



WAGES AND WORKING CONDITIONS IN ARKANSAS POULTRY PLANTS

The Northwest Arkansas Workers' Justice Center

February 1, 2016

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ACKNOWLEDGEMENTS

The Northwest Arkansas Workers' Justice Center would like to thank the foundations and partners who generously contributed to this report: the University of California-Berkeley Food Labor Research Center, Unitarian Universalist Service Committee, OXFAM America, Winthrop Rockefeller Foundation, Ben & Jerry's Foundation, Catholic Campaign for Human Development, Norman Foundation, New World Foundation, Left Tilt Fund, Unitarian Universalist Association, Southern Partners Fund, the Berger-Marks Foundation, Interfaith Workers Justice, Food Chain Workers Alliance, Southern Poverty Law Center, Restaurant Opportunity Centers United, and United Food and Commercial Workers International-Research Division.

We would also like to thank members of Saru Jayaraman's Food Systems Policy course, Christina Fletes, Akasemi Newsome, and Iman Mamdouh, and UUSC's editor, Jessica Atcheson, for their support.

Most of all, we are grateful for the participation of the poultry workers whose stories and survey results appear in this study.

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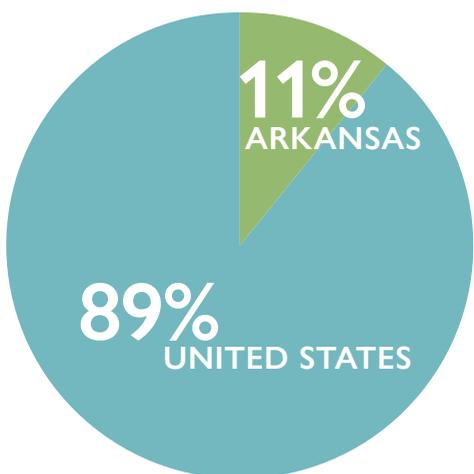
Photo: Earl Dotter

EXECUTIVE SUMMARY

The poultry industry is a large and growing business. The U.S. poultry industry employs over 300,000 workers nationally¹ and produces \$42.8 billion in sales annually, or 11% of total U.S. agricultural sales.² Arkansas is a particularly important state with regard to poultry production; in 2013, Arkansas ranked second of all U.S. states in broiler production.³ Over 12% of all poultry processing jobs are found in the state of Arkansas, a state that constitutes less than 1% of the total U.S. population.⁴ With almost 28,000 workers, poultry processing is the fifth largest private employer in Arkansas.⁵

The top five broiler producing companies in the United States are Tyson, Pilgrim's Pride, Sanderson Farms, Perdue Farms, and Koch Foods.⁶ Tyson dominates the landscape in Arkansas. Over 20% of the company's U.S.-based employees work in Arkansas, the company employs over half of all poultry workers in the state, and its Tyson Foods headquarters is located in Springdale, Arkansas.⁷

FIGURE 1
Total Broiler Production, 2014



Source: USDA

WHO ARE THE WORKERS?

Arkansas poultry workers reflect the population of poultry workers nationwide. The demographics for butchers and other meat, poultry, and fish cutters and trimmers nationwide suggest that approximately 35.4% of workers are Hispanic or Latino, 20.2% African American, and 8% Asian.⁸ In Arkansas, poultry workers are 33% Latino, 17% African American, and 6% Asian, with a large population of workers from the Marshall Islands.⁹

WHAT DO THEY EARN?

Arkansas poultry workers earn an average of \$13.84 per hour, or \$28,792 annually.¹⁰ These wages fall just above the poverty line in the South and have risen 25% less than all other private sector workers' wages.¹¹



Photo: Earl Dotter

TABLE 1
Summary of Survey Findings

According to Surveyed Poultry Workers

PAY

- 53% Paid by payroll card
- 38% Of those paid by payroll card, had money 'disappear' from account
- 62% Experienced wage theft
 - 35% Deductions from paychecks for supplies
 - 26% Not being paid to put on protective gear
 - 12% Not paid overtime for working 40 hours or more a week
 - 40% Not paid for all hours worked

MOBILITY

- 78% Never offered a promotion
- 40% Never offered a raise

BENEFITS

- 91% Do not have access to earned sick leave
- 62% Worked while sick
 - 77% Could not afford to take a day off
 - 54% Afraid of disciplinary action
 - 44% Directly threatened with disciplinary action
- 14% Do not have access to health insurance
- 78% Not able to cover costs associated with health care

DISCRIMINATION, HARASSMENT, & RETALIATION

- 51% Experienced discrimination
- 44% Experienced verbal or sexual harassment
- 32% Of poultry workers faced retaliation from employers when speaking up for better working conditions

HEALTH AND SAFETY

- 31% Saw contamination of meat
- 54% Forced to do things under time pressure that might harm the health and safety of the consumer
- 42% Believed they received sufficient health and safety training
- 28% Had training provided, but not adequate
- 20% Had frequently contacted toxic chemicals
- 10% Present during a chemical spill or gas leak
 - 90% Of those, did not see a doctor after incident
- 91% Treated differently during OSHA inspection

Source: Northwest Arkansas Worker Justice Center surveys with poultry workers, 2015.

WORKING CONDITIONS IN POULTRY PROCESSING PLANTS

SUMMARY OF FINDINGS

Surveys with workers reveal dangerous and difficult conditions for poultry processing workers in Arkansas. Poultry workers are typically paid above the minimum wage and, as mentioned slightly above the poverty level in Arkansas, but they reported experiencing significant problems with receiving their pay, and that raises and promotions are few and far in between. According to survey results, foreign-born workers and workers of color suffer disproportionately from employment law violations, compared to U.S.-born or white workers.

Workers reported problems with pay, with more than half of all workers reporting receiving their pay on a payroll card (53%) and almost 40% of those workers (38%) reporting that they've experienced pay "disappearing" on a payroll card. Almost two thirds of all workers (62%) report experiencing some form of illegal wage theft, whether it be deductions from workers' pay for supplies (35%), not receiving legally mandated overtime pay (12%), or simply not being paid for all hours worked (40%). In addition, with 78% of workers reporting that they never received a promotion, there seems to be little chance of mobility for workers to advance to higher paying positions.

With regard to benefits, a stunning 91% of surveyed workers handling our nation's poultry in Arkansas reported having no earned sick leave, and almost two thirds (62%) reported working while sick. Of those who worked while sick, workers reported that they did so not out of choice, but because they either could not afford to take a day off when sick (77%), were directly threatened with disciplinary action for taking a day off when sick (54%), or were afraid of such disciplinary action (44%). In addition, while more than 80% of workers reported having access to health insurance, almost 80% reported that they could not afford the out-of-pocket costs associated with obtaining that health care.

Discrimination and harassment are common challenges faced by poultry workers; more than half of all surveyed workers (51%) reported experiencing discrimination. The workforce is diverse, made up of first- and second-generation immigrants from the Marshall Islands and Central America, as well as black and white workers from the United States. Foreign-born and non-white workers report high rates of direct discrimination on the job and often experience lower pay and fewer opportunities to advance into better jobs within the plants. They also report additional barriers to speaking up about problems or concerns in the workplace, which can result in harsher and more dangerous working conditions for these workers.

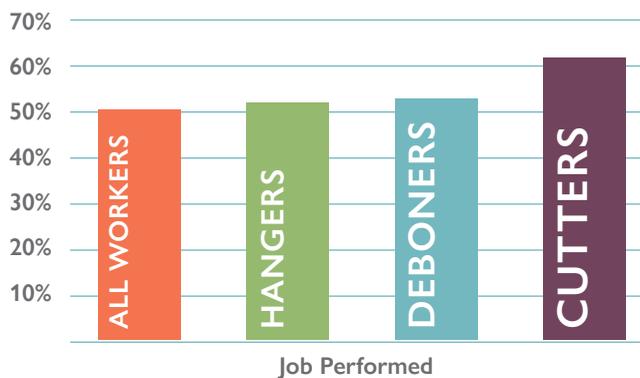
WORKER AND CONSUMER HEALTH AND SAFETY

Employer-mandated processing quotas and rapid line speeds mean that workers often have to rush and strain themselves to cut, debone, or package enough poultry meat to keep up.¹² This intense time pressure often causes workers to injure themselves, as well as engage in behavior that compromises the safety of the product. The problems caused by substandard hygiene and safety at poultry processing plants are compounded by the widespread lack of earned sick leave among poultry workers, which results in many workers coming to work while sick. All of these problems have significant impact on the consumer.

The occupations represented in this report most affected by fast line speeds — cutting, deboning, and hanging — are also associated with slightly higher rates of injury than the average worker (51%). Almost two-thirds of cutters (62%) and over half of all deboners (53%) and hangers (52%) reported being injured on the job. Workers who reported an injury due to line speed also reported higher mean and median piece/pound processing rates per minute, in some cases almost double the rates reported by workers who did not experience injury due to line speed. Women also reported higher rates of line speed related injury than men.

Almost one-third of workers saw contamination of the meat (31%). Workers without paid sick days were more likely to see contamination of the meat, suggesting a correlation between worker and consumer health and safety.

FIGURE 2
Injuries Experienced



Source: NAWAJC survey data, 2015

TABLE 2
Experience of Contamination by Paid Sick Leave

Did you witness meat contamination?

	YES	NO
Total	31%	55%
Earned sick days	24%	66%
Unpaid Sick days	47%	44%
No sick days	31%	54%

Source: NAWAJC survey data, 2015.

