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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

February 7, 2018

Mr. Zippy Duvall
President
American Farm Bureau Federation
600 Maryland Avenue SW, Suite 1000 W
Washington, DC 20024

Dear President Duvall:

I write to your federation with deep concern regarding harassment in the workplace. In recent months, stories of sexual harassment have dominated the headlines and sparked a national conversation about change, power dynamics, and equality in the workplace and beyond. Workers across the country are speaking out about their experiences, and their stories have made clear that we all have a great deal of work to do to address this pervasive, systemic, and longstanding issue. Although we are seeing headlines about powerful and famous people being called to account for their actions, we are seeing far less action in industries outside of the spotlight. Therefore, I hope and expect that you are taking steps to address concerns about misconduct in your industry and to ensure your members' workplaces are free from harassment.

The agriculture industry employs over two million workers,¹ but few harassment complaints from farmworkers are reported in large part because so many farmworkers are non-native speakers, are undocumented, or are unaware of their rights or how to file a complaint.² However, reporting on the issue has consistently indicated that sexual harassment is indeed an epidemic in the agriculture industry. A 2012 Human Rights Watch report found that nearly every farmworker interviewed had either experienced harassment themselves or knew someone who had.³ A study conducted in 2010 in California's Central Valley found that 80 percent of the women interviewed had experienced sexual harassment in the field.⁴ Lastly, a 2013 PBS Frontline Documentary, "Rape in the Fields," documented a number of cases where women came forward to tell their stories in court or in public. In small sample sizes, various advocacy organizations who talked to PBS and their reporting partners found that between 40 and 70 percent of women

¹ *Labor Force Statistics from the Current Population Survey*, Bureau of Labor Statistics (January 2018), <https://www.bls.gov/cps/cpsaat18.htm>.

² Ariel Ramchandani, *There's a Sexual Harassment Epidemic on America's Farms*, The Atlantic (January 2018), <https://www.theatlantic.com/business/archive/2018/01/agriculture-sexual-harassment/550109/>.

³ Grace Meng, *Cultivating Fear: The Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment*, Human Rights Watch (May 2012), <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and-sexual>.

⁴ Ariel Ramchandani, *There's a Sexual Harassment Epidemic on America's Farms*, The Atlantic (January 2018).

had been propositioned, touched in unwanted ways, had their job threatened if they did not acquiesce, or faced other forms of harassment or violence.⁵

As shocking as these numbers are, they likely underestimate the rate of sexual harassment. Women in low-wage jobs often do not report in fear of retaliation that may affect their earnings or their ability to keep their job. The EEOC estimates that 85 percent of all workers who are subjected to harassment never file a formal legal charge, and 70 percent of all workers never file a complaint internally.⁶ It has long been clear that the magnitude of the problem in your industry should not be ignored, and I am hoping that the recent focus on this issue will provide the needed push to make real progress.

As the Ranking Member of the U.S. Senate Committee with jurisdiction over issues of workplace harassment, I am extremely concerned about this issue and am seeking an update on efforts to prevent and address harassment in workplaces across the country.

As part of that effort, I am interested in the ongoing discussions, plans, and actions within the American Farm Bureau Federation (“AFBF”) aimed at protecting employees and establishing an equal and harassment-free workplace. I request a briefing with my staff within the next three weeks to discuss any recent efforts you have undertaken to assess and address workplace harassment in your industry.

I also request the following information:

1. Any polling, surveys, or research the AFBF has conducted in order to understand the scope of the problem within the industry;
2. Any research or actions the AFBF has undertaken to assess and address risk factors specific to the industry;
3. Any surveys the AFBF has conducted to solicit feedback from employees about how to best address harassment in the industry and the results of the surveys;
4. Any steps the AFBF has taken to ensure its associated employers are fully and properly educating their employees about workplace harassment policies and rights;
5. Any best practices the AFBF has identified among its associated employers to accurately assess and address workplace harassment; and
6. Any suggestions you may have about how to strengthen and improve legal protections and processes in the workplace.

Studies have shown that workplaces that tolerate harassment have more of it, while workplaces that intentionally act to address issues of harassment have less of it.⁷ Employers and employees in your industry are undoubtedly looking to you for leadership in how to tackle this persistent problem with the urgency it requires. I appreciate you taking this matter seriously, and I look

⁵ Bernice Yeung & Grace Rubenstein, *Female Workers Face Rape, Harassment in U.S. Agriculture Industry*, The Center for Investigative Reporting (June 2013), <https://www.pbs.org/wgbh/pages/frontline/social-issues/rape-in-the-fields/female-workers-face-rape-harassment-in-u-s-agriculture-industry/>.

⁶ Chai R. Feldblum & Victoria A. Lipnic, *Select Task Force on the Study of Harassment in the Workplace: Report of the Co-Chairs*, U.S. Equal Employment Opportunity Commission 16 (June 2016), https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf.

⁷ Feldblum & Lipnic at 32.

forward to our continued discussions. If you have any questions regarding this letter please contact Carly Rush or Joe Shantz at 202-224-0767 with my Health, Education, Labor, and Pensions Committee Staff.

Sincerely,



Patty Murray
United States Senator
Ranking Member, Senate Committee on
Health, Education, Labor, and Pensions

cc: Lamar Alexander, United States Senator,
Chairman, Senate Committee on Health, Education, Labor, and Pensions