This special issue tells the tragic stories of grape workers who reflect the brutality and misery that have returned in the 1980s.
EDITORIAL

S
ince Governor George Deukmejian shut down enforcement of California’s pioneering Agricultural Labor Relations Act, the union contracts that protected grape workers have gradually been lost. Employers found they could fire, threaten, beat—and even murder*—farm workers, and refuse to bargain in good faith without fear of penalty under a Deukmejian-controlled farm labor board.

In recent years, growers replaced collective bargaining agreements negotiated between the union and employers with unilateral contracts they issue their workers. It’s a way of saying, “you don’t need the union, here’s your own contract.” The “contracts” are often in the form of employee handbooks promising basic wages, benefits, and conditions of work.

The promises in these contracts have also been ignored as grape producers seek to reverse 20 years of gains won by the United Farm Workers.

During the last four and a half years the union has received a growing volume of complaints from grape workers upset over how they are being treated. From April to October, we obtained the right to take access and meet with workers at every grape company in Kern, Tulare, Riverside and Madera counties, and in parts of Fresno County and Arizona, chronicling the varieties of worker abuses, and documenting wholesale violations of state and federal laws, and the growers’ own unilateral contracts.

Over a three county area—in the heart of California’s multi-million dollar table grape industry—the union didn’t find a single grape grower, a single work crew, that wasn’t violating the law.

But these revelations of abuse and illegality are only the tip of the iceberg. We are uncovering a definite pattern to systematically deny farm workers the most basic human rights and amenities.

Convinced that workers who use the restroom are simply slacking off, growers have blatantly discouraged use of portable toilets required by law to be in the vineyards. Many workers are forced to relieve themselves in the fields—without the ability to wash their hands before picking and packing the grapes. This has caused serious health problems for both farm workers and consumers.

Management has imposed unreasonably high quotas to boost production and reduce labor costs. Workers are forced to begin work early and keep working past quitting time—all for no pay. They often don’t take rest periods guaranteed them under the law. Most work while they eat lunch in a desperate—and often futile—effort to keep up with their quotas.

The farm workers call this constant pressure carrilla (car-REE-ya). The hope and progress the UFW brought in the 1970’s and early ‘80’s through their boycotts has been replaced with the fear and harassment that carrilla represents.

The Union has responded by pressing its international boycott of California grapes and by launching a new legal offensive against the daily indignities that dominate life in the vineyards. (See Page 6.)

Many farm workers are scared to complain—afraid of suffering even more repression, losing their jobs, or being blacklisted at other ranches. But a growing number of men and women have bravely stood up against injustice. Some of them are featured in this issue of Food and Justice. Some 500 grape workers voiced their discontent last August at a conference the UFW sponsored at our Forty Acres Delano headquarters.

“I believe it is better to speak up than to stay with the same conditions and do nothing,” said one farm worker employed for years at Giumarra Vineyards Corp., one of the nation’s largest grape growers. “Either way I might lose my job. [But] if I speak up at least I do something for my co-workers.”

Why do people take a stand in the face of such enormous adversity? “Because we are human beings,” this farm worker declared. “And I believe in this country that everyone is equal and we are not below anyone else.”

footnote: * In 1983, Rene Lopez was shot to death by grower gunmen after voting in a state sponsored union election at the Fresno County dairy where he worked.
Pedro and Elva Ramirez had worked for 10 years at M. Caratan, Inc., a major Delano area grape producer. In the past, they usually worked together in the same crew, using their modest wages to support themselves and their three children.

This year, when they started work at M. Caratan, Pedro and Elva were separated. "When the foreman first saw me, he divided us," Elva said. "He [told] me that I had a very jealous husband and that in this company they did not like jealous husbands."

The foreman, Fermin Martinez, had sexually harassed farm worker Victoria Gutierrez and then fired her for supporting the United Farm Workers. (See the November, 1989 edition of Food and Justice.)

"Fermin has the custom," Elva reported, "That if the company hires a couple and he likes the woman, he tries to fire the husband so he could sexually harass the wife to see what he could get."

So Pedro Ramirez was fired.

"I was [also] fired because I am a supporter of the UFW," he said. "From the beginning I told the foreman and supervisor that I wasn't going to take any abuses, verbally or otherwise."

Caratan also tried to keep Pedro from collecting his unemployment benefits. With the help of the UFW he eventually won his case, but for two months he and Elva depended on her paycheck to support the family.

"They put a lot of pressure on me," Elva said. "I had to take it because I knew it was the only income we had. It was very hard. I had to suffer and tolerate many humiliations."

