

CURRENT ISSUES IN THE FARM WORKERS' STRUGGLE —Revised 6/75
(*"by their deeds you will know them"*)

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You can help Cesar Chavez and the United Farm Workers! Please keep voting for justice when you shop and when you eat. The boycott will continue until elections are held and contracts won.

- (a) Don't eat or buy table grapes unless you see the UFW Aztec eagle label.
- (b) Avoid all Gallo Wines (including Boones Farm, Spanada, Paisano, Thunderbird, Carlo Rossi, Eden Roc, Tyrolia, Ripple, Andre).
- (c) Avoid all head (iceberg) lettuce unless it bears the UFW Aztec eagle label. Please take this pledge seriously wherever you are: restaurants, meetings, airplanes, etc.
- (d) Spread the word to friends, through newsletters, by resolutions, by example, etc.
- (e) Offer help to your local boycott committee (check for UFW in the telephone directory or call "Boycott Central" — 805/822-5571).

By their deeds you will know them!

Facts, information, interpretations come from several sides in the farm workers' struggle. The growers and the Teamsters hope to communicate enough of their data so that people will stay "neutral" on the boycott.* The United Farm Workers are trying to change labor-management relations that have been fixed in place for 100 years; they obviously want and need active support to overcome the inertia of the status quo.

How do concerned people find the truth in the midst of differing facts and interpretations? One good way is to look at people's lives! Do their words match their deeds? Who has been struggling to improve conditions for farm workers? Who is willing to sacrifice for that cause? Who has a vested interest in the status quo? Who seems genuine to you? Who has fought against protections for farm workers in the past? What union has tried to organize farm workers at the grass roots level? Who is being paid a big salary to give you his/her interpretation?

The growers record on protective legislation for farm workers.

The big growers in California have led the entire nation in fighting against protective legislation for farm workers. At different times in the past they have opposed: Social Security, minimum wage, health clinics, child care centers, Workmen's Compensation, collective bargaining legislation, recreation programs for migrant children, disability insurance, housing codes, crew leader registration, etc., etc. They are still fighting unemployment insurance and despite what some growers say, the Farm Bureau and most grower organizations still oppose the extension of NLRA to farm workers.

California has just enacted the Agricultural Labor Relations Act of 1975.

It is the culmination of 10 years of struggle and sacrifice by farm workers. The Act provides that farm workers can petition for a union representation election at the peak season and can then vote in a secret ballot election for the union of their choice. It is an excellent law that may become a model for other states and for national legislation.

Is it expected that the growers will cooperate with the new law?

No one knows for sure. Don Curlee of the So. Central Farmers Committee (Delano Grape Growers) has written (5/23/75) that "Our attorneys find the bill contains several serious ambiguities and uncertainties...we are not at all convinced that the slam-bang, pressure cooker tactics employed by the Governor have produced commendable or

*We all eat food! How can we be neutral? If we keep eating grapes and lettuce, are we "neutral"? If a chain store keeps on selling grapes and lettuce...is that being "neutral"?

even workable legislation." Keene Larson and other Coachella growers opposed the law. Gallo said publicly that they supported the law, but they worked behind the scenes against it. The Packer, the food industry's most influential publication, supported the bill on May 24, 1975 but reversed its position on May 31 saying: "We find the bill unacceptable...(it) is a pro-UFW bill nearly all the way. There will be no peace..." Some California growers have already begun firing UFW sympathizers.

Farm workers assume that Gallo and the other growers will put their attorneys to work to delay and frustrate the intent of the law. The continuing boycott will help persuade the growers to cooperate with the spirit and the letter of the law.

How can the growers delay the effect of the law?

The Calif. Act provides for appeals in case one party concludes that an election was unfair. A grower who is willing to spend the money can appeal the results of an election to the Agricultural Labor Relations Board, can stall bargaining and force the issue into a two-three year court challenge. Such an appeal could frustrate the results of an election and delay collective bargaining for years. The Farah pants company engaged in this delaying process (under the NLRA) and was finally persuaded by a boycott to sign a contract.

