

# How to hire agricultural workers

from Puerto Rico





Prepared by the **Migration Division**  
**Puerto Rican Department of Labor**

In Cooperation with

**Farm Placement Service**  
**United States Employment Service**  
**Bureau of Employment Security**  
**U.S. Department of Labor**

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**Introducing your fellow citizens from Puerto Rico**

The people of Puerto Rico are citizens of the United States. Although the language of the island is Spanish, many can speak and understand some English. In any sizable group, you are sure to find at least one who speaks English well.

Puerto Rican workers are part of the domestic labor force. Seasonal demand for agricultural workers is low on the island just at the time when the demand is high in most parts of the mainland. Mainland employers have available around 100,000 experienced workers from Puerto Rico, most of whom have been working during the winter season at sugar cane cutting, a tough job compared with most farm labor operations on the mainland. Most have jobs and families awaiting their return to Puerto Rico when mainland harvests are through.

About 4,700 Puerto Ricans came to the mainland for agricultural work under work agreements in 1949. During 1950, the number jumped to 13,500, and a much larger number is expected in 1951.

Simplified procedures for hiring agricultural workers from Puerto Rico have been developed by the United States Employment Service and the Puerto Rican Department of Labor. This book explains these procedures step by step. The staff of your nearest State Employment Service office will be glad to answer any further questions you may have.

## Experience of other farmers with Puerto Ricans

The 13,500 Puerto Ricans who came to the mainland under agricultural work agreements in 1950 were employed in New Jersey, New York, Washington, Wisconsin, Indiana, Michigan, Delaware, Minnesota, Pennsylvania, and Massachusetts.

They worked the following crops:

Asparagus, tomatoes, peaches, apples, beans, peas, strawberries, potatoes, cherries, sweet corn, mushrooms, sugar beets, pickles, and many others.

Characteristic comments from letters of farmers who employed Puerto Ricans were ". . . very satisfactory" . . . "they sold themselves to our growers because they did a good job" . . . "the quality of their harvesting on piece rate work was very good" . . . "very efficient and dependable" . . . "thrifty" . . . "steady, reliable, safe, and efficient workers" . . . "very quick to learn" . . . "good farm workers because they come from agricultural country" . . . "learned their respective assignments in short time and performed them with industry and good spirit" . . . "their conduct was, in general, exceptionally good—no instance of any difficulty arising from friction between members of this group and the local community or other laborers" . . . "had no trouble getting them to give me an honest day's work" . . . "my most vivid impression of them was their desire for work and their willingness to get the job done, even if it necessitated long hours" . . . "I am planning to use Puerto Ricans again, and that is the acid test."



## How you can get agricultural workers from Puerto Rico

All recruitment of agricultural labor from Puerto Rico begins in the local office of your State Employment Service. If workers cannot be found locally, then the search extends to your State boundaries, then to areas farther away.

Your State Employment Service, through its affiliation with the United States Employment Service, has access to the facilities of the 1800 local public employment offices throughout the Nation. After it determines that agricultural labor is not available in nearer areas, your request for Puerto Rican workers is submitted to the Puerto Rican Employment Service. That Service, which is also affiliated with the United States Employment Service, is prepared to select farm workers for you. Such selection is made on the basis of the worker's experience and qualifications as related to the employer's performance specifications. The prospective worker is also given a rigorous health examination.

Since Puerto Ricans will have to travel a considerable distance and will be working far from their homes and families, it has been established that they will come only under the conditions of a standard work agreement. You must therefore understand this agreement and indicate your willingness to enter into such agreement with each worker you wish to hire.

The laws of Puerto Rico prohibit discrimination on the basis of color or race. For this reason, the Puerto Rican Commissioner of Labor has stated that "It has been the policy of the Department . . . not to approve contracts for work . . . on the basis of racial discrimination, that is, selection exclusively of white workers or colored workers only."



## How the local employment office gets Puerto Rican agricultural workers for you

If local or nearby workers are not available, you will be asked by your local office to sign, for each Puerto Rican worker you want to hire, three blank copies of the work agreement.

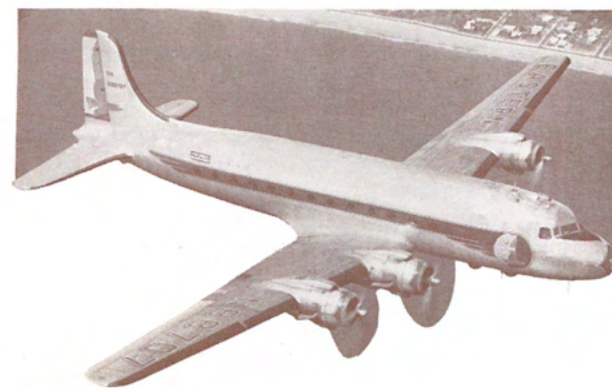
Your local office then forwards your order, and the work agreements you've signed, through the channels worked out to speed up getting the Puerto Ricans on the job. Your local office will let you know what arrangements have been made for the selection of the workers in Puerto Rico.

