

Rural Migrant & Ministry

Justice for Farmworkers Campaign

Testimony by

Justice for Farmworkers
Campaign Member

to the

New York City Council

Committee on Civil Service and Labor

On

Farmworkers Fair Labor Practices Act Resolution

June 4, 2015

Good Morning Mr. Chairman, Members of the Committee and the New York City Council and thank you for giving me the opportunity to testify before you on the proposed resolution.

On behalf of the Rural Migrant Ministry and the Justice for Farmworkers Campaign, I rise in strong support of the resolution urging the New York State Senate and Assembly to pass the Farmworkers Fair Labor Practices Act and for the Governor to sign this important legislation into law.

For far too long, farmworkers have been excluded from those rights afforded to practically every other employee. Since the 1930s they have not had the right to over-time pay, a day of rest, or collective bargaining.

These exclusions from the law or denial of rights do not make distinctions among race, age, gender or even legal status. It is crystal clear that if you are a farmworker in New York State, you do not have these rights.

The reality is that farmworkers not only take on physically demanding work, but as a reward for entering this field they are stripped

of very basic rights. Farmworkers have unwittingly joined a class of workers who is not and has not been treated fairly under the law.

I commend this Committee's resolution and for its willingness to stand side by side with those workers who are among the most vulnerable and disenfranchised.

Farmworkers have no money so they cannot hire lobbyists in Albany to speak for them. They have no money so they cannot hire lawyers to fight for them in court. They have no money so their voice is not heard.

It is resolutions such as the one proposed by this committee, and legislation such as the bill introduced by Assemblywoman Nolan (A.4762) and Senator Espaillat (S.1291), that sends the important message that some of us are listening.

It needs to be clear that the Assembly Nolan's and Senator Espaillat's bills will not give farmworkers additional rights which other employees do not have, they simply level the playing field for farmworkers. These bills bring farmworkers out of the 1930s when these exclusions originated for reasons of race and into the 21st century

where fairness and equality are valued and workers are protected. It will give farmworkers the rights that other take for granted.

At the Rural & Migrant Ministry, we speak with farmworkers and farmers every day. Farmworkers for the most part are quite aware that they do not have the same rights. They feel it at the end of a 90-hour work week in summer, a week that without overtime pay will not provide the earnings sufficient to build a savings for the 20-hour weeks in winter. They feel it when they come together as a group to negotiate with the boss for better housing, and the owner dismisses them all without consequence. We have met farmers who pay their workers a living wage and afford them dignity in the workplace, and those farmers feel it is unfair that not all farm operations have to do the same when they are competing for the same market.

Therefore, if it is not because it is the just thing to do, we should urge our leaders in Albany to give farmworkers the rights they deserve because it would be good for farmers. At a time when agribusiness in New York and the dairy industry are booming, now is the time to

guarantee farmers prosperity by strengthening their workforce. A strong workforce needs to be well rested, it needs to be appreciated and it needs to be taken care of. You cannot have a strong agricultural industry without a strong workforce. These are the two sides of the same coin. You cannot separate them or have one without the other. The Farmworker Fair Labor Practices Act (FFLPA) is essential to ensure that a strong workforce exists. Farmworkers serve as the backbone of New York's largest, and still growing, industry. It is time, once and for all to afford the people who serve as the foundation of New York's most expansive industry the same rights as those recognized for almost every other worker in our state.

Thank you for your time and I urge the swift passage of this resolution.



CATHERINE NOLAN
37TH Assembly District
Queens County

FOR THE RECORD
THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRWOMAN
EDUCATION COMMITTEE

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June 4, 2015

Honorable Daneek Miller, Chairman
Committee on Civil Service & Labor
250 Broadway Suite 1810
New York, NY 10007

Dear Councilman Miller:

Please let this letter serve as my public testimony for today's NYC Council hearing on the Farmworkers Fair Labor Practices Act.

Several years ago I was invited by Reverend Witt to Orange County to see the working conditions that farm workers had to deal with on a daily basis. From this experience I saw the inequalities that these workers faced compared to others. These farmworkers had no bathroom breaks, no clean drinking water, low wages, no day of rest, and most importantly no ability to collectively bargain.

These inequalities have been allowed to continue in New York State since the 1930's. Several pieces of the New Deal Legislation, most notably, the Wagner Act gave labor unions the ability to collectively bargain. This legislation, however, made exceptions for two distinct groups, domestic servants and farm workers. In 2010, New York State passed legislation giving domestic workers labor protections leaving farmworkers as the only group not afforded the same rights.

Throughout the years, many opponents of this legislation have argued giving farm workers the ability to unionize would severely hurt the family farms. The agricultural sector in this state, however, has changed drastically moving away from the family farms to much larger agricultural business centers that are able to turn huge profits because of the volume that is produced. A change in state policy about labor protections for farm workers would give farm workers basic human rights. This change in policy would also require farms to pay their fair share and treat their workers with the dignity they deserve.

