

AGRICULTURAL LABOR RELATIONS BOARD**OFFICE OF THE EXECUTIVE SECRETARY**

1325 J Street, Suite 1900
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**STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD
PUBLIC MEETING MINUTES
TUESDAY, OCTOBER 13, 2020
10:00 A.M.**

There was no physical meeting location. Attendance was by remote meeting only (meeting number 945 0699 2921), via the attendee's choice of either Zoom video-conference or teleconference.

Time: 10:00 a.m.

Board Members: Chair Victoria Hassid
Members Barry Broad, Cinthia Flores, Isadore Hall,
and Ralph Lightstone

ALRB Staff: General Counsel Julia Montgomery
Executive Secretary Santiago Avila-Gomez
Division of Administrative Services Chief Brian Dougherty
Deputy General Counsel Silas Shawver
Visalia Regional Director Chris Schneider
Salinas Regional Director Franchesca Herrera
Associate Governmental Program Analyst for General Counsel
Audrey Hsia
Patricia Ochoa, ALRB Salinas Office
Christina Nielsen, ALRB Visalia Office
Chief Board Counsel Todd Ratshin
Board Counsels Itir Yakar, Laura Heyck, and Scott Inciardi
Special Legal Advisor Ed Blanco
Senior Legal Typist Annamarie Argumedo
Executive Assistant to the Board Chair Ed Hass

Interpreter: Elcy Lemus

Panel Presenters: Marisa Lundin, Legal Director of Indigenous Programs,
California Rural League Assistance (CRLA)
Gaspar Rivera-Salgado, Project Director, UCLA Labor Center
Sebastian Sanchez, Associate Secretary for Farmworker Liaison and
Immigrant Services, Labor and Workforce Development Agency
Rick Mines, Director, Indigenous Farmworker Study

These meeting minutes include Appendices, which provide additional information about topics that were addressed during this ALRB Public Board Meeting. Each Appendix is referenced at the appropriate place within these Minutes.

OPEN SESSION

1. Call to Order, by Board Chair Victoria Hassid.
 - Roll-call of Board Members; all Board Members were present.
 - No public comments were received about this agenda item.
2. Approval of Minutes of August 11, 2020 Public Board Meeting.
 - Motion to Approve by Isadore Hall, seconded by Barry Broad. August 11, 2020 Public Board Meeting minutes approved.
 - No public comments were received about this agenda item.
3. Chair's Report, presented by Board Chair Victoria Hassid
 - The General Counsel and the Board are committed to ensuring a collaborative and diverse workforce.
 - "Implicit and Unconscious Bias" training for all ALRB staff is scheduled for early November. This training will consist of two 1.5 hr-hour sessions.
 - ALRB attended a recent event organized by California Office of Emergency Services and United Way, in Mendota. This event was about Covid-19 and disaster preparedness and will likely be a pilot for future events around the state.
 - Introduction and welcome of Sebastián Sánchez, Associate Secretary for Farmworker Liaison and Immigrant Services, Labor and Workforce Development Agency. His current projects include:
 - New web site about Covid-19, with content tailored to the community at large; not just to advocacy groups and attorneys.
 - Simplified web content in video format, not in "legal language."
 - Web graphics describing farmworker rights and showing how to reach out to ALRB and other resources.
 - Inter-departmental status tracking of farmworker questions/issues.
 - Coordinating training and referrals between departments.
 - Alerting farmworkers to better-paying job opportunities.
 - Creating pilot programs that all employers can copy.
 - No public comments were received about this agenda item.

4. Executive Officer's Report on Elections, Unfair Labor Practice Complaints, and Hearings.
Presented by Santiago Avila-Gomez, Executive Secretary.
Updates since the August 11 Public Board Meeting.
 - See Appendix A and the ALRB web site.
 - No public comments were received about this report.
5. Litigation Report
Presented by Todd Ratshin, Chief Board Counsel.
Updates since the August 11 Public Board Meeting.
 - See Appendix B and the ALRB web site.
 - No public comments were received about this report.
6. General Counsel's Report
Presented by Julia Montgomery, General Counsel (GC)
Updates since the August 11 Public Board Meeting.
 - The Salinas Office settled five complaint cases before they went to hearing.
 - The Visalia Office mediated a settlement, for which 33 checks have been distributed so far, and another 70 checks will be distributed next weekend.
 - Outreach activities to farmworkers are being coordinated with other departments and community-based organizations.
 - The GC is in process of filling open staff positions.
 - The GC has a staffed 800 hotline phone number to answer farmworker questions about the ALRA, Covid-19, sick leave, safe working conditions, unemployment benefits, resources, and referrals to other departments.
 - GC distributed 10,000 informative brochures; also distributed food and masks.
 - Monterey County Health Department conducted outreach training with ALRB.
 - Some of the ways the GC is gaining farmworker trust include personal contact, TV, radio, and web content.
 - ALRB participates in the Governor's Covid-19 task force, which includes both state and local organizations.
 - Public Comments: Board Chair Hassid stressed the importance of the new General Counsel 800 hotline. Panelist Richard Mines will include this 800 number in materials that he sends out.
7. Division of Administrative Services Report
Presented by Brian Dougherty
 - See Appendix C
 - No public comments were received about this report.
8. Regulations Report
Presented by Todd Ratshin, Chief Board Counsel
 - No new Regulations to report.

- Board Chair Hassid commented:
 - Any suggested changes to existing regulations should be emailed to Executive Secretary Santiago Avila-Gomez.
 - Pre-rulemaking activities will start at the December 2020 Public Board Meeting.
 - The formal rulemaking process will start in early 2021.
9. Legislation Report
Presented by Todd Ratshin, Chief Board Counsel
- No new Legislation to report.
 - No public comments were received about this agenda item.
10. Personnel
Presented by Board Chair Victoria Hasid
- The Board has no personnel items to report.
 - No public comments were received about this agenda item.
11. Public Comment
- No public comments were received about the business portion of this meeting.
12. Informational Panel: *Engaging Indigenous Farmworker Populations*
- a. Primer on the Indigenous Populations in the Farmworker Workforce
Presented by Rick Mines, Director, Indigenous Farmworker Study.
- This presentation is in Appendix D.
 - Public Comments:
 - Silas Shawver, Assistant General Counsel: how to identify if someone is indigenous? Richard Mines: ask the person; some will not identify as indigenous due to discrimination.
 - Richard Mines: A lot of informational materials are in only English and Spanish; not understood by indigenous language speakers.
 - Mr. Mines: large indigenous populations arrived in the 1990s; thirty years later, many California institutions have not yet responded to them as a separate population from Spanish speakers.
 - Board Chair Hassid asked if there are any statistics specifically about the aging of indigenous farmworkers. Mr. Mines does not know of any statistical data about this.
 - Board Counsel Itir Yakar suggested that training should be made available to managers and farmworkers, to overcome discrimination.
 - General Counsel Julia Montgomery: is there data on Covid-19 infection rate, specific to indigenous populations? Richard Mines: for an approximate statistic, sort infection rates by zip code. Indigenous farmworker communities share language and culture.

b. Cultural Competency as an Integral Factor to Engage Indigenous Farmworkers
Presented by Gaspar Rivera-Salgado, Project Director, UCLA Labor Center

- Cultural Competency Curriculum is in Appendix E
- UCLA Report on Cultural Competency, Language, and Training is in Appendix F
- Families of related languages; many different indigenous languages, and regional variations of the same indigenous language.
- The best way to find a suitable interpreter is to know the region and town where the person is from.
- Organizations such as ALRB should create 1-800 numbers in Mixteco, Zapoteco, and Triqui, not just in English and Spanish.
- Web site needs more spoken and video content, not just text. Spoken and visual are the main way that indigenous populations communicate.
- Government agencies and community organizations need to work together more.
- Diversity needs to include indigenous as well as Spanish-speaking (Latino) populations.
- Indigenous populations are often encouraged to identify as Native American, and then list their “tribe” as Mixtec, Zapoteco, Triqui, etc., in order to gain access to benefits. Ethnicity questions often do not include a category for this indigenous population.
- Video about the struggles of indigenous language speakers. accessible via a link from the PowerPoint slide presentation.
- Public Comments: Board Member Barry Broad: do indigenous languages have a written form, and are farmworkers literate in the written versions of their language? Mr. Rivera-Salgado:
 - Most indigenous farmworkers have only three to four years of education
 - Classes in Mexico do not teach students to read in indigenous languages, only in Spanish.
 - To reach these populations, communicate orally such as on radio, and visually both with video and on Facebook.
 - The most effective communication to indigenous populations is short, attractive, well-made videos focused on only one topic, such as pesticides.
- Mr. Shawver commented about hometown networks.
 - Tradition of community involvement is a source of strength for defending against bias, and for advocacy for indigenous farmworkers.
 - How can ALRB communicate about the ALRA labor law, and about rights, to these communities?

- It is not just a language barrier, but also a cultural barrier, because individual rights do not resonate in group-minded cultures.
 - Mr. Rivera-Salgado: Many indigenous farmworkers know the ALRB motto “La Ley Laboral” but never heard of ALRB, and don’t know of other agencies.
 - Community-based organizations don’t stock government agency literature.
 - Government is viewed as non-responsive and bureaucratic.
- c. Language Justice as an Integral Factor in Communicating with Indigenous Farmworkers
- Presented by Marisa Lundin, Legal Director of Indigenous Programs, California Rural League Assistance (CRLA)
- This presentation in English is in Appendix G
 - This presentation in Spanish is in Appendix H
 - Indigenous languages are *languages*, not dialects of Spanish, English, etc. These languages and cultures pre-date European conquests. It is insulting to indigenous people, and their history and culture, to call their languages “dialects.”
 - 84 variations of the Mixteco language; only about five to seven distinct indigenous Mixteco farmworker populations to translate for, not 84.
 - Indigenous populations face bias, targeted discrimination, harassment, bullying, bans on speaking their languages at the workplace, lack of work tools, inadequate transportation, low pay, and unglamorous jobs. This brand of racism is less familiar: “built for hard work, they don’t feel pain,” belittled as Indio, short, dark haired.
 - Distrust of public agencies due to institutionalized biases and fear of deportation.
 - Indigenous communities often become insulated in self-defense.
 - Comment from Ed Hass: can’t translate literally, have to take cultural context into account. Ms. Lundin:
 - Covid-19 social distancing “length of a ski,” but what does that mean in cultures that don’t ski?
 - Need to create focus groups to address cultural differences.
 - Translation machines don’t address cultural context; still need human interpreters for both linguistic and cultural differences.
 - Board Member Flores: what does a comprehensive language access plan look like? Ms. Lundin:
 - Need trained staff
 - Where to find materials and resources
 - Network of interpreters in the U.S. and in Mexico

- Budget for interpretation services
 - Train to use technology, such as telephone conference calls.
- Board Member Flores: need to be proactive (many don't know about ALRB), forward thinking, gain trust, and use of technology such as What's App and Facebook. Instructional videos, what ALRB does, rights under ALRA, how to find the ALRB web site. Ms, Lundin:
 - Outreach to community leaders, to spread the word about ALRB.
 - Encourage farmworkers and community leaders to drop in at the local ALRB office.
 - Broadcast ALRB's message on indigenous language radio.
 - Post short, interesting, and informative videos on You Tube, to spread the message that ALRB exists and what resources we can provide.
 - Get the message out through trusted community organizations.
 - Ask trusted community organizations to place a link from their web pages to the ALRB web site.
- Chris Schneider, Visalia Regional Director: people don't share good experiences to others, but they tell everyone about a bad experience. Outreach builds positive and reduces negative impressions of ALRB.

13. Announcements

Presented by Board Chair Victoria Hassid

- A Regional Directors Meeting will be held at 2:00 this afternoon
- There will be no Public Meeting in November, but the Board may hold closed sessions in November.
- The next Public Board Meeting will be in December, date to be announced, and will include regulation pre-rulemaking.
- No public comments were received about these announcements.

14. Adjourn Meeting

- Meeting adjourned at 1:02 pm

APPENDIX A:
EXECUTIVE SECRETARY'S REPORT

AGRICULTURAL LABOR RELATIONS BOARD
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ALRB PUBLIC MEETING EXECUTIVE OFFICER'S REPORT ELECTIONS, UNFAIR LABOR PRACTICE COMPLAINTS, AND HEARINGS

DATE: October 13, 2020
TO: Agricultural Labor Relations Board
FROM: Santiago Avila-Gomez, Executive Secretary

Since the Board's last public meeting on August 11, 2020, the following has occurred.

A. ELECTIONS: NOTICES OF INTENT TO TAKE ACCESS (NA)

There have been no notices of intent to take access (NA) filed.

B. ELECTIONS: NOTICES OF INTENT TO ORGANIZE (NO)

There have been no notices of intent to take access (NA) filed.

C. ELECTIONS: PETITIONS

One petition for decertification was filed, however, the certified bargaining representative disclaimed interest in representing the bargaining unit and the region determined that no election was necessary.

1. *John DeGroot and Son Dairy*, Case No. 2020-RD-001-VIS, filed October 1, 2020 (Dairy; Fresno County, California).

D. COMPLAINTS

1. *Anthony Vineyards, Inc.*, Case No. 2020-CE-004-VIS, filed August 21, 2020 (Grapes; Kern County, California)
2. *Coast King Packing, LLC*, Case No. 2019-CE-031-SAL, filed September 4, 2020 (Lettuce; Monterey County, California)

E. POST-COMPLAINT SETTLEMENTS

1. *B&H Flowers, Inc.*, Case No. 2019-CE-013-SAL. The parties entered into an informal bilateral settlement agreement (Order taking hearing off calendar issued on October 2, 2020).
2. *Eat Sweet Farms, LLC* and *Durant Harvesting, Inc.* Case No. 2016-CE-027-SAL. The parties have entered into an informal unilateral settlement agreement (Notice to take hearing off calendar issued on August 31, 2020).
3. *San Miguel Produce, Inc.* Case No. 2018-CE-062-SAL. The parties entered into an informal settlement agreement (September 11, 2020).
4. *Philip Verwey Farms*, Case No. 2019-CE-005-VIS. The parties have entered into an informal bilateral settlement agreement (Order taking hearing off calendar issued on August 25, 2020).

F. HEARINGS

No in-person or virtual hearings were held.

G. ALJ DECISIONS ISSUED

1. *Ocean Mist Farms*, Case No. 2017-CE-006-VIS (Spinach; Riverside County, California).

H. BOARD DECISIONS

1. *Smith Packing, Inc.*, (2020) 46 ALRB No. 3 (Iceberg lettuce; Santa Barbara County, California).
2. *Rincon Pacific, LLC*, (2020) 46 ALRB No. 4 (Raspberries; Ventura County, California).

I. BOARD ADMINISTRATIVE ORDERS

1. *Coast King Packing, Inc.*, (2020) ALRB Admin. Order No. 2020-15 (Vegetables; Monterey County, California).
2. *Coast King Packing, Inc.*, (2020) ALRB Admin. Order No. 2020-16 (Vegetables; Monterey County, California).

J. CASES PENDING BOARD DECISION OR ACTION

1. *Ocean Mist Farms*, Case No. 2017-CE-006-VIS (Spinach; Riverside County, California). ALJ Decision transferred to Board on August 25, 2020. Exceptions to the decision filed on September 17, 2020. General Counsel reply brief due October 14, 2020.
2. *United Farm Workers of America (Flores Ramirez), et al.*, 2019-CL-005-SAL, et al. (Mushrooms; Monterey County, California). Application for Special Permission to Appeal ALJ Ruling Denying Petition to Revoke Subpoena filed on July 10, 2020. General Counsel Opposition to Application filed on July 17, 2020.

APPENDIX B:
LITIGATION REPORT

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ALRB PUBLIC MEETING LITIGATION REPORT

DATE: October 13, 2020
TO: Agricultural Labor Relations Board
FROM: Todd M. Ratshin, Chief Board Counsel

This report discusses updates and developments that have occurred in litigation matters involving the Board since its August 10, 2020 meeting.

Petitions for Writ of Review of Unfair Labor Practice Decisions

California Supreme Court

► ***Gerawan Farming, Inc. v. ALRB*, California Supreme Court, [Case No. S264099](#)**

Summary: Petition for review of the appellate court's opinion affirming the Board's decision in 44 ALRB No. 1, in which the Board found that Gerawan committed unfair labor practices by engaging in surface bargaining with the United Farm Workers of America and by insisting on the exclusion of workers employed by farm labor contractors from the terms of a collective bargaining agreement. (*Gerawan Farming, Inc. v. ALRB* (2020) 52 Cal.App.5th 141.)

Status: Gerawan filed a petition for review in the California Supreme Court on August 24. The Board filed its answer on September 14. Gerawan filed its reply on September 23. The deadline for the Court to order review is October 23.

California Appellate Courts

► ***Wonderful Orchards, LLC v. ALRB*, Fifth District Court of Appeal, [Case No. F081172](#)**

Summary: Petition for writ of review of the Board's decision in 46 ALRB No. 2, in which the Board found the employer unlawfully terminated a group of employees for engaging in protected concerted activity.

Status: On August 12, the parties filed a stipulation to extend the time for filing the Board's respondent's brief and Wonderful's reply brief, which the Court granted the same day. Per

the stipulation, the Board filed its respondent's brief on September 21. Wonderful's reply brief is due November 16.

► ***United Farm Workers of America v. ALRB*, Fifth District Court of Appeal, [Case No. F080469](#)**

Summary: Petition for writ of review of the Board's decisions in 45 ALRB Nos. 8 and 4, in which the Board found the United Farm Workers of America unlawfully threatened to picket Gerawan Farming, Inc. if it did not recognize and bargain with the union, which had been decertified as the employees' bargaining representative in the Board's decision in 44 ALRB No. 10.

Status: The Board filed its respondent's brief on October 9, and Gerawan filed its brief in opposition to the petition that same day. The UFW's reply brief is due November 3.

Other Board Litigation

United States Supreme Court

► ***Cedar Point Nursery and Fowler Packing Co., Inc. v. Hassid, et al.*, U.S. Supreme Court, [Case No. 20-107](#)**

Summary: The growers seek review of the Ninth Circuit's opinion rejecting their argument the Board's access regulation (Cal. Code Regs., tit. 8, § 20900) violates the Fifth Amendment's Takings Clause. (*Cedar Point Nursery v. Shiroma* (9th Cir. 2019) 923 F.3d 524; see also *Cedar Point Nursery v. Shiroma* (9th Cir. 2020) 956 F.3d 1152 [order denying petition for rehearing en banc].)

Status: The growers filed a petition for writ of certiorari in the United States Supreme Court on July 29, 2020. On August 18, the Board filed a request for an extension of time to respond to the petition from September 2 to October 2, which the Court granted on August 19. Amicus briefs in support of the petition have been filed by the California Farm Bureau Federation (Aug. 27); Pelican Institute for Public Policy (Aug. 31); Mountain States Legal Foundation (Sept. 2); The Cato Institute and the National Federation of Independent Business Small Business Legal Center (Sept. 2); Institute for Justice (Sept. 2); American Farm Bureau Federation (Sept. 2); Southeastern Legal Foundation (Sept. 2); and the States of Oklahoma, Arizona, Arkansas, Kentucky, Missouri, Nebraska, and Texas (Sept. 2). The Board filed its response to the petition on October 2.

APPENDIX C:
ADMINISTRATIVE SERVICES REPORT

Administrative Services Division Update for October 13, 2020 Public Board Hearing

- Recruitments for 3 General Counsel BCP positions are currently in the interview and candidate selection stage. These are recruitments for 2 Training and Community Engagement Specialists (Visalia and Salinas) at the AGPA level and 1.0 SSM I position to serve as the Outreach Program Manager and Communication Director.
- As of Oct 1st, 4.0 of ALRB's 64.0 Authorized Positions are Vacant (7.7% Vacancy Rate)
- 2 Vacancies in GC Visalia Office (Field Examiner II & Attorney)
- 2 Vacancies in Board (APGA, and Legal Secretary)
- Admin Completed the deployment of the new VIOP Phone System to all 6 ALRB Offices and had AT&T provide online training for end users on the new phone system features
- Currently working with AT&T to configure our existing 800 phone number into a call center functionality that will allow up to 12 operators and 4 managers to utilize their laptops to manage anticipated additional calls from farm workers seeking information on COVID related topics due to LWDA/ALRB outreach efforts.

APPENDIX D:

**PRIMER ON THE INDIGENOUS POPULATIONS
IN THE FARMWORKER WORKFORCE**

Indigenous Farmworkers in CA 2020

Rick Mines

Who are the indigenous?

Where do they come from and go to?

Why are they creators of wealth and impoverished at the same time?

How do they compare with other farmworkers?
Their special needs and conditions.

How have they reacted differently to COVID?

Tight hometown networks: best way to study, understand and provide services to the indigenous





- Outsiders can't define them
- Identities usually peculiar to a small group of people from a small town and particular language
- To be indigenous encompasses many hundreds of identities
- very different in language in culture



Sources of Information

Indigenous Farmworker Survey: 2008

Sample of 400 from 9 villages done 2008

Has enormous detail.

NAWS: 1989 to today

Random sample of about 700 per year in CA.

Good for comparing indigenous with mestizos over time.

COFS (Covid-19 Farmworker Survey): 2020

Sample of 915, 6 frontline organizations

Recent and has data on COVID

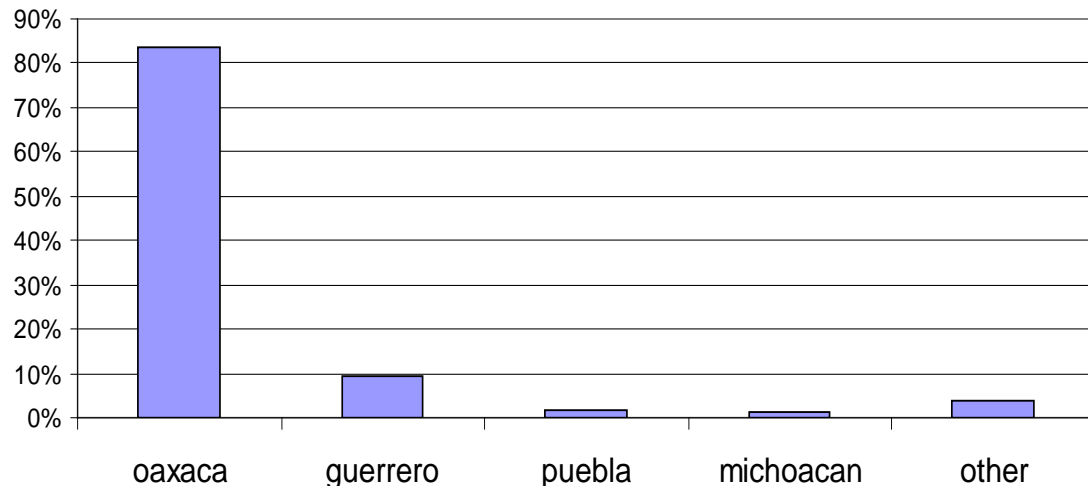


Where they come from? Languages Spoken?

From 2007 HTC count

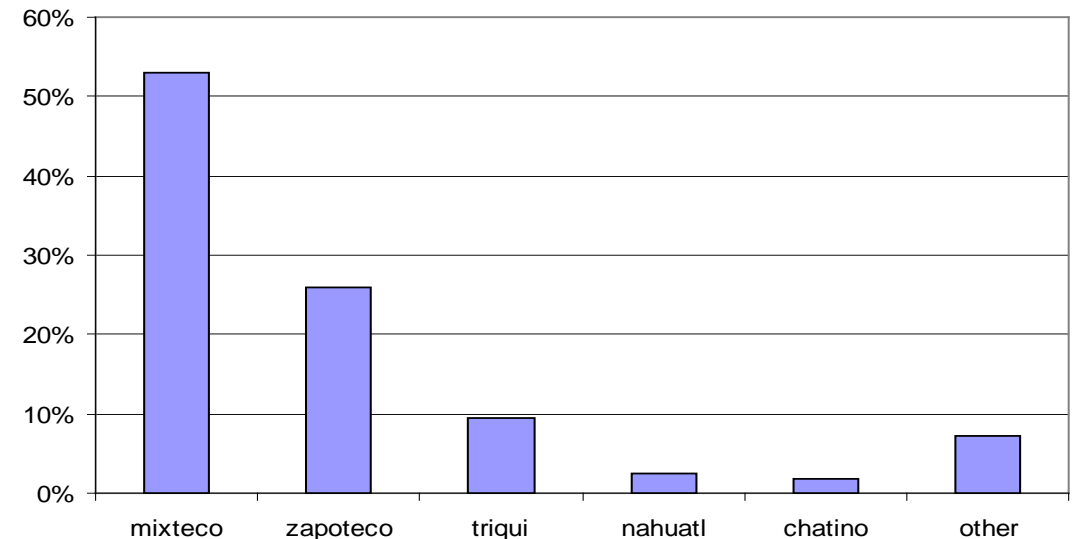
- Large groups speaking native languages in Mexico
- Ones laboring in California agriculture come from just a few states
- Speak only a few languages
- Probably not that different today

Chart II-1. Percent Distribution of Adult Indigenous Mexican California Farmworkers by State of Origin



Source: IFS Count of Home Town Networks – 53,612 Minimum Estimate

Chart II-2. Percent Distribution of Indigenous Mexican Farmworkers in California by Language Group



Source: IFS Count of Hometown Networks --53,557 minimum estimate

Long history of migration and discrimination

- Traditional self-sufficient culture interrupted 1940
- Pay for imported goods hit migrant trail to sugar in Veracruz, vegetables in Northwest where many settled
- Crossed to US in 1970s but large numbers after 1990
- Under colony up to 1810 forced to do abusive contract labor
- Under republic subject to *desindianización* that tried to obliterate culture
- Discriminated against in employment, receipt of services & made fun of in popular culture
- Discrimination by Mestizo Mexicans continues in CA



Indigenous adapted and survived!

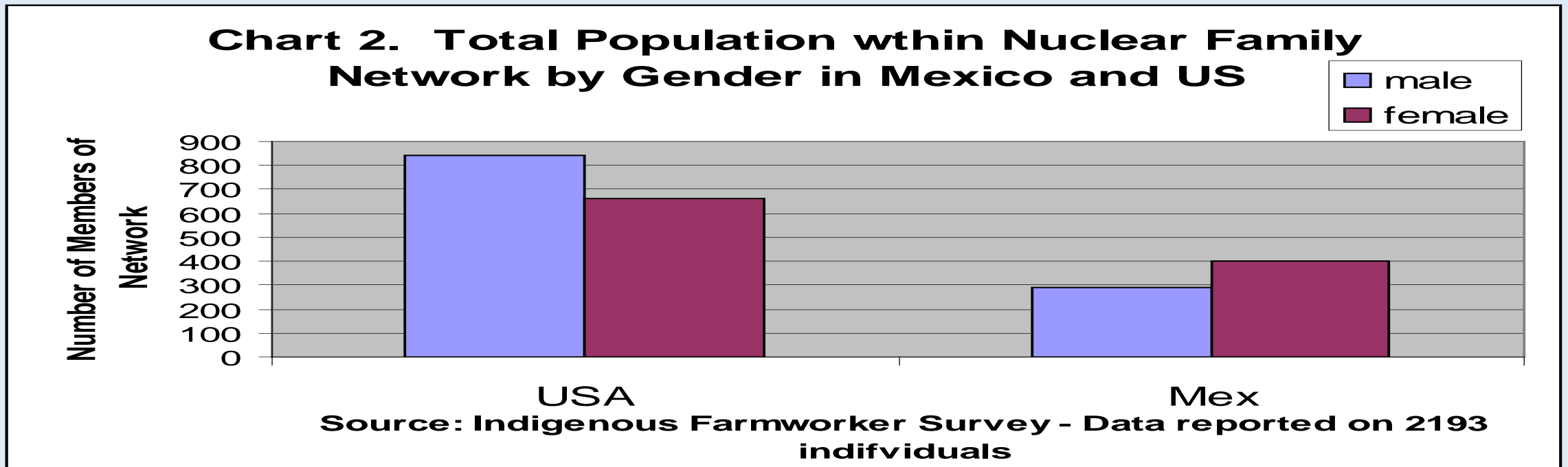
- Cultural groups adapted keeping their distinct age-old customs.
- Strict rules about citizenship in home towns. Land not held privately given to citizens for their use.
- Male citizens expected to fill public jobs like mayors, clinic, public works directors called “cargos”. Manual labor for the community called “tequios.”
- The men return to villages or pay someone else to take jobs or they may lose usufruct rights to land and may even lose houses.
- Seen as a burden by some. But “usos y costumbres” have kept the communities together in the face of severe discrimination by mestizo society.

Indigenous creators of Wealth!

Networks make decisions about the distribution of their population between the home area and the United States to minimize their families' costs.

Men of working age (many here without their families) represent a large portion of the population of indigenous immigrants.

Non-working women stay in village.

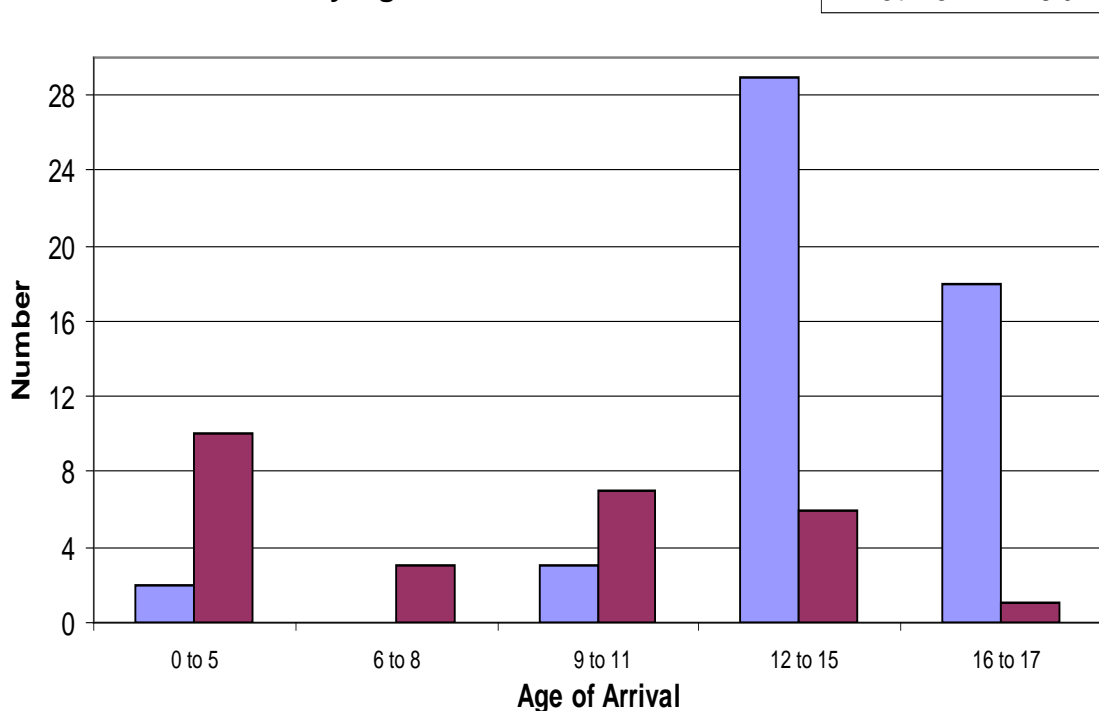


Most family members Work!