INTRODUCTION AND METHODOLOGY

Contributing over \$30 billion in 2013, the poultry industry is large and important to the nation's economy.¹³ The Meat Institute claims that meat and poultry's "ripple effect" contributes a full 6% to total GDP.¹⁴ Since 12% of all poultry processing jobs are concentrated in Arkansas, Arkansas becomes a critical place to examine wages and working conditions for poultry workers nationwide as well as consider the impacts of these conditions on consumers.

This study was led by The Northwest Arkansas Workers' Justice Center (NWAJWC), with research support provided by the Food Labor Research Center at the University of California, Berkeley, the Unitarian Universalist Service Committee, and Professor Chris Benner at the University of California, Santa Cruz. Professor Benner first conducted initial government data analysis of worker demographics with regard to race, gender, and distribution of workers in poultry plants of various sizes. The NWAJWC formed an advisory board comprised of academics and local allies and experts, which provided input on a survey drafted by the Food Labor Research Center at the University of California (UC), Berkeley. The NWAJWC then conducted 500 surveys of poultry processing workers, following the demographic and plant size quotas established by Professor Benner, in order to obtain as representative a sample as possible.

The Food Labor Research Center at UC Berkeley also created a worker interview guide with input from NWAJWC's Advisory Board, and the NWAJWC then conducted thirty in depth interviews with workers. The surveys and interviews were conducted through the help of local churches and allies. NWAJWC organizers conducted community outreach. Finally, the Unitarian Universalist Service Committee conducted comprehensive government data analysis to inform an overview of the industry in Arkansas.



Photo: Earl Dotter

OVERVIEW OF THE POULTRY INDUSTRY IN ARKANSAS

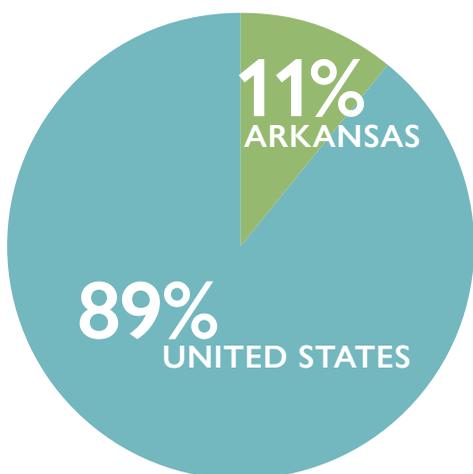
A SIGNIFICANT AND GROWING SECTOR

Poultry is big business. In 2014, the value of broiler chickens produced in the United States was up 6% from 2013, at \$32.7 billion.¹⁵ According to the USDA's 2012 Census of Agriculture, poultry and egg sales alone constituted \$42.8 billion, 11% of total U.S. agricultural sales, while the industry's total effect contributes substantially to the labor market, exports, and beyond.¹⁶

The poultry industry is fairly concentrated, with a handful of companies dominating the industry in Arkansas and nationwide. The top five broiler producing companies in the United States are Tyson, Pilgrim's Pride, Sanderson Farms, Perdue Farms, and Koch Foods.¹⁷ Tyson dominates the market in Arkansas; over 20% of the company's U.S.-based employees work in Arkansas, the company employs over half of all poultry workers in the state, and its Tyson Foods headquarters is located in Springdale.¹⁸

The industrial chicken sector is vertically integrated, meaning that a company can own and control the process (and the chicken) from the hatchery through its delivery to a local retailer. The farming and processing of chickens is a significant and growing portion of the economy in the state of Arkansas. In terms of cash receipts, poultry accounts for 4% of agricultural production in the state.¹⁹ Typically, the state produces around one billion broilers every year, and the state's share of total national chicken production is growing.²⁰ Arkansas was third in the nation in broiler production in 2012, but second in 2013, with exports valued at \$533 million.²¹ When all poultry products, including eggs, are taken into account, poultry products make up \$646 million in agricultural exports for the state, and after rice and soybeans they are the largest agricultural exports.²² The most recent USDA annual estimates, for 2014, indicate that Arkansas produced 969,800,000 broilers out of a total U.S. production of 8,544,100,000, constituting over 11% of total broilers.

FIGURE 1
Total Broiler Production, 2014



Source: USDA²³

TABLE 1
Top 10 Detailed Private Industry
Employment in Arkansas

JOB	INDUSTRY
41,259	Limited-Service Restaurants
36,617	Full-Service Restaurants
35,870	General Medical and Surgical Hospitals
32,716	Managing Offices
27,874	Poultry Processing
24,135	Temporary Help Services
22,948	Offices of Physicians, Except Mental Health
22,390	Nursing Care Facilities
20,471	Long-Distance Freight Trucking
18,245	Services for Elderly and Disabled

Source: BLS QCEW³¹

Agriculture including the processing of farmed products, bring over an estimate of \$20 billion to the state’s economy (17%) and provides one out of every six jobs in the state.²⁴ Poultry constitutes a full quarter of Arkansas’s agricultural economy, contributing 36,503 jobs and adding an estimated \$2.17 billion in value.²⁵

On the manufacturing side of the poultry industry, Arkansas is seventh, nationwide in employment of meat, poultry, and fish cutters and trimmers.²⁶ The poultry industry spans across the state, led by Washington and Benton Counties.²⁷ What’s more, northwest Arkansas, consisting of the nonmetropolitan areas around Fayetteville, Springdale and Fort Smith, hosts the third and fourth highest concentrations of jobs in poultry cutting and trimming in the entire country, with more than 12 poultry cutters for every 1,000 total jobs.²⁸

HOW MANY JOBS?

With almost 28,000 workers, poultry processing is the fifth largest employer in the state when compared to other detailed industries.²⁹ Over 12% of all poultry processing jobs are found in the state of Arkansas, a state that constitutes less than one percent of the total U.S. population.³⁰

Poultry processing workers are the people who ultimately transform the chickens that grow on Arkansas’s farms into the drumsticks, cutlets, and prepackaged meals we consume.

While the chicken industry, its profits, and its exports are on the rise, actual jobs for Arkansas poultry processing workers have dipped somewhat over the past decade.³² In

FIGURE 2
Job Change in Arkansas
Poultry Processing Compared
to Total Manufacturing

Source: BLS QCEW 2004-2014.



2004, there were 32,392 jobs in poultry processing, while in 2014 the number dropped to 27,432,³³ perhaps due to automation. One of the primary occupations within the industry, cutters and trimmers, is forecasted to see modest job growth, with an estimated 5% increase in jobs between 2012 and 2022. Slaughterers and meat packers, on the other hand, are expected to see a 2% dip in jobs over the same period, possible also due to automation. This is in contrast to overall job growth across industries in the United States, which is forecasted to rise 11%.³⁴

When we compare jobs in poultry processing to overall manufacturing jobs, though, it is clear that poultry processing provides better than average job stability. Total manufacturing jobs dropped quite dramatically between 2006 and 2009, before finally stabilizing. Over the decade between 2004 and 2014, total manufacturing jobs dropped from 203,676 to 154,122, a percentage loss of nearly 25%.

Poultry processing accounts for approximately 18% of all manufacturing jobs in Arkansas and 2.4% of all workers in private firms.³⁵ There were 53 poultry processing establishments in 2004, and 10 years later there were 49, possibly due to consolidation of the major national poultry companies that dominate the state.³⁶

WAGES

Poultry workers are paid well below a living wage in Arkansas and poultry workers' wages have risen 25% less than all other private sector workers' wages.³⁷

Arkansas poultry workers earn an average of \$28,792.³⁸ If this wage represents a 40-hour work week over 52 weeks each year, poultry workers make an estimated \$13.84 per hour. Even for families with two workers making this (\$57,584), the wage falls well below a living wage for the nonmetropolitan U.S. South (\$71,000). According to the Department of Labor's Lower Living Standard Income Level (LLSIL) calculations, the income of a poultry worker supporting a family of four falls just above the poverty level.³⁹

FIGURE 3
Poultry Processing Wage Growth
Compared to Overall Private Sector

Source: BLS QCEW, 2004-2014.

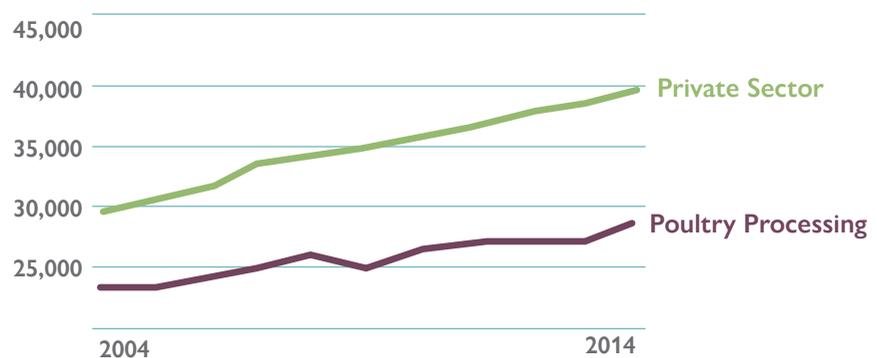


TABLE 2
Demographics of Arkansas’s Animal Slaughtering and Processing Workers

SEX	
58%	Male
42%	Female
AGE	
11%	18–24
47%	25–44
40%	45–64
2%	65 and older
RACE/ETHNICITY	
43%	White, Non-Hispanic
17%	Black, Non-Hispanic
33%	Hispanic or Latino
6%	Asian/Pacific Islander
1%	Other
NATIONALITY	
66%	United States
19%	Mexico
9%	Central America/Cuba
3%	Asia
0.5%	Marshall Islands
2.5%	Europe and Other

