



# Dairy Workers Study

*Legal and Community Assessment*

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School for Workers

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# Acknowledgments

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## Key partners

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## Executive summary

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The University of Wisconsin–Madison School for Workers partnered with Legal Action of Wisconsin Farmworker Project (“Farmworker Project”) in the development, implementation, and analysis of a qualitative community priority assessment of dairy workers in Wisconsin. The research project was conducted between November 2021 to April 1, 2023.

The primary purpose of this research was to identify this population’s key priorities, strengths, and needs and to provide recommendations on how the Farmworker Project could better support dairy farmworker communities and how the Farmworker Project can leverage its legal expertise to advance community goals and address community needs.

Uniform data was collected in one-on-one interviews with dairy workers. Interview recordings were transcribed and translated. Content analyses were conducted of the interview transcriptions to identify patterns in certain words, themes, or concepts within the scope of the purpose of the study. Additionally, data was codified into Excel and SPSS formats for further analysis.

Overall, we find that Wisconsin dairy workers face unique hardships caused by this industry’s year-round work demands, danger in its occupations, placement of farms in mostly rural and isolated regions, and its dependence on a racialized, predominantly Latin American immigrant and mostly unauthorized workforce.



## Specifically, we find that Wisconsin dairy workers:

- Are predominantly male, in their middle thirties, immigrants from Latin America, more than likely have an unauthorized immigration status, were recruited to work in the dairy industry, and live onsite where employed.
- Are generally not aware of their worker, workplace, immigrant, or everyday rights.
- Experience consistent labor and workplace safety violations and are subject to housing discrimination, segregation, and social isolation.
- Lack information about government or public agencies or advocacy organizations to contact if they are experiencing problems on the job or in their community.

## Recommendations

1. Conduct strategic outreach and marketing.
2. Increase civil legal aid funding to build capacity through budgetary advocacy.
3. Provide adult legal education.
4. Provide health and safety education, including rights and processes under the Wisconsin Workers' Compensation Act.
5. Improve data collection.
6. If the Wisconsin legislature introduces legislation or rulemaking authorizing issuance of drivers' licenses for Wisconsin immigrant residents who have an unauthorized immigration status, Legal Action of Wisconsin should file a formal position through comments or testimony on these efforts as permitted by the Legal Services Corporation.
7. Provide assistance to workers entitled to DHS policy for Deferred Action for workers in a labor dispute.
8. As federal immigration policy develops, Legal Action of Wisconsin should provide comments and share the impact on dairy worker communities, as permitted by Legal Services Corporation.



**A cautionary note on the use of labels (Ibarra, Carlos, Torres, 2018). Although we use labels that identify most of the study population interchangeably, we are aware that they:**

- Are social constructions.
- Are used to categorize, group, and count people.
- There is no single experience that defines the immigrant or second generation and beyond Latino/a/@/x/e or (X)Chicano/a/x experience.
- Often obscure rather than clarify the varied social, political, and economic experiences of individuals or groups.
- Identity constantly changes through internal and external challenges.
- Labels lag behind new or evolving identities.
- Labels have power, so we must question who has the power to define people.

# 1. Introduction

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Agricultural workers are essential Wisconsin community members. They milk cows, harvest cherries and cranberries, prune nursery plants, sort potatoes, and package frozen or canned vegetables. Often having traveled to Wisconsin from long distances, agricultural workers establish themselves here, bringing with them their talents and skills, as well as their hopes and dreams. With little recognition and institutional support, these workers are made invisible, even to the communities they live in and support. This report is the culmination of many hours of work, including the identification of participants, interviews with workers and community partners, analysis, and writing. It is the product of many discussions between the School for Workers and the Legal Action Wisconsin Farmworker Project ("Farmworker Project"), sparking new learning and institutional growth for each. This assessment report seeks to challenge that invisibility by elevating key themes expressed by dairy worker communities about their priorities, strengths, and needs. And finally, the report offers recommendations on how the Farmworker Project can best support these communities, particularly how the Farmworker Project can leverage its legal expertise to advance community goals and address community needs.

## 2. Project background



### 2.1 // // // // // Legal Action Wisconsin

Legal Action of Wisconsin (referred to as LAW in this project) is a vibrant non-profit law firm with six offices (Milwaukee, Madison, Racine, Oshkosh, Green Bay, and La Crosse), funded by the federal Legal Services Corporation (LSC), the Wisconsin Trust Account Foundation, and many other sources. Staff attorneys maintain a direct service caseload for individual and group clients and engage in law reform litigation and other structural advocacy work. LAW attorneys have expertise in a range of substantive areas. Still, most of the work focuses on housing, public benefits, removing barriers to employment, and consumer and family law. For example, LAW provides free legal aid to low-income community members in the southern 39 counties of Wisconsin. In addition, LAW operates other statewide projects serving elders and crime victims, including victims of sex and labor trafficking. Of great importance to this project is the work done by the LAW Farmworker Project to assist farmworkers throughout the state of Wisconsin.

### 2.2 // // // // // Farmworker Project

There is a rich history of farmworker-led efforts leading to the development of legal standards and the improvement of living and working conditions for agriculture workers across the state. In the 1960s, the farmworker union, Obreros Unidos, led a march from Wautoma to Madison to petition for better protections. Many of today's farmworker-serving agencies emerged from that period of activism and continue to support farmworker communities.

LAW's Farmworker Project is one such farmworker-serving agency. It is grounded in the understanding that agricultural workers face historical and structural barriers that make it difficult for them to access legal and community services. These barriers lead to unique legal problems that agricultural workers must confront. For 50 years, the Farmworker Project has provided free civil legal services to agricultural workers and conducted extensive outreach to share information about agricultural workers' legal rights. Outreach occurs at farmworker housing, in community education presentations, through social media and radio, and includes developing materials such as flyers and videos.

As a statewide initiative, the Farmworker Project seeks to ensure that migrant, seasonal, and year-round agricultural workers receive the wages they have earned, live and work in a safe environment, are recruited lawfully and fairly, and have access to public benefit programs. Potential clients include migrant workers who travel to Wisconsin from another state or country to do corn detasseling, seasonal workers who work in vegetable food processing August-November, or year-round workers who milk cows at Wisconsin dairy farms. Eligible clients include U.S. citizens, lawful permanent residents, individuals with H-2A visas, survivors of domestic violence, extreme cruelty, or other U visa-qualifying crimes



like fraud in foreign labor recruitment, and survivors of labor trafficking. Many individuals prefer to communicate in Spanish.

Currently, the Farmworker Project staff consists of three attorneys, one paralegal, and one program manager. LAW's funder, the Legal Services Corporation, requires grantees (like the Farmworker Project) to undertake comprehensive assessments periodically. Additionally, the Farmworker Project believes consistent communication with agricultural worker communities about their priorities, strengths, and needs is critical to providing responsive, effective, and high-quality legal services. This is how the Farmworker Project has successfully remained committed to serving the needs of people who work in agriculture, even as the characteristics of the farmworker population change. Finally, the Farmworker Project collects data on work and living conditions of immigrant dairy workers which fills a crucial gap that can inform public agencies and service providers. There is scant research in this area.

Starting in 2020, the LAW Farmworker Project began the development of community priorities and needs assessment. After a comprehensive Request for Proposal process, the Farmworker Project selected the University of Wisconsin–Madison School for Workers to implement the project. Since September 2021, the Farmworker Project and School for Workers have worked collaboratively to listen to dairy workers in Wisconsin. Through this project, the Farmworker Project sought to better understand the demographics, migration patterns, work, living conditions, priorities, and needs of dairy worker communities in Wisconsin. This assessment makes certain LAW's Farmworker Project remains attentive to emerging priorities and needs of the communities it seeks, and is honored, to serve.

