



LABOR

Workers cut and pack celery in the Salinas Valley.
(Photo by Dan Long.)

A Long Dry Season

by Philip Martin

California enacted the Agricultural Labor Relations Act (ALRA) in 1975 to “ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations.” At the time, the United Farm Workers (UFW) and the Teamsters were competing to represent farm workers; together, they claimed over 50,000 members. Almost four decades later, fewer than 10,000 farm workers are represented by unions, including about a third represented by the UFW. There are several explanations for why there are fewer union-represented farm workers today than in the past, including flawed union leaders, politics, the changing structure of agriculture, and unauthorized migration.

Union Organizing

California is the only major farm state with a state law that grants union organizing and bargaining rights to

farm workers, establishes election procedures under which workers can decide whether they want to be represented by unions, and has an agency to remedy unfair labor practices committed by employers and unions. The ALRA was enacted to end a decade of strife between unions and growers that required frequent intervention by state and local police.

During the 1960s, some farm employers selected the Teamsters to represent their workers without elections. Because of this experience, the ALRA requires a secret-ballot election supervised by the Agricultural Labor Relations Board (ALRB) before a union can be certified as the bargaining representative of farm workers. After the ALRA went into effect, there were more than 100 elections a month on California farms. Between 1975 and 1977, there were almost 700 elections on the state’s farms, and unions were certified to represent workers on two-thirds of the farms involved (See Figure 1).

With unions representing most of the workers on large vegetable farms and many of those employed on the largest fruit farms, the farm labor market was expected to change. Wages were expected to continue increasing, with even seasonal workers receiving benefits such as health insurance and pensions. For example, at a time when the federal minimum wage was \$3.25 an hour, the UFW pushed for a 40-percent increase in the general labor or entry-level wage from \$3.75 to \$5.25 an hour on vegetable-growing farms, prompting *Businessweek* to predict in a March 1979 article that seasonal farm workers would soon “win wage parity with industrial workers.”

Union organizing slowed in the 1980s, and the share of ALRB-supervised elections that resulted in union certification fell to 55 percent. Elections fell further during the 1990s to an average of 10 a year, with unions winning half, and then declined even further in the first decade of the 21st century, when the average number of elections dropped to seven a year, including many that involved workers trying to decertify the union representing them.

The ALRB recognizes 15 labor organizations as eligible to represent workers on California farms, but three unions represent most of the farm workers covered by contracts today. The best-known, the UFW, reported 4,300 active members (and 900 retirees) to the U.S. Department of Labor at the end of 2010. Teamsters Local 890 represents several thousand workers employed in the Salinas area, while United Food and Warehouse Workers Local 5 (previously Local 1096) represents workers in the Salinas areas and at several wineries and dairies around the state. The UFW does not have local unions.

Union Decline

There are four major explanations for why farm worker unions have been unable to transform the farm labor market. The first involves flawed union leadership, especially at the UFW. In her 2009 book on the farm labor movement, journalist Miriam Pawel praised César Chávez as a charismatic leader able to articulate the hopes and dreams of farm workers, but concluded that Chávez was unwilling to turn the UFW into a business union that negotiated and administered contracts. Frank Bardacke comes to a similar conclusion in his 2011 biography of Chávez, arguing that the union leader became more interested in using the UFW as a vehicle to achieve broader social change than in organizing more farm workers who might challenge his leadership.

ALRB Elections and Union Certifications, 1975-2001

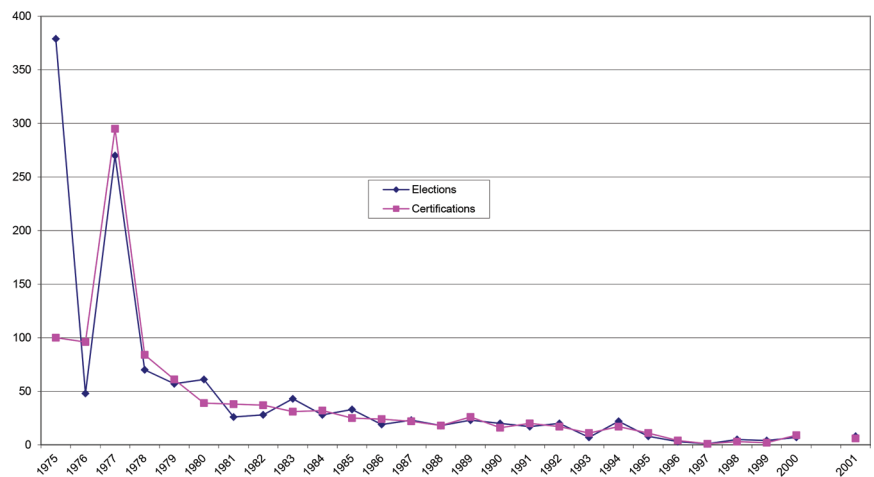


Figure 1: After an initial surge in the 1970s, California farm unionization has declined. (Graph courtesy of Philip Martin.)