"Foreman Martinez put Elva to work with another woman. He and his assistant often harassed the women with a full menu of sexual vulgarity.

"Then Elva was assigned jobs normally reserved for male employees. They were very hard, very physical jobs," she said.

"Fermin also had us working all day long on our knees," Elva said. "He told us that it was the law, and any time he saw someone standing up he would suspend that person for two days. I got sick because there was always so much moisture from the irrigation."

Elva began to suffer from rheumatism, arthritis, and other ailments.

"There were a lot of nights that I could not sleep because I was in so much pain," she said.

Elva was continually issued warnings by the company, causing her to worry that she would lose her job and her family's livelihood. "They were trying to break me with any kind of pressure they could," she said.

One day, when she was picking grapes, Elva had to use the toilet in the field. "Like always, Fermin hadn't put any toilet paper in the bathroom," she said, "and so I took some paper that we used to pack the grapes. After I finished going to the bathroom, I cleaned myself with the papers."

(Later, Elva learned that the papers were treated with "medicine"—a term the growers use to describe pesticides.)

"Immediately I felt something wrong with me—an itching in my vagina and all over my body," she said.

Elva was at first too embarrassed to seek medical help. But after five days, she was bleeding and decided to visit the doctor.

She was then six weeks pregnant, and when a physician examined her, he told Elva that she had a serious infection and that she would lose the child.

"The doctor said it would be better for me to go to Bakersfield and get an abortion, because if I didn't, I would have very serious complications. The doctor's recommendation was devastating," Elva said. "It is something I have to live with the rest of my life."

Pedro and Elva Ramirez had worked for 10 years at M. Caratan, Inc., a major Delano area grape producer.
Targeting "Carrilla"

LawSuits Expose Unsanitary, Slave-like Conditions in California Grape Fields

“They’re treating us as if we were animals. We are human beings and we work very hard (to produce) the harvest that feeds a lot of people.”

Since enforcement of California’s farm labor act was halted in the mid-1980’s, grape growers have systematically ignored state and federal health and sanitary laws, and imposed steep production quotas that, vineyard workers say, force them to labor “as animals.”

Growers use pressure—or carrera against people who use portable restrooms in the fields. That, plus the failure to provide toilet paper, water, and towels for handwashing, also raise serious sanitary concerns for consumers as well as workers.

After closely monitoring field conditions for more than four years, the United Farm Workers is fighting back with lawsuits in Superior Court, County of Kern charging major grape growers with harassing or firing workers who take lunch or work breaks, use the restroom, or fail to meet stringent work quotas.

The suits were unveiled at an October 25 news conference in Delano by the Farm Worker Education and Legal Defense Fund (ELDF). UFW organizers and staff spent four and a half years documenting vineyard conditions. Since April, union representatives visited every Central Valley grape ranch from Kern and Tulare counties to parts of Fresno County.

“We didn’t find a single grower, a single work crew, that wasn’t violating the law,” UFW President Cesar Chavez said. The thousands of violations are only “the tip of the iceberg,” he said, as a single worker was often the victim of as many as 30 different legal offenses.

Portable toilets that growers are legally required to provide are often placed far away from where crews are located. Foremen use stop watches on workers who use them. Management discourages people from going to the restroom by moving toilets over rough terrain so water with human wastes dirty the halls and floors.

As a result, workers defecate and urinate in the vineyards. Without toilet paper, water, soap, or towels, they return to work and handle grapes without washing their hands.

“They don’t want us to go to the bathroom because we lose time and can’t complete the quota for the day.”

“Many workers can’t make up all the boxes the company expects because sometimes there isn’t a lot of fruit on the vines.” Maria Socorro said. “If a person gets behind the rest of the group one box they get suspended or fired.” A whole crew of workers will be suspended for the entire day “if the foreman finds one bad grape in a [23-
Eugenio Hernandez with his wife Liliana and their son Eduardo.

Eugenio, whose beating occurred last summer. “I was laid off for the whole season, and now they are even denying me my unemployment benefits. “The foreman called the unemployment office and told them not to give me benefits because I still have a job,” Eugenio said. “But when I go to ask for work, he says there is none.”

Eugenio’s treatment at Giumarra isn’t unusual. “There have been many occasions when this foreman’s son has attacked other workers,” Eugenio said. “But a lot of workers are afraid to come forward and tell.”

Eugenio was also the victim of Giumarra’s “training” program. He was made to work without pay for two weeks to get a job. And Eugenio had to attend many unpaid 30- to 45-minute sessions that workers spend receiving new orders.

Eugenio was always cheated on his wages. Giumarra further docked his paycheck by subtracting deductions for whatever tools he used.

