

QSS20S1 Final Project Memo 1

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1 What I learned

From the data sources, I learnt that agriculture sectors specifically the farm labor contractors (FLCs) account for the largest portion of the violation in H-2 guest worker regulations. Another thing to note about the data source and visualization (M1M2) is that there's no direct correlation between a county's agricultural employment and the number of violation. For example, in California (one of the biggest farm employment State), Lassen county has comparably high percent of total federal employment law violations but interestingly, its agricultural employment is not in the top range. I also realized the disproportionately negative influence "bad apples" who are farm labor contractors that violate a high number of regulations have. One challenge to measure employers' compliance with guest worker regulations is the inaccuracy of the reported cases as due to visa and immigration status restriction and unauthorized, many guest workers can not actually file complaints. Moreover, Wage and Hour Division (WHD) does not have sufficient amount of staffs and fundings to detect violations, which leads to legal loopholes. This challenge can be reflected by figure A that the Wage and Hour Division investigations of agricultural employers has dropped drastically in recent years, which can be due to underfunded and understaffed WHD. I think it is interesting to note that solely looking at figure A and B from the readings one can raise questions such as why does the total number of investigators is higher in 2019 compared to 2012 but the number of total investigation is lower. The reasons can be that the number of guest workers per one investigators is much higher in 2019 and due to the surge of farm labor contractors and lacking of funding mentioned in the readings, it is more difficult for investigators to proceed investigations.

2 Gaps and questions

1. Do "bad apples" receive higher civil money penalties per case compared to those employed by the rest of the FLCs? We know that "bad apples" violate a large number of regulations but do they get penalized more when more of their employees' rights are deprived?
2. From the GAO 2017 report's table 3, recruiting by returning workers and contractors are both categorized as indirect method of recruitment. Focusing on this method and the agricultural sector, does recruiting by returning workers lead to lower average violation cases per year compared to FLCs?