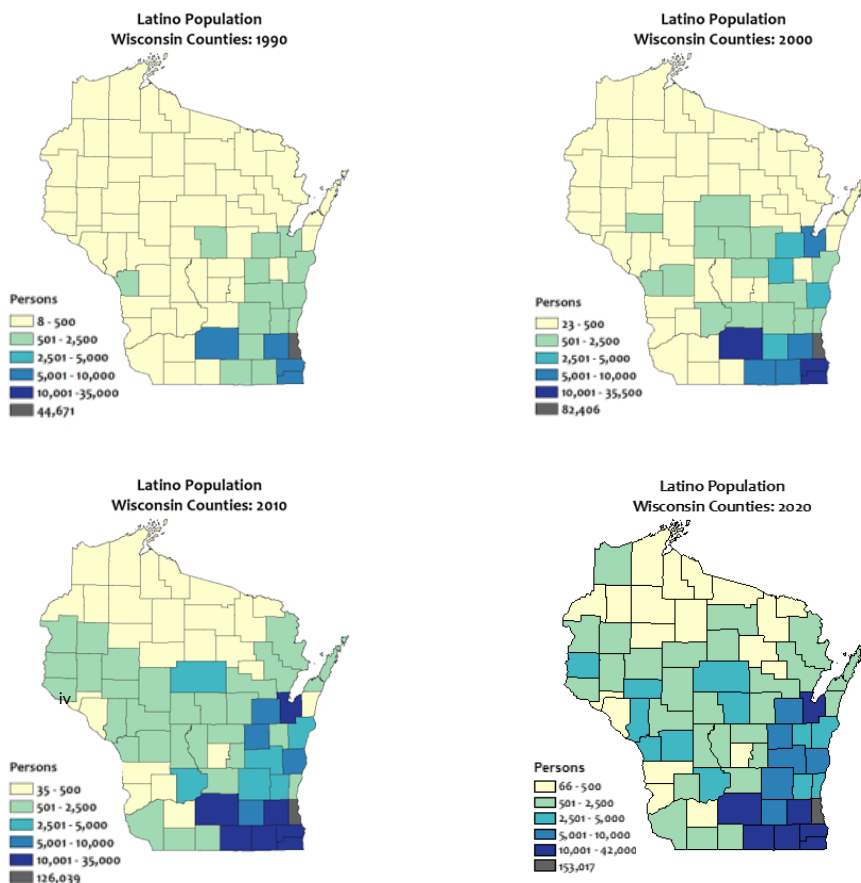
### 3. Population characteristics



The Wisconsin Latino population<sup>i</sup> has substantially increased in the last three decades. From 1990 to 2020, Wisconsin experienced a fourfold increase in its Latino population, from 93,000 to 447,290. According to Census data, the Latinx population now makes up 7.6 percent of the Wisconsin population, making them the largest minority in the state; they surpassed African Americans in 2014.<sup>ii</sup> Approximately 27 percent of the Latinx population in Wisconsin are foreign-born; 39 percent of the immigrant population are non-citizens, and 73 percent identify as Mexican. This group has a median age of twenty-four, an average family size of 3.65, and 48 percent are younger than seventeen.<sup>iii</sup> This large and rapid growth is causing a demographic shift that is transforming the demographic profiles of many rural and urban communities. This change is rooted in three demographic trends: first, direct immigration from Latin American Countries to Wisconsin; second, migration from other states to Wisconsin; and lastly, and most importantly, the higher-than-average birth rate in the Latinx community. Today, in Wisconsin, as in the rest of the country, a Latinx person is

more than likely of Mexican origin, is half the age of a non-Latino, is bilingual and bicultural, was born in Wisconsin, and is a member of a family that is larger than average. Our research indicates that the dairy industry workforce, which is predominately Latinx, reflects many of the same demographic characteristics as the overall Latinx population, but at the same time, has much higher rates of people with an unauthorized immigration status, are slightly older than the overall group, and have been in the country for far less time.

## Map 1 Latino Population by Decennial Census 1990-2020



Source: Applied Population Lab, UW Madison, 2022

As shown in Map 1, the Latinos are now members of communities in every county of the state, and their numbers have grown dramatically each year between 1990 and 2020. Such data stems from the American Community Survey, likely undercounting the Latinx population. (See side box.)



### Undercount in Data on the Latinx population

Over the last several decades, it has been well documented that the decennial census and other demographic estimates or surveys (such as the American Community Survey) tend to undercount the Latinx population. Estimates made by sociologists and ethnographers on the size of the undercount of the Latinx population typically range from 5-10%, with some being as high as 15-20%. The U.S. Census Bureau reported that the Latinx population was undercounted by 1.5% in the 2010 and by 4.99% in the 2020 Census.

## Arcadia, Wisconsin: A Latino-majority city

Located in West Central Wisconsin, Arcadia is the largest city in Trempealeau County. It recently gained national attention because population dynamics have transformed it into a Latino-majority city.<sup>v</sup> Although this shift in population was perhaps not surprising to those that live and labor in that region, it caught many academics, policymakers, and media outlets off guard. Could it be that the so-called “browning” of America had finally reached a destination that just a decade earlier thought immune to it? Arcadia served as the answer: yes, it had.

As argued by Ibarra, Carlos, and Torres, in Wisconsin, “The bulk of ‘browning’ is rooted in Mexican labor migration and settlement patterns within the context of U.S. foreign policy toward Mexico and other Latin American countries. The contemporary Mexican pioneers followed employment trails to urban and rural areas where they work in agriculture, service and manufacturing industries. They have settled in urban cities like Milwaukee, Green Bay, and Racine and rural towns like Fond du Lac and Gibraltar town where they have established co-ethnic barrios that are becoming vibrant working-class communities which grow daily with new arrivals... [and face] racial and cultural barriers rooted in xenophobic attitudes and policies.” P. 4, 2018.<sup>vi</sup>

Hundreds of Arcadia residents are employed by Ashley Furniture, Pilgrim's Pride, and by the four large dairy CAFO operations (refer to section 4 for CAFO definition) located in the immediate area. In tandem, local industries’ employment needs, direct and indirect labor recruitment of Latin American immigrants, settlement, and subsequent population dynamics are the foundation that led to this city’s demographic transformation.

Table 1 details the current population characteristics of Arcadia. The 2020 Decennial Census revealed that Latino residents comprised 64 percent of Arcadia’s population. Furthermore, Latino students made up 75 percent of all local public school enrollments. There is little doubt that this demographic shift is causing cultural and political changes that are felt across the state. As the Latino population continues to grow and become a larger presence in civil society, it will redefine social priorities and Wisconsin’s identity.<sup>vii</sup>

Arcadia is but one example of many small towns and cities whose demographic composition is shifting because of Latinx population increases. Large urban cities such as Green Bay,<sup>x</sup> to medium size cities like Delevan, to small agriculture and dairy farming communities like Abbotsford<sup>xi</sup> are also experiencing demographic changes that are challenging contemporary local social formations rooted in long-standing race and ethnic dynamics. As stated earlier this research adds evidence to a body of literature that argues that the impetus for these demographic changes are market labor demands (especially in the food processing, agriculture, and dairy industry), recruitment practices,<sup>xii</sup> labor migration, and settlement.<sup>xiii</sup> (Ibarra, Carlos, Torres, P. 16, 2018).

**Table 1**

Population by race/ethnicity  
and public school enrollments

| Population by race                       | Number |
|--|--------|
| Population                               | 3,737  |
| Latino share of the total population     | 2,377  |
| Latino percentage of population          | 64%    |
| <b>K-12 school enrollment 2021</b>       |        |
| Students                                 | 1,257  |
| Latino share of students enrolled        | 940    |
| Latino student percentage of enrollments | 75%    |



## 4. Social changes

Because the bulk of the Latino population is much younger than non-Latinos, they will gradually age into adulthood and become an increasing civic presence; this means increased numbers of Latino voters, increased numbers of Latinos holding elected offices, and increased numbers of Latinos holding decision-making positions in public service and private industry. And, undoubtedly, the Latinx population will continue to maintain a central and vital presence in our local and state economy, both as workers, consumers, and entrepreneurs.

