THE FARM WORKERS' BEST CHANCE (4/02)

Important moves finally are under way to enable California's wretchedly treated farm workers to exercise the essential union rights promised them by the 1975 law that resulted from a decade of nationally supported strikes and boycotts.

On its passage, there were high hopes that the Agricultural Labor Relations Act (ALRA) would lead to widespread farm unionization in California and to similar laws in other states – or even to a federal law covering agriculture nationwide. But woefully lax enforcement has denied farm workers the rights they have so long needed above all else.

The ALRA says simply that if a majority of a grower's employees vote for union representation, he must negotiate a contract with their union.

That's generally what happened during the first half-dozen years after the law went into effect. But since then, growers whose workers have voted for representation by the United Farm Workers union (UFW) have been able to stall or delay contract negotiations for months, years – even decades – in violation of the ALRA requirement that they "bargain in good faith." Meanwhile, they have continued to impose the marginal conditions that led the workers to vote for unionization.

The worst offenders include three of the state's largest vegetable growers. One has been stalling for 27 years, another for 15 years. The other grower, the state's principal lettuce producer, delayed 16 years before signing a contract last year.

The chance to finally block growers from using the delaying tactics that have been their main weapon against unionization has come with legislation recently introduced by the State Senate's president pro tem, former Democratic Congressman John Burton of San Francisco. The bill would mandate that stalemated contract negotiations be turned over to arbitrators who would hear the arguments of both parties and dictate a contract settlement.

Union charges that growers have fired or threatened to fire or otherwise discipline union supporters – another illegal though common tactic – also would go to arbitration. So would charges of union discrimination against non-members.
Like other employers facing the prospect of arbitrated settlements, growers undoubtedly would opt for trying to bargain for the best they could get on their own. And they surely would at least ease their anti-unionism to avoid fines that arbitrators might very well levy against them for violating workers' rights to unionization.

As a result of the state's failure to adequately enforce the ALRA, contracts have been signed by growers on only 185 of the 428 farms where workers have voted for unionization since the ALRA's passage.

Less than 50 of the contracts are still in effect. Thus the vast majority of farm workers remain mired in poverty, with pay averaging less than $10,000 a year and with none of the fringe benefits provided other workers. They have no guarantees, few rights, and little protection from the arbitrary acts of employers.

Although theirs is one of the country's most dangerous occupations, they are even denied full coverage of the job safety laws, and often lack such on-the-job necessities as fresh drinking water and field toilets.

The relatively very few who have managed to negotiate contracts have gained the decent conditions all workers need and deserve. A recent UFW agreement with a major strawberry grower, for example, calls for pay of $12 an hour, six paid holidays per year, paid vacations, health and life insurance and other benefits that also cover the workers' dependents, plus a formal grievance procedure and seniority system. Pretty routine stuff for most industrial workers, but unheard of in agriculture.

As you might expect, grower lobbyists are not pleased with the proposed legislation. Some sound downright hysterical over the prospect of having to treat farm workers decently.

Roy Gabriel of the California Farm Bureau Federation actually claimed that nothing less than "the economic survival of California agriculture is at stake here."

But whine though growers will, Sen. Burton's bill is almost certain to pass the Legislature, given its strong support by organized labor plus Burton's clout and that of his party, which controls both houses.
Just last year, Democratic Gov. Gray Davis signed a UFW-sponsored bill, also carried by Burton, that greatly increased the fines levied on the many farm employers who regularly cheat farm workers out of pay owed them. But this year, Davis is running for re-election and may be reluctant to risk angering agribusiness again by signing Burton's latest measure. But sign it he must. It is the best chance yet for bringing badly needed economic justice to those who grow and harvest the food that sustains us all.