Many couples both come, leave children with grandparents, bring children mostly boys up later when of working age

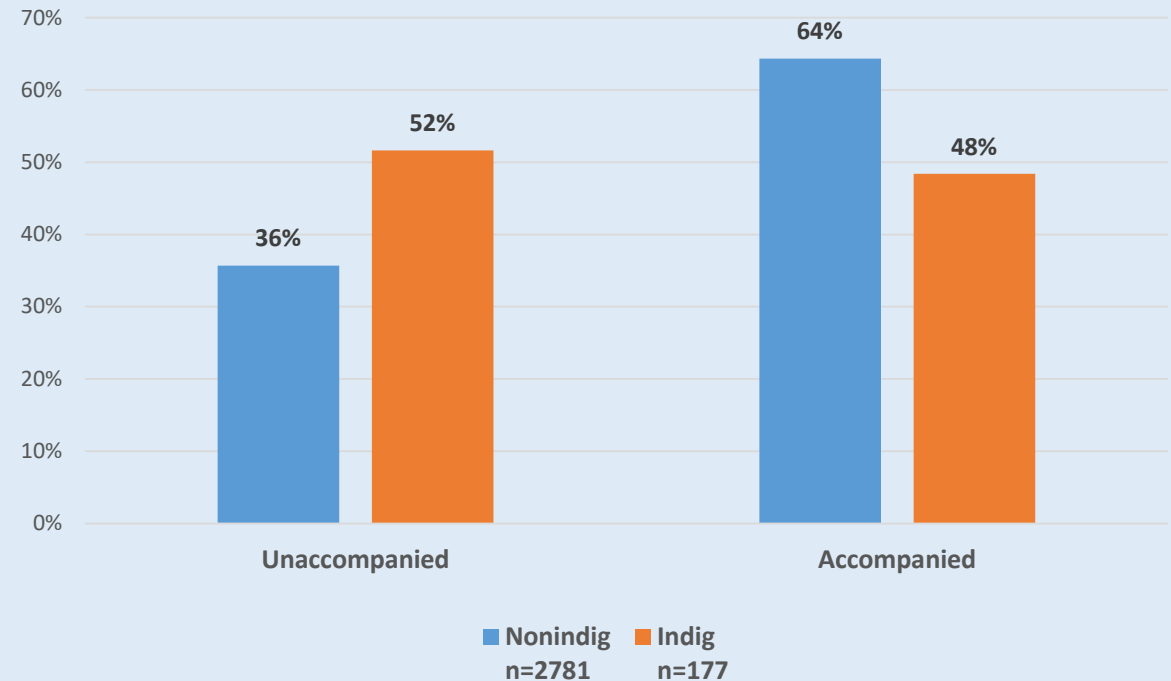
Children, young mothers work if only a few months a year. High % unaccompanied!

Chart IV-8. Number of 15 to 17 Year Olds Who Work in the Field by Age of Arrival in the US



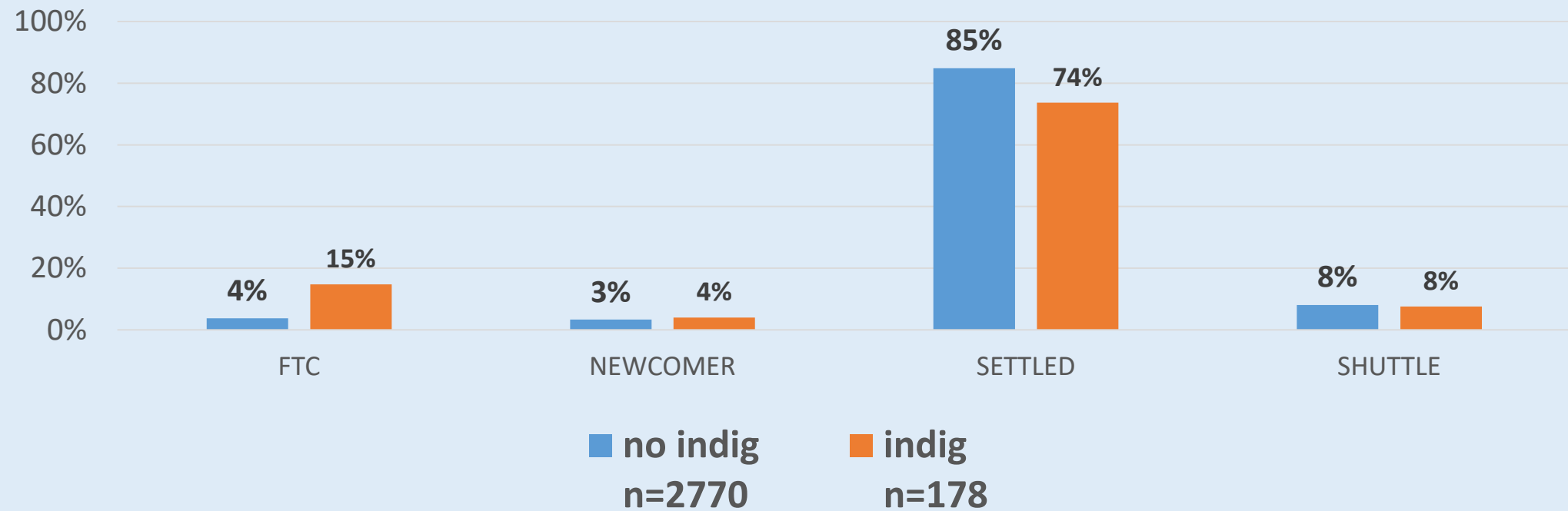
Source: Indigenous Community Survey - 79 Individuals

**Percent Unaccompanied by Indigenous Status
NAWS CA 2014-2016**



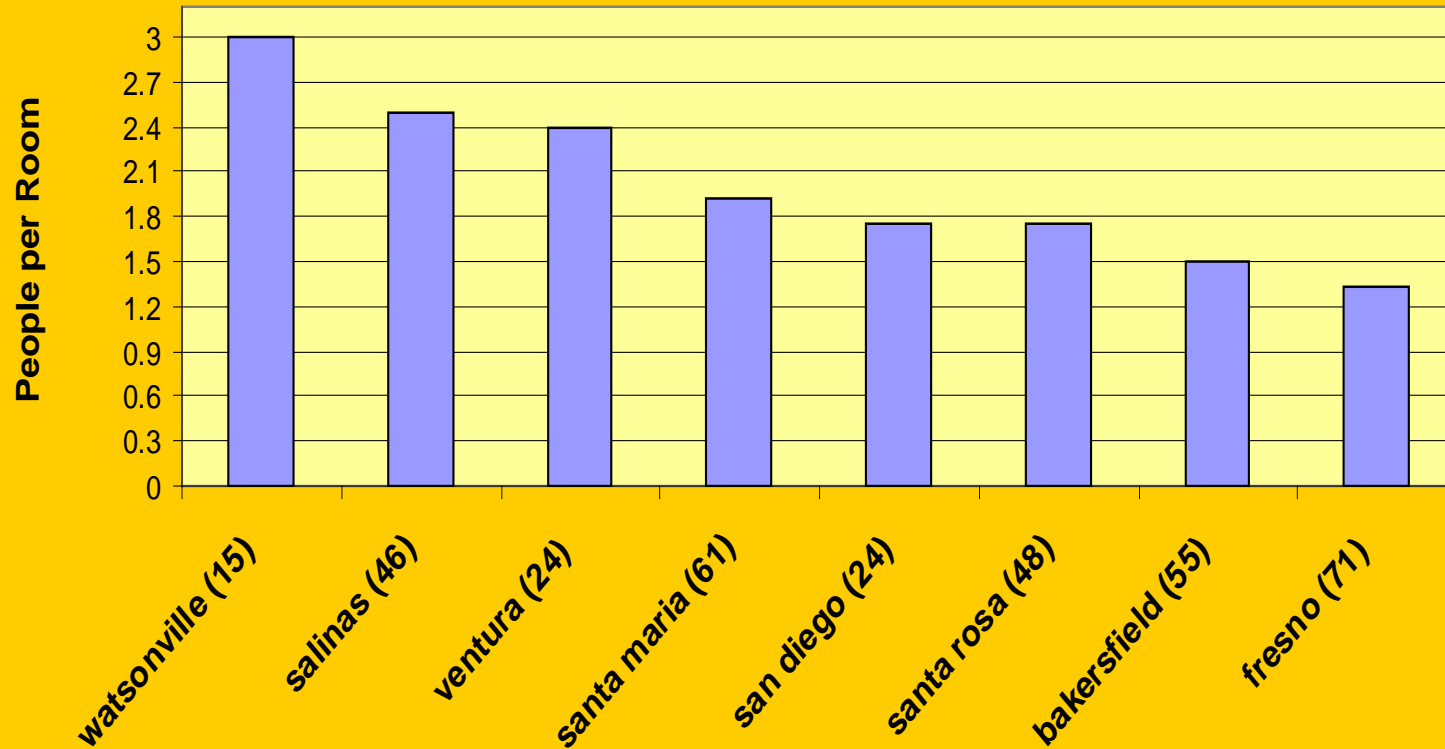
Indigenous follow the crops 3 times more than mestizos useful to US agriculture

Migration Patterns by Indigenous status
CA NAWS 2014-2016



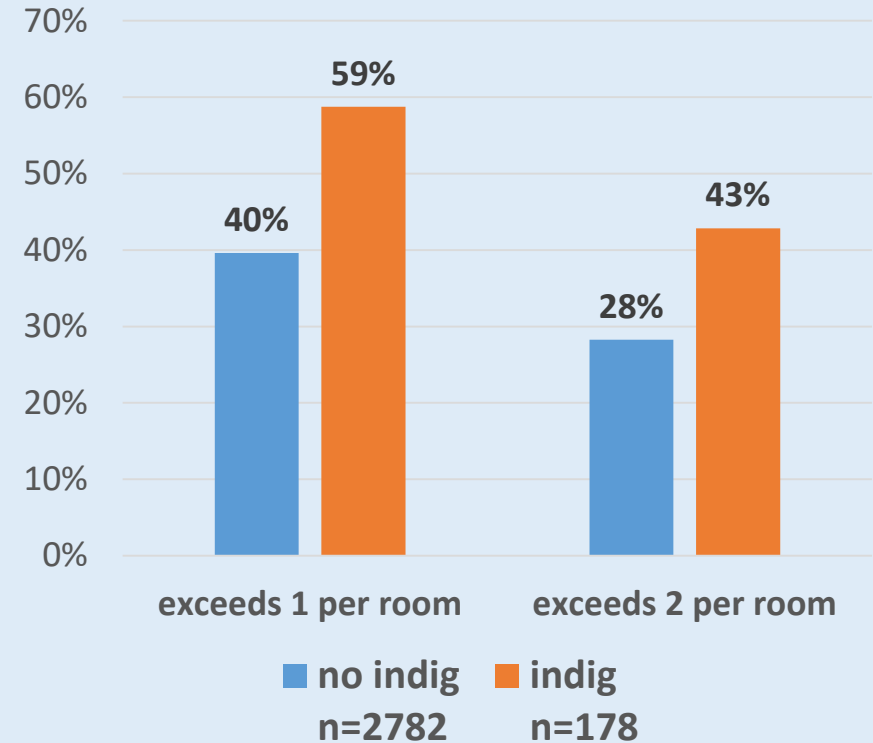
Indigenous poorer than Mestizos 1st, more crowded especially on Coast!

Average People per Room
by California Region



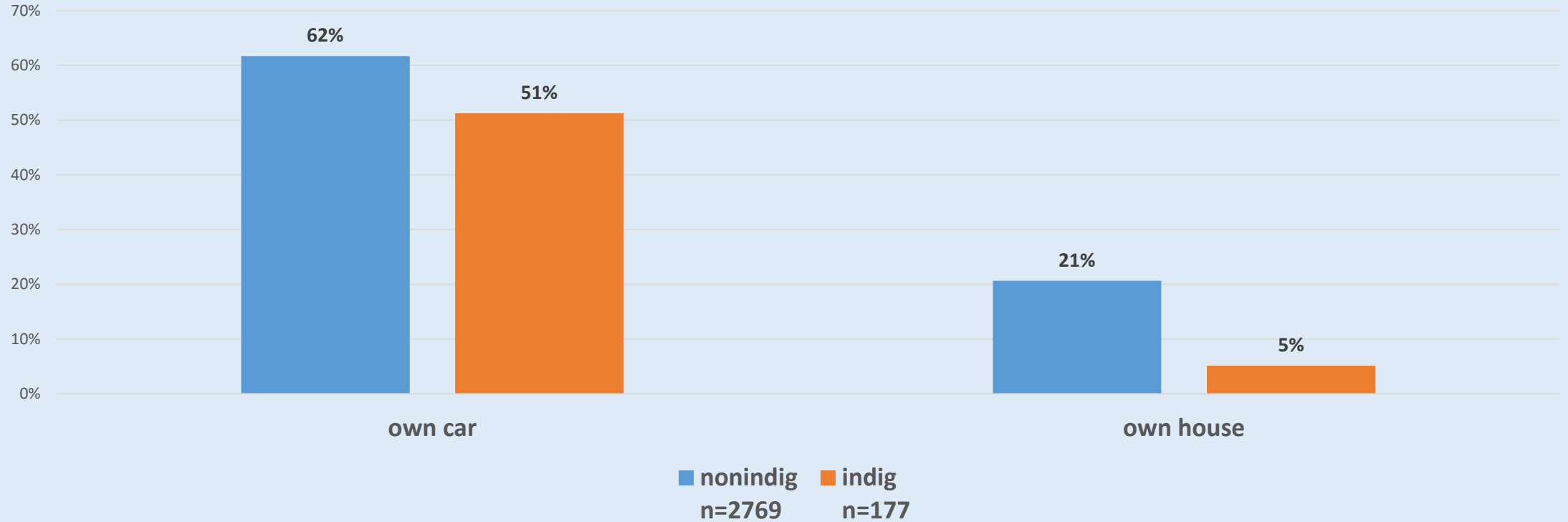
Source: Indigenous Community Survey- Number of Households in Parentheses

Crowdedness by Indigenous Status
CA NAWS 2014-2016



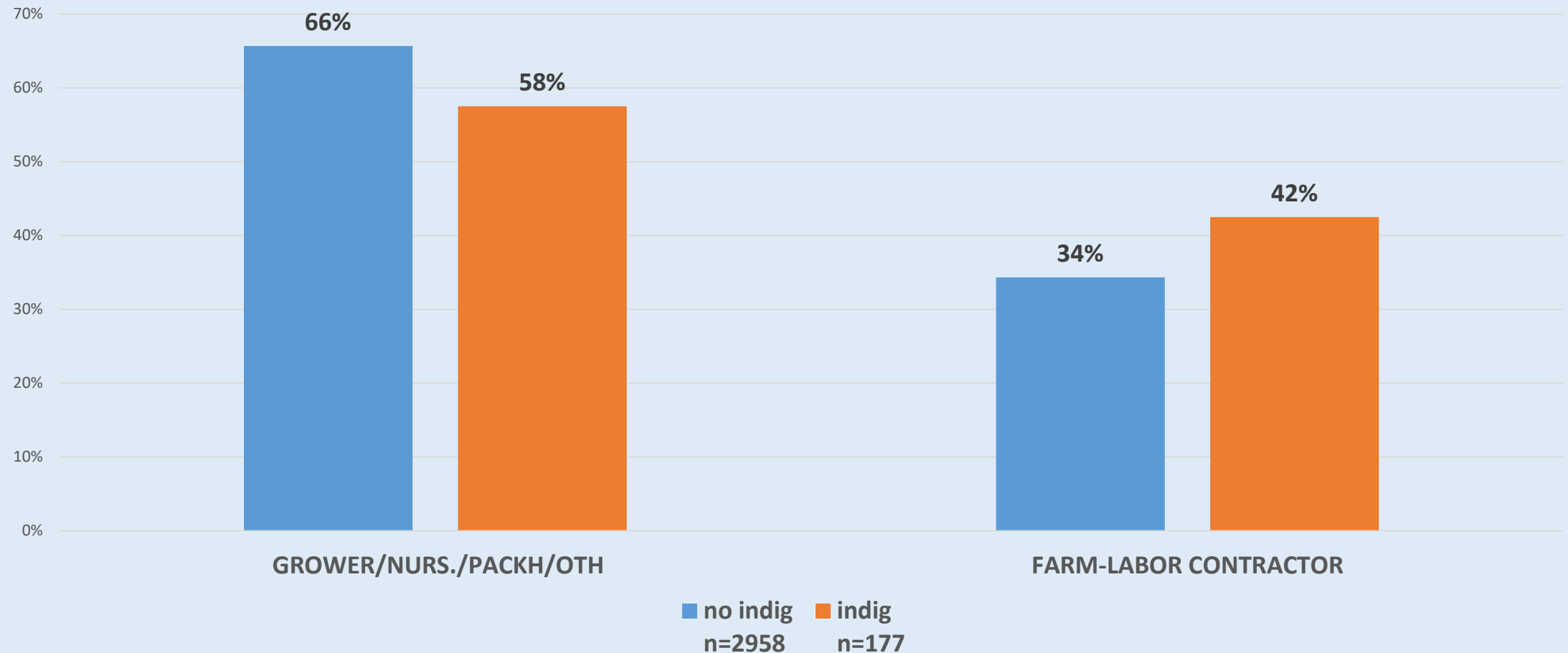
Indigenous have fewer assets

Asset Ownership by Indigenous Status
NAWS CA 2014-2016



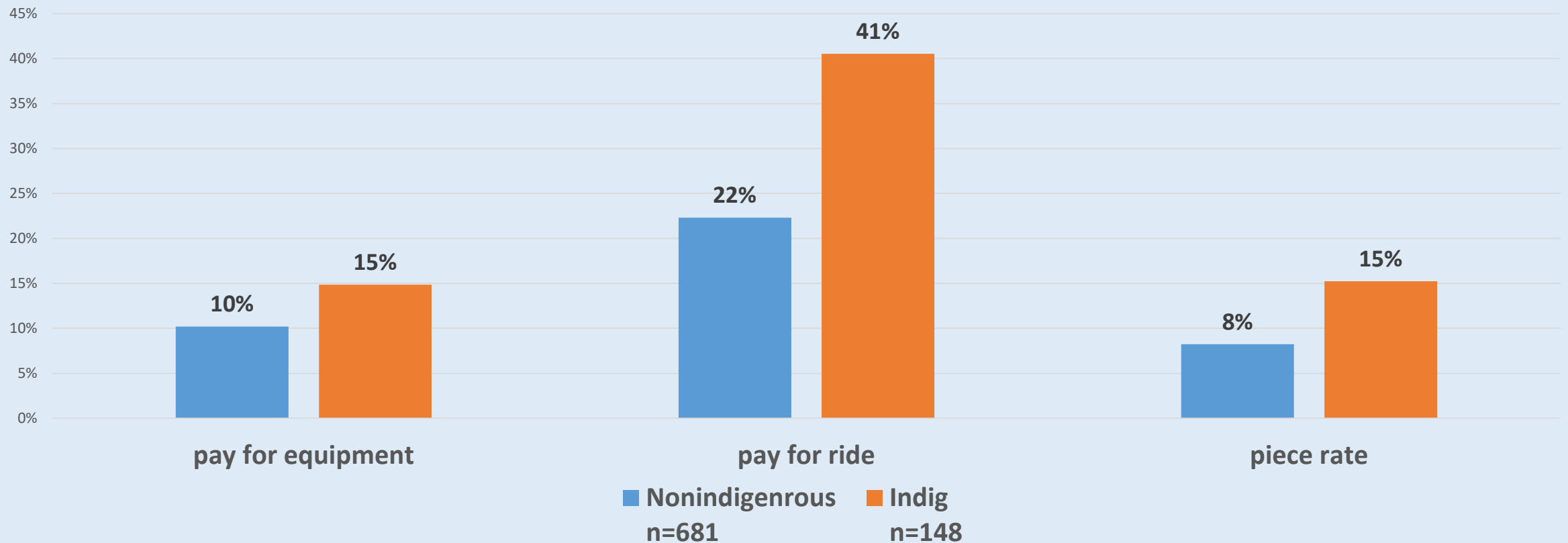
Indigenous face poorer working conditions More work for Farm Labor Contractors

Percent employed by Farm Labor Contractor by Indigenous Status
CA NAWS 2014-2016



3 common measures of poor work conditions Indigenous fare worse!

Working Condition Measures
by Indigenous Status NAWS CA 2014-2016



Finally, Indigenous paid less!

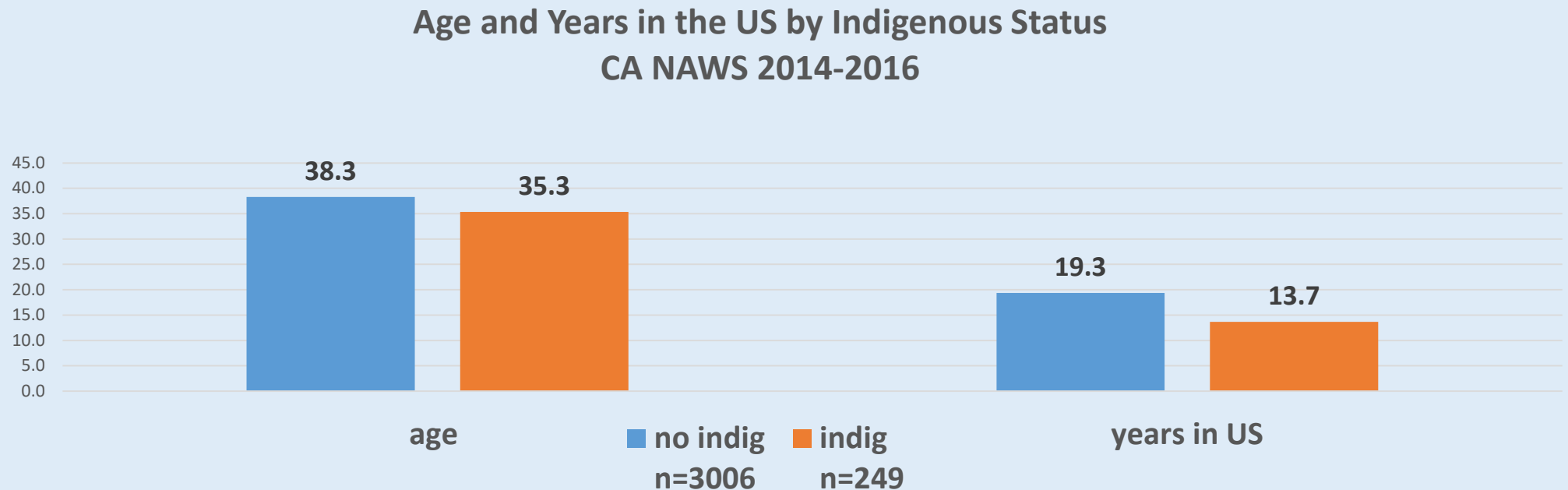


Why are the Indigenous more impoverished?

Indigenous poorer than mestizos in part due to discrimination but other factors important.

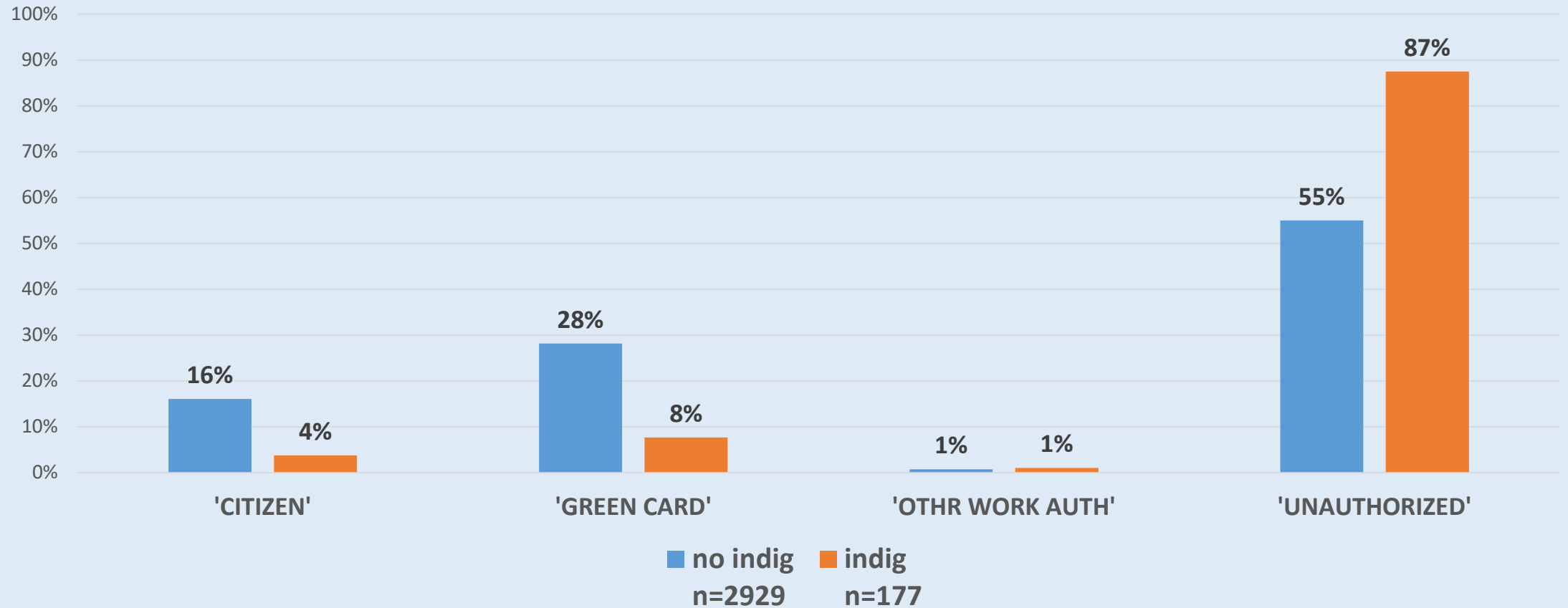
Remote villages get less education (1/2 lt 500). In NAWS, Indigenous 5.7 years of school, Mestizos 7.8 yrs.

Came more recently and younger



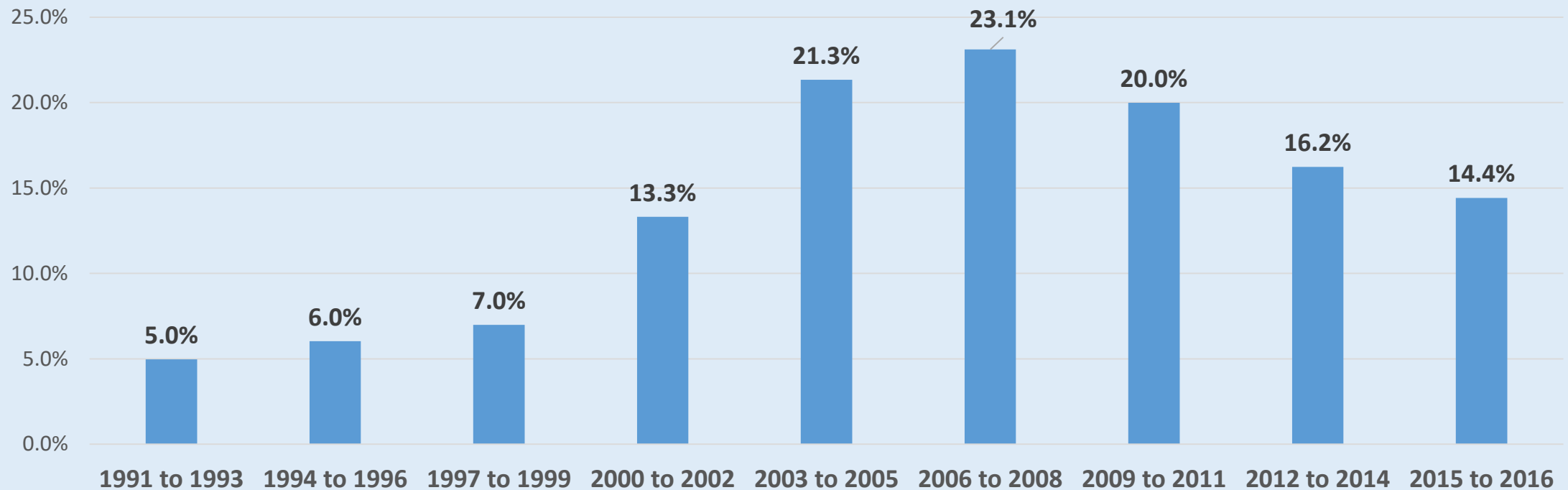
Most came after 1986 IRCA law only ¼ as many work-authorized

Immigration and Citizenship Status
by Indigenous Status
NAWS CA 2014-2016



Use proxy to show pattern over time
Most come after 1990, peak in 2008 then decline

Percent of Southern Mexicans
among Mexican Farmworkers
NAWS CA 1991 to 2016

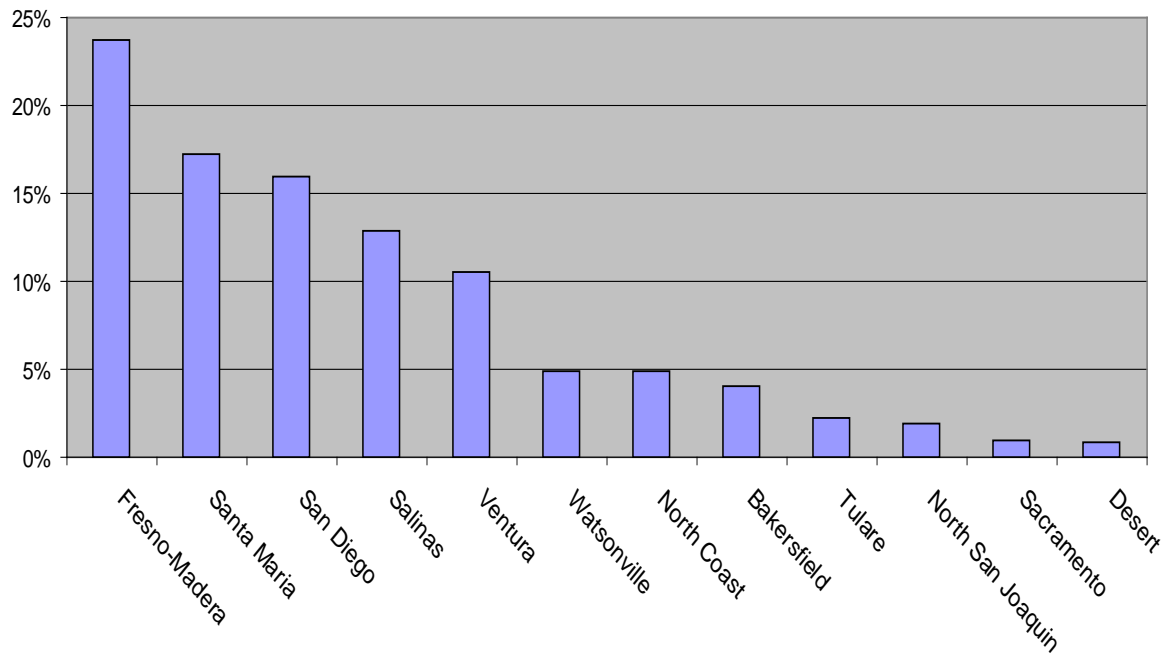


Where do the indigenous go in California agriculture?