Source: American Community Survey 2012 5-year IPUMS.⁴⁹

The average wage for poultry workers nationwide is estimated at \$12.50.⁴⁰ This wage, for 40 hours over 52 weeks represents a salary of only \$26,000. According to this estimate, Arkansas’s poultry processing workers make more than the national average. However, wages vary within the poultry processing industry and are below the average for the majority of animal processing workers, who work as slaughterers, cutters, trimmers, and meatpackers. Arkansas poultry and fish cutters and trimmers make on average (mean wage) only \$22,660. Neither Arkansas as a whole, nor its metropolitan or nonmetropolitan areas, offers the highest average wages for meat, poultry, and fish cutting and trimming.⁴¹ Similarly, the state’s slaughterers and meatpackers, which include people working in poultry and other animal processing plants, are paid on average \$22,730 per year, while the best paying state for this occupational category is Colorado, with an average wage of \$31,510 annually (\$15.15 per hour).⁴² Notably, even this wage, high as it is for the industry, represents an income just over the poverty level in the U.S. West.⁴³

Wages have risen for Arkansas poultry workers over the last decade, from \$23,326 average annual pay in 2004 to \$28,792 in 2014, but have risen more slowly than other private sector workers.⁴⁴ The average pay for all nonagricultural workers in Arkansas was \$39,976 in 2014, and \$39,723 for employees in private companies. Notably, poultry processing annual pay has risen much more slowly than it has for private industry on average, which rose from \$29,802 to \$39,723. Thus, poultry processing wages have risen 19%, while private industry wages have risen 25% over the same period.⁴⁵

DEMOGRAPHICS

Nationwide, the demographics for butchers and other meat, poultry, and fish cutters and trimmers suggest that approximately 35.4% of workers are Hispanic or Latino, 20.2% African American, and 8% Asian.⁴⁶ For animal slaughtering and processing, as an industry, the population is 35% Hispanic or Latino, 19.6% African American, and 7.8% Asian.⁴⁷

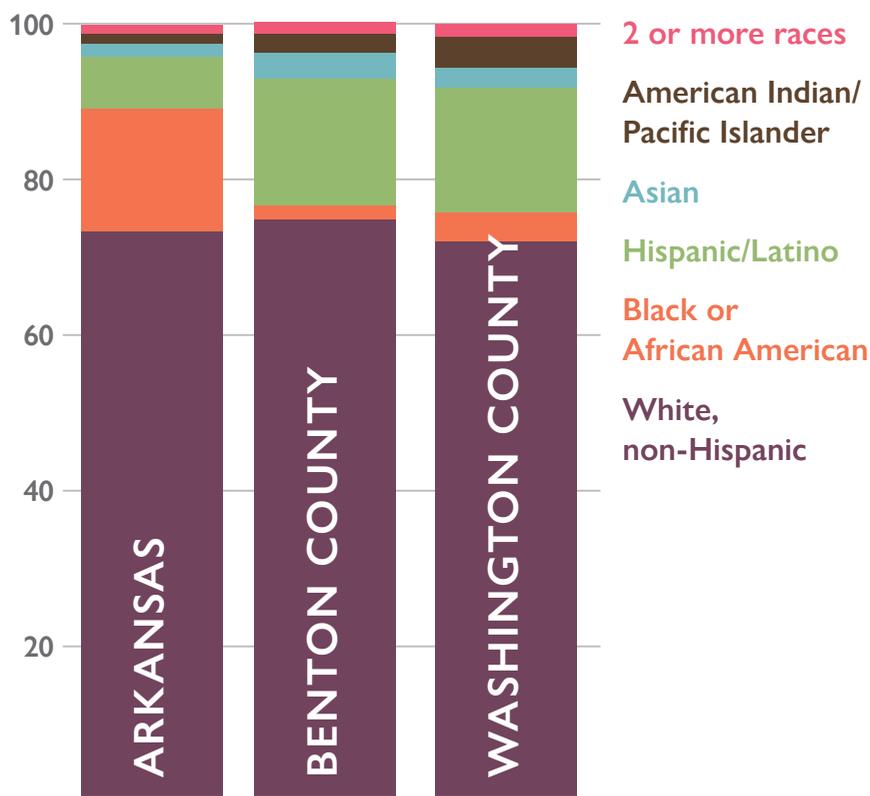
According to the Census’ American Community Survey data spanning 2007 to 2012, Arkansas’s animal slaughtering and processing workforce is 43% white non-Hispanic, 33% Hispanic or Latino, 17% African American, and 6% Asian.⁴⁸

WHERE ARE THE JOBS?

In 2012, the Census Bureau estimated that Independence County, Sebastian County, and Washington County — the counties with the greatest concentration of poultry workers — all had 2,500–4,999 employees in the poultry processing industry.⁵⁰ Benton and Washington Counties have the highest number of poultry factories, with Benton County having 10 and Washington County having seven.⁵¹ Washington County is the only county with two establishments of 1,000 or more employees.⁵² One large facility of 1,000 or more employees can be found in each of Benton, Carroll, Crawford, Hempstead, Howard, Jefferson, Johnson, Sebastian, and Sevier Counties.⁵³

The racial and ethnic demographics of northwest Arkansas, the locus of poultry processing, contrast sharply with the state’s demographics as a whole. The state, overall, is over 70% white and non-Hispanic, with African American representing another 15% of the population and Latinos 7%. However, Benton and Washington Counties have relatively small African American populations and much higher numbers of Hispanic and Latino residents, at over 16% of the counties’ populations. The foreign-born population of these counties is also higher than average, with 11% foreign-born residents contrasted with the state’s average of only 4.5%.⁵⁴

FIGURE 4
Racial Demographics of Northwest Arkansas Compared to the State as a Whole



Source: US Census Bureau 2014.



Photo: Earl Dotter

WORKERS' PERSPECTIVES

INTRODUCTION AND METHODOLOGY

Workers in Arkansas's poultry processing industry reported that their jobs are often difficult, dirty, and dangerous. In survey responses and interviews, workers paint a bleak picture of the plants they work in, which can be sweltering in the summer, freezing in the winter, and are often littered with poultry debris, droppings, or toxic chemicals. These conditions can result in illness and injury for workers, in addition to creating an environment in which the risk of contamination of the poultry meat is high. Furthermore, workers reported suffering from violations of their employment rights, discrimination and harassment, and significant barriers to speaking up to try to change these conditions. The findings of this survey suggest that workers and consumers alike would benefit from higher standards for health and safety in poultry processing plants, as well as improved pay and benefits for plant workers.

This chapter describes the working conditions in Arkansas's poultry processing plants, based on around 500 worker surveys and thirty interviews with workers. The surveys and interviews were conducted through the help of local churches and allies. NAWAJC organizers conducted community outreach and met with poultry workers wherever they could find them.

WORKING CONDITIONS AND JOB QUALITY

The surveys revealed that jobs in Arkansas's poultry processing plants are difficult for workers in a variety of ways, including substandard health and safety conditions, low wages, meager benefits, few opportunities for career mobility, violations of wage and hour laws, and discrimination. In this section, we discuss in detail workers' responses to survey and interview questions about their working conditions and experiences on the job in poultry processing plants. Survey results demonstrate that poultry processing jobs are tough and demanding for all workers, but that foreign-born workers often have worse outcomes than U.S.-

born workers. In addition, non-white workers and women also reported facing more discrimination in the workplace.

EARNINGS

“Our works are too heavy, but our wages are too small.”

—Arkansas poultry worker⁵⁵

Workers in Arkansas poultry processing plants often do not earn enough to support their families. The average wage for Arkansas poultry workers (\$13.84 per hour) is slightly above the national average for poultry workers (\$12.50 per hour). However, as noted in Chapter 2, this is not considered a livable wage in Arkansas for a two-earner household with one or two dependents.⁵⁶ The majority of workers, who work as slaughterers, cutters, trimmers, and meatpackers, earn closer to \$10.89 per hour.⁵⁷ Furthermore, the high incidence of wage and hour violations reported by surveyed workers suggests that take-home pay may be significantly lower than the averages captured in official census data.

Many of the Arkansas poultry workers interviewed for this report felt that their wages were not enough, especially considering the difficulty of the work that they do. One worker described feeling like the workers were treated like animals, because the volume of work expected of them is so exhausting. “I don’t think they [the bosses] would let their children, mother, and father do these kind of work and pay them [so little],” the worker said.⁵⁸

The method by which workers are paid can have a negative impact on their earnings as well. Employers in Arkansas’s poultry industry reportedly distribute pay to workers in a variety of ways. According to survey results, the payment formats vary significantly based on worker nationality and by whether or not workers have access to a bank account. The relatively new, but increasingly common, payroll card (prepaid debit card) system has both advantages and disadvantages for workers.

Form of Payment

Among workers surveyed, 37% were paid through direct deposit, roughly one-fifth were paid in check or in a combination of cash and check (23% and 22%, respectively), and 17% were paid with prepaid debit cards known as payroll

TABLE 4
Workers’ Form of Payment

NATIONALITY	CASH	CHECK	CASH & CHECK	DIRECT DEPOSIT	PAYROLL CARD
U.S. born	1%	9%	1%	79%	10%
Foreign born	0%	31%	37%	10%	21%

Source: NWAJJC survey data, 2015.

cards. These formats have distinct benefits and costs for different groups of workers, most notably those born within and outside of the United States, and those with and without access to a bank account.

The most common method of pay varied significantly by nationality. Nearly 8 out of 10 U.S.-born workers surveyed received their pay through direct deposit into a bank account, compared to only 1 in 10 foreign-born workers. Foreign-born workers were much more likely to be paid in one of the other formats: 37% of foreign-born workers were paid in a combination of cash and check, 31% in check alone, and 21% through a payroll card (see Table 4).