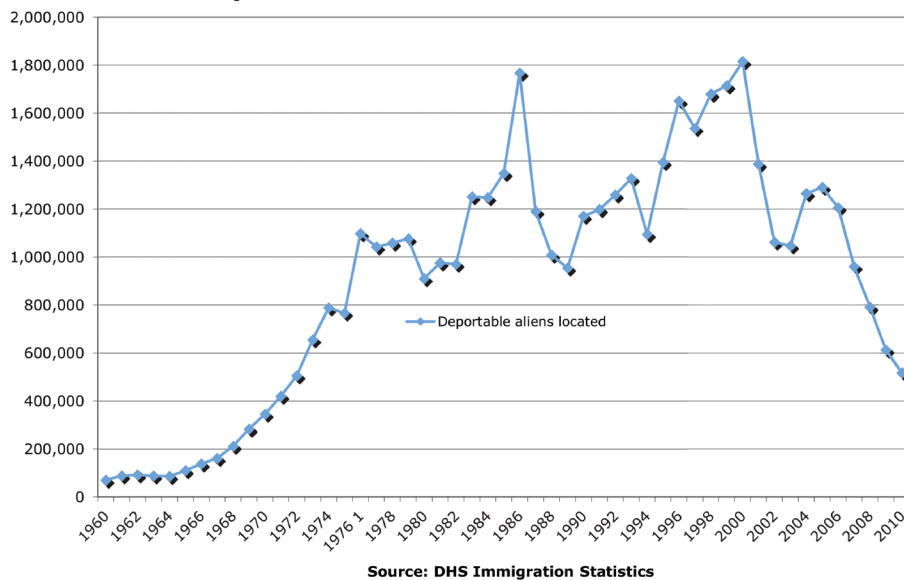
The second explanation for the failure of farm worker unions involves state politics. Democratic governors made key appointments to the ALRB between 1975 and 1982, Republicans between 1983 and 1998, Democrats between 1999 and 2004, Republicans between 2005 and 2011, and Democrats since. Sociologists Linda and Theo Majka concluded that the ability of farm worker unions to organize and represent farm workers in the 1970s and early 1980s depended on who made appointments to the ALRB.

The third explanation deals with changes in the structure of farm employment. In the 1960s and 1970s, farm worker unions were most successful in winning recognition and negotiating contracts at farms belonging to conglomerates with brand names that made them vulnerable to boycotts, including Shell Oil and United Brands (Chiquita). During the 1980s, many conglomerates sold their California farming operations. The growers who replaced the conglomerates were more likely to hire farm workers via intermediaries such as custom harvesters and farm labor contractors who strongly resisted unions.

The fourth explanation is the rise in unauthorized migration, which added vulnerable workers to the farm labor force and made it hard for unions to win wage increases. Figure 2 shows that the number of deportable aliens located — mostly foreigners apprehended just inside the Mexico-U.S. border — was low but rising between the mid-1960s and the late 1970s, the era when unions had their maximum impact on wages. After a lull in the late 1970s, unauthorized migration increased due to recession and peso devaluations in Mexico and peaked in 1986, when there were 1.8 million apprehensions. Unions found it hard to organize workers fearful of being discovered by Border Patrol agents and to win wage

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Deportable Aliens Located, 1960-2010



Source: DHS Immigration Statistics

Figure 2: The increasing availability of unauthorized workers has made union action difficult.

(Graph courtesy of Philip Martin.)

and benefit increases when farmers knew that striking workers could be replaced by newcomers from Mexico.

Unions have acknowledged difficulties in organizing and representing farm workers. The UFW in particular hopes that comprehensive immigration reforms will legalize currently unauthorized farm workers, making them easier to organize. The Agricultural Jobs, Opportunity, Benefits, and Security Act (AgJOBS), a compromise that was negotiated with farm employers in December 2000 but never passed by Congress, would legalize currently unauthorized farm workers and make employer-friendly changes to the H-2A guest worker program. The trade-off embodied in the AgJOBS compromise benefits current farm workers at the expense of future farm workers. Unions believe that legal workers, grateful for the unions' help in achieving immigrant status, would be easier to organize, even though the H-2A guest workers who are likely to eventually replace them may be harder to organize.

