



Migrant carnival workers need protection, advocates say

Mitchell Armentrout, Medill News Service, March 18, 2013

Immigrant rights advocates and carnival operators disagree on whether temporary migrant carnival workers are mistreated by their employers.



About 5,000 workers were brought to the country to work for carnival operators last year on H-2B visas. (Photo: Mike Ullery, AP)

WASHINGTON -- Advocates say that behind the bright lights and nostalgia of the traveling fair and carnival industry are foreign workers on temporary visas who face wage deception, health risks and employer intimidation -- allegations that industry leaders vehemently reject.

The workers, mainly from Mexico, are employed under temporary non-agricultural work visas — or H-2B visas — but are then exploited with long hours and substandard living conditions,

according to a recent study by the American University Washington College of Law and the Centro de los Derechos del Migrante, a migrant workers' rights organization based in Mexico.

Their interviews with about 25 migrant fair and carnival workers shed light on the need for Congress and the Department of Labor to rethink H-2B visa provisions as they discuss comprehensive immigration changes, said Sarah Rempel, an attorney for Centro.

"It's not a case of one or two bad apples," she said. "The problem is widespread, pervasive across the industry."

Outdoor Amusement Business Association President Robert Johnson called the study "flawed and obviously biased."

"Anonymous interviews with 25 individuals (do) not provide an accurate picture of the thousands of workers who voluntarily come to the United States each year to work in the mobile amusement industry," Johnson said in a statement, suggesting that the study is "clearly designed to promote a predetermined legislative agenda."

About 5,000 workers were brought to the country to work for carnival operators last year on H-2B visas, most of them recruited from rural areas in Mexico. They traveled across the country to assemble and operate carnival rides and to staff attractions, powering the seasonal fair and carnival months, according to Carson Osberg of the Washington College of Law's Immigrant Justice Clinic.

The study is based on information from anonymous migrant workers who were interviewed last year at carnivals and fairs in Maryland and Virginia, as well as several Mexican communities, researchers said. They found that workers eager to send money home to their families are lured by the promise of higher wages.

Often, according to the study, migrant workers arrive to find a very different picture — up to 18-hour workdays with weekly lump sum payments of less than \$300. For some workers, up to five months of wages are necessary just to offset the cost of getting to America, researchers said.

"It was really hard to come home to my family (in Zacatecas)," Leonardo Cortez said through a translator at a February press conference about the study. "I was supposed to come back with money. I came back with even more debt."

Workers operate heavy machinery without protective equipment, researchers said, and because not all states require employers to provide insurance, it can be impossible for them to receive compensation for work-related injuries as they travel across the country.

Researchers also found that H-2B fair workers often live in cramped trailers in remote areas near fairgrounds, prone to insect infestations and lacking adequate showers or bathrooms. In addition, they often work in extreme heat, the study found.

But because H-2B visas tie workers to one employer, they often are reluctant to complain for fear of being sent home or blacklisted from the industry, according to the study.

The study lays out a series of recommendations for Congress and the Department of Labor to combat abuses against migrant workers, including retaliatory protections against employers and provisions allowing workers to switch companies while in the U.S. It also calls for stricter enforcement of minimum-wage laws and workplace safety regulations.

Industry insiders categorically denied the study's claims of abuse. James Judkins is a leading workforce referral agent hired by some of the industry's largest amusement companies every season to bring in H-2B workers, almost all from Mexico. An industry veteran of more than 30 years, he facilitated about 3,000 migrant workers to fairs and carnivals last year. Judkins said he interviews workers when they return from employers to hear complaints, and that he wouldn't work with employers who break the rules.

"The allegations are ludicrous, and it offends me personally," he said. "It's in our best interest to have happy workers." Judkins said that while he has heard isolated rumors in the past about amusement companies violating labor laws, those problems were quickly weeded out.

"If you do something wrong, you'll get caught," he said.

Danny Huston, president of North American Midway Entertainment, one of America's largest traveling amusement companies, said in a statement that the report makes "statements and generalizations that do not accurately reflect" his company. Huston said his company pays H-2B workers the prevailing minimum wage and provides free transportation for workers to receive medical care. Like all employees, he said, H-2B workers go through workplace safety training, are provided with protective equipment and receive workers' compensation in case of injury. Workers can request breaks in addition to company-mandated rest periods, he said.

"The issue of fatigue is both an employee health and customer safety issue," Huston said.

Mark Krikorian, executive director of the Center for Immigration Studies, a think tank that supports tighter immigration control, said that while his organization opposes guest worker programs as taking away jobs from American workers, it is "not unsympathetic" to the problems facing migrant workers.

"These kinds of low-skilled positions are inherently exploitable," Krikorian said.