2007 data below. Since immigration dropped off may not have changed

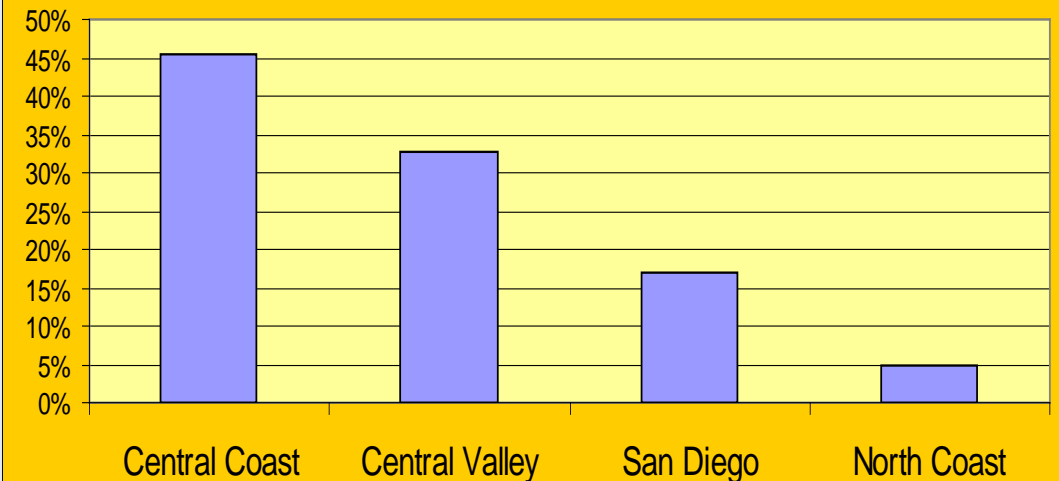
First came to San Diego & Riverside, soon settled into, still important, Fresno area, in 2000s shifted to Central Coast where in 2007 plurality lived

Chart II-6. Percent Distribution of Indigenous Farmworker Adults by 12 CA Regions



Source: IFS Count of Home Town Networks, 2007- Estimated minimum of 53,602

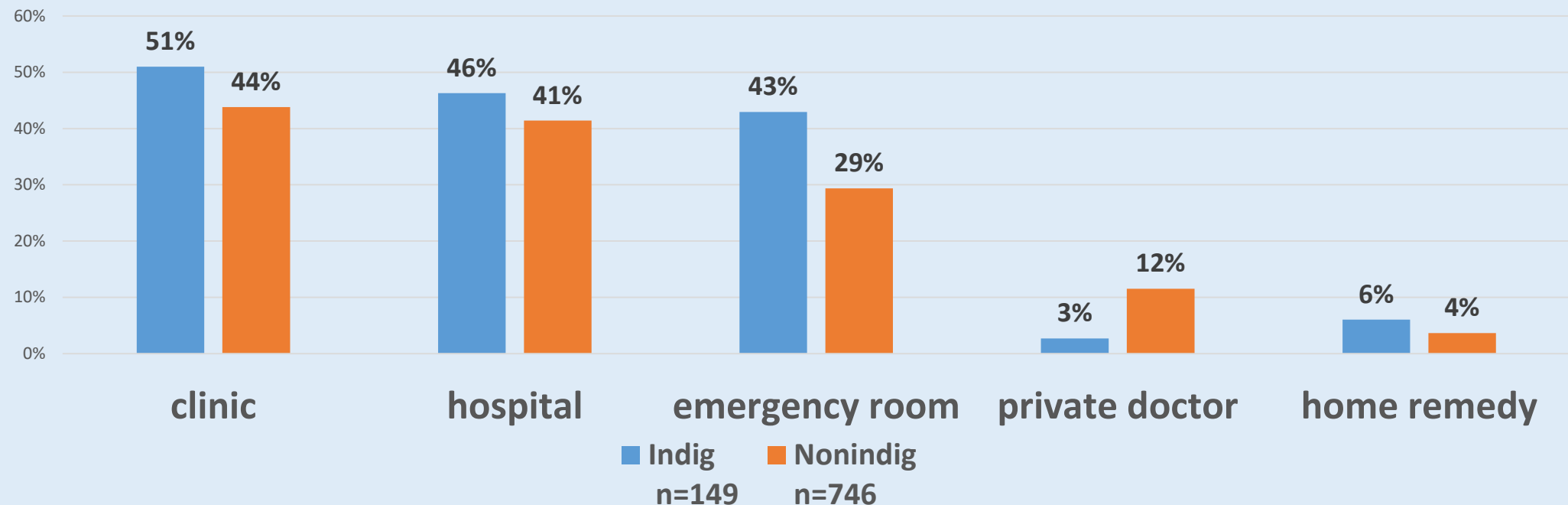
Proportion of Indigenous Farmworker by Major CA Regions



Source: IFS Count of Home Town Networks, 2007- Estimated minimum of 53,602

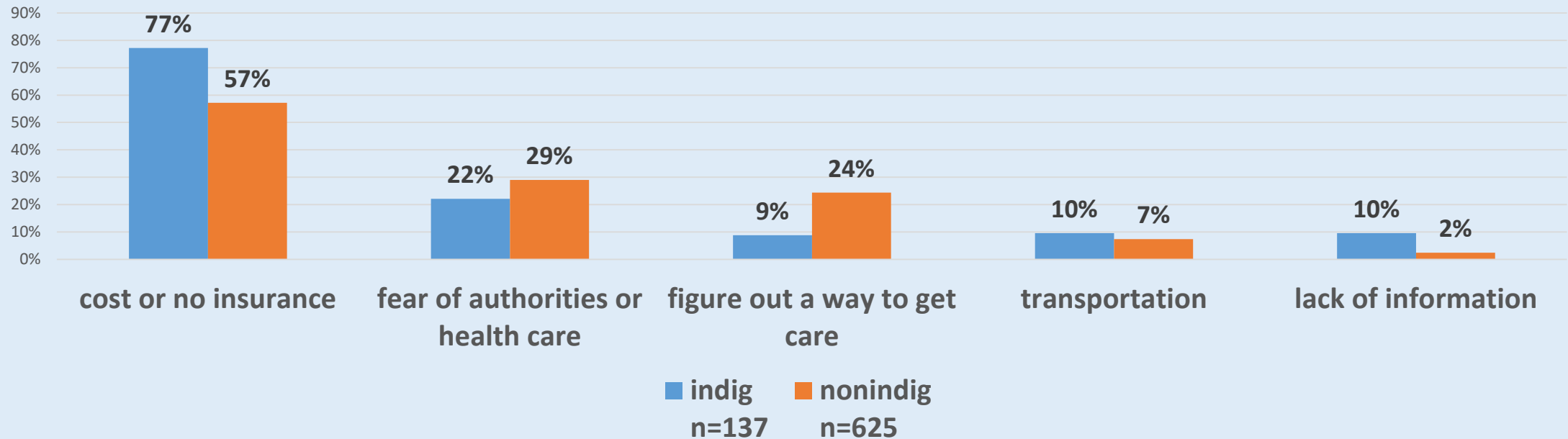
COFS data Recent shows differential impacts of COVID on Indigenous—*Interview Language used as proxy*

Where would you go to seek help during the COVID Pandemic?
More than one response permitted.
By Use Indigenous Language during Interview COFS 2020



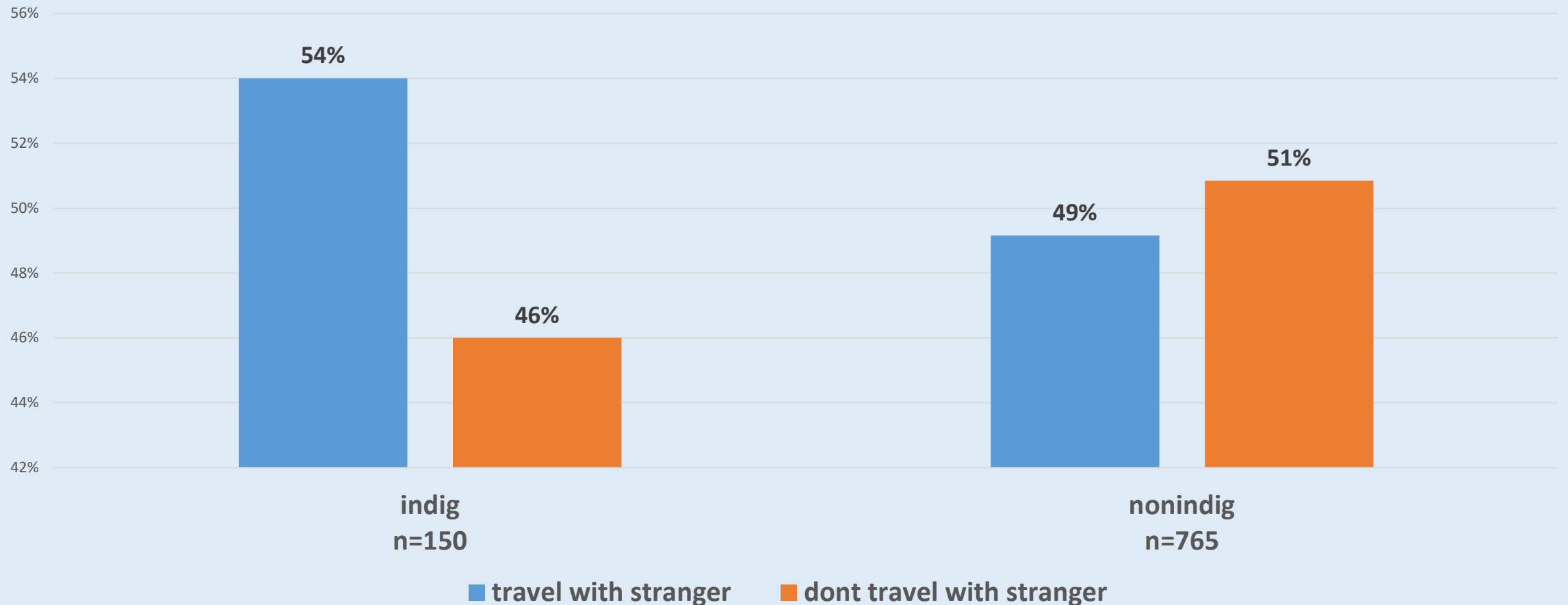
Indigenous blocked more by cost, lack of information. Don't know how to get care

Barriers to Care during COVID
(report more than one permitted)
by Use Indigenous Language during Interview
COFS 2020



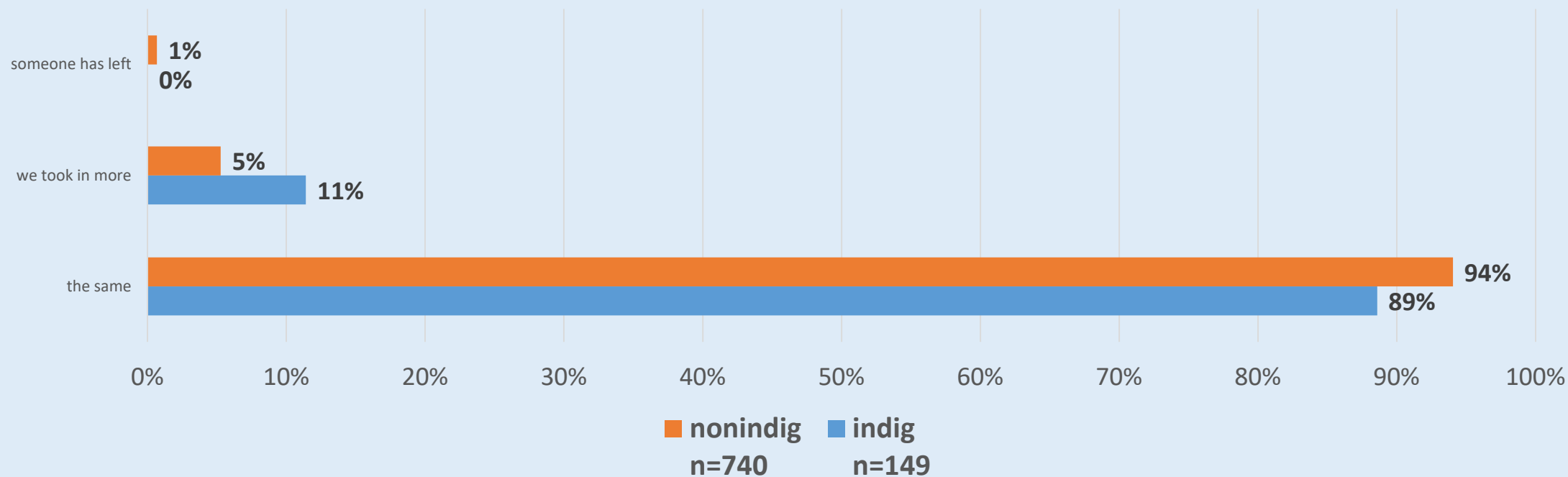
Indigenous more exposed to infection.

Percent travel with someone
outside household to work
by Use Indigenous Language during Interview COFS 2020



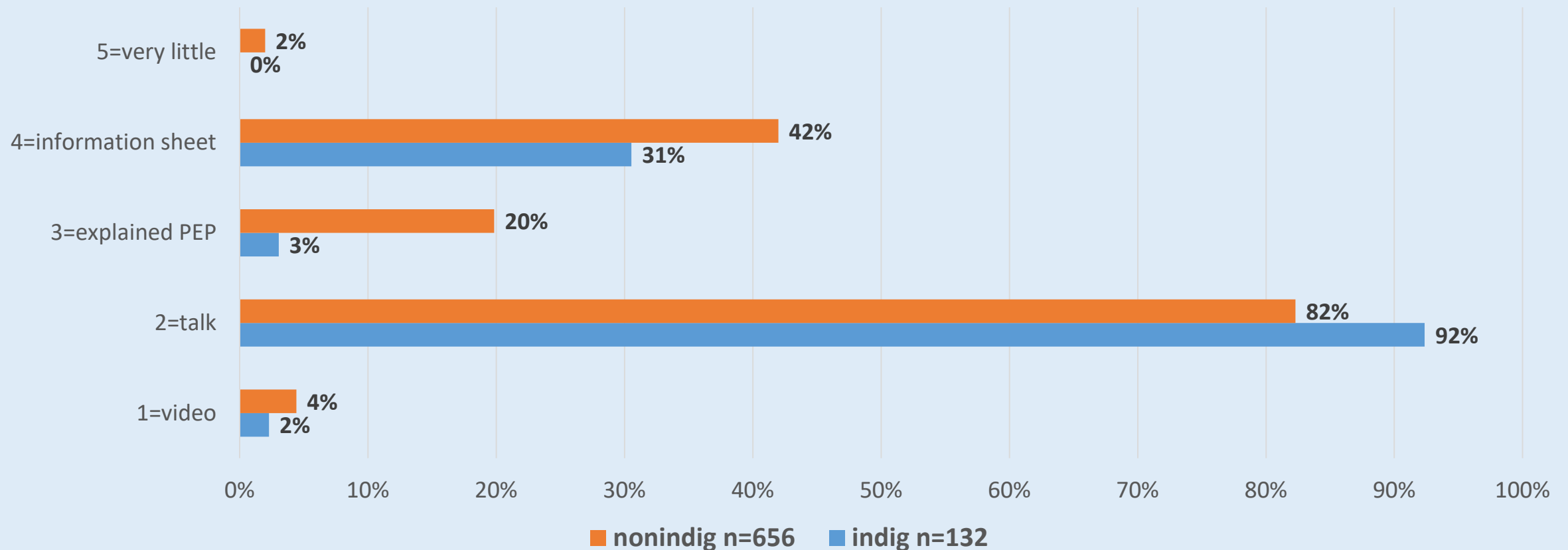
Twice as many Indigenous are living with more people since COVID than Mestizos (above showed indigenous crowded)

Change in number of people
in Household since COVID
by Use Indigenous Language during Interview COFS 2020



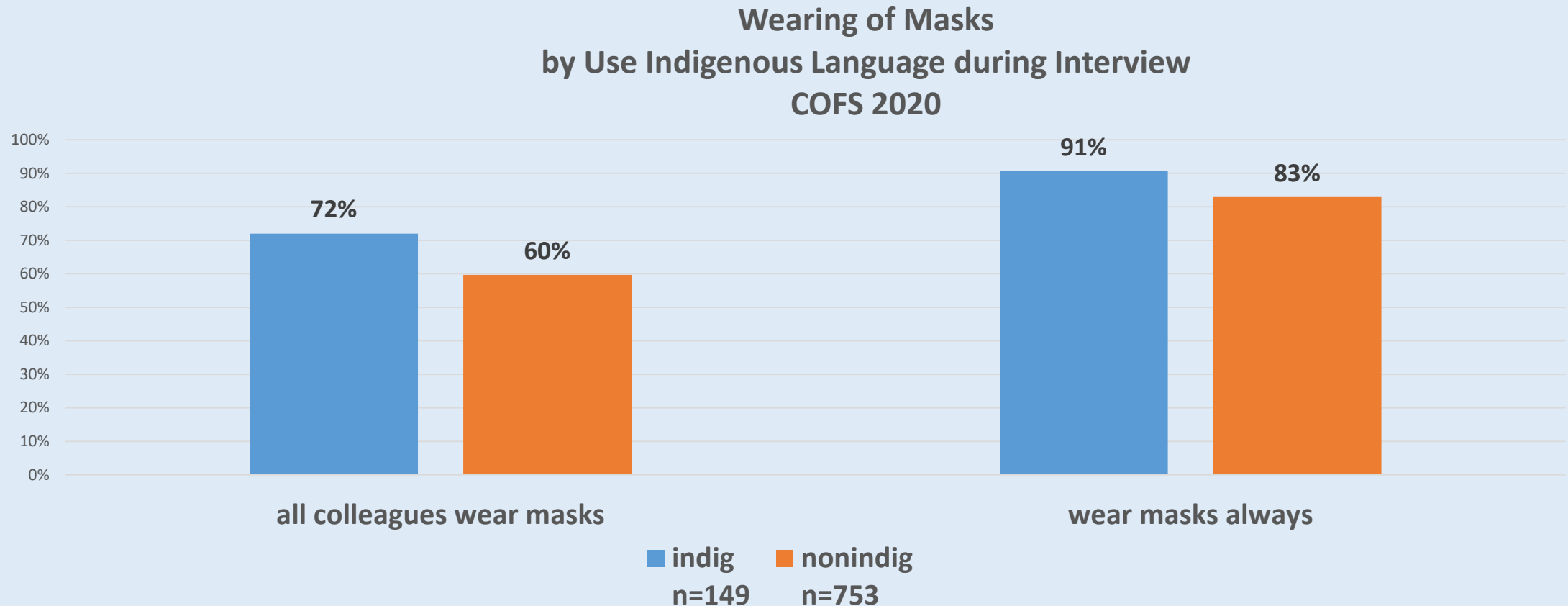
Finally, not explained to Indigenous how to use protective equipment during pandemic

Kind of training received
by Use Indigenous Language during Interview COFS 2020



Worse conditions Indigenous still protect themselves more!

Indigenous lack health care information, don't have health insurance, travel more with strangers to work, and receive inferior training but wear masks more!



Summary



- Indigenous are a diverse but very different group than other Mexican farmworkers with their own culture.
- They suffer from more poverty and are more exposed to disease than the mestizos because of discrimination and history.
- They contribute disproportionately to the well-being of other Californians.
- Their tight hometown network organization can be used to bring them aid and help them defend themselves.

APPENDIX E:
ALRB CULTURAL COMPETENCY CURRICULUM

FROM CULTURAL TO STRUCTURAL COMPETENCY TRAINING

California Labor & Workforce
Development Agency

Agricultural Labor Relations Board

Gaspar Rivera-Salgado, PhD

UCLA Labor Center

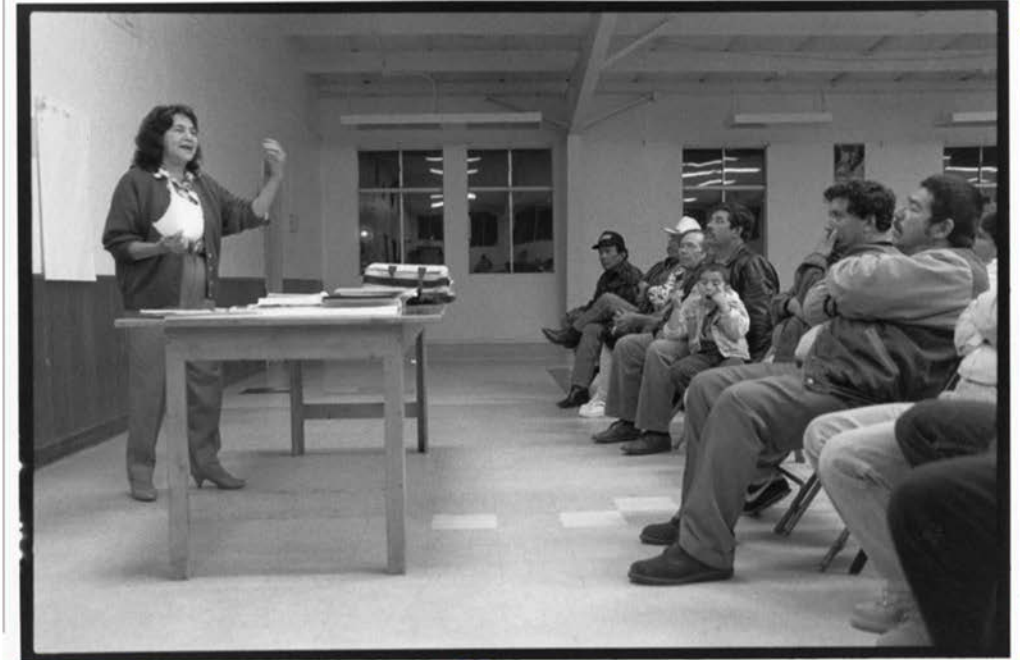
The 2018 Study

The Language Cultural Competency Study: What We Learned and How We can Do Better

In an effort to advance workplace education and labor rights for farmworkers, the University of California, Los Angeles (UCLA) Labor Center reviewed educational resources developed by the California Labor and Workforce Development Agency (LWDA) and its respective sub-agencies (Agricultural Labor Relations Board, Employment and Development Department, and the Department of Industrial Relations). The UCLA Labor Center developed tools and processes to assess: 1) the readability score of text-based resources; 2) cultural competency; 3) message, implicit assumptions, and linguistic nuance; 4) scope of translation; and 5) accessibility of selected

Cultural Competency, Language, and Training:

Supporting the Development of Educational Resources for the California Labor and Workforce Development Agency



Prepared by:

Gaspar Rivera-Salgado, PhD

Sayil Camacho, PhD

Lucero Herrera

Lily Hernandez

Cultural Competency Quiz

Warm Up Questions

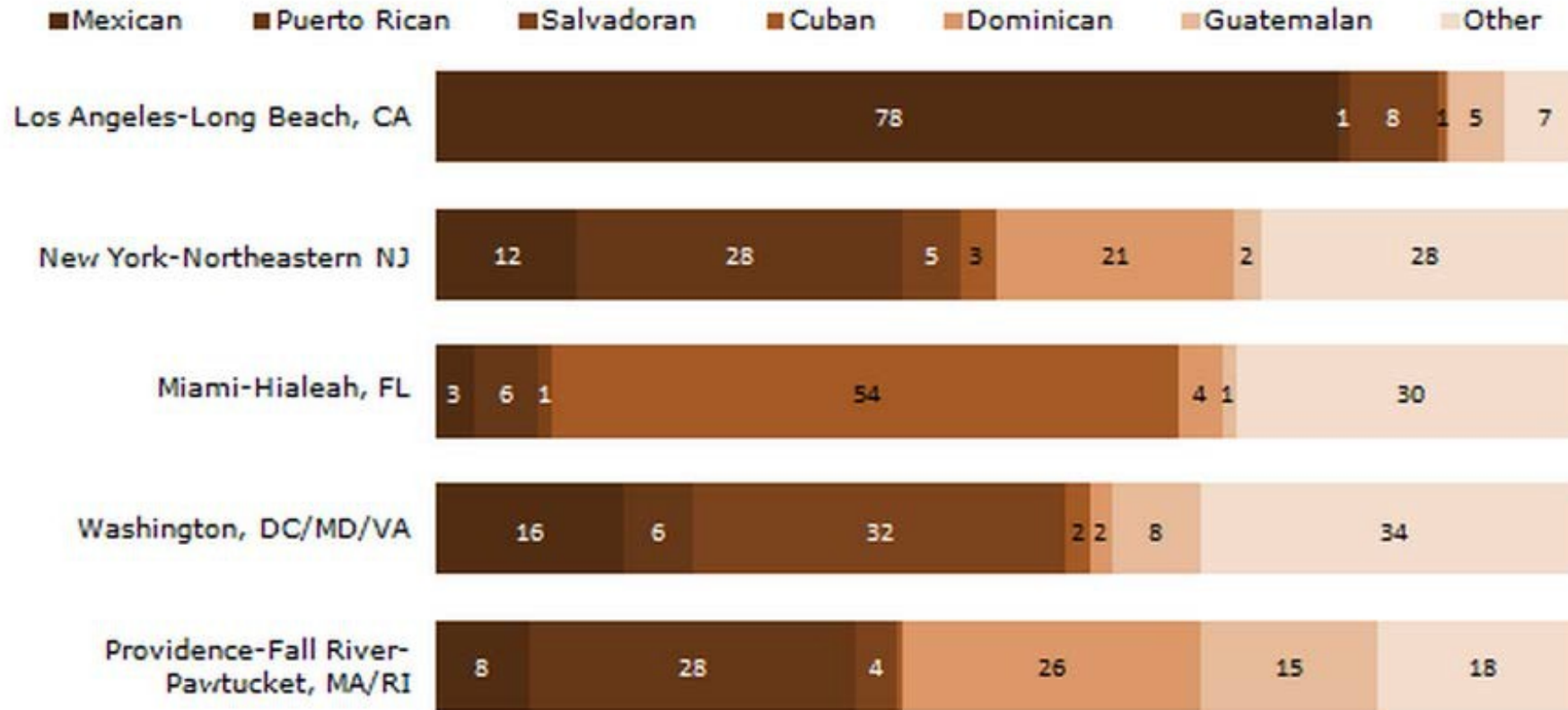
- ☐ What is diversity for you?
- ☐ How diverse is the Hispanic/Latino community in California?
- ☐ How many languages are spoken in Mexico?
- ☐ Is Mixtec a dialect?

Nationality of Latinos/Hispanics

Figure 2

Largest Hispanic Origin Group Shares in Select Metropolitan Areas, 2011

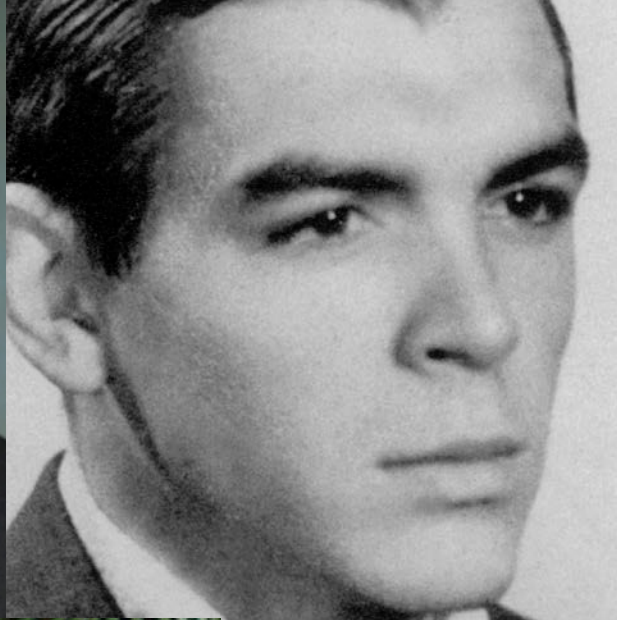
% of the Hispanic population in the metro area that is ...