Direct deposit is an easy and straightforward way of receiving and tracking pay for many workers, but is not an option for those who do not have access to opening or maintaining a bank account, either because of low credit ratings, minimum balance requirements, or insufficient identification. Opening a bank account is typically more difficult for low-income people and for undocumented immigrants, who may lack the necessary identification or fear that their information will be used by law enforcement to target them for deportation.⁵⁹

Distributing worker pay by check is commonly used and longstanding format, but workers without access to a bank account in which to deposit their checks are frequently subject to high check-cashing fees and fees for other financial transactions.⁶⁰ Payment in combination of cash and check, while not illegal, may present an opportunity for employers to conceal wage and hour law violations. In a large-scale 2009 study of low-wage workers and labor law violations, researchers found that workers paid in cash or personal check experienced much higher violation rates than those paid with a company check or direct deposit. The report concluded that informal pay systems such as payment in cash “may facilitate minimum wage and other violations, while making it harder for workers to claim their rights under the law.”⁶¹

Payroll cards were also a common format of pay, especially for foreign-born workers surveyed. One out of five (21%) foreign-born workers reported being paid with a payroll card, compared to one out of ten U.S.-born workers. Payroll cards typically function as a pre-paid debit card, in which a worker’s wages are deposited into a payroll card account, which can then be accessed by the worker through ATM cash withdrawals, point-of-sale purchases, and other transactions such as fund transfers.⁶² Nationally, use of payroll cards as a method of paying wages is becoming more common. The format offers some clear advantages for employers, such as lower processing costs as compared to paper checks. It has some advantages for workers as well, such as immediate access to wages on payday rather than waiting to retrieve a paper check. Payroll cards can be especially beneficial for workers without a bank account, because it grants them access to banking-like activities, such as paying bills and making purchases online, without requiring the credit history, minimum balance, or identification necessary to open most bank accounts.⁶³



Photo: John D. Simmons/The Charlotte Observer

Payroll cards can also have a number of downsides for workers. Many payroll cards have user fees, such as fees for withdrawals, balance inquiries, or transfers.⁶⁴ Nearly 70% of poultry workers surveyed who are paid with payroll cards reported being subject to fees for withdrawal, and many reported other types of fees as well. These fees can be difficult to track, especially for workers who speak limited English, and result in reduced overall take-home pay. Over half of workers surveyed (53%) who are paid with a payroll card said they were not offered a complete explanation of how to use the card, how the card differs from a bank account, and what fees the card includes. In addition to those who reported withdrawal fees, 38% of payroll card users reported that they have had money “disappear” from the card, most of which was never recovered (74%).

Not all payroll card companies impose heavy fees, and some are viewed as beneficial for expanding financial access and even as tools for increasing financial literacy.⁶⁵ However, in many cases workers are not given a choice about which card vendor to use or whether or not to accept payroll cards as their format of pay. About half of workers surveyed who use a payroll card report that they had been given the option of using a bank account instead, and only 12% of workers report that there was a vote among workers whether to accept the payroll card instead of some other form of payment.

BENEFITS

Poultry workers in Arkansas have limited access to health benefits such as earned sick leave and comprehensive health insurance. Overall, very few poultry processing workers have access to earned sick leave. According to survey, foreign-born workers were much less likely to have any sick leave benefits at all, paid or unpaid. Although a significant number of the workers surveyed reported that they have access to health insurance through their jobs, many of these workers also reported that their options for care are restricted to services provided at their place of employment, the quality of which may be questionable.⁶⁶

TABLE 5
Workers’ Access to Earned Sick Leave

Workers who report receiving sick leave

ETHNICITY/NATIONALITY	EARNED	UNPAID	NONE	UNKNOWN
Asian/Pacific Islander	4%	22%	24%	51%
Black	22%	59%	6%	13%
Latino	4%	11%	57%	27%
White	11%	55%	8%	26%
U.S. born	17%	57%	9%	17%
Foreign born	4%	14%	47%	34%
All workers	9%	38%	34%	29%

Source: NAWAJC survey data, 2015.



Photo: John D. Simmons/The Charlotte Observer

Sick Leave

Of the workers surveyed for this report, less than one in ten workers (9%) reported having access to earned sick leave. Three out of ten workers reported having unpaid sick days (5–15 days per year, often on a point system) and nearly one-third of all workers (32%) reported having no sick leave at all, either paid or unpaid. A significant number of workers (29%) reported having no knowledge of their employer’s policy on sick leave, paid or otherwise.

Foreign-born workers were much less likely than U.S.-born workers to get any paid or unpaid sick leave, and they were about five times more likely to receive no sick leave at all. Over half of black and white workers reported that they had access to unpaid sick days while only 11% of Latino and 22% of Asian-Pacific Islander (API) workers reported having unpaid sick days. One of the workers interviewed reported that workers are not reimbursed for any sick leave unless they file a request through the Family Medical Leave Act.⁶⁷

Many of the workers who reported having unpaid sick leave also noted that they receive this leave on a “point system.” Point systems are relatively common across a variety of industries and occupations; employees receive points for being absent from or late to work due to illness, injury, family member illness, or other reason. Reaching a certain number of points usually leads to disciplinary action, or including termination in some cases. A 2013 Southern Poverty Law Center (SPLC) report on the poultry processing industry in Alabama found that 97% of workers surveyed reported the existence of a point system at their place of work.

One poultry worker interviewed described the following system at his workplace: “If you call in sick you get a point. Or if you have a doctor’s appointment you will get half a point... . If you reach 13 points then you will get [fired].” The worker said that points are also given if a worker takes a bathroom break longer than five minutes.⁶⁸ The use of a point system clearly discourages poultry processing workers from taking breaks and taking time off to see to their health needs.

A lack of sick days and the use of attendance-driven point systems force



Photo: Earl Dotter

workers to “choose between their health and their employment.”⁶⁹ Injured or ill workers risk being fired if they miss work to treat a health issue, while at the same time risking exacerbating an existing injury or illness if forced to stay at work rather than seek treatment.

Of the workers surveyed for this report, over half reported that they had a work-related injury or illness, and 22% of workers surveyed reported being fired for experiencing a problematic health issue. This experience is not specific to the Arkansas poultry industry. The SPLC report found that 72% of individuals surveyed described experiencing a significant work-related injury or illness.⁷⁰ A lack of sick leave heightens unsafe conditions for workers in the processing facilities, as well as the poultry products they come in contact with. Our survey results and interviews revealed that workers often worked while sick or injured.

“There are so many times I went to work but I am sick,” said one poultry worker. “The reason I go to work is because if I don’t go I will get a point.”⁷¹ “Even if you call in sick and bring a doctor’s note,” the worker said, “they still will give you half a point.” “There are so many times when I feel weak because I am sick but I need to be at work because I don’t want to get a point.” Another worker at a different plant described a similar situation. They reported working while sick on at least four or five occasions to avoid getting disciplinary points. “Some of the guys said that if you are absent from work because you are sick then you will get point,” the worker said. “If you reach ten points then you get fired... [but] every time I ask for how many points I have they never tell me.”⁷²

There is considerable opposition to punitive sick leave policies like point systems in the poultry industry. The Equal Employment Opportunity Commission (EEOC) had a recent ruling citing that point system sick leave policies are discriminatory against individuals with disabilities and other health issues.⁷³ However, there are currently no federal requirements for paid sick leave, and Arkansas has not passed any comprehensive state-wide paid sick leave policies like states, including California and Connecticut.

Health Care

Many workers report having health insurance, however the health care they can access is often not affordable. Of workers surveyed, 86% have access to health insurance. Most workers receive these benefits through their employer (96%). A small number said that they pay for health insurance on their own or that they have government-sponsored health insurance such as Medicaid. Foreign-born and Latino workers are slightly less

likely to have insurance than U.S.-born workers (see Table 6).

NWAWJC survey results indicate that the health insurance provided to poultry workers by their employers is often not affordable. Even though a majority of workers surveyed have access to employer-sponsored health insurance, only about one-fifth (22%) of workers felt that they are always able to pay the costs if medical treatment is needed. A little over half (55%) of workers surveyed said that they are able to pay for treatment “sometimes,” and only 15% were able to pay “most times” (see Table 7). This finding calls into question the comprehensiveness and quality of the plans offered.

When medical treatment is needed by workers, three out of ten (31%) said that they go to a private doctor, two out of ten (20%) said they go to a doctor provided by their employer, and 15% reported that they perform self-treatment. Where workers seek medical treatment may depend on whether or not they have insurance. Workers with health insurance were more likely to receive medical treatment from a doctor through their job than workers without health insurance. Workers without health insurance were more likely to see a private doctor, go to a regional clinic, or seek self-treatment than workers who have insurance (see Table 8).

The survey results show that workers with health insurance most often receive their treatment through a doctor provided by their employer. This may be related to the sick leave policies described in the previous section. These policies are designed to encourage workers to keep working rather than miss work, which would happen if the worker wanted to see a doctor off-site during hours when they would typically be working.

Other research has also cast doubt on whether the treatment workers receive from company doctors is sufficient to help workers who do get sick or injured on the job,⁷⁴ and whether employees are discouraged from seeking comprehensive medical care when they are sick or injured. A recent news article by the *Huffington Post* documents an Occupational Safety and Health Administration (OSHA) investigation of a poultry processing firm. The firm was cited after it was found to have discouraged its employees from seeking treatment from or reporting injuries to outside doctors.⁷⁵ This behavior by employers may artificially depress injury and illness reporting rates among poultry workers, making their jobs seem safer than they really are.

