

**THE TRIPARTITE BARGAINING MODEL:
THE STRUGGLE TO ORGANISE MIGRANT FARMWORKERS**

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THE STRUGGLE TO ORGANISE MIGRANT FARMWORKERS**

By

KEVIN SHIMMIN, B.A.

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AUTHOR: Kevin Shimmin, B.A. (McMaster University)

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ABSTRACT

This dissertation analyses the issues concerning strategies for improving the working and living conditions of migrant farmworkers in the United States and Canada. By comparing the tripartite and sharecropping models in commercial agriculture, it is demonstrated that unionisation and three-way collective bargaining are efficient and proven techniques for increasing workplace standards for migrant farmworkers. The tripartite model separates agriculture into three discernable actors: food corporations, growers and farmworkers. While some agricultural sectors are dominated by corporate entities which combine both production and processing operations, other sectors such as cucumbers and tomatoes are characterised by large processing corporations which are supplied by commercial growers. Without the presence of food corporations in collective bargaining, many growers are unable to provide for better working conditions for migrant farmworkers. The Farm Labor Organizing Committee (FLOC) has significantly established the only tripartite labour relations framework in North American agriculture. FLOC has used commercial boycotts for more than two decades, in order to pressure food corporations to participate in collective bargaining with migrant farmworkers. The union is presently conducting a national boycott of the Mt. Olive Pickle Company in North Carolina, a campaign which aims to bring the company to the bargaining table and to put an end to the sharecropping model in the state's cucumber industry.

A more modest component of this dissertation is an examination of the current situation of migrant farmworkers in Ontario, Canada. Farmworker organising efforts in Ontario are analysed and the tripartite model is suggested as an alternative labour relations framework in the province. The populations which are investigated in this paper include: Latino farmworkers in Ohio, Michigan and North Carolina, and farmworkers in Ontario from Mexico and the Caribbean.

Agriculture is an area where the necessity and feasibility for union organising is expanding rather than diminishing. While pressuring governments for farmworker justice and dignity is crucial, unionisation and collective bargaining in agriculture are also essential. This paper analyses an effective strategy for organising migrant farmworkers and bringing agribusiness to the bargaining table. The topic should be of significance to trade unionists, industrial relations professionals and academics alike.

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CHAPTER I INTRODUCTION

A. MIGRANT FARM LABOUR IN NORTH AMERICA

The changing nature of agriculture in the United States and Canada indicates that conventional labour theory is incapable of analysing the unique and complex relations between farmworkers and their employers. While food processing corporations, collectively known as agribusiness, continue to consolidate control over the structures and conditions of farm labour markets, the traditional 'family farm' has increasingly lost influence over price, planting and harvesting policies. Transnational sub-contracting has a long history in agriculture, but has particularly accelerated over the past three to four decades, creating a virtually institutionalised dependency on migrant labour. Although commercial growers are directly responsible for the working and living conditions of migrant farmworkers, these farmers are constrained by agribusiness as to how much they can pay for reasonable wages, decent housing and a safe working environment.¹

Though some contemporary farms represent corporate entities within themselves, many more are simply suppliers to large processing corporations such as Campbell Soup and Heinz. These companies often set price and policy structures in the food market before seeds are even sown. As a result, growers are locked into strict agreements with food corporations, which make it extremely difficult to pay better wages to farmworkers

¹Ellen Wall (1), "Agribusiness and Hired Farm Labour in the Ontario Tomato Industry" (Ph.D. diss., McMaster University, 1992), 28-29.

or abide by legal regulations governing working conditions in agriculture.² For this reason, growers are purposely distinguished from agribusiness throughout this paper. Furthermore, the crucial position taken here that agriculture must be recognised as *three* discernable actors, rather than simply labour and capital, means that alternative strategies to workplace organisation must be examined.

By far, the United Farm Workers (UFW) have historically achieved some of the greatest advances in collective bargaining with corporate growers, specifically in the wine and table grape industries of California. In comparison, the Farm Labor Organizing Committee (FLOC) has more recently established three-way contracts in Ohio and Michigan, between agribusiness, smaller growers and farmworkers.³ FLOC represents a strategy which differs significantly from that of the UFW, albeit within contrasting time periods and political environments. The contemporary movement towards a *separation* between agribusiness and commercial growers, in regard to power relations in the world food market, necessitates that alternative models of labour relations be found. It is no longer enough simply to secure collective agreements with visible employers, without the inclusion of industry rulers.

(Migrant farmworkers in the United States and Canada are predominantly from Mexico, but also come from Guatemala, the West Indies, South Asia and Latino

²Farmworker Justice Project, "US Department of Labor Approves Unjust H2A Contracts," *Picking Fairness* 1, no.1 (March 2000): 1, 3.

³W.K. Barger and Ernesto M. Reza, *The Farm Labor Movement in the Midwest: Social Change and Adaptation Among Migrant Farmworkers* (Austin: The University of Texas Press, 1994), 46-47.

communities in the southern U.S. (“Guestworker” programs in Canada and the U.S. enable growers to choose from annual pools of immigrant labour, which are exempted from regulations governing minimum wage laws, workplace health and safety, social security entitlements, freedom of association and prohibition of child labour.)⁵ The infamous “Bracero Program,” an agreement between the U.S. and Mexico from 1942 to 1964, facilitated the export of more than 4.5 million people to work on American farms and factories under some of the worst conditions ever witnessed in North America. Today, migrant workers who are registered with the U.S. government either fall under the H-2A program for agricultural workers, or the H-2B program for industrial and domestic labourers. In addition, many farmworkers and their families remain undocumented.⁶ The history of the H-2 migration infrastructure is thoroughly documented in Chapter II.

H-2A workers are contracted for a limited amount of time, usually two or three months, to work on U.S. produce and tobacco farms. During the length of the contract, these workers are excluded from almost all civil, political and economic rights enjoyed by U.S. citizens, with the exception of minimal compensation and housing guidelines which are mandated through the H-2A framework. Even these minor regulations are largely not enforced. This legal and political framework, which uses the threat of deportation to stem

⁴Farm Labor Research Project, *Dignidad* 4 (Spring 1993): 8.

⁵Rachel Li Wai Suen, *You Sure Know How to Pick ‘Em: Human Rights and Migrant Workers in Canada* (Toronto, ON: Unpublished Manuscript, 2000), 17-18.

⁶Dennis N. Valdes, “Legal Status and the Struggles of Farmworkers in West Texas and New Mexico, 1942-1993,” *Latin American Perspectives* 22, no.1 (Winter 1995):118-122.

militancy among migrant farmworkers, is compounded by the agricultural system of 'sharecropping.' The sharecropping structure defines farmworkers as independent contractors rather than employees, and therefore does not recognise a worker's right to bargain with the food industry for better pay and working conditions.⁷)

A similar framework exists in Canada under the federal Seasonal Agricultural Worker program (SAW), which exports thousands of workers each year to harvest the country's commercial fruits and vegetables. The Canadian situation is relatively more complex than that of the U.S., since labour law is largely governed by the provinces. While most growers in both the U.S. and Canada refuse to acknowledge a migrant worker's right to organise, American labour law guarantees this provision at least on paper. In Canada, however, the legal framework governing farmworker unionisation is left to the discretion of individual provinces. Hence, an uneven environment has developed in Canada where small union locals in British Columbia represent migrant farm and greenhouse workers, while it is illegal in Ontario to even enter commercial farms and talk union.⁸ While the current situation in Ontario may seem devoid of opportunities for farmworker justice, trade unionists and researchers must nonetheless prepare themselves for possible endeavours into organising the province's agricultural sector.

goes to reasons why tough to organize

⁷Sandy Smith-Nonini, *Uprooting Injustice* (Durham, NC: Institute for Southern Studies, 1999), 7-11.

⁸Dan Keeton, "Greenhouse Workers See Red," *Our Times* 18, no.5: 11.

B. REGULATION AND UNIONISATION

This paper analyses the issues concerning the most effective strategies for improving the working and living conditions of migrant farmworkers in the United States and Canada. Criteria used for measuring the effectiveness of approaches in reaching this goal include compensation, health and safety, access to grievance instruments, and labour stability. The definition of labour stability here encompasses many different variables, including employment security for workers, consistency of labour supply for growers, and levels of productivity for food corporations. It will be demonstrated here that productivity in agriculture is dependent on a stable and flourishing workforce.

The search for farmworker empowerment confronts an important debate regarding how employment relations in agriculture should be organised. While agribusiness usually insists that farmworkers are ‘independent contractors’ or ‘sharecroppers,’ unions such as FLOC and the UFW argue that migrant labourers are *employees* who have a legal entitlement to engage in collective bargaining.⁹ The ongoing conflict between FLOC and the Mt. Olive Pickle Company in North Carolina provides an illuminating case study of the debate between sharecropping and unionisation. Mt. Olive states that it retains no obligation to bargain with farmworkers since the company does not directly employ them, and that the best solution to protecting migrant labourers is strict government regulation and enforcement of applicable laws.¹⁰ However, substantial evidence shows that

⁹W.K. Barger and Ernesto M. Reza, 49-54.

¹⁰Mount Olive Pickle Company, *Position Statement on the Activities of the Farm Labor Organizing Committee* (Mount Olive, NC: Mt. Olive Pickle Company, Inc., December 1999), 1.

workplace regulations are not enforced in the agricultural sector and that governments continue to subordinate the needs of migrant workers to the unrestrained profitability of agribusiness.¹¹ FLOC has initiated a consumer boycott of all Mt. Olive products, now in its second year, to pressure the company to sit down and bargain with its cucumber pickers and growers. It will be demonstrated here that the FLOC goal of tripartite bargaining between farmworkers, growers and corporations constructively challenges the power of transnational companies to exploit migrant labour. Tripartite bargaining has produced collective agreements for FLOC in Ohio and Michigan, which have significantly raised employment standards and created a higher level of labour stability in Midwestern agriculture. These collective agreements will be thoroughly analysed and evaluated.

A more modest component of this paper is an examination of current initiatives to organise farmworkers in Ontario. During the last six years of the right wing Progressive Conservative government in Ontario, the 'right to farm' environment in the province has become very similar to the 'right to work' state of North Carolina. Previously, under the moderately social democratic government of Bob Rae, resident farmworkers were vested with the right to organise but not the right to strike. Today, unionisation of farmworkers in Ontario, either resident or migrant, is strictly illegal under provincial law. The United Food and Commercial Workers (UFCW) and the UFW have launched a Supreme Court challenge to Ontario's anti-union clampdown on farmworkers, arguing that provincial law

¹¹J. Edward Taylor and Philip L. Martin, "The Immigrant Subsidy in US Agriculture: Farm Employment, Poverty, and Welfare," *Population and Development Review* 23, no.4 (December 1997): 859-860.

violates the Canadian Charter of Rights and Freedoms. If the Supreme Court decides in favour of the petition, the newfound potential for farmworker unionisation in the province will be enormous.¹² While there are many differences between agriculture in Ontario and the United States, the same fundamental issues surrounding migrant indentured labour are present. Hence, the potential for tripartite collective bargaining in Ontario will be investigated, albeit within a limited framework of research on the province.

Research in agricultural labour relations is severely lacking in Canada and the United States. Perhaps this is because a thorough understanding of the relations between agribusiness and farm labour, especially regarding *migrant* farmworkers, requires a broad range of knowledge in economics, political science, sociology and cultural studies. Yet, the agricultural sector has represented a crucial case study for the 'globalization' of production for decades now, as well as immigration policy, irregular employment structures, and labour markets based on 'race,' class and gender. Furthermore, contemporary struggles for unionisation and farmworker justice, particularly in the U.S., have been gathering momentum, with FLOC in the Midwest, the UFW in California, and the student-farmworker movement in Oregon. Agriculture is an area where the necessity and feasibility for union organising is *expanding* rather than diminishing. The state has proven itself to remain bent on subsidising and accommodating agribusiness, through well established channels of racism and exploitation, and will certainly need a massive overhaul long before laws regarding health and safety and human welfare are upheld and

¹²Walter Lumsden, President, UFCW Local 1993, interview by author, 21 July 2000, telephone recording.

enforced on commercial farms.¹³ While pressuring governments for farmworker justice and dignity is crucial, unionisation and collective bargaining in agriculture are also essential. This paper analyses an effective and proven strategy for organising migrant farmworkers and bringing agribusiness to the bargaining table. The topic should be of significance to trade unionists, industrial relations professionals and academics alike.

¹³John W. Warnock, "Industrial Agriculture in the Era of Free Trade," *Canadian Dimension* 32, no.1 (January-February 1998): 12-13.

CHAPTER II THE MIGRATION PROCESS IN AMERICAN AGRICULTURE

A. THE STATE AND AGRIBUSINESS

Since at least the turn of the 20th century, the U.S. government and agribusiness have been partners in supplying commercial farms with vulnerable and precarious sources of labour. Up until the Depression of the 1930s, growers had enjoyed an endless supply of undocumented and unprotected farmworkers. As labour markets became loose during the economic downturn, Mexican farmworkers were ruthlessly chased down and deported by federal immigration authorities, to provide farming jobs for unemployed citizens. With the return of intense production and labour shortage during World War I, growers were once again encouraged to access undocumented labour pools south of the border. Around this time, the Mexican government became increasingly concerned about the exploitation of the country's workers on American farms, and vowed to protect itself from the humiliation of future repatriation campaigns. In 1942, the Mexican and U.S. governments entered into the Mexican Labor Program, popularly known as the "Bracero Program," to provide inspectors from both governments to regulate recruitment, working and living conditions for Mexican farmworkers. The Bracero Program *did* guarantee the right to organise for migrant workers. However, authorities largely refused to recognise this right and inspectors were sparse and powerless, thus setting an important precedent for the future of agricultural regulations. Existing associations such as the National Farm Labor Union (NFLU) were too weak to force growers to recognise the legislated right to

unionisation. In turn, grower organisations were strong enough to convince government authorities to deport any farmworkers attempting to exercise the right to organise, and ultimately convinced the federal government to extend the Bracero Program until its eventual demise in 1964. The end of the Bracero Program was the culmination of at least two factors: an extensive campaign by the NFLU, AFL-CIO and liberal allies against the program, and a drop in labour demand due to increased mechanisation during the early 1960s.¹⁴

What has occurred since then is a waffling back and forth of state policy, from mandated undocumented labour flows to subsidised yet hidden farmworker migration. ‘Race’ has always been an issue in the consistent priority to exploit Mexican peasants and workers to the favour of agribusiness, while the threat of deportation is used effectively against calls for fairness and humane treatment by farmworkers.¹⁵ What has changed is the fact that transnational corporations have replaced the former position of many growers, by exercising greater power in determining the working and living conditions of migrant workers in American agriculture. It is not migration that has ever been a problem in society, but the sheer willingness and capacity of corporations and governments to enslave workers from a neighbouring country.

¹⁴Dennis N. Valdes, 117-121.

¹⁵I borrow the idea of ‘race’ in quotations from Robert Miles’s book *Racism* (Oxford 1988), 69-73. Miles contends that the use of the word ‘race’ is erroneously based on biological differentiations which have no relation to cultural, political or sociological variations between peoples and individuals.

The Immigration and Nationality Act of 1952 established the H-2 agricultural worker program, which was rarely utilised by growers until the fall of the Bracero Program. Since then, growers have contracted farmworkers predominantly from Mexico, on the condition that the U.S. Department of Labour indicates the unavailability of “qualified” resident workers. While the H-2 program has guaranteed minimal working and housing conditions, at least on paper, it deviates from the Bracero model in that it does not provide a guaranteed contract period, the right to organise, a bi-national treaty or government inspectors. Hence, it has actually been easier for growers to deport migrant workers than previously under the Bracero Program.¹⁶

The current H-2A program is an extension of this model, originating out of the controversial Immigration Reform and Control Act (IRCA) of 1986. Responding to anti-immigrant public hysteria at the time, the U.S. government enacted IRCA to appear ‘tough’ on undocumented immigrants, specifically those from Mexico. The bill criminalized undocumented Latino immigrants and provided for deferred sanctions against undocumented workers. Prior to IRCA, the Immigration and Naturalization Service could raid farms without a warrant, in search of undocumented workers. IRCA continued the H-2 program, now separating migrant workers into industrial and agricultural categories, as well as establishing the temporary Seasonal Agricultural Workers plan (not to be confused with the Canadian SAW program), which granted amnesty to undocumented migrant workers who successfully applied to the program within a one year time frame. The SAW intended to transform the undocumented

¹⁶Dennis N. Valdes, 121-122.

workforce into a legal agricultural labour pool. Sanctions were to take effect only once the SAW legalisation window closed in 1988. Accordingly, all undocumented Latino workers were pursued by the INS at an unprecedented rate once the SAW program ended. Contradicting the stated purposes of IRCA, statistics show that American growers have actually expanded their use of undocumented workers during harvest seasons.¹⁷ In essence, the temporary amnesty failed to produce enough workers to replace the undocumented workforce in agriculture, especially among Western farmers.¹⁸

It is questionable whether or not the U.S. government ever intended to stem the flow of undocumented workers onto American farms, firstly because IRCA was clearly a political move to accommodate anti-immigrant attitudes among the electorate, and secondly because the power of agribusiness over food markets continues to encourage if not force growers to hire undocumented workers. Both cause and effect are clear, with average annual farmworker wages in the U.S. rarely increasing since the 1980s and more often decreasing. Cheap, vulnerable and labour-intensive agricultural jobs have *expanded* over the last two decades, and continuing reliance on undocumented workers is considered by growers a necessary response to the industry's demand for flexibility of production.¹⁹ Without a stable labour supply and market demand, growers will continue to rely on the most vulnerable and exploitable sectors of the workforce. Only a regulated

¹⁷Philip L. Martin, "Good Intentions Gone Awry: IRCA and U.S. Agriculture," *The Annals of the American Academy* 534 (July 1994): 49-53.

