food system</li> <li>• Support bi-national strategies that further workers' rights</li> </ul>