

HARVESTING JUSTICE

MUSHROOM WORKERS CALL FOR CHANGE

The Mushroom Workers Support Group

November 2006



MRCI
MIGRANT RIGHTS
CENTRE IRELAND



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The Migrant Rights Centre Ireland (MRCI)

The MRCI is a national organisation concerned with the rights of migrant workers and their families. MRCI seeks to contribute to the creation of an intercultural society and in particular towards creating the conditions for inclusion of those migrant workers and their families who are in situations of vulnerability. Our strategic aims are:

- **Access to services** – that migrant workers and their families have equality of access to, and benefit from, essential public services.
- **Addressing working place exploitation** – that all migrant workers are free from exploitation in their work environment.
- **Participation** – that opportunities and conditions are created for active participation by migrant workers and their families in decision making that affects them at all levels, and in key policy developments.

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FORWARD

As a long time ally of migrant farm workers in the United States, I am disturbed by the callous exploitation and mistreatment of migrant farm workers laboring in the Irish mushroom-growing industry.

'Harvesting Justice: Mushroom Workers Call for Change' is the truth as experienced by a group of courageous migrant farm workers taking great risks to be heard. In it workers raise their issues and concerns that require urgent attention and solid responses. The current state of affairs in this industry must not be permitted to continue.

Migrant farm workers form the backbone of today's industrialized agriculture, yet they are one of the most socially and economically marginalized groups in our modern societies. Unscrupulous employers openly take advantage of workers' vulnerability and isolation to avoid paying fair wages and to evade basic health and safety regulations. The kind of treatment and lack of common decency towards fellow human beings that is being permitted to take place is not only highly immoral but a violation of fundamental human rights.

We are all united in our common humanity. Yet, it seems that we have forgotten this most vital connection with our fellow brothers and sisters. Every time we go to the supermarket to purchase fresh fruits and vegetables our lives become instantly connected with the lives of those whose hands and hard labor cultivate and harvest the produce that sustains us. The more we fully understand and become aware of that the more difficult it becomes to ignore the voices of those who seek to be treated with respect, dignity and fairness.

In the spirit of Cesar Chavez, co-founder of the United Farm Workers of America, I am honored to stand together in solidarity with these workers in their struggle and to add my voice to theirs.

Martin Sheen

November 2006

HARVESTING JUSTICE: MUSHROOM WORKERS CALL FOR CHANGE

Summary

The Irish Mushroom Growing industry has been hailed as a major success story in Irish Agriculture. From its beginnings in the late 1970s the industry has become the most important crop grown in Ireland and according to the Department of Agriculture & Food now accounts for nearly 40% of all horticultural production with an output value of €110 million. The mushroom industry has become one of the most competitive industries in the Agribusiness sector.

Yet a dark shadow has been cast over this success story.

Exploitation of workers, predominantly migrant workers, has been widely exposed and is now even accepted by the leading players in the industry as a serious problem. Several cases over recent months have highlighted just how bad things can get including: workers being paid at rates of €2.50 an hour (less than a third of the minimum rate of pay); workers becoming ill after being exposed to chemicals sprayed on mushrooms; workers labouring in excess of 16-hour days with no overtime provisions; workers expected to be on call around the clock, seven days a week. Violations of labour rights and health and safety protections at the workplace are common and are being uncovered more and more. If it were not for the courage of a few migrant workers who have stepped forward amidst enormous obstacles and risks, it would still be 'business as usual.'

It is now time for serious change. It is time to end the exploitation of workers in the mushroom industry.

The members of Migrant Rights Centre Ireland's (MRCI's) Mushroom Workers Support Group call on mushroom growers and on government agencies and supermarkets to put an end to the exploitation of workers and to build a new culture of compliance and fair treatment in the industry.

The Mushroom Workers Support Group (MWSG) was initiated by the MRCI in February 2006 to bring together mushroom workers in the Monaghan & Cavan region and beyond in order to articulate the concerns and needs of mushroom workers and to begin to address the barriers in accessing social and economic rights. Thus far the group has over fifty members, the majority of whom are migrant women from Latvia, Lithuania, Ukraine, Moldova, Belarus, China and Thailand.

The MWSG believes that the mushroom industry is a very important one for Ireland, but that a successful industry must not be built on the backs of exploited workers. **There is no justification for this kind of exploitation.** The mistreatment of workers in this industry continues because many growers continue to deny workers their rights and entitlements without any fear of being prosecuted, while workers are often too afraid to come forward because they fear losing their jobs. Compliant growers are made to compete in an environment with those who exploit and the result has become a 'race to the bottom.'

The MWSG calls on growers to build a new culture and attitude of compliance in the industry by educating themselves fully on Irish labour and health and safety regulations governing workers employed on farms and by treating workers justly and fairly in accordance with their legal responsibility. Growers need to respect workers and their rights. Moreover workers should not be made to fear retribution when they raise issues which affect them at the workplace.

The MWSG is now calling on government agencies, specifically the Department of Enterprise Trade and Employment (DETE) and the Health and Safety Authority (HSA) to take immediate steps to intensify their efforts in the enforcement of labour law and health and safety standards on farms across the country. In addition, the government needs to provide additional supports and protections to workers most vulnerable to exploitation, especially those on work permits.

The MWSG also calls on the Department of Agriculture to use its influence, as a provider of millions of euros annually in the form of investment grants, research and other supports to the industry, to play a role in the inspection process. Working in partnership with the DETE and HSA, the Department of Agriculture should also make any government support or investment to a farm contingent on the strict adherence to Irish Labour and Health and Safety Legislation. A mandatory and ongoing training programme covering labour rights and health and safety standards should be introduced for all growers and the workers employed on the farm.

Finally, the MWSG calls upon supermarkets operating in Ireland and the UK that buy and sell the majority of the mushrooms produced in Ireland to take responsibility by putting in place mechanisms to ensure that the workers who cultivate and pick the mushrooms on their shelves are treated fairly and in accordance with the law. Supermarkets seem to spend tremendous amounts of time and resources inspecting the quality of the mushrooms getting to their shelves, but do little or nothing to ensure that those who produce that food are treated fairly. Supermarkets should be jointly responsible in solving this crisis and also be held accountable should the situation be allowed to continue.

