

Farm labor urges changes in Registration Act

WASHINGTON, D.C. — Give federal bureaucrats a Congressional mandate to regulate farm labor relations and they will turn it into an excuse for harassment and intervention in growers' rights to run their own farms, stated the Farm Labor Research Committee.

That's the clear lesson to be learned from recent experience under the Farm Labor Contractor Registration Act. Part of the problem is that U.S. Department of Labor officials do not understand how a farm works. Another part of the problem is that DOL officials are not serving labor, but rather the special interest of union officials, they pointed out.

As if to prove that point, DOL officials have ruled that FLCRA does not cover union-operated hiring halls even though the act is supposed to cover any "person who recruits, solicits, hires, furnishes or transports, for a fee, migrant workers for agricultural employment."

In 1977, Department of Labor inspectors in both California and Florida charged the UFW with failure to register under FLCRA.

Union officials protested that they should not be subject to the same burdensome reporting and expensive insurance requirements as professional farm labor contractors, growers and grower associations. Higher-

ups in the Department of Labor agreed, and overruled their own inspectors. One official was quoted in the press as saying that including unions under FLCRA would violate the Department's "policy objectives."

Apparently those "policy objectives" are to drive independent farm labor contractors out of business, forcing growers to rely on the United Farm Workers union hiring hall which places workers in farm jobs only if they are members of the union, noted the research committee.

The Farm Labor Contractor Registration Act was intended to cover crew leaders who recruited and transported migrant workers from farm to farm and acted as middlemen between growers and the workers.

Under the act, no "farmer, processor, canner, gunner, packing shed operator, or nurseryman who personally engages in any such activity for the purpose of supplying migrant workers solely for his own operation, or any full-time or regular employee of such entity...who engages in such activity for his employer on no more than an incidental basis" is required to register as a farm labor contractor.

Problems have arisen because of DOL's interpretation of the terms "migrant worker", "personally" and "on no more than an incidental basis."

"Migrant worker" has been interpreted to cover all farm workers whether permanent or truly migrant. "Personally" has been interpreted to mean that incorporated farms and associations of growers must register. The interpretation of "incidental basis" could be characterized as "accidental basis" since DOL has required supervisors and personnel officers to register.

Congress is finally getting fed up with this misinterpretation. Fifty-two Senators recently wrote to Labor Secretary Ray Marshall protesting that "the Department's actions...are completely contrary to Congressional intent and purpose and have only served to impose an undue penalty and economic burden on those specifically exempted by Congress...Moreover, these actions have resulted in a misdirection of the Department's limited resources at the expense of those the law was intended to protect."

Dissatisfied with the response they received from Secretary Marshall, several of the Senators led by Agricultural Committee Chairman Herman Talmadge (D-Ga.) and ranking Republican Jesse Helms (R-N.C.) plan to introduce amendments clarifying the FLCRA exemptions and forcing DOL to stop punishing growers who choose to contract for their own employees rather than going through the union hiring hall.

Whatever the outcome of the proposed legislative changes, the FLCRA experience provides only a taste of the kind of heavy-handed federal intervention growers could expect if agriculture were brought under the National Labor Relations Act. All the so-called "protections" of federal labor law go to union officials at the expense of individual workers, employers and consumers. The Farm Labor Research Committee believes the nation cannot afford such a one-sided system in agriculture.

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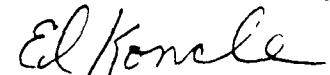
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