Notes: In Los Angeles-Long Beach, CA, Dominicans make up less than 0.5% of the area's Hispanic population. In Providence-Fall River-Pawtucket, MA/RI, Cubans make up less than 0.5% of the area's Hispanic population.

Source: Pew Research Center tabulations of the 2011 ACS (1% IPUMS)

Who is Latino/Hispanic?



Who is Latino/Hispanic?



Bill Richardson



Ernesto Che Guevara



Mariano Rivera



Yalitza Aparicio



Junipero Serra



Alberto Fujimori

Who is indigenous?

UCLA Labor Center

Source: <https://ricardopalavecino.myportfolio.com/mixtecos>



Who is indigenous?

UCLA Labor Center

Source: <https://ricardopalavecino.myportfolio.com/mixtecos>



Mixteca, San Martin
Peras



Mixteco, Juxtlahuaca



Mixteca, Tlaxiaco



Mixteco, Santa Maria
Yucunicoco



Mixteco, Tecomaxtlahuaca

UCLA Labor Center



A map of Mexico illustrating various linguistic regions. The central area is predominantly yellow and labeled "Spanish". Other regions include: Kuna (Yumai) in the northwest; Cocopa, Tohono Oodham, Yaqui, Mayo, Tarahumara, Tepehuán, Huastec, Afro-Seminole Creole, Kickapoo, Pima Bajo, Plautdietsch, Spanish (Plautdietsch), Tepehuán, Nahuatl, Cora, Muchof, Pame, Huastec, Nahuatl, Totonac, Purepecha, Mazatec, Nahuatl, Popoluca, Mazatec, Nahuatl, Chontal, Yucatan Maya, Ixil, Santa Cruz Maya, Tzotzil, Tzeltel, Mam, Zoque, and Zapotec. The map uses different colors to delineate these linguistic areas.



1. Náhuatl- 1,725 620

- ## 2. Maya - 859,607

- ### 3. Tseltal - 556,720

- #### 4. Mixteco - 517,665

- ## 5. Tsotsil - 487,898

- ## 6. Zapoteco - 479,474

- ## 7. Otomí - 307,928

8. Totonaco - 267,635

9. Chol (Ch'ol) - 251,809

10. Mazateco - 239,078

11. Huasteco - 173,765

12. Mazahua - 147,088

- ### 13. Purepecha - 141,177

14. Chinanteco - 138,741

15. Tlapaneco - 134,148

16. Mixe - 133,632



How many languages are spoken in Mexico?

1. Náhuatl - 1,725,620
2. Maya - 859,607
3. Tseltal - 556,720
4. Mixteco - 517,665
5. Tsotsil - 487,898
6. Zapoteco - 479,474
7. Otomí - 307,928
8. Totonaco - 267,635
9. Chol (Ch'ol) - 251,809
10. Mazateco - 239,078
11. Huasteco - 173,765
12. Mazahua - 147,088
13. Purepecha - 141,177
14. Chinanteco - 138,741
15. Tlapaneco - 134,148
16. Mixe - 133,632
17. Tarahumara - 73,856
18. Zoque - 68,157
19. Amuzgo - 57,589
20. Tojolabal - 55,442
21. Huichol - 52,483
22. Chatino - 51,612
23. Mayo - 42,601
24. Popoluca - 37,707

25. Tepehuano S. - 36,543
26. Cora - 28,718
27. Chontal Tab. - 27,666
28. Triqui - 25,674
29. Yaqui - 20,340
30. Huave - 18,539
31. Popoloca - 18,206
32. Cuicateco - 13,318
33. Pame - 12,232
34. Mam - 11,387
35. Tepehua - 10,427
36. Tepehuano N. - 9,568
37. Q'anjob'al - 8,421
38. Popoluca - 6,122
39. Chontal Oax. - 5,064
40. Sayulteco - 4,117
41. Chuj - 2,890
42. Akateco - 2,837
43. Chichimeco jonaz - 2,134
44. Guarijío - 2,088
45. Matlatzinca - 1,568
46. Tlahuica - 1,548
47. Q'eqchi' - 1,324
48. Chontal - 1,135
49. Lacandón - 998

50. Seri - 754
51. Pima - 743
52. K'iche' - 730
53. Chocholteco - 729
54. Jakalteco - 527
55. Kumiai - 486
56. Texistepequeño - 455
57. Cucapá - 278
58. Paipai - 216
59. Kiliwa - 194
60. Tepehuano - 170
61. Ixcateco - 148
62. Qato'k - 134
63. Kickapoo - 124
64. Pápago - 112
65. Ixil - 103
66. Oluteco - 90
67. Teko - 81
68. Kaqchikel - 61
69. Ayapaneco - 24
70. Aguacateco (Awakateko) - 17

Total: **7,382,785** - 12% of this population does NOT speak Spanish

FUENTE: INEGI. Encuesta Intercensal 2015.



GET PREPARED

PREPARE YOUR COMMUNITY

COVID-19

JOIN OUR MOVEMENT

<https://www.listoscalifornia.org/community-projects/farmworkers-initiative/>

FARMWORKERS INITIATIVE



Listen to information about COVID-19 and disaster preparedness in your home language:

MIXTECO

- + San Miguel Cuevas, Juxtlahuaca, Oaxaca
- + Vicente Guerrero, Metlatonoc, Guerrero
- + San Sebastián del Monte, Santo Domingo Tonalá, Oaxaca
- + Yucuquimi de Ocampo, Tezoatlán de Segura y Luna, Oaxaca
- + San Martin Peras, Juxtlahuaca, Oaxaca
- + San Juan Piña, Juxtlahuaca, Oaxaca

ZAPOTECO

- + San Juan Coatecas Altas, Ejutla de Crespo, Oaxaca

TRIQUI

- + San Martin Itunyoso, Tlaxiaco, Oaxaca

A Listos California grant was provided to United Way Fresno and Madera Counties (UWFM) to build a team of trusted translators and interpreters from UWFM, Centro Binacional para el Desarrollo Indígena Oaxaqueño (CBDIO) and Mixteco / Indígena Community Organizing Project (MICOP).

MEET OUR TRANSLATORS



Fidelina Espinoza
CBDIO
Mixteco: San Sebastián del Monte



Rene Martinez
CBDIO
Mixteco: Vicente Guerrero



David Martinez
CBDIO
Triqui



Margarita Santiago
CBDIO
Zapoteco



Alma Herrera
CBDIO
Mixteco: Yucuquimi de Ocampo



Silvia Garcia
CBDIO
Tlapaneco



Irma Luna
CBDIO
Mixteco: San Miguel Cuevas



Ramneek Bullar
UWFM
Punjabi

[Listos California Emergency Preparedness Campaign anchored at the Governor's Office of Emergency Services \(Cal OES\).](#)

Principales resultados
de la Encuesta Intercensal 2015
Estados Unidos Mexicanos



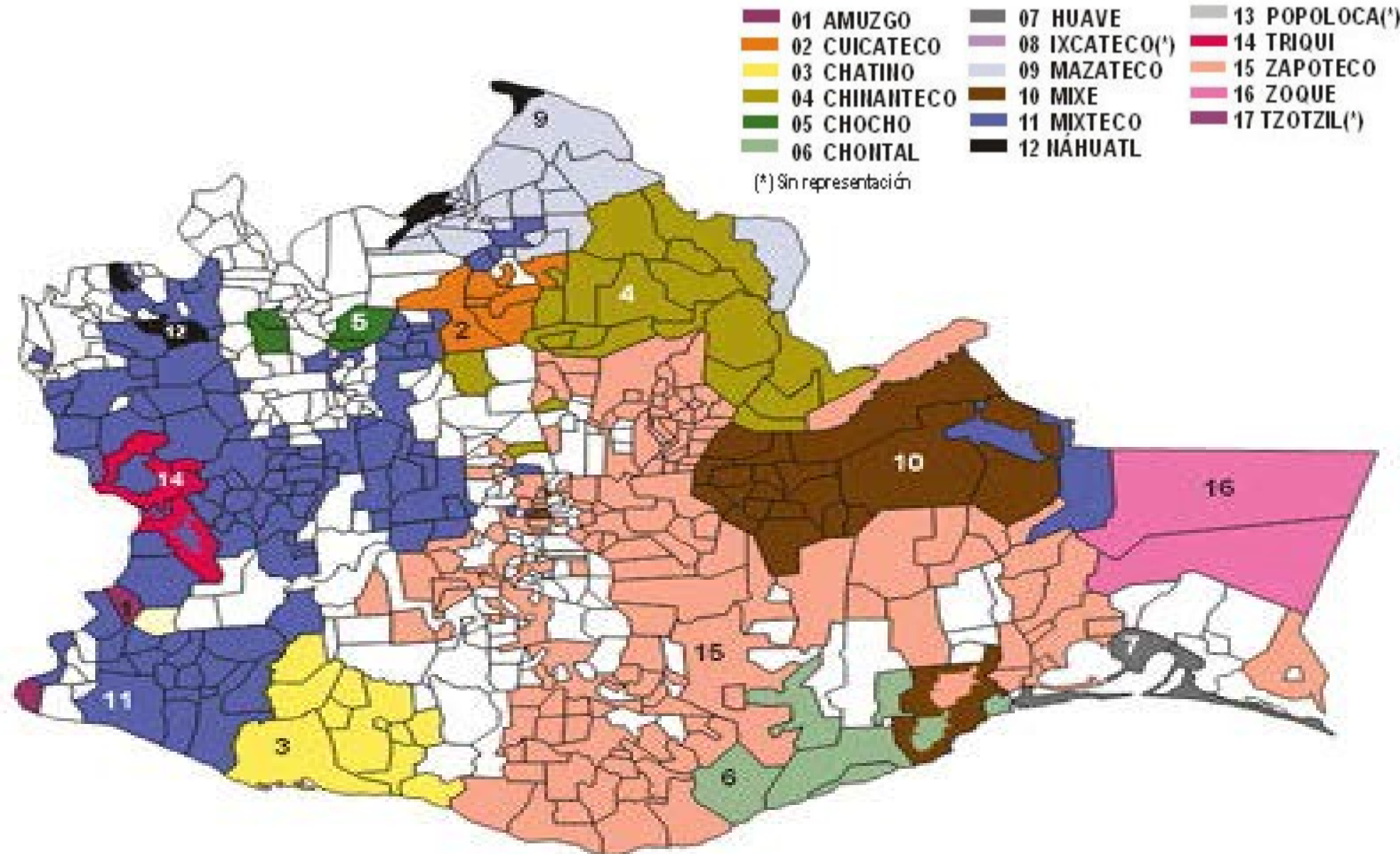
2015 MEXICAN CENSUS RESULTS

- ❑ **POPULATION-
119.5 millions**
- ❑ **Self Identify Indigenous –
25, 694, 928 (21.5%)**
- ❑ **Speak an indigenous
Language, 2015- 7.2
millions (6.6% official)**
- ❑ **OAXACA (65.7%)**

Indigenous Population in Latin America

- ❑ **MEXICO- 25.7 millions (21.5%)**
- ❑ **Peru- 13.8 millions (45%)**
- ❑ **Bolivia- 6.0 millions (55%)**
- ❑ **Guatemala- 5.8 millions (40%)**
- ❑ **Ecuador- 3.4 millions (25%)**
- ❑ **Chile- 1.9 millions (11%)**
- ❑ **Canada- 1.4 millions (4.3%)**
- ❑ **United States- 5.2 millions (1.7%)**

Oaxacan Ethnic Distribution



16 Indigenous Language Groups in Oaxaca



Farmworkers in
CA



Zapoteco



Mixteco



Triqui

Chatino

Náhuatl

Mixe

Chocho

Chontal

Mazateco

Chinanteco

Cuicateco

Popoloca

Amuzgo

Huave

Ixcateco

Zoque

Failing to Speak Spanish

Hospitals struggle to help farmworkers who speak Triqui or Mixteco <https://vimeo.com/140479930>

When Angelina Diaz-Ramirez, an immigrant farmworker from Mexico, suffered a heart attack, no one at the hospital could explain what was happening to her. She speaks Triqui, an indigenous language from Oaxaca in southern Mexico. Angelina had no idea a surgeon was about to cut open her chest. The 50-year-old had been rushed to the hospital from the California field where she worked picking green beans. Doctors said she had a heart attack and that they would do surgery to install a pacemaker. Case from the Natividad Medical Center in Salinas,

Challenges Facing Indigenous Migrants

≡ EL PAÍS

México 30 NOV 2019

SOCIEDAD

EDUCACIÓN MEDIO AMBIENTE IGUALDAD SANIDAD CONSUMO ASUNTOS SOCIALES LAICISMO COMUNICACIÓN

El racismo que México no quiere ver

La evidencia estadística sobre el aumento de la discriminación por el color de piel y sus efectos en la vida de los mexicanos es abrumadora, sin embargo en el país latinoamericano apenas se empieza a hablar de este problema



El actor mexicano Tenoch Huerta. VIDEO: GLADYS SERRANO

Racial Hierarchy

Racism & Prejudice (stereotypes)

“No seas indio!”

Class Exploitation

Worse paid jobs for newcomers

“They like to work bent over.”

Cultural and Language Barriers

Language not dialect

The glorious past Vs. the harsh present

The politics of cultural difference

https://elpais.com/sociedad/2019/11/27/actualidad/1574891024_828971.html

UCLA Labor Center

Mestizo Mexican Culture

No seas indio!

**Indio patarajada, bajado del
cerro!**

Mejora la raza!

Finding an Interpreter Match for your Client

Guide:

¿Podria decirme de donde es usted?

¿De que estado?

¿De que Municipio?

¿De que Agencia Municipal?

☐ ¿Habla una lengua indigena?

☐ ¿Hasta que grado fue a la escuela?

¿Conoce a alguien que le pueda interpretar?

MEET OUR TRANSLATORS

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Silvia Garcia
CBDIO
Tiapaneco



Irma Luna
CBDIO
Mixteco: San Miguel Cuevas



Ramneek Bullar
UWFM
Punjabi

What happens when we are not culturally competent?

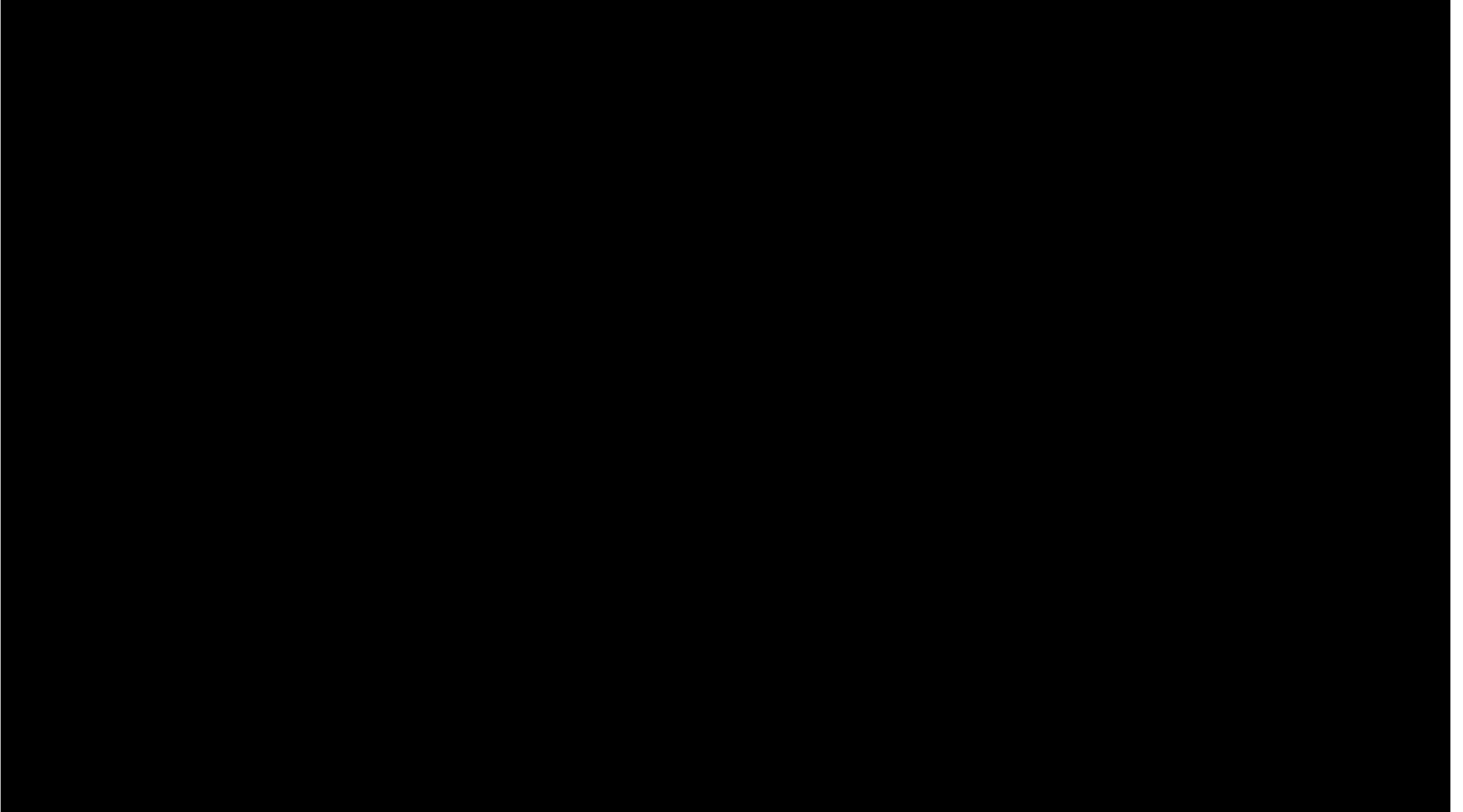
- ❑ Unnecessary expenditures (time, resources)
- ❑ Unnecessary processes (treatments, punishments, incarcerations, tests)
- ❑ Lack of services (treatment, interpretation, tests, education)
- ❑ **Legal, political and economic liabilities**

Institutional-level change

- ☐ All staff need to receive cultural competence training
- ☐ This training needs to be an on-going process
- ☐ Trainings need to focus on developing critical self-awareness and making visible invisible norms operating within the institutional culture
- ☐ Trainings need to include members from the minority communities served by that institution
- ☐ Institutions need to take action-make the necessary changes to accommodate the diverse communities they serve

The Future is Trilingual

Una Isu-Mixteco es un lenguaje [Video Oficial]
(Prod. Pro Beats Central). Miguel Villegas





¿PREGUNTAS? QUESTIONS?

The Language Cultural Competency Study: What We Learned and How We can Do Better

In an effort to advance workplace education and labor rights for farmworkers, the University of California, Los Angeles (UCLA) Labor Center reviewed educational resources developed by the California Labor and Workforce Development Agency (LWDA) and its respective sub-agencies (Agricultural Labor Relations Board, Employment and Development Department, and the Department of Industrial Relations). The UCLA Labor Center developed tools and processes to assess: 1) the readability score of text-based resources; 2) cultural competency; 3)

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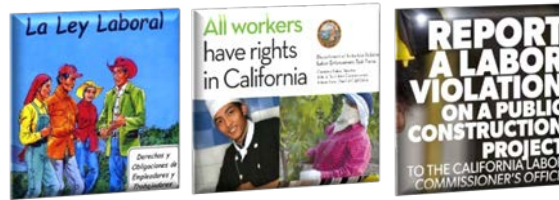
Lily Hernandez

UCLA Labor Center

June 2018

Effectiveness in communicating to workers

The State of California Labor & Workforce Development Agency and other state agencies develop multiple education materials for workers.



- To reach diverse workers, educational resources should be able to translate across language, culture, and varying educational levels
- In developing these materials, agencies should consider the unique needs of the workforce

TRAINING FOR INTER-AGENCY STAFF

1. Define cultural competency and discuss its importance on your work
2. Identify the ways in which culture affects people's understanding of their workplace rights
3. Understand how culture might facilitate or hinder workers' access to CLWDA educational resources
4. Identify resources to provide culturally and linguistically appropriate support to workers
5. Apply the language and cultural competency assessment practices to your work

CULTURAL COMPETENCY FOR LEARNING ORGANIZATIONS

Cultural competency is the ability to understand, appreciate, and interact with people from cultures or belief systems that are different from our own. This ability allows us to work effectively across cultures in a way that acknowledges and respects the culture of the person being served.

To become culturally competent, we must develop personal and interpersonal awareness and sensitivities, understand different personal and group identities, and recognize that there are differences with and between cultures.

CULTURAL SENSITIVITY AND HUMILITY

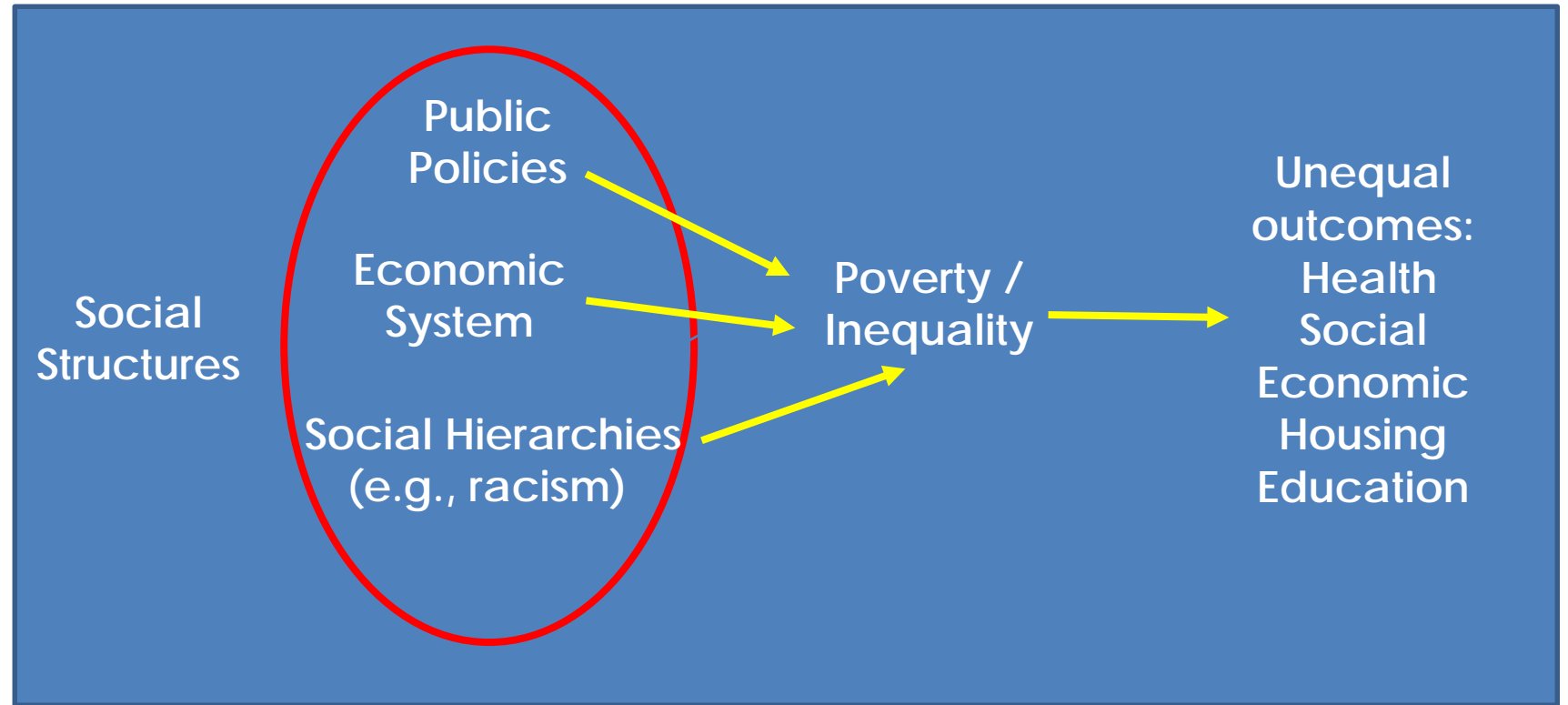
- *Cultural sensitivity* is a set of skills that enables us to learn about and understand people who are different from ourselves and allows us to better serve them within their own communities.
- *Cultural humility* is the ability to maintain an interpersonal position that is open to others and their cultural identity and requires us:
 - 1) A lifelong commitment to self-evaluation and growth
 - 2) To fix power imbalances where there should be none
 - 3) To develop partnerships with people and groups who advocate for others

Structural Competency Approach

Objectives:

1. Develop shared vocabulary related to social structures and farm work
2. Analyze and discuss farm work-related case studies to gain tangible skills for identifying structural forces affecting indigenous workers and other vulnerable farmworker communities
3. Explore the differences between social determinants of well being, cultural competency, and structural competency

Social Structural Analysis



Social Structures

The **policies, economic systems, and other institutions** (judicial system, policing system, schools, etc.) that have produced and maintain **modern social inequities** as well as **health disparities**, often along the lines of social categories such as **race, class, gender, sexuality, and ability**.

CONTEXT

California farmworkers experience various workplace challenges due to the physical nature of the work, longstanding agricultural practices, and the sociopolitical marginalization of the workforce.

Among the most salient work experiences for farmworkers are:

- 1) poverty wages
- 2) harsh work conditions
- 3) lack of healthcare coverage
- 4) racial and social hierarchies that perpetuate workplace inequities and exploitation.



RESEARCH OBJECTIVES

- **Are educational materials culturally competent?**
Effective cross-cultural communication
- **What is the readability of educational materials?**
Reading level, reading ease, educational requirements, etc.
- **What are the educational resources ongoing messages and linguistic nuances?**
What is assumed?
- **What is the scope of translation?**
What languages are resources translated to?
- **How are educational resources accessed by the workforce?**

METHODOLOGY

- Mapped educational resources identified by LWDA and sub-agencies
- Analyzed selected educational materials
- Conducted focus groups

FINDINGS : EDUCATIONAL MATERIALS

- All educational resources evaluated are text-based
- Although most were translated to Spanish, **none** were translated or considerate of indigenous languages
- 3 in 4 do not contain a summary or conclusion
- More than half of resources do not have accompanying visual, video, images, or infographics to support what is being communicated
- 3 in 4 do not depict a diverse workforce

FINDINGS: FOCUS GROUPS

- Farmworkers rely on employers for information about basic workplace rights.
- Current workplace culture does not support farmworkers to learn about their workplace rights and/or enforce change within the workplace when labor violations take place.
- Indigenous farmworkers remain disenfranchised because existing language barriers.
- Farmworkers heavily rely on information shared on worker-to-worker networks.
- Organizations seek to establish coalition-based support when engaging with immigrant and indigenous farmworkers.
- Ongoing opportunities to formalize coalition-based support and current efforts to establish mechanisms for cross-organizational collaboration.
- Need for broader and ongoing informational workshops to effectively understand and network with agencies.

CLARIFYING QUESTIONS

1. Are you surprised by the findings from the study?
2. How do the findings demonstrate the importance of being a culturally competent organization, developing cultural sensitivity, and demonstrating cultural humility?
3. Any questions about the process and study?

What Can We Do?

UCLA Labor Center

BEST PRACTICES

Educator should seek to:



Understand
language diversity
and educational
barriers

Assess providers'
capacity and
training needs to
meet the needs of
population

Conduct an
inventory of local
languages and
identify available
resources

Work directly with
populations to get
feedback and
additional
information

Practitioners need to develop culturally competent approaches that affirm diverse perspectives and seek to co-develop resources with the population.

DEVELOPING CULTURALLY COMPETENT RESOURCES

1. Be clear

- Create descriptive titles and include intro/summary/conclusion

2. Increase visual accessibility

- Consider video, audio, or infographics
- Use color!
- Include logo and contact information

3. Translate for comprehension

- Examine assumptions and cultural biases, and check quality (grammar, spelling, etc.)

4. Write for all reading levels

- Make resources accessible and check readability

5. Include content that engages workers

- Demystify formal processes to file labor complaints.

APPENDIX F:

UCLA REPORT

CULTURAL COMPETENCY, LANGUAGE, AND TRAINING

Cultural Competency, Language, and Training:

Supporting the Development of Educational Resources for the California Labor and Workforce Development Agency



Prepared by:

Gaspar Rivera-Salgado, PhD

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Cultural Competency, Language, and Training:
Supporting the Development of Educational Resources for the California
Labor and Workforce Development Agency

Prepared by:
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Rosali Jurado

June 2018

UCLA Labor Center

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Executive Summary

In an effort to advance workplace education and labor rights for farmworkers, the University of California, Los Angeles (UCLA) Labor Center reviewed educational resources developed by the California Labor and Workforce Development Agency (LWDA) and its respective sub-agencies (Agricultural Labor Relations Board, Employment and Development Department, and the Department of Industrial Relations). The UCLA Labor Center developed tools and processes to assess: 1) the readability score of text-based resources; 2) cultural competency; 3) message, implicit assumptions, and linguistic nuance; 4) scope of translation; and 5) accessibility of selected educational resources. The purpose of this report is to support the development of culturally competent resources to effectively inform farmworkers of their labor rights. Utilizing a computer-calculated index, the readability score determines the level of education needed to understand text-based content, effectively examining vocabulary, grammar, and length of sentences. Relatedly, cultural competency¹ is the ability to understand diverse cultural identities, perspectives, and norms so as to account for and effectively navigate within-group differences (NEA, 2017). Understanding cultural and learning differences amongst the workforce allows labor agencies to engage in teaching practices that are supportive of diverse populations. The recommendations generated from this report will allow LWDA, its sub-agencies, and stakeholders to implement best practices for language access.

Access to labor rights resources is especially important for farmworkers given that they are subject to poverty wages, harsh working conditions, lack of healthcare coverage, and discrimination and exploitation within and beyond the workplace (Mines, Nichols, and Runsten 2010).

We developed a two-phase qualitative research process. First, we conducted an inventory of LWDA's educational materials and evaluated their cultural competency and language accessibility. Second, we conducted five focus groups with LWDA and sub-agency staff, community-based and advocacy organizations, and farmworkers, to gather more data about challenges and access to culturally competent educational materials.