When you are advised of the time and place arranged for the selection, you can:

1. go to the island to make the selection, or
2. execute a power of attorney and send a representative, or
3. request the Puerto Rican Employment Service to select workers for you.

Each worker selected signs the three copies of the work agreement. The Puerto Rican Employment Service will keep a copy, a copy will be given to the worker, and the third copy will be returned to you.

In some parts of the country, farmers and cooperative labor supply associations have been formed to represent a large number of small farmers in contracting for Puerto Rican workers. When such associations are non-profit in nature and enable numerous small farmers to utilize Puerto Rican workers to greater advantage to themselves and to the workers, both the Puerto Rican Department of Labor and your State Employment Service will cooperate with them to the maximum possible extent.



## Transportation

The fastest and most practical way to transport the workers is by air carrier. You may select one of the approved carriers. Any other carrier you select must get approval from the Transportation Authority of Puerto Rico, San Juan, Puerto Rico. The approved carriers (July 1951) are:

Scheduled: Eastern Airlines, Pan American World Airways

Nonscheduled: Flying Tigers

If the work agreement is for more than 13 weeks, the worker pays for the cost of transportation. Since most workers are unable to pay the fare in advance, employers generally advance the fare. The workers repay through systematic deductions from their earnings in accordance with the work agreement (where permitted by State Law), generally \$2.00 out of each \$5.00 earned.

You should arrange for the selection of the workers and the availability of planes sufficiently in advance of the time when you wish the workers to arrive. Except for large orders, 7 days' advance notice is generally adequate, but it is best to confirm this with the carrier of your choice.

The present cost of a one-way fare on scheduled airlines from San Juan, Puerto Rico, to New York is \$64.50, which includes a 50¢ premium on \$10,000 trip accident insurance (required by the Puerto Rican Department of Labor). The airplane carriers will be glad to quote a figure for transportation cost to the nearest available airport in your vicinity.



### Highlights of the work agreement

It is necessary to have a work agreement for each worker.

The "Work Agreement for Employers of Puerto Rican Agricultural Workers—1951" requires that the employer:

1. Guarantee minimum employment of 160 hours in each 4-week period.
2. Provide suitable housing at no cost to the worker.
3. Pay prevailing wages for similar work in the community, plus a bonus to workers who stay on the job for the life of the agreement.
4. Provide workmen's compensation or insurance equivalent to the workmen's compensation benefits of the State.
5. Assure that the Puerto Rican workers will not be discriminated against because of race, color, or creed.
6. Arrange transportation of the workers from Puerto Rico, and provide meals and lodging while the worker is traveling.
7. Post a bond to guarantee that he will meet his obligations under the agreement.

Following is a summary of each of the articles of the work agreement. You should read and understand the agreement. Your local employment office can give you a copy for study. The summary is provided only as a matter of convenience.

### Summary of the work agreement

#### ARTICLE I

**How long  
it runs**

The work agreement covers any agreed period. The employer may terminate it up to 10 days earlier than agreed, if the work runs out. He must, however, give the worker 10 days' notice in writing. If the worker does not carry out his part, the employer may terminate the agreement any time.

#### ARTICLE II

**How  
much work  
must be  
guaranteed**

Beginning the first day of work or the fourth day after the worker arrives for work, whichever is sooner, the worker is guaranteed 160 hours of work in each 4-week period. For each day the worker is unable or unwilling to work, the employer writes off 8 hours of the guarantee.

#### ARTICLE III

**Pay rates**

Compensation is at the prevailing rate per hour for similar work in the area, or at any higher rate that may be agreed upon. If the work is piece work, the worker must receive not less than the equivalent of the prevailing hourly rate for similar work.

If local workers are on piece work, employees covered by the work agreement must be put on piece work at the same rate.

When terms of the agreement are completed by the worker, he shall receive a bonus of 5¢ per hour for all time paid for on an hourly basis, and a bonus of 9% of his piece-work earnings. If the worker is under the provisions of the Wage and Hour Law, the bonus section does not apply. If the worker does not remain for the duration of the agreement, he loses his right to the bonus.

The employer must keep records—must pay the worker every 2 weeks—and must furnish the worker and the Puerto Rican Department



of Labor with a record showing the work done and all payments, deductions, and withholdings.

During the first week, the employer must advance the worker money to sustain him.

#### ARTICLE IV

The employer furnishes all tools.

#### Conditions of work

The worker agrees to work the following hours unless prevented by illness or other good cause:

Work day—not less than 8 hours.

Work week—not less than 48 hours.

During the term of the agreement, the worker will work only for the employer.

The employer must bring the worker within the State's workmen's compensation laws and at his own expense must maintain for the benefit of the worker a workmen's compensation insurance policy.

The workmen's compensation liability covers going to and from work and injuries in or about the living quarters provided by the employer.

There may be no discrimination in any respect because of race, color, creed, or membership in or activity on behalf of any labor organization.

#### ARTICLE V

#### Transportation

The employer is responsible for arranging the worker's transportation from Puerto Rico to the work location. When the work agreement is for 13 weeks or more, this cost (one-way fare) will be borne by the worker. Transportation shall include a \$10,000.00 death policy for each worker, while in flight.