### Dairy industry & CAFOs: economic impact and workforce

In Wisconsin, there are 6,116 total dairy farms, and of these, 331 are classified as Concentrated Animal Feeding Operations (CAFOs). CAFOs are facilities in which animals are kept and raised in confinement, typically at least 1,000 animal units.<sup>xiii</sup> According to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), there are approximately 301 CAFOs milking, on average, close to 2,000 cows. Additionally, there are about 550-600 farms milking around 500 cows (below the CAFO unit cap).<sup>xiv</sup> These larger dairies produce about 80% of the state's milk. A 2017 study estimated that Wisconsin dairy "herds averaged 1,277 dairy cows and 20 employees."<sup>xv</sup> These two dairy groups produce and process \$45.6 billion of dairy products or 14% of the state's \$311 billion GDP.<sup>xvi</sup> Of the \$45.6 BB, farmers received a revenue of \$5,912,788.<sup>xvii</sup> In 2017, there were 14,684 dairy workers in Wisconsin.<sup>xviii</sup> There are no official statistics on the number of unauthorized immigrant dairy workers. Estimates range from 46 percent; to as high as 90 percent, with the most used estimate being 70 percent.<sup>xix</sup> Thus, only a rough estimate can be given on the total number of unauthorized immigrant dairy industry workers. Using the 70 percent estimate, in the 900 dairy farms mentioned beforehand (CAFOs and medium-sized farms), there are approximately 9,889<sup>xx</sup> unauthorized immigrant dairy workers, and for the dairy industry, there are approximately 10,279<sup>xxi</sup> unauthorized workers employed. So, the state of Wisconsin, which prides itself on the dairy industry, survives and thrives (especially true for the large CAFO dairies) because of Latino immigrants and mostly unauthorized workers across the state.<sup>xxii</sup>



"Well, the culture is obviously, we are all different, well at least I am Salvadorian, but all of us Latinos who work there try to get along. In the end we are all Latinos, and you can respect the beliefs and customs of each region, because it is not a question of saying that Salvadorans are the best or Hondurans, Nicaraguans... In the end, one understands that one comes to work."

-Wisconsin dairy worker

Figure 1: Trendline for counties with a 2020 total population less than 100,000

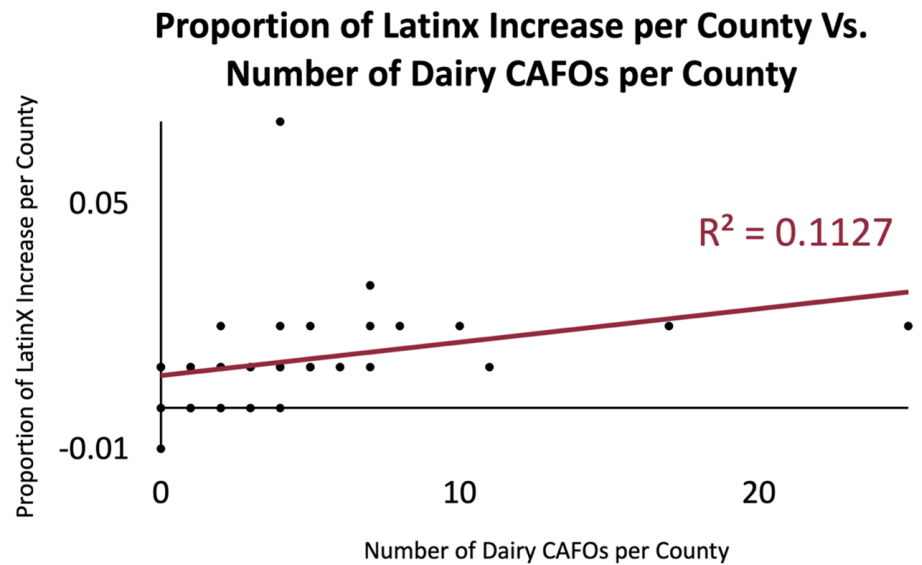
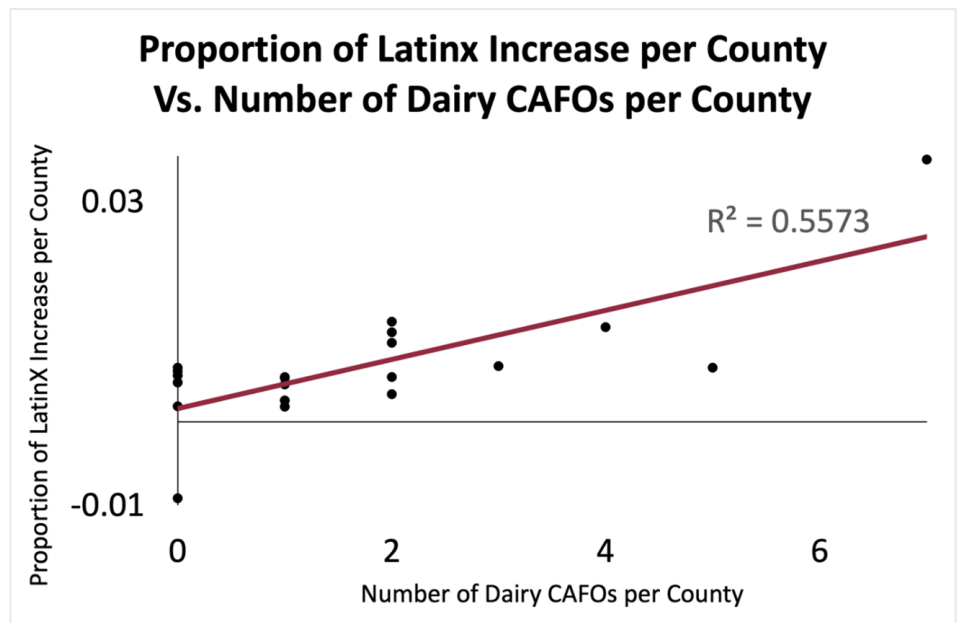


Figure 2: Trendline for counties with a 2020 total population less than 20,000



There is a need for reliable and consistent data on the dairy workforce.

To test the relationship between Latinx population increases and CAFOs two linear regressions were conducted using the 2010 and 2020 Decennial Census and 2023 state CAFO data. It is important to note that causality cannot be explicitly assumed from this regression analysis, but the use of linear regression allows us to establish the nature and strength of the relationship between the tested variables. Specifically, R-squared values represent the proportion of variance in the dependent variable that can be attributed to a change in the independent variable. R-values establish the strength and direction of the relationship between the two variables. P-values determine whether findings are statistically significant.<sup>xxiii</sup>

Counties with a population greater than 100,000, such as Milwaukee County, were excluded from the regression analysis (a table of counties included in the regression analysis is provided in the addendum). As we know, although there are CAFOs in these areas, other industries outside of Agriculture and Dairy, such as Construction, Leisure and Hospitality, Accommodation and Food Services, and Manufacturing, employ the largest percentages of Latinx and Latin American immigrants.<sup>xxiv</sup> As a result, 16 counties with CAFOs were excluded. The resulting R-squared value was 0.1127, indicating that 11.27% of the variation in Latinx proportion increase per county can be attributed to the number of dairy CAFOs. The correlation coefficient was found to be 0.3358, indicating a weak positive correlation between the variables. The p-value was calculated to be 0.011401, which is significant at  $p < 0.05$  level.

We also conducted linear regression on the counties with a total population of less than 20,000. The  $R^2$  value was 0.5573, which indicates that 55.73% of the variation in Latinx proportion increase per county can be attributed to the number of dairy CAFOs. An R-value of 0.7465 indicates a moderate positive correlation, and a P-Value of 0.000157 indicates that this result is significant at the  $p < 0.05$ .

Overall, these findings suggest that there is a statistically significant relationship between the number of dairy CAFOs and the proportion of the increase in the Latinx population in Wisconsin counties with a population of 100,000 or less. This impact on Latinx growth is substantially larger in counties with populations of 20,000 or fewer.