This document lays out the experiences of the members of the MWSG. It presents the voices of the members of the MWSG who are current and former mushroom workers seeking to be heard. The document captures the proceedings of a number of meetings held throughout Counties Cavan and Monaghan where the members of the group shared experiences of what it is like to work as a mushroom worker, what their main issues and concerns are and what needs to be done about it. Three of the members have volunteered their individual stories to be held up within this publication.

It is the hope of the MWSG that this document raises awareness and inspires positive changes not only for migrant mushroom workers and the local communities in which they live but for all migrant workers living and working across Ireland whose voices are slowly being heard.

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I. THE IRISH MUSHROOM INDUSTRY

Mushrooms have become big business in Ireland. They are the single most important horticultural crop grown in Ireland and represent nearly forty percent of all the farm output value within the fruit and vegetables sector. According to Central Statistic Office (CSO) production of mushrooms grew from €57 million in 1990 to €124 million in 2003. The majority of Irish mushrooms are grown for the “premium grade” retail market in Ireland and the UK. The number of mushroom growers reached a peak of over five hundred in the mid nineties but since then the industry has undergone a major consolidation with production remaining steady. Most recent figures by Teagasc, the government’s national research and training body for the agri-food industry, indicate approximately 120 mushroom growers in Ireland.

Government support of the industry

The bulk of the investment grants in the Irish horticulture sector go into the mushroom industry and this grant aid has increased over time. According to Department of Agriculture and Food figures, the mushroom industry received approximately €7 million in investment grants through various



Department of Agriculture and EU schemes in 2005. This investment aid does not include contributions by Teagasc in the form of ongoing research and development provided to the industry, the contributions of Bord Bia which promotes mushrooms among other Irish horticultural products or other enterprise grants and supports.

In November 2003, a Mushroom Task Force was set up by Minister of State, Mr. Noel Treacy TD to address issues for the future of the mushroom industry. Recommendations were published in 2004. The Mushroom Task Force was made up of key representatives of the industry including the Irish Farmers Association, Commercial Mushroom Producers, Teagasc, Monaghan Mushrooms, Walsh Mushrooms, An Bord Glas, Sylvan Ireland, Enterprise Ireland, An Bord Bia, the Department of Agriculture and Food and some private growers. Most notable was the absence of any trade union or labour organisation despite the large dependence on labour in this industry.

The priority of supports given by the government as evidenced by the level of funding, promotion and research is significant and reflects the importance of the industry in Irish agriculture.

The workers

There are two general classes of workers on a mushroom farm; general operatives and mushroom pickers. General operatives, who tend to be male, empty and fill the shelves, water mushrooms and perform general manual work around the farm. Mushroom pickers are primarily women and represent the majority of the workforce. They are predominantly paid by the amount of mushrooms they pick as opposed to a set hourly rate.

In the early years of the industry when there were large numbers of small mushroom operations, the majority of the workforce consisted of local part-time pickers, mainly housewives and others in need of extra income. Mushroom picking was seen (and still is seen) as women's work. Even from the early days, the industry has been characterised by informal and poorly regulated work practices. As the industry developed so did the size and scale of most of the farm operations that have survived. The part-time nature of mushroom picking changed and greater numbers of full-time workers were needed to keep an operation running.

Mushroom growers, finding it hard to locate an ample supply of cheap labour to meet the new demands on the scaled-up farm, looked to recruit mainly non-EU workers to pick mushrooms and help run operations. From 1999, mushroom growers turned to recruitment agencies to bring workers in through the work permit system. In a period of 2 to 3 years the majority of workers in the industry were migrant workers brought in on work permits, mostly from Latvia and Lithuania. The Irish workers either left or were phased out. After May 2004 when the new accession states joined the EU the majority of pickers no longer required work permits.

Approximately 3,000 people are currently employed at the grower level. Although there are no official statistics, it is the experience of the MWSG that the vast majority of mushroom workers continue to be migrant women from the Latvia and Lithuania, but there are also significant numbers of migrant workers from places such as Estonia, Thailand, Ukraine, Moldova, Belarus and China among others. Very few Irish workers remain in the industry.

The Agricultural Workers Employment Regulation Order

Mushroom workers are covered under the Agricultural Workers Joint Labour Committee (JLC) which establishes the Agricultural Workers Employment Regulation Order (ERO). The Agricultural Workers ERO sets the statutory minimum remuneration and statutory conditions of employment for all agricultural workers including mushroom workers. The statutory minimum rate of pay for an experienced adult worker as of 23rd August 2006 is €8.12 per hour. The ERO also contains the added provision of overtime pay and Sunday premium rates among other provisions. The ERO exempts employers from providing rest periods as specified in the Organisation of Working Time Act. However, employers are required to provide compensatory rest periods and breaks in accordance with the guidelines of the Code of Practice of Compensatory Rest Periods.

Health and Safety Standards

Workers are also protected under various Health and Safety laws which govern proper safety, health and welfare practices on the farm. Employers are required to provide a safe place of work, safe practices and procedures and information and training to workers among other duties. This legislation is enforced and monitored by the Health and Safety Authority.

Plans to Replace EU workers with non-EU workers under the work permit system

Several recommendations concerning the mushroom labour force were made in the *Report of Mushroom Taskforce* published by the Department of Agriculture & Food in May 2004. The report claims:

“From 1 May 2004, nationals of the EU Accession states no longer require work permits. They are also entitled to freedom of movement and this may have consequences for the industry. In an enlarged EU of 25 Member States, the availability of work permits for non-EU nationals may be considerably limited. In this new scenario, reliance by the industry on the ongoing availability of a low cost work force may be unsustainable into the future”

“The industry has a high dependence on low cost labour and in this regard the accession of ten new Member States to the EU on 1 May 2004 is significant. The availability of workers from outside of the extended EU will come into sharp focus but the question of ready availability of work permits remains unclear.”

The Task Force report makes the final recommendation that, “The availability of labour from non-EU countries under the permit system should continue.”