TABLE 6
Workers’ Access to Health Insurance

Do you get health insurance?		
ETHNICITY/NATIONALITY	YES	NO
Asian/Pacific Islander	90%	10%
Black	92%	8%
Latino	81%	19%
White	92%	8%
U.S. born	92%	8%
Foreign born	83%	17%
All workers	86%	14%

Source: NWAWJC survey data, 2015.

TABLE 7
Ability to Afford Medical Care

Can you afford medical treatment?	
22%	Always
15%	Most times
55%	Sometimes
7%	Never

Source: NWAWJC survey data, 2015.

TABLE 8
Source of Medical Treatment

MEDICAL TREATMENT SOURCE	HAVE INSURANCE	DO NOT HAVE INSURANCE
Private doctor	91%	9%
Doctor provided through job	97%	3%
Regional clinic	63%	38%
Hospital emergency room	88%	12%
Urgent care	95%	5%
Self-treatment	76%	24%

Source: NWAWJC survey data, 2015.

LACK OF MOBILITY AND TRAINING OPPORTUNITIES

Tenure, mobility, and access to raises vary widely based on race and nationality. Overall, foreign-born workers reported being stuck in lower wage positions for longer periods of time, with fewer opportunities to climb the ladder into better jobs at the plants. Foreign-born workers and Latino workers were much less likely to report having been offered a promotion than U.S.-born workers, and Latinos in particular reported staying in their jobs longer. Interestingly, foreign-born workers reported greater rates of being offered a raise by their employer, but this may be related to lower starting and overall wages for foreign-born workers compared to white, U.S.-born workers. According to the Bureau of Labor Statistics, median weekly earnings in 2014 for foreign-born workers were about 24% less than earnings for native born workers.⁷⁶

Tenure

Tenure at poultry processing plants varied among the workers surveyed, but overall average job tenure was relatively short. Latino workers typically had the longest tenures at their current jobs, working an average of six years with the same employer. Black workers had the shortest tenures on average — about a year with the same employer. Typically, foreign-born workers said they worked with their employers twice as long as U.S.-born workers (see Table 9). The especially long average tenure of Latino workers may reflect in part the declining cyclical structure of migration from Mexico and Central America to the United States and an increase in longer-term settlement⁷⁷ as border enforcement has increased. Because job opportunities and mobility may also be more limited for undocumented workers (discussed below), they are likely to remain at the same job for longer than other workers. In contrast U.S.-born workers (white and black) may be likely to have more opportunities to move to another firm or exit the industry entirely. White workers' somewhat longer tenure compared to black workers and API workers may reflect their reported much higher likelihood of being offered a promotion or a raise (see below). Black workers' especially short tenure may reflect their lack of opportunity for internal promotion but their broader set of options outside the firm or the industry, as compared to foreign-born workers.

TABLE 9
Worker Tenure by Ethnicity

ETHNICITY/NATIONALITY	MEAN TENURE
Asian/Pacific Islander	40 months
Black	14 months
Latino	75 months
White	54 months
U.S. born	31 months
Foreign born	64 months
All workers	53 months

Source: NAWAJC survey data, 2015.

Mobility

Only 22% of workers surveyed said they were offered a promotion to a more comfortable or higher-paid position in the processing facility. One worker described being moved to a position with a heavier workload but not receiving any increase in pay along with this change.⁷⁸ Foreign-born workers and non-white workers (especially Latino workers) were much less likely to have been offered a promotion than white, U.S.-born workers (Table 11). These findings are consistent with research showing that immigrants and people of color face more barriers to career mobility than white or U.S.-born workers.⁷⁹ These groups are more likely to be stuck in low-wage jobs in the secondary labor market, with fewer opportunities for advancement, skill development, or higher pay.

One might expect that workers offered a promotion would have had been at their jobs longer, but our survey showed the opposite to be true. Workers who had been offered a promotion said they had typically worked at the plant for less time. The workers offered a promotion had worked for that employer an average of 10 months less than workers who had not been offered a promotion (Tables 10 and 11). Taken in consideration with the disparities in promotions based on race, this suggests that white workers may have received such preferential consideration for promotions that it overrides the fact that they often had not worked at the plant for as long as some of their Latino and foreign-born colleagues. According to survey results, foreign-born and Latino workers reported both the longest tenures as poultry processing workers and are the least likely to be offered a promotion.

White workers also are likely to have more opportunities for jobs outside of the poultry industry, which increases their ability to leverage their credentials to move up a career ladder faster. Race- and ethnicity-based discrimination⁸⁰ and undocumented workers' fear of deportation likely restricts job opportunities significantly for foreign-born workers and people of color in Arkansas. One worker explained this: "We choose to remain at the workplace because we need it, and the company needs us to make them profitable. Because some of us are not able to speak English, we are not offered other higher positions. We have to withstand the working conditions as is." In addition, the Arkansas poultry industry is a relatively closed network, with several large employers dominating the market, which makes it more difficult for workers to advance by switching to a different plant within the same industry. One man surveyed, alleged, "I worked for [a poultry company] for maybe eight years. I did witness a lot of things that happened in [the company] that are against the law.

TABLE 10
Promotion Opportunities

Have you been offered the opportunity to apply for a promotion?

	TENURE
Yes	47 months
No	54 months

Source: NAWAJC survey data, 2015.

TABLE 11
Promotion Opportunities by Race

Opportunity to apply for a promotion?

ETHNICITY/NATIONALITY	YES	NO
Asian/Pacific Islander	14%	86%
Black	37%	62%
Latino	5%	94%
White	63%	37%
U.S. born	46%	54%
Foreign born	8%	92%

Source: NAWAJC survey data, 2015.

I decided to resign and then applied at other poultry plants in the community like George’s, Cargill, and Ozark Mountain Poultry, but they didn’t hire me because [the company] had notified them that I was in a Medical Leave of Absence and that I had not quit my employment with them. I went to [the company] employment center to ask why Human Resources is saying that... when they clearly knew I had quit several months. HR was not able to give me an answer and changed their story.”⁸¹ Workers not offered a promotion may tent to stay at their current jobs if they believe that they are less likely to be able to secure a better job someplace else, within the poultry industry or outside of it.

TABLE 12
Offers of Raises by Ethnicity

ETHNICITY/NATIONALITY	YES	NO	UNKNOWN
Asian/Pacific Islander	70%	9%	21%
Black	22%	33%	45%
Latino	58%	33%	9%
White	53%	15%	3%
U.S. born	33%	28%	39%
Foreign born	62%	25%	12%

Source: NVAWJC survey data, 2015.

Raises

Of the workers surveyed, six out of ten (60%) said they were offered a raise by their employer, 27% said they were offered a raise, and 23% were unsure whether or not they had been offered a raise. According to survey results, foreign-born workers were about twice as likely as U. S.-born workers to report having been offered a raise. API workers were the most likely to report having been offered a raise, followed by Latino workers and white workers. Black workers were the least likely to report having been offered a raise and the most likely to be unsure of whether they had been offered one (Table 12). While many people reported being offered a raise, the typical raise amount was quite small: median of \$0.25 and an average of \$0.76.

It is possible that foreign-born or non-white poultry workers were the most likely to be offered a raise because these workers often have lower starting wages and consistently make less than white workers or U.S.-born workers. According to the Bureau of Labor Statistics, median weekly earnings in 2014 for foreign-born workers were about 24% less than earnings for native-born workers (\$664 compared to \$820).⁸²

TABLE 13
Wage and Hour Violations Among All Workers Surveyed

	AGGREGATE PERCENTAGE
No	38%
Yes	62%

Source: NVAWJC survey data, 2015.

WAGE AND HOUR VIOLATIONS

Over six in ten Arkansas poultry workers (62%) report experiencing violations of wage and hour law (Table 13). Reported violations included miscellaneous wage deductions, problems receiving complete pay for all hours worked, nonpayment of wages or overtime, and unpaid lunch breaks that lasted less than 20 minutes. These findings suggest strongly that real wages for these workers are lower than reported government estimates and that workers in these jobs are particularly vulnerable to harsh, exploitative working conditions.

State and national employment law is intended to protect workers from these kinds of abuses and provide them with mechanisms for reporting problems. However, there is growing evidence that the system is failing to provide these protections for many workers, especially at the bottom of the labor market, leaving them vulnerable to abuse.⁸³ Unions can provide an additional framework of support for workers to address their grievances with employers, but Arkansas has been a right-to-work state since 1944, resulting in very low rates of unionization in the private sector (3.5%).⁸⁴

Reported incidences of wage and hour violations were high for workers from all backgrounds; nearly two-thirds of all workers surveyed reported experiencing some form of wage and hour violations of their employment rights. U.S.-born workers and white workers were somewhat more likely to report that they had experienced a violation (Table 14), but they also reported being more likely to speak up about violations and issues and report them to their supervisors. There are circumstances that might discourage foreign-born workers from voicing a complaint about having experienced a violation, as noted later in the section on Worker Action and Employer Response.

About 30-40% of all workers surveyed (across nationality and ethnicity categories) reported experiencing deductions from their pay for protective gear (Table 14). It is unclear whether the items deducted were legally done so.

