

HUMAN RIGHTS WATCH

Farm Workers Among Those Routinely Denied Basic Labor Rights, Study Says

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THE ASSOCIATED PRESS

A human rights group says many in the U.S. work force, including Washington apple workers, are routinely denied basic labor rights.

"We're talking about freedom of association standards — the right to organize, the right to bargain and the right to strike," said Lance Compa, a professor at the Cornell University School of Industrial and Labor Relations.

The findings were recently reported in a 217-page Human Rights Watch study based on research involving a variety of jobs — from high-technology to shipbuilding to pickle packing — across the country.

"We found a lot of problems. Probably the single biggest problem is the growing common practice of employers simply firing people who try to form a union," Compa said. "This is illegal under our law."

A worker who is fired for organizing must often sue to get his or her job back, which is costly, and the employer typically has a lot more money to fight the case, Compa said. Appeals can go on as long as three or four years, he said.

The difficulties are acute for migrant workers facing language barriers and for illegal immigrants, he said.

"There's a generalized fear of being caught up in the legal system that has a

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chilling effect on many workers' ability to organize," Compa said.

Washington is the country's No. 1 apple producer, and at harvest time as many as 40,000 workers are on the job here.

Two of the best-known efforts to organize in Central Washington have involved the International Brotherhood of Teamsters and apple workers at Stemilt Growers in Wenatchee and Washington Fruit in Yakima.

While initial efforts to organize at both those warehouses failed in 1998, the Teamsters filed complaints with the NLRB, accusing the warehouses of obstructing organizing practices.

The NLRB charged both companies with unfair labor practices, and Stemilt eventually settled and agreed to a second union election. By a narrow margin, the union was named the bargaining agent for Stemilt apple workers.

The dispute with Washington Fruit continues.

"The industry is pretty much united in opposition to unions for the old-fashioned, perpetual reason — money," said Al Hobart, secretary-treasurer for Teamsters Local 760 in Yakima.

"They believe if their employees are unionized, it will cost more money, regardless of the social equity. ... The dollar drives the industry position."

But continued resistance to better labor relations will ultimately cost the industry, Hobart contends.

"It's going to push this to a level they don't want" — strikes, he said.

That's already happening this harvest season among apple pickers, said Jeff Johnson, research director for the Washington State

Labor Council in Olympia.

Farm workers are not covered under collective bargaining or overtime laws in this state, and were excluded from the 1930s National Labor Relations Act, he said.

Human Rights Watch has called upon Congress to amend federal labor law to cover excluded workers, including farm workers.

Since the apple harvest began last month, there have been at least a dozen small strikes among apple pickers who this year were being offered the minimum wage of \$8.50 an hour. At the more typical piece rate of years past, good workers could make at least twice that, he said.

All but one of the strikes have been settled, and in each case the wages were improved, although sometimes not by a lot, he said.

One strike continues against the Yakima Valley's Borton & Sons, with about 250 farm workers walking picket lines.

Johnson said the Mexican consulate has become interested in the case, and there's some interest in a potential boycott of Washington apples because of the treatment of Hispanic farm workers.

The Human Rights Watch report recommends stronger penalties and swifter enforcement when workers are fired in violation of their right to organize.

"We offer a series of recommendations to afford more protection for immigrant workers when they seek to organize: giving them a temporary visa for protective status so they can participate," Compa said.

"We're being careful not to say that immigration laws shouldn't be enforced, but you don't give up your internationally recognized human rights when you enter another country without proper documentation."