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HB 1326

Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave

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SUPPORT

Introduction

Maryland’s Healthy Working Families Act (“HWFA”) became law in 2018, creating an urgently needed paid sick day program. HWFA ensured most workers across the state could afford to take a day off from work to care for their health and that of their families. Unfortunately, a number of workers were exempted from accessing paid sick days under the HWFA. Among those excluded are H-2 migrant workers in temporary visa programs, such as the H-2B crabpicking women in Maryland’s Eastern Shore. HB 1326 would revise current law and expand access to paid sick days to migrant workers currently excluded under the existing law, a much needed expansion of the HWFA amidst a global pandemic. Centro de los Derechos del Migrante, Inc. (CDM or Center for Migrants’ Rights) **submits this written testimony in SUPPORT of SB 727 - Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave.**

CDM is a not-for-profit, bi-national organization with offices in Maryland and Mexico. We support migrant workers in the temporary work visa programs (commonly referred to as “guestworkers”) throughout their labor migration journey. CDM aids workers at the moment they are recruited in their home communities, while they labor at their workplace in the U.S., and upon their return home. For over a decade, we have worked closely with H-2B crabpicking women in the Eastern Shore to end abuse in their workplace. Our report *Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry*,¹ published in 2010, brought to light the arduous working conditions of the Mexican crabpicking women in the H-2B non-agricultural work visa program. Six months ago, we published a follow-up interview-based report, *Breaking the Shell: How Maryland’s Migrant Crab Pickers Continue To Be “Picked Apart,”*² which uncovers how H-2B crabpicking women continue to face abuse in one of Maryland’s most symbolic industries.

Throughout the pandemic, we have served as a point of contact and aid provider for crabpicking women in Maryland’s Eastern Shore. We have delivered personal protective equipment (PPE) to

¹ Centro de los Derechos del Migrante. *Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry* (2010). Accessed at: <https://cdmigrante.org/wp-content/uploads/2018/02/PickedApart.pdf>

² Centro de los Derechos del Migrante. *Breaking The Shell: How Maryland’s Migrant Crab Pickers Continue To Be “Picked Apart”* (2020). Accessed at: <https://cdmigrante.org/breaking-the-shell/>

workers that live and work in Hoopers Island. We have provided workers with food supplies, and we have equipped them with information about their rights at the workplace.

As a result of our work, we have seen and heard first-hand how the threat of coronavirus and other infectious diseases disproportionately impact migrant workers working and living in crowded situations. Throughout the pandemic, many workers across Maryland's Eastern Shore have reported working shoulder-to-shoulder with no personal protective equipment (PPE). Migrant workers often live in employer-facilitated housing. This is the case for crabpicking women in Maryland, who return to crowded living facilities where most have at least three other roommates workday after workday. Neither their workspace nor living space is apt for social distancing.

As we saw the pandemic unfold, we saw COVID-19 outbreaks occur in processing plants throughout the state, including in seafood processing plants in Dorchester County. Last July there were 50 crab pickers that tested positive for COVID-19 in the Eastern Shore's crab houses.³ During this uncertain time, we heard from distressed workers who had contracted COVID-19 expressing concern they would not receive payment for the two weeks of quarantine. While they battled COVID-19, they also reported worrying about potentially losing income for their families.

The summer 2020 COVID-19 outbreaks across Maryland's seafood processing plants should serve as a lesson and push us to ensure protection for our Maryland workers at all times. During the outbreaks, the now-expired Families First Coronavirus Act ("FFCRA") allowed some workers to receive payment for the days they were unable to work. In many ways the FFCRA worked --that protection broadly eased some financial concerns and allowed for workers to remain home away from possibly infecting other workers in Maryland. However, the federal FFCRA expired on December 31st, 2020 while the pandemic continues to threaten our communities and workers. The Maryland General Assembly must remove exclusions from the HWFA and amend it to provide protections to all workers in the state, so we can prevent the spread of COVID-19 and provide a financial defense to workers who do contract it. These are necessary measures to overcome the COVID-19 public health emergency.