Almost one-fifth (19%) of U.S.- and foreign-born workers say they have had their hours shaved (Table 14). “Shaving” of hours occurs when employers attempt to pay a worker less than the full amount of hours a worker has worked, by not paying for time workers spend putting on and taking off protective gear or by not paying workers for break time. There is some variation in reported “shaving of hours” among workers from different race and ethnic backgrounds; white workers were the least likely to report that have experienced this, and black workers the most likely. Foreign-born workers were more likely than U. S.-born workers to report not receiving any overtime pay, as were Latino workers. Poultry processing workers are entitled to overtime pay in Arkansas.⁸⁵ U.S.-born workers were the most likely to report nonpayment of wages. Foreign workers were the most likely to report having unpaid lunch breaks shorter than 20 minutes. Under state and federal law, these short breaks should be paid.⁸⁶

TABLE 14
Reported Wage and Hour Violations by Ethnicity

ETHNICITY/NATIONALITY	TYPES OF VIOLATIONS						
	PROTECTIVE GEAR DEDUCTIONS	DIDN'T GET LAST PAYCHECK IN A TIMELY MANNER	NOT ABLE TO CLOCK IN RIGHT AWAY	HOURS SHAVED	NO OVERTIME PAY	NON-PAYMENT OF WAGES	UNPAID LUNCH BREAKS, LESS THAN 20 MINUTES
Asian/Pacific Islander	38%	4%	44%	16%	10%	35%	7%
Black	32%	4%	36%	25%	13%	66%	1%
Latino	35%	5%	7%	20%	14%	18%	9%
White	42%	6%	58%	10%	5%	76%	1%
U.S. born	36%	4%	45%	19%	9%	69%	3%
Foreign born	36%	5%	18%	19%	13%	24%	8%

Source: NVAWJC survey data, 2015.

TABLE 15
Combined Wage and Hour Violations
by Ethnicity and Nationality

Have you experienced wage/hour violations?

ETHNICITY/NATIONALITY	YES	NO
Asian/Pacific Islander	42%	58%
Black	13%	87%
Latino	42%	58%
White	19%	81%
U.S. born	16%	84%
Foreign born	42%	58%
All workers	38%	62%

Source: NNAWJC survey data, 2015.

TABLE 16
Experience of Contamination
by Sick Leave

Did you witness meat contamination?

	YES	NO
Total	31%	55%
Earned sick days	24%	66%
Unpaid sick days	47%	44%
No sick days	31%	54%

Source: NNAWJC survey data, 2015.

Other wage and hour violations experienced by workers included the following:

- 35% of all workers reported deductions from paychecks for supplies.
- 8% of workers reported not being able to clock in immediately when arriving at work and not being able to leave as soon as they clocked out.
- 26% of workers reported not being paid for the time it took to put on protective gear.
- 12% reported not receiving overtime pay for working over 40 hours a week.
- 40% of workers reported that they were not paid for hours worked; 76% reported this to a supervisor and 9% reportedly took no action. U. S.-born workers were more likely to report confronting their bosses about issues like this.

Denial of breaks was a problem reported by several workers interviewed for this report. One said that workers are often denied their breaks during busy times, such as around the holidays.⁸⁷ Another worker reported that bathrooms are so far from where they work, the time allotted is not sufficient: “It is only 10 minutes, by the time you walk to the bathrooms, which are not near, you remove your gear, and return to your position, you have gone over the time allowed, it is not fair.”⁸⁸

Another worker said that bathroom breaks are so severely restricted that she once lost control of her bladder while working on the line. She said she asked several times to be allowed to use the bathroom but was denied. “Those old men that [work] with me on that line really laugh at me because I pee myself at the line because I couldn’t hold it anymore,” she said. She said that workers who are faster at processing turkeys are often allowed more lenience with bathroom breaks.⁸⁹

In interviews, women workers reported viewing bathroom breaks as an issue of gender discrimination. Several women suggested that male supervisors were unable to understand or sympathize with women’s needs to use the bathroom more frequently than men.

WOMAN POULTRY WORKER #1: *“When I was pregnant, I had to constantly go to the bathroom, and a supervisor told me, ‘Why don’t women hold it like I (male supervisor) have to hold it all day?’ I felt there was a factor of discrimination taking place at my workplace. Another factor is the fact that as women, we have our menstrual cycle, so we need to go to the bathroom*

more frequently, and male supervisor do not comprehend that, they don't recognize that as women we take a little longer to assess our needs and feel clean. Instead of letting us use the bathroom, they threaten us, humiliate us to the occasion of filing claims with human resources to discharge us.”⁹⁰

WOMAN POULTRY WORKER #2: *“The supervisors gets mad at us because we take longer, but we are women, and our needs are greater than those of men. They don't consider that we have more gear to remove or the fact that the bathrooms are too far away; just walking towards them our time is up. When we have our menstrual cycle, we need to go more often to the bathroom, but they don't let us, they don't like it.”⁹¹*

WOMAN POULTRY WORKER #3: *“Aside from our basics needs, there are women like me who have diabetes; we are in constant need to go to the bathroom because as a diabetic we have problems controlling our bladders. When we are in our period, we need to go to the bathroom to exchange our feminine products, but supervisors don't like that, they don't let us go to the bathroom.”⁹²*

Overall, U.S.-born workers were more likely to respond that they had experienced a wage and hour violation (Table 14). White and black workers more likely to report a violation (80%), while 58% of API and Latino workers reported having experienced a violation. Other research has shown that foreign-born workers are more likely to experience wage and hour violation than their U. S.-born counterparts.⁹³ NAWAJC data shows that U.S.-born workers (the majority of whom are white and black) were much more likely to report having experienced a violation when surveyed, compared to foreign-born workers (the majority of whom are API or Latino surveyed).

We hypothesize that the results do not mean that foreign-born poultry workers have necessarily experienced fewer violations than U.S.-born workers, but rather that they might not be as likely to report them due to perception of possible repercussions or a lack of knowledge of existing workplace rights. Foreign-born workers, especially undocumented workers, workers with uncertain legal status, or workers who lack English language proficiency face barriers in reporting violations, such as uncertain knowledge of rights in relation to existing wage and hour laws, possible retaliatory deportation or termination from the job, or complications when attempting to communicate about violations with surveyors or supervisors. NAWAJC survey data corroborates the existence of lower issue reporting rates among foreign-born workers: U. S.-born workers said they were much more likely to report an issue to a supervisor, 83% of U.S.-born versus 65% of foreign-born workers. In addition, 23% of all foreign-born workers surveyed about reporting problems said they took no action at all, versus only 5% of U.S.-born workers.

HEALTH AND SAFETY ISSUES

TABLE 17
Contamination by Plant Size

Observed any contamination of the poultry meat?

PLANT SIZE	NO	YES	UNKNOWN	N/A
1–999	57%	30%	7%	6%
1,000+	46%	44%	6%	4%

Source: NNAWJJC survey data, 2015.

TABLE 18
Types of Injuries

13%	Cut
11%	Slip/fall
8%	Headaches
7%	Back injuries
7%	Repetitive motion wound or pain
6%	Rigidity, pain, or tightness in body
5%	Hit by equipment
4%	Other
0%	Poisoning from pesticides or chemicals
25%	None

Source: NNAWJJC survey data, 2015.

TABLE 19
Injuries by Ethnicity and Nationality

Any injury/illness on the job?

ETHNICITY/NATIONALITY	NO	YES
Asian/Pacific Islander	64%	36%
Black	44%	56%
Latino	28%	72%
White	46%	54%
U.S. born	45%	55%
Foreign born	39%	61%

Source: NNAWJJC survey data, 2015.

Health and safety conditions in poultry processing plants can pose a threat to both workers and consumers. Unhygienic and unsafe environments combined with rapid line speeds result in injuries and illness for workers, as well as contamination of the poultry product.

Contamination of poultry meat

Almost one-third of workers (31%) responded that they had observed contamination of the poultry meat during processing or packaging. Common types of contamination that workers reported observing included human germs from sickness or lack of gloves, contamination from chemicals or bleach, and dirt, dust, or oil. In at least one instance, meat that had fallen on the floor was reported sent onward for processing and sale.

The minority of workers with paid sick days were much less likely to report that they had seen meat contamination, compared to those who reported having no sick days or unpaid sick days. Workers with earned sick leave are less likely to come to work sick, so it follows that fewer of these workers would observe contamination due to sick workers handling the meat.

Surveyed workers attributed the cause of the behavior that contaminated the meat to the intense time pressure that many of them face for completing their processing or packaging tasks. Over half (54%) of workers surveyed answered yes to the question, “Have you ever been forced to do things because of time pressure or line speed that might harm the health and safety of the consumer?”

Worker reports of contamination were more common at plants with over 1000 employees, compared to smaller plants (Table 17).

Injuries and accidents

Injuries on the job are a serious problem among poultry processing plant workers. Almost six out of ten workers surveyed (59%) reported that they suffered from injuries or health issues while working at the poultry plant, the most common being cuts, falls, and headaches. The types of injuries that workers reported are shown in Table 18. Latino and foreign-born workers were both more likely to report having suffered from one or more injury, although the rates of injury and illness reported were quite reportedly high for all workers (see Table 19).

Workers who were hurt during their work said they typically received no treatment or compensation for any missed work, and

many were punished by their employers. Most workers who were hurt on the job (57%) reported taking no action after their injury, and 22% were fired after being injured. Only 5% said they received medical treatment after filing a successful workers' compensation claim, and 5% reported applying for and receiving up to three months of unpaid leave (without losing their jobs) through the Family Medical Leave Act. Only 1% reported that they received payments for work time missed through workers' compensation, and 2% reported that they received payments from an unemployment claim after losing their job.

Working while sick

In addition to suffering injuries or accidents on the job, almost two-thirds of workers surveyed (62%) reported that they have gone to work during times that they were sick. Most reported working sick several days during the past year, and many responded that they had worked sick as many as one to two weeks during the past year.

When asked why they had gone to work sick, 77% responded that they did not have earned sick leave and needed the money. Over half (54%) said they were afraid of disciplinary action if they missed work while sick, and 44% reported that they had been directly threatened with discipline or firing if they missed work because of illness. One worker said they had been sick at least four to five times but their lead told them that they needed to come in to work or else they would be fired. "I remembered I was really sick during those times," the worker said, "but I tried my best to work so I wouldn't get fired."⁹⁴ Almost one-quarter (24%) of workers surveyed said that they had been fired after missing work due to an injury or illness, even when they provided a doctor's note.