¹⁸Rosanna Perotti, "Employer Sanctions and the Limits of Negotiation," *The Annals of the American Academy* 534 (July 1994): 34.

¹⁹Philip L. Martin, 52-53.

and secure agricultural workplace holds the potential for abating this exploitation and guaranteeing stability for migrant workers and growers alike.

B. OWNERSHIP AND EXPLOITATION

The American agricultural industry has historically preferred undocumented migrant labourers, for the simple reason that these workers are readily available and exempted from workplace rights and freedoms. While registered migrant farmworkers are entitled to minimal legal protections (though these regulations are rarely enforced), undocumented workers are at the mercy of employers and Mexican farm labour contractors (FLCs). By the time the U.S. government realised that IRCA had in fact encouraged growers to utilise even more undocumented workers from Mexico, FLCs had become virtually institutionalised as a main component in the migration process.²⁰ Today, farmworkers often refer to FLCs as “coyotes,” who are paid as much as \$800 by each migrant worker they transport from Mexico to U.S. farms. These fees are arbitrary and unregulated, and FLCs often profit more from farmworker payments than legitimate service fees from growers. Coyotes have frequently abandoned Mexican workers on the U.S. side of the border, and many farmworkers continue to work under deplorable conditions on farms in North Carolina, Florida and Texas until debts to coyotes are paid off. Furthermore, crew leaders who are responsible for workers once they have arrived on a farm, also collect lucrative sums from farmworker earnings. Ramiro Sarabia, FLOC organiser in North Carolina, reports that crew leaders collect as much as a quarter of each

²⁰Ibid, 53.

worker's wages and also demand additional deductions for food, transportation and rent if housing is not provided by growers.²¹

A crucial point is that these modern relationships of the predominant sharecropping model are unregulated and represent an extension of the 'ownership' ideology. Coyotes retain workers until they are 'sold' to crew leaders and growers. Since basic labour laws do not apply to either undocumented or H-2A farmworkers, the sharecropping system effectively crushes most opportunities for workers to complain about unsafe working conditions, to enforce the terms of employment contracts, or to even meet with anyone outside of the farming operation. Both registered and unregistered migrant workers are faced with a complex and paradoxical maze of laws regarding tenancy rights in the U.S. The federal H-2A program does not guarantee the right to travel freely to and from farms and receive visitors at farmworker camps. The decision whether or not to grant this right to migrant workers is under the jurisdiction of individual states. Finally, growers' associations often establish their own policies restricting or eliminating tenancy rights among farmworkers. In the end, it is up to county and state judges to decide just how far growers can go in stretching the ownership provisions of the sharecropping system, particularly the hindrance of freedom of movement.²² Furthermore, there are no concrete regulations governing the housing rights

²¹Sandy Smith-Nonini, 7-9, 25.

²²On the night of 12 August, 1998, FLOC organisers were arrested and charged with trespassing while speaking with workers at Rainbow Farms in North Carolina. The county magistrate quickly threw out the charges, finding that state law upheld tenancy rights for anyone working in North Carolina, in contradiction to the North Carolina Growers Association which prohibited this right. Jennifer Freehan, "FLOC claims win in

of migrant workers. Even in Ohio where farmworkers are unionised, it is reported that growers have attempted to evict workers as soon as their labour is deemed unnecessary. Union representatives struggle to use state laws which loosely guarantee minimal housing rights.²³

It becomes clear for migrant farmworkers that a union contract is stronger than any law at any level of government in the U.S. Hence, it can be deduced that the only current method available to regulate these relations of bonded labour is through unionisation. Collective bargaining holds the capacity to regulate the precarious relations between farmworkers and their employers. But before we can accept the assertion that unionisation is the foremost alternative to indentured labour in agriculture, it is necessary to develop a detailed understanding of how the sharecropping model operates.

arrest incident," *The Toledo Blade*, 15 August 1998, Nation.

²³Baldemar Velasquez, President, FLOC, interview by author, 8 August 2000, Toledo, OH.

CHAPTER III THE SHARECROPPING MODEL

A. ABSENCE OF LABOUR RELATIONS FRAMEWORK

The predominant model today in North American commercial agriculture is sharecropping. Racial exploitation continues to drive the sharecropping system, since most workers involved are from economically or politically unstable Third World countries. As noted above, the migration process itself is based on corporate rather than workplace needs. An important question then is how does the sharecropping model maintain *instability* in immigration and labour relations, in response to flexible production demands in agriculture?

There are two fundamental methods by which the sharecropping system effectively curtails a structured labour relations framework. First, farmworkers are considered 'independent contractors' or 'sharecroppers' by both growers and food corporations. Therefore, there is no recognisable employment relationship between workers and the powers that control working and living conditions. This is why labour contractors and crew leaders become so powerful under the sharecropping model, since they are the only individuals who represent workers in dealings with farmers. Contractors and crew leaders decide who will and won't get paid, as well as who will and won't work. Supply and demand for farmworkers is arbitrary under sharecropping, due significantly to the fact that growers are not accountable for employment and workplace relations. A grower can terminate and evict workers half way through their work term, but that same

grower might find it difficult to attract farmworkers next season because of such a reputation.²⁴

Secondly, under the sharecropping model workplace regulation is the duty of the state. Since growers and processing corporations do not *employ* farmworkers, there is no obligation on their part to engage in negotiations with workers to improve wages or conditions. If a farmer is in violation of minimal working and housing conditions, which are governed by the H-2A program, it is up to federal and state regulators to enforce the law. Federal inspectors govern workplace health and safety, while state inspectors cover migrant housing and applicable labour laws. However, enforcement of these laws in American agriculture is basically non-existent, especially in 'right to work' states employing migrant workers.²⁵ This overwhelming lack of enforcement is a critical point in the debate between sharecropping and unionisation, and it is explained in detail below as a response to sharecropping espousments from the Mt. Olive Pickle Company.

Since the sharecropping model removes employer responsibility for working and living conditions, and the state is unwilling to enforce even minimal guarantees for migrant workers, the agricultural sector amounts to a labour relations framework which excludes the participation of workers. The only exceptions are small pockets of unionisation in Ohio, Michigan, Oregon and California. While undocumented farmworkers are not covered by any legal rights under the sharecropping system,

²⁴J. Edward Taylor and Philip L. Martin, 859-860.

²⁵Human Rights Watch, *Fingers to the Bone: United States Failure to Protect Child Farmworkers*, June 2000 [report on-line]; available from <http://www.hrw.org/reports/2000/frmwrkr/index.htm>; accessed 22 June 2000; 45-49.

registered workers themselves are unable to access the very laws which they are entitled to. Hence, the line between documented and undocumented farmworkers becomes blurred, with lack of legal recourse and the threat of deportation applying equally to both groups.²⁶

It is interesting to find that union contracts in Ohio and Michigan provide for all of the possible benefits to farmworkers from sharecropping, such as the potentially lucrative piece-rate wage scale, yet simultaneously abolish the sharecropping framework and all of its vestiges of ownership and exploitation. In Michigan, sharecropping is still prevalent although Vlastic Pickle farmworkers in that state are now unionised by FLOC. All FLOC contracts in Michigan and Ohio have successfully abolished sharecropping, while at the same time guaranteeing wages at least or above the value of 50% of each worker's harvest. Sharecropping assigns workers to a block of land of which they receive 50% of all harvest earnings. In their book *Working Poor: Farmworkers in the United States*, David Griffith and Ed Kissam state that the sharecropping arrangement in Michigan is attractive to farmworker families since workers can maximise productivity by utilising all family members. Growers also benefit from this push to pick as much as possible, as quickly as possible. However, the authors go on to find that good housing and fair treatment from growers are the two most important aspects of attracting workers to specific farms. Fair treatment is defined here as payment of wages and secure work terms. All of these conditions are provided *voluntarily* by growers operating under the

²⁶Dennis N. Valdes, 121-122.

sharecropping system, and there are virtually no legal or state mechanisms to guarantee any of this.²⁷ Griffith and Kissam are very aware of this overriding factor:

Sharecropping can simply be disguised wage labor that relieves growers of much responsibility for complying with labor laws or that growers exploit by other means. For example, there were reports that some Michigan farmers sought access to the sharecroppers' revenue stream from social services by charging workers rent for early-season housing although, traditionally, migrant housing has been provided at no cost.²⁸

The unionised model in Michigan, on the other hand, ensures that growers provide all of the above, as well as safe drinking water and sanitation, protection from pesticide exposure, a grievance procedure, the right to organise and worker representatives. None of this is available under sharecropping, in fact laws governing migrant workers are actively discouraged. Furthermore, regulation through unionisation has contributed to significant productivity gains for farmers and farmworkers, not to mention food corporations (this is discussed further in Chapter IV).²⁹

B. THE SHARECROPPING MODEL: THE CASE OF MT. OLIVE PICKLE

The Mt. Olive Pickle Company is the largest pickle retailer in the southern U.S. and the second largest in the nation. The transnational corporation relies on cucumber pickers in Mexico, Honduras, India, Sri Lanka and Greece, as well as across the U.S., but

²⁷David Griffith and Ed Kissam, *Working Poor: Farmworkers in the United States* (Philadelphia: Temple University Press, 1995), 128-131.

²⁸David Griffith and Ed Kissam, 131.

²⁹Fernando Cuevas, Sr., Vice-President, FLOC, interview by author, 11 August 2000, Toledo, OH.

35% of all Mt. Olive pickles originate solely from within North Carolina.³⁰ While Mt. Olive claims to buy supplies such as glass jars from both union and non-union suppliers, available evidence shows that none of its agricultural operations are unionised. The FLOC campaign to establish tripartite bargaining for Mt. Olive farmworkers in North Carolina, represents a push to organise the Southern U.S. by first focussing on one of the largest and most well-known food corporations.³¹

Mt. Olive is an excellent example of a relatively large food corporation which relies on the sharecropping model for all of its pickle products. The company claims that since they do not directly employ any farmworkers, they are under no obligation to engage in collective bargaining with them. The corporation has interpreted the FLOC campaign as a demand for Mt. Olive to intervene in the relationship between growers and farmworkers, and to facilitate the unionisation of cucumber farms in North Carolina. Rather than seeing any responsibility to engage in direct collective bargaining themselves, Mt. Olive's own public relations campaign argues that FLOC wants the company to agree to buy exclusively from growers who have established FLOC contracts. The following comes from Mt. Olive's most recent public statement:

Our position is straightforward: We believe union representation on the farm is a decision for the farmer and the farm workers - a decision we will honor but not dictate. Because our company does not employ farmers, we can not, and we should not, dictate whom they must hire. Mt. Olive has agreements with many raw material producers, including glass, cap, sweetener, vinegar and

³⁰Mt. Olive Pickle Company, *History* (Mount Olive, NC: Mt. Olive Pickle Company, Inc., December 1999), 2.

³¹Sandy Smith-Nonini, 17-25.

salt suppliers. The company does not dictate the employment relationships of these suppliers, and we do not believe it is right to do so with our cucumber suppliers.³²

The assertion that FLOC wants Mt. Olive to help unionise their suppliers amounts to a misrepresentation of facts, and a refusal to acknowledge the actual demand that Mt. Olive recognise and bargain with farmworkers who have already indicated their support for FLOC. While the company attempts to convince the public that FLOC wants a closed-shop policy on cucumber farms, the reality is that the boycott aims to pressure Mt. Olive to simply bargain with a union which has already been democratically established. According to FLOC, approximately 2,100 of the 5,000 Mt. Olive farmworkers in North Carolina have signed union cards.³³ Considering accounts of repressive and sometimes violent attacks on FLOC organising drives, by some Mt. Olive growers, it can be deduced that there are more workers who are ready to join.³⁴ Contrary to claims of neutrality, Mt. Olive has a long-standing record of opposing unions and therefore can not agree to participate in negotiations with farmworkers without contradicting corporate policy. Consistent with their anti-union policy, Mt. Olive is located in North Carolina - a state with the second lowest rate of unionisation in the country.³⁵

³²Mount Olive Pickle Company, *Position Statement*, 1.

³³Farm Labor Organizing Committee, "The FLOC Campaign in North Carolina," available from <http://www.iupui.edu/~floc/nc.htm>; Internet; accessed 8 May 2000.

³⁴Fernando Cuevas, Sr., Vice-President, FLOC, interviews by author, 7-8 August 2000, Toledo, OH.

³⁵"Farm Workers in North Carolina Call For Union," *BMWE Journal* 106, no.9 (October 1997): Online Version.

The Institute for Southern Studies and the National Farm Worker Ministry have been researching the conditions found on North Carolina farms for many years *prior* to the FLOC unionisation drive, and have consistently concluded that the situation of Mt. Olive farmworkers is deplorable. These two non-governmental organisations (NGOs) are recognised research bodies which have made evidence available that corroborates many FLOC claims. Admitting that poor working conditions exist on at least some farms, Mt. Olive public relations spokesperson Lynn Williams states that “news reports and lawsuits have also documented problems on farms in Ohio, where FLOC contracts are in place.” Williams and Bryan claim that farmworkers are migrating from Ohio to North Carolina for better wages and working conditions. However, careful examination of the cited news reports reveals that some migrant labourers have travelled to Texas and Florida, not North Carolina, due to the short harvesting season of Ohio’s cucumber crops rather than the influence of FLOC contracts.³⁶

While North Carolina growers keep about a third of the total income from food sales, corporations retain the bulk of profits, leaving farmworkers with only 8 cents on every food dollar. In contrast, farmworkers in California who are unionised keep approximately 18 cents of every food income dollar. This was not the case for these workers before they were organised by the UFW.³⁷ In North Carolina, Mt. Olive often signs contracts with growers before cucumber seeds are even sown, pushing farmers to

³⁶John Seewer, “Migrant labor shortage stunts Ohio farm growth,” *Dayton Daily News*, 7 July 1999, Agriculture.

³⁷Sandy Smith-Nonini, 25.

find the cheapest available labour for the upcoming harvest season.³⁸ With little manoeuvring space to bargain wages, growers for Mt. Olive search out the most inexpensive and vulnerable sources of labour. All of these relations, personal and economic, are unregulated and under prevailing political conditions have little chance of being governed by state or federal laws in the near future. Agribusiness is on extremely friendly terms with law makers in North Carolina, and it is certain that little will change for migrant farmworkers unless food corporations and growers are brought to the bargaining table with workers.³⁹

Mt. Olive has financed an extensive campaign, in coordination with the small village of Mount Olive, to portray itself as a supposed ethical corporate citizen. With 500 employees at the town's massive cannery - 850 during summer months - Mt. Olive pumps a \$16 million annual payroll into the community and \$250,000 a year into local charities.⁴⁰ In the aftermath of Hurricane Floyd, the company donated \$60,000 to local relief efforts.⁴¹ Of course, the migrant workers who pick Mt. Olive cucumbers suffered unbearably during the storm since authorities refused to issue emergency food stamps to them, and dilapidated housing facilities in the fields were destroyed.⁴² According to

³⁸Patrick O'Neill, 7.

³⁹Sandy Smith-Nonini, 25-27.

⁴⁰All figures here are in U.S. dollars, unless otherwise indicated.

⁴¹Edward Martin, "Sweet and Sour," *North Carolina* (February 2000).

