

Fair Deal for Farm Workers

California's farm workers do hard, hot, long and often dangerous work. Yet some employers evade paying the minimum wage, sometimes listing two or more workers under a single Social Security number to make it look like one was paid a legal wage, and there are cases of workers being cheated of their pay altogether.

For years, the potent farm lobby has successfully opposed additional laws aimed at stopping such abuses, but a moderate bill now in the Legislature has a good chance. Last week the state Senate passed AB 423, sponsored by the United Farm Workers Union and authored by Assembly Speaker Robert Hertzberg (D-Sherman Oaks). The measure would stiffen penalties for growers or farm labor contractors who "willingly and knowingly" violated the state's minimum wage and hour law.

It is similar to a bill vetoed by Gov. Gray Davis last year. The governor had objected to a provision in that legislation for mandatory jail sentences for violators, saying he would not "impose criminal penalties for wage violations

on one industry and one industry only," not an unreasonable stance. The new bill imposes fines instead, ranging from \$1,000 for a first offense to \$25,000 for a third within five years.

The bill would also shift responsibility for enforcing state wage and hour laws on farms from a state agency in Sacramento to local district attorneys. Enforcement of minimum wage and hour laws by the state has been dismal, largely due to insufficient inspectors to cover an industry that sprawls from the Imperial Valley to Mt. Shasta.

Hertzberg's measure is tied to another farm labor bill in the Senate that expands farm workers' right to recover losses when defrauded by labor contractors. This would force farms to put labor contractors under closer scrutiny. Because of the connection between the bills, they either both become law or both die.

In explaining his veto last year, Davis said he would be happy to sign legislation imposing civil penalties instead of criminal sanctions against growers and contractors. These bills should cause him no problems.