



# Sexual Violence in Agricultural Worker Communities

*A Guide for Clinicians*



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## Overview

Sexual violence remains a pervasive issue in farmworker communities. Farmworker women are particularly vulnerable to sexual violence, although children and men are also affected. Factors common to farmworker communities, including documentation status, isolation, fear of retaliation, and social stigma, increase the risk of sexual violence and decrease the likelihood of care access to support victims of sexual violence.

**There are approximately 2.4 million agricultural workers in the United States.**<sup>1</sup> Of those, the majority are foreign-born, with 78% of U.S. farmworkers identifying as Hispanic.<sup>2</sup> Around a third of U.S. farmworkers identify as female.<sup>3</sup>



For the purposes of this guide, we will operate on the definition of sexual violence outlined by the Farmworker Sexual Violence Technical Assistance Project:

“Any unwanted sexual act, including but not limited to touching, voyeurism, exhibitionism, sexual assault and rape, perpetrated against a person through force or coercion. Coercion includes, but is not limited to, intimidation, threats of deportation and/or malicious prosecution, physical harm, being refused for hire or being fired from a job.”<sup>5</sup>

This guide will focus on non-intimate partner sexual violence, meaning that it does not pertain to domestic or other intimate partner violence, where acts are committed by someone who is in a “consensual, ongoing sexual relationship” with the survivor.<sup>6</sup>

The purpose of this guide is to help clinicians better serve farmworker patients who have experienced sexual violence. You will find information about farmworker communities within the U.S., the particular vulnerabilities and expressions of sexual violence, what to look out for, and some resources that may help.

**Please note** that throughout this guide, we have chosen to use the word survivor to refer to people who have experienced sexual violence. Others may prefer to use victim or other terminology. When referring to an individual who has experienced sexual violence, as Rape, Abuse & Incest National Network (RAINN) notes, “the best way to be respectful is to ask for their preference.”<sup>4</sup>

<sup>1</sup> Facts About Agricultural Workers, National Center for Farmworker Health. <https://www.ncfh.org/facts-about-agricultural-workers-fact-sheet.html>

<sup>2</sup> <https://www.ers.usda.gov/topics/farm-economy/farm-labor/>

<sup>3</sup> Ibid.

<sup>4</sup> <https://www.rainn.org/articles/key-terms-and-phrases>

<sup>5</sup> Sexual Violence Against Farmworkers: A Guidebook for Social Service Providers, p. 8

<sup>6</sup> Ibid.

# How Will You Know If Your Patient Has Experienced Sexual Violence?

Your patient may be reluctant to tell you directly that they have experienced sexual violence. Here are examples of subtle signs to look out for in your patients:



## ✓ Pay attention to body language:

Patients who have experienced sexual violence may indicate with body language that they find discussing the subject uncomfortable.

- Acting uncomfortable;
- appearing to want to talk about something, then shutting down or changing their mind right away;
- seeming to shrink or become mentally / emotionally distant or closed off;
- staying quiet or excusing themselves from the conversation are all potential signs.



## ✓ Observe the interactions between your patient and anyone accompanying them to their appointment:

Pay attention if your patient is accompanied by someone who refuses to leave them alone, even with medical personnel, or if the escort frequently interrupts or insists on speaking for them rather than allowing them to share their experience in their own words.



## ✓ Examine patient for superficial injuries:

Do a cursory examination of your patient before asking questions. Are there bruises and other minor injuries that catch your eye? Pay attention to bruising and injuries, particularly in areas on or around the neck, arms and legs.



## Why Are Farmworker Patients Reluctant to Seek Help for Sexual Violence?

Survivors of sexual violence encounter many barriers that prevent them from moving forward in seeking medical and legal support or sharing their experiences with family and friends.

### **Stigma can prevent patient disclosure**

Survivors often blame themselves and worry that they will be harshly judged by co-workers, family and friends if others know of their experience. Talking about this topic openly and matter-of-factly with your patients as a concern that needs medical attention can help to break down barriers related to stigma.

### **Normalization of behavior**

Sexual violence is normalized and minimized in some cultures and industries in the U.S.; consequently, some farmworker patients may dismiss their experience as a normal or inevitable part of their workplace, which may discourage them from seeking medical care.

