

Organizing Ag Labor

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welfare of farm workers. A deprived worker is just as deprived working for a giant corporation as he would be if he were employed by a small farmer. The structure of the industry does have some relevance to the possibilities of effectively unionizing agriculture, and for the influence of such measures as product boycotts in achieving that end.

Although large corporate enterprises do exist in agriculture, they are definitely the exception. In 1970 there were approximately 17 million "commercial farms" in the United States. Only about 52,000 of these, or about 3%, had gross sales (not net profits) of \$100,000 or more. Only 1,586 farms in the United States had gross sales of \$1 million or more. (A business with gross sales of \$1 million is still relatively small.) These 1,586 farms with gross sales of \$1 million or more collectively accounted for only 11 percent of the nation's value of agricultural output.

Of the 52,000 farms with gross sales of \$100,000 or more, 8,049 were owned by corporations, mostly family corporations. Only 858 were owned by corporations with ten or more stockholders.

Farm worker organization

Attempts to organize farm workers in this country have occurred for more than a century. In what is now the United States, the first recorded farm-worker strike took place in Hawaii in 1841. There were several short-lived organizations of agricultural workers during the latter part of the nineteenth century and early in the twentieth. Efforts were made by the Industrial Workers of the World about 1912, the Communist Party's Trade Union Unity League in the early 1930's, and both the AFL and CIO in the late 1930's.

There were also some independent unions formed. A few of these early

unions have survived, such as those at Seabrook Farms in New Jersey and the Butler County Mushroom Farms in Western Pennsylvania. Later, workers were successfully organized on some sugar-cane and pineapple plantations in Hawaii and on some dairy farms in southern California. These unions also are still in existence. A number of these early agricultural-worker unions were affiliated with the Teamsters. For the most part however, agricultural organizing efforts were unsuccessful because of such factors as seasonality and short duration of jobs, high worker mobility and low labor-force attachment, and a general surplus of unskilled labor at low wage rates. The lack of supportive legislation has also undoubtedly been a factor.

The latest attempts at farm-worker organizations began in California in 1959 when the AFL-CIO established the Agricultural Worker's Organizing Committee (AWOC). This group was largely unsuccessful in obtaining recognition until after 1965. At that time the "Bracero Program," under which Mexican workers were brought in to the United States for seasonal farm work and which had been initiated due to war-time labor shortages, was terminated. At about the same time, AWOC was joined by a small, independent union, the National Farm Workers Association, which had been founded about 4 years earlier and was led by Cesar Chavez. This largely Mexican-American union combined the traditional trade-union approach with the cohesive force of a common cultural background based largely on the Catholic faith. Cohesiveness was lacking in most previous attempts to organize farm workers. The two unions later merged as the United Farm Workers Organizing Committee and are now the United Farm Workers, a chartered union of the AFL-CIO.

The Western Conference of Teamsters

was also active throughout this period. This group had organized many of the hauling and processing workers, and attempted from time to time to extend this organization back to the field workers. A number of jurisdictional disputes between UFW and the Teamsters erupted. Many attempts to resolve these through inter-union negotiations have been made, but have not been successful. Jurisdictional problems have been especially troublesome among lettuce workers, because technological changes in methods of harvesting and packing have resulted in many functions, formerly performed in the packing sheds under Teamsters' contracts, now being performed in the fields. During the past few years, quite a number of contracts in grapes, lettuce, citrus fruits and other commodities have been signed with both UFW and the Teamsters. Some remain in force while others are lapsing or changing jurisdictions. The situation remains in a state of flux.

It seems fairly clear that the dispute between the Teamsters and UFW is a jurisdictional dispute similar to many which have plagued the labor movement. The Teamsters have had a long history of interest in organizing agricultural workers, often an extension of their organization of packing shed and transfer worker. It would be difficult to label their long-standing dairy farm contracts in California and contracts at Seabrook Farms in New Jersey as "sweetheart" contracts. Neither the Teamsters nor UFW contracts with lettuce growers have resulted from NLRB supervised worker elections. Thus, it is difficult to determine objectively what the workers' real sentiments are. Lettuce growers appear to have shown an inclination toward the Teamsters because, in some cases, their other workers were already represented by the Teamsters. The Teamsters also represent a more established and "traditional" union that the growers appear to be more comfortable with.