Issue 23 of the *The Mushroom Newsletter* produced by Teagasc similarly mentions that, “Since the May 1st accession growers report that pickers from E.U. states are moving on now more than previously, because no permits are involved...Some grower are keen to recruit Chinese or Thai pickers as they have found them very reliable workers.”

The apparent argument being put forward by the industry is that since many mushroom workers as EU citizens have a right to freedom of movement, the ability to choose where they work and the conditions that they will accept for that work, that they will no longer choose to work in this industry.

II. THE MUSHROOM WORKERS SUPPORT GROUP

The Mushroom Workers Support Group (MWSG) was initiated by the MRCI in February 2006 to bring together mushroom workers in the Monaghan & Cavan region and beyond, in order to articulate the concerns and needs of mushroom workers and to begin to address the barriers in accessing social and economic rights. Thus far, the group has over fifty members spread over more than a dozen farms, the majority of whom are migrant women from Latvia, Lithuania, Ukraine, Moldova, Belarus, China and Thailand.

Background

MRCI is committed to its mission of bringing about the social and economic inclusion of migrant workers and their families who are in vulnerable situations especially those who are being exploited at the workplace. The MWSG was started in the Monaghan/Cavan region which forms Ireland's most important region for mushroom production with nearly 50% of all mushroom farms located within the area. This came about as a direct result of a growing concern for the safety, wellbeing and integration of mushroom pickers living and working in the region who were made known to the MRCI. There had been growing reports and allegations of exploitation and of people living in situations of social and physical isolation.

A community work approach

The active participation and inclusion of migrant workers at all levels of society is a strategic aim of MRCI. Community work is a process that enables this critical participation, and therefore is a core approach of MRCI. A community work approach facilitates the movement from a focus on individual needs and concerns to a focus on collective outcomes that have maximum benefit for migrant workers and their families.

Community work addresses the root causes of poverty, inequality and exclusion. It seeks to support people and their communities to develop an analysis of their situation and take collective action to address it. Community work seeks to bring about the active participation of people experiencing exclusion in decision-making structures. It works from a set of principles which are as follows: collective action; participation and inclusion; empowering and enabling; process versus task; non-sexist; non-racist; solidarity not charity; starting where people are at; accountability; self determination; equality based; and thinking globally acting locally.

The MWSG is based on gathering migrant workers together in order to:

- share, analyse and reflect upon experiences
- receive support and information
- build solidarity across ethnic and social divisions
- develop leadership skills
- be empowered to make decisions on how to go about seeking change
- build visibility and a voice
- take collective action on critical issues
- influence decisions and policy making

The MWSG aims to generate dialogue between various stakeholders locally, regionally and nationally to draw attention to both the barriers and opportunities for equality, greater integration, community cohesion and to ensure efforts are made to counteract the exclusion, exploitation and segregation of migrant workers and their families.

III. THE PRIMARY ISSUES AND CONCERNS OF MUSHROOM WORKERS

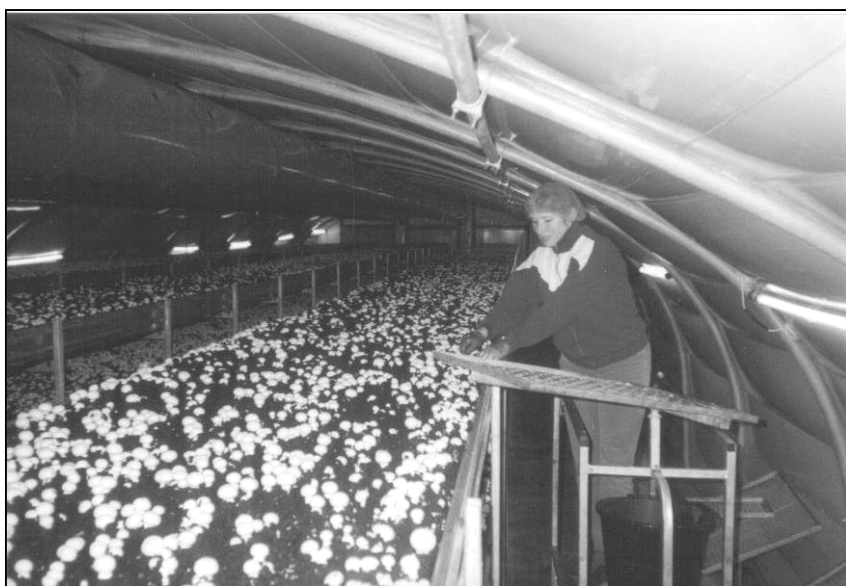
The following outlines the most common and pervasive problems and concerns raised by the members of the Mushroom Workers Support Group. It is a representation of the voices of the members of the group. Over several meetings held throughout Cavan and Monaghan the members of the group shared their experiences of what it is like to work as a mushroom worker, what the main issues and concerns are and what should be done about it.

1. Denied the legal minimum wage and other basic labour entitlements

Pay below the legal agricultural minimum rate

Workers as a whole are being paid below the statutory minimum hourly wage rate set for agricultural workers. The experience of both pickers and general operatives is that earnings can be anywhere between a low of €2.50 and a high of €7.50 per hour depending on the day and/or the farm in which they work with a rough average based on the experience of the group of €5.00 to €6.00 - far less than the current agricultural minimum hourly wage of €8.12 per hour.

There are a variety of jobs on a mushroom farm. Mushroom pickers or harvesters who represent the majority of those employed on the farm are paid according to the quantity of mushrooms that they pick. This form of payment is legal provided the worker is still achieving an hourly rate equal to or above the minimum hourly rate. Most often the case is that workers are paid at a price per pound or kilo which makes it virtually impossible to achieve the minimum rate of pay per hour even when the mushroom harvests are at their best and picked by the most experienced pickers. The result is that workers are being pushed to work faster and faster.