1. Evaluating Content and Language Accessibility

We identified a total of 86 educational resources developed by LWDA and its sub-agencies. We selected 46 of these pertaining to labor rights for our analysis.

- All 46 of the educational resources assessed are text-based.
- Farmworkers are one of the intended audiences in 44% of the materials assessed; of those, 79% were developed specifically for farmworkers.
- 96% of the educational resources assessed are translated into Spanish, and though half are intended for farmworkers, none of the materials are translated into indigenous Mexican languages or considerate of oral-based indigenous languages, such as Mixteco and Triqui.
- Over three-quarters of educational materials do not include a summary that reiterated the purpose or the topic of the educational resource.
- 54% of the materials reviewed do not have accompanying visual, video, image(s), or infographics to support what is being communicated.
- Less than one-third of resources were visually engaging—had accompanying visuals, were in color, emphasize key text, used clear fonts and had consistent brand recognition, allowing the reader to identify which agency authored the resource.
- None of the resources we evaluated communicated message independent of text.
- Close to three-quarters of resources evaluated do not depict a diverse workforce.

¹ Per Cross et al, 19849 and cited in Spector, 2004, cultural competency is “a set of congruent behaviors, attitudes, and policies, that come together in a system, agency, or amongst professionals and enables that system, agency or those professionals to work effective in cross-cultural situations.”

- The super-majority of educational resources assume that the worker has the agency to file a complaint, follow-up with the appropriate agency, and is culturally comfortable with the bureaucratic nature of labor disputes/violations.
- 88% of educational resources are developed for the individual worker and do not seek to build the capacity of the workforce or inform workers how they can support one another.

2. Learning from Focus Groups

We conducted two focus groups with immigrant and indigenous farmworkers to critically examine the aforementioned findings, account for immigrant worker experiences, and generate recommendations for the California Labor and Workforce Development Agency, sub-agencies, and community-based and advocacy organizations. The following agencies and community-based organizations were represented: California Labor and Workforce Development Agency, Department of Industrial Relations, Agricultural Labor Relations Board, Employment Development Department, Mixteco/Indígena Community Organizing Project (MICOP),² MICOP's Puente Project,³ Centro Binacional para el Desarrollo Indígena Oaxaqueño,⁴ California Rural Legal Assistance Foundation,⁵ and the Central California Environmental Justice Network (CCEJN).⁶

- Despite the outreach efforts made by LWDA and its sub-agencies, farmworkers rely primarily on their employers for information about their basic workplace rights.
- Current workplace culture does not support farmworkers to learn about their workplace rights and/or enforce change within the workplace when labor violations take place.
- Indigenous farmworkers remain disenfranchised because of the existing language barriers.
- Farmworkers heavily rely on information networks established among their coworkers.
- The organizations seek to establish coalition-based support when engaging with immigrant and indigenous farmworkers.
- There are ongoing opportunities to formalize coalition-based support and current efforts to establish mechanisms for cross-organizational collaboration.
- There is a need for broader and ongoing informational workshops to effectively understand and network with agencies.

The evaluation of educational materials and subsequent focus groups with immigrant farmworkers and agency and staff representatives allowed the UCLA Labor Center to identify the cultural and linguistic barriers within LWDA's educational resources and identify best practices to overcome these challenges. To address these, we offer the following recommendations:

1. Be clear

- a. Create descriptive titles and follow a specific format to easily communicate topic and purpose of material.
- b. Include an introduction or a summary of main points and a conclusion.

2. Increase visual accessibility

- a. Develop key materials in formats other than text (e.g., video, audio).
- b. For text-based materials, include infographics and images.

² The Mixteco/Indígena Community Organizing Project (MICOP) unites indigenous leaders and allies to strengthen the Mixtec and indigenous immigrant community in Ventura County.

³ The MICOP Puente Project works in partnership with the First 5 program in Oxnard to provide child development programs and services. Puente supports indigenous migrant and Spanish-speaking families.

⁴ The Centro Binacional serves to foster and strengthen the civic participation, political resistance, and economic, social, and cultural development of indigenous communities.

⁵ Rooted in the farmworker movement of the 1960s led by César Chavez, the California Rural Legal Assistance Foundation is a privately funded rural justice center focused on serving farmworkers and low-wage rural workers, regardless of their immigration status.

⁶ CCEJN's goals are to preserve natural resources now and in the future, by seeking better ways to minimize or eliminate environmental degradation in Central Valley communities.

- c. Use a color scheme to code topics.
- d. Highlight, in a visually engaging way, the ways workers can protect their workplace rights, beyond filing a workplace violation complaint.
- e. Include agency logo, a brief description of the agency, the agency role in supporting the workforce, and accompanying contact information in different languages.

3. Translate for comprehension

- a. Translate the materials outlined in Appendix B.
- b. Implement the following translation protocol:
 - i. Translators should seek to understand the strengths and limitations of the text by examining: implicit and explicit assumptions, the knowledge that would be required to engage with and/or actualize the information that is being presented, as well as any cultural biases and/or assumptions about the workforce.
 - ii. Translators should seek to understand the workers' reading comprehension level
 - iii. Translated texts should seek to mediate identified challenges, be at the same reading level as the English material, and when possible translated into primary reading levels to accommodate the workers with limited reading comprehension
 - iv. Texts should be translated by a native speaker.
 - v. Translations should be checked for spelling and grammatical errors.
 - vi. Translations should be checked by another native speaker from the agency and a native-speaking worker.
 - vii. Recommendations from other native speakers and workers should be implemented.

4. Write for all reading levels

- a. Utilizing a computer-calculated index to understand the readability score, including the level of education needed to understand text-based content, vocabulary utilized, grammar, and length of sentences.
- b. Develop target reading comprehension levels for materials. Use primary grade levels where possible.
- a. Once targets have been defined, ensure consistency within and across materials.

5. Include content that engages workers

- c. Include additional information about the labor agency, when the agency was established, and how the labor agency ensures labor law compliance.
- d. Demystify formal processes to file labor complaints. For example, include a script on how to communicate with labor representatives, FAQs, timelines, and what course of action workers can take if they are not ready to file worker's grievances or feel too intimidated to engage in the process.
- e. All materials should promote organizing among the collective workforce and coalition-building, so that educational resources are developed beyond the individual needs of the worker.
- f. Provide printed materials to ensure that workers who have no or limited internet access can still access educational materials.

6. Additional Recommendations

- g. Revise documents for farmworkers. Service workers should identify the most salient workplace issues across the LWDA agencies and revise materials from the perspective of farmworkers.
- h. Develop materials to increase their utility in the workplace. Some examples include perforated business cards with agency contact information, magnets or stickers that include the agency logo and emergency contact information, water bottles with agency contact information and rules regarding water breaks, SPF sun hats with agency contact information and health and safety recommendations, and pocket sports towels printed with agency information.

- i. Include non-agency resources for workers, such as information on community partners and worker organizations.
- j. Develop a cultural competency curriculum for service workers that incorporates key findings, best practices, and recommendations outlined in this report.

I. Introduction

Studies demonstrate that when historically disadvantaged populations face cultural and language barriers in the workplace, they are more likely to experience workplace abuse (Flores 2017; Garcia and Sanjuan 2013; Varney 2017; Villarejo et al. 2000). Our review of the existing literature sought to further identify workplace challenges experienced specifically by indigenous farmworkers—to identify limitations within the current educational resources, determine the educational needs of a diverse workforce, and inform the tools and methodology for this research project. In this section, we outline current cultural and language competency issues and debates.

Diversity of the Indigenous Workforce

The indigenous immigrant population in California includes an estimated 120,000 adults and 45,000 children. Per the California Research Bureau (2013) the supermajority of farmworkers are Latina/o (92%),⁷ not born in the United States (86%), and noncitizens (77%).

Although the percentage of Mexican-born farmworkers has declined from 79 to 68%, Mexican-born immigrants still make up the majority of the California farmworkers (California Research Bureau 2013). Among Mexican-born farmworkers, there has been an exponential increase of indigenous farmworkers. As an example, in 1997 only 5% of Mexican-born immigrants were indigenous whereas an estimated 20% of Mexican-born farmworkers are indigenous (California Research Bureau 2013). The majority of indigenous farmworkers migrate from the states of Oaxaca, Guerrero, Michoacan, Chiapas, Puebla, and Veracruz. The estimated farmworker indigenous population in California is 39,200 (Mines, Nichols, and Runsten 2010).⁸

Mexico is an ethnically diverse country with distinct ethnic-based languages, customs, and cultures (Fox and Rivera-Salgado 2004). The Mexican government has recognized 68 indigenous languages, and major indigenous languages include Mixteco, Zapoteco, Triqui, Mixe, Purepecha, and Nahuatl. Among California farmworkers, twenty-three indigenous Mexican languages are spoken, though the majority of farmworkers speak Mixteco, Zapoteco, or Triqui (Mines, Nichols, and Runsten 2010). There are substantial language variations, and the majority of indigenous language speakers in the United States are not literate in their indigenous language (INLI, 2009). Current studies establish that additional language barriers exist within and beyond the workplace; though the majority of indigenous farmworkers are from Mexico, they have varying abilities in speaking, reading, and writing Spanish. Such characteristics of the workforce illustrate that though the majority of farmworkers are from the same country, language proficiency levels are neither uniform nor standard.

Such diversity requires researchers and service providers to account for the multidimensional needs and workplace experiences of the population. In the next section, we identify current workplace challenges and the prevalence of workplace hardships and exploitation among indigenous workers.

Workplace Challenges

California farmworkers experience various workplace challenges due to the physical nature of the work, long-standing agricultural practices, and the sociopolitical marginalization of the workforce. Among the most salient work experiences for farmworkers are: 1) poverty wages; 2) harsh working conditions; 3) lack of healthcare coverage; and 4) racial and social hierarchies that perpetuate workplace inequities and exploitation.

According to the California Research Bureau (2013), 78% of farmworkers do not have a high school diploma or equivalent. Research suggests that lower educational outcomes are more common among indigenous

⁷ The remaining 8% breakdown is as follows: 5% white, 2% Asian American, and 1% African American.

⁸ This estimate includes farmworkers and their families.

populations. For example, indigenous populations average fewer years (6.5 years) of schooling completed and generally have less access to a quality education.

Similarly, the median income for California farmworkers is below the poverty line (\$14,000 per year) and even lower among indigenous farmworkers. As an example, a representative study of California indigenous farmworkers found that one-third were earning less than the minimum wage, and they are more likely than non-indigenous farmworkers to experience wage stagnation (California Research Bureau 2013; Fox and Rivera-Salgado 2004; Garcia and Sanjuan 2013).

The physical nature of the job exposes farmworkers to various occupational risks and hazards, including work accidents, pesticide-related illnesses, musculoskeletal and soft-tissue disorders, respiratory health problems, and reproductive health problems (Farquhar et al. 2008; Mobed, Gold, and Schenker 1992; Villarejo et al. 2000). Studies also demonstrate that occupational risks and hazards are worse for aging farmworkers (Varney 2017). Further complicating these issues is the lack of healthcare coverage among the majority of the workforce. Only about 37% of farmworkers have access to health insurance and among those, 16% rely on public insurance (i.e., Medicare and Medi-Cal) to access healthcare services.

For indigenous farmworkers, workplace challenges are compounded within and beyond the workplace because of race and class dynamics. The violent colonization of Mexico established racial and social hierarchies in which indigenous people were marginalized, exploited, and disenfranchised from society (Fox and Rivera-Salgado 2004; Rivera-Salgado and Rabadan 2004; Hester 2015). For indigenous people in Mexico, this translates to higher poverty rates, lower educational outcomes, and higher infant mortality rates (Garcia and Sanjuan 2013; Mines, Nichols, and Runsten 2010). Racist attitudes and behaviors toward indigenous peoples are not unique to Mexico. In the United States, indigenous farmworkers also occupy a marginalized and exploited space within society, in part due to their recent arrival in the country and hardships experienced prior to their migration. Indigenous farmworkers experience higher levels of poverty, and prejudiced attitudes and behaviors toward indigenous farmworkers are common within and outside of the workplace (Hester 2015; Oaxacalifornian Reporting Team 2013).

Incorporating Best Policies and Practices into our Research

One of the key strategies to address these challenges is the development of educational resources that support language access for a Limited English Proficient (LEP) population. This requires practitioners to consider: 1) the diversity of indigenous languages spoken; 2) the varying capacities of workers to read, write, and speak English and Spanish; 3) the need to translate English educational resources into languages other than Spanish; and 4) the importance of developing resources that can convey content beyond text.

Research demonstrates that in order to effectively communicate with LEP populations, understanding the language diversity and educational barriers among the populations is first and foremost (Beach et al. 2005. 356; Carpenter-Song, Schwallie, and Longhofer 2007). This approach will support determining the current capacity of service providers and the specific types of training needed for them to meet the identified needs of the LEP population (Hester 2012; 2015). Service providers should conduct an inventory of local language services to pool language access resources, including ethnic media and radio, community organizations that have worked with the population, and ethnic cultural community groups (Vasquez 2017). Whenever possible, practitioners should seek to work directly with indigenous populations to solicit feedback about the services provided and determine what additional resources could be helpful. Practitioners need to develop culturally competent approaches that affirm diverse perspectives and seek to co-develop resources with the population (Jenks 2011).

Particularly important to the development of this research project were exemplary studies conducted by Rebecca Hester (2012; 2015) that demonstrated best policies and practices for indigenous populations. Hester (2015) contextualizes best policies and practices within the sociopolitical reality of indigenous populations and demonstrates how service providers who do not seek to examine their own biases, prejudices, and racism may perpetuate institutionalized language access barriers. We utilized Hester's approach to develop our overarching objectives for the development of the evaluation tools and learning modules. The guiding principles are as follows:

1. Educational materials need to address existing inequalities, based on the experiences of workers, and affirm parity between the holder of knowledge and the workers.
2. Training modules should not reaffirm existing inequalities or essentialize the experiences of indigenous workers.
3. Training and educational materials need to recognize disparate experiences among indigenous immigrant farmworkers, due to the diversity of the workforce.
4. Educational resources and training modules should not overtly or covertly be grounded in the language of tolerance,⁹ as this model perpetuates hierarchies and inequalities.
5. Training modules need to provide opportunities for educators to acknowledge and reflect upon their personal biases and cultural point of reference. This form of reflection permits educators to understand how their personal experiences and identities influence how information is taught.
6. Training modules need to provide opportunities for educators to acknowledge their own limitations, the damaging practice of assuming superiority of knowledge, and race- and class-based assumptions about themselves and their respective employers.
7. Training modules and educational resources need to instill and affirm worker agency.

We also incorporated guiding principles from Paulo Freire's *Pedagogy of the Oppressed* (1973) into our assessment, recognizing the following popular education practices as key tools for workers and educators to identify inequities within the workplace:

1. Critical reflection on socioeconomic and political conditions and how current work systems and structures perpetuate inequality;
2. the belief in the ability of workers to take action and build coalition-based support;
3. using diverse worker experiences as a point of reference in developing educational materials,
4. providing opportunities for workers to become instructors and recognizing the ways their knowledge advances the collective well-being of the workforce;
5. accounting for historic and institutionalized structures that prevent social equity and how those systems and structures influence current sociopolitical conditions
6. establishing a sense of trust that builds the capacity within the workforce
7. identifying collective experiences and the intersectionality and multidimensionality of individuals; and
8. establishing a space in which the creative production of knowledge is cultivated with and for the workforce.

II. Methodology

With the preceding in mind, we drew upon critical concepts regarding indigenous populations, as developed by Hester (2015), Brown (2006), and Freire (1973) to develop an evaluation process that sought not only to enhance readability of content, but also to interrogate communication methods, cultural biases, and ethnocentrism. The evaluation process consisted of two phases. During the first phase, we developed a culturally competent readability tool for identified educational resources from the Labor and Workforce Development Agency (LWDA) and respective sub-agencies (Department of Industrial Relations, Labor Enforcement Task Force, Labor Commissioner, Division of Occupational Health and Safety, Employment and Development Department, and the Agricultural Labor Relations Board). During the second phase, we conducted two separate focus groups with LWDA and sub-agency staff, community-based and advocacy organizations, and farmworkers, to collectively reflect on preliminary findings from Phase I and gather additional data about challenges and access to culturally competent educational materials.

Phase I: Textual Data Analysis

The California Labor and Workforce Development Agency (LWDA) provided the research team with a list of 36 identified educational resources. We then compiled additional resources found on LADWA and sub-agencies'

⁹ Per Rebecca Hester (2015) and as presented by Wendy Brown (2015) tolerance is not an inclusive concept, rather it can be used as a mechanism to determine what is and is not deviant. Ultimately, this concept does not permit equality.

websites to create a comprehensive inventory of educational materials, totaling 86 resources (See Appendix B). We selected a sample of 46 (53%) educational resources to conduct an in-depth evaluation using our culturally competent readability tool (Appendix C). LWDA and the UCLA Labor Center determined that we would prioritize evaluating all of the Spanish educational resources for two reasons. First, the number of Spanish educational resources (37) constituted an appropriate sample of the educational materials. Second, given the importance of understanding cultural and linguistic barriers, evaluating translated materials allowed for a more meaningful engagement with resources that had been developed for non-native English speakers.

Table 1 below illustrates the number of materials assessed, topics and languages available by each authoring agency.

Table 1: Summary of Materials Assessed

Agency	No. of Materials Assessed	Topics	Language
Agricultural Labor Relations Board (ALRB)	16	Workers' rights, unfair labor practices, unionization, farmworker labor relations, and farmworker union rights	Spanish
Cal-OSHA	9	Workplace safety, sun exposure safety for farmworkers, tractor safety, and high-risk exposure to wildfire for outdoor workers	English and Spanish
EDD	5	Paid family leave	Spanish
DIR/Labor Enforcement Task Force (LETF)	15	Unpaid wages recovery, labor rights violations, unlawful activities, worker's compensation, worker meal periods, worker rest periods/lactation/accommodation, and reporting employer retaliation	English and Spanish

The evaluation tool comprised a five-step content analysis process—*Classification and Topic, Topic and Engagement, Readability, Critical Analysis of Educational Materials, and Final Evaluation*—to correctly identify the educational resource and assess the material.

As an initial step, we created a system to identify and categorize educational resources for workers into five main categories (Text, Image, Infographic, Audio, and Video). After the educational resource was categorized into one of these categories, we documented general topic, audience, format, and whether or not the resource included a descriptive title, summary, introduction, and conclusion.

Then the second step of the process, *Topic and Engagement*, examined the specific topic(s) and method in which the information was presented. We evaluated length of text, accompanying images and infographics, content organization, and added general comments about the presentation of the educational resource.

We examined the *Readability* of the educational resources using readability scales in English and Spanish to confirm reading grade level, level of education needed to understand the material, and reading ease of each educational resource.

For the *Critical Analysis of Educational Materials* and as an aid to interrogate the content of the educational resource, we developed 25 questions pertaining to cultural biases, assumptions, worker experiences, and educational resource accessibility. The *Critical Analysis of Educational Material* step in the evaluation process allowed us to understand explicit and implicit messages derived from the educational resource.

The concluding step to our evaluation tool was generating *Final Evaluation* summaries for every educational resource that was evaluated. In this step of the process, and based on the sum of the previous evaluation, we summarize the purpose of the educational resource, its respective strengths and its limitations in being

accessible to immigrant and indigenous farmworkers, and recommendations to improve effectiveness and broaden access.

Upon the completion of the content analysis for all educational resources in our sample, we utilized Qualtrics to find additional descriptive statistics about our sample, including: the general and subtopics addressed, number of visual, video, and audio material that has been implemented with text-based educational resources, the types of formats utilized to present educational materials, and the extent text-based material include descriptive title, summary, introduction, and conclusion.

Phase II: Focus Groups

Ensuing the completion of the textual data analysis process, the research team worked closely with LWDA to organize five focus groups composed of LWDA and sub-agency staff, community-based and advocacy organization staff, and farmworkers. The purpose of the focus groups with agency, community-based, and advocacy organization staff was to understand how educational resources were developed for farmworkers. In particular, we sought to discern challenges in communicating with immigrant and indigenous farmworkers. Participants from community-based and advocacy organizations were recruited to ascertain their best policies and practices in providing support for indigenous populations. Separate focus groups were conducted with farmworkers to understand their experienced challenges within the workplace and when interfacing with LWDA or community-based and advocacy organizations. The focus groups also presented an opportunity for immigrant and indigenous farmworkers to provide recommendations as to how they could be better supported.

The format of each focus group consisted of outlining the purpose of the group and providing a review of our textual data analysis process and preliminary findings. After our presentation, we followed a structured interview protocol that included discussion among participants. During our presentation, participants had the opportunity to provide feedback and ask clarifying questions about the research study and preliminary findings, as we sought to establish a collaborative and authentic conversation with the focus group participants.

The LWDA and sub-agency focus group took place on May 10, 2018. Nineteen participants represented the following sub-agencies of the Labor and Workforce Development Agency: Department of Industrial Relations, Agricultural Labor Relations Board, and the Employment Development Department.

Two focus groups were conducted with community-based and advocacy organizations, one on May 12, 2018, and the other on May 18, 2018. These focus groups consisted of 19 participants total from the following organizations: Mixteco/Indígena Community Organizing Project (MICOP), MICOP's Puente Project, Centro Binacional para el Desarrollo Indígena Oaxaqueño, California Rural Legal Assistance Foundation, and Central California Environmental Justice Network.

Two focus groups were conducted with immigrant and indigenous farmworkers, one on May 12, 2018, and the other on May 18, 2018. A total of 19 farmworkers participated in these focus groups. Among the participants, nine spoke an indigenous language.

All focus groups were recorded and transcribed in their entirety. For the purposes of this report, we are only including findings that pertain to the following topics: 1) how educational resources are developed for farmworkers and indigenous populations; 2) challenges experienced when developing resources for the workforce; 3) additional support needed to develop effective educational materials; and 4) suggestions for LWDA and sub-agencies to develop culturally competent educational materials.

III. Findings

Findings: Phase One

In this section, we present findings as they pertain to the evaluation of materials (Appendix C). We first present the primary findings from the textual data analysis and thereafter the findings according to the aforementioned sections of Classification and Topic, Topic and Engagement, Readability, and Critical Analysis of Materials. The implications of the findings are reserved for the Recommendation section of the report.

Topic, Engagement, and Readability Evaluation

Classification and Topic

Almost all of the materials (96%) that were evaluated had appropriate titles and indicated that the purpose of the material was to impart knowledge on a particular topic. However, less than one quarter of the materials included a summary stating the purpose of the material, and only 38% included a conclusion that indicated or reiterated that its purpose was to impart knowledge on a specific topic. The title, introduction, summary and/or conclusion did not clarify at times who the materials were developed for or specifically how the materials were meant to support the workforce.

Approximately two-fifths of the educational materials that were assessed were specific to labor laws, and over one-third pertained to workers' rights. The following is a summary of how many materials were reviewed by workplace topic:

Table 2: General Topics Addressed in Educational Materials

Topic	No. of Materials	Percentage of Total Materials
Labor laws	19	41
Basic worker rights	16	35
Health and safety	12	26
Labor unions	7	15
Labor relations	4	9

We also identified the main subtopics addressed in the materials and found that 28% pertained to safe working conditions and 26% addressed wages.

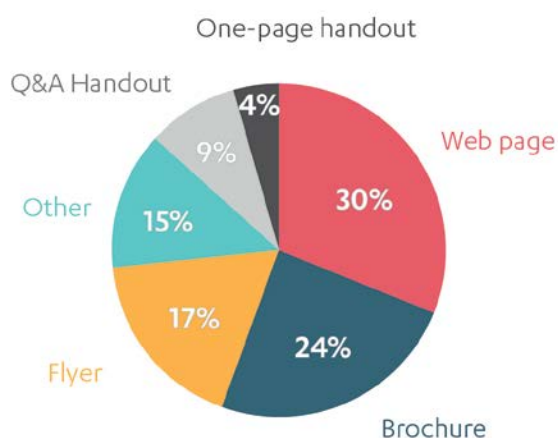
Table 3: Subtopics Addressed in Educational Materials

Topic	No. of Materials	Percentage of Total Materials
Safe working conditions	13	28
Wages	12	26
Minimum wage	8	17
Rest breaks	8	17
Meal breaks	7	15
Fair treatment	7	15
Overtime	7	15
Unemployment	6	13

Format and Content

Our analysis found that the majority of materials were text-based and included brochures, web pages, or handouts, as shown in Figure 1 below:

Figure 1: Format of Educational Material



Though in our initial analysis, we sought to evaluate content in a variety of formats (i.e., video, audio, etc.) all of the materials we evaluated were text-based.

We also assessed the length of the educational materials and found that on average, educational resources were 3 pages. The lengthiest resource we evaluated was 70 pages long, and close to 40% of the materials were 1–2 pages long.

Approximately 46% of the materials had accompanying visuals to support the text; 44% had accompanying images, and 9% had infographics. We note that among the lengthier resources (10 or more pages), close to two-thirds (63%) included more than 15 accompanying visuals. But perhaps more alarming is that none of the resources we evaluated, even those with images or infographics, communicated message or content independent of text.

Less than one-third of resources were visually engaging—had accompanying visuals, were in color, emphasize key text, used clear fonts and had consistent brand recognition, allowing the reader to identify which agency authored the resource.

All materials were organized by topic and subtopic, and this provided an effective way to navigate the information outlined within each resource. However, 48% of materials were not in color, and 28% did not include logos from the labor agencies.

Though the majority of our sample included materials that were translated into Spanish, we conducted a thorough inventory of all educational materials and identified which materials had been translated to specific languages (Appendix A). In addition, from our sample, we identified five resources that were not translated correctly. Comprehensive notes regarding the translation of these materials can be found in Appendix E.

Readability

The assessed materials varied greatly in reading comprehension levels, from primary education (generally 6th grade) to high school or college-level education required to understand the content. In addition, almost 9 in 10 of the materials evaluated varied internally in the education level required to understand the content. So reading comprehension levels are not uniform within resources or across resources developed by different sub-agencies.

Critical Analysis of Materials

Because the majority of the materials were developed as text, there is an inherent assumption that workers have the ability to read and that reading is their primary method of learning. In addition, in the majority of materials, there was an assumption that the worker is somewhat familiar with 1) labor agencies; 2) labor laws in California; and 3) the ability to file formal labor complaints through the appropriate agency. So workers who are not familiar with these may be disengaged from the onset.

For the most part, workers were assumed to be capable of advocating for themselves within their respective fields and managing workplace challenges using the information provided. This approach does not provide workers with information about what to do if they feel too intimidated to participate in filing formal workplace complaints and/or do not have the resources to sustain hardships associated with the grievance process (i.e., how to sustain oneself upon experiencing wage theft). Further demonstrative of this dynamic was the implicit message that was consistently communicated in the materials from various agencies—that it is the worker’s responsibility to identify labor violations and take action to rectify the situation. It is also unclear the extent to which the agency can ensure the employer is compliant in following labor laws.

Though 54% of materials include visuals of workers and/or vignettes or infographics, the majority of materials are not based on the experiences of workers. Our assessment also identified a lack of diversity when it representing workers’ experience, with only 28% of materials depicting a diverse workforce. In addition, workers who cannot read or do not have internet access would not be able to access the majority of the materials. Rarely do materials reference larger, systemic issues or the history of the labor movement pertaining to the topic discussed. These issues all indicate that the resources were not prepared with worker experiences in mind.

Perhaps most importantly, the majority of the materials were developed for the individual worker and do not seek to build worker solidarity. For example, the described actions that workers can take to defend their workplace rights and protections usually do not include supporting their colleagues and or ensuring that coworkers affected also have access to the materials.

Findings: Phase II

Immigrant and Indigenous Farmworkers

When the immigrant and indigenous farmworker focus groups participants spoke about their labor rights and access to information, they shared the labor violations they experienced or witnessed at their workplace. Experiences ranged from not receiving the appropriate health and safety trainings to tolerating ongoing workplace violations for fear of dismissal or employer retribution. The specific findings were as follows:

- Participants primarily relied on their employers to inform them about their workplace rights and health and safety processes. However, the racial and social hierarchies within and beyond the workplace allow employers to provide minimal information and insufficient training. Participants also expressed that when they do receive information about their workplace rights or health and safety information, employers are motivated to provide this information due to company policy and/or acting in the fiscal interest of the company. Therefore, the employer does not take a general interest in the overall well-being of the workforce. Employer-based trainings are often cut short, are incomplete, or do not engage workers or seek to confirm if they understood the information provided. Employers also promote a culture of fear by threatening reprisal when workers seek clarification or engage in self-advocacy within the workplace.
- None of the participants had ever received information from an employer in an indigenous language and in their experience, Spanish was the only language that employer-based information was translated into.
- In addition to receiving information from their employer, participants also had opportunity to access information from materials posted in the workplace (i.e., information boards, posters, etc.), via radio and television, and when attending workshops or meetings usually hosted by community-based and advocacy organizations, such as, MICOP and Centro Bicenacional. Though participants would rather receive information from an agency or community-based and advocacy organization, this form of communication was less common.
- Participants emphasized that they mostly relied on networks established among their coworkers to inform one another about their labor rights and health and safety on the job. Coworkers provided one another with support and helped disseminate information.
- Participants confirmed repeatedly that when they received information in Spanish, the information was challenging for them and their indigenous-speaking coworkers to understand, regardless of who

was providing it. This language barrier had an isolating impact on the workers and perpetuated workplace violations.

- Participants emphasized the importance of not only translating materials into indigenous languages but doing so in a manner that was considerate of varying vocabulary levels and included an opportunity for participants to ask questions of agency and community-based and advocacy representatives. When workshops are not translated by agencies or community-based and advocacy organizations, they are communicating to farmworkers that the information being discussed is not for them, and this perpetuates poor workshop attendance and community participation.
- Furthermore, participants discussed that the disparate educational levels amongst the workers meant that written material had absolutely no impact in informing coworkers who were illiterate or had minimal education. Participants emphasized the need to be able to access information through different media.