⁴²Stu Singer, "Farmers, farm workers are the hardest hit in North Carolina deluge," *The Militant* 63, no.35 (October 11, 1999): 2.

company policy, these workers are of no concern to Mt. Olive. Mount Olive's business community is undoubtedly supportive of the pickle company's position in the boycott debate, and a small handful of commercial and religious groups have helped the company spread the threat of capital flight should farmworkers be unionised. While the Roman Catholic church has vocalised its support for FLOC for almost two decades, the Episcopal Diocese of North Carolina recently rejected support for the FLOC boycott, specifically fearing the threat of terminations at Mt. Olive's cannery:

MOPC (*Mt. Olive Pickle Company*) employs 500 full-time workers and 300 seasonal workers in its processing plants. A boycott of MOPC products threatens the livelihood of these workers, most of whom work at very modest rates of pay. Very simply put, the boycott aims to persuade people not to buy MOPC products. If MOPC does not sell its products, MOPC lays off workers.⁴³

Yet, there is a much stronger and more complex argument that unionisation of farmworkers would itself curb the threat of capital flight. According to state law, all commercial growers in North Carolina are supposed to be registered with the North Carolina Growers Association (NCGA), which represents farmers in relations with food corporations and also obliges all members to abide by federal regulations governing agriculture. This stipulation creates a limited labour relations framework, by setting minimal standards for migrant housing and sanitation. But the majority of North Carolina cucumber growers are *not* registered with the NCGA and therefore do not abide by H-2A regulations governing working and living conditions on farms. Growers who are

⁴³Rev. Henry A. Presler, "Committee member explains reasons behind its rejection of pickle boycott resolution," *The Communicant* (February 2000): 19.

registered must spend significantly more capital on adequate housing, water and sanitation facilities for farmworkers, in comparison to other growers who actively violate state and federal guidelines. Unregistered growers thereby aim to create a competitive disadvantage for registered growers, by continuously offering cheaper labour costs to Mt. Olive. The corporation encourages unregistered growers by constantly seeking the most competitive labour costs.⁴⁴ The establishment of tripartite bargaining - between Mt. Olive, cucumber growers and farmworkers - would effectively cancel out the existence of this competitive disadvantage and stabilise employment relations for both farm and cannery workers. Tripartite bargaining would also ensure that growers abide by the law. Furthermore, it is glaringly apparent that Mt. Olive is publicly contradicting their own corporate philosophy, by emphasising a moral commitment to the Mount Olive community while simultaneously indicating that they will leave the town in the dust if farmworkers become unionised. As Bryan explains:

Were the company to require its growers to negotiate with a union, Mount Olive would simply encourage its suppliers to deal with other pickle processors or stop growing cucumbers altogether. Besides, the companies with which Mount Olive contracts provide decent working conditions and pay.⁴⁵

While FLOC now has more than 200 supporters among labour, religious and student organisations, Mt. Olive is experiencing a significant division between its own

⁴⁴Sandy Smith-Nonini, 9-11.

⁴⁵Ned Glascock, "Rally calls for union on farms," *The News & Observer*, 27 June 1998.

objections to the boycott and that of its supporters.⁴⁶ Three church leaders and three newspaper editors residing in the Mount Olive vicinity, have suggested that the most effective strategy to improving the lives of migrant farmworkers is demanding that government agencies enforce existing labour regulations under the H-2A program. At least one of the church leaders, Rev. E.T. Malone, Jr. of the Episcopal Diocese of North Carolina, is adamant that farmworker rights are indeed being abused:

I want something done about this. Agricultural labor is not neat. One will emerge tired, sweaty and dirty. But people should have simple but decent places to live, toilets that work, running water, sanitary places in which to prepare food, water available to drink, and toilet facilities near the fields. They should be paid fair wages and treated like human beings. Our agricultural sector needs their labor. And we need to respond with compassion to people who are strangers in our midst.⁴⁷

These assertions coexist with the belief that the Mt. Olive Pickle Company should not be targeted by a boycott and that unionisation would signal the downfall of agribusiness in North Carolina. Therefore, Mt. Olive presents these arguments as part of their platform against FLOC. However, Mt. Olive president William Bryan insists that all suppliers to his company actually adhere to state and federal guidelines, and that there is no evidence of super-exploitation on any of the cucumber farms.⁴⁸ This is in direct contradiction to statements made by Mt. Olive allies. While some groups call for enforcement and

⁴⁶Farm Labor Organizing Committee, *Mt. Olive Pickle Co. Boycott Update* (Toledo, OH: Media Release, April 2000).

⁴⁷Rev. E.T. Malone, Jr., "Mt. Olive boycott won't help farm workers," *The Chapel Hill News* (April 30, 1999): Opinion Page.

⁴⁸Mount Olive Pickle Company, "FLOC Position Statement," available from http://www.mtolivepickles.com/wellread_hoc.html; Internet; accessed 10 May 2000.

inspection rather than unionisation, Mt. Olive finds that there is no real problem for cucumber pickers and that inspections of farms are already more than adequate. Bryan's proposed solution to farmworker grievances is to establish a consultative committee consisting of Mt. Olive representatives, growers, farmworkers and mediators.⁴⁹ Of course, this suggestion fails to recognise the inherent power imbalances between the parties. According to FLOC, Bryan has held only one of these meetings and has reserved the right to unilaterally choose who will represent each of the four participants. The deficiency of the enforcement argument is analysed below, but first the company's claim that migrant workers are not being abused or exploited on North Carolina cucumber farms must be scrutinised.

Mt. Olive appears to be very close with the North Carolina Department of Labor. In a letter dated 24 August 1999, the department's commissioner goes to great lengths in assuring Bryan that commercial farms are routinely inspected and that the state government is deeply appreciative of Mt. Olive's continuing support for agricultural initiatives. Specifically, Mt. Olive has been instrumental in designing and facilitating the Migrant Housing Act of North Carolina since its inception in 1989. The company proudly states this fact in their public information packages. However, the stricter housing requirements included in the Act only apply to registered growers. It has already been stated that a majority of North Carolina cucumber farmers are *not* registered with either the NCGA or the Department of Labor. Sandy Smith-Nonini from the Institute for

⁴⁹Editorial, "Boycott Wrong Target," *Winston-Salem Journal*, 15 March 2000, sec.A, p.10.

Southern Studies, uses the department's own statistics to find that out of more than 22,000 commercial farms across North Carolina, covering the entire range of agricultural produce in the state, only 1,328 farms had been registered to house migrant workers in 1998. The department itself admits that many more of the farms house workers, but remain unregistered.⁵⁰ Bryan himself is unclear about whether or not his suppliers have registered their migrant housing. He also seems to believe that *pre-occupancy* inspections are alone enough to ensure adherence to the law:

We believe that the farmers who contract with our suppliers do register their housing. Our field managers have discussed this particular requirement with our cucumber suppliers. We did that a few years ago after we talked with the Commissioner of Labor in North Carolina. We asked for the Department of Labor's guidance in how we could assure ourselves that we were dealing with quality suppliers and operators. And the one thing they mentioned is that if the housing was registered with the Department, they did have the opportunity to inspect the housing prior to occupancy and they were also aware of that farming operation for other types of inspection, and that they felt good about the farmers who were registering their housing with the Department of Labor.⁵¹

Labor Department figures show that out of 1,380 registered growers in 1999, only 834 are registered with the federal H-2A migrant labour program.⁵² If the department has estimated that more than 1,300 growers are in fact housing migrant farmworkers, then it is certain that a vast number of H-2A growers are unregistered and operating under illegal conditions. Even out of the very small percentage of farms that are inspected, close to

⁵⁰Sandy Smith-Nonini, 9-11.

⁵¹William Bryan, President, Mt. Olive Pickle Company, 21 July 2000, telephone recording.

⁵²North Carolina Department of Labor, *Calender Year Statistics for Grower Housing Inspections* (1999).

half are actually inspected by the growers themselves without any monitoring from the state whatsoever. These farmers are known by the department as “Gold Star Growers.”⁵³

In his letter to William Bryan, commissioner Harry E. Payne remarks:

I am happy to report that the number of Gold Star Growers (*voluntary self-inspection*) has increased each year. The percentage of Gold Stars who are compliant at inspection compared to the total number of registered and inspected growers has risen from 13% in 1994-1995 to 40% in 1997-1998. This is good news for our growers and farm laborers.⁵⁴

Clearly, the claim that North Carolina farms are adequately inspected for proper accommodations, heating and water supplies is false. The Department of Labor’s inspection sheet fails to even mention water sanitation, toilets or bedding!⁵⁵


So, Mt. Olive’s assertion that all is well in North Carolina is obviously at odds with their own backers who demand more rigid enforcement of the law. But calls for stricter inspections, to the exclusion of collective bargaining rights for farmworkers, is an argument which ignores the nature of sharecropping. The system exists and depends on such an environment - overwhelming lack of regulatory enforcement and a precarious labour relations framework. Collective bargaining, on the other hand, brings labour, workplace and product stability to the food industry. In order to regulate the

⁵³Harry E. Payne, Commissioner of North Carolina Department of Labor, *Letter to William Bryan* (August 24, 1999).

⁵⁴Harry E. Payne, *Letter to William Bryan*.

⁵⁵North Carolina Department of Labor, *Migrant Housing Inspection Checklist* (1999).

agricultural workplace though, agribusiness itself must participate in negotiations with farmworkers and growers. More than simply understanding the working and living conditions of migrant workers, the power relations inherent to agriculture must be recognised in any attempt to organise farmworkers. In essence, this is the motivation behind the tripartite model.



CHAPTER IV THE TRIPARTITE MODEL

A. FARM LABOR ORGANIZING COMMITTEE

On March 17th, 1999, the Farm Labor Organizing Committee out of Toledo, Ohio launched an intensive boycott campaign against the Mt. Olive Pickle Company. This came in response to the company's refusal to recognise the union among its cucumber pickers in North Carolina. On the defensive, Mt. Olive has continued to issue the same arguments made by the Campbell Soup Company just under 20 years ago, when it attempted to stop FLOC from establishing the tripartite model in the Midwestern U.S. Following a seven-year boycott of Campbell Soup, the corporation finally sat down to begin participating in North America's first tripartite collective bargaining arrangement in agriculture.⁵⁶

When it comes to tripartite bargaining, FLOC has a proven track record, with contracts covering some 7,000 workers on 51 Ohio and Michigan cucumber and tomato farms. The collective agreements are among farmworkers, growers and corporations including Campbell Soup, Vlasic Pickle and Heinz U.S.A.⁵⁷ The long struggle with Campbell Soup came to symbolise what FLOC had become by the 1980s - a social movement rather than exclusively a trade union. The social movement unionism of

⁵⁶Farm Labor Organizing Committee, "The FLOC Campaign in North Carolina."

⁵⁷Farm Labor Organizing Committee, "The FLOC Campaign in North Carolina."

FLOC, incorporating religion, 'race' and non-violence, is discussed and analysed in Chapter VI.

The original objective of FLOC during the late 1960s was to organise contracts between farmworkers and growers. Though FLOC founder Baldemar Velasquez was quite successful in securing contracts with farmers between 1968 and 1970, it became increasingly apparent that in negotiations growers were constrained by agribusiness. Hence, FLOC shifted gears and began insisting that food corporations collectively bargain with both farmworkers and growers.⁵⁸ Of course, this was no easy battle. U.S. food processors and canneries have set price and policy structures for farmers and suppliers for more than half a century, and have long been characterised by exploitation of peasants, especially in Latin America. The boycott strategy was embraced in 1979, after Campbell Soup introduced mechanical harvesting on ninety of its tomato farms in response to a FLOC walkout of more than 2,000 workers.⁵⁹ As Velasquez explains, national consumer boycotts require broad-based community support and union assurances that their commitment to workers is permanent:

When you talk about the welfare of the human being, you have to nurture all aspects of the need of that human being - emotionally, spiritually and physically. In order to do all those things, you have to have an economic initiative to deal with the structural inequities. On the other hand, you have to have a full commitment to creating a community among those people that creates the

⁵⁸Baldemar Velasquez, President, FLOC, interview by author, 7 July 2000, telephone recording.

⁵⁹S. David Model, *Campbell Soup Company* (Wharton Business School, 1986), 4.

human companionship that all of us require to make life a little more bearable. So, this is not really an effort to build a union *per se* - the union becomes a vehicle to creating that community.⁶⁰

Labour's backing for the ongoing boycott is something that FLOC has not always enjoyed. During the Campbell Soup boycott, the AFL-CIO leadership refused to support the campaign and a protracted division developed between FLOC and UFCW cannery workers.⁶¹ At the time, the UFCW held contracts for 10,000 workers at Campbell Soup factories. Mainstream labour's attitude during the Reagan years basically amounted to scrambling to keep as many members as possible, so that any alternative strategies to organising, especially consumer boycotts, were met with distrust and condemnation. During the struggle against Campbell Soup, FLOC therefore found allies exclusively with the UFW under Cesar Chavez, and a mix of religious groups.⁶² It has only been recently that the AFL-CIO has embraced the urgent need to unionise and fight for the rights of migrant workers in the Americas. Since 1998, the AFL-CIO has been making strides to place the right to freedom of association at centre stage of labour's agenda, and therefore have been very supportive of drives focussing on fervently anti-union companies such as Mt. Olive. The UFCW is also among supporters for the current boycott, presumably because it does not have any members at the Mt. Olive cannery.⁶³

⁶⁰Baldemar Velasquez, 7 July 2000.

⁶¹Patrick O'Neill, "Where No Union Has Gone Before," *Sojourners* (September-October 1998).

⁶²William Serrin, "Migrant Workers Organize a Boycott of Campbell," *The New York Times*, 2 July 1984.

⁶³Steven Greenhouse, "Unions rally for right to organize," *The News & Observer*, 25 June 1998, sec.A, p.8.

In only one year of the boycott against Mt. Olive, FLOC has achieved broad based success. Two days before the first anniversary of the boycott, Kroger Foods pulled all Mt. Olive products from 19 stores in Ohio. FLOC is now campaigning to expand the Kroger Foods agreement nationwide. Mt. Olive pickles are also not carried by Food Town, the second largest grocery distributor in the Toledo area.⁶⁴ High-school students and local politicians in Toledo have continued to organise demonstrations in support of FLOC. Radio and television athletics programs in Cincinnati have also eliminated Mt. Olive from their list of sponsors.⁶⁵ And down in North Carolina, where Mt. Olive's money seems to be everywhere except in the cucumber fields, a group of ARCA fans calling themselves "Motorheads for Justice" have boycotted the racing team and driver who are sponsored by Mt. Olive. Supporters in Charlotte, North Carolina have picketed the local racing track and even sponsored a plane with a banner calling for race fans to back the boycott!

B. DISPUTE RESOLUTION AND THE DUNLOP COMMISSION

FLOC holds collective agreements with four food corporations in Ohio and Michigan - Campbell Soup Company, Heinz U.S.A., Vlasic Pickle Company, and Dean Pickle and Specialty Products Company. Green Bay, VaL-a-Da and Aunt Jane foods are smaller companies in Ohio which are governed by the Vlasic contract. The contracts are

⁶⁴"Mt. Olive pickles out of Krogers in region," *The Toledo Blade*, 16 March 1999.

⁶⁵Associated Press, "Coach's show pulls Mt. Olive pickle ads," *The Herald-Sun*, 24 July 1999.

four years in length, all of which expire in September, 2000. All harvest, pre-harvest, packing and loading work is covered by the agreements. Growers are organised into associations connected to the food companies, such as the Campbell Tomato Growers Association and the Vlastic Pickle Growers Association. The four collective agreements cover 64 farmworker camps in Ohio and 20 camps in Michigan. Whereas all four corporations are tied to the Ohio contracts, only Vlastic Pickle is covered in Michigan. While FLOC has significantly secured the migrant agricultural workforce in Ohio, Michigan remains an area of constant struggle, with predominantly non-union growers and Vlastic Michigan which is attempting to back out of FLOC contracts.⁶⁶

On February 19, 1986, FLOC and the Campbell Soup Company signed their first tripartite collective agreement governing farmworkers, growers and food corporations. By 1985, Campbell's net earnings had plunged to less than 6 per cent, after many years of financial turmoil. It is still difficult to determine how much FLOC's national boycott contributed to Campbell's decreasing profit margins during the 1980s, but by 1986 it had become apparent that the company could no longer afford any economic or public relations problems. The first contract was signed under the auspices of the Dunlop Commission, a mediation board which worked for five months to find a resolution to the rift between FLOC and Campbell Soup. The private labour relations board was needed since the National Labor Relations Board does not cover agricultural workers.⁶⁷ John T.

