

# JUSTICE FOR FARMWORKERS



C/O Rural & Migrant Ministry, POB 4757, Poughkeepsie, NY 12602

FOR IMMEDIATE RELEASE: June 1, 2009

CONTACT: Jordan Wells, Coordinator, Justice for Farmworkers Campaign, 845/ 891-7046, [wells.jord@gmail.com](mailto:wells.jord@gmail.com) or Richard Winsten, 518/ 465-5551. [www.justiceforfarmworkers.org](http://www.justiceforfarmworkers.org)

## **Farmworkers to legislators: don't forget us upstate** Ag laborers anticipate long-awaited equal rights

Farmworkers and their allies are calling on their elected representatives to deliver justice this June. The Justice for Farmworkers Campaign seeks the removal of the labor law exclusions that for too long have denied farmworkers the basic rights and protections enjoyed by all other workers, such as the right to a day of rest, minimum wage and overtime protections, and coverage under temporary disability insurance.

The Rural and Migrant Ministry, the state's largest agricultural advocacy group, in religious covenant with over one million people of faith across the state, will be working with partners in the faith, student, and labor communities to ensure justice is not put off for yet another year.

The only organization that stands in the way of allowing farmworkers these most basic rights is the New York Farm Bureau, whose widely circulated doomsday projections for the state's \$5 billion agriculture industry amount to simple fear-stoking propaganda. Until recently, membership in the Farm Bureau was a requirement for purchasing insurance from the Farm Family group of insurance companies. The Farm Bureau was able to bolster its membership rolls through this compulsory arrangement.

Farmworker Salvador Solis said, "We are made of flesh and blood, just like everyone else. We work hard. We have families. We have dreams of a better future. We deserve to have a day of rest, to be paid overtime, and to join a union if we choose –just like everyone else."

Farmworker Juan Carlos said, "I support the passage of the Farmworker Fair Practices Act to obtain a little more protection for farmworkers. It is also important to have less discrimination from bosses who are abusing us when they choose not to pay overtime, give us a day of rest, nor provide enough clean drinking water. For example, I was on the verge of dying from dehydration when I was working in the fields due to the extreme summer heat and a lack of water and resting area. With the little strength I had left I had to take myself to the hospital to be attended to. The bosses didn't worry about me as an employee or human being. They only worried about their economic interests.

"The Farmworker Fair Practices Act will benefit thousands of farmworkers, so that no one else has to suffer what I went through. With this law we can obtain benefits like overtime pay, a day

of rest, a clean and safe place to live, disability insurance, and negotiate with the boss about our work conditions. I, Juan Carlos, thank the senators who approve this act, so that we may obtain a better quality of life as farmworkers.”

“I only attended elementary school but I remember very well since I was a little boy watching in the movies ‘America Land of Freedom and Opportunities.’ I just want to have a decent living job. Proof me that you respect all human being with equality. We are not getting rich here and I do not think so honestly that they are going to be in bankruptcy just for given us a pay day of rest, overtime or else.... I do not think so, because we are cheap labor, even with those benefits,” said a farmworker from Ellicott who preferred to remain anonymous.

New York’s denial of basic labor protections to farmworkers is a moral failing that we have the power to correct. Each year, New York supports the \$5 billion agricultural industry through a variety of generous subsidies and tax breaks—yet no appreciation or respect is given to the people who perform this difficult and dangerous work. It is time once and for all to show some respect for the people who serve as the backbone of New York’s largest industry, and who in doing so, provide us with our daily nourishment.

Pass the Farmworkers Fair Labor Practices Act (A.1867/S.2247)

### **DISABILITY INSURANCE**

New York is unique in its exclusion of farmworkers from temporary disability insurance coverage. Not all states provide disability insurance, but those that do—California, NJ, Hawaii, Puerto Rico—cover farmworkers...**except New York.**

**New York covers virtually all workers** with disability insurance. In fact, Section 201 of Article 9 of the Workers Comp Law extends disability insurance coverage to fashion models. However, the very same section explicitly excludes farmworkers from coverage. This is not a pretty picture.

**Disability insurance will cost agricultural employers nothing or next to nothing.** The premiums are extremely inexpensive, and can be covered by a payroll deduction. The maximum annual premium (which assumes the employee hits the annual income cap of \$17,680—most farmworkers don’t) is \$28.29 for a male employee or \$56.58 for a female employee. Weekly 60¢ payroll deductions would fully cover the premium for male employees and would reduce the premium for female employees to \$25.

### **DAY OF REST**

“Six days you may labor and do all your work; but the seventh day is the Sabbath of the Lord, your God. No work may be done then.” Deuteronomy 5

When farmworkers are compelled to work for days on end, family and social life, nutrition, hygiene, and physical well being can suffer tremendously. In its policy handbook, the New York Farm Bureau acknowledges that **farmworkers should have the option to take a day of rest** each week.

## **OVERTIME PAY**

During the 1930s, farmworkers were excluded from the Fair Labor Standards Act (FLSA) to accommodate the explicitly racist concerns of southern Dixiecrats:

“There is another matter of great importance in the South, and that is the problem of our Negro labor. There has always been a difference in the wage scale of white and colored labor. So long as Florida people are permitted to handle the matter, the delicate and perplexing problem can be adjusted; but the Federal Government knows no color line and of necessity it cannot make any distinction between the races... Now, such a plan might work in some sections of the United States, but those of us who know the true situation know that it just will not work in the South. You cannot put the Negro and the white man on the same basis and get away with it.” – Rep. James Mark Wilcox, (D- Florida)

“[Under the FLSA] what is prescribed for one race must be prescribed for the others, and you cannot prescribe the same wages for the black man as for the white man.”  
- Rep. Martin Dies, (D- Texas)

“Organized Negro groups of the country are supporting [the FLSA] because it will...render easier the elimination and disappearance of racial and social distinctions, and...throw into the political field the determination of the standards and the customs which shall determine the relationship of our various groups of people in the South.”  
- Rep. Edward Cox (D- Georgia)

“Any man on this floor who has sense enough to read the English language knows that the main object of this bill is, by human legislation, to overcome the great gift of God to the South.” - Senator “Cotton Ed” Smith (D- South Carolina)

We do not live in the Deep South and this is not 1938. We live in New York state in 2009—home to FDR, Frances Perkins, and Robert Wagner. The farm labor force, which continues to be primarily made up of people of color, is still denied this basic protection. **New York must extinguish this shameful Jim Crow legacy by extending to farmworkers the same right to overtime pay enjoyed by their counterparts in other industries.**

## **YOUTH “SUB-MINIMUM” WAGE**

**Agricultural employers can legally pay teenage farmworkers as little as \$3.20 per hour.** That amounts to less than half of the New York state and federal minimum wage, and creates a perverse incentive to hire minors rather than adults. According to the Dept. of Labor, only a handful of employers exploit this loophole—but it is one that must be closed. Anyone who has performed the intense physical labor required by agriculture understands that it is much more valuable than \$3.20 per hour.

###