Wage practices like those at Giumarra are common throughout the grape industry.

Paid With A Beating

Eugenio Hernandez was tired of standing around. He, his wife, Liliana, and their one-year-old son Eduardo had been waiting since 4:00 p.m., the time Giumarra Vineyards had set for issuing paychecks. It was now nearly 6:00 p.m.

Eugenio approached and asked the foreman when the paychecks would arrive and why workers hadn’t been told that the checks would arrive late.

In response, Eugenio was attacked by the foreman’s son. The two were quickly separated by Eugenio’s co-workers, but then the foreman’s assistant came rushing onto the scene.

The assistant didn’t know what was going on. He’d been talking with another worker. When he saw the skirmish, he came in swinging.

Eugenio was still being calmed by co-workers and his wife. Then the assistant started landing blows. Some of the punches hit Eugenio. One of them caught his baby square in the eye.

An ambulance was called and a police report was filed. But the only matter settled after the assault was Eugenio’s employment status.

“I was laid off for this incident,” said Eugenio, whose beating occurred last summer. “I was laid off for the whole season, and now they are even denying me my unemployment benefits.”

“The foreman called the unemployment office and told them not to give me benefits because I still have a job,” Eugenio said. “But when I go to ask for work, he says there is none.”

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Wage practices like those at Giumarra are common throughout the grape industry.
How Education and Legal Defense Fund Will Respond to Rush of Farmworkers Complaints

The brutal and humiliating conditions that returned to California farm labor in the 1980's when Gov. Deukmejian stopped enforcing the Agricultural Labor Relations Act prompted the creation of the Farm Worker Education and Legal Defense Fund (ELDF).

ELDF Director David Arizmendi described what is being done to help suffering vineyard workers and other farm workers in an interview with Food and Justice.

Food and Justice: What is ELDF and what does it do?

David Arizmendi: The Defense Fund is an entity separate from the UFW, soon to become its own corporation under the non-profit National Farm Workers Service Center, Inc. A division of the ELDF is the Employees Rights Unit, a team of investigators, paralegals and lawyers who investigate the hundreds of complaints being filed by farm workers at Service Centers across California.

F&J: What's behind this rising tide of grievances?

DA: Unions traditionally only protect workers covered under actual union contracts. But farm workers are coming to us where there are no contracts. (Since Gov. Deukmejian won't enforce legal sanctions against growers that refuse to bargain in good faith, farm workers who voted for the UFW in state supervised secret ballot elections are denied contracts.)

F&J: On what basis can you get involved?

DA: As part of their anti-union campaigns, growers and their labor consultants offer benefits to workers in the same way the union offers a contract with terms and protection. Growers' consultants compare what the union offers to what the company promises—to the point where many workers believe they're, in fact, comparing two real benefit programs.

F&J: Are the growers' promises just verbal?

DA: No. Many are put in the form of a leaflet comparing union to non-union benefits. Many companies pass out employee handbooks, outlining in writing benefits promised to workers as a condition of work. In reality, devices such as employee handbooks were concocted by growers and consultants solely as an anti-union tool. But we consider them binding contracts. Workers have a reasonable expectation that the company will provide promised benefits and follow the rules they outline.

F&J: What kind of promises made to workers in the employee handbooks will ELDF enforce?

DA: As an example, an employee handbook says if a farm worker misses work for three days without a reason or fails to call in, he or she will have been deemed to have quit. We've found workers who failed to call in just one day and were fired. But company foremen and supervisors have never read these employee handbooks. They basically do whatever they want.

F&J: What else do growers do?

DA: Many times growers don't tell workers the medical plan is in existence. Or the medical plan was only promised—and featured in the employee handbook—because the company was campaigning against the union. When the campaign was finished, so was the medical plan. But they never removed it from the handbook. In those cases, we say farm workers are entitled to medical benefits if it was stated in the handbook.

F&J: What will the Defense Fund do about it?

DA: Go in, investigate complaints and enforce these rules. When a grower hires a worker, the worker must follow the rules and terms the grower sets out. Workers fulfill their responsibilities or they get fired. But who is enforcing the grower's responsibilities? And that includes enforcing specific promises growers make in writing through such things as employee handbooks. That is what we intend to take to court. These are contracts and farm workers have the right to enforce them in court.

F&J: What cases have been filed?

DA: In addition to taking on individual worker's complaints, ELDF also files class action cases. Four were recently filed against grape growers—Giumarra, Seven Standards, and Marko Zaninovich covering about 10,000 farm workers. And one against Dole over housing issues. We are now developing cases against other grape producers.