⁶⁶Fernando Cuevas, Sr., 11 August 2000.

⁶⁷John Nichols, "FLOC, Heinz Growers Agree On Farm Workers Contract," *The Blade*, 9 April 1987, Toledo, OH.

Dunlop, a Harvard professor and former U.S. Secretary of Labor, was chosen by the parties to create and manage the commission. Campbell Soup agreed to establish a growers association to represent their tomato and cucumber suppliers in Ohio and Michigan, and Douglas Fraser of the United Auto Workers and Monsignor George Higgins of the Catholic University of America were asked to represent FLOC. Campbell Soup agreed to commit itself to financing any costs taken on by its Ohio suppliers through collective bargaining.⁶⁸

Today, the Dunlop Commission continues to bind all three parties to the original mechanisms of the tripartite process. Following the Campbell Soup pact, FLOC signed further agreements with Vlastic Pickle in 1986, 1987 and 1996, Heinz in 1987, and Dean Foods in 1991. Both Vlastic and Campbell Soup are governed by the Dunlop Commission to this day. With support and participation from all of the parties involved in the tripartite system, mediatory bodies identical to the Dunlop Commission govern the Heinz and Dean Food pacts. All four collective agreements have been successfully re-negotiated every four years.

Between 1989 and 1991, FLOC used the collective bargaining process to phase out sharecropping on all farms covered by the union's contracts. This move has paved the way for greater accountability for farmworker conditions among corporations and the growers associations. FLOC members are uniquely considered *employees* in collective agreements. The contracts stipulate that farmworkers, growers and corporations must be fully educated in the ramifications of this status change from 'independent contractors' to

⁶⁸W.K. Barger and Ernesto M. Reza, 78-79.

employees. Hence, the two important links created by the collective agreements are the employer-employee relationship between growers and farmworkers, and the fact that growers' associations are now tied to a specific corporation rather than the agricultural industry in general. This means that growers are directly responsible for working and living conditions on farms and residential camps, and corporations are directly responsible for providing growers with the necessary resources to guarantee negotiated advancements for farmworkers. This duty of the corporation extends beyond the contracts as well, with all four companies contributing to the FLOC cooperative housing program. Growers and the union have mounted considerable pressure to induce the corporations to participate in the program.⁶⁹

All four collective agreements are similar in language, with the Campbell Soup contract diverging only in compensation provisions due to differences between the tomato and cucumber industries. With the backing of the food corporations, growers are responsible for upholding state and federal laws governing pesticides, child labour, workplace health and safety, and hours of work. The collective agreements ensure that growers actively participate in the grievance arbitration process established by the contracts, as well as provide the union with detailed and consistent records regarding names of workers, hours of work, medical incidents, and wages. The grievance procedure specifies that no alteration of the collective agreement can occur without the participation of all three parties. The private mediation board oversees everything from the grievance procedure to the development of new issues above and beyond the

⁶⁹Baldemar Velasquez, 8 August 2000.

collective agreement. Support between the board and all three parties is essential for the survival of the tripartite system, as this article from the Vlasic contract demonstrates:

During the term of this Agreement new issues may arise as a consequence of the work of a study committee or new developments which warrant an amendment or addition to this Agreement. At any request, the Dunlop Commission or one or more neutrals shall be convened with the parties to review such development or issues to seek agreement. The authority of the neutrals shall be determined by agreement of the parties.

The parties hereby agree that they will participate fully in this process, including any mediation efforts that may be undertaken by the Dunlop Commission.⁷⁰

The association between growers and the corporations means that companies are responsible for any contract violations by the growers. For example, if FLOC finds a specific grower to be in violation of federal pesticide regulations, the corporation which represents the grower's association must provide for medical charges, clean-up operations and legal costs. At the same time, corporate actors are exclusively responsible for any contract violations which they themselves initiate. If a company unilaterally decreases the price paid for produce, the growers are not targeted or penalised by FLOC, but instead aligned with the union to pressure the company to uphold the collective agreement. This significant and unique relationship between the three parties is the fundamental reason why FLOC asserts that their style of unionisation is beneficial for *all* actors in the agricultural industry.

Direct gains achieved by farmworkers under the tripartite model, such as wage increases and housing improvements, are discussed in detail in Chapter V. In order to

⁷⁰*Farm Labor Organizing Committee, AFL-CIO and Vlasic Pickle Growers Association, Collective Agreement, Ohio Delivery, 1 March 1994 to 28 February 1999, 8.*

understand some of the broader ramifications of the model, two aspects of the collective bargaining process need mentioning here: the application of agricultural laws and the grievance procedure. Laws regulating the use of pesticides in the U.S. fall under the federal Environmental Protection Agency (EPA), and are relatively strong on paper. The federal Occupational Safety and Health Administration (OSHA) sets minimal standards for field sanitation and other workplace health and safety laws. Both OSHA and the EPA have their own inspectors who are supposed to cover all of commercial agriculture in the U.S.⁷¹ However, the serious lack of enforcement which has already been discussed means that the vast majority of migrant farmworkers in the U.S. are not protected in practice. Ideologically, OSHA in particular continues to be based on voluntarism and self-regulation by employers, thereby doing little to address extremely important health and safety issues in the workplace.⁷² FLOC contracts remedy this situation by ensuring that growers abide by all pesticide regulations, including both federal and state laws. Growers party to FLOC agreements may use only those pesticides allowed by the EPA and must strictly follow all guidelines for application and safety in the fields. In addition, growers must verbally notify all workers and the union of any pesticide applications and provide any and all protective clothing to workers deemed necessary by law. Regardless of the number of farmworkers employed, growers must comply with all field sanitation

⁷¹Human Rights Watch, 54-56.

⁷²Charles Noble, *Liberalism at Work: The Rise and Fall of OSHA*, (Philadelphia: Temple University Press, 1986): 181-188.

requirements under federal, state and local jurisdiction, including accessible washing and lavatory stations throughout the fields.⁷³

In essence, FLOC contracts enforce the existing laws governing agricultural health and safety. When the collective agreements are violated by any of the three parties, grievance resolution kicks in. This is another aspect which is absolutely unavailable to most migrant workers in North America. The grievance procedure is three-step in process, with strict time lines to ensure expediency and efficiency in an unstable industry. Step 1 necessitates that a grievance must be communicated to all parties within three days of the occurrence, and that the individual parties must meet within two days thereafter and make a “good faith effort” to find a resolution.⁷⁴ This initial phase amounts to a meeting between the individual grievant and the grower. A union representative is made available at this stage, but their participation is not mandatory. Failure of the grower to comply with time limits will result in the affirmation of the request contained in the grievance. If Step 1 fails, Step 2 brings FLOC and the grower’s association together within two days of the initial meeting between individuals, and again attempts to resolve the conflict. Finally, Step 3 provides for final and binding arbitration between FLOC and the association, a process governed by the Dunlop Commission or similar mediation

⁷³*Farm Labor Organizing Committee, AFL-CIO and Heinz U.S.A. Cucumber Growers, Collective Agreement, Ohio Delivery, 1 March 1994 to 28 February 1999, 15-16.*

⁷⁴*Farm Labor Organizing Committee, AFL-CIO and Undersigned Dean Pickle and Specialty Products Company Growers, Collective Agreement, Ohio Delivery, 1 June 1995 to 31 December 1999, 16.*

board. The following excerpt from the Vlastic grievance procedure is virtually identical to the other three contracts:

If the parties are unable to resolve the grievance at Step 2 above, it will be submitted in writing to the Dunlop Commission or, if the Commission is no longer in place, an agreed upon third party arbitrator designated by the parties to hear and resolve grievances at Step 3, the final step of the grievance procedure.

At the Step 3 hearing, to be held within ten (10) working days after the grievance is submitted to the Dunlop Commission, testimony will be presented by both sides without participation of attorneys or use of pre-arbitration or post-arbitration briefs.

The Dunlop Commission will render a decision in writing within three (3) working days of the arbitration hearing. This decision will be final and binding on both parties.⁷⁵

It is important to note once again that the Dunlop Commission establishes and maintains the direct link between the growers' association and the food corporation, so that the company is obligated to incur all costs involved in resolving a grievance. During the 1998 harvest season in Ohio, FLOC members used the grievance procedure to successfully get lighting on camps repaired, sanitation improved, and pay rates clarified. One particular grower was making workers combine numerous separately paid tasks into one job, as well as withholding individual hourly records from the union. The grievance procedure won back more than \$12,000 owed to these workers.⁷⁶

⁷⁵*Farm Labor Organizing Committee, AFL-CIO and Vlastic Pickle Growers Association*, 7.

⁷⁶Farm Labor Organizing Committee, "North Carolina Farmworkers in Near Slave Conditions," *Hasta La Victoria!* (Summer 1999): 2.

C. STABILISATION OF DEMAND AND SUPPLY

In addition to union security and conventional strike and lockout clauses, FLOC members benefit from a contractual stabilisation of farming operations and work opportunities. Under the collective agreements, growers are prohibited from hiring any farmworkers who can not be adequately housed and compensated. FLOC organisers have the right to visit farmworkers at any time in the camps without prior notice, and in the fields during working hours upon 24 hours advance notice to the grower. According to the union, growers covered by FLOC contracts usually have no problem with visits to farmworkers on the camps or in the fields, even without prior notice.⁷⁷ Under the agreements, growers must give preference to migrant workers who have been employed on their farms in previous years, thereby providing a certain level of employment stability for those who migrate on a regular basis between the southern and northern U.S. Farmworkers who have experienced premature termination due to weather, family matters or illness can not be disqualified from re-hiring. All of these conditions are virtually non-existent on most commercial farms in North America.

According to FLOC, many growers and corporations under the tripartite model have reported more than a 45% increase in productivity since unionisation, with few variations during the 1990s in other factors such as weather and mechanisation.⁷⁸ In

⁷⁷Ventura Gutierrez, Organiser, FLOC, interview by author, 8 August 2000, Toledo, OH.

⁷⁸Farm Labor Research Project, *Dignidad 4* (Spring 1993).

particular, Heinz has been very supportive of the tripartite process.⁷⁹ Unlike relatively long produce seasons in Southern states such as Florida and North Carolina, Ohio and Michigan growers are faced with harvest seasons as short as 42 days in total. Worker demand can change from day to day, and without labour representation both farmworkers and growers can be literally left in the dust. FLOC reps are constantly involved in helping workers find employment on unionised farms and satisfying labour demand among Ohio growers. Positive relations between growers and workers is also essential for maximum efficiency during harvest and pre-harvest periods. According to one unionised farmer, growers covered by FLOC contracts generally maintain a good rapport with farmworkers, and understand that despite the fact the majority of cucumber and tomato pickers in the Midwestern U.S. are undocumented workers, they have the right to a safe and healthy work environment.⁸⁰ This is an extremely important finding, since research shows that commercial farmers and agribusiness in general exploit the fact that most migrant labourers are undocumented and are therefore in constant danger of deportation.⁸¹ Since the tripartite process creates labour stability, benefiting both growers and farmworkers, individual farmers are less likely to use the threat of deportation to subordinate workers. Labour demand is extremely flexible in commercial farming, and the tripartite model ensures that workers are consistently transferred from growers

⁷⁹Patrick O'Neill, *Sojourners*.

⁸⁰Judy Mauch, Grower, Green Bay, interview by author, 8 August 2000, Toledo, OH.

⁸¹Philip L. Martin, 52-53.

experiencing low demand to areas of high demand. The precarious nature of agriculture is alleviated by open communication between employers and employees *during* the harvest season. This poses a significant advantage over the traditional sharecropping model, since growers and farmworkers play a more participatory role in meeting each other's needs.⁸²

The nature of the agricultural industry means that growers, particularly in the Midwestern cucumber and tomato trade, are in consistent need of new migrant labour. The unpredictable factor of the weather has contributed to a disastrous season for numerous Ohio cucumber growers this year (2000) in particular. FLOC struggles daily to keep workers on unionised farms in Michigan and Ohio for as long as possible, as oppose to non-union and substandard farms in Florida, Texas and North Carolina. As a result, FLOC is constantly involved in simultaneously satisfying the labour needs of growers and the income and housing needs of farmworkers.

For example, torrential downpours recently threatened many cucumber crops in Northwestern Ohio. Following the storms, Gillmore Farms notified FLOC that they would be evicting 40 workers as their labour was no longer needed. FLOC president Baldemar Velasquez and vice-president Fernando Cuevas, Sr. immediately asked the grower to allow the workers to stay at least another five days on his camp, adding that some workers complained the cucumbers were planted too late in the season thereby contributing to the crop failure. At the same time, FLOC found a nearby tomato grower experiencing a shortage of labour, who was willing to front the costs of housing the 40

⁸²Fernando Cuevas, Sr., 7-8 August 2000.

workers for the remainder of the tomato season. But the cucumber grower was bitter and no longer concerned about the welfare of any migrant workers, union or no union, and continued threatening to evict the workers as soon as possible. As a last resort, considering that union representatives had tried diligently and cordially to negotiate between both growers, FLOC contacted the cucumber grower's lawyer and explained that they would cite numerous outstanding grievances if he did not comply. The grower quickly agreed to the deal, suffering no financial loss since the tomato farmer arranged to pay for the additional housing costs. Hence, the labour shortage was filled and the 40 workers could finish the rest of season on a unionised farm. This case represents the successful passage of labour from areas of low to high demand, which is a unique practice in agriculture.⁸³

The story above is but one of countless examples of how face-to-face negotiations have benefited both farmworkers and growers. In another instance, workers on the Kenny Haack cucumber farm in Ohio were not being paid for vine training. The FLOC contract with Vlastic requires this supplier to pay for all pre-harvest tasks, including vine training. Haack was telling workers that the vine training was not required, but that they could do it voluntarily if they so desired. However, the workers knew that the quality of the cucumbers would be extremely poor if the vine training was not done. In fact, many return workers had been vine training on the farm every season for the past four years. So, union reps Fidel Fernandez and Fernando Cuevas, Sr. filed a grievance with Haack and eventually acquired more than \$10,000 in back wages, as well as the assurance that

⁸³Fernando Cuevas, Sr., 7-8 August 2000.

vine training would be done every season with pay. Therefore, the fact that workers are paid for pre-harvest activities means that the tripartite model not only improves farmworker income, but also benefits quality and productivity for farmers.⁸⁴

The tripartite model creates and maintains an efficient agricultural workplace and business. Growers under FLOC contract are guaranteed a consistent market for their product, since food corporations can not back out of their commitments for the life of the collective agreement. Under the sharecropping model, growers are often limited to yearly or seasonal contracts with food corporations. Prior to unionisation, growers in Ohio were often embroiled in costly lawsuits for violating labour and pesticide regulations. Today, these same growers have the necessary means to abide by the law, thanks to the obligations of corporations set forth by the collective agreements and the Dunlop Commission. Tripartite collective bargaining means that growers now have a legal mechanism to influence price structures set by food corporations, as well as input into policies governing grading stations, loading and unloading.⁸⁵

Some farmers actually enjoy a sense of justice when the bargaining process works effectively. Judy Mauch, a Green Bay grower in Ohio, has one of the largest cucumber farms under FLOC contract, with three farmworker camps on her property. She is active in the FLOC cooperative housing program, with brand new homes and washing facilities on at least one of the camps. With the blessings of the union, Mauch encourages constant communication between farmworkers, crew leaders, labour contractors and growers, in

⁸⁴Farm Labor Organizing Committee, *Hasta La Victoria!* (Summer 1996): 5-6.

⁸⁵Baldemar Velasquez, 9 August 2000.

order to quickly and effectively remedy any grievances related to working and living conditions among the workers.⁸⁶

Food corporations benefit from a stable and productive workforce, a clean legal record regarding workplace regulations, and a public image which is fair and reasonable towards employees and consumers. Corporations are guaranteed a continuously lucrative supply of tomatoes and cucumbers from Ohio and Michigan growers, with increasing production rates and assurances that all produce will be picked on time each season. Stability of labour supply means that produce is harvested with maximum efficiency and quality.⁸⁷

FLOC has had very few grievances with Campbell Soup, Heinz and Dean Foods since the commencement of collective agreements. However, Vlastic Pickle has become adversarial towards meeting its obligations to FLOC and Michigan cucumber growers. Vlastic Michigan signed on with the union in 1996 and is nearing the end of its first contract. During the 2000 cucumber season, Vlastic Michigan lowered hourly wages significantly without consulting FLOC or growers, thereby breaching the collective agreement. Furthermore, Vlastic Pickles has recently moved to abandon contracts with the union and instead claim that agreements are between growers and farmworkers exclusively.⁸⁸

⁸⁶Judy Mauch, 8 August 2000.

