

AN HONEST DAY'S PAY FOR FARMWORKERS (8/01)

Finally there's new hope for California's incredibly exploited farm workers. Much more needs to be done, but as United Farm Workers President Arturo Rodriguez says, the first "steps toward progress have been taken.

They came this month. Despite the usual opposition of powerful grower lobbyists, the Legislature passed and Gov. Gray Davis signed, UFW-sponsored bills that greatly increase sanctions against the many farm employers who routinely cheat workers out of pay and otherwise shortchange them.

Growers and the notoriously exploitative labor contractors who most growers rely on to provide them employees now face fines of \$1,000 to \$25,000 – or more – for cheating workers.

Very few growers and contractors have been penalized in the past, even though authorities estimate that tens of thousands of farm workers are being cheated out of a total of more than \$4 million a year. In some cases, they've been paid at less than the legal minimum wage, in some cases paid only for some of their hours on the job, and in some cases not paid at all for hours, weeks, even months of work.

Reporter Andy Furillo of the Sacramento Bee discovered, for instance, a grower who "skirted the minimum wage by grouping four workers under a single Social Security number," one who "hired his workers at 4:30 a.m. but kept them sitting on a bus for two hours before he started to pay them," one who "paid at a per vine-pruned-rate that added up to barely half the legal minimum wage."

Furillo reported that "even the state's major grower representative, the California Farm Bureau Federation, concedes that illegal underpayment is a disconcerting fact of life in the industry."

Significantly, the bills aimed at curbing the employer abuses were carried by the Legislature's principal leaders, Democrats Robert Hertzberg, the Assembly speaker from Van Nuys, and Senate President Pro Tem John Burton of San Francisco – and passed by large margins in both houses.

Farm workers, says Hertzberg, "need to know that when they put in an honest day's work they will get an honest day's pay."

Until now, there's been no possibility of that for many of the workers, mainly because of the state's failure to adequately enforce the laws against employer cheating. Less than two-dozen inspectors have been assigned to cover all of California's workplaces, including the more than 36,000 on farms.

The enforcement mechanism set up by the new laws shifts the primary responsibility for protecting workers from state inspectors to county district attorneys. Cheated farm workers and their advocates now can file criminal complaints with the DAs against their grower employers.

The change is crucial, notes the UFW's Rodriguez, because it gives enforcement powers to "elected local district attorneys in many counties where the voices of farm workers and Latinos are increasingly being heard."

The state also may do more. The latest state budget includes more than \$2 million in new funding to help enforce labor laws. That should at least double the number of farm site inspectors

Additionally, the state will now enable workers who are defrauded by labor contractors to more easily recover their financial losses and collect damages as well for the contractors' frequent violations of such labor laws as those requiring rest and lunch breaks and prohibiting unjust firings. The money to pay the claims will come from the \$25,000 to \$75,000 bonds contractors must post with the state to get their business licenses.

Workers also can now sue growers who hire unlicensed contractors, as many do, to collect damages for violations by the contractors.

Enactment of the new laws marked the most important political victories for the UFW and its supporters since the union won passage in 1975 of the Agricultural Labor Relations Act that granted California's farm workers the union rights denied those in all other states.

But this year's victories must be followed up with further reforms, starting with an increase in the pitifully low minimum wage of \$6.25 an hour and vigorous enforcement of the Labor Relations Act. Employers have been allowed to virtually ignore the act, firing or threatening to fire workers who demand union representation or who simply complain on their own about their working conditions.

That's largely why the UFW represents only a very small percentage of the state's farm workers. The vast majority remain mired in poverty, their pay averaging less than \$10,000 a year, their jobs among the state's most dangerous, lacking the fringe benefits provided workers in other occupations, and often denied even such on-the-job amenities as fresh drinking water and field toilets.