



Michigan Immigrant Rights Center
Centro de los Derechos de Inmigrantes en Michigan



Outreach Worker Training

www.MichiganImmigrant.org

Find us on   @MichImmigrant

Farmworker hotline



1-800-968-4046

Quick Facts



- Michigan has approximately 900 licensed migrant labor camps throughout the entire state
- In 2017, Michigan ranked in the top 10 states with the most H2A workers
- We have over 90,000 migrant and seasonal farmworkers.
- Most of the dairy housing is not regulated because they don't meet the 5 workers or more requirement
- Michigan has the seventh largest farmworker population in the country.















Screening



- Human Trafficking
- Wage Theft/Wage violations
- Housing Conditions
- Public Benefits
- Unemployment
- Discrimination in the workplace
- Domestic Violence
- Proper PPO and trainings for Pesticides



ISSUE BRIEF: Right to Access Migrant Labor Camps

Outreach workers have the right to enter migrant labor camps without the permission or knowledge of the labor camp owner or operator.

Legal Standard:

Migrant labor camp occupants, their guests, and representatives of assistance organizations have the right to enter and leave migrant labor camps without the permission or knowledge of the labor camp owner or operator.¹ Camp owners and operators may not inhibit outreach workers' or guests' reasonable visits to migrant camps.² Outreach workers can enter migrant labor camps without signing in or notifying a camp owner/operator prior to entering the labor camp.³

GAP Applicability:

The above legal standard, established by the federal court landmark decision in Ecoluerras v. Hassle; United States v. Hassle, 331 F. Supp. 615 (W.D. Mich. 1971), supersedes guidelines, such as those included in the Good Agricultural Practices ("GAP") and similar audit programs.⁴ The GAP guideline is merely a recommendation and "does not have the force and effect of law and thus is not subject to enforcement."⁵ In addition, the GAP guideline applies only to the agricultural workplace, not labor housing.⁶ Even in situations where the "workplace" and "housing" are arguably connected, the GAP guideline does not restrict or preempt legal precedent that recognizes the constitutional, statutory, and common law rights to freely enter migrant labor camps to visit and serve occupants.⁷

For additional information or assistance in resolving a specific issue involving the denial of or limitations on the right to free access to migrant labor camps, contact Farmworker Legal Services, Migrant Legal Aid, the Michigan Department of Civil Rights, or a private attorney.

¹ In 1971, a Western Michigan federal court issued the landmark decision Ecoluerras v. Hassle; United States v. Hassle, 331 F. Supp. 615 (W.D. Mich. 1971) that upheld the right of free access by migrant laborers, their guests, and outreach workers to labor camps. Since then, the Ecoluerras principles of free access have been followed by courts in other states and continue to provide legal precedent regarding labor housing access rights.

² Id., at 623 (holding that a labor camp owner or operator "may not constitutionally deprive the migrant laborers living in his camps, or members of assistance organizations, or mere visitors of reasonable access to his camps"); see also id., at 624 ("[T]he property rights of the camp owner do not include the right to deny access to his camps to guests or persons working for any governmental or private agency whose primary objective is the health, welfare or dignity of the migrant workers as human beings.")

³ Id., at 625 (prohibiting camp owners and operators "from interfering with any persons who seek access to enter agricultural labor camps or have entered said camps located on property he owns or controls for the purpose of visiting the residents of said camps").

⁴ See Guidance for Industry, Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables, U.S. Food & Drug Admin. (Oct. 1998), available at <http://www.fda.gov/downloads/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/ProduceandPlantProducts/UCM169112.pdf>.

⁵ Id., at 2.

⁶ Id. While Part 7 of the GAP guideline provides a nonbinding recommendation that a facility have a visitor check-in log, such recommendation applies only to the facilities where the processing of fresh produce occurs. Id., at 32.

⁷ Id., at 2.

Tips for Outreach



- Always carry a “right to enter” flyer. They can be found on the FLS website.
- FLS/MIRC always practices a safety rule, which is to let someone know where you are at all times.
- Build trust with the workers. It will take time and don’t expect them to start sharing all their issues with you the same minute you knock on their door.
- Remind workers that everything they share is confidential and not shared with other agencies without their permission.
- Be familiar with the material that you are taking (MIRC/FLS Calendar)
- (POA, DL, Natz, etc. info).
- Drink lots of water and be safe!

Manténgase Informado



Michigan Immigrant Rights Center

www.michiganimmigrant.org

☞ Oficina en Ann Arbor
220 E. Huron Street, Suite 600A
Ann Arbor, MI 48104
Teléfono: 734.239.6863
Fax: 734.998.9125



/MichiganImmigrant



@MichImmigrant

☞ Oficina en Kalamazoo
3030 S. 9th Street, Suite 1B
Kalamazoo, MI 49009