### **Fear of reprisal**

Farmworkers experiencing sexual violence are often reluctant to come forward and report their abuser. If the abuser is a crew leader or supervisor, survivors often experience heightened fear that disclosure of the abuse could lead to various types of retaliation including change in job scope, reduction of hours, or loss of employment. It's important to connect your patient to legal services so that they can learn more about their workplace rights.

### **Cultural and linguistic barriers**

The majority of farmworkers are Spanish-speaking. Indigenous farmworkers are a growing population. Farmworkers unable to effectively communicate in English or even in Spanish face extra barriers as they consider reporting sexual harassment and/or violence. Clinics can help to increase the comfort levels of these patients by providing easy access to interpreters and/or staff that are multilingual.

### **Access to transportation**

Lack of transportation can present a barrier to accessing a clinic or making a report. Provide information to the survivor about transportation services to support follow-up care.



## How Can You Support Survivors of Sexual Violence?

### **Ensure that all of your patients have access to culturally and linguistically appropriate care**

Build relationships with culturally competent advocates that you can reach out to when needed. Make sure that you have staff present that speak Spanish and other languages as necessary. Be prepared with interpreters that can engage patients in their native languages.

### **Share information in a variety of formats**

Post multilingual resources in different locations within the clinic, including bathrooms, waiting areas, and exam rooms.

### **Engage Promotores de Salud / Outreach Workers in your clinic setting**

Hire Promotores de Salud (PdS) and Outreach Workers that share the same languages as your patients. Meet with your PdS to learn more about specific cultural traditions or beliefs that might impact patients.

### **Offer crisis management and trauma-informed training to staff**

All staff (from the front desk to interpreters, to nurses and physicians) can benefit from trainings that will help them to support patients having experienced sexual violence. These trainings will help keep staff alert on how to sensitively and effectively interact with survivors of sexual violence.

### **Connect survivors to legal services**

Maintain a list of legal service providers in your area that can provide guidance about making a report and can offer information about available legal protections.

"Tell them, 'I'm going to respect your decision, I know you will do what's best for you.'

Ask, 'May I give you some information in case you're interested later on?'"

- **Elvira Barragan**, Victim Advocate / Coordinator for Violence Against Women Statewide, Lideres Campesinas



## What Are Best Practices to Follow when Receiving a Report of Sexual Violence?

### **Create a strong foundation with the survivor by building trust.**

Let the survivor know they are safe, and that their confidentiality will be respected.

### **Listen actively without interrupting.**

Allow the survivor to share their story freely. Ask pertinent questions once they have finished.

### **Maintain a calm appearance when listening to the survivor's story.**

A strong reaction may scare the person reporting or make them feel like they have done something wrong, and discourage them from continuing the conversation. You can tell them this is unfortunately something that happens and they are not alone. Offer empowering statements such as “Está bien que lo hables para que no siga pasando” / “It’s good to speak up to stop this from happening.”

### **Thank them for sharing.**

This can be a very difficult thing to give voice to, and entrusting it with a new person may feel like a big step. Keep in mind that the initial experience was traumatic, and reporting it may be traumatic in a different way.

### **Emphasize that it's not their fault.**

This reminder is helpful; even if the person outwardly purports to understand, they may still internally, even subconsciously, be feeling culpable.

### **Do not push beyond the survivor's comfort level.**

Before performing medical exams, explain what will be done and why; if the patient is not comfortable proceeding, do not pressure them. Let them know that they can stop an examination at any time. If the need arises to administer a rape kit, explain thoroughly what will be done and why the kit is necessary.

"[When receiving a report of sexual assault,] have a professional translator. Every single thing that happened needs to be documented."

- **Elvira Barragan,**  
Victim Advocate / Coordinator  
for Violence Against  
Women Statewide,  
Lideres Campesinas

## **Remember sexual violence can happen to men too.**

Reporting may be more difficult for male survivors due to stigma related to ideas surrounding masculinity.



