

## Sowing seeds of labor unrest

*Deukmejian's farm labor policies may bring back cries of 'boycott' and 'strike'*

By Dick Meister

**R**emember? The red banners of the United Farm Workers Union waving high above demonstrators everywhere. The chants of "boycott!" The cries of "strike!" The demand of UFW President Cesar Chavez and other farm-worker advocates for union rights.

Thanks to Gov. Deukmejian and his grower allies, those scenes are about to be repeated. For the governor has just about voided the Agricultural Labor Relations Act that finally granted the demand of the UFW and its supporters in 1975.

The nine-year-old law remains on the books, certainly, as still the only law in the country to grant farm workers the collective-bar-

gaining rights granted most non-farm workers 40 years before through federal law. But the state law's effectiveness has been virtually destroyed by Deukmejian's cuts in the budget of the agency that administers it, the Agricultural Labor Relations Board, and by his appointment of an anti-labor general counsel to run the ALRB.

The trouble began with the governor's austerity budget of last year. Although cutting other state agency budgets by an average of 4 percent, Deukmejian slashed 27 percent — \$2.6 million — from the already sparse ALRB budget.

That forced the board to reduce its staff of 190 by almost one-fourth. Since then, says a veteran board staffer, "We've barely been functioning at all."

That may be an understatement. The agency has been taking an average of almost five months to rule on complaints and almost as long to set up union representation elections and certify the

results.

Most of the complaints involve growers who refuse to bargain or reach contract agreements with the UFW despite their employees' votes for UFW representation, who fire union sympathizers, deny union organizers access to their workers and otherwise violate the law.

The overwhelmed farm labor board has a backlog of more than 1,100 such complaints — a number that has been growing steadily since Deukmejian imposed the budget cut.

Growers, who contributed more than \$1 million to the governor's election campaign, naturally were "thrilled" by Deukmejian's action, as lobbyist Ray Gabriel of the California Farm Bureau Federation declared.

They are as pleased by Deukmejian's refusal to propose any increase in this year's ALRB budget, despite the board's worsening problems, the \$950 million

reserve in the governor's overall budget and his proposals for increasing the budgets of most other agencies.

But probably the growers' greatest pleasure has come from Deukmejian's appointment of former Republican Assemblyman David Sterling as the ALRB's general counsel. That made Sterling in effect the chief prosecutor, with the power to decide whether a complaint will be dismissed, delayed, settled administratively by regional officials or his headquarters staff, or brought to the board for decision.

Growers hardly could have asked for more. Sterling voted against labor's position 80 percent of the time during his six years in the Assembly, supported the governor's ALRB budget cut and is openly hostile to the board's members and much of its staff for what he attacks as their pro-union "bias."

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Most of the members and staff see the Agricultural Labor Relations Act as purposely "biased" in favor of farm unionization, just as the National Labor Relations Act of 1935, which excludes farm workers, clearly was "biased" in favor of industrial unionization. But Sterling — like Deukmejian and the growers — doesn't agree, even though the "bias" was obvious in the debate preceding enactment of the farm labor law.

The law was envisioned as a device to grant the protection of unionization to the state's severely exploited farm workers and to end the conflict that was occurring because of the worker attempts to win union rights in the absence of legal procedures.

Sterling nevertheless maintains that the law must be carried out in the "balanced" manner favored by the governor and growers. In practice, that has meant actions which have stymied the ALRB at least as much as the budget cut.

During the 14 months as general counsel, Sterling has:

- Ordered his own staff in Sacramento to review all rulings made against growers in the board's regional offices. In many cases, this has delayed action beyond the short harvest seasons common in farming, so that workers whose rights had been violated were gone by the time a ruling was issued. It also has subjected workers to hostility from employers, who know that workers' complaints will not be ruled on for a long time — if ever.

- Unilaterally withdrawn at least three complaints issued previously against growers and moved to lessen the penalties levied against some other violators. In one case in Bakersfield, Sterling ordered an ALRB lawyer to settle for less than even the grower acknowledged owing employees in back pay for his five-year-old refusal to bargain with their union. During settlement talks with a regional board official, who charged the grower with owing \$400,000, the grower admitted owing \$314,000. But after talking with a lawyer for the Western Growers Association, Sterling ordered the penalty cut to \$200,000.

- Transferred to other regions staff members whose conduct had been criticized by growers in the regions where they had been working.

Since Sterling began taking such actions, the average wait between the filing and resolution of complaints has increased by 1½ months, and the number of complaints outstanding at any time has more than doubled.

Sterling blames that on "extremely biased" board and staff members who insist on granting "100 percent of what the union wants" in settling complaints, rather than compromising — being "more businesslike," in the words of growers lobbyist Gabriel.

Courts, however, have rejected 95 percent of the grower appeals of the ALRB's supposedly biased rulings. It's much more likely that the delays — and Sterling's ac-

tions — stem from an attempt by Deukmejian to greatly weaken the farm labor law.

"He's trying to dismantle the agency," notes board member Jerome Waldie, a former congressman from Contra Costa County.

"He's telling growers they can get away with anything," adds UFW official Roberto De La Cruz.

Deukmejian won't have the power to implement his plans fully until 1986, when the staggered four-year terms of a majority of incumbent board members will have expired and the governor will be able to replace them with appointees who share his views.

The UFW can't expect much help from the board in the meantime, however — not with Sterling running the show. Nor can the union expect much from the Legislature. After all, the Senate confirmed Sterling as general counsel — despite the UFW's intensive lobbying, despite the professed ideological support for the union by most members of the Legislature's Democratic majority, even despite the UFW's \$750,000 in contributions to the Democrats' 1982 election campaigns.

That will mean, says Cesar Chavez, that the century-long struggle between California's farm workers and growers will move once more from Sacramento "out to the streets and into the fields."

"Now that we no longer have access to the law," says Chavez, much of the money and effort that previously went into political activities aimed at guaranteeing and furthering the UFW's rights under the law will go into direct action.

Instead of complaining to the ALRB about growers who refused to sign union contracts, the UFW will wage strikes and "high-tech boycotts" against the growers' produce and the stores selling the produce, using computers and high-speed presses for extensive direct-mail and telephone campaigns.

The UFW's concentration on legal and political activity since enactment of the farm labor law and the slowdown in enforcement of the law has caused great problems for the union. But the UFW has not forgotten how to wage the boycotts that were the key to winning the law. In January, for instance, the union's boycott pressures forced Lucky Stores to pull off the shelves of 182 markets in four states lettuce from Salinas grower Bruce Church, a primary UFW target who had been selling fully 10 percent of his lettuce to the supermarket chain.

"Sure, Gov. Deukmejian has eliminated the effectiveness of the law," says Democrat Richard Floyd of Hawthorne, chairman of the Assembly's Labor Committee. "But Cesar Chavez and the United Farm Workers will do very well without it. The ALRB did not create the UFW. We're going to see a lot of heavy-duty action from now on."

Chavez agrees: "Unions aren't controlled by governments. They are very hard to destroy." ■