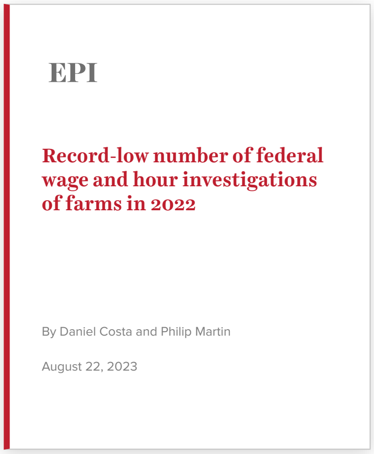
Record-low number of federal wage and hour investigations of farms in 2022

Congress must increase funding for labor standards enforcement to protect farmworkers

Summary: Employers routinely underpay farmworkers, among other workplace violations, but federal investigations into these problems have dropped to an all-time low, likely because of funding and staffing constraints.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Record-low number of federal wage and hour investigations of farms in 2022

By Daniel Costa and Philip Martin

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Key findings

- Since 2000, investigations by the Department of Labor’s Wage and Hour Division have plummeted by over 60%—from a high of 2,431 to only 879 in fiscal year 2022.
- With a mere 810 investigators to protect all 165 million workers in the U.S., the Wage and Hour Division currently investigates fewer than 1% of farm employers per year.
- From 2000 to 2022, violations of the H-2A visa program—which allows U.S. employers to hire migrant farmworkers for seasonal jobs—accounted for roughly half of back wages and civil money penalties owed by farm employers. These violations accounted for nearly three-fourths during the Biden administration.

Why this matters

It is hard to imagine a group of workers more vital to our existence than the people who put food on our tables. The pandemic brought this home with supermarket shelves left bare.

Yet farmworkers lack basic workplace protections. Not only do they work in difficult conditions for low pay, but often their employers don’t pay them what they’re legally owed.

Employers can get away with this for two reasons: 1) Most farmworkers either lack an immigration status or have a temporary status. This leaves workers afraid to complain about wage theft and other workplace violations since they could be fired or forced to return to their home countries as retaliation. 2) The agency responsible for investigations—the Wage and Hour Division—is hampered from doing its job of going after suspected employers because of severe understaffing.

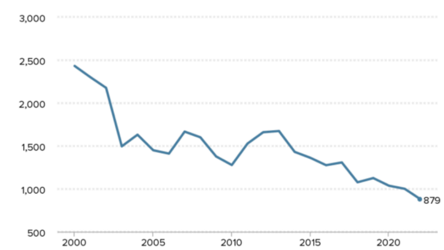
How to fix it

Congress should stop hobbling the Department of Labor and provide resources for the strong enforcement of farmworker protections. Also, federal agencies should impose stiffer fines and sanctions, especially on chronic offenders.

Charting the problem

The number of federal wage and hour investigations of farms hit record low in 2022

Wage and Hour Division investigations of agricultural employers, fiscal years 2000–2022



Source: Authors’ analysis of U.S. Department of Labor, Wage and Hour Division, Agriculture data table.

Economic Policy Institute

> “Efforts to protect farmworkers have in fact slid backward, with the number of investigations falling even further behind the already record-low levels during the years of the Trump administration.