At the same time, the average pay that a worker receives per pound of mushrooms has been decreasing, thereby requiring a worker to increase her picking rate to achieve the hourly minimum wage. For example, although pay varies from farm to farm and the category of mushroom picked varies, the average rate three years ago was around 20 cent per pound according to the report of the Mushroom Task Force. A worker at that time needed to pick approximately 34 pounds of mushrooms per hour to receive the then agriculture hourly minimum wage of €6.81. Presently workers receive an average pay rate of around 15 cent per pound, a 25% reduction (some as low as 11cent per lb). At that rate

a worker would have to pick 54 pounds of mushrooms per hour to achieve the current minimum hourly wage of €8.12. That would mean that a worker now has to pick 20 more pounds of mushrooms per hour or nearly 60% more to achieve the minimum wage.

There are many factors which are out of the workers control with respect to being able to pick enough mushrooms to reach the minimum wage. For example, when mushrooms are of poor quality, diseased or when there are low yields it becomes difficult to pick. Workers are also commonly expected to do other work such as moving and collecting crates, dealing with diseased mushrooms, emptying buckets or other clean up duties for which they are not paid. Other workers who perform non-picking-general operative jobs such as filling and emptying shelves or watering mushrooms and are paid at an hourly rate are also generally receiving below the minimum rate of pay.

Taking a very common scenario of underpayment of wages where a worker is paid on average **€2.50 less** than the minimum hourly rate over a forty hour week, the result would amount to €100 being effectively “stolen” from the worker. Taken over the period of one year it would amount to over €5,000, equal to 30% of their wages.

No overtime pay, no Sunday premium, no public holiday entitlements

Although agricultural workers have a right to overtime pay, paid overtime is not the experience of workers even though it is quite common to work in excess of a normal 39 hour week. Agricultural workers are also entitled to Sunday premium at a rate one and two-thirds the normal hourly rate of pay. Again, receiving Sunday premium is unheard of even though many workers regularly work on Sundays. Finally, workers are not receiving proper entitlements for work completed on Public Holidays which include the benefit options of:

- (a) A paid day off on that day
- (b) A paid day off within a month of that day
- (c) An additional day of annual leave
- (d) An additional day's pay

Denied full entitlements to paid annual leave

A mushroom worker who puts in a normal 39 hour week year round at the minimum rate of pay is entitled to four weeks paid annual leave (holiday). Most workers either do not receive any paid annual leave or receive less paid annual leave than their full entitlement. Others would receive random amounts of money from their employer just before taking their annual leave. The total would be significantly less than their full entitlement.

Some employers try to get around paying annual leave entitlement by subtracting 8% from the total a worker was to be paid and then adding it back under the guise of holiday pay. For example if a worker picked €300 worth of mushrooms in a week based on the grower's picking prices, the grower would end up writing on the pay slip €278 as work pay plus 8% or €22 designated as holiday pay to come up with €300 total pay for the week. The worker was actually entitled to €300 for what was picked plus 8% or €24 in holiday pay to make a total pay of €324 for the week. Replicated over a one year period this could amount to roughly €1,200 euro being taken from the worker in this way.

In some cases, for those on work permits, employers would either delay the renewal of the permit work and apply for short term work permits (5 months) or let the work permit expire, whereby workers become undocumented. This makes it impossible for workers to leave the country and take their annual leave. This was extremely frustrating and depressing for workers who were denied the opportunity to visit their families.

No work contracts, no pay slips

It is the common experience that workers are not provided with contracts of employment. Those who have a work contract do not understand it as it is written in English which many do not understand. Most of these are told to just sign the contract without having time to read it. Many are not provided with a copy. Most do not understand what they are signing. Still others who have contracts find them useless because the benefits and entitlements stated within were not being received. Some receive contracts through an employment/recruitment agency which again do not correspond to what people were actually receiving. There are some who responded to jobs advertised through FAS which stated the minimum hourly rate of pay, but once work began the earnings were less.

While pay slips are more commonly provided than contracts, a large number still receive cash payments in an envelope at the end of the week with no indication of tax or PRSI being paid. A record of hours is usually never provided on the pay slip. On one farm where pay slips indicated the number of hours worked, they clearly showed workers being paid a rate of €5.25 an hour, more than €2.50 less than the legal minimum.

No tax or PRSI contributions made

Workers generally want to be properly registered for the purpose of tax and PRSI so that they become included in the revenue and social insurance systems. This is seen as especially important if there would be a need in future regarding disability, maternity benefit, unemployment, etc. Many workers are worried that the contributions that they are making towards tax and PRSI to the employer are never actually making it to the Revenue Commissioners. Workers do not regularly receive P60s from their employers.

Illegal and excessive deductions

Some workers experience deductions from their pay for taxes that they know were never paid to the government as stated above. In other cases workers are having more than €50 deducted from their wages per week for accommodation provided by the employer when the maximum allowable deduction for accommodation provided by the employer is €22.85 per week. Deductions for accommodation do not appear clearly in contracts or on pay slips. Money is often deducted from workers on work permits to cover the cost of their work permit.

2. Excessive working hours

Most workers are expected to work excessive hours on a daily and/or weekly basis without adequate compensatory rest periods. Some workers experience working in excess of 16 hour days and 80 hours per week over extended periods. Some speak of finishing at