## 5. Project methodology



The University of Wisconsin–Madison School for Workers partnered with LAW Farmworker Project (“Farmworker Project”) in the development, implementation, and analysis of a qualitative community priority assessment of dairy workers in Wisconsin. The research project was conducted between November 2021 to April 2023.



The primary purpose of this research was to identify key priorities, strengths, and needs of this population and to provide recommendations on how the Farmworker Project could better support dairy farmworker communities and how the Farmworker Project can leverage its legal expertise to advance community goals and address community needs. We also examined the unique challenges of Wisconsin dairy operators, particularly in terms of retention of labor and improving labor conditions.

The study instrument was developed in collaboration with the Farmworker Project. After several meetings, including initial interviews with current and former dairy workers, themes were identified and developed into an interview guide/questionnaire. With this guide, we collected uniform data from participants on demographics, workplace, occupation, wages and benefits, community integration, housing, workplace concerns, access to information, legal advice, public services, and general comments about their personal hopes and aspirations.

In total, 22 in-depth structured interviews were conducted by the principal investigators. A consent form was read to all study participants prior to being interviewed. Interviews averaged about 60 minutes in length and were all conducted via traditional landline phone or cell, WhatsApp, or by Zoom. Most interviews were conducted by a Spanish-fluent PI, and a few with the use of a certified translator; participants received a \$40 gift card as an appreciation of their time and effort.

Interview recordings were transcribed and translated. Content analyses were conducted of the interview transcriptions to identify patterns in certain words, themes, or concepts within the scope of the purpose of the study. Additionally, data was codified into Excel and SPSS formats for further analysis. Finally, secondary Census and Public-School Enrollment data were used to describe the current Wisconsin Latinx population.

## 6. Analysis and findings

### 6.1 Population descriptive

Table 2 describes demographic and social variables that offer insight into a subsample of Wisconsin Dairy Industry workers. The in-depth qualitative interviews revealed that, on average, dairy workers who participated in this study are thirty-three years old; most are male; have lived in the U.S. for 7.04 years; 75 percent likely have an unauthorized immigration status; over half reported being born in Mexico, 33 percent in Nicaragua, and 10 percent in El Salvador. Most interviewees are currently employed by large Concentrated Animal Feeding Operations (CAFOs),<sup>xxv</sup> making an

average of \$14.84 an hour, and working an average of 60 hours per week. Sixty-five percent reported that they believed their worker and/or occupational safety rights had been violated by their employer. Sixty-seven percent live onsite at the dairy farm, and none of the study participants are homeowners.

Most of the interviewees feel that they work and live in unsafe environments, citing poor quality of housing, precarious employment conditions that put their safety and health in jeopardy, and that they are subject to industry practices that exploit them because of their immigration status.

"[I was] called a fucking Mexican, [the employer] used housing to control the workers (Wausau). Also, at this farm, a cow hit [one named worker], and others. Hurt his eye, and the boss denied the injury was from work. He didn't get medical care and was forced back to work immediately." As this quote shows, interviewees shared not only working in unsafe conditions but the overt denial of these conditions and neglect of employers in ensuring proper care for workers after they experienced workplace injuries.

Often, hours are unsteady and variable. The quality of housing varies dramatically. None of the interviewed workers had access to health care benefits, like agricultural workers generally.<sup>xxvi</sup> Farm operators generally explain the low wages and lack of health care benefits is caused by economic pressures to increase production and keep costs low. In fact, smaller farms struggle with inadequate market prices, consolidation, and agri-business control.<sup>xxvii</sup>

**Table 2: Wisconsin dairy workers: Selected descriptive statistics<sup>xxviii</sup>**

|   | Mean             | N  |
|---|------------------|----|
| <b>Personal characteristics</b>         |                  |    |
| Age                                     | 33.65            | 17 |
| Sex (Male)                              | 86%              | 22 |
| Time in the U.S.                        | 7.04             | 19 |
| Immigration status (unauthorized)       | 75%              | 20 |
| <b>Country of origin</b>                |                  |    |
| Mexico                                  | 57%              | 21 |
| Nicaragua                               | 33%              | 21 |
| El Salvador                             | 10%              | 21 |
| <b>Employment</b>                       |                  |    |
| Herd size                               | 1,261 per farm   | 18 |
| Hourly wage                             | \$14.84 per hour | 19 |
| Hours per week worked                   | 60.1 hours       | 19 |
| Violation on the job                    | 65%              | 14 |
| <b>Housing</b>                          |                  |    |
| Employer-owned rental (on and off-site) | 73%              | 20 |
| Live onsite                             | 67%              | 20 |
| Rent non-employer-owned housing         | 27%              | 20 |
| Homeowner                               | 0.00%            | 20 |

## 6.2 Rights: workplace, immigrant, and general

Many study participants shared that they are not aware of their workers, workplace, immigrant, or rights as a person in this country. This was especially true when they first began to work in the dairy industry. Most noted that with time, they became aware of certain rights but remain uncomfortable exercising those rights. Fear of retaliation, bringing too much attention to themselves because of their immigration status, and not knowing how to exercise these rights were common responses. In addition, many workers identified certain conditions that, while not unlawful, are certainly unjust, unhealthy, and unsafe. It is important to highlight this difference since it not only shows that the existing rights of workers are being violated but that the current legal framework fails to comprehensively address the situations encountered by immigrant dairy workers in Wisconsin.

## 6.3 Workplace rights and workers' compensation

A prevailing theme running through all interviews was that the dairy workers were unaware of their rights as employees; they lacked knowledge as to how to enforce their rights or whom they could contact for assistance in the case of a violation by dairy operators. When asked generally about their workplace rights, several workers suggested that they had some understanding of their rights but, when asked further, could not identify any specific rights. As the interviews progressed, however, workers unknowingly identified workplace violations. For example, workers identified being paid under the table with no tax withholding, being paid as a contractor or “partner” rather than as a W-2 employee, potentially having pay withheld or being paid improperly and thus experiencing wage theft, and health and safety violations or at minimum failing to receive the proper training for the job duties. Some workers expressed a belief that some “tax” or other withholding from their pay contributed to worker’s compensation benefits. While not clear from the interviews to the extent employers are withholding pay to contribute to funds needed for workers’ compensation, such practice violates wage and hour laws and is, in fact, a form of wage theft.<sup>xxix</sup>

A partial exception to the workers’ ignorance of their rights is that many of the workers interviewed had a vague understanding that an employer is liable for an injury sustained from an employee’s performance of services. Under Wisconsin law, agricultural employers, including dairy operations, are only covered by the Wisconsin Workers’ Compensation Act if they employ six or more employees on at least 20 days during a calendar year, leaving employees of small operations without worker compensation benefits.<sup>xxx</sup> Covered employers are required to obtain workers’ compensation coverage or provide benefits as a self-insured entity, and workers are entitled to benefits for injuries incurred during the course of employment.<sup>xxxi</sup> When an employee is injured, an employer reports the injury to its insurance carrier (if not self-insured) and to the Wisconsin Department of Workforce Development, Workers’ Compensation Division (DWD). The employers’ workers’ compensation policy pays employees’ medical bills and compensates the employees for time away from work spent healing, known as temporary total disability. If the employer denies such benefits, employees can file a notice of hearing to challenge the denial of benefits.<sup>xxxi</sup>



Many interviewees expressed familiarity with the concept of workers' compensation, meaning that they were entitled to benefits if injured, and many reported that they or a coworker had experienced an injury and their employer had, in fact, paid medical bills. At least one worker identified that the employer also compensated the worker when he needed time off work for healing. Yet, in other cases, managers claimed the injury was caused by something other than work (such as a fight between workers) and did not provide any benefits. In one case, a worker reported that a dairy operator did nothing when another worker had been kicked in the head by a dairy cow, and "blood was dripping from his head." In the cases where the dairy paid medical bills for an injury, it was not clear whether the employer carried workers' compensation insurance or had any self-insurance system in place. The few workers with knowledge suggested that the employer simply paid expenses directly rather than through any kind of formal workers' compensation process. A few workers received written information about workers' compensation, and the others were simply aware that they were entitled to some benefits but had not received written or detailed information about the process. None understood that if the employer failed to provide the required benefits and their employer had more than six employees, they had a right to file with the DWD Workers' Compensation Division to pursue benefits.