Card Check

Unions do not request secret-ballot elections until they feel confident they will win, and they gauge their support by persuading workers to sign union authorization cards. Because agriculture is a seasonal industry, the ALRA requires that at least 50 percent of currently employed workers sign authorization cards and that employment be at least 50 percent of its annual peak before a union can request an ALRB-supervised election.

In spite of these precautions, the UFW has sometimes lost elections it expected to win. In 2005, the UFW had signed authorization cards from 70 percent of the workers employed at the Giumarra table-grape

farm but received only 48 percent of the votes cast in the September 1 election. The UFW's election loss at Giumarra prompted a union push for card check, another amendment to the ALRA that would enable unions to be certified to represent farm workers without secret ballot elections. For example, if card check had been in effect in the Giumarra case, the UFW could have presented the signed authorization cards from 70 percent of workers and been certified without an election. Nonfarm unions have been urging Congress to approve card check in the Employee Free Choice Act for almost a decade, but there is strong resistance to ending secret-ballot elections.

César Chávez insisted in 1975 that the ALRA include secret ballot elections to avoid having employers recognize a union as the bargaining agent for their farm workers without elections. Now, the UFW argues that times have changed. The Teamsters are no longer competing to organize farm workers, and employers have become more sophisticated in encouraging workers to vote against union representation.

The California Legislature approved some version of card check every year between 2008 and 2011, but each of these bills was vetoed by the governor. The 2011 bill, SB 104, the Fair Treatment for Farm Workers Act, would have amended the ALRA to provide a "majority sign-up" alternative to secret-ballot elections, meaning that the ALRB could have certified a union as the bargaining agent for workers, if the union submitted signed authorization cards from a majority of current employees on a farm. The ALRB would have had five days to investigate the petition and then could have certified the union.

Farm employers and major media urged Governor Jerry Brown, who signed the ALRA into law in 1975, to veto SB 104, which he did. Brown said he "appreciated the frustrations" of the UFW in trying to organize farm workers but was unwilling to "alter in a significant way the guiding assumptions of the ALRA."

Conclusions

Almost four decades after California's pioneering ALRA was signed into law, there are fewer union members and contracts in California agriculture than there were before the law passed. Explanations for the failure of the self-help ALRA to transform the farm labor market include flawed union leadership, politics, the changing structure of farm employment, and unauthorized

migration. The UFW and many farm worker advocates hope that what they see as the unfulfilled promise of the ALRA can be achieved with comprehensive federal immigration reform, although such reform appears unlikely before 2013.

The peak of farm worker union power appears to have been the 15 years between the mid-1960s and the late 1970s, when unions won one-year wage increases of 40 percent or more, raising entry-level wages on farms with contracts to twice the minimum wage, the equivalent of \$16 an hour today. In the late 1970s, seasonal farm workers on unionized farms even received benefits such as employer-paid health insurance and pension benefits.

Recent farm labor trends point in opposite directions for unions. On the one hand, more workers are employed for longer periods in nurseries, dairies, and other farming operations that need labor year-round, providing unions with the opportunity to organize year-round farm workers who have higher earnings. Unions might also try to target growers who sell commodities such as strawberries and citrus to marketers with brand names and those with brand names who hire workers directly, as in table grapes. Unauthorized migration is declining, which may make it easier for unions to win

wage increases on the farms where they are certified to represent workers.

On the other hand, for most, seasonal farm work is a short-term job rather than a lifetime career. As Scottish union leader J. F. Duncan said in 1930: “the first obstacle to the formation of agricultural trade unions is the fact that agriculture is not regarded as a life occupation by the great majority of those who begin to work in the industry as wage earners. In every country in the world, agricultural workers seek to escape from agriculture into other walks of life, and the more vigorous and enterprising among them leave early.”

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VIDEO AVAILABLE AT CLAS.BERKELEY.EDU

Cesar Chávez attends a meeting in Santa Maria, California.

Credit: Cesar Chávez in Santa Maria. ¡Viva la Causa! — A Decade of Farm Labor Organizing on the Central Coast — Traveling Exhibit Traveling Exhibit | Manuel Echavarría (photographer), Special Collections, California Polytechnic State University, San Luis Obispo.