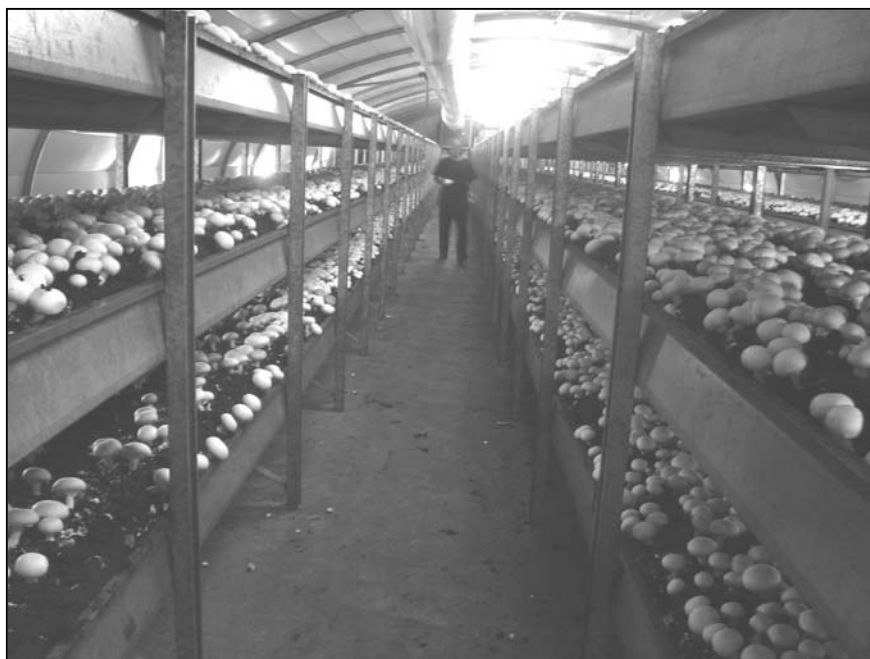
2am, walking thirty minutes to get home to bed and then getting up again at 5am to return to work. This is the case especially for general operatives who live on the site next to the mushroom tunnels and who are expected to be on call virtually 24 hours a day, seven days a week. There is the constant pressure of being called back to work at any time. Some speak of having one day off in a month and others fear asking for a day off even when they are sick. Some pickers speak of how there are times when there is a gap in picking on their farms they are sent to harvest on other farms. The long hours are difficult and demanding especially over long periods and workers speak of how these long periods without proper rest affect their overall health and well-being on the farm and in general. Many workers expect to work hard in order to earn money. However they feel that the number of hours is unsustainable.

3. Injuries, dangerous and unsafe conditions as well as short term and long term damage to health

The concerns of health and safety on the farm are numerous and of a serious and critical nature to the group. The following are the main concerns in this respect as expressed by the group.

Implications of the use of hazardous chemicals.

Mushrooms are often sprayed with chemicals to help to prevent disease and improve production, size and colour and to reduce any defects. Apart from sanctioned chemicals it is believed that illegal chemicals are also used.



Most workers have little or no information, training or awareness in respect of the proper use of chemicals that are being sprayed. They know little to nothing of the necessary precautions and health implications associated with the use of such chemicals. Some are asked to enter tunnels soon after they are sprayed when they are supposed to be off limits for several days. Some have been asked to mix and spray chemicals without proper training or protections. Workers speak of episodes headaches, nausea, dizziness and vomiting after harvesting tunnels that have recently been sprayed. Many workers report other short term and chronic problems such as eye problems, skin irritation, hair loss, menstrual problems and breathing difficulties which they feel may be related to chemicals used on the farm. As many of the chemicals are potential carcinogens there is the added danger of long term damage as well as a tremendous amount of fear surrounding the invisible effect chemicals may have. Most mushroom pickers are women and the reproductive health concerns are central. There are concerns also about the effects of chemicals on unborn children.

Dangers of working with mushroom compost

In August 2005, Justinas Gleiznys, a 14-year old Lithuanian boy was tragically killed while visiting his mother who worked on a mushroom farm in County Cavan. The boy was helping someone dispose of mushroom compost by picking out any plastic debris while standing in the back of a trailer full of used compost on a hot and humid summer's day. He suddenly collapsed and died a short time later. According to the coroner, Justinas died of asphyxia due to hydrogen sulfide poisoning. She believed that the source of the gas was the decomposing compost which he most likely inhaled as he bent down to pick out the debris. Although this tragic case highlights a lethal danger, workers have expressed that they still are not being properly made aware or protected from the dangers of working around used mushroom compost on the farm.

Mushroom worker's lung

Most workers are not warned or made aware of the condition of mushroom worker's lung. Mushroom workers may develop allergies caused by inhaling spores produced by open mushrooms. Symptoms of infection include things such as fever, headaches, shivering, muscle pains and breathlessness. Permanent lung damage may result when the condition is not properly treated. Masks are very important in this respect and most are not made fully aware of the dangers of not wearing masks. One group of workers spoke of being given one mask per month and being made to use the same cheap mask over and over and having to bring them home every day to clean it.

Fatigue, strains and accidents

Workers on a farm work long hours often seven days a week, and fatigue is an issue not only in respect to wellbeing but in respect to accidents that happen as a result of tiredness. Workers are increasingly asked to work faster which adds to unsafe and unhealthy working conditions over a long period. These pressures create conditions for accidents which workers have spoken about.

Workers are constantly lifting, transporting and stacking crates and they are constantly on their feet. This has caused many workers to experience back problems and strains. Women who become pregnant while working are concerned about the constant reaching and lifting and long hours on their feet. In a recent instance a worker who was five months pregnant was dismissed for requesting health and safety leave from her employer.

Pickers regularly pick from trolleys on order to reach upper mushroom shelves positioned high off the ground. Workers have spoken of falls from trolleys onto concrete floors and crates and buckets dropping from trolleys and striking them on the head. Other workers have been asked to pick from unsecured and broken down trolleys or on top of crates placed on trolleys that are not secure. Slips and falls on cement floors are common on floors which are wet from watering or mushroom waste.

Health and safety statements and training

Although employers are required by law to provide health and safety instruction and information to their employees in a language in which the workers understand most of the group has never seen a health and safety statement on the farm or know if one exists. Those who say that they had seen something like it were asked to sign a piece of paper without the content explained to them.

4. Threats, verbal abuse and intimidation by supervisors and employers

When workers raise a concern or make a complaint to the employer or supervisor they are most commonly told that if they don't like the way things are that they are free to leave as there are others ready to replace them. As one supervisor said to a worker who raised a concern, "There are plenty of flights to go back to Vilnius every day." Some speak of being threatened or intimidated with dismissal or told that the farm would close down if they complained about conditions, had joined a union or participated in the MWSG. Some members of the group who did complain to the employer were dismissed for doing so. Several of these had the courage to take a case against the employer. Others who have made formal complaints or have joined a union while still working on the farm speak of being harassed and scorned by the employer, supervisor or by other employees who labeled them as troublemakers.