This lack of clear information regarding injuries on the job is concerning, given the danger of working in dairy operations. In 2014, 8.16 % of the country's 49 fatalities on dairy farms occurred in Wisconsin, improving from 14.25% in 2000.<sup>xxxiii</sup> One survey of dairy workers suggests that approximately 10% of Wisconsin dairy workers are injured each year and lack appropriate safety training.<sup>xxxiv</sup> In 2021, there were two reported fatalities on Wisconsin dairy farms.<sup>xxxv</sup> Several interviewed workers identified that working with the dairy cows is dangerous and that the animals injured workers during handling such as kicking workers and resisting movement. At least one worker reported regularly working on old equipment that failed to function well, and that broke down often. Interviewed workers expressed that they received some training, but, when asked for details often could answer no more than the fact that they had been shown what to do. Few could identify any specific safety precautions or training that they had received. Resources to address key hazards, such as working with animals and dangerous equipment, exist but have not been shared within this sample of the Wisconsin dairy workforce.<sup>xxxvi</sup>

The interviewed workers lacked information and knowledge concerning additional rights on the job, such as payment of minimum wage, paycheck

This lack of clear information regarding injuries on the job is concerning, given the danger of working in dairy operations

withholding rules, safety protections, or other working protections. They expressed that they lacked information about whom they could contact if indeed they were experiencing problems on the job or claimed they knew whom to speak with but went on to describe the “solution” of discussing this with a supervisor. Workers reported having worked at operations where “they really did not want you to know anything as a worker.” Workers could not articulate a method of enforcing their rights concerning laws governing wages, payroll withholding, working conditions, or safety concerns.

Some also report being discriminated against due to racism.<sup>xxxvii</sup> “... Us Latinos, ... there is more camaraderie .... But with the Americans, I feel ... There is some racism.” Furthermore, many participants report being unable to communicate with their bosses and upper managers due to language barriers. When something happens at work, there is no one with whom they can communicate.

In addition, it is worth noting that as full-time agricultural workers, dairy workers receive fewer legal protections under federal and state law. For instance, workers reported not receiving overtime pay, but they are not entitled to this benefit. “Dairying” is included in the definition of Agriculture under the Fair Labor Standards Act, meaning that while minimum wage is typically required, overtime wages are not.<sup>xxxviii</sup> Agricultural workers are specifically excluded from protections of collective action and organizing otherwise provided to private sector workers under the National Labor Relations Act.<sup>xxxix</sup> Another legal disadvantage for dairy workers is that they are not necessarily protected by the Migrant and Seasonal Agricultural Worker Protection Act, although some performing temporary or seasonal work may be covered.<sup>xl</sup> Workers only have rights under the Wisconsin migrant worker protection law if they work in Wisconsin not more than 10 months in the year.<sup>xli</sup> This is worth investigating and there is great turnover in the industry.

Because dairy farming is manual labor that comes with many risks, it is particularly important that dairy farm workers understand their right to workers’ compensation, which is owed to most workers in the United States, regardless of documentation status, although only to Wisconsin dairy operations with six or more employees. Larger dairy operations are covered. All interviewees agreed that knowing about their rights early on in their employment or upon first arrival in the U.S. would have greatly benefited them in different ways. Finally, even though some of the conditions identified, such as working 12-hour shifts with absent or minimal breaks are lawful, it is important to consider that unauthorized immigrants are granted few rights in the state of Wisconsin. Although some things may be legal, it does not mean that they are just. One worker shared, “Everything is unfair. The lives of most of the people who are working in the dairies are immigrants . . .” They are often overworked and have poor diets due to financial or time constraints.<sup>xlii</sup>

## 6.4 // // // // // // // // Immigration status

Most study participants likely have an unauthorized immigration status. When asked about their decision to work on a dairy farm, it became clear that there are many factors that contribute to the lure to the dairy industry, such as housing and documentation flexibility. For one, apartment and home rentals have hefty requirements that unauthorized workers are often unable to meet, such as a 3–5-year rental history and previous landlord contacts. When having an especially hard time finding a home to rent, the employer-provided housing that many of these ranches offer can feel like the only option. Second, many report that immigration status is rarely discussed at work and is treated as an open secret by

employers and employees alike. As such, dairy work is attractive to many from this population because of this “open secret.” It has become a worker recruitment tool of sorts in that it is widely known that employment for this population is possible in this industry, and hours are plentiful.

However, many report feeling trapped in their current role, and it is the same characteristics of the work that draw unauthorized workers to the dairy industry that serve as the barriers that prevent them from leaving. For example, rural farms and employer-provided housing provide a sense of protection from immigration officers and leaving for an even less secure environment is a challenge.

Especially with farms being rural, necessitating travel to get groceries and run other errands, a driver’s license would provide a greater degree of freedom and the ability to connect with other members of the town. The inability to obtain a driver’s license means participants drive in fear to complete everyday tasks and participate in the community, socially and physically isolating these workers.<sup>xliii</sup>

Many interviewees cited fear of deportation as the primary factor causing personal and familial anxiety and that it influences almost all their daily decisions, “deportation anxiety.” When asked if they reported abuse or maltreatment on the job, one worker responded, “No, because we are illegal, and we are afraid... If something happened to us [on the job]-that often happened to us--, we would never call anyone because all we had was fear, because will they listen to us if we are migrants, and we do not believe they will listen to us. Rather, we think that if we manage to make a claim, they will throw us out ... and they will deport us.” They also note that most of their coworkers have the same status and share similar personal and family experiences as they do. In the previous quote, the worker is acutely aware of the current legal paradox in which immigrant workers find themselves in the U.S.: while formally being granted some rights, their enforcement is severely undermined by the combination of their precarious migratory status and the claim-driven enforcement of labor laws.<sup>xliv</sup> It is also worth noting that many of the workers interviewed referenced circumstances in their lives that could qualify them as eligible for the U nonimmigrant status (U visa) such as being the victims of crime, abuse, and blackmail in their home countries.<sup>xlv</sup>

While all unauthorized workers are prone to this kind of mistreatment, women, and LGBTQ+ workers spoke of additional hardships. “Yes, many times, yes, why, I mean, they don’t see you as capable or they don’t feel you are capable, and they believe that you can’t do something because you are [a woman].” While doing a more thorough analysis of gender disparities is not possible due to the small sample size of women interviewed, it is important to note that women face additional challenges linked to the reproductive labor they must undertake and the impacts of working in and living in isolation in a male-dominated industry.

## 6.5 // // // // // // // // Workplace safety

As acknowledged above, dairy operations are dangerous work environments, though this could be lessened with greater enforcement of safety standards. Some workers reported that their employer provided them with limited on-the-job training. Some reported needing to work with large cattle or machinery with no training. Many reported having received

training but, when asked for details, could only articulate that they had been shown how to do the job. It is not clear that those workers who received training did so in Spanish. Workers worked in unsafe conditions: “No, I didn’t have a break,” said one worker who worked for 12 hours with no break. That is not safe. While dairy operations are subject to OSHA requirements, OSHA lacks enforcement authority over dairy operations with less than 10 employees.<sup>xlvi</sup>

Many respondents shared having been injured on the job. Injuries ranged from cuts and bruises from routine work activities such as herding cattle, to broken bones from being kicked by livestock, and serious injuries that involved machinery requiring emergency medical attention and substantial recovery time. As described above, for on-the-job injuries, some workers received medical care paid for by the employer but usually not paid time off.

Interviewees also confirmed long hours leading to safety concerns despite the fact that engaging in physical labor for an extended period has significant impact on workers’ mental and physical health.<sup>xlvixlviii</sup>

The one constant finding was that none of the employers provided regular health insurance or paid sick time when ill. Commonly, participants shared being required to work while sick or risk losing their job.