⁸⁷Fernando Cuevas, Sr., Vice-President, FLOC, interview by author, 10 August 2000, Toledo, OH.

⁸⁸Fernando Cuevas, Sr., 10 August 2000.

This conflict represents a serious problem for FLOC in Michigan, as opposed to their more stable relationship with growers in Ohio. Vlasic has also raised the age old threat of moving supply to low-wage and non-union regions of the American south. FLOC is currently focussing on stemming the flow of corporations including Bayview, Howe, Faulkner, Brandel, and McDonalds out of pickle operations in Michigan. With only 9 cucumber growers under FLOC contract in the state, combined with the more general phenomenon of corporations seeking low-wage and unregulated workforces, the union is increasingly aware of the pressure to secure more collective agreements as quickly as possible.⁸⁹

The union's troubles in Michigan relate to a broader question of what kind of economic, social and political environment is needed to establish tripartite bargaining. In Ohio, cucumber and tomato farms are geographically concentrated in the Northeastern corner of the state. The industry is relatively small, in comparison to large produce sectors such as the citrus industry in Florida, and is controlled by a handful of food corporations. The long struggle with Campbell Soup during the 1980s became a national campaign, but production was based on cucumber and tomato farms in Ohio. As a result, FLOC is well established as a dominant player in Ohio agriculture, with strong social and political backing in the Toledo and Cincinnati metropolitan areas. In comparison, the union has made a relatively small dent in organising Michigan farmworkers, with little or no grassroots support from within the state. Though large unions in Michigan such as the United Auto Workers, are supportive of the Mt. Olive boycott, FLOC enjoys next to no

⁸⁹Fernando Cuevas, Sr., 10 August 2000.

strategic contributions from other unions other than written endorsements.⁹⁰ Furthermore, television and newsprint media in Ohio often cover FLOC issues and events, whereas Michigan newspapers are known for ignoring major FLOC achievements such as signing new contracts with growers in the state.⁹¹

Therefore, prerequisites that are potentially necessary for the establishment of tripartite bargaining include, but are not limited to: a small and concentrated agricultural sector, a limited number of product variations, and political and religious support for unionisation. Variations in success of farmworker organising seem to be largely based on state rather than federal conditions, economically, politically and geographically. The same can be said for provincial jurisdictions in Canada, especially regarding variations in labour law. In fact, regional differentiation in the organising environment is an issue which is even more prominent in Canada, since labour law in the U.S. is federally regulated. This consideration of the necessary prerequisites for tripartite bargaining is further examined in Chapters V, VI and VII.

⁹⁰Fernando Cuevas, Sr., 10 August 2000.

⁹¹Farm Labor Research Project, *Dignidad 1* (January 1991): 8.

CHAPTER V ASSESSMENT OF THE MODELS

A. SERVITUDE IN NORTH CAROLINA

I honestly don't think they (*FLOC*) have put forward any documented information that clearly suggest that the wages in Ohio for workers are better than they are in North Carolina, or that the housing standards are any better in Ohio.

*William Bryan, President, Mt. Olive Pickle Company*⁹²

Considering the key conditions for establishing the tripartite model, the struggle to unionise Mt. Olive farmworkers is feasible. The cucumber trade in North Carolina is highly profitable, isolated to a fairly small geographic area, and dominated by Mt. Olive. North Carolina is the biggest competitor with Ohio and Michigan in the cucumber trade.⁹³ Furthermore, the existing sharecropping system under which the company operates exhibits some of the most oppressive vestiges known to the model anywhere in the U.S. While North Carolina can be singled out as one of the most challenging environments for union organising, the situation in the state with respect to working and living conditions differs little from the rest of the country, with the exception of unionised farms. Prior to unionisation, farmworkers in Ohio lived and worked under conditions similar to that of cucumber pickers found in North Carolina, with destitute wages and poor housing.⁹⁴ It is

⁹²William Bryan, 21 July 2000.

⁹³Farm Labor Research Project, *Dignidad* 3 (June 1992): 3.

⁹⁴Farm Labor Organizing Committee, *Hasta La Victoria!* (Summer 1999): 2.

therefore useful to compare the current conditions of farmworkers in North Carolina with that of agricultural labour in Ohio before and after unionisation.

The Institute for Southern Studies, a non-profit research centre in North Carolina, reports that cucumber workers in the state often work 14-hour days without overtime pay, receive far less than minimum wage levels, and are frequently as young as 12 years old when they start working in the fields. The major cause of illness for farmworkers in North Carolina, as well as nationally, is pesticide poisoning. Children are especially vulnerable to outbreaks of cancer from pesticide poisoning. In 1995, the National Institute of Environmental Health Sciences concluded that pesticides were responsible for more than 300,000 illnesses and 1,000 deaths among farmworkers in the U.S. *per year*.⁹⁵ The North Carolina Department of Agriculture presently employs only 7 field inspectors, none of whom are bilingual. It will take 43 years for these inspectors to investigate farms that are certified to use pesticides, and this excludes all the farms that remain unregistered.⁹⁶

The impact of the extreme lack of inspectors should not be underestimated. North Carolina cucumber growers use very little pesticides during regular seasons, but according to Fernando Cuevas, Sr., who assists with organising Mt. Olive workers, crops are flooded with chemicals when insect plagues occur. In these cases, growers don't take any precautions and force workers back into the fields even when contamination is still

⁹⁵Sandy Smith-Nonini, 5-7.

⁹⁶Farm Labor Organizing Committee, *You can make a difference!* (Toledo, OH: Pamphlet, 2000).

dangerously high. Furthermore, cucumber fields in North Carolina are usually surrounded by tobacco or soybean crops which are regularly sprayed with pesticides. The spray from neighbouring fields often drifts into the cucumber crops during work hours. Without an adequate inspection regime, farmworkers in all of these fields are constantly exposed to deadly and unregulated pesticides.⁹⁷

Where washing and drinking stations are even available, more than 40% of tested water supplies on North Carolina's commercial farms are contaminated.⁹⁸ As mentioned earlier, most cucumber growers in North Carolina are not registered with the NCGA and therefore are not monitored for housing standards. Delegations from the National Farm Worker Ministry report that cucumber pickers working at Mt. Olive pickle farms are forced to sleep four people to rooms no larger than 10'x11', with overturned cucumber buckets for furniture.⁹⁹ One migrant farmworker in North Carolina gave the following personal account of the average conditions on cucumber farms:

He described bedrooms without beds where four men slept in each room, and a house with no heat, no air conditioning, and no stove. "We cooked on a camp stove. We slept on the floor, without even a rug. I remember there was a dog sleeping outside on a pad, and we talked about stealing the pad."¹⁰⁰

⁹⁷Fernando Cuevas, Sr., 7-8 August 2000.

⁹⁸Sandy Smith-Nonini, 5-13.

⁹⁹Farm Labor Organizing Committee, *Delegation Describes "Trapped, Indentured" N. Carolina Farmworkers* (Toledo, OH: Media Release, 29 July 1999).

¹⁰⁰Sandy Smith-Nonini, 11.

In general, agricultural workers in the U.S. are exempted from minimum wage and working hour guidelines. Growers are not required to pay overtime nor offer breaks for meals or washroom visits. This is the *legal* situation in North Carolina, no matter how long the work day is. On average, cucumber pickers in North Carolina are paid \$2.40 per basket of the most valuable Grade 1 or Grade 2 cucumbers. Whereas pay was previously below the minimum wage in the Ohio and Michigan pickle industry before unionisation, all FLOC cucumber pickers are now paid between \$6.40 and \$25.75 for Grades 1 and 2 pickles.¹⁰¹ Unionised wages are discussed in detail in the following section.

Cucumber growers and labour contractors in North Carolina force farmworkers to work as long as 14 hours a day, under strenuous and dangerous conditions, and regularly ban contact with family members, medical personnel and union organisers. Migrant farmworkers are virtually trapped on the farms. Under the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996, immigrant workers have been restricted from receiving public assistance or food stamps. Migrant labourers can be incarcerated and deported at the mere whim of immigration inspectors, without any formal hearing. This means that it is virtually impossible to report unfair or life-threatening working conditions on the farms, and infeasible to escape such dangers.¹⁰²

¹⁰¹Farm Labor Organizing Committee, *Hasta La Victoria!* (Summer 1999): 2.

¹⁰²Keith Ernest, "This Land is Whose Land?" *Southern Exposure* 27, no.2 (Summer 1999): 30.

In recent years, there have been numerous farmworker deaths from heat stroke and brain damage on North Carolina cucumber farms. Smith-Nonini reports that workers are actually forced to work more intensely as it gets hotter in the afternoons, since cucumbers mature rapidly under extreme heat and humidity¹⁰³ In one case in 1999, farmworker Santos Pena was coerced by his employer to drive a pick-up truck on a public road, even though the employer knew Pena did not know how to drive and did not have a driver's license. Pena was killed in a motor accident that same day. In another recent case from North Carolina's cucumber fields, Carmelo Fuentes suffered a heat stroke after working a 12-hour day. Fuentes' employer refused to call an ambulance even as the man became unconscious. By the time someone got Fuentes to an emergency room, he was diagnosed with a coma and brain dead.¹⁰⁴ Two FLOC organisers relate the following account from a visit to a farm producing for Mt. Olive:

That day three of the workers got to the point where they couldn't see the pickles because of heat sickness and felt like they were going to faint. One of the workers said to the rest of the companeros that they stop working and not work more that day, because the heat was too bad and they could get very sick. When they did their work stoppage, the farmer got very angry and asked them why they were stopping. The workers said that they stopped because it was too hot and they were going home, so the farmer called the (*North Carolina Growers*) Association and one of the Association employees came to ask what was going on. The workers told them that they were feeling like they were getting heat stroke and that they couldn't work more. The man from the Association said that they were supposed to do what the farmer says, but they still refused to work. The workers told us that they didn't care if they did get sent back to Mexico, because they couldn't work more that day.¹⁰⁵

¹⁰³Sandy Smith-Nonini, 5-7.

¹⁰⁴Farm Labor Organizing Committee, *A Call to a New Mission* (Toledo, OH: Report, 2000): 1-4.

¹⁰⁵Farm Labor Organizing Committee, *Heat, Growers taking toll on North Carolina farmworkers* (Toledo, OH: Media Release, 3 August, 1999).

The above story comes from a registered farm, whereas the majority of unregistered cucumber growers would not be subject to *any* intervention whatsoever from the NCGA or the Department of Labour.

B. OHIO AND MICHIGAN BEFORE AND AFTER UNIONISATION

Prior to FLOC, most pre-harvest activities weren't even paid. As of the year 2000, they (*pre-harvest jobs*) are guaranteed at least \$6.10 an hour on FLOC farms. So as an example, when you're going from \$0 to \$6.10 an hour, that's a pretty significant increase....Also, in most states, the EPA (*Environmental Protection Agency*) and the Department of Labour....are really overworked and understaffed. It would be rare that they ever get out to the farms. What FLOC contracts provide is grievance procedures whereby the workers can make complaints when there are unsafe or unhealthy conditions. So that they are policing it themselves, instead of waiting for the EPA inspector who may or may not ever show up....Also, we provide health care free for our workers. We've improved housing, and gone and rebuilt camps and housing for our workers. *Steve Steele, Farm Labor Organizing Committee*¹⁰⁶

In addition to the advances mentioned above, FLOC has more than doubled wages for farm labourers working for Campbell Soup, Heinz and Vlasic Pickle in Ohio and Michigan. This is ascertained by comparing the three most recent collective agreements with reported 1986 and 1987 wage levels immediately before unionisation.¹⁰⁷ FLOC members are now covered by workers compensation, unemployment insurance, social security payments, and other benefits which growers must pay into according to collective

¹⁰⁶Steve Steele, Boycott Coordinator, FLOC, interview by author, 7 July 2000, telephone recording.

¹⁰⁷Keith Schneider, "Campbell Soup Pact Ends Nearly a Decade of Strife," *The New York Times*, 24 February, 1986; John Nichols, "FLOC, Heinz Growers Agree On Farm Workers Contract," *The Blade*, 9 April, 1987; John Saunders, "Heinz farm workers OK pact," *Detroit Free Press*, 10 April, 1987.

agreements.¹⁰⁸ Through joint efforts between FLOC, growers and Campbell Soup, cooperative housing has been built on farmworker camps in Northwest Ohio, fully equipped with indoor bathrooms, showers, hot water, kitchens, and private bedrooms for parents with children. Contrary to fears during the 1980s about the threat of capital flight, no jobs have been lost due to certification of FLOC workers, on either the farms or the canneries.¹⁰⁹

Cucumber and tomato pickers in Ohio are now guaranteed better wages and working conditions, improved housing and health care, and levels of job security which never existed previously. When the first agreement with Campbell Soup was signed in 1986, wages alone jumped from prior levels below the \$3.35/hour minimum wage rate to increases between \$4.50 and \$9.00 an hour.¹¹⁰ On average, workers made significantly less than the minimum wage prior to unionisation. Growers directly profit from the fact that they are guaranteed a market and a stable labour force for the life of collective agreements. Farmers now have input into setting price structures in the agricultural sector, a process which has never before been covered by collective bargaining. Specifically, the costs of compensation increases are factored into the prices food companies pay for produce. For their part, the corporation and its subsidiaries are guaranteed a continuously lucrative supply of tomatoes and cucumbers, with increasing

¹⁰⁸Farm Labor Organizing Committee, *Hasta La Victoria!* (Summer 1996): 2.

¹⁰⁹Baldemar Velasquez, 9 August 2000.

¹¹⁰Farm Labor Organizing Committee, *Hasta La Victoria!* (Summer 1996): 2.

production rates and assurances that all produce will be picked on time each year.¹¹¹ In essence, the tripartite agreements bring stability and legitimacy to an extremely precarious and vulnerable industry.

The situation of Ohio's cucumber and tomato pickers prior to unionisation shared many of the same characteristics of the sharecropping model found in North Carolina today. At the end of the harvest season, farmworkers in Ohio used to collect 50 per cent of the income generated from the cucumbers or tomatoes they picked throughout the summer. This piece-rate scheme, a primary characteristic of the sharecropping model, meant that pay was limited to a set rate on each basket of produce picked. More than often, this amounted to less than the minimum wage.¹¹² Furthermore, workers would prepare the crop without pay for four to six weeks before the first cucumber appeared. Growers were able to derive this free labour from workers due to the simple fact that pre-harvest activities determine the eventual quality and quantity of the crop.¹¹³ The wages that workers did receive was piece-rate, paid by the acre or row. Very often, this income fell well below the federal minimum wage, sometimes translating into less than a dollar an hour. Furthermore, farmworkers took all the risk involved in agriculture since they received no pay at all if crops were destroyed by drought, floods or poor management.¹¹⁴

¹¹¹W.K. Barger and Ernesto M. Reza, 82-84.

¹¹²W.K. Barger and Ernesto M. Reza, 82-84.

¹¹³Farm Labor Research Project, *Dignidad 2* (June 1991): 6.

¹¹⁴Farm Labor Organizing Committee, *Hasta La Victoria!* (Summer 1996): 1-2.

Since every dollar for farmworkers previously depended exclusively on the amount of produce picked, rather than a guaranteed minimum hourly wage, child labour was originally a permanent fixture in Ohio's cucumber and tomato fields. Workers as young as 11 years old worked full-time in the fields, with children lending a helping hand to parents starting at the age of 3. Both families and single farmworkers lived under deplorable conditions, often without running water or electricity, and sometimes having to pay for housing and utilities out of their own pocket.¹¹⁵ Farmworkers were forced to work as many as seven days a week, even if they realised the crops needed longer to mature before quality could be assured. Workers were denied access to worker's compensation and social security payments.¹¹⁶ Finally, seniority rights, a grievance process, the right to organise, and enforcement of pesticide, tenancy and sanitation laws, were all non-existent prior to unionisation.¹¹⁷

Therefore, a crucial prerequisite to achieving any level of farmworker empowerment in the Midwest has been the abolishment of the sharecropping system. This significant modification in the way agribusiness is organised means that FLOC members are entitled to basic labour regulations such as federal minimum wage laws, social security payments and the Fair Labor Standards Act which governs the prohibition of child labour. In fact, while the Act stipulates that no child under 12 years of age may work in agriculture, FLOC contracts prohibit any child under 14 years of age from even

¹¹⁵Farm Labor Research Project, *Dignidad* 2 (June 1991): 6.