Does the Act guarantee that employers will bargain in good faith and sign contracts with the union that is certified as the representative of the workers?

NO! The Act states that "failure to bargain in good faith" is an unfair labor practice. But in order to enforce that provision against an intransigent grower the Board would have to exhaust its own administrative procedures and then go into a prolonged court battle. The Act does not require the signing of a contract or the inclusion of any particular protections in a contract. The UFW will continue the boycott of non-UFW grapes and head lettuce and Gallo Wines until they have won elections and signed effective contracts—i.e., contracts that include the hiring hall, effective seniority and job security clauses, pesticide protections, health & safety committee, etc.

What if the UFW loses elections?

If the UFW loses a fair election(s) then the boycott of the affected product(s) will be terminated immediately. If the UFW wins the election(s) the boycott will continue until strong contract(s) are signed.

How should I respond to people who say that they were committed to the boycott until elections—and now elections will surely take place under the California Act?

Please argue with them: First of all, elections have not yet been held and the boycott may keep growers from fighting the basic intention of the Act. Secondly and most importantly: farm workers need and want union representation elections but elections are only one step toward justice. Farm workers want to win elections and sign strong contracts. Elections by themselves do not guarantee that there will be contracts or that there will be a democratic farm workers' union enforcing contracts. Justice is the goal that farm workers seek. In order to reach that goal farm workers must organize, struggle, win elections, sign effective contracts and build the structure and programs of their own union.

Why have the employers chosen the Teamsters Union?

The big growers of California dominate the industry. Seven percent of the growers own 80% of the land and employ 75% of the farm workers. These huge corporation farms have been fighting legitimate, grass roots unions for many decades. They have been

fighting the UFW since 1965. Why are they now in favor of the Teamsters Union? Is it because they think the Teamsters Union is better for the workers? In view of their record ("by their deeds you will know them") it is more likely that they want the Teamsters because the Teamsters are better for the growers! And if the Teamsters are better for the growers what does that say about which union is better for the workers? I don't think it is too big a step to reach this conclusion: if you want to support a union that is good for the growers, support the Teamsters; if you want to support a union that is good for workers, support UFW.

Why do church groups argue that the UFW best represents the interests of farm workers?

Men and women from churches and synagogues have supported the United Farm Workers out of a commitment to human dignity, self-determination and justice. Wages and working conditions are very important — but not more important than the full participation of farm workers in the creation of their own organization.

Doesn't the Teamsters Union provide for self-determination for farm workers?

NO! The Teamsters have not tried to organize farm workers. They do not hold meetings with farm workers. They do not expect farm workers to participate in their union. The Teamsters get their power from the growers, not from the workers. Einar Mohn, the recently retired Director of the Western Conference of Teamsters has said "It will be a couple of years before farm workers can start having membership meetings, before we can use the farm workers' ideas in the union. I'm not sure how effective a union can be that is composed of Mexican Americans and Mexican Nationals with temporary visas. Maybe as agriculture becomes more sophisticated, more mechanized, with fewer transients, fewer green carders and as jobs become more attractive to whites, then we can build a union that can have structure...and membership participation." (L.A.—TIMES, 4/28/73)

What are the elements of self-determination in the UFW?

The UFW began as a grass roots union. When Cesar Chavez started in 1962, he and his wife were the only members; they built the union from the bottom up. Under the leadership of UFW, farm workers have organized, petitioned growers for elections, gone on strike, made their own service programs and told their story to the entire nation. In the UFW, farm workers have negotiating committees, elected ranch committees to enforce contracts and a health and safety committee on every ranch with employer and employee representatives. The UFW had a constituting convention in September 1973; farm workers elected all the delegates to the convention; the delegates adopted their own constitution which includes democratic procedures, a dues policy and a bill of rights for workers that they believe in. Farm workers have chosen their own leaders in UFW, they have access to those leaders, they can see to it that the contract is enforced through their own ranch committee. None of these self-determination elements are available to farm workers in the Teamsters Union.