Participant: “I got a little bit sick with the flu, and even then, I had to work.”

Interviewer: “What were the consequences of not going to work because of the disease?”

Participant: “Job loss.”

Despite all of this, many of them speak fondly of their employer and are grateful for the opportunity to work. This may also play into their decision not to report discrimination or other violations.

## 6.6 Housing

Housing for dairy workers is precarious, insufficient, and inconsistent. These workers do not have protections as do most migrant and seasonal workers who are covered by the Migrant and Seasonal Agricultural Worker Protection Act.<sup>xlix</sup> Many of the workers interviewed lived on the premises of the dairy operations, some of whom paid rent and others who did not. Others lived off the farm, some in self-procured lodgings, and others in lodgings of the farm that are owned by the dairy operator. As one worker shared, “Yes, [housing is used] to keep them [workers] under control.”

Some of the workers suggested that their current housing was adequate. Yet many had reported currently or previously having worked and lived on farms with substandard housing, including housing with poor sanitation and pest control, many homes are overcrowded, or they lack heat or air conditioning. Some lived in conditions with no privacy, and others never clearly understood the amounts they paid for rent and utilities. The housing was particularly difficult for female workers and others with families who wished to provide better housing for their families. Workers recognized the predicament that receiving housing had placed them in. “They give you the house for free, you don’t pay rent, you don’t pay for food, you don’t pay electricity or water, so that’s why they pay you cheap, but what happened? I don’t know how to look for work in this country, so you stay submerged there and they sort of trick you, like a way of tricking you by



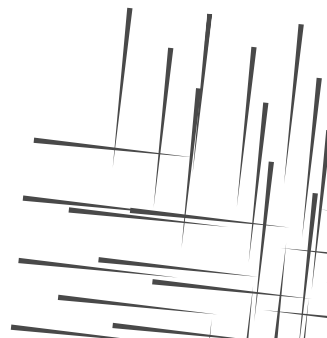
saying, I'll give you the house for free so that's why I pay you what I pay you but not really then you realize that it is a job...There are very poor conditions, it is something so horrible." As this worker described, employer-offered housing creates the dependence between the workers and their employer which in turn affects their decisions to report workplace violations since losing the job means losing housing.

## 6.7 Segregation and social isolation

Housing is an attraction for many new dairy industry workers. Living onsite and out-of-sight offers a sense of 'safety' that is most noted as an initial attraction to their place of employment. Feelings of 'safety' stem from not worrying about local law enforcement or the reaction of community members to immigrants in their community. Having your employer also be your landlord exasperates the already unequal power dynamics that workers face in this industry. Some pay rent, others do not. While many interviewed dairy workers did not initially identify problems in being accepted in the community, few reported having much involvement with the community. Rather, they identified fear of leaving the farm or farmer-owned property because of their common lack of driver's licenses and identified their employer demands as interfering with the ability to engage in the community, such as by attending church or social activities. As one worker explained, "we just work and sleep." Workers felt particularly scared each time they left the farm or farm housing to shop or be in the community, since they could face law enforcement over the lack of a driver's license. One worker reported being jailed for several nights following being stopped by law enforcement without having a driver's license.

Some workers lived with their families, whether on or off the farm. Many others shared living space with other workers, had families in their home countries, and struggled from being separated from their communities. Most of these workers reported regularly traveling to the nearest town to send money to families in their home countries, creating an even greater financial strain from living on low wages. A female participant shared about her aspirations, "I want to have a permanent job, a salary, have a house instead of an apartment, bring my son who is in Mexico, not be discriminated against by anyone."

A clear result of this isolation was to further increase workers' lack of information regarding their rights and an ignorance of what they didn't know. As discussed above, they accepted what their employers shared with them regarding employment rights. If their employer did not find an injury to be compensable under workers' compensation, that was the end of it. Similarly, the workers interviewed exhibited a lack of information about their wage and payroll rights, freedom from discrimination, or other worker protections. Many didn't themselves identify specific working concerns, but when questioned, agreed that they wanted to understand their wage and hour rights, workers' compensation, and other worker rights.<sup>1</sup> The isolation experienced by these workers manifested in their feelings of dependency on their employers and a lack of information concerning rights, access to benefits, and resources.




## 7. Conclusion

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First and foremost, many dairy workers live in fear, often because of their immigration status and lack of drivers' licenses. Dairy workers lack information and need education on their rights at the workplace and would welcome receiving information from an outside party. Few workers appeared comfortable in their current positions, almost all identified as having worked at dairies where they received no information about rights as a worker in the United States. Injuries are common at dairy facilities, yet workers have little understanding of workers' compensation but tend to only receive information from their employers and have no understanding of the process of securing workers' compensation benefits if denied by the employer. Workers lacked an understanding of payroll, deductions from their pay, and information relating to employment discrimination and other employment statutes. Workers need general "know your rights" training, need training on enforcing these rights directly with their employers, and need resources, namely knowledge of advocates or legal organizations available to assist with workplace violations. In addition, from this sample of interviewed dairy workers, workers need direct legal representation in collecting wages owed, assisting in cases of worker injuries, and receiving needed time off for work injuries. There was no knowledge of or direct understanding of LAW by any of the study participants. On occasion, a staff person's name would come up during an interview as someone assisting them on something, but other than that, very little was known about the organization.





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There is a need for increased outreach to the dairy workforce, especially within their outside communities, on social media platforms, and through radio programming. Interviewees identified radio as the source from which they receive much of their information.

Our analysis shows a relationship between CAFOS and Latino population increases. In counties with CAFOS and with a population of 100,000 or less, there is an increase of 11 percent in the Latino population. In counties with CAFOS and with a population of 20,000 or less, the percentage of the Latino population increases by 55 percent. While there has been an increase in Latino dairy workers throughout the state and an increased need for services, LAW Farmworker Project appears to have the only three public interest attorneys serving this specific worker population in Wisconsin. Accordingly, the authors also recommend an increase in Civil Legal Aid Funding to assist these communities. Where possible, the investigators also recommend that LAW weigh in with formal comments if a Wisconsin state policy is introduced on assisting these workers with obtaining drivers' licenses. If asked for their opinion on the matter, the investigators encourage LAW to support potential policy for drivers' licenses as their communities are greatly impacted by their inability to obtain licenses.

## 8. Recommendations

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### 1. Conduct strategic outreach and marketing

There is little to no recognition of LAW by dairy workers. There is a need for LAW to conduct strategic, meaningful, and continuous outreach and marketing that targets dairy worker communities, Latin American immigrants, and the Latino population in general who reside within 30 miles of CAFOs. Perhaps there is a lack of organizational capacity rather than an understanding of this need. Nonetheless, this is a need that must be addressed. We learned that this population receives much of their primary information about employers, surrounding communities, rights, and politics from coworkers, trusted friends and peers, social media, and religious and community organizations. We suggest adding staff whose primary responsibility is to engage directly with this community via worksite and regional visits, social media outreach, work with local service and religious organizations, and offer regular and long-term radio shows highlighting the organization's activities.

### 2. Increase Civil Legal Aid funding to build capacity through budgetary advocacy

The Farmworker Project has three staff attorneys, a paralegal, and a program manager. Based on even the sample size of this project, this capacity is insufficient to address the legal and community needs of the dairy worker communities in Wisconsin, particularly since the attorneys and staff are already providing legal services to Wisconsin's crop workers. As a result, the authors recommend increased civil legal aid funding to address the increasing needs.

### 3. Provide adult legal education

LAW, itself or in partnership, should provide legal rights training to dairy worker communities. LAW could itself provide such training or in partnership with organizations well equipped to provide linguistically and culturally appropriate training on these matters.

### 4. Provide health and safety education, including rights and processes under the Wisconsin Workers' Compensation Act

Workers need increased Health and Safety training. Perhaps LAW could partner with OSHA, Wisconsin agencies, dairy owners, dairy advocacy associations, or community partners (potentially through the DOL Harwood grant) to provide such training.