¹¹⁶Farm Labor Research Project, *Dignidad* 1 (January 1991): 5,7.

¹¹⁷Farm Labor Research Project, *Dignidad* 3 (June 1992): 4.

entering the fields.¹¹⁸ Since the courts of Ohio in the past have upheld the right to sharecropping among growers and corporations, it is significant that FLOC has ended the system through the collective bargaining process.¹¹⁹ As mentioned above, FLOC has achieved the termination of sharecropping on all farms administered by union contracts.

The significance of increases in compensation for FLOC members should not be underestimated. FLOC contracts guarantee at least the federal minimum wage for all work done on the farms, and wages often amount to more than the minimum. This provision makes the risks associated with crop damage, bad weather and insect plagues, the responsibility of the corporation rather than the farmworker. FLOC members are paid for most pre-harvest tasks including blocking, thinning, hoeing and vine training, in addition to harvesting. Under the pickle contracts, workers receive “a harvest compensation equal to 50 percent of the current year contract price that the worker harvests, or the Federal minimum wage, whichever is higher.”¹²⁰ The current Federal minimum wage is \$5.15/hour, and FLOC continues to campaign for an increase. Wages are determined by the grade of cucumbers or tomatoes workers pick. Grading stations are owned and operated by growers. In the pickle industry, workers are paid the most for a basket of tiny gherkins ranging from 0.5" to 1.06" in diameter, as oppose to the largest

¹¹⁸*Farm Labor Organizing Committee, AFL-CIO and Vlasic Pickle Growers Association*, 22.

¹¹⁹“FLOC, others challenge sharecrop ruling,” *Catholic Chronicle*, 24 August 1984.

¹²⁰*Farm Labor Organizing Committee, AFL-CIO and Heinz U.S.A. Cucumber Growers*, 20.

cucumbers ranging from 1.63" to 1.88". Clearly, it takes many more hours of work to fill a basket with small cucumbers.¹²¹

All cucumber work is done by hand, whereas some tomato harvesting is mechanised. Under the Campbell tomato contract, workers are paid on an hourly basis for mechanical harvesting, and piece-rate for hand harvesting and pre-harvest tasks. Pay for planting, hoeing and mechanical harvesting of tomatoes is above the minimum wage at \$5.90/hour. Hourly wage increases also cover truck drivers who operate between the tomato farms and grading stations, though these workers are not necessarily FLOC members. Like the cucumber contracts, workers must be paid at least the minimum wage for all piece-rate and hourly labour on the tomato farms. In total, harvesting wages have increased by more than 60% between 1986 and 2000. These gains have been exclusively hammered out through tripartite bargaining, and have even survived at least one disastrous season for Ohio cucumbers. While it is difficult to account for all other factors associated with pay determination, wages increased by only 25% between 1960 and 1986. In addition to the fact that pre-harvest work was never paid for prior to FLOC contracts, this represents a significant economic gain for farmworkers.¹²²

¹²¹Steve Steele, interview by author, 8 August 2000, Toledo, OH.

For example, the grading payment scheme under the Vlastic Pickle contract is as follows:

Grade #01	\$25.75 per basket
Grade #02	\$7.40 “
Grade #03A	\$4.50 “
Grade #03B	\$2.80 “

¹²²Baldemar Velasquez, 9 August 2000.

CHAPTER VI SOCIAL MOVEMENT UNIONISM

A. GEOGRAPHY AND THE CHALLENGES OF ORGANISING FARMWORKERS

If the tripartite system produces so many benefits for migrant farmworkers, as well as significant stability in the agricultural industry as a whole, why has this model not spread to other farming regions in North America? The answers to this crucial question tackle both the transnational environment in which the migrant farm labour process operates, and the difficulties of unionising farmworkers in general. These challenges have as much to do with geography as they do with politics, economics and 'race.'

FLOC is currently attempting to unionise the North Carolina cucumber industry for both principled and strategic reasons. The devastating situation of Mt. Olive farmworkers has already been extensively documented here. But an equally significant motivation behind the campaign to organise the South is that food corporations which are now a part of the tripartite model are still issuing the threat of capital flight to low-wage, unregulated regions. The same strategy, albeit based on capital rather than geography, is what drove FLOC to unionise workers outside of the original Campbell Soup pact. Following unionisation in 1986, Campbell Soup began issuing threats to back out of the tripartite model, claiming that the company was facing fierce competition from Heinz U.S.A. which used non-union farmworkers at the time.¹²³ The reasonable response was to unionise Heinz workers in Ohio which FLOC achieved shortly thereafter. The union's

¹²³Farm Labor Research Project, *Dignidad* 3 (June 1992): 4.

initial move into Michigan itself was extremely wise since the state leads the nation in the pickle industry¹²⁴

Today, Vlasic Pickle in Michigan is the main case in point, and the ramifications are even more serious. FLOC organisers believe that Michigan offices of Vlasic, Heinz, McDonalds and other pickle processors are attempting to move their operations to the Southern U.S., specifically to get away from the union. This is why FLOC is pushing to organise the Florida citrus industry and the North Carolina cucumber trade as quickly as possible. It took the union more than seven years to secure the relatively small and concentrated produce industry in Ohio, and it could predictably take much longer to do the same in the much larger agricultural base of the American South.¹²⁵

It is apparent that the best conditions for establishing the tripartite model in agriculture include: a small and concentrated geographic base, an industry dominated by large and well-known food conglomerates, lack of alternative regions offering lower wages and worse conditions, grassroots and transnational organising, and local political and religious support for unionisation. Sounds like an extremely complex and difficult number of factors to integrate! And yet, certain aspects of this environment are found today in many centres of agriculture, including Southwestern Ontario. However, due to the nature of the migrant labour process, community-based organising in home countries,

capital
industry

¹²⁴David Griffith and Ed Kissam, 124-125.

¹²⁵Fernando Cuevas, Sr., 10 August 2000.

states and provinces is a fundamental first step to achieving tripartite bargaining for farmworkers.¹²⁶

Like the construction, tourism and temporary sectors, agricultural unionisation is extremely challenging since membership and financial stability are in a constant state of flux, even if collective agreements have already been secured.¹²⁷ The membership changes with each annual season, as well as during the season itself depending on the availability of work on unionised farms. There are currently only four FLOC representatives covering both Ohio and Michigan. They take on the massive responsibility of ensuring that growers, corporations and farmworkers uphold the collective agreements, as well as many other duties which fall outside of the contracts. These representatives visit farmworker camps in Ohio on a daily basis, five days a week, with visits to Michigan limited to three days a week. Due to this challenge, membership lists are frequently incomplete. Furthermore, representatives and organisers must educate each new batch of workers about their contractual and legal rights, in addition to the point that they are in fact unionised under the AFL-CIO. Workers often explain that they are unsure of exactly what FLOC is and what it can do for them and their families.¹²⁸

Since the cucumber and tomato seasons in the Midwest are relatively short in duration - 6 to 8 weeks in total - dues payments to the union are meagre. FLOC collects

¹²⁶Ventura Gutierrez, 8 August 2000.

¹²⁷Leah F. Vosko, *Temporary Work: The Gendered Rise of a Precarious Employment Relationship* (Toronto: University of Toronto Press, 2000): 261-269.

¹²⁸Fernando Cuevas, Sr., 7-8 August 2000.

2.5% of each member's pay check, but only during the time they fill on unionised farms which can sometimes be as little as one week. As a result, FLOC relies heavily on fundraising and donations for its survival. Unlike the UFW, FLOC has received very little financial assistance from the AFL-CIO, even though the body has officially endorsed the union. It is very difficult to turn endorsements into cash. While more than 50 large unions and social movements, including the Green Party, have publicly supported the Mt. Olive boycott, very little money has been donated to the campaign by outside parties. It appears that a main criticism of FLOC is their lack of organisers and this is directly related to lack of financial support. While all of the union's organisers and camp reps are or have been farmworkers themselves, there is very little money to adequately support their hard and unending work. FLOC is a poor and grassroots union, which has meant that it has avoided the bureaucracy of other trade unions yet remains constantly on the edge of survival.¹²⁹

A current and important proposal involves the establishment of FLOC hiring halls to stem the inconsistent flow of members in and out of unionised farms. Hiring halls would most likely be established in southern states such as Texas and Florida, where Midwestern farmworkers find employment in the citrus industry. If successful, this move would stabilise the final remaining source of instability in the agricultural industry - the labour contractors or 'coyotes' who bring workers from Mexico to the U.S.¹³⁰ FLOC is

¹²⁹Steve Steele, 8 August 2000.

¹³⁰Baldemar Velasquez, President, FLOC, interview by author, 10 August 2000, Toledo, OH.

highly critical of the actions of Latino contractors and crew leaders. Much of this disapproval concerns the lucrative sums of money contractors and crew leaders collect from farmworkers, in addition to the fact that contractors repeatedly provide safe passage across international borders only, rather than transporting workers to places of employment. Currently, the tripartite model encourages open communication between contractors, crew leaders and the union, so that FLOC representatives can monitor the whereabouts, work history and health of each and every member, *once they are on the farms*. The union can ensure that contractors and crew leaders do not collect unnecessary fees from workers for housing, food or transportation.

Since the FLOC membership changes with the annual growing season, it is essential that union organisers have close contact with migrant Latino communities both in the U.S. and Mexico. FLOC has also explored the possibility of linking with migrant workers in the Dominican Republic, with cross-border exchanges among organisers. This involves educating peasants in Mexico about FLOC, specifically those who migrate to Ohio, Michigan, North Carolina and Florida each year. FLOC literally invests years into organising small pockets of 100 workers or more, starting in home communities in Mexico. As a result, FLOC builds a favourable reputation among migrant workers before they are approached by organisers in the U.S. The union crosses borders nationally as well as internationally, with both paid and volunteer organisers in Florida, Texas and North Carolina. In Florida, FLOC members have successfully campaigned for stricter

pesticide enforcement and contributed significant resources to research conducted by farmworker NGOs.¹³¹

Since 1988, FLOC has been developing close relations with its sister union in Mexico, the Sindicato Nacional de Trabajadores y Obreros Asalariados del Campo (SNTOAC). The unions both organise in the agricultural and food industry, and act in coordination to find alternatives to downward competition between American and Mexican workers. Some examples of these initiatives include coordinated bargaining, joint policy on key issues, and leadership and problem-solving training for farmworker communities.¹³² In turn, FLOC and the SNTOAC provide educational programs for organisers and activists on both sides of the border, specifically concerning transnational corporations and free trade. In total, FLOC and SNTOAC have trained more than 5,000 farmworkers on issues such as health and safety and the economics of commercial agriculture. These union members have documented pesticide abuses in six U.S. states, Mexico and the Dominican Republic. They have been educated in the technicalities of giving evidence in legislative forums.¹³³ Policy agreements between the two unions regarding wage parity and pesticide regulation, have been viewed as positive models for the transnational agricultural industry.¹³⁴

¹³¹Fernando Cuevas, Sr., 10 August 2000.

¹³²The details of the coordinated bargaining initiative are currently unavailable. Further research is needed on this potential area of significance.

¹³³Farm Labor Research Project, *FLOCista* (Fall 1995): 2,8.

¹³⁴Baldemar Velasquez, 9 August 2000.

Therefore, a fundamental belief which drives FLOC organising is that strong links must be made with farmworker communities long before unionisation can occur. This is also the current position of the UFW in Ontario. According to UFW Canadian Coordinator Stan Raper, the union is not doing any organising among farmworkers in Canada at the moment, but rather building links with workers, unions, church groups and non-governmental organisations (NGOs). (The UFW will await the Supreme Court decision which will determine whether or not the Ontario government's ban on farmworker unionisation is legal.¹³⁵ Note that a successful decision for the plaintiff - the UFCW - will open the doors for organising *resident* farmworkers only.) Hence, there may be an important difference between these unions in Ontario and FLOC in the U.S. - FLOC aims to organise *Latino* workers, not just farmworkers. The issue of 'race' and farmworker unionisation is analysed more closely in the following section and Chapter VII.

- Stan Raper

B. GENDER, RELIGION, RACE AND IDEOLOGY

Thus far, farmworkers have not been discussed in terms of gender here. Although gender is not the focus of this paper, some significant issues will now be briefly examined. Each of the following areas are prime territory for further research.

The unionised workforce among farmworkers in Ohio and Michigan consists of single men, married women and men, and sons and daughters. Hence, there are few

¹³⁵Stan Raper, Canadian Coordinator, UFW, interview by author, 3 August 2000, Toronto, ON.

female pickers among the FLOC membership who do not work and travel with their families. The same can be said for most cucumber workers in North Carolina. Since women provide the physical and emotional backbone of farmworker families, both in the fields and in the home, it is important to analyse the situation of farmworker women and their families under the sharecropping and tripartite models.¹³⁶

Griffith and Kissam suggest that sharecropping can be lucrative for both growers and farmworkers, so long as workers toil together as families. Since the sharecropping model assigns a plot of land for harvesting to each worker or group of workers, it is argued that families can be highly productive, reliable and profitable under this arrangement. The contention here is that women and children, as well as men, will be pressured to work hard under the piece-rate system. Growers operating under the sharecropping model do not provide day care, so this is advanced as an additional push to get entire families working in the fields. Families can potentially earn a sizable income if their culminated efforts are fruitful. However, the authors temper this theory with the fact that it is more expensive for growers to house families than single men.¹³⁷ Hence, an ambivalent attitude towards farmworker families exists among growers under the sharecropping model - families are more stable and productive, but they are also more costly to house.

Contrary to the emphasis made by Griffith and Kissam, the only benefactors from sharecropping are growers and food companies, *not* women and farmworker families.

¹³⁶Bonnie Bazata, "Janie's Story," *Dignidad* 1 (January 1991): 6-7.

¹³⁷David Griffith and Ed Kissam, 131-140.

Women who have experience working as family members under the sharecropping system report that growers do not hire enough workers to feasibly harvest the crops. Therefore, mothers and their children end up working as many as 15 hours a day, under immense pressure and coercion from employers.¹³⁸ Rosalinda Lopez, a middle-aged woman who has worked under both the sharecropping and tripartite models, explains what the Ohio cucumber fields were like before unionisation:

We worked that year from 6a.m. until 9 at night because there were only three other families working. That farmer had a lot of cucumbers, and we had to pick them or they would be ruined. Our poor kids were so tired at the end of every day.¹³⁹

Janie Reyes, a long-time farmworker and FLOC board member, explains how adequate housing, day care and a guaranteed hourly wage are extremely important to women since they are the ones working in the fields *and* in the home:

We, the women, work out in the fields. We come home to the cabin and we have to make the food, we have to carry water from outside, hot water and cold water. Then wash the dishes, we have to go outside in the showers, we have to bathe children outside. We pick the crop for the farmers and everybody. Everybody eats the crops we pick, so we need better housing and better wages.¹⁴⁰

Housing and employer relations are two of the most significant issues migrant workers take into account when considering which farms to work and live on each year.

¹³⁸Andrea de Urquiza, "A Migrant Woman's Experience," *Toledo Women Today* (August 1994): 5.

¹³⁹Andrea de Urquiza, 5.

¹⁴⁰Bonnie Bazata, 7.

As leaders in FLOC, female farmworkers have advanced these two areas as issues which specifically concern women and their families. Unionisation has won major housing advances particularly for farmworker families, with private quarters for couples and children, segregated lavatories and showers, laundry facilities, and day care centres during work hours. The details of the cooperative housing program are examined below. In addition, the guarantee of an hourly minimum wage has diminished the level of employer coercion previously found under the sharecropping model.¹⁴¹ In this manner, it is interesting to note that although workers are considered independent contractors under the sharecropping model, the fact is that farmworkers actually enjoy more *independence* from the employer under the tripartite model. Many women workers prefer the work on unionised farms as opposed to sharecropping and factory jobs, precisely because of this higher level of autonomy in the fields. Lopez explains her experiences in the cucumber fields, this time in a unionised setting:

In some ways it's the same for all working women; whether you work in a factory or in a field, it's still hard work. But I prefer field work because there is nobody standing over you pressuring you all the time. In the fields you can work at your own pace in the fresh air without somebody over you all the time, like at the garment factory. There whenever you made a mistake they would rush over and yell at you. But in the fields it's not that way.¹⁴²

The ability to “work at your own pace,” free of pressure from employers, family members or other workers, is only possible if a minimum income is ensured.

¹⁴¹Baldemar Velasquez, 9 August 2000.

¹⁴²Andrea de Urquiza, 5.

