

News Release

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Groups File Lawsuit to Ensure Workers' Compensation for New Mexico Agricultural Workers

Several non-profit organizations and an injured agricultural worker are set to file a lawsuit today against the state of New Mexico and the New Mexico Workers' Compensation Administration challenging the law that excludes farm and ranch laborers from workers' compensation coverage. The group maintains that the exclusion violates the equal protection provision of the New Mexico Constitution and seeks that it be voided.

The New Mexico Workers' Compensation Act requires that employers provide their workers with what is commonly considered a basic protection and right of all working people: medical care for injuries sustained on the job, lost wages for days that the worker cannot work due to injury, and death benefits for families of workers killed on the job. However, in New Mexico, the agricultural industry is exempted from this requirement.

"This is an injustice. Farm and ranch workers deserve the same workplace protections given to other laborers. This law is a relic of a past when discrimination against low-income workers was commonplace," said Dolores Huerta, who co-founded the United Farmworkers with Cesar Chavez and continues to be a national figure in the farmworker movement. "Farmworkers work in grueling conditions to provide us with the food we eat every day and it is an injustice that they are treated so unfairly. We value hard work in this country. So why don't we value the hard work of our farm and ranch workers?"

"Excluding agricultural workers is not only fundamentally unfair and an affront to all working New Mexicans, it is illegal under our state Constitution," said Maria Martinez, an attorney from the New Mexico Center on Law and Poverty, one of the organizations bringing the suit.

Dairy worker Joe Griego, a plaintiff in the suit, worked as a milker in New Mexico dairies for 15 years. Recently, while milking cows for a dairy in Los Lunas, he was attacked by an aggressive bull. Joe, who was born in Tularosa and raised in Belen, suffered serious damage to his upper body, including crushed ribs and injuries to his spinal cord. In constant pain, he has been unable to work since the accident. The medical bills and loss of wages have decimated the Griego's ability to make ends meet. To survive, Joe's wife has taken on a second job and the family has begun receiving public benefits.

"Farm labor is extremely hard and dangerous work," says Carlos Marentes, Director of Sin Fronteras Organizing Project. Another plaintiff in the lawsuit, Sin Fronteras represents field workers in New Mexico. "With no health insurance and very low wages, many of the men and women who work our dairies and ranches and harvest the food we eat have nowhere to turn when they are injured in the fields. Their families are devastated."

The agricultural industry netted \$821 million in profits in 2008. Adding New Mexico's farm and ranch laborers to the workers' compensation system would cost just about 1 percent of the industry's annual profit.

During the last legislative session, Rep. Antonio Lujan from Dona Ana County sponsored legislation to amend the Workers' Compensation Act to include farm and ranch laborers. The bill included several provisions to protect the small family farms and ranches that remain a tradition in New Mexico so that only the largest agricultural businesses would be affected. The law would have applied to 11 percent of the state's farms and ranches while providing basic worker protections to 89 percent of New Mexico's agricultural workers. The measure died under heavy pressure from the agricultural industry.

The organizations bringing suit include:

- Sin Fronteras Organizing Project, plaintiff
- HELP-New Mexico, Inc., plaintiff
- The New Mexico Center on Law and Poverty, attorneys for plaintiffs
- The Sargent Shriver National Poverty Law Center, attorneys for plaintiffs
- The National Center for Social and Economic Justice, attorneys for plaintiffs

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