What are some of the major differences between UFW contracts and Teamster contracts?

The Teamster contracts are not being effectively enforced. But aside from that there are other major differences:

- (1) The Teamsters leave out of their contracts such crucial clauses as health and safety, pesticides, toilets, drinking water and protective clothing. They rely on state and federal laws which have only rarely been enforced for farm workers. UFW insists that these basic protections be included in contracts so workers can have some say in their enforcement.
- (2) The Teamsters do not require a union hiring hall and as a result turn hiring and firing back to labor contractors. The Teamsters leave seniority and job secur-

ity up to the employers and labor contractors.

- (3) The most recent UFW contracts include a pension plan and unemployment insurance — as do the Teamster contracts.
- (4) The Teamster contracts say nothing about basic conditions for grower-provided housing. UFW contracts require free and adequate housing.
- (5) Teamster contracts welcome any and all mechanization as a company prerogative; UFW contracts insist that mechanization be considered by workers and employers and that workers derive some of the benefits of mechanization.
- (6) Wages are similar. The minimum wage in Teamster grape contracts is \$2.30. In UFW grape contracts, the minimum wage is \$2.40 per hour.

The growers and the Teamsters argue that the UFW hiring hall breaks up families and denies an employer his experienced workers:

In 1970, the UFW experimented with a system of "union seniority". It did not work! The next season the UFW changed to "ranch or company seniority". Workers are now dispatched to those ranches where they have worked before. The growers, the labor contractors and the Teamsters keep talking about problems which occurred under the "union seniority" system.

The Teamsters say that farm workers have to pay back dues in order to be dispatched from the hiring hall:

The Constitutional Convention of the UFW which met in Fresno in September 1973 reviewed the union's \$3.50 per month dues system. The worker representatives voted to institute a new system: workers under UFW contracts now pay dues only when they are working. The UFW is a new union. It is learning, changing and growing stronger in the way it serves its members.

Is the hiring hall a bad idea that should be discarded?

Union hiring halls work effectively in the construction, shipbuilding, longshore and other industries. The UFW hiring hall works smoothly at any ranch where the employer has decided to cooperate with the hiring hall (e.g., Paul Masson, Christian Bros.). The hiring hall is not easy to administer. But the hiring hall can and does work effectively to protect workers' rights.

Why is the hiring hall important?

A union hiring hall fits the migrant, seasonal nature of the farm labor force. When coming to Delano during the grape harvest you go to the hiring hall for work. If you have past seniority it is on record. If you have no seniority you go on a waiting list and when you get a job you begin to establish seniority at the ranch where you work. If you come back the next season your past seniority is recorded with your union records. If employers need workers they put in requests to the hiring hall. Workers are dispatched in accordance with seniority. Children under 16 are not dispatched from the hiring hall.

If a worker is fired for non-performance, the employer must inform the union hiring hall. If the firing is arbitrary then the union can take the case up with the employer and if necessary go through an arbitration procedure.

The hiring hall takes the control of the workers away from the growers and labor contractors. The employers can no longer hire and fire as they please. They can no

longer intimidate workers by the threat of arbitrary dismissal; they can no longer use their hiring and firing power to keep a young, hungry (sometimes illegal) work force running through the fields and working inhumanly long hours for the sake of maximum productivity at minimum cost.

The hiring hall is a radical change. It eliminates the labor contractor (which explains the anger of such affluent farm workers as Dolores Mendoza whose husband was a labor contractor) and changes the power relationships in the fields. The growers have been fighting it since the table grape contracts were signed in 1970. From their point of view it is a limitation on their freedom to manage their business. From the workers' point of view it is an absolutely essential protection from arbitrary firing and from dismissal from the fields when they reach middle age.

Didn't the growers agree to the hiring hall when they signed table grape contracts in 1970?

The hiring hall clause was in the contract but most growers did not really want the change that the hiring hall brought to agriculture. They signed contracts because of the pressure of the boycott, not because of any genuine desire to share power with their workers.