Due to traditional gender stereotypes, female farmworkers are often slotted into specific jobs and tasks which growers, crew leaders and male workers consider suitable for women. Some of these jobs include planting, blocking, hoeing and driving vehicles on mechanised farms.¹⁴³ It is significant that under the sharecropping model, most of these jobs are unpaid. The assumption is made that women work well in pre-harvest activities - labour that is undervalued and unpaid just like work in the home - even though women still work alongside men during the harvest season. It can be said that this attitude is determined more by social classifications of gender, rather than sexual divisions in harvesting capability. Hence, a significant gain for female farmworkers has been the securing of wages for pre-harvest activities under the tripartite model, as well as FLOC's extensive education programs on farmworker camps. FLOC has a well-established women's committee and farmworker educational projects which empower women to assert their rights, fight for workplace improvements, and demand information on pesticide exposure. Women are in the forefront of the union's struggle to end pesticide abuse and the campaign for a general amnesty for all undocumented workers.

¹⁴³Ellen Wall (1), 152-156. In her Ph.D. thesis on the tomato industry in Ontario, Ellen Wall finds that women's participation in farm labour jumps from 47% under hand harvesting jobs to 70% on mechanised farms. Wall reports that growers find women workers more "reliable" and "trainable." However, women's participation in machine harvesting is found to largely reflect social classifications of gender, since female workers are assigned to driving and "light" duties, while men work in jobs involving direct contact with machinery, loading and supervisory roles.

As primary care providers, women know that pesticide exposure is particularly harmful for their children.¹⁴⁴

Something that is immediately striking about FLOC is that women make up at least 50% of all paid staff, board members, organisers, camp representatives, stewards and volunteers. In fact, women account for much more than half of all staff members and youth volunteers. Since FLOC is still a relatively small and rigorously democratic union, staff and volunteers have direct input into most decision-making. The fact that almost all staff members are farmworkers themselves, adds to the representational nature of the union. Women have always been in the forefront of struggles against corporations such as Campbell Soup and Mt. Olive. Reyes tells of how she first led the fight against Campbell Soup when FLOC members went on strike in 1978:

It was hard. We would go picket the pickle fields and stand by the road. Some people didn't understand what we were trying to do. Then the farmers would come and try to run us away. I remember there was one farmer that was spraying his field (*with pesticides*). In order for us to get out of the field, he tried spraying us.¹⁴⁵

Although the president and vice-president of FLOC are men, the leader's own mother - Vincenta Velasquez - is revered as the "mother of FLOC." She started the union with her son and husband in 1967, with a meeting in the basement of her house. Vincenta

¹⁴⁴Beatriz Mayer, Education Director, FLOC, interview by author, 11 August 2000, Toledo, OH.

¹⁴⁵Bonnie Bazata, 6.

Velasquez remains an influential board member and activist today in all of FLOC's activities.¹⁴⁶

FLOC has built numerous programs *outside* the tripartite structure, which further contribute to labour stability for growers and social stability for farmworker families. The FLOC cooperative housing program provides for new housing on farmworker camps, with costs divided equally between the union and the grower. The union itself relies on donations and fundraising to support the program. Participating growers are financed by food corporations which fall under the collective agreements. The housing program is not part of the contracts and operates on a voluntary basis, while FLOC pressures all growers and companies to participate. In accordance with observations made by the author, new housing facilities in Ohio typically include the following: new roofing, siding, windows, doors and screening, running water, electricity, toilets, showers, washing machines and dryers, heaters, gas stoves, beds, chairs, tables and fans, fire extinguishers, first aid stations and pay telephones. Large and open green space is often available for gardening and recreation. Since maintaining healthy working and living conditions *is* guaranteed by the collective agreements, homes are still adequate and safe on farms which do not participate in the housing program.¹⁴⁷

¹⁴⁶Lorraine Whetstone, "Rewards of Labor: A Mother to the Migrants," *The Lima News*, 26 September 1994.

¹⁴⁷Ventura Gutierrez, 8 August 2000.

FLOC and Campbell Soup jointly fund day care centres for farmworker families.¹⁴⁸ The union also operates gas cooperatives and health clinics which are available for both union and non-union farmworkers in Ohio. For many years now, the union has convinced doctors, nurses and translators from a local hospital in Toledo, Ohio to volunteer one day a week to tending to farmworker medical needs. Every Wednesday night, the volunteers drive a mobile health unit to a specified farm where migrant workers and their families come from across Northwestern Ohio. FLOC remains extremely concerned about the tenuous level of health care for its members, with significant resources being invested in getting corporations to provide medical assistance and insurance through the collective bargaining process.¹⁴⁹

The ongoing and daily negotiations between union representatives and growers, especially concerning stability of labour supply, are also technically above and beyond the collective agreements. In addition, FLOC staff members often provide translators and legal assistance to farmworkers dealing with state and federal authorities. For example, when one member was recently involved in an automobile accident just outside a farmworker camp, the union provided translations between the worker, his family and state patrol officers. FLOC's lawyer was also made available to the worker. Growers and the union coordinate extensive educational programs throughout the duration of each harvest season, teaching in Spanish the technicalities of the collective bargaining process,

¹⁴⁸*Farm Labor Organizing Committee, AFL-CIO and the Campbell Tomato Growers Association, Collective Agreement, Ohio Delivery, 1 February 1995 to 31 January 1999, 18.*

¹⁴⁹Baldemar Velasquez, 9 August 2000.

the contracts and farmworker rights. Education is consistently needed every few weeks during the tomato and cucumber seasons, due to the high turnover of workers.¹⁵⁰

Another strategic and emotional link that FLOC has consistently built with farmworkers is religion. Religion and spirituality form a major part of the union's social movement, an additional aspect which differs FLOC from most contemporary trade unions in North America. The securing of church support for the union's boycott campaigns has been essential. Many religious leaders and church associations have strongly voiced their active support for the current boycott against Mt. Olive. No less than the National Council of the Churches of Christ, North Carolina Council of Churches, Sisters of the Sacred Heart and of Perpetual Adoration, Raleigh, NC Bishop F. Joseph Gossman and Cincinnati Archbishop Daniel E. Pilarczyk have all backed the boycott.¹⁵¹

Socially conscious Baptist leaders in the American South are quick to distance themselves from more right-wing fundamentalist orators like Jerry Falwell. There is hence a well-defined line between pro-union clergy and religious provocateurs.¹⁵² FLOC president Baldemar Velasquez himself is an ordained Baptist minister, and is talented in uniting Catholics, Baptists and Anglican congregations behind the cause. The practice of non-violence has always been strictly adhered to by the union, even while FLOC members and supporters were often severely beaten by police and growers during the

¹⁵⁰Baldemar Velasquez, 9 August 2000.

¹⁵¹Farm Labor Organizing Committee, "The FLOC Campaign in North Carolina."

¹⁵²Associated Press, "Workers end march at Capitol," *Fayetteville Observer-Times*, 27 June 1998, Local News.

Campbell Soup struggle.¹⁵³ Large photographs of Martin Luther King, Jr. and Mahatma Gandhi are prominently displayed at FLOC's main office in Toledo. On June 23rd, 1998, FLOC and religious allies began a 70-mile march from Mt. Olive headquarters to Raleigh, the North Carolina state capital. News reports in Catholic journals emphasised how Velasquez led the march for the entire journey, often quoting from the Letter of James.¹⁵⁴ He explains his introduction to Christianity in relation to the fight against Mt. Olive:

Before I had that revelation, it was about getting even, so that it was power against power. But when I got the revelation of what it meant to love your neighbour as yourself, it became a question not about getting even but about reconciliation. So, it's one thing to start a campaign against a company to get even, or to start a campaign to reconcile yourself with that company. The agricultural ministry is like a big dysfunctional family, and there's an abusing partner in that family. What do counsellors do, whether they're Christian or non-Christian, when they counsel a family like that? First of all, they have to have intervention and cause the abusing partner to recognise their abuses. You have to get them out of denial. So you have to hammer on that and get the truth out on the table.¹⁵⁵

Religion is crucial in combination with FLOC's overall struggle to organise Latino workers.

'Race' is a prominent feature of the union's strategy and ideology, since organising efforts are not limited to farmworkers but they *are* limited to Latino workers. FLOC leaders are currently mounting efforts to unionise migrant Latino workers in non-

¹⁵³Fernando Cuevas, Sr., 10 August 2000.

¹⁵⁴Patrick O'Neill, "Bishop takes up fight, calls pickers' cause just," *National Catholic Reporter*, 17 July 1998, p.7.

¹⁵⁵Baldemar Velasquez, 7 July 2000.

agricultural sectors, such as landscaping, construction and the hotel services industry. Most of these workers either fall under the H-2B program or are undocumented, and their working and living conditions share many similarities with their agricultural counterparts in the sharecropping system. This thrust to organise *Latino* workers finds its roots in the creators of the FLOC movement as well as the geographic regions in which the union was first born. The union's original founders came from migrant communities in Texas and Ohio. These states employ predominantly Latino workers to fill migrant positions in agriculture and industry, whereas Eastern states such as California also have large workforces from Southeast Asia. Today, the FLOC movement consists of mostly Latino staff and volunteers, but with considerable moral and financial support from other communities.¹⁵⁶

(Therefore, the propensity of FLOC to identify with 'race' may raise serious questions about broader class solidarity. In Ontario, farmworkers come from Mexico, the Bahamas, Jamaica, St. Lucia, Quebec and from within the province itself.¹⁵⁷ Any future unionisation efforts will have to confront and address this diversity.) Furthermore, the UFCW is currently struggling for the right to organise resident farmworkers only. The FLOC movement might be considered too racially based and religiously charged to work with such unions. While the current boycott against Mt. Olive enjoys a wide array of support from mainstream labour in the U.S., the only union which FLOC closely identifies with is the UFW - another organisation which has historically focussed on

¹⁵⁶Baldemar Velasquez, 10 August 2000.

¹⁵⁷Rachel Li Wai Suen, 2-5.

organising Latino workers. Therefore, FLOC's knowledge and commitment to the Latino community is absolutely essential in gaining the respect and confidence of the vast majority of farmworkers in the U.S., but on the other hand this quality can potentially isolate the union from broader class struggles.

Yet, FLOC knows more about successfully engineering militant struggle than many American unions today. The FLOC ideology maintains a careful balance between insurgent mobilization and pragmatic collective bargaining. The establishment of stability through the tripartite model and cooperative associations with growers, is both a strategic and ideological move, and exists on a continuously tenuous basis. This relationship with capital comes only after militant and grassroots struggle against the very actors and structures which shape the agricultural migration process. Once the fight is won, there is no cause to lay down arms. (Corporations which have signed collective agreements are nonetheless constantly searching for ways to find new pockets of low-wage, vulnerable workforces.) (Growers which are party to FLOC contracts may act cordially when farmworkers are needed in the fields, but inevitably revert to adversarialism when migrant labour is no longer needed.¹⁵⁸)

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Therefore, FLOC is a movement based on daily and expanding struggle, while at the same time finding pragmatic solutions to the immediate needs and grievances of migrant farmworkers. Unlike most labour relations settings, the establishment of collective bargaining in agriculture requires consistent struggle with the very parties to the agreements. Furthermore, the mere existence of FLOC is dependent on newfound

¹⁵⁸Fernando Cuevas, Sr., 7-8 August 2000.

areas of organising and new corporations to target. The union's high levels of creativity, patience and sheer persistence are built on strong and tested foundations of anti-racism and a thirst for justice. By constantly calling into question the established order of transnational capitalism and global colonialism, FLOC has also challenged some of the more bureaucratic assumptions of mainstream labour.¹⁵⁹

¹⁵⁹Baldemar Velasquez, 10 August 2000.

CHAPTER VII THE SITUATION IN ONTARIO

A. CHALLENGING THE ATTACK ON FARMWORKER RIGHTS

If we characterise the legal infrastructure governing migrant farmworkers in both Canada and the United States, it is generally difficult to unionise the agricultural sector and very easy to deport undocumented foreign workers. While federal immigration programs in both countries exclude farmworkers from most economic, civil and political rights, the final judgement on laws regarding workplace rules and regulations is widely left to provincial and state jurisdictions. In Canada, each provincial government can decide whether or not to include agricultural workers under the Labour Relations Act at any time while in office.¹⁶⁰ In this way, it has been possible to unionise small pockets of greenhouse and farm labourers in British Columbia, while it has never been legal to organise migrant farmworkers in Ontario.¹⁶¹ In the U.S., migrant workers have been unionised in Ohio, Michigan and California, but only after prolonged struggles to get state and county politicians on side.¹⁶² Typically, the state uses the excuse of temporary labour contracts to exclude workers who make a permanent contribution to the host economy, from basic universal rights and freedoms. In Ontario, a provincial ban on

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¹⁶⁰Walter Lumsden, 21 July 2000.

¹⁶¹Dan Keeton, 11-15.

¹⁶²W.K. Barger and Ernesto M. Reza, 49-54.

organising agricultural labour has forced unions and farmworker advocates to focus all of their current efforts on the state.

While public support for the farmworker movement in the U.S. has been gaining momentum as of late, community backing for the struggle in Ontario has been relatively sluggish.¹⁶³ (With the exception of a small handful of NGOs and church groups, the UFCW and UFW have been confronting agribusiness and government virtually on their own. There are two significant differences between organising farmworkers in Ontario, and FLOC campaigns in North Carolina and Ohio.¹⁶⁴)

First, the objective of organising efforts in Ontario has been to secure contracts with growers rather than food corporations. During the provincial NDP (New Democratic Party) government from 1990 to 1995, this goal was partially accomplished when the UFCW unionised 200 farmworkers at Highline Produce mushroom farms.¹⁶⁵ (In 1994, Bill 91 gave resident farmworkers the right to unionisation and collective bargaining. The moderate social democratic administration enacted numerous progressive labour reforms, including anti-scab legislation and employment equity, yet continued the exclusion of migrant farmworkers and failed to establish the right to strike

¹⁶³In addition to FLOC and UFW campaigns, the PCUN (Northwest Treeplanters and Farmworkers United) in Oregon have been successful in mobilising students and community groups in a national boycott against the food corporation NORPAC. In Ontario, on the other hand, student and NGO support for farmworker unionisation is minimal.

¹⁶⁴Tom Clark, *Migrant Workers in Canada* (Toronto, ON: Inter-Church Committee for Refugees, 2000), 6.

¹⁶⁵United Food and Commercial Workers Union, Media Conference, Toronto, ON, 17 April 2000.

for all farmworkers.¹⁶⁶ According to Walter Lumsden of the UFCW, who sat on the committee which drafted the legislation to include agricultural workers in the Labour Relations Act, the exclusion of migrant workers amounted to difficulties in defining seasonal workers on paper. While the committee was still struggling with the definition, the NDP government was defeated by the provincial Progressive Conservatives (PC).

Lumsden explains:

What occurred was that we were having some difficulty getting an agreement on the definition of what a seasonal worker was. So the Rae (*NDP*) government put in place the Labour Relations Act for agriculture and withheld the words dealing with seasonal workers until the committee could come up with a description. We were struggling with that and the government was saying 'if you don't soon come up with an answer, we're gonna' determine what it is and put it in.' So there was never an agreement that they wouldn't be part of it. Quite the contrary, it was just that difficulty with coming up with a description.¹⁶⁷

At the same time, there are strong indications that the failure to include migrant workers in the revised Labour Relations Act, had to do with other factors outside the definition dispute. The fact that the NDP waited until the end of their term in office to legislate agricultural labour reforms, suggests that this was not an immediate prerogative of either the government or its supporters in the labour movement.

When the right wing PC government came to power in 1995, Bill 91 was immediately revoked. Such a move was not unique to the new administration, which imposed an unprecedented range of anti-union laws, social spending cuts and state

¹⁶⁶Legislative Assembly of Ontario, *Bill 91: An Act Respecting Labour Relations in the Agricultural Industry*, Government Bill, First Reading, 29 July 1993.

¹⁶⁷Walter Lumsden, 21 July 2000.

policing measures. Only the provinces of Ontario and Alberta now deny the right to organise for farmworkers.¹⁶⁸ Unparalleled is the fact that Bill 7, the legislation which effectively overturned the NDP's Bill 91, is the first known instance in Canada where provincial labour law has been enacted *retroactively*. The union at Highline Produce was unilaterally de-certified by the government when Bill 7 was enacted.¹⁶⁹

The extremely serious impact of provincial politics on farmworkers in Ontario leads to a second crucial difference between UFCW and FLOC strategies. While FLOC concentrates on targeting transnational corporations, campaigning in Ontario focuses on pressuring the provincial and federal governments. While most labour laws are provincially regulated, the federal government manages the SAW program and the Foreign Agricultural Resources Management Service program (FARMS), which control the migration of workers to Canada from Mexico and the Caribbean.¹⁷⁰ The SAW is similar to the H-2A program in the U.S., in that it excludes migrant labourers from most civil, political and economic rights.¹⁷¹ For example, the program itself stipulates that

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¹⁶⁸Tom Clark, 5.