Many workers have spoken about feeling completely disrespected and robbed of their dignity as human beings by their employers. They feel that they are treated as second class or like machines. Some workers tell of constant verbal abuse in front of other workers. Others speak of employers openly losing their tempers and scolding them if they don't pick fast enough. Workers also describe a feeling of loss of dignity and one of powerlessness in such situations.

5. Isolation

Many workers live in isolated areas often on farms or near the farm. Most do not have any form of transportation. Many know only the workplace and the weekly trip to the shops. There is often little opportunity for socialising or for other pursuits, and most have little interaction with the local community. Some workers have been able to connect with some local community activities primarily through English courses which are a tremendous boost to workers. Many workers spoke of feeling depressed about not only being away from home and their families but also the long working days and few available and accessible social outlets. Workers also report being ordered not to form relationships with local men or socialise locally.

6. Access to health care and medical services

It is the experience of most of the workers that unless they have a serious injury or condition they do not use medical services in Ireland. Most workers travel to their home countries to attend the doctor. The reasons for this are that going to the doctor in Ireland is far too expensive and that without good English skills it is difficult to fully explain health problems. Spending money on a doctor who is not able to understand your problem is considered to be a waste. Workers either do nothing about conditions or self medicate by

getting information from other workers about common conditions or problems they experience. Some spoke of paying local doctors only to get a prescription for medicines that they originally got back in their home countries. Some report chronic damage and long-term health problems as a result of sustained medical problems without proper medical treatment.

7. Substandard accommodation

Many workers are provided accommodation from their employers on the site of the mushroom farm or in a home offsite owned by the farm owner or arranged through friends or relatives of the owner. Firstly, it is very common that workers are illegally overcharged for accommodation provided by the employer. Secondly, some of the accommodation, particularly mobile homes or other converted sheds or structures, are often run down, overcrowded and sometimes are without running water and heat making them entirely unfit for housing. Some workers' accommodation doubles as a canteen for the rest of the workers during the day.

8. The Cross-border factor

Some workers report being frequently moved and expected to work on farms on both sides of the border. Other workers have reported being paid in cash sterling through an employment agency in Northern Ireland even though they were both living and working on a farm in the Republic. The workers in such case have not only been receiving less than the hourly rate of pay for the Republic but also less than the hourly rate in Northern Ireland. Taxes and accommodation deductions are taken in sterling and supposedly paid to the Northern revenue authorities. It is not known if such tax was actually paid. It would appear that some growers are using the border as a way to avoid their legal responsibilities towards their employees.

IV. MAIN BARRIERS TO ACCESSING RIGHTS

A few workers have come forward and begun to expose and report the kind of treatment they have been receiving despite enormous barriers and risks to expose poor treatment. Many others are faced with tremendous obstacles that make it extremely difficult to break the cycle of exploitation. The result is that most end up staying in poor and exploitative working and living conditions.

1. Financial vulnerability i.e. fear of losing the job or accommodation

Many workers are aware (to some degree) of their legal rights and entitlements but are simply too afraid to do anything about it. The primary obstacle workers face in asserting their rights is the fear of losing their employment. Many have invested or borrowed large sums to travel to Ireland and to find work. Their families, including children and spouses often back home, are heavily dependent on them. In some cases workers, especially those on work permits, borrow sums in the region of €5,000 to €10,000 to get to Ireland in the first place and face the fear that their employer may not renew the work permit.

Many workers have few other job options if they have poor spoken English. Living in isolated rural areas there are also few other job opportunities. Many workers have few connections in Ireland and no back up plans or places to go. Many do not know about or qualify for social welfare protections in cases where they are dismissed for asserting their rights. Workers also have a real fear of being blacklisted if they complain as they know that the growers know each other. This was the experience of a few members of the group. Many workers also depend on the employer for accommodation. This makes it even more difficult as a problem with the employer could also mean the loss of accommodation.

2. Limited English skills

Limited English skills add huge barriers to workers in a number of ways. In addition to limiting other job opportunities, many workers never get their hands on information written in a language that they can understand outlining rights and entitlements in the workplace that can often be difficult to understand. If workers do understand their rights, those who overcome the fear factor as stated often have no real way to communicate directly the employer. When labour inspectors come to the farm they are unable to communicate privately with the workers to get their stories and they leave without the true picture.

Without English there are also major difficulties in connecting with the local community and learning about or engaging with any available supports. Without these connections and networks, the supports that may exist are extremely difficult to access. And if the relevant supports are found, such as a local trade union, Citizen Information Centre or Social Welfare Office, there are few interpreters or bilingual staff available.

3. Lack of supports, knowledge of supports and accessing support

Issues about rights in the workplace are often complex and in a rural and isolated setting there are few supports which workers can draw upon to communicate their concerns and receive the support necessary to come forward. Most workers find they have little or no knowledge of the supports that may be available. Then there are barriers accessing them which include the language barrier as well as the lack of transportation, working long hours and living under the watchful eye of some employers and supervisors, especially those who live on site in accommodation provided by the employer.

4. The work permit trap

Non-EU workers employed under the work permit system are in a particularly vulnerable position in that they rely entirely on the employer who has the ultimate power in applying for a renewal of a work permit. Workers are effectively bonded to one employer. Many workers fear that if they raise an issue or make a complaint the employer will not renew their permits. The power difference in this relationship is such that most workers feel completely silenced. Workers whose permits are allowed to expire by the employer are in an even more vulnerable state as they become undocumented and are without any legal right to residency, access to social protection, healthcare and so on. Many workers getting close to earning their residency after five years in Ireland in the work permit system are afraid to do anything that would jeopardise getting to the five year mark.



V. STORIES OF THREE WORKERS

The following are three stories volunteered by members of the MWSG. Their names have been changed to conceal their identities. These stories are important in that they provide a more complete picture of the lives of these workers and the situations that many find themselves in, living and working as mushroom workers in Ireland.

ANNA

I am from Lithuania. I have three grown up children – two daughters and a son. My oldest daughter is here in Ireland with me. I was thinking long before I came to Ireland to go abroad to earn bit of extra money. Then a friend of mine came to Ireland and invited me to come over as well. I came in October 2004. Before I came I was working as nurse in a hospital. I started to work on a mushroom farm the day after arriving in Ireland.