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## **5. Improve data collection**

Existing data on Wisconsin dairy workers is woefully inadequate. While the researchers understand the limitations of the advocacy work of LAW, where appropriate, the authors strongly recommend LAW to seek and advocate for improved data collection. This may include improved census data, including demographic information, data on health and safety through Wisconsin or the USDOL OSHA, or encourage further research on needed data.

## **6. If the Wisconsin legislature introduces legislation or rulemaking authorizing issuance of drivers' licenses to Immigrants, LAW should file formal comments or testimony in support of these efforts as permitted by the LSC**

Workers have identified the fear and barriers to daily life caused by the lack of drivers' licenses. If the state of Wisconsin were to introduce legislation or rulemaking concerning the ability of immigrants to obtain drivers' licenses, LAW should file formal comments or testimony in support of these efforts. This was consistently identified as a need and would improve these workers' lives tremendously.

## **7. Provide assistance to workers entitled to DHS policy for Deferred Action for workers in a labor dispute**

On July 13, 2022, the Department of Homeland Security (DHS) announced an enhanced process permitting workers involved in labor enforcement investigations, or labor disputes, to obtain deferred action, meaning a deferral in any immigration enforcement. Where appropriate, LAW should assist immigrant workers in applying for such deferred action.

## **8. As federal immigration policy develops, LAW should provide comments and share the impact on dairy worker communities, as permitted by LSC**

Obtaining legal work authorization was identified as a priority by many interviewees. As efforts to reform the immigration policy in the United States continue to be discussed, LAW should weigh in when approached by policymakers or file formal comments when proposed comments are published to support increased access to legal work authorization.



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<sup>i</sup> The Latino/a/x labels are used interchangeably.

<sup>ii</sup> Decennial Census, 2020, U.S. Census Bureau.

<sup>iii</sup> American Community Survey (ACS), ACS 2017-2021). US Census Bureau.

<sup>iv</sup> (Census Bureau Releases Estimates of Undercount and Overcount in the 2020 Census. March 10, 2022; Press Release Number CB22-CN.02).

<sup>v</sup> Emerson, Julian, 2021, "As Latino Populations Increase, Communities Are Also Seeing a Growth in Latino-owned Businesses." Up North News.

<sup>vi</sup> Ibarra, Armando, Carlos Alfredo, Torres, Rodolfo 2018. *The Latino Question: Politics, Laboring Classes and the Next Left*, Pluto Press.; We define Xenophobia as phobic attitudes (based on fear and hate) toward the foreign born (immigrants).

<sup>vii</sup> O'Brien Soledad, October 2021. "When The Immigrant Population Outgrows Natural-Born Residents" Nationally syndicated show, Matter of Fact,

<sup>viii</sup> 2020 Decennial Census: Redistricting, RACE FOR THE POPULATION 18 YEARS AND OVER  
Survey/Program: Decennial Census, Years: 2020, Table: P3

<sup>ix</sup> WISEdash Public Portal – Arcadia District Enrollment Percent by Race/Ethnicity (2020-21) 1257 Students (Hispanic 940), (White Non-Hispanic 303), (Black 1), (Asian 1), (Two Or More Races 11)

<sup>x</sup> [Latino people have a long history in Wisconsin](#). Here's how they've shaped the economy and found the American dream. Ariel Perez, Roshaun Higgins, Benita Mathew, Green Bay Press-Gazette, March 24, 2022

<sup>xi</sup> [Hispanic immigration transformed Abbotsford](#). His life tells the story. Keith Uhlig, Wausau Daily Herald, Aug. 22, 2028

<sup>xii</sup> Ibarra, Armando, Carlos, A., Torres, R. (2018). *The Latino question: politics, laboring classes and the next Left*. London: Pluto Press.

<sup>xiii</sup> <https://www.dhs.wisconsin.gov/environmental/cafo.htm#:~:text=In%20Wisconsin%2C%20a%20CAFO%20general%20weight%20of%20the%20animals>. Animal Unit can include cow and unweaned calf.

<sup>xiv</sup> Division of Food Safety, Wisconsin Department of Agriculture, Trade and Consumer Protection, 2023; see also Wisconsin Department of Natural Resources [DNR], 2022; Wisconsin DNR, 2023.  
<https://datcp.wi.gov/Documents/LSSitingVsCAFOs.pdf>

<sup>xv</sup> [Building a Positive Farm Business Culture: Characteristics of Latin/Hispanic dairy workers](#) by Valenzuela part of the Becoming the Employer of Choice program. UW-Madison, Extension.

<sup>xvi</sup> United States Department of Agriculture [USDA] National Agricultural Statistics Service [NASS], 2022; see also Wisconsin Department of Revenue, 2022

<sup>xvii</sup> USDA NASS, 2022.

<sup>xviii</sup> <https://farms.extension.wisc.edu/articles/farm-employment-in-wisconsin/> "Farm employment in Wisconsin, Simon Jette Nantel.

<sup>xix</sup> There are no official statistics on the unauthorized immigrant population who work in Agriculture. Estimates range from 46 percent of all Agriculture workers being unauthorized [Findings from the National Agricultural Workers Survey \(NAWS\) 2019–2020: A Demographic and Employment Profile of United States Farmworkers](#) to other sources placing the estimate at 70 percent.

<sup>xx</sup> Estimation method derived from the work by Michael Slattery, Dairy Farmer, and District Director of District 8, [WI Farmers Union](#): (301 dairy farms\* 2000 avg. herd size=602,000) + (600 dairy farms\*500 avg. herd size= 300,000) =900,000. (900,000/1277 estimate per 20 employees)= 705) \* (20 estimated employees per 1277 herd size) =

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14,096 total number of employees. (14,096\*70 percent estimated unauthorized immigrant worker population = 9889 estimated unauthorized immigrant workers in WI dairy industry).

<sup>xxi</sup> Estimate of total unauthorized immigrant workers in Dairy industry is based on 2017 estimate of 14,684 WI total dairy industry workers multiplied by 70 percent estimated unauthorized immigrant worker population.

<sup>xxii</sup> It is also worth noting the larger CAFOS in Wisconsin are thriving and production of dairy has increased, while scores of smaller dairy farms close each year in the face of great consolidation and corporate control.

<https://pbswisconsin.org/news-item/wisconsin-loses-more-dairy-farms-in-2021-with-total-down-by-a-third-since-2014/>

United States Department of Agriculture National Agricultural Statistics Service, 2022 Wisconsin Agricultural Statistics. Retrieved January 31, 2023, from

[https://www.nass.usda.gov/Statistics\\_by\\_State/Wisconsin/Publications/Annual\\_Statistical\\_Bulletin/2022AgStats-WI.pdf](https://www.nass.usda.gov/Statistics_by_State/Wisconsin/Publications/Annual_Statistical_Bulletin/2022AgStats-WI.pdf)

Wisconsin Department of Natural Resources. (2022). *CAFO Permittees: Wisconsin CAFO permits summary*. Retrieved January 31, 2023, from

[https://dnr.wi.gov/topic/AgBusiness/data/CAFO/cafo\\_exp.asp?\\_gl=1\\*1i2uhj7\\*\\_ga\\*MjA2NTUxNzA5Ni4xNjUyMTEzNTY4\\*\\_ga\\_EHDMSRCYK1\\*MTY1Mjc5NjM2MS4xLiAuMTY1Mjc5NjM2OS4w](https://dnr.wi.gov/topic/AgBusiness/data/CAFO/cafo_exp.asp?_gl=1*1i2uhj7*_ga*MjA2NTUxNzA5Ni4xNjUyMTEzNTY4*_ga_EHDMSRCYK1*MTY1Mjc5NjM2MS4xLiAuMTY1Mjc5NjM2OS4w)

Wisconsin Department of Natural Resources. (2023). *CAFO Permittees: Wisconsin CAFO permits summary*. Retrieved January 31, 2023, from

[https://dnr.wi.gov/topic/AgBusiness/data/CAFO/cafo\\_anl.asp?AnimalChoice=Dairy&Submit=Submit](https://dnr.wi.gov/topic/AgBusiness/data/CAFO/cafo_anl.asp?AnimalChoice=Dairy&Submit=Submit)

Wisconsin Department of Natural Resources. (n.d). *CAFO Permittees: Wisconsin CAFO Operations Summary*.