LWDA and Sub-Agency Staff

The majority of participants from LWDA and sub-agencies spoke at length about how engaging in this work was personal for a number of reasons. The majority were the sons and daughters of immigrants and had been impacted by the sociopolitical challenges immigrant farmworkers experienced. They hoped their work for their respective organizations would make a positive difference for historically marginalized populations. So their challenges in producing culturally competent educational materials for farmworkers was not due to a lack of care or concern. Below are the findings pertaining to the experiences of LWDA and sub-agency staff:

- There is no established method for departmental agencies to develop educational materials for immigrant and non-Spanish-speaking populations. Agencies have different capacities according to their budget, the languages spoken by personnel, and resources. For example, the “Water, Shade, and Rest” campaign was successful in part because of its sizeable budget, the agency’s ability to conduct focus groups with farmworkers, and its partnerships with labor-advocacy and community organizations to develop the materials. The agency’s ability to include accompanying public service announcements with developed materials aided the success of the campaign. In contrast, other agencies and staff have not had the resources to engage in a comprehensive process when developing educational materials, resulting in materials that vary in scope, community engagement, presentation, and translation.
- There is an organizational culture that promotes the use of highly technical language for educational materials. This culture perpetuates the development of heavily text-based materials, makes it challenging to redevelop materials that are visually engaging, and is not considerate of varying levels of reader literacy. Staff are also unsure how much time and resources should be allocated to develop materials with an accompanying social media campaign.
- When staff develop educational materials, this work is in addition to their regular workload and competes with their other agency roles and responsibilities. Sub-agencies that have been the most successful in developing culturally competent educational resources for historically marginalized staff have established a process within the agency to engage in this work and hired additional staff to support the increased workload.
- Unfortunately, when staff have utilized private translation services the services have often been costly and ineffective.
- Though staff would like to become better trained on how to develop culturally competent materials, there are limited resources they can access, and LWDA has not established a means for staff to receive ongoing training and support.
- At a minimum, staff would like to understand what the best practices are to develop culturally competent material. Staff agreed to start by seeking out an in-depth understanding of what other agencies were doing to support immigrant, indigenous farmworkers and which best practices agencies could immediately adopt.
- Regardless of how materials are developed for the workforce, the dissemination of resources is an ongoing challenge that impacts staff across organizations. Staff need support in the following areas: 1) understanding what information that their agency develops would be most helpful to immigrant and indigenous farmworkers; 2) knowledge about social services that are available to the population; 3) how to establish trust with non-Spanish-speaking, indigenous populations; 4) how to communicate

their job responsibilities to the workforce so the workers understand how agency staff can be of assistance; and 5) assessing whether their developed materials are having a positive impact in changing worker behavior.

- All staff stated the need to establish partnerships with community and advocacy organizations to develop educational materials that were responsive to the needs of the workforce.

Community-Based and Advocacy Organizations Representatives

Representatives from community and labor-advocacy organizations also spoke at length about their tireless commitment to ensuring the well-being of immigrant and indigenous populations. Though the organizations support the immigrant and indigenous community across a number of issues, such as child and family welfare, immigrant rights, healthcare access, etc., all participants stated that informing the population about their basic workplace rights is paramount and central to their capacity to appropriately support the population. The salient findings from the two focus groups were as follows:

- Representatives found that the most effective method to communicate with indigenous populations was to verbally engage with them in their native languages. The organizations used written resources as a conversation guide and when possible, they attempted to develop visually engaging material. As a best practice, the organization representatives also included a question and answer period so that people were engaged and comfortable seeking clarification.
- In various contexts, representatives had distributed materials developed by LWDA and its sub-agencies. Often the organization representatives had to seek out the materials, revise them so that the language was more accessible for varying levels of reader literacy, and then orally interpret the materials for indigenous workers. A number of participants found the materials developed by LWDA and its sub-agencies difficult to understand and too technical. When they experienced challenges in understanding this material, they did not always have information on who to contact or access to speak to an agency representative.
- Participants noted that the most effective campaigns conducted by LWDA and its sub-agencies utilized various platforms to deliver messages to the population (i.e., public radio, public service announcements, etc.). However, the participants also suspected that there were additional resources available, but they did not know how to access them or direct people to their services.
- All representatives understood the importance of working with and establishing effective coalition work with LWDA and its sub-agencies. They spoke at length about needing to attend informational workshops to better understand the resources that were available and to have the opportunity to network with agency staff. However, they felt that their expertise was not always valued since their experience was developed in organizing contexts and not necessarily from postsecondary or graduate education. These feelings were perpetuated when government agencies expected the organization staff to work for free or when they were not treated in the same professional manner with which a governmental agency would conduct business with a private consulting or translation service.
- The existing partnerships between labor agencies and community and labor-advocacy organizations are limited and not part of the agency organizational culture. Representatives felt that they needed an institutionalized process to inform partners about current projects for the population and vice versa.
- Participants also shared that they often have limited capacity, and sometimes governmental agencies are not mindful that when they collaborate with organizations, they are essentially taking on more work with limited resources.

IV. Recommendations

1. Be Clear

Though all of the materials that were evaluated had appropriate titles and indicated that the purpose of the material was to impart knowledge on a particular topic, we recommend that 1) titles be additionally descriptive and 2) follow a specific format to easily communicate topic and purpose of material. For example, a resource titled *Cal/OSHA Notice - Worker Health and Safety in Wildfire Regions* can be edited to read *Cal/OSHA Wildfire Safety Notice for Employees: How to Stay Safe and Report Safety Violations*. Given that less than half

of the materials included a summary and an introduction, it is our recommendation that an introduction and/or a summary of main points to be reviewed be standard for all materials. Similarly, all materials should include a summary to reiterate the purpose of the material and information and resources that were presented. It was often unclear to us who the intended audience was for many of the materials. Therefore, we also suggest that the title, introduction, summary, and conclusion reiterate who the materials were developed for and how they are meant to support the workforce.

Given that the majority of the educational materials that we reviewed, were specific to labor laws, we suggest that LWDA and respective agencies assess the most pressing workplace challenges to ensure that the material topics are in accordance with the workplace needs.

2. Increase visual accessibility

Evaluated resources were developed as text, and this is standard for LWDA and respective agencies. To reach a broader audience and meet varying literacy levels, we recommend that current resources be developed in different formats (e.g., flyer, brochure, one-page handout).

In addition, though 54% had visual images, close to two-thirds of resources did not include infographics and were not visually engaging. It is our recommendations that resources developed as text should seek to include infographics and images so that those with limited reading ability could understand the main topics and not have to rely solely on reading to understand the content.

It is our recommendation that agencies develop a color scheme for materials so that topics are coded by color and resources are easily identifiable. The agency should seek to challenge the idea that the bureaucratic process of filing a claim or labor violation is the sole action workers can take in defending their workplace rights. Materials should seek to highlight, in a visually engaging way, all the ways workers can protect their workplace rights beyond filing a workplace violation complaint. As an example, if an educational resource sought to provide information about workplace breaks, the materials could be developed to include 1) an accessible overview of workplace breaks and relevant labor codes; 2) an explanation of why it is the employer's responsibility to ensure that workers have access to their breaks and the consequence of not providing breaks; 3) a how-to guide for workers and employers to ensure that workplace breaks are part of the workplace culture; 4) instructions on how workers can keep track of their breaks; 5) an explanation of how not having access to workplace breaks is wage theft and sample wage theft claims that the worker can file; and 6) resources for filing a wage theft claim. Finally, all materials should include the LWDA or sub-agency logo, a brief description of the agency and what it does to support the workforce, and accompanying contact information in multiple languages. It is of particular importance that workers know how to access additional information about the topic and that there is an agency representative that they can speak to who will communicate in the language they feel the most comfortable with. As an example, see educational resource titled *All Workers Have Rights in California*.

3. Translation for Comprehension

We recommend the translation of key documents outlined in Appendix B. Given the identified challenges regarding translation (Appendix D), we suggest the following translation protocol be adopted as standard for LWDA and its respective agencies:

- i. First, translators should seek to understand the strengths and limitations of the text by examining: implicit and explicit assumptions, the knowledge that would be required to engage with and/or actualize the information that is being presented, as well as any cultural biases and/or assumptions about the workforce.
- ii. Translators should seek to understand the workers' reading comprehension level
- iii. Translated texts should seek to mediate identified challenges, be at the same reading level as the English material, and when possible translated into primary reading levels to accommodate the workers with limited reading comprehension
- iv. Texts should be translated by a native speaker.
- v. Translations should be checked for spelling and grammatical errors.
- vi. Translations should be checked by another native speaker from the agency and a native-speaking worker.

- vii. Recommendations from other native speakers and workers should be implemented.

4. Write for all reading levels

Since there was varied readability within resources and across agencies, it is our recommendation that the following steps be standard in modifying current educational materials and for the development of new educational resources:

- i. Utilizing a computer-calculated index to understand the readability score, including the level of education needed to understand text-based content, vocabulary utilized, grammar, and length of sentences.
- ii. Develop target reading comprehension levels for materials. Use primary grade levels where possible.
- iii. Once targets have been defined, ensure consistency within and across materials.

Note that in order for the readability steps to be adopted by agency representatives responsible for developing materials, it is necessary that they have access to reading variability tools (see Appendix D).

The assessed materials varied greatly in regards to reading comprehension levels, from primary education (generally 6th grade) to high school and/or college level education required. In addition, 86% had reading variability within each text resource. This meant that a material could have an introduction that had a 6th grade reading level and content that was 11th grade reading level. Though not all resources were this varied, it is important to note that reading levels are not uniform within resources and across resources developed by different agencies.

5. Include content that engages workers

To best support workers regardless of their familiarity with labor agencies, labor laws, and their ability to file a formal labor complaint, we suggest the following:

- i. Include additional information about the labor agency, when the agency was established, and how the labor agency ensures labor law compliance.
- ii. Demystify formal processes to file labor complaints. For example, include a script on how to communicate with labor representatives, FAQs, timelines, and what course of action workers can take if they are not ready to file workers' grievances or feel too intimidated to engage in the process.
- iii. All materials should promote organizing among the collective workforce and coalition-building, so that educational resources are developed beyond the individual needs of the worker.
- iv. Provide printed materials to ensure that workers who have no or limited internet access can still access educational materials.

Materials developed for workers should seek to promote worker organizing and coalition-building so that the needs of the workers are represented beyond individual interest. The materials should clearly state how labor agencies can enforce labor laws independently of worker grievances. When possible, the agency should clearly reference the experience of workers beyond worker vignettes, so that the diversity of worker experiences are represented. The video titled *End of Day (Hero: II)*, demonstrates how compelling health and safety information can be when the experiences of workers are included (Simeonov, n.d.).

To support worker access, labor agencies need to review which educational resources are solely available online and seek to develop these materials so that they can be accessed offline.

6. Additional Recommendations

Developing Materials in Different Formats

All of the materials we evaluated were text only or text heavy. We recommend that service workers do an inventory to determine which materials can be re-created as audio or video to support different learning styles and workers who have limited reading abilities. For example, when materials instruct workers to contact labor

agencies, it would be helpful if there were audio and video content of workers engaging with service providers, exemplifying what workers should expect. The following two resources are examples of best practices:

1. Video *Fin del Día*, Spanish version <https://vimeo.com/63207456>.
This video was developed by the California Poison Control System and the Western Center for Agricultural Health and Safety (WCAHS) from the University of California, Davis, in collaboration with the California Department of Pesticide Regulation. The purpose of this video is to inform agricultural workers about how to protect the health of their families from pesticides.
2. Video *Pesticide Safety for Agricultural Workers*, English version, <http://pesticideresources.org/wps/hosted/EPA-pesticide-safety-eng-cc-480p.mp4>.
This is a video created by the Pesticide Educational Resources Collaborative (PERC), a new cooperative agreement between the Environmental Protection Agency's Office of Pesticide Programs; the University of California, Davis, Extension program; and Oregon State University. The purpose of this video is to train agricultural workers on pesticide safety in their workplace.

The relatively short length of the video and the description of main topics facilitate access to this information. In contrast, the educational resource titled *Derechos de Salud y Seguridad: Información para los trabajadores de California* is text-heavy and difficult to understand.

Website Content

There were a significant number of resources that were accessible through the agency websites and were technical in nature. The materials were developed to explain specific labor codes and labor laws (i.e., wage theft, work breaks, etc.) and outlined employer obligations. To make these resources more accessible, we recommend that simplified and nontechnical language be used in the main text, with the technical descriptions of labor laws and codes included as hyperlinks. In some of these websites, there were additional resources available, but they were difficult to locate. It is also our recommendation that accompanying materials, such as webinars, supporting forms, etc., be clearly marked and easy to find. Finally, the websites should be mobile friendly and also make content available on social media.

Additional Support for Agency Forms

Given that many of the materials we reviewed suggest that workers file forms to help resolve workplace issues, we suggest that these documents include step-by-step instructions to demystify the process. The process should be outlined visually so that the purpose and information needed for each section is clear. Similarly, it would be helpful for agencies to develop webinars about filing forms to explain processes via video.

Redeveloping Documents for Farmworkers

This report establishes the unique needs and challenges that farmworkers experience and has identified that the majority of materials are not specific to farmworkers. Because of the diversity of the workforce, the UCLA Labor Center recommends that service workers identify the most salient workplace issues and redevelop materials from the perspective of farmworkers. This approach will ensure that farmworkers receive all relevant information and understand the application of labor laws specific to their unique workplace. As an example, if the topic is wage theft, the materials should show a typical paycheck that a farmworker would receive, the process of filing a wage theft claim, and what other documents need to be provided. Materials should allow participants to clearly see themselves resolving the issue and address their concerns. For example, materials should answer questions such as: Who am I going to speak to? What should I say? Can I remain anonymous? How do I know I can trust the agency?

Additional Utility for Materials

To help LWDA and its respective agencies disseminate basic information about their organization and contact information, materials can be developed to have additional utility in the workplace. For example, a resource titled *All Workers Have Rights in California* developed by the Department of Industrial Relations Labor Enforcement Task Force included a section for workers to take notes. Similarly, we generated materials that contained perforated business cards with agency contact information, magnets or stickers that include the agency logo and emergency contact information, water bottles with agency contact information and rules regarding water breaks, SPF sun hats with agency contact information and health and safety recommendations, or pocket sports towel printed with agency information. In developing this resource, we

were mindful of the workers' environment and their need to have items they can easily transport and use at work. It is our recommendation that any text added to these products also be translated.

Community Partners

Unfortunately, when farmworkers engage in an unfair labor practice claims, they may encounter additional challenges and may be obligated to sustain hardships while they seek resolution to their issues. For example, workers may have less income when they are filing a wage theft grievance. Therefore, it would be helpful for agencies to have information about organizations (i.e., workers centers, nonprofits, etc.) that can be of service to workers during these challenging times. The agencies' ability to demonstrate knowledge about community partnerships will further communicate to the workers that the labor agencies are invested in worker well-being.

A Curriculum for Service Workers

As a component of this project, the UCLA Labor Center developed a workshop for LWDA service providers (See Appendix A). The objective of the workshop is to share findings from this report so that LWDA staff can understand the significance of developing educational resources that are culturally competent and commensurate with the reading comprehension levels of their target population. Service providers will have an opportunity to learn about the following topics: 1) how to assess and evaluate the readability of their educational materials; 2) best practices for working with native-speaking populations and how to effectively translate materials; 3) how to critically examine personal biases and prejudice that impede cultural competence, and 4) resources that support the development of culturally competent material.

It is our understanding that LWDA has not previously provided this type of training for the workforce, and access to resources pertaining to cultural competency is limited. The UCLA Labor Center proposes that LWDA establish a cultural competency curriculum for service workers that include ongoing trainings and access to resources. The curriculum will ensure that the recommendations LWDA adopts as a result of this report are sustainable practices for the organization.

Software for LWDA Staff

To support cultural competency efforts, we recommend that LWDA and its sub-agencies utilize these tools when developing educational materials for the workforce:

1. Readableio (<https://readable.io/>) is an online program that allows users to upload text in English to determine readability. In addition to uploading the text in its entirety, users need to sample different parts of the resource (i.e., introduction, main text, and conclusion) to assess varying readability. For information regarding readability for non-English readers, we recommend reviewing this resource from the Readableio platform: <https://readable.io/blog/creating-readability-formulas-for-non-english-languages-the-problem-of-the-syllable/>.
2. Legible (<https://legible.es/>) is an online program that allows users to upload text in Spanish to determine readability. In addition to uploading the text in its entirety, users need to sample different parts of the resource (i.e., introduction, main text, and conclusion) to assess varying readability.
3. Typeform (<https://www.typeform.com/>) is a versatile data collection tool that can assess current cultural competency efforts as well as house best cultural competency tools and practices. As an example, we developed the following resource utilizing the Typeform platform: <https://sayilcamacho.typeform.com/to/xflyr>.
4. Canva (<https://www.canva.com/>) is a graphic design program that houses infographic templates and images that can be adopted to support the development of educational materials

Focus Group Recommendations

Recommendations from Immigrant and Indigenous Farmworkers

- First and foremost, agency representatives need to engage with the workers as much as possible within their place of work. This will not only increase representatives' understanding of the role of the organization and services provided but will also help promote a safer workplace environment in which the employer is obligated to comply with California labor laws. Specifically, when agency representatives are present the agency representatives are in a better position to hold the employer

accountable. Subsequently, the employer will implicitly understand that labor representatives are frequently available to enforce California labor codes.

- Whenever possible, agency representatives need to partner with community organizations to present in-person workshops that are translated appropriately for the workforce. In-person workshops provide an opportunity to demystify information, provide a collective understanding of current policies, and establish a safe space to have community dialogue about workplace concerns.
- In addition to redeveloping written materials to make them more visually engaging and visually informative, educational resources need to be developed in multiple formats. This approach is exemplified by the referenced “Shade, Water, and Rest” campaign. The multidimensional development of information includes: informational poster boards, pocket-sized leaflets, billboards, radio broadcasts (and particularly the use of indigenous radio programs), public service announcements, podcasts, social media, informative videos for different platforms, and television programming. It should be noted that regardless of primary language spoken, the supermajority of focus group participants had Facebook accounts and utilized the platform frequently to share information and remain connected.
- Agencies need to create additional policies and processes to ensure that workers are receiving the necessary information. Presently farmworkers are being asked to sign documents stating that they have received training when they often have not. The aforementioned power dynamics make farmworkers feel compelled to sign these documents. Agency representatives are in a more powerful position to ensure compliance. In addition, when an agency representative prioritizes employer compliance, they are relieving the vulnerable worker from having to self-advocate and risk employer retaliation. There also needs to be a mechanism to ensure that contracting groups hiring farmworkers are also providing information.
- In regard to best practices, the importance of receiving information in a smaller group setting with access to language interpretation cannot be overstated. Agency representatives and community-based and advocacy organizations need to establish workshops in smaller group settings that are accessible on an ongoing basis to accommodate the needs of the workforce. To effectively promote these workshops, LWDA and its sub-agencies need to work with established networks of communication within the workforce. Educational materials should not only provide information for the individual worker but should also seek to encourage and support workforce solidarity, which promote a safer work environment.

Recommendations from LWDA and Sub-agency Staff:

- LWDA needs to conduct an inventory of available resources currently being utilized by various departments and create materials that are available to all sub-agency staff. Given the challenges in coordinating efforts between agency departments, it is particularly important that LWDA take the lead in coordinating this effort and communicate effectively across agencies. LWDA needs to establish a mechanism for communication across agencies so staff who work with the population can keep one another updated on their efforts, current campaigns, and opportunities to collaborate.
- As the lead agency, LWDA needs to establish with its sub-agencies that there is a new organizational culture in which developing cultural competent educational materials is a priority. LWDA needs to allocate additional resources for staff to receive the training and support to redevelop materials. LWDA will need to increase staffing levels to accommodate newly established priorities and actualize the following objectives: 1) increased in-person availability for the workforce; and 2) coordinate an effective process to disseminate resources to the workforce. Finally, LWDA needs to develop a system so that staff who seek additional training and implement best practices are recognized by the agency and supported by supervisors.
- Despite the varying resources available for specific campaigns, every effort should be made by LWDA and sub-agency staff to digitize future educational materials and redevelop current educational resources in various formats, including: 1) posters; 2) social media posts (i.e., Facebook, Instagram, Twitter, etc.); 3) public service announcements for radio and television; and 4) informative videos that showcase the experience of workers. LWDA and its sub-agencies need to establish formal partnerships with indigenous radio and television networks to promote agency services and information in the indigenous community.
- LWDA and sub-agency leadership need to facilitate and support establishing and supporting relationships with community and labor-advocacy groups that work with immigrant and indigenous

populations. LWDA and staff should collaborate with community organizations to strategically develop efforts that are mutually supportive and beneficial.

- Because of the challenges LWDA and sub-agency staff experienced when employing private translation services and the need for increased financial support for community and labor-rights organizations, we encourage LWDA and its sub-agencies to formally employ organizations that can offer effective translation services. The community-based and advocacy organizations that were part of the focus groups, for example, are aware of the various linguistic and cultural nuances that need to be taken into consideration when developing materials into oral, indigenous languages.
- As LWDA develops resources to support staff, we encourage LWDA and sub-agency leadership to prioritize training for staff on the following topics: 1) determining what information their agency develops would be most helpful to immigrant and indigenous farmworkers; 2) social services that are available to the population; 3) how to establish trust with non-Spanish-speaking, indigenous populations; 4) how to communicate agency responsibilities to the workforce; 5) assessing whether their materials are changing the behavior of workers; and 7) how immigration status affects workers' ability to engage with services. Since community-based and advocacy organizations are experts on these topics, this is another opportunity for LWDA and its sub-agencies to consult and formally work with community and labor-advocacy organizations.

Recommendations from Community-Based and Advocacy Organization Representatives:

- LWDA and its sub-agencies need to understand which local and national organizations work with immigrant and indigenous populations and set up informational meetings and workshops to familiarize community and labor-advocacy groups with agency services and resources. LWDA and its sub-agencies need to seek to understand the best ways to collaborate with the organizations and reaffirm the importance of the work that non-agency groups are doing, often with limited resources. LWDA and its sub-agencies should seek to establish mutually beneficial partnerships, rather than just adding to the organizations' workloads. To begin, we recommend that LWDA and its sub-agencies reach out to the organization partners that participated in this focus group. Gaspar Rivera-Salgado has longstanding relationships with the organizations and can help broker these relationships.
- LWDA and its sub-agencies need to develop a series of information workshops for community and labor-advocacy groups that demystify the role of the agencies and create a space for dialogue about specific projects and feedback from workshop participants.
- LWDA and its sub-agencies need to be mindful of the existing racial and social hierarchies faced by not only immigrant and indigenous farmworkers but also community and labor-advocacy representatives. Often, these representatives are also part of the indigenous community and/or are former farmworkers. LWDA and its sub-agencies should treat community organization representatives as experts and affirm their sense of belonging and participation.
- In regard to the development of culturally competent resources, participants made the following recommendations: 1) for workshops, agency representatives need to develop resources that are visual in nature and at a primary-education level; 2) agency representatives need to work with translators from the community to account for linguistic and cultural nuances; 3) agency representatives need to be mindful of not perpetuate stereotypes; and 4) resources developed for the workforce need to be formatted so that workers can easily access and carry resources in agricultural settings. Furthermore, workshops should be in "train-the-trainer" format so attendees can easily further disseminate the information. Workshops and workshop materials need to be visually engaging and translated correctly.

Additional Recommendations from All Focus Group Participants

All focus group participants spoke about the current sociopolitical, anti-immigrant climate and how that impacts worker access to educational resources. The increased policing of immigrant communities has perpetuated fear and made immigrant and indigenous farmworkers less willing to seek information from governmental agencies or attend informational workshops. Though California is characterized as an immigrant-friendly state, farmworkers work and reside in counties that have historically been politically conservative. Therefore, we recommend the following: 1) LWDA and its sub-agencies should clarify how they support immigrant populations; 2) LWDA and sub-agencies should emphasize that regardless of immigration status, workers have labor rights and access to resources; and 3) that LWDA and its sub-agencies will not collaborate with Immigration Customs Enforcement (ICE) or make personal information available to ICE. To

further combat anti-immigrant sentiment, we also recommend that LWDA and its sub-agencies promote opportunities to learn more about indigenous culture and participate in community events that celebrate indigenous heritage. Both agency representatives and community-based and advocacy organization staff expressed interest in learning more about indigenous culture.

V. Discussion and Conclusion

To implement the previous recommendations requires that LWDA and its sub-agencies allocate appropriate resources to support organizational change. First and foremost, LWDA needs to demonstrate that the development of culturally competent educational resources is a priority across all agencies. The resources that LWDA provides—increased funding for the development of educational materials, in-house media and design work, more bilingual staff, etc.—will allow for the following: 1) professional development opportunities for staff on cross-cultural competency; 2) increased staff capacity to engage in the development of materials and work effectively with community and labor-advocacy organizations; and 3) an effective communication strategy regarding the consolidation of resources and best practices. It is encouraging that some sub-agencies have already adopted best practices in developing educational resources for farmworkers; however, the current resources are not enough for maximum engagement and impact.

Evidently, agency staff and community and labor-advocacy organizations are ready and willing to establish coalition-based support for immigrant and indigenous communities. LWDA is also equipped to institutionalize a process and protocols across agencies to promote participation from community-based and advocacy organizations and develop intentional work plans that address the identified challenges.

The immigrant and indigenous farmworker focus groups emphasized their ongoing marginalization and what is at stake when workers remained uninformed. We encourage LWDA to review the recommendations in their entirety and outline which changes can be implemented across all agencies. The UCLA Labor Center remains committed to supporting this project through its completion. Though organizational change is often difficult and slow-moving, the development of culturally competent resources for workers will further the mission and values of LWDA.

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Appendix A: Workshop Lesson Plan

Objectives

- Understand the implications of cultural competency in the development of educational materials for the workforce
- Ability to assess and evaluate readability of educational materials
- Ability to work with native speaking populations to effectively translate educational resources for the workforce
- Increased understanding of effective educational materials for the workforce
- Opportunity to examine personal biases and prejudices that impede cultural competence
- Access to resources that support the development of culturally competent educational resources

Materials

- Projector
- PPT presentations
- Vocabulary worksheet
- Indigenous farmworker diversity worksheet
- Group dialogue questions
- Sample educational materials for analysis
- Workshop evaluation forms
- Note cards
- Poster Board
- Pens
- Blank worksheets for notes

Directions

- I. Introduction- Use this activity to introduce the main topic of the workshop training and set a collaborative, inclusive tone for the remainder of the workshop*
 - Workshop leaders:
 - Introduction of self
 - Introduction of topic
 - Review the workshop agenda
 - Activity
 - Have participants introduce themselves and answer the following questions:
 - Why are you participating in this workshop?
 - What do you hope to gain from this training?
 - Write their responses on poster-board for everyone to see and to review at the end of the workshop for workshop development purposes
 - Activity
 - Have participants volunteer community guideline agreements to promote a safe and inclusive workshop space
- II. Review Basic Concepts- Use this activity to introduce concepts and vocabulary that will be utilized throughout the workshop. The purpose of this activity is to support the professional development of participants and familiarize them with concepts that they engage with as a component of their job duties.*
 - Activity
 - In groups of three, have participants collectively define the following terms: Equity, Cultural Competence, Linguistic Nuance, Readability, Accessibility, Critical Examination of Self (reflexivity)
 - Review their definitions and provide definitions per cultural competence literature
- III. Review Purpose of Research Project and Workforce Diversity- Use this activity to introduce how the project was conceptualized, the point of reference of LWDA and UCLA Labor Center Staff, and the diversity of the workforce/indigeneity diversity.*
 - Activity
 - Present Project Challenge slides

2. Present Workforce Diversity Slides
3. Explain how the skills of learning to develop educational material for indigenous farmworkers can be applied to working with other ethnic minorities and is part of their professional development as educators
- B. Activity
 1. While workshop leaders present, provide an opportunity for participants to fill out the indigenous farmworker diversity worksheet.
- IV. *Review Best Practices- Use this activity to introduce best policies and practices for working with diverse populations*
 - A. Activity
 1. Handout note cards for participants to develop their their own do's and don'ts list specific to their agencies and the educational materials they develop
 2. Collect the note cards and display on Do's and Don'ts poster board
 3. Have participants read out loud their Do's and Don'ts develop a large list with all participants
 - B. Activity
 1. Have participants select a best policy and practice that they would like to particularly focus on for the remainder of the workshop
 2. Have participants write down the policy and practice
 3. Transition to critical examination of self- explain how important that as educators they engage in this process (ongoing) to understand how they may (unknowingly) be reproducing institutionalized barriers as producers of knowledge.
- V. *Dialogue Circle- Use this activity as an opportunity for participants to reflect on their own participation in the development of educational materials, interrogate their implicit biases and assumptions, and understand how these dynamics influence their decision-making process.*
 - A. Activity
 1. In small groups, have them reflect on the following:
 - a) Their previous knowledge about indigenous communities?
 - b) How racism was perpetuated in their ethnic communities
 - c) Their cultural norms, "American culture" and what knowledge is assumed
 - d) Privileges they experienced growing up
 - e) Racism and biases they experienced growing up
 - B. Activity
 1. In small groups discuss the best policies and practices they selected
 2. Discuss how the previous discussion has shed additional information on their selected best policy and practice
 3. Discuss aspirations as educators and how they hope to improve their educational outreach
 4. Establish what they need to be supported as professional staff
 - C. Activity
 1. Collective debrief
 - a) Highlights about the discussion
 - b) Lessons learned
 - c) New personal insights

Lunch Break

- VI. *Methodology- Use this activity to additionally explain the research project, how the methodology was conceptualized, and findings about educational resources developed. In addition, participants will have the opportunity to evaluate materials developed.*
 - A. Activity
 1. Workshop leaders explain our process in evaluating educational resources
 2. Review overall findings
 - B. Activity
 1. Workshop leaders guide participants to compare and contrast the two selected educational resources

- a) What are the main differences between the two resources?
- b) What are some limitations about each resource?
- c) Which of the two resource do you think best communicates the information?
- d) How could the resources be improved?
- 2. Workshop leaders share specific findings about the two educational resources
 - a) Reading comprehension level of the introduction (page 1)
 - (1) Text readability is normal to a bit difficult
 - (2) Grade level 5.2 (5.2 years of school necessary to understand the introduction and the purpose of the text)
 - b) Reading comprehension level of the worker vignette (page 2)
 - (1) Text readability is normal to somewhat difficult
 - (2) Grade level 6.1 (6.1 years of school necessary to understand the worker vignette, a higher grade level than the introduction)
 - c) Reading comprehension level of worker rights (page 3)
 - (1) Text readability is very easy to normal
 - (2) Grade level 3.8 (3.8 years of school necessary to understand the employers of wages and obligations)
 - d) Also, these are some observations we made during our analysis:
 - (1) Readability grade levels varies from very easy to somewhat difficult
 - (2) Both educational resources assume that the worker knows about the agencies and is comfortable speaking to an agent representative
 - (3) Without knowing how to read, the infographics and images alone do not convey important information
 - (4) The resources are developed for the individual and do not seek to build the capacity of the workforce as a collective

C. Activity

- 1. Have participants share what improvements they would like to implement in the development of these issues

VII. *Pilot Educational Assessment Tool- Utilize this opportunity for participants to test the developed educational tool with a sample educational resource.*

A. Activity

- 1. Provide website link to participants
- 2. Have participants test tool
- 3. Have participants provide feedback

VIII. *Roundtable Discussion with Indigenous Workers- Utilize this opportunity for participants to ask questions about their outreach and how to best work with diverse populations.*

A. Activity

- 1. Panelists introduce themselves
 - a) Name
 - b) Occupation
 - c) Language spoken
 - d) Experienced challenges in the workplace
 - e) Their experience in working with agency frontline staff
- 2. Have participants write questions for panelists
 - a) Collect questions
- 3. Workshop leaders begin dialogue and then add participant questions to the discussion. Initial questions are as follows:
 - a) How do you perceive labor agencies?
 - b) Why would workers not feel comfortable speaking with agency representatives?
 - c) What do you wish agencies knew about your culture?
 - d) What is the best method to receive educational materials?