You say the growers have been fighting the hiring hall since 1970. If it is in the contract, how do they keep fighting it?

The growers fight the hiring hall by not cooperating with it and by purposely bypassing it. Giumarra Vineyards, Inc. (the biggest table grape grower in the world) was fond of sending workers to the hiring hall with a promise of employment. But what if there are already workers with higher seniority (with Giumarra) waiting to be dispatched? If the dispatcher gives Giumarra the people he wants then the workers with higher seniority are justifiably angry (very angry). If the dispatcher sends Giumarra the workers with seniority then the people to whom Giumarra promised work are angry (very angry). The grower should have sent only a request for so many workers and then the hiring hall could have dispatched the workers in accordance with their seniority at that ranch.

Giumarra and other growers also used to bypass the hiring hall. Instead of requesting workers from the hiring hall they would send a labor contractor or foreman to recruit a crew and put that crew of workers directly into the fields. When the union did find out about this contract violation it could take days to straighten out the issues and the human feelings involved.

The UFW is not perfect; but the union is working to train and improve the staff of the hiring halls. And the hiring hall does work where the employers have accepted its existence and work cooperatively to make it work.

Some growers who have contracts with UFW have also been critical of the hiring hall. How is that possible?

Most growers who now have UFW contracts have accepted the power realities of the hiring hall. And in those situations the hiring hall is working. But growers who sign with UFW remain growers. They still own the land and are trying to maximize profits. Some of them have the same employer feelings about the hiring hall that other growers have. Their opinion about the hiring hall is interesting but it is not nearly so important as the commitment of the workers to keep struggling for a union of their own that will protect them through a union hiring hall.

The Teamsters say that workers are fed up with Chavez and the hiring hall. They

say they presented petitions to the grape growers signed by most of the workers.

In April of 1973, the Teamsters said that over 4,000 Coachella Valley workers had signed petitions asking for Teamster representation. The harvest was six weeks away and there were only 1500 workers in Coachella Valley at the time. The Teamsters would not submit their "petitions" to any third party for verification. They refused to enter into any negotiations which might lead to secret ballotelections. If they were so sure of the will of the workers why didn't they agree to a valid election and thus get rid of UFW and save the growers from the UFW strike and boycott?

Shopping around for a better union!

A major grape grower recently said that he used to have only one choice of a union, UFW. When the Teamsters came along that gave him another choice. Any businessman or consumer likes to have a choice for the sake of price and quality comparison. This grower chose the Teamsters in 1973 without consulting his workers. But the choice of a union is not up to the employers. A union is for the protection of workers. Workers should make the choice of a union to represent them. And when workers make a choice the employer must deal with that union and work out a contract through the give and take of the collective bargaining process.

A summary of some of the more important results of the 13 year UFW struggle:

1. Growing conviction that black, brown and white farm workers can work together and make changes through determined non-violent struggle.
2. Witness to the power of sacrifice and service on behalf of the oppressed.
3. New hope among farm workers everywhere and a new spirit of self-respect and independence that takes the place of fear and helplessness as farm workers build their own union.
4. The Robert F. Kennedy pre-paid Medical Plan that has paid out several million dollars in benefits to farm workers and their families.
5. Farm worker clinics and a farm workers' credit union by and for farm workers.
6. Agbayani Retirement Village for Filipino workers in Delano.
7. Through the hiring hall an end to the labor contractor and crew leader system; and end to 4:00 A.M. "shape-ups" where farm workers sell their bodies and their work to the highest bidder and climb onto cattle cars to be taken to work.
8. Job security for farm workers who, after age 40, must still feed their children but who can no longer run through the fields with the youngest workers.
9. For farm workers, protection from poisonous pesticides in the fields; for consumers, less poison on our food.
10. Other contract benefits, e.g., grievance procedure; seniority system; vacations and holidays with pay; toilets, washing facilities, etc.
11. Improved wages and working conditions throughout California, Arizona, Colorado and Florida—even at farms that have had no direct relationship to UFW.

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