Unsurprisingly, workers without earned sick leave were more likely to report having gone to work sick, although it is worth noting that even among the small number of workers with earned sick leave, over half responded that they had gone to work while sick (see Table 20).

Working while sick has consequences for workers and consumers: workers' illnesses are prolonged, other workers are infected, and consumers are presented with the risk of food-borne illness. Workers without paid sick leave were much more likely to experience injury or illness on the job (see Table 21).

TABLE 20
Poultry Workers Working While Sick

Have you ever gone to work sick?

	NO	YES	UNKNOWN
No sick leave	34%	64%	3%
Earned sick leave	40%	58%	3%
Unpaid sick leave	21%	76%	3%
Unknown	38%	50%	12%

Source: NAWAJC survey data, 2015.

TABLE 21
Injury/Illness on the Job by Paid Sick Leave

Experiences any injury/illness on the job?

	YES	NO
Total	59%	41%
Earned sick days	49%	51%
Unpaid sick days	63%	37%
No sick days	71%	29%

Source: NAWAJC survey data, 2015.

Hygiene and cleanliness

Unhygienic facilities contribute to the possibility of meat contamination, in addition to posing risks for workers' safety. All workers — but especially those who handle raw meat — should have access to a clean toilet and a sink with soap and hot water for hand washing. However, over a third (35%) of the poultry workers surveyed reported not having access to either a sink with soap and hot water or a clean toilet, or both.

Some workers interviewed described the facilities as unsafe and unhygienic, with dim lighting and bird debris all over. One worker offered the following description:

“When you first step in there, it’s gonna be dark. I mean, it’s freaking nasty, I mean disgusting. Sometimes it got me to the point where I don’t even, like, wanna eat chicken or anything. Like, feathers be everywhere, crap be everywhere, I mean, chickens be running around all over the floor. I mean, it’s gross, man. . . . It’s awful. It’s dust everywhere, like when you’re hanging, I have to wear a dust mask every day to keep the dust out of my face or whatever, but somehow it still be getting in my face, my hair, everywhere.”⁹⁵



Photo: Earl Dotter

The worker also said that some of the areas are extremely hot in the summer, and other parts of the factory are kept uncomfortably cold, especially in the winter. The heaters often break, the worker said, but workers are expected to continue working. Another worker who complained of the cold was reportedly not permitted to wear a sweater.⁹⁶

Safety with equipment and environment

Inadequate training about health, safety, and the proper use of equipment is widespread among surveyed poultry workers. Only four out of ten (42%) workers surveyed believed they had been given sufficient health and safety training (such as OSHA training) at their workplace. In response to a related question, around half (55%) of workers surveyed said that their boss had provided them with satisfactory training to use the machinery, knives, cleaning agents, etc., needed to carry out their job. “There are times when they bring some equipment,” said one worker, “but they never provide any training for us so we could know how to use it.”⁹⁷

Out of workers surveyed, 28% reported that there was training provided but that they did not feel this training was adequate, and around one in ten (12%) said they received no training from their bosses on the proper use of equipment. One worker interviewed said that the one training session they had received was in English, which is not a language the worker speaks.⁹⁸ Another worker said they had received training at their initial position, but when the

worker was moved to a new section of the plant they did not receive any formal training for the new tasks.⁹⁹ Several others said that inadequate training for workers on the processing line was a major source of injury and accident.¹⁰⁰

Most workers reported receiving periodic health and safety or OSHA training, regardless of their opinion of the adequacy of this training. Over two-thirds (68%) reported that they had received OSHA training at various times throughout their employment. However, 18% only reported they received this training at the beginning of their employment, and almost one in ten (9%) said they never received any OSHA training whatsoever. Workers reported most frequently that this training consisted of video (92%), followed by a verbal explanation (59%) or a written manual (33%). According to survey results, these trainings were equally reported to be led by a supervisor as a coworker.

One common safety issue in the workplace was contact with toxic chemicals. One out of five workers (20%) responded that they frequently come into contact with toxic chemical substances or their residues, three out of five (59%) said they did not, and one out of five (21%) did not know whether they did or did not. The most common chemical substance that workers reported coming into contact with was bleach (35%) followed by ammonia (12%). Over one in ten (12%) workers who reported coming into contact with toxic chemicals said that they had direct contact with the chemicals, and nearly three out of ten (28%) said that they were close to or within three feet of these chemicals.

Chemical spills or gas leaks within the poultry processing plant can also be a threat to workers' safety. One out of ten workers surveyed said that they had been present during chemical spills or gas leaks at their places of employment, and only 10% of these workers said they saw a doctor afterward as a result of the accident.

Line speeds

Workers reported an average processing speed of 46 pieces or 89 pounds per minute. Female workers reported a higher average processing speed than male workers. U.S.-born workers also reported a higher average line speed than foreign-born workers. Black and white workers reported higher processing speeds than API or Latino workers. The Centers for Disease Control (CDC) reported that poultry workers process an average of 23–27 birds per minute (2014). Weights of birds vary (e.g., turkeys and chickens), but the average broiler weighs four pounds.¹⁰¹ This means that line speeds might vary considerably, but pounds per minute should average about 92 pounds per minute. The processing speeds reported by workers were consistent with other reports.¹⁰²

Many of the workers interviewed said that the line speeds were too fast and that they were extremely exhausted by their work. “We are so worn out when the lines are fast,” one worker said. Another reported feeling like they were expected to work like robots. The rapid line speeds were more challenging because workers were not given adequate training, many said.¹⁰³

LINE SPEEDS have been a primary worker complaint since the early 1900s.¹⁰⁴ Employers have to balance efficiency, productivity, and profitability with the humane treatment of workers. As a result, line speeds are designed to process poultry meat in the most efficient way that will protect the product from contamination, with little concern for worker safety or health.¹⁰⁵ This results in line speeds that are fast and relentless.¹⁰⁶ While OSHA can make recommendations for line speeds that are designed to promote worker health and safety, they have no legal mandate to regulate processing speeds. The U.S. Department of Agriculture (USDA) is the only federal organization that can regulate processing speeds. The USDA has come under fire for attempting to raise the maximum processing speed for chicken processing plants from 140 to 175 pounds per minute.¹⁰⁷ As a result, there is currently no federal or state line speed regulation designed to protect workers from injury.¹⁰⁸

Injury from line speed

Workers' exhaustion, combined with the rapid line speeds and the lack of training, can lead to many accidents on the line. "There are so many problems happen as the lines go so fast," one worker said. "There might be 20-plus chickens that we cut [in] one minute. The line is going so fast that sometimes we accidentally cut our hands." Several workers noted that the lines go so fast that they often do not realize until later that they have cut themselves. One worker offered the following description of the experience of working on the line:

"Sometimes I get headache because the line is fast. I would almost pass out sometimes [because] the line is fast. They don't want to move me from the line because I cut the turkeys fast. I am really familiar with that work. There are so many times I cut my hand. . . . Every six months they bring new scissors so we can use but. . . they don't teach us to use it." According to an SPLC study (2013) and a Human Rights Watch report (2005), fast line speeds are directly related to high rates of injury among workers in poultry processing plants. The SPLC study found that "78% of workers surveyed said that the line speed makes them feel less safe, makes their work more painful and causes more injuries."¹⁰⁹ Fast line speeds result in repetitive motion injuries and musculoskeletal disorders like carpal tunnel, as well as cuts and other serious wounds.¹¹⁰ In this study, the third most prevalent injury reported by workers was injury or pain due to a repetitive motion wound.

The occupations represented in this report most impacted by fast line speeds — cutting, deboning, and hanging — are also associated with higher reported rates of injury than the average worker (51%). Almost two-thirds of cutters (62%) and over half of all deboners (53%) and hangers (52%) reported being injured on the job. Workers who reported an injury due to line speed also reported higher mean and median piece/pound processing rates per minute, in some cases almost double the rates reported by workers who did not experience injury due to line speed. This is consistent with the SPLC (2013) finding that rates of injury are higher among workers doing jobs most affected by the speed of the processing line. Latino workers reported the lowest incidence of injury due to line speeds; however, other studies suggest that Latino workers are much less likely to report being injured on the job.¹¹¹ Women also reported higher rates of line speed related injury than men.

OSHA has made recommendations to prevent musculoskeletal injuries in poultry processing plants, which involve

better regulation of line speeds, with more concern for ergonomics and workers' safety.¹¹² But despite OSHA's role in overseeing worker safety, it has no mandate to regulate processing speeds to protect workers.

Oversight and enforcement

OSHA has clearly recognized the serious need to regulate health and safety in poultry processing facilities, due to concerns about dangerous health and safety conditions.¹¹³ However, oversight and enforcement continues to appear lax; OSHA lacks visibility at poultry processing plants, and there are reported violations occurring within the inspection process itself. When asked how often OSHA inspectors visit plants to inspect health and safety, nearly half (47%) of the workers surveyed did not know. About one out of ten said the inspectors visited one time (13%) or twice (11%). Of the workers that were aware of when OSHA had visited, one-quarter of workers (25%) reported that the employer received notice when inspectors were going to come and nine out of ten (91%) said that they were treated differently when OSHA was visiting. This is also consistent with the SPLC's findings.¹¹⁴

OSHA inspections were designed to provide an accurate assessment of employer performance around health and safety standards. If employers are able to prepare for an OSHA visit and if they behave differently when OSHA inspectors are present, it means that OSHA may not be getting an accurate view of the extent to which health and safety violations are actually occurring in facilities. While it is true that OSHA may currently lack the resources to create additional safeguards for poultry workers, it also means that workers are left with fewer protections against employers that violate health and safety standards.