Decades of Abuse & Worsening Conditions Over the Pandemic

Each year, thousands of temporary migrant workers travel to Maryland to work in agriculture, hospitality services, and seafood processing, among many others. Year after year, they leave their families behind and form part of the essential food supply that has kept Maryland afloat during the pandemic. According to our 2020 report, *Breaking the Shell*, many migrant crabpicking women arrive indebted after taking out hundreds in loans to pay for travel expenses.⁴ They arrive to crowded working conditions where pay rates push them to work rapidly and shoulder to other workers.⁵ Despite federal law requiring employers to provide work equipment, 63% of the migrant

³ Barker, J. & Juarez, T. *As migrant crab pickers suffered from coronavirus on Maryland's Eastern Shore, one worried about her future*. Baltimore Sun. Sept. 1, 2020. <https://www.baltimoresun.com/coronavirus/bs-md-crab-pickers-coronavirus-outbreaks-20200901-y4xw6gclqnbefg43hxeevolke4-story.html>

⁴ *Breaking the Shell* at p. 15.

⁵ *Id.* at p. 18.

workers interviewed for the study reported having to buy their own gloves-- equipment necessary to perform their jobs and thus, federally under the responsibility of the employer.⁶

The pandemic has only further exacerbated unsafe working conditions. *Breaking the Shell*, reveals how migrant workers travel from their country of origin in crowded vans or buses. In Maryland, they rely on this transportation to travel into town for groceries and other necessities.⁷ In the workplace, sites are rarely inspected, and due to the threat of retaliation, workers will rarely report unsafe or unsanitary work conditions.

During the outbreaks, a migrant crabpicker worker at Russell Hall Seafood shared anonymously to *Delmarva Now* that workers at the facility “were told at the beginning to wear masks — but were given only a single disposable mask to wear.”⁸ From our outreach, we know that these workers had to provide their own masks and largely depended on the ones CDM delivered. But insufficient masks are only part of the problem-- systemically abusive conditions such as the ones migrant workers work and live in are perfect conditions for the spread of a highly contagious virus.

Public Health Imperative

Workers excluded from accessing paid sick days are low-wage earners and have little to no additional worker protections. Many of the H-2B workers we work with are heads of household and sole financial providers for their families back in Mexico. This problem is not unique to Maryland. Due to the lack of a paid sick days programs that includes them, workers at the frontlines are highly likely to show up to work sick.⁹ The CDC recommends that workers who have symptoms stay home.¹⁰ However, this option is not feasible for those exempted under current state paid sick leave.

Maryland’s Commitment to Gender and Racial Equity

Maryland’s General Assembly needs to ensure that all workers can access paid sick leave under the HWFA. This is a matter of racial and gender equity. People of color and women are disproportionately affected by exemptions as they are overrepresented in the industries currently exempted by HWFA (retail employees, agricultural workers, temporary workers, homecare workers). They also are less likely to work in jobs that can be performed from home.¹¹ Maryland must be committed to advancing the rights of all members of its community, particularly those most oppressed. Amending the HWFA to include industries that employ low-wage workers,

⁶ *Id.* at p. 25.

⁷ *Id.*

⁸ Rentsch, J. “As COVID-19 Sickens 50 Maryland Crab Pickers, Advocates Say Protections Lacking.” *Delmarva Now*, Sept. 2020, www.delmarvanow.com/story/news/local/maryland/2020/09/13/covid-19-sickens-50-crab-pickers-advocates-say-protections-lacking/5678694002/.

⁹ Boesch, D. “The Urgent Case for Permanent Paid Leave.” Center for American Progress. Sept. 2020.

¹⁰ The Centers for Disease Control has issued many industry-specific guidelines with recommendations on preventing and mitigating the risks of COVID-19 at the workplace. The guidelines can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc&Audience=General%20Public%20%3E%20Employers%2C%20Business%20Owners%20%26%20Community%20Leaders>

¹¹ Boesch.

predominantly Black, Latinx, and other Maryland residents of color will advance workers' health protections and allow for them to care for their health and return safely to work.

Conclusion

Working and living in proximity is key to the rapid transmission of a highly-contagious airborne virus. While we aim for prevention of the spread of the disease, workers should have a safety net if they or their loved ones need care. **We urge the committee to emit a FAVORABLE report on 727 - Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave.** If you have any questions, please reach out to Maria Perales Sanchez, Elizabeth Mauldin Memorial Advocate for Migrant Women, at mariap@cdmigrante.org.