I was expecting a more civilized attitude towards me but as I saw the employer didn't have any respect for us whatsoever. I didn't have a work contract while I was working on the farm. There were nine of us all together who were picking mushrooms on the farm. As far as I know he was selling mushrooms directly to England. While working on farm we used to go to other farms to pick mushrooms. Sometimes we were lucky if we got paid when we finished "help" on other farms. Sometimes we didn't receive any money for the work we did. Maybe the other farmer paid my employer but I rarely received any money for it.

I was picking mushrooms on the farm, collecting crates, mixing chemicals to spray on mushroom disease, and watering mushrooms. I got paid a piece rate when I picked mushrooms and paid per hour when I did all the other jobs on the farm. I didn't have any idea that there is an agricultural pay rate for the job I was doing. There was only one Irish lady picking mushrooms with us. I don't know was she paid different or the same as us. I got pay slips with my wages but I never knew when pay day was. If we wanted to get paid, we needed to catch the boss while he was on the farm. I kept track of the mushrooms I picked and the hours I worked.

I could work as little as 2 hours a day or up to 16 hours day - it all depended on the mushroom flush. When mushrooms where picked we could be finished any time of day or night. That didn't matter on the farm. As far as I know my employer paid my taxes and PRSI. €45 was taken out of my wages every week for accommodation. I never got paid overtime, Sunday pay or public holidays. When I got sick I still went to work as I couldn't take day off. I could have day off only if there where no mushrooms to pick but as I was living in a mobile home on the farm my employer could come in and ask me to do other jobs on the farm if there was anything else to be done. Girls who lived in town had days off and he didn't call them to come in for two hours work as they needed to pay for a taxi, but I was there 24/7.

As far as I was concerned we were slaves at his farm with no feelings allowed. I was told if I came to work I must work and if I want to complain I can leave as there are hundreds of others behind the gates who will be more than happy to do my work. That is what I believed was true.

I wasn't told anything about Health and Safety at the farm and no masks were given to us when we picked mushrooms or when we mixed chemicals for disease spraying. I suffer from bad eyesight now, long coughs in the mornings and get breathless. That is all after I worked on the mushroom farm. And the other two girls who I shared the caravan with suffer from similar health problems.

As I said I was living in a mobile house on the farm and at the same time it was used as a canteen, toilet, smoking area and changing room for all the workers on the farm and three of us were still paying €45 every week for it. When we asked the employer to get another mobile house for the workers we were told not to complain and that he still isn't charging us the full price for it.

We didn't have any heat in the caravan and sometimes no electricity and no water. Once I just went over to the employer's mum's house, as she lived few meters from us, and she gave me a bucket to carry water back. The door of the caravan was broken and we couldn't lock it. We tied it tight with string to keep it closed. The steps up to the caravan were broken as well and when you made your way up you must be careful when you step in as there was a huge hole in floor by the door. We asked several times to fix all these things. The employer got men who fixed the door and the floor but we fixed the steps by ourselves.

The main thing for me is the employer's attitude to all his foreign workers. Just respect them and treat them as human beings. After that he must pay the minimum rate of pay for work we do. We were trying to talk to the employer but the only answer was that if you don't like it you can leave.

My English is not very good and it is hard to communicate with people in the local community. I don't feel very comfortable around Irish people and I don't have any friends from my home country to mix with only the two girls who I am sharing house with. Most of time I spend in the house.

IRENA

I am from Latvia. I am divorced and have two children. Both girls are being looked after by my mother while I am in Ireland.

I came to Ireland in 2002 on a work permit to work in mushroom farm as mushroom picker. My sister was working here already and I came over. The main reason why I came to work in Ireland was to earn more money to buy an apartment back home in Latvia for me and my kids.

There are twenty women working on our farm. I signed some sort of work contract but I never received a copy of it or had a chance to read what was written on it. I know that minimum wage in agriculture is now €8.12 per hour but I am paid €6 per hour. I never received a pay slip with my wages. Friday is pay day and I get my wages in a little brown envelope and on the back of it is written my wages minus €50 for rent. I only recently started to keep track of my hours. I start work at 6am and work to 3pm and some days I work longer. I work seven days per week. The employer says that he is paying my

taxes and PRSI but I don't know if it is true. I don't get paid overtime, Sunday pay, or public holiday pay and my holiday money is not what it should be.

The other workers and I are threatened by our supervisor if we complain or if we join the meetings of the Mushroom Workers Support Group we are told that we can lose our jobs on the farm. I can't take any complaint to the employer because my English isn't good. The only way to communicate with the employer is through the supervisor and she says that she will deal with it and there is no need to talk to employer. But she never does. The supervisor opens our brown envelopes to count it and to know how much everyone gets.

The supervisor turns the girls against each other. The girls are afraid to speak up in fear of losing their job. The boss isn't helping us with the complaints at all. We tried to talk to the boss and there were loads of promises to get us pay slips, contracts and proper wages. Nothing has changed. I got a pay rise in September from €5 euro per hour to €6 euro but I don't know when was the last time the pay per kilo was brought up.

We don't have any Health & Safety information. There are signs written on paper saying where we are not supposed to enter and what not to touch. They are all in English. I suffer from bad eyesight, coughing and some other girls have allergies from the mushroom spores in the flat houses.

The hardest thing for me was leaving my two girls in Latvia. If I had a choice to bring them to Ireland with me I still wouldn't do it. They won't have anything to do here as I live in a village and I don't have a car to bring them anywhere. I am also working every day and wouldn't see them as often anyway as I am away most of the day. If I ask for a day off as I have done several times before the supervisor asks me, "Am I really sure that I need day off?" It is better that they are with their grandmother. We talk on the phone every day and I go home every once in a while to see them.

I feel very welcome in the local community. I used to go to English classes when they were held in the local centre. But I didn't learn much in them as there were people with different levels of language and it was hard to follow. Someone who sat by me started to correct my mistakes and I don't like that at all. I would like some trips to be organised so that I can see a bit of Ireland. If I got the chance I would like to learn Irish dances. I have been once in the hospital in Cavan and the nurses and every one was friendly to me. That was after I had accident on the farm. I was lifting heavy weights wrongly and had back trauma.