¹⁶⁹United Farm Workers of America, *Justice for Agricultural Workers* (Don Mills, ON: Videocassette, 2000).

¹⁷⁰The FARMS program is smaller in scope than the SAW program, being limited to groups of workers who come to Ontario from St. Lucia and Jamaica each year. Sherrie N. Larkin, "Workin' on the Contract: St. Lucian Farmworkers in Ontario," (Ph.D. diss., McMaster University, 1998), 119-121.

¹⁷¹Stan Raper, 3 August 2000.

migrant workers can not leave the farm they are working on without the grower's permission.¹⁷²

Working and living conditions for farmworkers in Ontario and North Carolina share many parallels. Farmworkers in Ontario often work from 70 to 80 hours a week without overtime pay, receiving piece-rate pay well below minimum wage levels: Health and safety is not guaranteed for migrant workers, nor the right to adequate housing and freedom from child labour. (For example, SAW agreements covering Mexican labourers allow growers - "where urgent" - to demand unlimited hours of work and withhold vacation time.) The Caribbean version contains absolutely no language regarding hours of work or workplace conditions.¹⁷³

state laws

Fittingly combining the need to challenge provincial and federal regimes, the UFCW currently holds a Supreme Court challenge to Ontario's Bill 7, arguing that the legislation violates the Right of Association and Equal Benefit of Law enshrined in the Canadian Charter of Rights and Freedoms. The court challenge was first overruled by the Ontario Court General Division, as was an appeal in January, 1998. But in February 2000, the Supreme Court of Canada released its decision to hear the case in March 2001. The UFCW and UFW also lobby the federal government to include SAW workers in legislation protecting human rights.¹⁷⁴

¹⁷²Ellen Wall (1), 256.

¹⁷³Rachel Li Wai Suen, 2-5.

¹⁷⁴United Farm Workers of America, *Justice for Agricultural Workers*.

The UFCW and UFW have launched a petition campaign against provincial Farm Fare legislation. Farm Fare is the agricultural equivalent to the government's Work Fare bill, a policy which forces social assistance recipients to work in low-skilled jobs without pay. The right to organise is withheld for all Work Fare and Farm Fare workers under the law, and the government has attempted to entice numerous community aid agencies to hire recruits from the program. The NDP and the Ontario Federation of Labour are also sponsoring the campaign against Farm Fare. Raper from the UFW relates how Ontario growers themselves have opposed the legislation:

The feedback from the agricultural community, especially the fruit and vegetable association, was pretty dramatic. There were quotes in the newspapers after the announcement, indicating that they were not informed about Farm Fare, that they were fairly upset about the announcement, and that they were concerned that if social assistance recipients were going to be working in the private sector, picking fruits and vegetables, that it would jeopardize the amount of migrant farmworkers that they were able to bring up. There are about 15,000 (*migrant farmworkers*) that are brought to Ontario each year and they are trained, qualified professionals who are usually return workers. They usually work about six months out of the year. So there was a lot of concern.¹⁷⁵

It is clear in this statement that growers rely on migrant farmworkers specifically because of their knowledge, training and experience in the agricultural sector.

The UFCW has more than 205,000 members in Canada, most of whom are production and service workers. The UFCW holds contracts with major food processing and distribution companies, covering cannery and factory workers.¹⁷⁶ When it comes to farmworkers, the UFCW characterises three major groupings. First, there are immigrants

¹⁷⁵Stan Raper, 3 August 2000.

¹⁷⁶United Food and Commercial Workers Union, *UFCW Fact Sheet*, (Rexdale, ON: Pamphlet, 2000).

who are Ontario residents working on highly mechanised factory farms, where dangerous working conditions and long hours are prominent. (Second, there are about 10,000 migrant workers who come from Mexico and Jamaica each year under the SAW program, who are much more vulnerable to deplorable treatment from commercial farmers.)

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Finally, Mexican Mennonite farmworkers move through various growers, often working in the fields as families, and fare even worse than SAW workers due to complete lack of government regulation. For example, SAW agreements stipulate that growers are responsible for a worker's travel costs between the farm and home country (though it is possible to deduct this money from wages). Mexican Mennonite workers, on the other hand, are not covered by such rules.¹⁷⁷

With the de-certification of the union at Highline Produce, the UFCW does not retain any contracts with growers in Ontario. Of course, moves by the provincial government have now made unionisation impossible under current laws. The emphasis of UFCW and UFW campaigns in the agricultural sector is that all levels of government have continued to propagate the false image of small 'family farms,' thereby glossing over the reality that workers need the right to unionise on large commercial and factory farms.¹⁷⁸

A prominent element of the struggle to organise migrant farmworkers in Ontario is the focus on growers and government, rather than food corporations. But the line

¹⁷⁷Rachel Li Wai Suen, 2.

¹⁷⁸United Food and Commercial Workers Union, *The UFCW and Agricultural Workers*, (Rexdale, ON: Pamphlet, 2000), 1.

Y between growers and processors remains unclear in Ontario and information is limited on this important matter. Certainly, the owners of Highline Produce control the entire production and marketing process of their mushrooms. Lumsden remembers bargaining with Highline:

The outcry constantly was that we were after the 'family farm.' But I can assure you that I wasn't sitting down talking with family farmers. They all had aeroplanes and they were often in Europe, or somewhere negotiating these deals to bring the 'slaves' over. I mean I think it's really a shame there are no family farms to speak about. If someone's got a family farm today they probably work at GM or Ford as well. But those aren't the guys we're talking about, its these big corporate farms. They (*the government*) call them 'family farms' because they're owned by an individual.¹⁷⁹

Perhaps indicating a trait of the industry, there are other large mushroom companies employing migrant workers in the American Northeast, which combine production and processing operations into one corporate entity.¹⁸⁰

In the same instance, there are definitely agricultural sectors in Ontario such as tobacco, which employ migrant workers and act exclusively as suppliers to transnational corporations. At least one study has found that food corporations play a similar role in constraining growers in Ontario, as they have in Ohio and North Carolina. Examining the changing structure of agriculture and the introduction of mechanical harvesting on tomato farms in Ontario, Ellen Wall asserts that processors dictate to growers the type of harvesting that must be implemented. If a grower disagrees, they must leave the

¹⁷⁹Walter Lumsden, 21 July 2000.

¹⁸⁰Steve Steele, 8 August 2000.

industry.¹⁸¹ In addition, she detects that grower associations in the tomato industry do not hold significant power in relation to corporate capital:

My original interest in grower associations was to discover if membership indicated an increased sense of solidarity among growers themselves. In fact, I found, regardless of affiliation, most growers viewed their membership as a token and were somewhat resigned to a relatively powerless position in the tomato industry.¹⁸²

Wall does find that growers in general are highly influential *politically*, so that legislative proposals to grant migrant workers the right to unionise and strike are effectively blocked by Ontario's commercial farmers. But even this level of power might be somewhat inconsequential to the secondary position of growers in agribusiness:

When groups interested in securing similar rights for farm workers started to make their demands known, opposition from grower lobby groups quickly developed. Articles in farm newspapers repeated concerns voiced by growers. They spoke about their vulnerable position with perishable commodities and processes. Because farm workers could refuse to work at crucial times (when tender fruit is ripe, or when cows need milking) their employers might lose everything.¹⁸³

Interestingly, Lumsden explains that the issue of grower vulnerability is exactly why farmworkers were not given the right to strike under the short-lived Bill 91.¹⁸⁴ On the surface, calls from growers for the exclusion of agriculture from the Labour Relations Act seems completely underhanded and exploitive. But perhaps it points to a larger cycle in

¹⁸¹Ellen Wall (2), "Farm Labour Markets and the Structure of Agriculture," *Canadian Review of Sociology and Anthropology* 30, no.1 (1994): 69.

¹⁸²Ellen Wall (1), 71.

¹⁸³Ellen Wall (1), 229.

¹⁸⁴Walter Lumsden, 21 July 2000.

agribusiness - processors control prices and markets, growers rely on migrant labour out of economic necessity, and farmworkers are stuck with a life of uncertainty and instability mandated from above. In such an environment, no wonder it is difficult to establish that a tripartite model in Ontario could bring stability for all three parties, even *with* the right to strike.

B. POTENTIAL FOR TRIPARTITE BARGAINING¹⁸⁵

We'd certainly entertain that. I mean if someone came to us with that, we're always open to listening. I've often thought that at somewhere down the road, we in labour would be working hand in hand with farmers and fighting on their behalf for better prices for their product or go after the banks or something like that. I remember years ago banks foreclosing on farmers and putting them out in the streets, and you know I thought that at some point we could help with that problem.

Walter Lumsden, UFCW, on the tripartite model¹⁸⁶

Employers of farmworkers in Ontario are a mix of corporate farms and smaller growers. Yet, our one example of a corporate farm - Highline Produce - employs *resident* farmworkers only.¹⁸⁷ We are still left with the possibility that those growers employing

¹⁸⁵The focus of this paper is the effectiveness of the tripartite model against sharecropping in agriculture. The purpose of the chapter on Ontario is to spark the interest of researchers, organisers and labour relations experts in this province, and to propose the tripartite model for discussion in Canada. By no means is the research presented here on Ontario meant to be exhaustive - there are many significant areas that are open for further examination. Furthermore, the contemplation of the tripartite model's feasibility in Ontario is in no way meant to diminish current organising efforts by unions in Canada.

¹⁸⁶Walter Lumsden, 21 July 2000.

¹⁸⁷Walter Lumsden, 21 July 2000.

migrant farmworkers are suppliers to processing companies, thereby implying a situation similar to the tomato and cucumber fields of Ohio. Available evidence points in this direction in the Ontario tomato industry. Indeed, Wall finds that tomato growers have no leverage in determining the price of their product - that is the jurisdiction of industry marketing boards.¹⁸⁸ Hence, the tripartite model could potentially be applied to such an environment in Ontario, particularly the tomato industry in Leamington or the tobacco growers in Delhi. The information and awareness may be scant in this direction, but both the UFCW and UFW are favourable to at least tabling the idea.¹⁸⁹ As far as grassroots organising is concerned, the UFW has the skills and experience to link with farmworker communities from Mexico and the Caribbean.¹⁹⁰ It would seem that the only remaining barrier to starting up the tripartite model in Ontario is the continuing exclusion of farmworkers from the provincial Labour Relations Act. And that could all change as of Spring 2001.)

However, it seems extremely unlikely that *migrant* farmworkers will be included in any provincial labour reforms in the near future. If the NDP was unwilling to legislate the inclusion of seasonal workers, it is doubtful that any other governing party in the near future would have the desire to do so. The impotency of the committee during the Rae government to arrive at an agreed upon definition of 'seasonal worker' hints at strong

¹⁸⁸Wall (1), 254.

¹⁸⁹Walter Lumsden, 21 July 2000, Stan Raper, 3 August 2000.

¹⁹⁰W.K. Barger and Ernesto M. Reza, 49-54.

pressure from grower lobbies, as well as ambivalence on the part of the UFCW.¹⁹¹⁾

However, as pointed out above, this is not necessarily an immovable barrier to unionisation - the North Carolina Growers Association is certainly as powerful and heavy-handed as any agricultural organisation in Ontario, yet FLOC remains persistent in directly targeting the corporate entity rather than the growers. In practical terms, this means that the union physically struggles against growers until the tripartite model is achieved, as far as entering farms for organising drives, but refuses to blame and demonise farmers in public campaigning. That part of the strategy is saved for the consumer boycott against the corporation.¹⁹²

Such a two-pronged strategy is indeed possible in Ontario, with the UFW having expertise in both boycott campaigns and organising migrant workers.¹⁹³ But we are left with the unavoidable conclusion that unlike British Columbia, the province of Ontario may not see the right to unionise for migrant workers for quite some time. And so far, the only existing examples of tripartite bargaining in agriculture have been built by a union which is exclusively centred around organising migrant Latino workers. While the potential for the tripartite model among resident farmworkers is certainly feasible, we are left with the fact that the only existing struggles to achieve such a model have come from within migrant communities themselves.¹⁹⁴

¹⁹¹Walter Lumsden, 21 July 2000.

¹⁹²Fernando Cuevas, Sr., 7-8 August 2000.

¹⁹³Fernando Cuevas, Sr., 7-8 August 2000.

¹⁹⁴Baldemar Velasquez, 10 August 2000.

Nonetheless, political and social backing for the fight to unionise migrant workers in Ontario is never impossible. The fact that the media have recently given some attention to farmworker deaths in the province - at least 5 this season and 17 last year - could potentially lead to some level of concern for migrant workers.¹⁹⁵ It is encouraging to note that the UFW and the Canada-Asia Working Group, a small NGO out of the United Church, have been working for some time in coordination with the Canadian Labour Congress to pressure both the provincial and federal governments to recognise the universal rights of migrant workers, including the right to organise. The United Nations Special Rapporteur on Migrant Rights will be visiting Toronto in September 2000, to speak with these groups about their concerns.¹⁹⁶ In reviewing FLOC's record, it is clear that these sorts of coalitions with churches and community groups are necessary to mount the campaign for farmworker rights, albeit on a much larger scale. And the struggle to include migrant workers in the Ontario Labour Relations Act is not that different from the necessity to establish the Dunlop Commission in Ohio. Under both settings, migrant farmworkers have no access to established collective bargaining frameworks. Therefore, a broad-based and coordinated campaign in Ontario could potentially win the right to unionisation for the province's migrant workers, and ultimately the beginnings of tripartite bargaining in Canadian agriculture.

¹⁹⁵"Three deaths shouldn't have happened," *The Toronto Star*, 17 August 2000, sec.A, p.4.

• ¹⁹⁶Stan Raper, 3 August 2000.

CHAPTER VIII CONCLUSION

A. BOYCOTTS, ORGANISING AND TRANSNATIONAL UNIONISM

Establishment of the tripartite model in agricultural labour relations necessitates a direct and unconventional confrontation with transnational capital. Agribusiness includes some of the world's largest and most powerful corporations, which historically represent original proponents of economic 'globalization.' Contemporary factors of the international industrial economy, such as sub-contracting and labour market retrenchment, have long been mainstays of commercial agriculture. Bringing these companies to the bargaining table requires a concerted campaign to channel the issue of farm labour into the living rooms of broader society, especially in a culture fused so tightly to consumerism. The strategy that has become ever more necessary is none other than the consumer boycott. While the UFW and FLOC have become pioneers in utilising boycotts to build a labour relations framework in irregular workplace settings, the approach has become increasingly popular among social movements lobbying for broader change in areas such as child labour and export processing. The use of boycotts can also be viewed as a product of unregulated employment, since workers with limited rights have no obligation to refrain from political action in the workplace.

Despite the modest size and scope of the unionised model in Ohio, the progress made by migrant farmworkers through tripartite bargaining is indeed a bold and encouraging step in the right direction. The practical workings of the tripartite model are

the product of a creative brand of progressive unionism, which fuses traditional experience in organising the unorganised, with contemporary movements of non-violence, anti-racism and transnational solidarity. In this manner, the farmworker movement holds the potential for uniting labour with groups who are lining the barricades against global finance and cultural imperialism. Therefore, the Farm Labor Organizing Committee provides a hopeful illustration of successful grassroots organising and creative alternatives to unregulated capital.

APPENDIX I ACRONYMS AND ABBREVIATIONS

AFL-CIO - American Federation of Labour-Congress of Industrial Organizations

EPA - Environmental Protection Agency

FARMS - Foreign Agricultural Resources Management Service

FLC - farm labour contractor

FLOC - Farm Labor Organizing Committee

INS - Immigration and Naturalization Service

IRCA - Immigration Reform and Control Act

NAFTA - North American Free Trade Agreement

NCGA - North Carolina Growers Association

NDP - New Democratic Party

NFLU - National Farm Labor Union

NGO - non-governmental organisation

OSHA - Occupational Health and Safety Administration

PC - Progressive Conservatives

PCUN - Northwest Treeplanters and Farmworkers United

SAW - seasonal agricultural worker

SNTOAC - Sindicato Nacional de Trabajadores y Obreros Asalariados del Campo

UFCW - United Food and Commercial Workers

UFW - United Farm Workers

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