

CAPITOL

Is California's workplace safety agency protecting farmworkers? Legislators want to know



BY JEANNE KUANG
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Farmworkers harvest strawberries in Salinas on Aug. 9, 2023. Photo by Samantha Norris, CalMatters

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IN SUMMARY

State lawmakers grill Cal/OSHA officials, with allegations that employers get tipped off to inspections. The chairperson of the Assembly Labor Committee is seeking an audit.

California lawmakers are getting tougher on the state's labor agencies to get tougher on employers.

Assembly Labor Committee Chairperson [Liz Ortega](#) said today she'll seek an audit of the workplace safety agency [Cal/OSHA](#) after hearing dozens of farmworkers and their advocates describe harsh working conditions, [including extreme heat and pesticide exposure](#).

Worse yet, the workers said during a committee hearing on labor enforcement in farm work, those who overcome the prevailing fear of retaliation from their bosses to report a safety violation face slow responses from Cal/OSHA, leading them to distrust state labor officials.

An audit, which Ortega plans to formally request through a separate legislative committee, would be the second probe of a state labor enforcement agency in two years. At lawmakers' request, the state auditors' office last year [began examining the Labor Commissioner's Office](#), which has routinely failed to hear workers' claims of wage theft in the timeframe required by state law. That report is expected to be published sometime this year.

The hearing underscored an enduring paradox in California government: Labor groups command significant political power in the state Capitol — with unions winning [several significant victories](#) last session during “hot labor summer” and the United Farm Workers in 2022 forcing Gov. Gavin Newsom's hand to [sign a farmworker unionization bill](#) he had previously vetoed. But the reality for workers can be far from the protective labor laws that politicians pass.

This year, worker advocates and lawmakers alike have signaled an increasing focus on improving the state's enforcement systems. The advocates called for the state to pay for community groups to assist workers in filing complaints and navigating the state's bureaucracy, and to fill a “crisis” of vacancies in the agencies.

“I don't want the agency failures to be conveniently whitewashed by the current budget deficit,” said Ortega, [a Bay Area Democrat](#). “Many of the stories and the data that we have today is what happened when we had billions of dollars in surpluses.”

During the hearing, advocates with several Central Valley and Central Coast community groups that assist farmworkers complained of few bilingual inspectors available to serve a workforce that is mostly Latino or Indigenous. As of last March, the agency only had 19 field inspectors who speak Spanish, and only one who speaks Vietnamese and one who speaks Cantonese, according to [a website of staffing records](#) maintained by retired Cal/OSHA inspector Garrett Brown. Many farmworkers speak neither English nor Spanish, but rather Indigenous languages such as Triqui or Mixteco.

Other workers said to avoid paying overtime premiums as required by [a recent state law](#), farmers pay in cash when workers take extra shifts on the weekends. Failure to pay overtime is a form of wage theft.

More than half of California’s roughly 400,000 farmworkers are undocumented immigrants, making them both vulnerable to threats of deportation and ineligible for unemployment benefits and safety net programs.

Multiple workers and advocates also spoke of what appeared to be a widespread belief that Cal/OSHA staff who act on worker complaints will warn employers when they’re coming for an inspection, allowing supervisors to correct or clean up worksites. Generally inspectors are trained not to give such advance notice, acting agency chief Debra Lee told the committee.

Cristina Gonzalez, a Madera farmworker who picks figs, testified that last August a foreman told workers to spend the first two hours of the next workday picking up trash and cleaning the bathrooms in advance of an inspection.

“To me, that’s not right,” she said. “It’s an injustice, and the reality is they tricked us.”

Later in the hearing, Lee said that the division plans to start a unit focused on safety in agricultural work, with a hotline in multiple languages for workers and advocates to report violations. She said she was “very concerned” to hear inspectors might be informing employers of upcoming inspections and said “we would want to know about that to take appropriate action.”



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programs.

Both Cal/OSHA and the Labor Commissioner’s Office are part of the embattled Department of Industrial Relations, where high turnover and vacancies have been an issue ever since it temporarily lost direct hiring authority in the fallout of a 2019 nepotism scandal featuring its then-director. Last year, the Labor Commissioner’s staff [wrote in a letter](#) to the Legislature that hiring is “slow and ineffective.”

As of last September, the Labor Commissioner’s Office had a staggering vacancy rate of nearly 50% — in part because lawmakers in recent years have approved many new positions, according to an organizational chart obtained by CalMatters. Even prior to the new positions opening, the vacancy rate was about one third. Brown, the former inspector, maintains Cal/OSHA staffing data on his website; the latest report from late last year shows that among field inspectors, there were vacancies of more than 35%.

Department of Industrial Relations chief deputy director Deanna Ping said the department has reduced its vacancy rate 2% in the last six months.

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