F&J: What about the issue of "carrolla"—excessive pressure placed on farmworkers, especially in the grapes?

DA: When a worker is hired, it should be understood that the task assigned the amount of work required, and the nature of the job is such that a reasonable person can reasonably do it. A person may be able to pick four boxes of grapes an hour on the first pass through the vineyard. That may be totally unreasonable on the third pick. A quota is excessive and unreasonable when in order to meet it, workers have to give up their lunch hour and breaks, start work early and work after quitting time, or not take time to go to the restroom. You cannot assign a job that requires people to endanger their health or give up their lunch periods.

F&J: On what basis do you go after growers on carrolla?

DA: Employees who are hired have a reasonable expectation that growers will obey state and federal wage, hour, health and safety laws. We will make companies comply with those legal requirements.

F&J: Can the Defense Fund handle all the farm worker grievances?

DA: ELDF has limited resources. We can't handle the hundreds and thousands of complaints that will be filed once workers know they can legally fight back. So we're developing a probono system-seeking out private attorneys throughout California who will help tackle these problems on a case by case basis. ELDF will investigate and package cases, then refer them to probono lawyers. This is the only way we can handle the volume of cases given the number of complaints that are out there.

F&J: Do you need help?

DA: Definitely. We're continually looking for volunteers interested in becoming ELDF paralegals and legal secretaries. And private attorneys to help us both on staff and to take probono cases. We're also looking for law professors available to perform research for the Defense Fund.

F&J: If people are interested in helping, what can they do?

DA: Contact ELDF, at P.O. Box 62, Keene, CA 93531, (805) 822-5571.
Life and Death On the Farms

Farm workers too often live short lives spent in misery. Because many growers do not furnish their workers with toilets, drinking water and washing facilities while they are in the field, farm workers consistently experience abnormally high rates of infectious diseases, kidney and bladder problems, pesticide poisoning, heat stroke, and a host of other disorders. All of them could be easily prevented with basic sanitation measures.

But in too many states, growers spurn sanitation laws, and deny workers these essential and basic needs. Many farm workers live and labor in environments ravaged by bacteria and agricultural poisons.

The average life expectancy of a migrant farm worker is 20 years less than that of the average American. Migrant workers' infant mortality rate is 125% above the national average. Farm workers had the highest occupational disability rate in California, 11.9 per 1000 workers, twice the rate of any other workers.

A report by the InterAmerican Research Association found that 44.5% of farm workers' families had one or more disabled members.

José Ramón Lopez a migrant farm worker, who worked at the K.K. Larson ranch for many years, told this story: "The time I worked for K.K. Larson I lived under this grapefruit tree."

Orchard under the grapefruit trees. Most of the workers live in the grove because no labor camp is provided by the company. I used the water in the irrigation ditches to drink, to bathe in, to wash dishes, to cook with, and to wash clothes. I was never told not to use the water for this purpose because it was contaminated, although the grower was aware we used the irrigation water.

Workers laboring without drinking water in extremely hot climates suffer thermal injury to the liver, kidneys, heart, and brain. They also experience convulsions, delirium, vomiting, muscle cramps, and visual disturbances.

Without soap and water to wash themselves after spending hours in contact with poisonous chemicals, workers develop rashes, sore throats, eye problems, respiratory problems, lesions, nausea, headaches, swollen joints, and dizziness.

Without toilets, workers must often retain urine for long periods, leading to a high incident of urinary tract infection and subsequent toxemia and anemia. Workers who are made to stand in their own feces are prey to hookworms and parasitic diseases.

Only union contracts with specific and binding sanitation guarantees will make life on the farm more healthy for farm workers.

Hollywood Stars Join Cancer Victims Targeting Vons Stores in Fight Against Grape Pesticides

The father of an Earlimart child stricken with cancer urged grape boycott demonstrators in Los Angeles not to "tire of supporting us because we must end this suffering of (our) children."

Actress Laura Carrington, star of the "General Hospital" television series vowed that entertainment celebrities who champion the farm workers' cause "are not just talking heads on your TV screens — we are really active bodies" who will get behind the grape boycott.

On December 7, more than 250 prominent Los Angeles area labor, religious, student, and community activists rallied at an historic eastside church, and then marched to a nearby Vons supermarket where they urged store executives to remove grapes from the shelves. With 350 supermarkets in Southern California, Vons is the largest southland chain refusing to acknowledge the boycott.

Also joining UFW co-founders Cesar Chavez and Dolores Huerta were actress Vanessa Marquez ("Stand and Deliver") and Martin Sheen, who was trailed by a film crew from the CBS News program "60 Minutes," which is producing a segment on the politically involved actor.