### **Jorge** – Survivor Story

Jorge traveled to the U.S. on an H-2A visa to earn money for his wife and young children in Mexico. Since Jorge began working in the tomato fields a couple of weeks ago, one of the company bus drivers has been making him uncomfortable, blocking his exit from the bus and making suggestive comments about his appearance. Jorge tries to ignore the advances, but the bus driver only became more aggressive. One day, the bus driver assaults Jorge, then tells him that no one will believe him if he reports it, and the company will not think twice about firing a trouble-maker; if Jorge wants to keep his job, he will continue to do whatever the bus driver says. Jorge is afraid of losing his job and his visa, and more afraid of how his family will think of him if they ever find out.

## **Be sensitive to gender dynamics between survivors and clinical staff.**

For example, many female survivors of sexual violence may feel uncomfortable around male-presenting clinicians, particularly after a recent traumatic incident.

## **Be prepared to offer resources and referrals to the survivor.**

If the incident was relatively recent, connect them to resources and support to report to an authority. If it is not ongoing, or happened too long ago, or otherwise ineligible for corrective action, refer to therapy/support services. Listen to what the survivor wants; they may be looking for help or resources that do not necessarily involve punishing the perpetrator. Pay attention to what they are specifically asking.

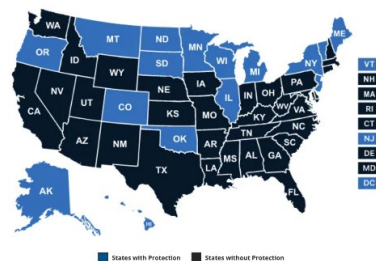


# What Legal Options are Available for Survivors?

Although farmworkers face unique challenges to accessing a safe and respectful work environment, several federal and state policies can help protect farmworkers from workplace sexual harassment and abuse. Medical-legal partnerships can help provide farmworkers with much-needed access to legal care in conjunction with their medical care.<sup>7</sup> Local legal services organizations can provide services for farmworkers experiencing workplace harassment or violence, including filing claims, adjusting immigration status, and pursuing criminal charges.<sup>8</sup>

Some states have taken steps to develop further workplace protections for workers facing sexual harassment and assault.<sup>9,10</sup> To find the specific protections or requirements that apply to employers in your state, refer to interactive maps<sup>11</sup> or surveys, or reach out to your local legal aid or legal services organization for more information.

**17 of 51** protect all workers from sexual harassment in the workplace, regardless of company size.



## General steps to provide legal support to survivors

The legal systems for enforcing farmworkers' right to a safe work environment are complicated and difficult to navigate. Many remedies may require the assistance of a lawyer, and workers may feel lost on what steps to take before they receive legal advice or assistance. Nevertheless, there are some general steps that clinicians can help workers take to best ensure access to legal rights and remedies for sexual harassment or assault in the workplace.

### 1. Document any and all instances of harassment, abuse, or assault as thoroughly as possible.

This can include, for example, taking photos of injuries, writing down notes of conversations or statements while still fresh in one's memory, retaining copies of medical records, or submitting reports to supervisors in written form via email or text message. Documentation can be important for any kind of legal remedy for workplace abuse.

<sup>7</sup> [https://www.farmworkerjustice.org/wp-content/uploads/2020/06/Medical\\_Legal\\_Partnership\\_FINAL\\_WEB.pdf](https://www.farmworkerjustice.org/wp-content/uploads/2020/06/Medical_Legal_Partnership_FINAL_WEB.pdf)

<sup>8</sup> <https://apbco.org/interactive-map/>

<sup>9</sup> <https://1099oremployee.com/wp-content/uploads/2021/12/Sexual-Harassment-Guide-Jan-2022.pdf>

<sup>10</sup> <https://giwps.georgetown.edu/us-index-legal-protections/>

<sup>11</sup> <https://content.risklearning360.com/Microsite/SAI/LCsh01aSAI/index.html>

## 2. Report experiences both internally and externally as soon as possible to the relevant authorities.

Workers should report any harassment or assault to their supervisors or union representatives (if applicable) internally and retain any documentation of such reports. Alternatively or simultaneously, workers should report harassment or assault externally to authorities like the Equal Employment Opportunity Commission (EEOC), an attorney, or the police, discussed more at length below. Many legal processes have strict time limits on how long after the harassment or assault a worker can receive a legal remedy, so making a report or finding a lawyer to start a legal process on a worker's behalf as soon as possible is essential.