IX. *Close-out- Utilize this opportunity for participants to reflect on their professional development post workshop*

A. Activity

1. Form a circle and have participants share how they felt when they arrived versus how they are feeling now

Appendix B: Identified Educational Resources

Educational Resources from the Agricultural Labor Relations Board

Resource Title	Website location	Type of Document	Pages	Languages Available
Derechos y Obligaciones de Empleadores y Trabajadores en la Agricultura	http://www.alrb.ca.gov/content/pdfs/esp/anol/Novela_2005.pdf	Comic Magazine	16	Spanish
Agricultural Workers' Rights	http://www.alrb.ca.gov/content/pdfs/formspublications/pamphlets/workers_rights_1106.pdf	Pamphlet	3	English
What happens when a union wins an election?	http://www.alrb.ca.gov/content/pdfs/formspublications/pamphlets/union_wins_election_employees_1106.pdf	Pamphlet	3	English
Que sucede cuando una unión gana una elección?	http://www.alrb.ca.gov/content/pdfs/esp/anol/que_sucede_cuando_una_union_gana_1106.pdf	Pamphlet	4	Spanish
Unfair Labor Practices	http://www.alrb.ca.gov/content/pdfs/formspublications/pamphlets/ulp_employee_s_1106.pdf	Pamphlet	3	English
Prácticas de Labor Injustas	http://www.alrb.ca.gov/content/pdfs/esp/anol/practicas_de_labor_injustas_ULP's_1106.pdf	Pamphlet	3	Spanish
Sus Derechos Bajo La Ley Laboral	http://www.alrb.ca.gov/content/pdfs/esp/anol/sus_derechos_1106.pdf	Pamphlet	5	Spanish
Rights and Responsibilities During An Organizing Campaign	http://www.alrb.ca.gov/content/pdfs/formspublications/pamphlets/rights_employees_1106.pdf	Pamphlet	3	English
Remedies and Settlements	http://www.alrb.ca.gov/content/pdfs/formspublications/pamphlets/remedies_employees_1106.pdf	Pamphlet	2	English
Remedios y Acuerdos	http://www.alrb.ca.gov/content/pdfs/esp/anol/remedios_y_acuerdos_1106.pdf	Pamphlet	3	Spanish
Resumen de la Ley de Mediación Obligatoria Y Conciliación	http://www.alrb.ca.gov/content/pdfs/esp/anol/MMC_Summary_102606_Spanish.pdf	Pamphlet	2	Spanish
Lista de requisitos para la solicitud de mediación obligatoria	http://www.alrb.ca.gov/content/pdfs/esp/anol/MMC_Checklist_101606_Spanish.pdf	Pamphlet	3	Spanish
Handbook about the Agricultural Labor Relations Law	http://www.alrb.ca.gov/content/pdfs/formspublications/handbook/handbook0207.pdf	Handbook	35	English
Manual de la Ley de Relaciones Laborales Agrícolas	http://www.alrb.ca.gov/content/pdfs/esp/anol/Manual_de_la_Ley110106.pdf	Manual	41	Spanish

Ley de Negociación Colectiva	http://www.alrb.ca.gov/content/pdfs/espanol/Mandatory_Mediation_Q_A_Spanish1006.pdf	Pamphlet	11	Spanish
Agricultural Labor Relations Board Questions and Answers	http://www.alrb.ca.gov/content/formspublications/facts/factsheet_english.shtml	Webpage	1	English
La Ley de Relaciones del Trabajo Agrícola Preguntas Y Respuestas	http://www.alrb.ca.gov/content/formspublications/facts/factsheet_spanish.shtml	Webpage	1	Spanish
La Ley Laboral	http://www.alrb.ca.gov/content/espanol/spanish_handbook.shtml	Webpage	1	Spanish
Elections	http://www.alrb.ca.gov/content/pdfs/formspublications/pamphlets/elections_employees_1106.pdf	Pamphlet	3	English
Elecciones	http://www.alrb.ca.gov/content/pdfs/espanol/elecciones_1106.pdf	Pamphlet	4	Spanish
Derechos y Responsabilidades durante una Campana de Organización	http://www.alrb.ca.gov/content/pdfs/espanol/derechos_y_responsabilidades_1106.pdf	Pamphlet	4	Spanish
Compliance	http://www.alrb.ca.gov/content/pdfs/formspublications/pamphlets/compliance.pdf	Pamphlet	4	English
Cumplimiento	http://www.alrb.ca.gov/content/espanol/cumplimiento.shtml	Webpage	1	Spanish
Concerted Activity	http://www.alrb.ca.gov/content/pdfs/formspublications/pamphlets/concerted_activity_employees_1106.pdf	Pamphlet	3	English
Actividades Concertadas (Grupo)	http://www.alrb.ca.gov/content/pdfs/espanol/actividades_concertadas_1106.pdf	Pamphlet	4	Spanish
Consejo de Relaciones del Trabajo Agrícola- Aviso Oficial	http://www.alrb.ca.gov/content/pdfs/espanol/Aviso_Oficial_050213.pdf	Flyer	1	Spanish
Access	http://www.alrb.ca.gov/content/pdfs/formspublications/pamphlets/access_employees_1106.pdf	Pamphlet	2	English
Actividad Concertada	https://www.alrb.ca.gov/content/heatstress/concerted_activity_facts_spanish.shtml	Website	1	Spanish
Acceso	http://www.alrb.ca.gov/content/pdfs/espanol/acceso_1106.pdf	Pamphlet	3	Spanish

Educational Resources from the Department of Industrial Relations and its respective subdivision, the Labor Enforcement Task Force (LETF)

Resource Title	Website location	Document Type	Pages	Languages Available
All Workers Have Rights in California	https://www.dir.ca.gov/letf/What_are_your_rights_as_a_worker.pdf	Brochure	24	English
Todos los Trabajadores tienen Derechos en California	https://www.dir.ca.gov/letf/What_are_your_rights_as_a_worker_Spanish.pdf	Brochure	24	Spanish
Como reportar a un Empleador Incumplido?	https://www.dir.ca.gov/LETF/Spanish/Reporting_Unlawful_Activities.html	Webpage	1	Spanish
What makes a good lead?	https://www.dir.ca.gov/letf/good_lead_for_LETF.html	Webpage	1	English
Todos los trabajadores en California tienen Derechos	https://www.dir.ca.gov/letf/LETF_Spanish_worker_booklet.pdf	Booklet	8	Spanish
All workers in California Have Rights	https://www.dir.ca.gov/letf/LETF_English_worker_booklet.pdf	Booklet	8	English
Reporting Unlawful Activities	https://www.dir.ca.gov/letf/Reporting_Unlawful_Activities.html	Webpage	1	English
Como Reportar a un Empleador Incumplido?	https://www.dir.ca.gov/letf/Spanish/Reporting_Unlawful_Activities.html	Webpage	1	Spanish
Todos los trabajadores en California tienen Derechos	https://www.dir.ca.gov/letf/spanish_worker_mobile.pdf	Mobile Version Booklet	20	Spanish

Educational Resources from the Department of Industrial Relations and its respective subdivision, the California Occupational Safety and Health Administration (Cal/OSHA)

Resource Title	Website location	Type of Document	Pages	Languages Available
Derechos de Salud y Seguridad	https://www.dir.ca.gov/dosh/dosh_publications/Spanish/health-and-safety-rights-for-workers.pdf	Booklet	4	Spanish
Health and Safety Rights	https://www.dir.ca.gov/dosh/documents/health-and-safety-rights-for-workers.pdf	Booklet	4	English
Heat Illness	http://www.dir.ca.gov/dosh/dosh_publications/HeatIllnessEmployeeEngSpan.pdf	Leaflet	10	English

Agua Sombra Descanso	http://www.99calor.org/_downloads/spa_training_guide.pdf	Training Guide	30	Spanish
Tractores Agrícolas-Industriales	http://www.dir.ca.gov/dosh/dosh_publications/s504\$spanpstr.pdf	Flyer	1	Spanish
Protecting Temporary Agency Employees	https://www.dir.ca.gov/dosh/dosh_publications/Protecting-Temp-Agency-Employees-fs.pdf	Factsheet	2	English
Protección de Empleados de Agencias de Empleo Temporal	http://www.dir.ca.gov/dosh/dosh_publications/Spanish/Protecting-Temp-Agency-Employees-fs.pdf	Factsheet	2	Spanish
File a Workplace Safety Complaint	https://www.dir.ca.gov/dosh/Complaint.htm	Webpage	1	English
Presente un reclamo de Seguridad en su trabajo	https://www.dir.ca.gov/dosh/Spanish/Complaint.htm	Webpage	1	Spanish
Salud y Seguridad de trabajadores en regiones de incendios	https://www.dir.ca.gov/dosh/documents/Spanish/Wildfire-Safety-Notice-for-Employers-Spanish.pdf	Flyer	2	Spanish
Protecting Workers Exposed to Wildfires Smoke	https://www.dir.ca.gov/dosh/wildfire/Worker-Protection-from-Wildfire-Smoke.html	Webpage	1	English

Educational Resources from the Department of Industrial Relations and its respective subdivision, the Labor Commissioner's Office

Resource Title	Website location	Type of Document	Pages	Languages Available
Recover Your UnPaid Wages	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Recover%20your%20unpaid%20wages%20with%20the%20Labor%20Commissioner's%20Office/Brochure-WCA_WEB-English.pdf	Brochure	9	English
Salarios No Pagados	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Recover%20your%20unpaid%20wages%20with%20the%20Labor%20Commissioner's%20Office/Brochure-WCA_WEB-Spanish.pdf	Brochure	9	Spanish
Report a Labor Violation	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Report%20a%20Labor%20Violation%20to%20the%20California%20Labor/Brochure-BOFE_WEB-EN.pdf	Brochure	8	English

Denuncie Violaciones de Derechos Laborales	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Report%20a%20Labor%20Violation%20to%20the%20California%20Labor/Brochure-BOFE_WEB-SP.pdf	Brochure	8	Spanish
Report Retaliation	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Report%20Retaliation%20to%20the%20California%20Labor/Brochure-RCI_WEB-EN.pdf	Brochure	8	English
Denuncie Represalias	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Report%20Retaliation%20to%20the%20California%20Labor/Brochure-RCI_WEB-SP.pdf	Brochure	8	Spanish
Collect Your Award	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Collect%20Your%20Award%20from%20the%20California%20Labor/Brochure-JE_WEB-EN.pdf	Brochure	8	English
Cobre su Fallo Judicial	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Collect%20Your%20Award%20from%20the%20California%20Labor/Brochure-JE_WEB-SP.pdf	Brochure	8	Spanish
Rules and Regulations for Farm Labor Contractors	https://www.dir.ca.gov/dlse/Rules_and_Regulations_for_FLCs.htm	Webpage	1	English
Contratistas de Trabajo Agrícola	https://www.dir.ca.gov/dlse/Spanish/flc.htm	Webpage	1	Spanish
Equal Pay Cases	https://www.dir.ca.gov/dlse/Equal_Pay_Cases_Handout.pdf	Handout	2	English
Regulations	https://www.dir.ca.gov/dlse/regulation_detail/Initial-statement-of-reasons.farm-labor-contractors.pdf	Pamphlet	8	English
Participation Without Retaliation	https://www.dir.ca.gov/dlse/Publications/ParticipationWithoutRetaliation.pdf	Handout	1	English
Equal Pay Act Complaint Instructions	https://www.dir.ca.gov/dlse/Equal_Pay_Act_Instruction_Guide.pdf	Instruction Guide	4	English
Rights of Victims of Domestic Violence, Sexual Assault and Stalking	http://www.dir.ca.gov/dlse/Victims_of_Domestic_Violence_Leave_Notice.pdf	Flyer	1	English
Derechos de las Víctimas de Violencia Domestica, Agresion Sexual y Acoso	http://www.dir.ca.gov/dlse/Victims_of_Domestic_Violence_Leave_Notice_spanish.pdf	flyer	1	Spanish
Retaliation and Complaints	https://www.dir.ca.gov/dlse/RetaliationComplaintProcedure.htm	webpage	1	English
Reclamos por Represalias y Discriminacion	https://www.dir.ca.gov/dlse/RetaliationComplaint-Spanish.pdf	pamphlet	5	Spanish

How to file a wage claim	http://www.dir.ca.gov/dlse/HowToFileWageClaim.htm	webpage	1	English
Report a Labor Law Violation	http://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm	webpage	1	English
Overtime	http://www.dir.ca.gov/dlse/FAQ_Overtime.htm	webpage	1	English
Rest Periods/Lactation Accommodation	http://www.dir.ca.gov/dlse/FAQ_RestPeriods.htm	webpage	1	English
Meal Periods	http://www.dir.ca.gov/dlse/FAQ_MealPeriods.htm	webpage	1	English
Minors and Employment	https://www.dir.ca.gov/dlse/dlse-cl.htm	webpage	1	English
Farm Labor Contractors License	http://www.dir.ca.gov/dlse/FLC.htm	webpage	1	English
Division of Labor Standards Enforcement/ Labor Commissioner's Office Publications	http://dir.ca.gov/dlse/DLSE-Publications.htm	webpage	1	English
Report a Labor Law Violation	https://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm	webpage	1	English
Denuncie una Violación a la Ley Laboral	https://www.dir.ca.gov/dlse/Spanish/HowToReportViolationtoBOFE.htm	webpage	1	Spanish
How to file a retaliation/discrimination complaint	https://www.dir.ca.gov/dlse/HowToFileRetaliationComplaint.htm	webpage	1	English

Educational Resources from the Department of Industrial Relations and its respective subdivision, the Department of Workers Compensation

Resource Title	Website location	Type of Document	Pages	Languages Available
Workers' Compensation	https://www.dir.ca.gov/dwc/FactSheets/Employee_FactSheet.pdf	Factsheet	2	English
Me lesione en el trabajo	https://www.dir.ca.gov/dwc/Spanish/InjuredWorker.htm	webpage	1	Spanish
I was injured at work	https://www.dir.ca.gov/dwc/InjuredWorker.htm	webpage	1	English

Educational Resources from the Department of Industrial Relations

Resource Title	Website location	Type of Document	Pages	Languages Available
Worker's Compensation	https://www.dir.ca.gov/InjuredWorkerGuidebook/InjuredWorkerGuidebook.pdf	Guidebook	70	English
Guía para los Trabajadores Lesionados	https://www.dir.ca.gov/InjuredWorkerGuidebook/Spanish/InjuredWorkerGuidebook.pdf	Guidebook	70	Spanish

Educational Resources from the Employment Development Department

Resource Title	Website location	Type of Document	Pages	Languages Available
Paid family Leave	http://www.edd.ca.gov/pdf_pub_ctr/de2511.pdf	Leaflet	2	English
Permiso Familiar Pagado	http://www.edd.ca.gov/pdf_pub_ctr/de2511s.pdf	Leaflet	2	Spanish
El Seguro de Desempleo	http://www.edd.ca.gov/pdf_pub_ctr/de8813s.pdf	Brochure	2	Spanish
Unemployment Insurance System	http://www.edd.ca.gov/pdf_pub_ctr/de8813.pdf	Brochure	2	English
Ensuring Equitable Service to Migrant and Seasonal Farmworkers	http://edd.ca.gov/pdf_pub_ctr/de8826.pdf	Brochure	2	English
Asegurando el Servicio Equitativo a los Trabajadores Agrícolas Temporales y Migratorios	http://www.edd.ca.gov/pdf_pub_ctr/de8826s.pdf	Brochure	2	Spanish

Appendix C: Sample

#	Educational Resource Title	Location	Language
1	Acceso	http://www.alrb.ca.gov/content/pdfs/espanol/acceso_1106.pdf	Spanish
2	Actividad Concertada	https://www.alrb.ca.gov/content/heatstress/concerted_activity_facts_spanish.shtml	Spanish
3	Actividades Concertadas (Grupo)	http://www.alrb.ca.gov/content/pdfs/espanol/actividades_concertadas_1106.pdf	Spanish
4	Cumplimiento	http://www.alrb.ca.gov/content/espanol/cumplimiento.shtml	Spanish
5	Derechos y Responsabilidades Durante una Campaña de Organización	http://www.alrb.ca.gov/content/pdfs/espanol/derechos_y_responsabilidades_1106.pdf	Spanish
6	Elecciones	http://www.alrb.ca.gov/content/pdfs/espanol/elecciones_1106.pdf	Spanish
7	Aviso Oficial-Consejo de Relaciones del Trabajo Agrícola	http://www.alrb.ca.gov/content/pdfs/espanol/Aviso_Oficial_050213.pdf	Spanish
8	La Ley Laboral de California	http://www.alrb.ca.gov/content/espanol/spanish_handbook.shtml	Spanish
9	Ley de Negociación Colectiva y Mediación de Patrones-Trabajadores Agrícolas	http://www.alrb.ca.gov/content/pdfs/espanol/Mandatory_Mediation_Q_A_Spanish1006.pdf	Spanish
10	Manual de La Ley de Relaciones Laborales Agrícolas de California	http://www.alrb.ca.gov/content/pdfs/espanol/Manual_de_la_Ley110106.pdf	Spanish
11	Lista de Requisitos para Presentar una Solicitud de Mediación Obligatoria	http://www.alrb.ca.gov/content/pdfs/espanol/MMC_Checklist_101606_Spanish.pdf	Spanish
12	Prácticas de Labor Injustas	http://www.alrb.ca.gov/content/pdfs/espanol/practicas_de_labor_injustas_ULP's_1106.pdf	Spanish
13	Que sucede cuando una unión gana la elección?	http://www.alrb.ca.gov/content/pdfs/espanol/que_sucede_cuando_una_union_gana_1106.pdf	Spanish
14	Remedios y Acuerdos	http://www.alrb.ca.gov/content/pdfs/espanol/remedios_y_acuerdos_1106.pdf	Spanish
15	Sus Derechos Bajo La Ley Laboral	http://www.alrb.ca.gov/content/pdfs/espanol/sus_derechos_1106.pdf	Spanish
16	Presente un reclamo de seguridad en el lugar de trabajo	https://www.dir.ca.gov/dosh/Spanish/Complaint.htm	Spanish
17	Agua, Sombra, Descanso.	http://www.99calor.org/_downloads/spa_training_guide.pdf	Spanish
18	Tractores Agrícolas –Industriales	https://www.dir.ca.gov/dosh/dosh_publications/s504Sspanpstr.pdf	Spanish
19	Ayudando a los Californianos a Estar Presente en los Momentos Que Importan	http://www.edd.ca.gov/pdf_pub_ctr/de2511s.pdf	Spanish Also available in Armenian, Chinese, Punjabi, Spanish, Tagalog and Vietnamese
20	Cobre Su Fallo Judicial	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Collect%20Your%20Award%20from%20the%20California%20Labor/Brochure-JE_WEB-SP.pdf	Spanish Also available in Chinese, Korean, Tagalog and Vietnamese
21	Derechos de Salud y Seguridad: Información para los trabajadores de California	https://www.dir.ca.gov/dosh/dosh_publications/Spanish/health-and-safety-rights-for-workers.pdf	Spanish
22	Recupere Sus Salarios No Pagados a través del Comisionado de Labor de California	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Recover%20your%20unpaid%20wages%20with%20the%20Labor%20Commissioner's%20Office/Brochure-WCA_WEB-Spanish.pdf	Spanish Also available in Chinese, Korean, Russian, Tagalog and Vietnamese
23	Denuncie Violaciones de Derechos	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Bro	Spanish

	Laborales	chures/Report%20a%20Labor%20Violation%20to%20the%20California%20Labor/Brochure-BOFE_WEB-SP.pdf	Also available in Chinese, Korean, Russian, Tagalog and Vietnamese
24	Advertencia Para la Seguridad de Trabajadores en Áreas de Incendios	https://www.dir.ca.gov/dosh/documents/Spanish/Wildfire-Safety-Notice-for-Employers-Spanish.pdf	Spanish
25	Denuncie una violación a la ley laboral	https://www.dir.ca.gov/dlse/Spanish/HowToReportViolationtoBOFE.htm	Spanish
26	¿Cómo reportar a un empleador incumplido?	https://www.dir.ca.gov/letf/Spanish/Reporting_Unlawful_Activities.html	Spanish
27	Guía para los trabajadores lesionados	https://www.dir.ca.gov/InjuredWorkerGuidebook/Spanish/InjuredWorkerGuidebook.pdf	Spanish
28	Report A Labor Violation to the California Labor Commissioner's Bureau of Field Enforcement	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Report%20a%20Labor%20Violation%20to%20the%20California%20Labor/Brochure-BOFE_WEB-EN.pdf	English
29	Todos los trabajadores en California tienen derechos	https://www.dir.ca.gov/letf/LETf_Spanish_worker_booklet.pdf	Spanish Also available on Chinese, Korean and Vietnamese
30	Meal Periods	https://www.dir.ca.gov/dlse/FAQ_MealPeriods.htm	English
31	Derechos y Obligaciones de Empleadores y Trabajadores en la Agricultura	http://www.alrb.ca.gov/content/pdfs/espanol/Novel_a_2005.pdf	Spanish
32	Rest Periods/Lactation Accommodation	https://www.dir.ca.gov/dlse/FAQ_RestPeriods.htm	English
33	Todos los trabajadores tienen derechos en California	https://www.dir.ca.gov/letf/What_are_your_rights_as_a_worker_Spanish.pdf	Spanish Also available on Chinese, Korean and Vietnamese
34	All Workers Have Rights in California	https://www.dir.ca.gov/letf/What_are_your_rights_as_a_worker.pdf	English Also available on Chinese, Korean and Vietnamese
35	Me Lesioné en el Trabajo	https://www.dir.ca.gov/dwc/Spanish/InjuredWorker.htm	Spanish
36	State Public Health Officer Urges Avoiding Breathing Wildfire Smoke	Sent by LWDA via Email	English
37	Worker Health and Safety in Wildfire Regions	https://www.dir.ca.gov/dosh/wildfire/Worker-Protection-from-Wildfire-Smoke.html	English
38	Aviso de Cal/OSHA - Salud y Seguridad de Trabajadores en Regiones de Incendios	Sent by LWDA via Email	Spanish
39	All Workers in California Have Rights	https://www.dir.ca.gov/letf/LETf_English_worker_booklet.pdf	English
40	Denuncie Represalias	https://www.dir.ca.gov/dlse/PubsTemp/DLSE%20Brochures/Report%20Retaliation%20to%20the%20California%20Labor/Brochure-RCI_WEB-SP.pdf	Spanish Also available in Chinese, Korean, Tagalog and Vietnamese
41	Todos los trabajadores en California tienen derechos	https://www.dir.ca.gov/letf/spanish_worker_mobile.pdf	Spanish (mobile version)
42	10 Cosas Que Usted Debe Saber Sobre el Seguro de Desempleo al Presentar Su Solicitud para Beneficios	http://www.edd.ca.gov/pdf_pub_ctr/de8813s.pdf	Spanish
43	Top 10 Things You Should Know . . . About the Unemployment Insurance System When Filing Your Claim	http://www.edd.ca.gov/pdf_pub_ctr/de8813.pdf	English
44	Ensuring Equitable Service to Migrant and Seasonal Farmworkers	http://edd.ca.gov/pdf_pub_ctr/de8826.pdf	English
45	Asegurando el Servicio Equitativo a los Trabajadores Agrícolas Temporales y	http://www.edd.ca.gov/pdf_pub_ctr/de8826s.pdf	Spanish

Appendix D: Readability Tools

1. Tools utilized to measure readability in English:

- a) Flesch-Kincaid Readability Ease is a readability test that will tell you roughly what level of education someone will need to be able to read a piece of text easily.
- b) Gunning-Fog Score is a tool that tries to calculate a weighted average of the number of words per sentence, and the number of long words per word.
- c) Coleman-Liau Index is used to gauge the understandability of a text's output utilizing U.S. grade level. Unlike most of the other indices, Coleman-Liau relies on characters instead of syllables per word. Although opinion varies on its accuracy as compared to the syllable/word and complex word indices, characters are more readily and accurately counted by computer programs than are syllables.
- d) SMOG Index is a measure of readability that estimates the years of education needed to understand a piece of writing. SMOG is widely used, particularly for checking health messages.
- e) Automated Readability Index (ARI) is a readability test for English texts, designed to gauge the understandability of a text. It produces an approximate representation of the US grade level needed to comprehend the text.
- f) Spache readability formula is a readability test for writing in English. It compares words in a text to a set list of everyday words. The number of words per sentence and the percentage of unfamiliar words determine the reading age.
- g) The Dale-Chall readability formula is a readability test that provides a numeric gauge of the comprehension difficulty that readers come upon when reading a text. It uses a list of 3000 words that groups of fourth-grade American students could reliably understand, considering any word not on that list to be difficult.

1. Tools utilized to measure readability in Spanish

- a) Índice Fernández Huerta para el Español is an adaptation of Flesch-Kincaid Readability test. The formula has been adapted by Fernández Huerta in 1959 and can be used only in Spanish since other languages have more syllables on average and phrases in Spanish tend to be longer.
- b) Índice Flesch-Szigriszt para el Español ("fórmula de perspicuidad") is a variation of Flesch-Kincaid Readability test developed by Francisco Szigriszt Pazos in 1993 ("Sistemas Predictivos de Legibilidad del mensaje escrito: fórmula de perspicuidad").
- c) Compresibilidad (Gutiérrez de Polini) measures the understanding of a text and was created by Luisa Elena Gutiérrez de Polini (1972) specifically for the Spanish language. It is not the result of an adaptation done to a previously created test.
- d) Comprensibilidad (Crawford) calculates the years of schooling needed to understand a text. It was created by Alan N. Crawford in 1989. It is mainly used with elementary school children.
- e) Nivel de Perspicuidad (Szigriszt-Pazos) is an adaptation of the Flesch test in the Spanish language.
- f) Escala Infesz (Barrio) reinterpretación del anterior measures how easy is to read a text. It was developed by Inés María Barrio Cantalejo. It is an adaptation of the assessment Nivel de Perspicuidad (Szigriszt-Pazos).

- g) Legibilidad μ measures the easiness to read a text by calculating the number of words and the average number of letters in a word.