SAKDA

I am from Thailand. I am married and have one daughter. My wife and daughter live back in Thailand. I came to Ireland four years ago to work on a mushroom farm. I came to make a better life for us and to earn money to buy a home for us. I paid a lot of money to an agency in Thailand to come and work here, about €6,250. I borrowed the money but I have paid my debt off now. It took me a year and a half to do it.

I came to work on one farm but when I got here there was no job for me so I was sent to work on another man's farm. I got a contract from the agency when I first came but I do not get paid what it says in the contract. I work on the farm filling shelves, watering mushrooms and do other work on the farm. The hours are very long. I work sixty to seventy hours per week. I get paid €350 a week. This is about five euros an hour. I do not get any overtime, Sunday pay or Bank Holiday pay. Our boss recently made us sign a contract for the first time but I don't understand it. It doesn't really matter because nothing has changed. I have never received any health and safety training or information. There are some signs posted around the farm which are in English only.

I live in a mobile home right next to the mushroom farm. For a long time it was not so nice because there were six of us living in that mobile home together. Now there are only three of us. We pay €45 per week for that house.

I want things to be better on the farm but I am afraid to cause problems and that my boss will give me trouble. I understand most of my rights but there is not much I can do because I do not want any problems. He may not renew my work permit for me. I am trying to get my residency. I have worked on the farm for four years and I get paid the same amount after all those years. I did ask my boss for a pay rise a few months ago. The boss said, "No. Your pay is already high. Everyone gets paid the same money no matter how long you work here." I think if someone is a good worker for a long time that the boss should show that by a bonus or some more pay. I think I am a good worker and have done a lot for the boss. I work many long days and hours and I do not cause problems. It upsets me most because I think my boss thinks that I am not a good man.

I cannot take a holiday. The reason is that he waits until my permit expires before applying for a new one. He applies for a five month work permit. By the time the permit comes and I pay €100 for my Garda stamp in my passport and get my passport back my stamp is almost ready to expire. I cannot plan ahead to leave here to go and visit my wife and daughter. It is very difficult for me not to see them after so long. Sometimes I just want to leave here but I cannot.

VI. A CALL FOR CHANGE

This document highlights a number of serious problems based on the experiences of the members of the MWSG in the Monaghan and Cavan region and beyond. In light of the current situation, the MWSG calls for the following action.

Mushroom Growers should:

- treat all workers with respect and fairness and in accordance with the law;
- build a new culture and attitude of compliance in the industry. This should involve a process of education and the implementation of all relevant Irish labour and health and safety regulations governing workers employed on mushroom farms.

UK and Irish supermarkets and major retailers should:

- introduce contract compliance that involves full compliance with labour and health and safety law;
- put in place mechanisms and steps to ensure that labour and health and safety rights of those working on mushroom farms are being observed and followed.

The Department of Enterprise Trade & Employment should:

- increase the number and effectiveness of inspections by the Labour Inspectorate (and the new Office of the Director for Employment Rights Compliance) of mushroom farms across Ireland in partnership with Revenue and Social Welfare inspectorates and corresponding agencies in the North. Fines should be set at levels that strongly discourage employers from breaking the laws;
- appoint individuals to the inspectorate to deal specifically with inspections in the agricultural sector where the majority of those employed are migrant workers. In this respect the Department should provide interpreters or hire bilingual staff capable of communicating directly with workers;
- work with the Department of Justice and Department of Social & Family Affairs to provide adequate choices, protections and social provision to workers who are the most vulnerable in coming forward to make complaints - especially those on work permits;
- financially support organisations who are providing vital information, outreach and advocacy supports to workers on the ground.

The Department of Agriculture should:

- work in partnership with the Department of Enterprise Trade & Employment and Health and Safety Authority to make any government support or investment on a farm contingent on the strict adherence to Irish Labour and Health and Safety Laws;
- establish mandatory and ongoing training programmes covering labour standards and health and safety regulations for all growers and workers employed on mushroom farms across Ireland.

The Health and Safety Authority should:

- step up enforcement efforts in the mushroom industry and increase on the ground spot inspections;
- provide interpreters to communicate directly with workers during inspections;
- collaborate with the Department of Enterprise Trade & Employment and the Department of Agriculture in establishing best practice health and safety standards

for mushroom farms and assist in establishing and delivering trainings to employers and workers.

Comhairle and local Citizen's Information Centres should:

- expand the provision of information on employment rights and health and safety information in more languages and target specific employment sectors in which there are known to be large numbers of vulnerable migrant workers;
- expand the pilot programme of 'advocacy officers' to support workers at local centres across the country such as the Monaghan Citizen's Information Centre;
- appoint more bilingual staff or make interpreters available in local centres across Ireland on a regular basis in order to provide the support necessary to workers seeking to access their rights;
- work in cooperation with groups like the MWSG in developing innovative and practical ways of reaching vulnerable workers.

The Health Services Executive should:

- work in partnership with the Department of Agriculture to provide affordable and accessible health care options to migrant farm workers living and working in isolated agricultural settings (One US model involves local and regional health centres operating "traveling" part-time primary health care teams or units capable of reaching populations of migrant agricultural workers living in isolated areas who would otherwise never receive access to medical care);
- collaborate with local authorities to begin a programme of registration and routine inspection of accommodation provided by employers.

Trade Unions should:

- continue efforts to hire more bilingual organisers, bilingual local staff and interpreters to work directly with migrant workers on the ground especially in the most vulnerable sectors;
- continue efforts to use their influence at the national level to prioritise policies and practices which protect the most vulnerable migrant workers.

Local Communities, including community groups and local development structures should:

- ensure efforts are made to counteract the barriers, exclusion, exploitation and segregation of migrant workers;
- open pathways for establishing positive relationships with migrant workers living and working in their communities;
- actively include and recognise migrant workers in the political, social, cultural and economic opportunities and structures within local communities.