"She was afraid, she blamed herself. Her main fear was that the foreman told her, 'I will call immigration on you, I know where you live, they will deport you, the system will take your kids.'"

- **Elvira Barragan**, Victim Advocate / Coordinator for Violence Against Women Statewide, Lideres Campesinas

## 3. Whenever possible, contact a lawyer.

Because of the legal complexity of some processes meant to ensure workplace safety, a lawyer may be helpful or necessary to successfully advocate for help. Legal resources, including for individuals with low-income, are discussed in more detail below.



### Maria – Survivor Story

Maria is a seasonal agricultural worker from Oaxaca, Mexico, currently employed in California picking strawberries. One day at work, her supervisor sexually assaults her, then threatens to report her to immigration authorities if she tells anyone about the incident. In the following days, her coworkers and family can tell that something is wrong – she is quiet, distracted, and jumps at the faintest physical contact. In addition to the shame she feels and the worry of retaliation, Maria is concerned for her health – she does not know what STIs her supervisor may be carrying, or if she could be pregnant. She would like to see a doctor, but she thinks it will be too expensive and she does not know how to explain what happened in Spanish, as her native language is Zapoteco.

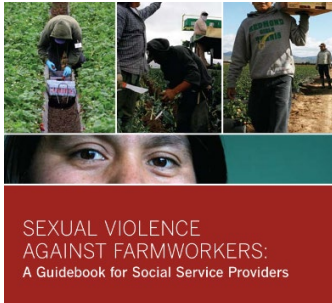
**See the chart below for more information on some legal avenues available to farmworkers who have experienced sexual violence.**

<b>Employer Enforcement</b>		
<b>What</b>	<b>For Whom</b>	<b>Important Considerations</b>
<b>Equal Employment Opportunity Commission (EEOC)</b>	Farmworkers experiencing “unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature” <sup>12</sup> can file a charge of employment discrimination against their employer.	Available to current and former employees, regardless of citizenship or work authorization status. Employer must have 15 or more employees. Charges must be filed within 180 days. For more information on filing a charge, visit <a href="http://www.eeoc.gov/filing-charge-discrimination">www.eeoc.gov/filing-charge-discrimination</a> .

<b>Immigration Status Support</b>		
<b>What</b>	<b>For Whom</b>	<b>Important Considerations</b>
<b>VAWA I-360 petitions</b>	Available only to the abused spouse (of any gender) of either a U.S. citizen or lawful permanent resident and to their children.	May be difficult to fill out without assistance from an attorney, due to complex evidentiary requirements.
<b>U nonimmigrant status, or “U-visas”</b>	May be sought by survivors of certain violent crimes including sexual assault, rape, domestic violence and sexual exploitation.	Requires certification of cooperation with law enforcement by assisting them with investigating or prosecuting the crime.
<b>T nonimmigrant status, or “T-visas”</b>	Available for survivors of sexual violence in the workplace, if the abuse is used as a form of force, fraud, or coercion resulting in a situation of indentured servitude.	Application must include evidence of compliance with any reasonable request for assistance from law enforcement in the detection, investigation, or prosecution of human trafficking, or proof of an exemption or exception.

<sup>12</sup> 29 C.F.R. § 1604.11(a).

# What Resources are Available to Support Workers in My Community?



## Southern Poverty Law Center

### [Sexual Violence Against Farmworkers: A Guidebook for Social Service Providers](#)

Comprehensive guidebook for social service providers, with more detailed information on the farmworker community and the problem of sexual violence. Explores different aspects of support in addition to health needs, including housing, immigration, employment, and safety planning.



## Farmworker Justice

### [www.farmworkerjustice.org/resource-categories/sexual-harrassment-violence/](http://www.farmworkerjustice.org/resource-categories/sexual-harrassment-violence/)

Farmworker Justice resources on sexual violence in the farmworker community, including multilingual outreach materials.



## Migrant Clinicians Network

### [Hombres Unidos Contra la Violencia Familiar](#)

Peer-led, five-session curriculum aimed at the primary prevention of sexual and intimate partner violence in the Latino migrant community.



## National Sexual Violence Resource Center

### [Understanding Male Socialization, Stigma, and Reactions to Sexual Violence](#)

Collection of multilingual resources focused on working specifically with male survivors of sexual violence.

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