DISCRIMINATION AND HARASSMENT

Among the poultry workers surveyed, reports of experiences of discrimination and harassment were widespread. About half of workers (51%) reported experiencing some form of discrimination in the workplace, and 44% reported being harassed verbally or sexually.

Workers reported that the discrimination they faced was primarily based on race or ethnicity, but some workers (12%) said they were discriminated against because they had complained about conditions in the workplace, and some for other

TABLE 22
Injury from Line Speed by Ethnicity and Nationality

Injury from line speed?			
ETHNICITY/NATIONALITY	NO	YES	N/A
Asian/Pacific Islander	42%	48%	10%
Black	23%	69%	8%
Latino	69%	25%	6%
White	16%	76%	9%
U.S. born	58%	35%	7%
Foreign born	21%	71%	8%

Source: NAWAJC survey data, 2015.

TABLE 23
Injury from Line Speed by Gender

Injury from line speed?			
	NO	YES	N/A
Female	44%	52%	5%
Male	42%	46%	12%

Source: NAWAJC survey data, 2015.

TABLE 24
Reason for Discrimination

Percent of total surveyed, experienced:

62%	Race/ethnicity
12%	Complaining about working conditions
2%	Gender
2%	Immigration status
19%	Other

Source: NAWAJC survey data, 2015.

TABLE 25
Experiences of Discrimination by Ethnicity and Nationality

Have you experienced discrimination?

ETHNICITY/NATIONALITY	NO	YES
Asian/Pacific Islander	47%	52%
Black	49%	48%
Latino	62%	35%
White	32%	68%
U.S. born	42%	57%

Source: NAWAJC survey data, 2015.

TABLE 26
Source of Harassment by Ethnicity

Who was harassing you?

ETHNICITY	COWORKER	SUPERVISOR/LEAD	COMBINATION
Asian/Pacific Islander	43%	29%	29%
Black	29%	71%	0%
Latino	11%	63%	26%
White	36%	21%	43%

Source: NAWAJC survey data, 2015.

reasons. Latino workers were the most likely to report that they had been discriminated against in the workplace, as were foreign-born workers (Table 24), although the percentage of workers that had experienced discrimination in all categories was quite high. Not surprisingly, the group that experienced the least amount of discrimination was white workers.

Some workers interviewed reported conflicts between workers from different ethnic or national backgrounds. One worker reported that their U.S.-born supervisor treated the immigrant workers badly, calling them stupid and making other disparaging comments. Another said that leads would show favoritism to workers of the same ethnic or national background and deny the others bathroom breaks. Communication barriers between workers who speak Marshallese and Spanish was another commonly reported challenge and source of conflict.¹¹⁵

Many white workers reported experiencing harassment. Seven out of ten of white workers (70%) reported experiencing verbal or sexual harassment at work, along with 43% of Latino workers, 36% of black workers, and 25% of API workers. U.S.-born workers reported harassment at a slightly higher rate than foreign-born workers (51% versus 40%). Significantly more women (56%) than men (29%) reported facing harassment at work.

According to survey results, in most cases, supervisors or leads were the ones who had caused worker harassment (see Table 26). This was especially true for black and Latino workers, but API and white workers reported being more likely to have been harassed by a coworker.

WORKER ACTION AND EMPLOYER RESPONSE

Arkansas poultry processing workers have been pushing back against difficult and often dangerous working conditions. Nearly half (43%) of workers surveyed reported that they or a coworker have previously spoken up to a supervisor about health and safety issues or other conditions of the workplace. Some have reported speaking to coworkers about their concerns as well.

Ethnicity and nationality appears to play a role in workers' willingness to speak to a supervisor about problems in the workplace. White workers were much more likely to report that they or a coworker had complained (70%), compared to black (46%), Latino (39%), or API (38%) workers. Among U.S.-born workers, over half (56%) reported that they or a coworker had spoken up, compared to 38% of foreign-born workers. These results are not surprising; foreign-born worker who complain may have much more at stake than U.S.-born workers, because they face the possibility of retaliatory deportation if they or any of their peers are undocumented.¹¹⁶ Workers from different cultural or national backgrounds also may have varying expectations and norms regarding working conditions that could encourage or discourage complaint to a supervisor. Furthermore, for workers that speak little or no English, communication with a supervisor may be an additional barrier to speaking up about problems.

Employers' reported responses to worker complaints varied. About half of workers who reported speaking up about working conditions to a supervisor said that the supervisor had responded to correct the issue. The other half reported that no changes were made. Of the workers who reported that they or a coworker spoke up about working conditions, 32% said they faced punishment from their supervisor in response. Black and API workers were more likely to report that they experienced retaliation, compared to Latino and white workers (Table 27). Latino workers who reported making a complaint also were least likely to report experiencing retaliation in response.

In addition to those who have spoken directly to their supervisors, quite a few workers said they discussed their concerns about workplace conditions with their peers. Over one-third (36%) responded positively when asked whether they had ever tried to share or discuss information about workers' rights with coworkers or customers. For 17% of these workers, their employer reportedly tried to stop this from happening by threatening or intimidating the worker.

TABLE 27
Retaliation for Complaining by Ethnicity

Were you punished for complaining?

ETHNICITY	NO	YES	N/A
Asian/Pacific Islander	43%	55%	3%
Black	45%	50%	5%
Latino	15%	71%	14%
White	36%	61%	2%

Source: NAWAJC survey data, 2015.



Photo: John D. Simmons/The Charlotte Observer

CONCLUSIONS

“I think it is a must that our wages increase because we are doing a hard work... . Everyone needs to know that the work that we do, so many people don’t want to do.”

—Arkansas poultry worker¹¹⁷

Based on survey results, workers in Arkansas poultry processing plants face a number of challenges, which can result in unsafe and unfair working conditions. These conditions put workers at risk, in addition to compromising consumer safety. Contamination of the poultry meat during processing is a serious problem, and one that has started to gain attention from the USDA and others. However, the risks and challenges faced by plant workers — and the extent to which some of these factors may contribute to meat contamination — has received far less attention. Discrimination based on race and nationality was a serious problem for survey respondents, along with widespread wage violations and lack of basic benefits such as earned sick leave.

Workers’ own opinions about their industry reflect this range of concerns. When poultry processing workers were asked what they would most want to see changed in their workplace, almost four out of ten (39%) said that their top priority would be an increase in their pay. Out of those surveyed, 15% responded that they would most like to have slower line speeds, and 5% said their top concern was improving health and safety. One out of ten (9%) said that they would most like to see a change in their supervisor behavior. One in three (30%) could not pick a single priority and selected several or all categories as changes that they would like to see.

The findings of our surveys and interviews suggest a need for comprehensive reform of standards in the poultry processing industry. This must involve higher standards for health and safety, including slower line speeds, in addition to improved wages and benefits for workers. NAWAJC findings also suggest a need for a concerted effort to reduce discriminatory behavior among supervisors and employers and create more opportunities for workers of color and foreign-born workers to advance into better jobs.

POLICYMAKERS SHOULD DO THE FOLLOWING:

- 1. Increase enforcement of wage and hour laws:** Policymakers should increase penalties for wage theft and increase enforcement resources, to ensure that workers actually receive the pay they are due. This enforcement should include greater investigation and exposure of payroll cards.
- 2. Regulate and reduce line speeds to reduce injuries and contamination:** Policymakers should pass regulations that reduce line speeds in poultry plants in order to reduce worker injuries and contamination of poultry that affects the health and safety of consumers.
- 3. Guarantee paid sick days for all workers:** Forcing poultry processing workers to work while sick can result in the prolonging of worker illness, the spread of illness among more workers, and contamination of the meat. Arkansas should follow other states, such as California and Connecticut, and guarantee all workers the right of earned sick leave.
- 4. Explore measures to reduce discrimination and harassment of workers and increase mobility for workers of color and foreign-born workers:** Policymakers should enforce antidiscrimination laws and explore other strategies to reduce racial discrimination and harassment, including increasing mobility for workers of color in poultry processing plants. Denying workers of color the opportunity to advance — and subjecting them to racial discrimination and harassment — reduces the viability and overall potential productivity of the poultry industry and thus the Arkansas state economy.
- 5. Facilitate workers' ability to organize collectively for better working conditions:** Producing so much for the state's economy, poultry processing workers in Arkansas should be able to organize collectively and seek improved wages and working conditions without fear of retaliation. Policymakers can ensure that poultry processing workers have the ability to organize freely without undue influence or retaliation from their employers.
- 6. Ensure access to bathroom breaks to protect worker health and dignity:** Preventing workers from using the bathroom can result in discomfort, humiliation, and even serious health concerns. Policymakers should ensure that all workers have adequate breaks to use the bathroom and that existing requirements regarding bathroom access be enforced.

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APPENDIX 2: SURVEY DEMOGRAPHICS

NATIONALITY

34%	U.S. born
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66%	Foreign born
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RACE/ETHNICITY

13%	White
-----	-------

46%	Latino
-----	--------

21%	API
-----	-----

20%	Black
-----	-------

GENDER

50%	Male
-----	------

50%	Female
-----	--------

AGE

11%	16 – 24 years
-----	---------------

61%	25 – 44 years
-----	---------------

27%	45 – 64 years
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IMMIGRATION STATUS

33%	Permanent resident
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12%	Naturalized citizens
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33%	Born citizens
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8%	Undocumented
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8%	Work permit
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WAGES AND WORKING CONDITIONS IN ARKANSAS POULTRY PLANTS

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