Appendix E: Selected Spanish Materials

- I. Educational Resource
 - A. Un Folleto Sobre La Ley Laboral de California
- II. Agency
 - A. ALRB
- III. Location of educational resource
 - A. http://www.alrb.ca.gov/content/espanol/spanish_handbook.shtml
- IV. Summary of identified limitations
 - A. This source was flagged because of the poor translation of the document, typo errors, run-on sentences, spelling mistakes, and lack of proper punctuation. All of these creates confusion and frustration on the reader as it makes the content harder to be understood. There is a lack of clarity on some sections of this document that make the document inaccessible.
- V. Identified limitations
 - A. “Procedimiento de Objeciones Después de la Elección” (title of a section on page 11)
 - 1. The use of the word ‘objecciones’ is a poor translation of the word ‘objeciones’. Objeciones means objections in English and even though it could be a detectable typo for a reader who is well acquainted with these type of documents, it can be misunderstood.
 - B. Recommendations for agency
 - 1. To verify the correct translation of each section on the created documents
 - C. “Esta lista tiene que incluir a todos los empleados no supervisónos que están en la nómina de pago durante el período que acabó inmediatamente antes de las presentación de la petición...”
 - 1. The word supervisónos doesn’t exist in the Spanish language. The reader needs to fully familiarize himself/herself with the document to realize that this is most likely a typo. The perception of the sentence can definitely make a difference as the document instructs that when a petition to request an investigation of unfair labor practices is being done by employees, employers are required to show a list with the names of all employees who are not supervisors to the unfair labor practices investigator”.
 - D. Recommendations for agency
 - 1. To verify the correct translation of words throughout the document
 - 2. To have a checkpoint before the final draft of the created document in which translation is double checked by someone else other than the first person who initially translated the document.
 - 3. To submit a translated document to a worker organization, that can provide the translated document to workers, and get feedback from both of them about the document to finalize its process of translation.
 - E. “Antes de que se pueda tener una elección, el investigador de quejas laborales también nene que investigar y determinar si la unidad de tratos colectivos es apropiada y si el demandante ha hecho una demostración suficiente de ínteres El requisito de que una elección se celebre dentro de 7 días obliga a que la investigación tenga lugar a la misma vez que el investigador de quejas laborales esta poniéndose en con tacto con las partes y preparando para una elección Al menos que la investigación revele información que requiera la anulación de la petición, el investigador de quejas laborales recomendara al director regional que se celebre la elección”
 - 1. Typo errors were identified
 - F. Recommendations for agency
 - 1. To revise the document in depth before it is made available to the public online
 - 2. To get feedback from different other government agencies who also specialize in translating documents
- I. Educational Resource
 - A. Ley de Negociacion Colectiva y Mediacion de Patrones - Trabajadores Agricolas

- II. Agency
 - A. ALRB
 - III. Location of educational resource
 - A. http://www.alrb.ca.gov/content/pdfs/espanol/Mandatory_Mediation_Q_A_Spanish1006.pdf
 - IV. Summary of identified limitations
 - A. One typo was identified
 - V. Identified limitations
 - A. “¿Que pasa si el sindicato fue certificado antes del 1 de enero del 2003? ¿Cuando puede presentarse la solicitud de medicacion?” (fourth question on page 1)
 - 1. Spelling error: The word medicacion is not appropriately used in this question and it is not relevant to the topic at hand.
 - B. Recommendations for agency
 - 1. The agency must revise the spelling of the final created document before it is uploaded to the agency website
-
- I. Educational Resource
 - A. PRÁCTICAS DE LABOR INJUSTAS (ULP's)
 - II. Agency
 - A. ALRB
 - III. Location of educational resource
 - A. http://www.alrb.ca.gov/content/pdfs/espanol/practicas_de_labor_injustas_ULP's_1106.pdf
 - IV. Summary of identified limitations
 - A. Two typos were identified
 - V. Identified limitations
 - A. “Requirir que el empleador que postule, envíe y/ó lea el Aviso del Consejo a todos los trabajadores para que así ellos puedan enterarse del resultado del caso”; (third bullet point on page 3)
 - 1. Spelling error: The words ‘requirir’ and ‘enterarse’ are not appropriately spelled
 - B. Recommendations for agency
 - 1. The agency must revise the spelling of the final created document before it is uploaded to the agency website
-
- I. Educational Resource
 - A. Sus Derechos Bajo La Ley Laboral
 - II. Agency
 - A. ALRB
 - III. Location of educational resource
 - A. http://www.alrb.ca.gov/content/pdfs/espanol/sus_derechos_1106.pdf
 - IV. Summary of identified limitations
 - A. Two typos were identified
 - V. Identified limitations
 - A. “Los trabajadores agrícolas que presentan quejas serán representaos por el Fiscal General en la audiencia ante un Juez de Derecho Administrativo (ALJ)” (second bullet point under the section DESPUES DE REGISTRAR UN CARGO in page 4)
 - 1. Spelling error: One word is missing a letter i.e representaos
 - B. Recommendations for agency
 - 1. The agency must revise the spelling of the final created document before it is uploaded to the agency website
 - C. “Se la decisión está a favor del trabajador agrícola, el Consejo hace cumplir el remedio que puede ser ...” (last bullet point at the bottom of page 4)
 - 1. Spelling error: the word ‘Se’ doesn’t make sense in this sentence
 - D. Recommendations for agency
 - 1. The agency must revise the spelling of the final created document before it is uploaded to the agency website

- I. Educational Resource
 - A. Que sucede cuando una unión gana la elección?
- II. Agency
 - A. ALRB
- III. Location of educational resource
 - A. http://www.alrb.ca.gov/content/pdfs/espanol/que_sucede_cuando_una_union_gana_1106.pdf
- IV. Summary of identified limitations
 - A. A typo was identified
- V. Identified limitations
 - A. “Una vez quela unión es certificada, su empleador no debe hacer ningun cambio en los términos y condiciones de trabajo sin informarle a la unión y darle la oportunidad de negociar sobre esos cambios” (answer at top of page 2).
 - 1. Spelling error: Two words were typed together i.e quela
 - B. Recommendations for agency
 - 1. The agency must revise the spelling of the final created document before it is uploaded to the agency website

APPENDIX G:

**PRIMER ON THE INDIGENOUS POPULATIONS
IN THE FARMWORKER WORKFORCE**

(ENGLISH VERSION)

LINGUISTIC BARRIERS SERVING INDIGENOUS FARMWORKERS



- Marisa Lundin
- Legal Director | Indigenous Program
- Last updated: 10/5/2020





Overview:

1. Snapshot of the Indigenous Program at CRLA
2. Language access vs. language justice
3. Common issues in the workplace
4. Barriers to receiving services
5. Language access laws
6. Serving Indigenous farmworkers and better practices
7. Roadmap for building linguistically and culturally accessible services

Indigenous Program at CRLA:

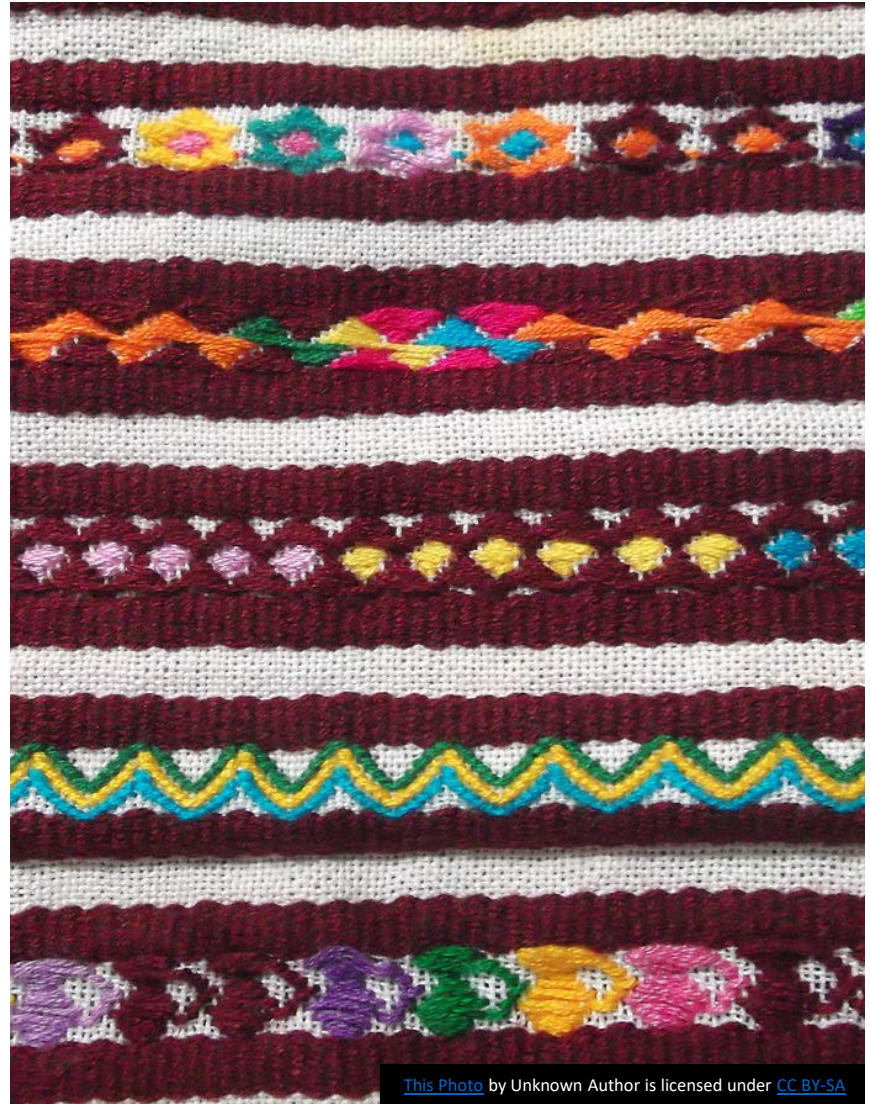
CRLA established in 1966; Indigenous Program started in 1993

Statewide program staffed by Legal Director and four community workers from Indigenous communities

Direct services, impact litigation, know your rights educational outreach

Areas of law: labor and employment, civil rights, education, housing, limited immigration

Internal support for CRLA's 17 field offices



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What is language access?

Language Access

The ability of people who are Limited English Proficient (LEP) to access the programs or services of an agency or organization

Limited English Proficient (LEP)

Person who does not speak English as his or her primary language and who has limited ability to speak, read, write or understand English

What is language justice?

- **The right everyone has to communicate, to understand and to be understood in our language(s).**
- **A commitment to creating spaces where no one language dominates over any other.**
- **A commitment to facilitate equitable cross-language communication.**
- **Respect for everyone's language rights.**

CRLA & Antena Los Angeles. (2020). *Social Justice & Legal Services Interpreter Training Curriculum*.

EMPLOYMENT

- Trainings given in English or Spanish (workplace safety, pesticide, sexual harassment, etc)
- Discriminated against due to national origin
- Harassed/ bullied for speaking their language at work
- Wage theft, meal and rest violations, not provided tools
- Less likely to complain because of communication barriers and fear
- Lack of access to transportation means being exploited by foremen or coworkers who provide rides at a steep cost (financial or sexual)
- Generally given more difficult or less desirable work or forced to work in worse conditions than non-Indigenous workers.
- Racist myths persist: “Indigenous people are made for work close to the ground and it does not hurt their bodies as much.”



Photo by: David Bacon <http://dbacon.jgc.org/>



Barriers to receiving services

- Linguistic barriers
- Cultural barriers
- Invisibility among some service providers / targeted discrimination from other service providers
- Fear of consequences from the Public Charge rule
- Distrust of public agencies or programs
- Common practice to “keep your head down” and not complain

Deeper dive: linguistic and cultural barriers

- Heightened linguistic and cultural barriers for women and elderly people
- Men are commonly head of household / hold positions of prominence within the community
- Indigenous languages are diverse, unique, and poorly understood in the U.S. Infrastructure for providing qualified interpreters is lacking and low demand makes the problem worse
- Cultural practices differ, especially around: healthcare, parenting, demonstrative displays of emotion to outsiders, willingness to complain, deference and respect shown to authority figures

“I think they understand my Spanish well enough”

- Hiring an Indigenous language interpreter costs money, requires advanced planning and effort. Is it worth it? (Hint: YES)
- Risks of proceeding in Spanish
- Who has the most power in the workplace?
- Convergence of cultural and linguistic barriers paints a false picture of understanding
- CLRA client story: proceeding in Spanish when client is not fluent

Using an interpreter is the right thing to do.

It is also the law.

- Title VI of the Civil Right Act (if receiving federal funding)
 - Exec. Order 13166
- CA Gov. Code Sec. 11135
 - Regulations currently being developed
- Dymally-Alatorre Bilingual Services Act (doesn't really apply here)

Prohibiting discrimination based on **national origin**

General guidelines

- Recipients of federal funding should develop and implement a **Language Access Plan** to describe how the agency will provide meaningful access to persons with LEP
- Language Access Plan should discuss the use of **bilingual or multilingual staff, interpretation, and translation**



Definition: Interpretation

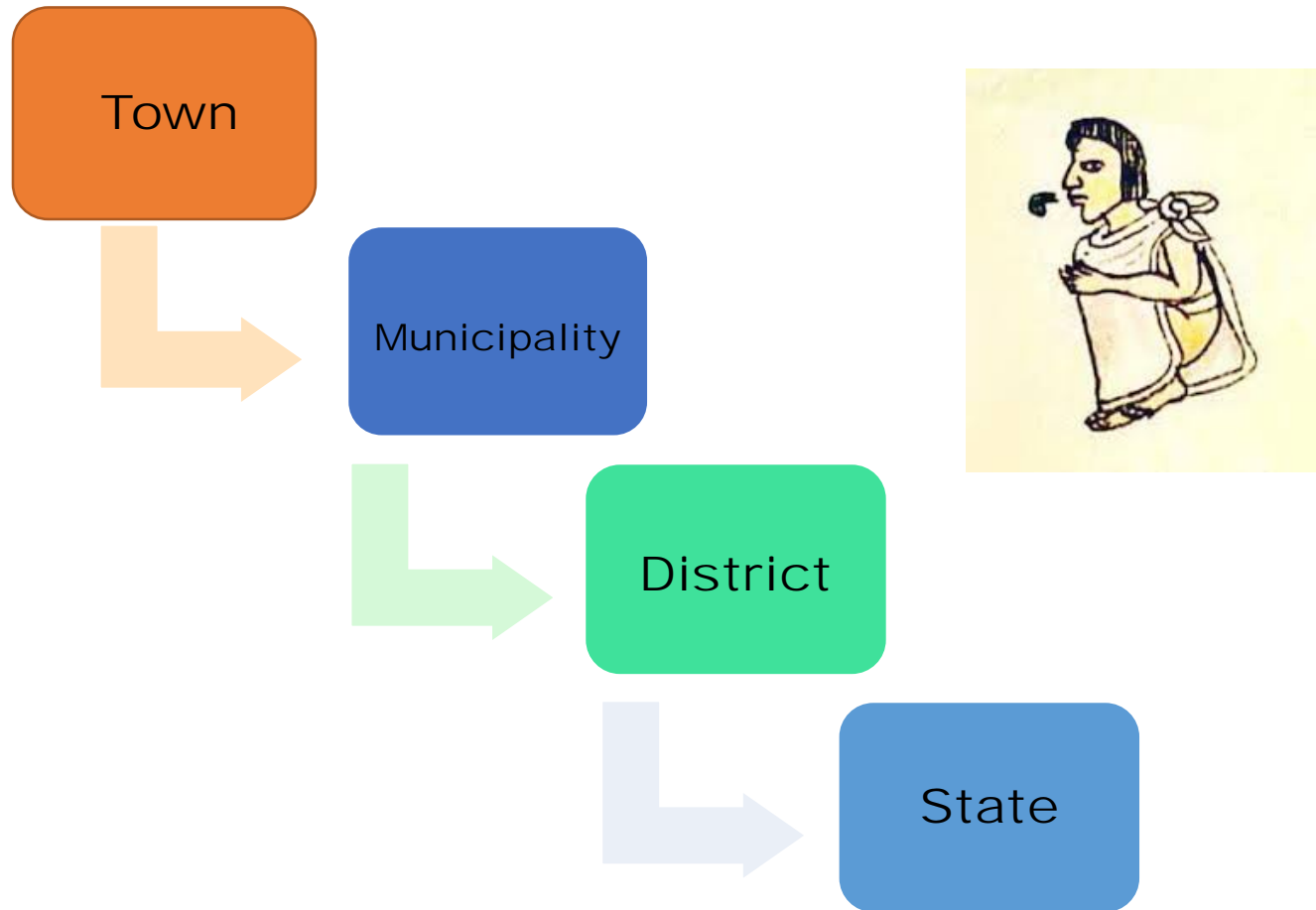
- Converting spoken messages from one language to another

Definition: Translation



- Converting written messages from one language to another

“We need an interpreter from Oaxaca” and other horror stories from the frontlines



Better practices for outreach

- Proactively get to know the Indigenous communities in your service areas
 - Identify and get to know the towns committee (or, comites)
- Make sure that the community knows that your office serves Indigenous communities and welcomes them
 - make an announcement when you do a presentation
 - Radio ads on Indigenous language radio stations / Spanish radio
- Take outreach materials that indigenous communities can identify with
- Never use the word “dialect” in reference to Indigenous languages or variants
- Recruit employees / outreach workers from Indigenous communities
- Attend cultural events, such as the Guelaguetza
- Commit to honoring language needs
- Be aware and respectful of cultural differences
- A good experience goes a long way – *but so does a bad experience!*

Ideas for creating culturally and linguistically accessible services

- Develop a comprehensive **written language access plan**
- Identify an employee or **employees who are responsible for regularly updating the plan and training** staff on its contents (for all languages other than English)
- Equip ALRB staff with **resources and support** to extend language services to people who speak Indigenous languages
- **Plan proactively** on how to hire Indigenous language interpreters
- **Keep track of the Indigenous communities** living in ALRB's various service areas to be better prepared to meet those language needs
- **Identify a group of stakeholders** to focus on improving services for Indigenous farmworkers
- Seek out **training for staff** on cultural sensitivity, avoiding harmful stereotypes or slurs, identifying Indigenous languages, and how to work with Indigenous interpreters



Thank you!

Contact:

Marisa Lundin

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California Rural Legal Assistance, Inc.

661-854-3839

mlundin@crla.org

APPENDIX H:

**PRIMER ON THE INDIGENOUS POPULATIONS
IN THE FARMWORKER WORKFORCE**

(SPANISH VERSION)

BARRERAS LINGÜÍSTICAS SIRVIENDO A TRABAJADORES AGRÍCOLAS INDÍGENAS



- Marisa Lundin
- Directora Legal | Programa Indígena
- Última Versión: 5/10/2020





Descripción General:

1. Resumen del Programa Indígena de CRLA
2. Acceso Lingüístico vs Justicia Lingüística
3. Problemas comunes en el trabajo
4. Barreras para recibir servicios
5. Leyes de acceso lingüístico
6. Sirviendo a los trabajadores agrícolas indígenas y mejores prácticas
7. Guía para construir servicios accesibles en el idioma y culturalmente

Programa Indígena de CRLA:

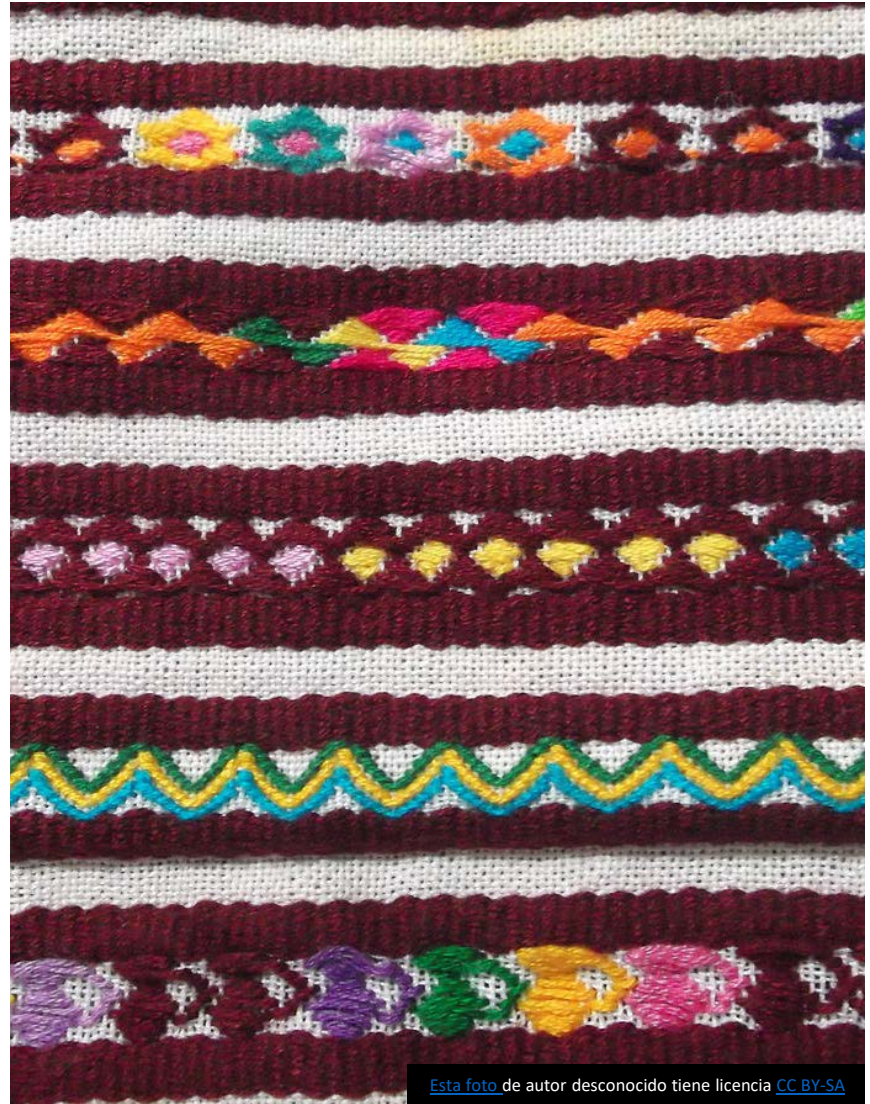
CRLA fundada en 1966; Programa Indígena iniciado en 1993

Programa a nivel estatal, con una Directora Legal y 4 trabajadorxs comunitarixs de comunidades indígenas.

Servicios directos, litigios de alto impacto, difusión educativa «conozca sus derechos».

Áreas del derecho: laboral, trabajo, derechos civiles, educación, vivienda, inmigración limitada

Apoyo Interno en las 17 oficinas de campo de CRLA



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¿Qué es el acceso lingüístico?

Acceso Lingüístico

La oportunidad para que personas de Dominio Limitado del Inglés (LEP por sus siglas en inglés) accedan a programas o servicios de una agencia u organización.

Dominio Limitado del Inglés (LEP por sus siglas en inglés)

Persona que no habla inglés como idioma nativo y que tiene capacidad limitada de hablar, leer, escribir o comprender el inglés.

¿Qué es Justicia Lingüística?

- **El derecho que todas las personas tienen de comunicarse, comprender y ser comprendidas en su(s) idioma(s)**
- **Un compromiso de crear espacios donde ningún idioma domina a los demás**
- **Un compromiso de facilitar comunicación equitativa entre los idiomas**
- **Respeto a los derechos lingüísticos de todo el mundo**

CRLA & Antena Los Ángeles. (2020). *Social Justice & Legal Services Interpreter Training Curriculum*.

EMPLEO

- Capacitación dada en inglés o español (seguridad laboral, pesticidas, acoso sexual, etc.)
- Se les discrimina por origen nacional
- Se les acosa por hablar su idioma en el trabajo
- Robo de salarios, infracciones a períodos de comidas o descanso, no se les da herramientas
- Menos probable que se quejen por barreras de comunicaciones y temor
- Falta de acceso al transporte hace que capataces o compañerxs de trabajo se aprovechen de ellxs para darles un aventón (explotación económica o sexual)
- En general se les da trabajo más difícil o menos deseable, o se les fuerza a trabajar en peores condiciones que trabajadorxs no indígenas
- Mitos racistas que persisten: «Personas indígenas están hechas para trabajar cerca del suelo, y no les lastima tanto sus cuerpos.»



Foto: David Bacon <http://dbacon.igc.org/>



Barreras para recibir servicios

- Barreras lingüísticas
- Barreras culturales
- Algunos proveedores de servicios no les ven, otros les discriminan a propósito
- Miedo a consecuencias de la Norma de Carga Pública
- Desconfianza de agencias o programas públicos
- Práctica habitual de «bajar la cabeza» y no quejarse

En Profundidad: barreras culturales y lingüísticas

- Barreras culturales y lingüísticas son peores para mujeres y personas mayores
- Los hombres son generalmente la cabeza del hogar/tienen posiciones de importancia en la comunidad
- Los idiomas indígenas son diversos, únicos y poco comprendidos en los EE. UU. Falta infraestructura para proporcionar intérpretes calificadxs, y la falta de demanda empeora el problema
- Diferentes prácticas culturales, especialmente con respecto a: cuidado de la salud, crianza de lxs niñxs, mostrar emoción a extrañxs, predisposición a no quejarse, deferencia y respeto demostrado a figuras de autoridad

«Creo que
me entienden
bastante bien
mi español.»

- Contratar intérprete de idioma indígena cuesta dinero, requiere planeamiento con anticipación y esfuerzo. ¿Vale la pena? (Pista: Sí)
- Riesgos de proceder en español
- ¿Quién tiene más poder en el lugar de trabajo?
- Convergencia de barreras culturales y lingüísticas da una impresión falsa de comprensión
- Historia de cliente de CLRA: proceder en español cuando cliente no domina ese idioma

Usar intérprete es lo correcto.
También es lo que dice la ley.

- Título VI de la Ley de Derechos Civiles (si recibe fondos federales)
 - Orden Ejecutiva 13166
- Código de Gobierno de CA Sec. 11135
 - Normas actualmente en preparación
- Ley de Servicios Bilingües Dymally-Alatorre (no se aplica aquí)

Se prohíbe la discriminación basada en **origen nacional**

Instrucciones Generales

- Receptores de fondos federales deben desarrollar e implementar un **Plan de Acceso Lingüístico** para describir cómo la agencia proporciona acceso efectivo a personas LEP
- El Plan de Acceso Lingüístico debe incluir el uso de **personal bilingüe o multilingüe, interpretación y traducción**



Definición: Interpretación

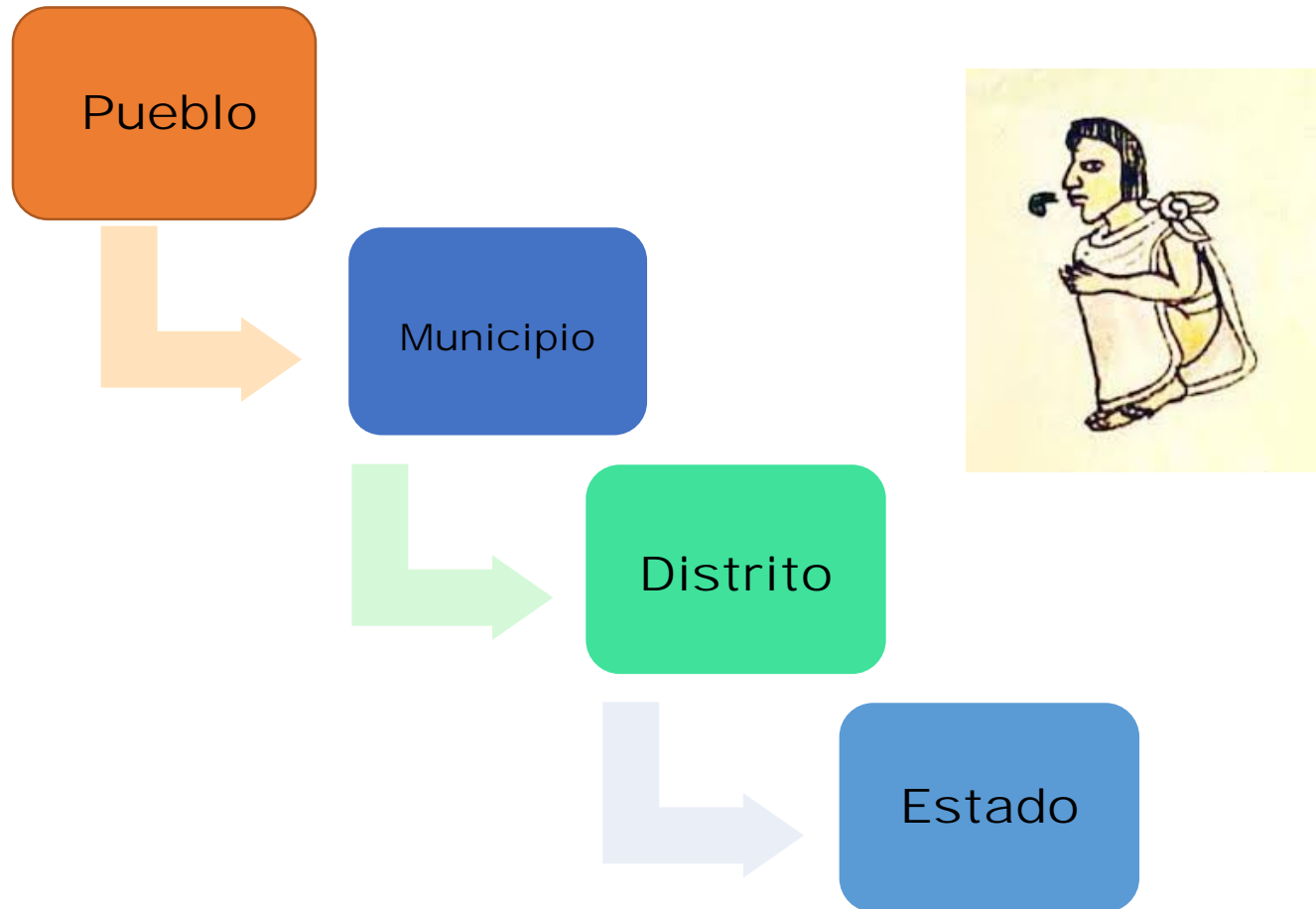
- Convertir mensajes orales de un idioma a otro



Definición : Traducción

- Convertir mensajes escritos de un idioma a otro

«Necesitamos un intérprete de Oaxaca» y otras historias de horror del frente de batalla



Mejores Prácticas para Difusión

- Familiarizarse proactivamente con las comunidades indígenas en su área de servicio
 - Identificar y familiarizarse con el comité(s) del pueblo
- Asegurarse que la comunidad sepa que su oficina sirve y aprecia a las comunidades indígenas
 - Haga un anuncio cuando dé una presentación
 - Anuncios en las radios de idioma indígena o español
- Lleve materiales de difusión que sean pertinentes para las comunidades indígenas
- Nunca use la palabra «dialecto» para referirse a idiomas o variantes indígenas
- Reclute empleadxs/ trabajadores de difusión de las comunidades indígenas
- Asista a eventos culturales, como la Guelaguetza
- Comprométase a respetar las necesidades lingüísticas
- Conozca y respete las diferencias culturales
- Una buena experiencia sirve de mucho – *¡y una mala experiencia perjudica mucho!*

Ideas para crear servicios accesibles en el idioma y la cultura

- Desarrolle un **plan de acceso lingüístico** integral
- Identifique **empleadx(s) que sean responsables de actualizar periódicamente el plan y entrenar** al personal (para todos los idiomas que no sean el inglés)
- Proporcione **recursos y apoyo** al personal de ALRB para extender los servicios lingüísticos a personas que hablan idiomas indígenas
- **Planee proactivamente** cómo contratar intérpretes de idiomas indígenas
- **Esté al tanto de las comunidades indígenas** que viven en las distintas áreas de servicio de ALRB, para prepararse mejor a servir a esas necesidades lingüísticas
- **Identifique un grupo de partes interesadas** para enfocarse en mejorar los servicios para trabajadores agrícolas indígenas
- Busque **capacitación para el personal** sobre sensibilidad cultural, evitar estereotipos y expresiones dañinas, identificación de idiomas indígenas, y cómo trabajar con intérpretes indígenas



¡Gracias!

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