



Legislation Text

File #: Res 0898-2019, **Version:** *

Res. No. 898

Resolution calling upon the New York State Legislature to pass, and the New York State Governor to sign, S.2837/A.2750, enacting The Farmworkers Fair Labor Practices Act.

By Council Members Miller, Menchaca and Kallos

Whereas, There are an estimated 2.5 to 3 million farmworkers throughout the United States, with approximately 80,000 working within New York State; and

Whereas, A New York State Comptroller report indicates that New York State's more than 35,000 farms generated \$4.8 billion in revenue in 2017, producing a wide variety of agricultural commodities, such as sour cream, grapes, yogurt, and apples; and

Whereas, Although New York State has a large number of farms, there is a very small number within New York City due to geographic and logistical limitations, however, the recent increased utilization of urban agriculture throughout the city has created more community gardens, small commercial farms, farms at New York City Housing Authority developments and school gardens; and

Whereas, According to the most recently available United States Department of Agriculture's Census of Agriculture, as of 2012, there were approximately 31 farms throughout New York City, with a majority of these farms being less than 10 acres in size; and

Whereas, In addition to these 31 farms, the New York City Food Policy Food Metrics Report of 2018 reported that there were 530 GreenThumb registered community gardens and 735 registered public school garden projects throughout New York City; and

Whereas, These farms and spaces throughout the city may require farmworkers, however, there is a lack of data regarding just how many of these workers exist within New York City; and

Whereas, Despite a lack of data specific to farmworkers in New York City, it is evident that farmworkers provide essential economic and cultural contributions to many of the nation's communities, including New York City, while continually being a group of workers that are undervalued, overworked and poorly compensated; and

Whereas, Examples of this mistreatment can be seen in the results of the most recently available national survey of farmworkers, the National Agricultural Workers Survey for Fiscal Years 2015 to 2016, in which farmworkers reported that: mean and median personal incomes for the previous calendar year were in the range of \$17,500 to \$19,999, only 43% of farmworkers were covered by Unemployment Insurance (UI), only 57% of farmworkers received training or instruction in the safe use of pesticides, only 47% of farmworkers had health insurance, and the average number of work hours for farmworkers paid by the hour was 45 work hours per week; and

Whereas, In addition, according to the United States Department of Labor, farm work is one of the most dangerous-and most often fatal-occupations, with the New York Civil Liberties Union stating that farmworkers routinely risk their health and safety due to physically exhaustive work, long hours driven by seasonal harvesting cycles, exposure to pesticides and lack of access to health care; and

Whereas, In New York State, these things are particularly exacerbated for farmworkers, as these workers have been continually excluded from key labor protections under legislation that dates back to the passage of New Deal legislation, specifically the Federal Labor Relations Act, in the 1930s, and the subsequent passage of a similar law in 1938 by New York State; and

Whereas, Even after more than 80 years, farmworkers in New York State still lack the right to a day of rest, overtime pay and to bargain collectively, thus, S.2837 and A.2750 were introduced at the state-level to remedy this lack of protections and rights; and

Whereas, S.2837, introduced by Senator Jessica Ramos, and A.2750, introduced by Assemblywoman Catherine Nolan, enacts The Farmworkers Fair Labor Practices Act, which would provide key protections and

benefits for farmworkers, including: the ability to organize and advocate for themselves; the provision of overtime pay; at least 24 consecutive hours of rest each week; eligibility for workers' compensation benefits; and eligibility for UI benefits; and

Whereas, S.2837/A.2750 would ensure that farmworkers within New York State are compensated fairly, offered important protections other workers throughout the state have, and work and live in conditions that are respectable and decent, while allowing these workers the ability to organize and implement change in the future through the collective bargaining process; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the New York State Governor to sign, S.2837/A.2750, enacting The Farmworkers Fair Labor Standards Act.

KK
LS 9692
2/22/19