When I was Chair of the Assembly Labor Committee, we passed several pieces of legislation including the right to clean drinking water for farmworkers which is now law. The final push for additional legislation would be to secure collective bargaining rights so farmworkers could negotiate a fair day's wage for a fair day's work. As the long time sponsor of this legislation, I re-introduced Assembly bill 4762 this year which would not only grant collective bargaining but also allow each worker the right to overtime pay, worker's compensation and a day of rest. The Assembly has passed this legislation several times over the past 10 years with 2013 being the most recent.

I believe this bill is more than reasonable and will correct many of these exclusions by granting the same rights to farmworkers that every other worker already has currently under the law. The Assembly has always expressed a willingness to work with the Senate, Governor and the farm industry on a bill to craft reasonable public policy that would help all parties involved.

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CATHERINE NOLAN
37TH Assembly District
Queens County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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I would like to thank the New York City Council including both Councilman and Chair of the Civil Service & Labor Committee Daneek Miller and NYC Council Speaker Melissa Mark-Viverito for holding this hearing and bringing attention to this important matter that needs to be addressed. We hope that you can join us in this fight to secure the most fundamental human rights for the most forgotten workers in history – farmworkers.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Nolan".

Catherine Nolan

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E-mail: nolanc@assembly.state.ny.us

Testimony on Resolution 692: Calling upon the New York State Legislature to pass and the Governor to sign A.4762 and S.1921, which would extend labor protections to farm workers

**Submitted to
New York City Council Committee on Civil Service and Labor**

**Submitted by
Jose Calderon
President
Hispanic Federation**

June 4, 2015

Committee on Civil Service and Labor:

My name is Jose Calderon and I am the President of the Hispanic Federation (HF). I would like to thank the Committee on Civil Service and Labor for inviting us to submit testimony on behalf of farmworkers in the state of New York.

I would like to start off by stating that Hispanic Federation strongly supports the passage of the Farmworker Fair Labor Practices Act (FFLPA) (S.1291/A.4762) and urges the New York State legislature to pass and the governor to sign A.4762 and S.1921. We also thank Council Member I. Daneek Miller for introducing – and all who have co-sponsored – the New York City Council resolution formally calling for the state to pass this law.

As you may know, Hispanic Federation is the premier Latino membership organization in the nation founded to address the many inequities confronting Latinos and the nonprofits that serve them. For 25 years, Hispanic Federation has provided grants, administered human services and coordinated advocacy for our broad network of agencies that serve more than 2 million Latinos in areas of health, education, economic empowerment, immigration and civic engagement.

The Farmworker Fair Labor Practices Act, introduced by Senator Adriano Espaillat and Assembly Member Catherine Nolan, would help grant fundamental rights and benefits to farmworkers that have long been available to workers in other vocations.

Farmworkers labor under harsh conditions and engage in intensive physical activity in order to feed all of us. They are seven times more likely than other workers to die from a work-related injury, yet they are exempt from several rights and protections that are afforded to other workers. An estimated 80,000 to 100,000 farm laborers in New York are currently excluded from basic labor protections under state and federal law. FFLPA would ensure that the conditions in which farmworkers work are more safe, sanitary, and humane.

In the past four years, farms in the United States have earned record-high net incomes. In 2014, this number was as high as \$108 billion. New York State in particular has one of the nation's largest and most robust agricultural economies. But even as our farms are prospering, many of our farmworkers are not. Farmworkers in New York are paid little more than minimum wage, and work a range of four to twenty hours in a day.

Farmworkers are also denied the right to organize and bargain, which is guaranteed to employees under the New York State Constitution. They do not have the right to a day of rest, overtime pay, collective bargaining, sanitary working conditions, workers compensation, and more. To deny this already vulnerable population the equal access to protections and benefits contradicts our values and our constitution.

In 2010, New York passed the Domestic Workers Bill of Rights Law and granted fundamental labor rights to the state's domestic workers. It is time for New York to build on its progressive record and act to end this injustice to farmworkers, without delay.

By passing the Farmworker Fair Labor Practices Act, New York State would reinforce the need for laws protecting farmworkers and our workforce as a whole. New York can pave the way for other states to pass progressive labor policies that are good for our community and good for our economy.

Thank you.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 692

in favor in opposition

Date: 6/4

(PLEASE PRINT)

Name: Adriano F. Serrano

Address: _____

I represent: Sen. District 31

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/4/15

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Name: Guisela Marroquin

Address: 297 Knollwood Rd, White Plains, NY 10602

I represent: New York Civil Liberties Union

Address: 125 Broad Street, 19th Fl., NY, NY

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 46 Res. No. 692
 in favor in opposition

Date: JUNE 4 2015

(PLEASE PRINT)

Name: RABBI MICHAEL FEINBERG

Address: 235 WEST 107th ST #17S 10026

I represent: GREATER NY LABOR-RELIGION COALITION

Address: 125 MAIDEN LANE - 5TH FLOOR
NY NY 10025

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 692
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Katia Chapman

Address: 356 Main St, Poughkeepsie, NY

I represent: Rural & Migrant Ministry

Address: 300 Noxon Rd, Poughkeepsie, NY

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