If the employer advances transportation or any other cost, he may deduct it in fixed amounts set out in the agreement from the pay of the workers. (See Article V, Paragraph

A, of the work agreement.)

If the agreement is for less than 13 weeks, the employer must pay transportation to the mainland and may not deduct it. Transportation must be by an approved carrier.

For the services listed below, the worker makes a single payment to the employer of \$7.50:

From the time the worker reports, at the request of the employer, at the point of departure in Puerto Rico, until he commences work under the agreement, the employer must supply three adequate meals per day, lodging, and emergency medical care.

The employer must supply or pay for transportation from the airport of arrival on the mainland to the work station. The employer must supply reasonable medical and dental care and necessary surgery during the term of the work agreement.

#### ARTICLE VI

The employer must provide adequate and hygienic housing facilities, as well as clean blankets, bed or cot and mattress, and an adequate supply of water.

#### Living Conditions

The employer may house the worker in either a labor camp or a private dwelling, but it must be approved by the appropriate State authorities where State housing laws exist. In States where there are no such laws, housing must be approved by the local office of the State Employment Service. The employer has a choice with regard to feeding the worker. He may:

A. Provide three adequate meals, including lunch which may be eaten in the fields, at an agreed price per day to be paid by the worker,

The charge for these three meals shall not exceed \$1.50 per day to the worker.

OR

B. Provide, with no cost to the worker, stove, dishes, and cooking and eating utensils, so that the worker may prepare his own food. The worker is responsible for any willful destruction of the employer's property.

ARTICLE VII

The manner of work and the wages must be the same as those prevailing in the work area. Work methods covered by current labor agreements in the area will be followed. The worker may not be required to buy any articles or services not desired by him.

Miscellaneous

If the worker becomes disabled because of anything connected with his employment, and cannot carry out his agreement, the employer must see that he is returned to Puerto Rico, if the worker desires.

The cost will be borne by the employer.

Whenever an employee is injured, the employer must notify the New York office of the Puerto Rican Department of Labor (21 W. 60th Street) within 48 hours.

ARTICLE VIII

Under certain conditions an employer may transfer workers to another employer, provided the arrangement is satisfactory to the worker, the Employment Service, and the Puerto Rican labor officials.

Transfers

ARTICLE IX

The employer is required to post a performance bond with the Commissioner of Labor of Puerto Rico.

Bond

\$3,000 is the minimum for which some bonding companies will write bonds of this character. If the amount of bond required is less than \$3,000, the employer may deposit with

the Commissioner of Labor of Puerto Rico a certified check in accordance with the following schedule. This amount will be returned upon the satisfactory completion of the contract and settlement of all financial obligations.

No. of Workers	Bond
1	\$ 160
2	310
3	450
4	580
5	700
6	810
7	910
8	960
9	990
10-25	100 per worker
26-300	3,000
301-up	3,000 plus \$5 for each worker above 300

300 - 3000.  
400 - 3500.  
500 - 4000.

The employer may in all instances elect to post a \$3,000 surety bond in lieu of the smaller cash bond. The estimated cost of the surety bond is \$15.00 per thousand. On page 14 there is a list of bonding companies with branch offices in Puerto Rico which write such bonds.

ARTICLE X

The employer agrees to submit to the jurisdiction of the courts of Puerto Rico in any matters concerning the work agreement, except workmen's compensation cases.

Jurisdiction



## **Bonding companies maintaining branch offices in Puerto Rico**

American Surety Company of New York  
100 Broadway  
New York, New York

Fidelity and Deposit Company of Maryland  
Northwest corner Charles and Lexington Streets  
Baltimore, Maryland

Firemen's Fund Indemnity Company  
401 California Street  
San Francisco, California

Great American Indemnity Company  
1 Liberty Street  
New York, New York

Indemnity Insurance Company of North America  
1600 Arch Street  
Philadelphia, Pennsylvania

Maryland Casualty Company  
701 West Fortieth Street  
Baltimore, Maryland

Porto Rican and American Insurance Company,  
Inc.  
The Ochoa Building  
San Juan, Puerto Rico

Royal Indemnity Company  
150 William Street  
New York, New York

Seaboard Surety Company  
75 Maiden Lane  
New York, New York

Travelers Indemnity Company  
700 Main Street  
Hartford, Connecticut

United States Casualty Company  
60 John Street  
New York, New York

United States Fidelity and Guaranty Company  
26 South Calvert Street  
Baltimore, Maryland

## **Puerto Rican Labor Department Offices on the Mainland**

21 West 60th Street,  
New York 23, N. Y.  
PLaza 7-1150

750 South Wabash Ave.  
Chicago 5, Illinois  
WEbster 9-5837

The Puerto Rican Department of Labor maintains these offices on the mainland so that Puerto Rican workers and employers can contact them for information, for help in clearing up misunderstandings about work agreements, or for assistance in solving other problems.

**Notices by the employer required under the work agreement must be addressed as set out in the agreement.**

Questions that employers may have about work agreements should first be taken up with the local employment office.