A large assembly of TV cameras, still photographers, and radio and print reporters chronicled the rally and march.

Vons' Obligation

"The misery pesticides bring farm workers are not just the responsibility of the growers who apply the poisons," Chavez declared. "Vons has an obligation not just to its stockholders for the profits it makes, [but also] for the quality and safety of the food it sells."

The UFW says it will prove to Vons that the store's customers disagree with its anti-boycott policy by collecting the names and addresses of 200,000 Vons shoppers who urge the company to take off the grapes. Since last summer, UFW supporters have gathered petitions with the signa-
customers who called on the giant Northern California supermarket chain.

Fr. Luis Olivares, pastor of La Placita Catholic Church near downtown Los Angeles, read to the crowd a letter addressed to Vons President Bill Davila and signed by Catholic, Protestant, and Jewish religious leaders.

The store was being targeted, the letter said, because “the Earlimart cancer cases challenge all of us to act” and Vons is “the largest seller of table grapes in Southern California.”

“You have the opportunity to make a difference,” the religious authorities told Vons’ Davila.” By stopping the sale of grapes you can demonstrate that you care about the health of farm workers... and the quality [of the produce] that you sell to consumers.”

A Father’s Appeal

Families of three Earlimart farm worker families ravaged by cancer missed work to be at the gathering. In attendance were cancer victims Natalie Ramirez, Miriam Robles, and their parents—plus the family of five-year old Jimmy Caudillo, who died last March.

In an emotional appeal, Gonzalo Ramirez, father of four-year old Natalie Ramirez, spoke of his sadness from watching helplessly as “children are dying and [not being able to] do anything about it.”

“I personally suffered from the poisons of the pesticides,” he said, speaking in Spanish through a translator. “But what hurts me the most was the illness of my daughter.” When Natalie Ramirez was one and a half, she underwent surgery to remove a cancerous tumor the size of a melon.

“That’s why we ask you, please don’t tire of the struggle, don’t tire of supporting us because we must end the suffering of these children.”

Since 1986, five Earlimart farm worker children have been diagnosed with cancer. Earlimart, population 4,000, is the third known childhood cancer cluster in California’s Central Valley. It is only 14 miles north of McFarland, another small farm town where 14 children have come down with cancer. Childhood cancer cases in Earlimart are 12 times the rate expected for a community of its size.

The parents of stricken Earlimart children all work or worked on area grape ranches. Mothers of four of the victims worked during pregnancy. Three families live on the same block.

Pervasive Pesticides

Earlimart and McFarland are both “surrounded by vineyards, groves, and fields that are heavily and repeatedly sprayed with toxic pesticides,” according to Dr. Marion Moses, an internationally recognized environmental health physician who specializes in pesticide poisoning.

“These pesticides pollute the air, soil and water,” she said. “They are breathed in, absorbed through the skin, and ingested. Exposure to them is impossible to avoid.”

Moses noted that reported pesticide use in Tulare County—where Earlimart sits in the heart of the nation’s No. 1 grape growing region—is 5 million pounds per year. But that represents only one-third to one-half of the total usage since all the chemicals do not have to be reported.

Consumers Worried

Pesticides also affect consumers, said Democratic State Sen. Bill Greene, who also participated in the Los Angeles events. Farm poisons “go into the food system,” said Greene, who chairs the

Senate’s influential Industrial Relations Committee. The grape boycott is also for consumers and “we should… thank Cesar and the farm workers for saving our lives,” the lawmaker declared.

Actress Vanessa Marquez (“Stand & Deliver”) echoed Greene’s sentiments: “I’m boycotting grapes and I’m telling all of my friends.”

No State Relief

Grape growers have reacted to growing boycott support. Recently, the
FAST-MOVING NEW BOOK ON CESAR'S BEGINNINGS IS A LESSON ABOUT ORGANIZING FOR SOCIAL CHANGE

Fred Ross was Cesar Chavez's mentor since 1952, when he discovered the young farm laborer working in apricot orchards near San Jose.

In *Conquering Goliath: Cesar Chavez at the Beginning*, Fred Ross chronicles the down-to-earth human drama of Cesar's apprenticeship with farm workers in 1958, which led four years later to the launching of the United Farm Workers.

In his Forward, Sen. Edward Kennedy calls Ross' work "a primer on community organizing and social and political change." "Many books have been written on what happened in the movement," Cesar says. "Conquering Goliath is the first book that shows how it was done."

It reads like a novel. What's remarkable is that it's true.

*Conquering Goliath* is available in limited supply from El Taller Grafico Press.

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