Retrieved January 31, 2023, from [https://dnr.wi.gov/topic/AgBusiness/data/CAFO/cafo\\_sum.asp](https://dnr.wi.gov/topic/AgBusiness/data/CAFO/cafo_sum.asp)

Wisconsin Department of Revenue. (2022). *Wisconsin Economic Indicators*. Retrieved January 31, 2023, from <https://www.revenue.wi.gov/Pages/RA/Wisconsin-Economic-Indicators.aspx>

<sup>xxiii</sup> The linear regression was done with the proportion of county growth in Latinx population between 2010 and 2020 as the dependent variable, and the amount of dairy CAFOs in the county as the independent variable. R-squared values were calculated and graphed (reference figures), and R and P-values were calculated.

<sup>xxiv</sup> U.S. Bureau of Labor Statistics. Labor Force Statistics from the Current Population Survey, Milwaukee County: Household Data Annual Averages, 18. Employed persons by detailed industry, sex, race, and Hispanic or Latino ethnicity.

<sup>xxv</sup> Regulatory Definitions of Large CAFOs, Medium CAFO, and Small CAFOs:

[https://www3.epa.gov/npdes/pubs/sector\\_table.pdf](https://www3.epa.gov/npdes/pubs/sector_table.pdf) **Animal Sector:** Cattle or cow/calf pairs: Large 1000+, Medium: 300-999, Small: 299 or less. Mature dairy cattle: Large 700+, Medium: 200-699, Small: 199 or less

<sup>xxvi</sup> Keller, Julie 2017. Milking workers, breaking bodies: Health inequality in the dairy industry, 38 *New Labor Forum*, 26(1).

<sup>xxvii</sup> <https://farms.extension.wisc.edu/articles/building-a-positive-farm-business-culture-characteristics-of-latin-hispanic-dairy-workers/>

<sup>xxviii</sup> While this table includes data based on the mean, it is good to note that there was a wide range in the time in the US people reported, with a range from 9 months to 23 years in the US. The additional measures, such as wages, hours, and herd size, tended to be fairly similar across workers and farms included in the project.

<sup>xxix</sup> The interviews did not reveal strong data on this point, but a few workers expressed this belief. As discussed more below, employers covered by the Wisconsin Workers' Compensation law are obligated to provide benefits, and there is in fact no employee contribution for these benefits.

<sup>xxx</sup> U.S. Department of Labor, Bureau of Labor Statistics, [https://www.bls.gov/regions/midwest/news-release/fatalworkinjuries\\_wisconsin.htm#Table2Wisconsin.xlsx](https://www.bls.gov/regions/midwest/news-release/fatalworkinjuries_wisconsin.htm#Table2Wisconsin.xlsx)

<sup>xxxi</sup> Wisconsin Statutes, 102.03.

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xxxii Wisconsin Statutes, 102.16; <https://dwd.wisconsin.gov/wc/>

xxxiii Liebman, Amy 2018. Occupational Health in Community Health Center, *New Solutions: A Journal of Environmental and Occupational Health Policy*, 28 (1).

xxxiv Vanwormer, et. Al., 2016. Upper Midwest Agricultural Safety and Health Center, *Surveillance of Disease and Injury in Wisconsin Dairy Farmers and Workers*, <https://umash.umn.edu/portfolio/surveillance-of-disease-and-injury-in-wisconsin-dairy-farmers-and-workers/>

xxxv USDOL BLS, [https://www.bls.gov/regions/midwest/news-release/fatalworkinjuries\\_wisconsin.htm#Table2Wisconsin.xlsx](https://www.bls.gov/regions/midwest/news-release/fatalworkinjuries_wisconsin.htm#Table2Wisconsin.xlsx)

While there exists data for fatalities, less than fatal injuries appear widespread with little data available. A New York state study concluded that 2/3 of that state's dairy workers had been injured on the job. Fox, Carly, Fuentes, Rebecca, 2017 *Milked, Immigrant Dairy Farmworkers in New York State, A report by the Workers' Center of Central New York and the Worker Justice Center of New York*.

xxxvi See, e.g., <https://nasdonline.org/7337/d002534/dairy-farm-safety-key-hazards-and-solutions.html>

xxxvii It is worth noting that the reason for the agricultural exclusion to the Fair Labor Standards Act and the National Labor Relations Acts, was primarily rooted in racism. Perea, Juan F. Perea, 2011. *The Echoes of Slavery: Recognized the Racist of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act*, *Loyola University of Chicago School of Law, Law eCommons*).

xxxviii 29 U.S.C. 203 (f); 213.

xxxix 29 U.S.C. 152 (3). Although agricultural workers should in fact be protected by the Wisconsin Peace Act. Wisconsin Statutes Chapter 111.

xl 29 U.S.C. 1801-1872. Nor are dairy workers protected by the National Labor Relations Act, as dairy farms (as opposed to off-site processing facilities) are exempt from the NLRA as well as the FLSA overtime requirements. *Snake River Trout Co.*, 129 NLRB 41 (1960) (NLRB adheres to DOL definition of agriculture in interpreting exemptions under the Fair Labor Standards Act). The Wisconsin Peace Act, passed in 1939, arguably provides dairy workers the ability to organize and negotiate with their employers. Wisconsin Statutes, Ch. 111.

xli Wisconsin Statutes § 103.90(4).

xlii Workers were also asked about other legal rights such as concerns with bill payment, lending practices, family law needs such as divorce and child custody issues. While it is not clear that workers really understood these issues, they did not identify these as current needs.

xliii [Widen the Road: Removing Barriers to Driver License Eligibility Will Improve Safety, Support Families, and Boost Businesses](#), Kids Forward, November 2018.

xliiv Although the authors are not immigration law scholars, instances of U Visa type violations were reported by some study participants: <https://www.nilc.org/issues/workersrights/how-the-u-visa-can-protect-immigrant-workers/>

xlv See 8 C.F.R. § 214.14(a)(2).

xlvi OSHA Instruction CPL 02-00-051.

Bannai, Akira, and Akiko Tamakoshi. 2014. ["The Association Between Long Working Hours and Health: A Systematic Review of Epidemiological Evidence."](#) *Scandinavian Journal of Work, Environment & Health*, 40(1): 5-18.

xlvi Yu, Jiaoyang, and Stavroula Leka. 2022. ["The Effect of Worktime Control on Overtime Employees' Mental Health and Work-Family Conflict: The Mediating Role of Voluntary Overtime"](#) *International Journal of Environmental Research and Public Health* 19(7): 3767-3783

Brockwood, Krista, Lindsey Alley, David Hurtado, Sam Greenspan, Anjali Rameshabu, Sara Wild, and Leslie Hammer. 2021. ["Mandated, But Not Compensated: Exploring the Multifaceted Impacts of Overtime on Farm Workers' Health, Safety, and Well-being."](#) *Oregon Health Sciences University and Pineros Y Campesinos Unidos del Noroeste*, White Paper.

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<sup>xlix</sup> 29 U.S.C. 1801-1872.

<sup>i</sup> As stated above, workers were also asked about other legal rights such as concerns with bill payment, lending practices, and family law needs such as divorce and child custody issues. While it is not clear that workers really understood these issues, they did not identify these as current needs.

<sup>ii</sup> Department of Homeland Security, <https://www.dhs.gov/news/2023/01/13/dhs-announces-process-enhancements-supporting-labor-enforcement-investigations>; <https://www.dhs.gov/publication/memorandum-worksite-enforcement> (2021 Memorandum).





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