

Seasonal worker shortage hurts businesses; U.S. limits visas, cuts migrant labor pool

March 20, 2005 Sunday

By Jaquetta White

Melinda Miranda should be celebrating. Today is the first day of spring, which signals the start of the busy landscaping season. Customers are calling Anthony's Landscaping, the New Orleans company where she works as an office manager, to book appointments.

But Miranda hardly is reveling in the mounting number of orders the company has received. Instead, she is worried that the firm won't be able to keep up with the demand.

A cap on the number of foreign seasonal workers allowed to enter the country this year has created a labor crisis for Anthony's Landscaping, which is short six employees.

"We can't get any workers," Miranda said "And we're losing business because we don't have the manpower to handle it."

Her company hardly is alone.

Throughout the state, employers in some key industries say a federal restriction on work visas is denying them access to the seasonal migrant, usually Mexican, labor pool they depend on to keep their businesses running.

"All of these businesses have a lot of full-time employees but when they have seasonal spikes, they have to get extra help to meet them or the business either doesn't grow or it shuts down," said Brian Breaux, who is in charge of labor issues for the Louisiana Farm Bureau Federation, which represents Louisiana's agriculture industry.

At issue is the work visa, known as H-2B, which allows 66,000 migrant workers into the country each fiscal year to work seasonal jobs. American companies can qualify for the program only when they cannot find American workers to fill open slots.

The program was started in 1990. Last year was the first year the worker cap was reached, which happened in March, just five months into the federal government's fiscal year. This year the cap was reached in January. Once the cap is reached, no more H-2B workers can come into the country through the federal fiscal year, which ends Sept. 30.

Because a company cannot apply for workers more than 120 days before they are needed, some businesses, specifically those that need workers later in the fiscal year, were locked out.

Some employers who use migrant labor say the quota was reached early in the past two years because of stricter enforcement of the worker cap after the terrorist attacks of Sept. 11, 2001. Others speculated that companies that once filled jobs with illegal immigrants are now turning to the H-2B program because they fear being penalized under the severe homeland security regulations.

Either way, Louisiana businesses say they are suffering a sudden shortage of immigrant workers they count on.

"I understand the challenge related to the issue of safety. I want to be safe," said Mike Voisin, chairman of the state-appointed Oyster Task Force and owner of Motivati Seafoods Inc., an oyster farmer, processor and distributor in Houma. "I also understand that in order to continue to produce what we produce, we've got to have labor to accomplish that."

The cap prevented Voisin's company from hiring additional oyster shuckers during the harvesting season, which begins in September. The company harvested fewer oysters as a result, he said. And at one point, it fell about eight weeks behind in its processing schedule.

"It had a direct impact on profits and our customer base," Voisin said.

That has been the case for many seafood processing firms, said Harlon Pearce, chairman of the Louisiana Seafood

Promotion and Marketing board and the owner of La Fish LLC.

"Our problem is if we don't have it, we have to shut businesses down because we don't have workers," Pearce said.

The sugar cane industry is facing a similar shortage.

Sugar mills use H-2B workers from Central and South America to boil sugar, a critical step in the sugar crystallization process.

"Without these workers coming in, it creates some real issues for our mills," said Jim Simon, president and general manager of the Thibodaux-based American Sugar Cane League.

Though he didn't have exact figures, Simon said nearly all sugar mills in the state use migrant workers to boil sugar.

The mills also use H-2B workers to fill maintenance positions.

"That's really creating some issues because our sugar factories are doing annual maintenance for the upcoming season," Simon said. "It could delay the start to our grinding season, which would create the risk of having to grind later in the year. That creates inefficiencies in our milling operations."

Ponchatoula candy manufacturer Elmer Candy Corp. said it also is feeling the squeeze. The company uses Mexican and Guatemalan workers to box its candies in the months leading up to Valentine's Day and Easter. Without the 90 to 100 seasonal workers, company President Robert Nelson said the firm would have trouble meeting its production deadlines.

"If I can't supply to the largest retailer in the world on the day they tell me they want to be supplied, then I'm out of business," Nelson said.

Jim Rich said he is lucky to get the employees he has this year.

Rich, owner of Catfish Wholesale Inc., fared better than others in his industry. He was able to get 31 of the 50 workers he requested.

"I won't be as handicapped as a lot of my competitors are," Rich said.

For all of these companies, migrant workers are the only way to fill the positions, a requirement under the visa program.

"We don't seem to have people flocking to our door," Voisin said.

Although a fish cutter can earn \$8 to \$12 per hour and an oyster shucker can make \$12 to \$20 per hour, Pearce said locals just aren't interested in the work.

"In an ideal world, local people would do these jobs," Pearce said. "But they don't want to do it."

"We don't know people that want to grow up to be oyster shuckers. I can put an ad in the paper in Houma and get zero responses," Voisin said. "In Mexico, I could have 1,000 people that want to be oyster shuckers."

Last year, Nelson said, he advertised for 120 seasonal positions, spending some Saturdays outside the local Piggly Wiggly trying to recruit workers. He received eight applications. Three of the eight applicants were qualified.

"And we immediately hired those three," he said.

Nelson said he would rather hire domestic workers than pay "tens of thousands of dollars" in application and transportation fees to bring workers from Mexico.

Some people are discouraged because the jobs last only for a few months. Seasonal businesses need additional workers usually for about four months mostly because they can't afford to pay those employees year-round, Pearce said.

In the sugar cane industry, the need for foreign workers is a matter of skill, Simon said.

"You can't teach local workers to do this type of work because it's so seasonal," Simon said. "These people are well-skilled and travel throughout the Western Hemisphere boiling sugar."

Louisiana businesses are hoping that legislation introduced in Congress last month will provide some relief. Sen. Barbara Mikulski, D-Maryland, and Sen. Judd Gregg, R-New Hampshire, sponsored a bill called the Save Our Small and Seasonal Business Act that is designed to help ease the burden of the migrant worker cap on companies. Both Mikulski and Gregg represent states dependent on migrant labor for the seafood processing and tourism industries.

"Businesses all over the country are facing a crisis," Mikulski said in a statement. "American companies desperately need seasonal workers so their businesses can survive the summer. But the national cap of H-2B visas was reached so early this year that many businesses were not even allowed to apply. Without these temporary workers, many businesses could be forced to limit services, lay off permanent U.S. workers or, worse yet, close their doors."

One provision in the bill would exempt from the cap seasonal workers returning to the same employer they worked for last year. Another provision would divide the 66,000 visas, reserving half for employers who need workers in the winter and half for those who need workers in the summer.

"This corrective legislation could remedy the problem for two years," Breaux said. "This would buy us a little time so we don't hurt our Louisiana businesses."

Breaux and others say that without change other industries also will suffer.

"What's a real shame is if we can't get immigrant workers here to do the job, it affects our jobs as well," Pearce said. "These people support these industries."

Nelson put it this way: "We spend as much money on Louisiana goods as we do on payroll," noting that Elmer buys sugar, pecans, salt and other supplies within the state.

"You start to look at the ripple effect, and it goes from Elmer's to the sugar refineries to the sugar farmers and far beyond," Nelson said. "It's either you bring in a few people from outside the country or you lose jobs. That's what it comes down to."