Labor legislation

One of the major factors in perpetuating the turmoil in farm-worker organizing efforts is the absence of a legal framework—such as exists in non-agricultural industry—for settling these disputes. Agriculture was specifically exempted from the provisions of the National Labor Relations Act (NLRA) and its subsequent amendments. This Act provides a mechanism, through the National Labor Relations Board (NLRB), for determining whether workers wish to be represented by a union, who is eligible to vote on representation, what tactics

are legal for workers to use in inducing an employer to bargain, what tactics are legal for employers to use in attempting to discourage workers from organizing, what union may represent the workers, and other aspects of the organizing process. The NLRB also defines legitimate areas for negotiation, assists in adjudicating labor disputes, and conducts and polices elections.

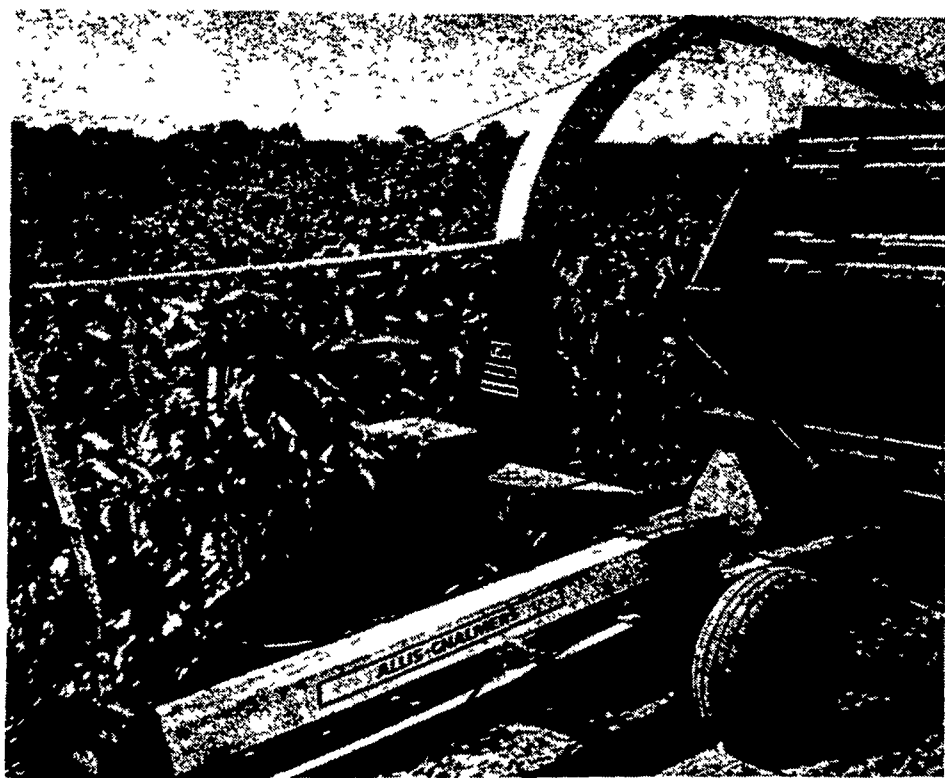
The exclusion of agriculture from the NLRA does not mean farm labor unions are illegal, they are perfectly legal. It does mean that none of the rules governing employer and union behavior specified in the NLRA or the services of the NLRB are applicable in agricultural labor disputes. This has led to the use of tactics by both employers and workers that would be illegal or of dubious legality if agriculture was subject to the NLRA.

The most effective weapon of unions in organizing is the strike. However, in many of the agricultural organizing attempts the strike has proved rather ineffective. Employers claim this is because the workers have not supported the strike calls, while unions claim it is because employers have used coercive practices on employees and replaced strikes with non-union ("scab") labor. Irrespective of the reason, it is difficult for a strike to be effective, particularly in a generally surplus labor situation, without the support of the NLRB mechanism.

At least in part because of the ineffectiveness of the strike, agricultural organizing efforts in recent years have made extensive use of boycotts as an organizing tool. In this case they have been used to coerce employers into negotiating contracts by drying up the markets for their products. Nationwide boycotts have been attempted in table grapes, iceberg lettuce, and other products with some success. Product boycotts have also been used in the inter-union jurisdictional disputes.

Although product and secondary boycotts are not illegal in agriculture, some of the tactics being employed would be illegal or of questionable legality as "unfair" labor practices in industries covered by the NLRA. Among the reasons for this are: (a) that they can harm third parties which are not involved in the disputes (namely other producers than those being struck, including in the case of agriculture many small producers who hire little or no labor and wholesalers and retailers of the product), and (b) if successful, they can force an employer into signing an agreement without the consent of his workers. In the pres-

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