



Legislation Text

File #: Res 1372-2012, **Version:** *

Preconsidered Res. No. 1372

Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.1652/S.1862, establishing the Farmworkers Fair Labor Practices Act.

By Council Members Mendez, Barron, Comrie, Dromm, Gentile, James, Koppell, Lander and Rose

Whereas, According to the New York Civil Liberties Union, there are approximately 80,000 to 100,000 farmworkers in the State of New York; and

Whereas, Farmworkers in New York State are not guaranteed under either federal or New York State law, the right to a day of rest every week, overtime pay, to organize and bargain collectively, or workers' compensation in case of injury on the job, amongst other rights that are guaranteed to most workers in New York; and

Whereas, The New York State Constitution states, “[e]mployees shall have the right to organize and to bargain collectively through representatives of their own choosing”; and

Whereas, Federal and state labor laws specifically exclude farmworkers from having the right to organize and collectively bargain with their employers; and

Whereas, According to the U.S. Department of Labor’s Occupational Safety & Health Administration, agriculture is one of the most dangerous industries, and farmworkers are at high risk for fatal and nonfatal injuries, work-related lung diseases, noise-induced hearing loss, skin diseases, and certain cancers associated with chemical use and prolonged sun exposure; and

Whereas, The New York Workers’ Compensation Law specifically excludes many farmworkers from its provisions; and

Whereas, In 2010, the State Legislature passed and the Governor signed into law the Domestic Workers’

Bill of Rights, which granted overtime pay and a guaranteed day of rest, amongst other rights, to domestic workers, another group that has traditionally been excluded from having the same rights as other workers in this state; and

Whereas, According to a study by Market Ventures Inc., residents of New York City have a strong preference for locally grown and made foods, with an estimated demand in 2005 for such products at \$860 million, while the actual supply for such products at the time was estimated to be under \$200 million; and

Whereas, New York City residents purchase and consume countless fruits, vegetables and other products grown and produced by farms in New York State, including from thriving urban farms within New York City; and

Whereas, A.1652/S.1862 was introduced in the New York State Legislature by Assemblymember Catherine Nolan and Senator Adriano Espaillat and would amend various state laws, including the Labor Law and Workers' Compensation Law, to establish the Farmworkers Fair Labor Practices Act; and

Whereas, A.1652/S.1862 would provide farmworkers with basic rights that are guaranteed to most workers in the state, including a day of rest every week, overtime pay, the right to organize and bargain collectively, and workers' compensation in case of injury on the job, amongst other rights; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign into law A.1652/S.1862, establishing the Farmworkers Fair Labor Practices Act.

LS #3721
MWC
6/6/12