WHAT H-2A FARMWORKERS SHOULD KNOW ABOUT COVID-19

This is not legal advice. For free, confidential advice about your case, call us at 888-988-9996 (if you live or work in Texas) or 866-721-7828 (if you work in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, or Tennessee).

PART 1: COVID-19 BASICS & PREPARATION

What is COVID-19? Is it serious?
COVID-19 is a respiratory illness that spreads easily from person to person. It can be very serious. The U.S. government estimates that 20 to 30% of people with COVID-19 symptoms are hospitalized, and 2 to 3% die. Even young, healthy people can become seriously ill.

How does COVID-19 spread?
From person to person. Usually, by touching, sneezing, or coughing, and possibly by touching a surface that has the virus on it and then touching your face. Someone who doesn’t have symptoms can still spread the virus.

What are the symptoms of COVID-19?
Usually, fever, cough, or shortness of breath. Other symptoms include chills, repeated shaking with chills, muscle pain, headache, sore throat, and loss of sense of taste or smell.

How can I prepare for COVID-19?
• Ask your employer or recruiter what specific steps they’re taking to protect workers from COVID-19.
  If you can, reject jobs with growers who aren’t protecting workers.

  • Consider getting health insurance. You have 60 days after you arrive in the U.S. to sign up. Call 1-800-318-2596 for help signing up (in English and Spanish).

• Don’t pay recruitment fees. They’re against the law, so you should never have to pay them—and right now, you risk losing your money if you can’t cross the border or the job gets canceled because of the virus.

How can I protect myself at work?
• Wash your hands often with soap and water for at least 20 seconds, or use hand sanitizer that contains at least 60% alcohol. Clean your hands before and after work, meals, bathroom breaks, trips to stores or laundromats, using group transportation, or handling shared items like tools or cooking utensils.

• Create a schedule with your coworkers to clean and disinfect your housing, vehicles, and tools every day.

• Because even healthy people can spread the virus, plan with your coworkers how to stay at least six feet away from each other as much as possible. Talk to your boss about moving beds and furniture in your housing as far apart as possible. Ride in buses and vans in small groups, so no one sits close together, even if it means sending a few people to the store to buy things for everyone or alternating trips. Ask your boss to help work crews stay at least six feet apart at worksites.

• Wear a face mask when you’re around other people, even in your housing. If you don’t have a face mask, wear a bandana or other covering over your nose and mouth. Always cover your mouth when you cough or sneeze.
PART 2: YOUR RIGHTS AND COMMON QUESTIONS

I heard the U.S. consulates are closed and immigrants can’t enter the U.S. Can I still go to my job?
It depends on your home country’s policies. The U.S. has made exceptions to its immigration ban to allow H-2A workers to enter the U.S. without consular interviews. If your home country allows you to travel, you should be able to come to the U.S. To be safe, ask your boss or recruiter for a document showing you’re an agricultural worker on an H-2A visa that you can show at the border or if you’re stopped on your way to the farm.

What are my health and safety rights at work?
ALL H-2A WORKERS HAVE THE RIGHT TO:
• a safe workplace free from known health and safety hazards.
• speak up about health and safety concerns without being retaliated against.
• be trained in a language you understand.
• be provided necessary safety gear, such as protective masks.
• request a government inspection and speak to an inspector.
• transportation for essential services, including medical care.

What can I do if I feel sick?
• Tell your employer. It is unlawful for your employer to retaliate against you for reporting an illness you got at work.

• Call a doctor or the closest migrant health clinic. A map of clinics is available at http://www.ncfh.org/migrant-health-centers.html. Tell the doctor you live with other workers, and ask if you should come in for treatment. Follow the doctor’s orders.

IF YOUR BOSS EMPLOYS LESS THAN 500 WORKERS, YOU HAVE THE RIGHT TO TWO WEEKS OF PAID SICK LEAVE IF:
1) a doctor tells you to quarantine because of COVID-19, or
2) you have COVID-19 symptoms and are trying to get a diagnosis.
• Stay away from other people, and wear a face mask if you must be near others.

What if my job ends early because of COVID-19?
You’re still entitled to ¾ of the weekly pay you were promised for the period you were at the jobsite. Your boss has to pay the cost of your transportation home or (if you want to transfer) to the next job site.

What if my workplace feels unsafe?
• If you feel comfortable doing so, try to talk to your boss about the problem. If you can, bring up the issue together with your coworkers, and take pictures or videos of the problem. There are no guarantees, but documenting your concerns helps protect against retaliation.

• You can file a confidential complaint about unsafe conditions or retaliation with OSHA, the federal agency that enforces health and safety laws, by calling 800-321-6742. You can also report unsafe conditions to your local city or county health department.

• If your boss refuses to give you paid sick leave, you can file a confidential complaint with the U.S. Department of Labor. Call 866-487-9243 to find the office closest to you.

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