

EQUAL TREATMENT FOR FARMWORKERS: 80 Years Overdue

Agriculture is a multi-billion-dollar industry in New York, which ranks among the top agricultural states in the country. New York is the second largest producer of apples, snap beans, and maple syrup, and is the third largest dairy producer in the nation.¹ None of this would be possible without the workers who harvest the crops and operate the dairies.

Since 1938, New York's labor law has excluded agricultural workers from fundamental protections that almost all other hourly workers receive. To get segregationist legislators to support his New Deal, Franklin Roosevelt explicitly carved out agricultural and domestic workers – primarily black workers at the time – from federal labor law. Subsequent state versions, including New York's, retained this racist exclusion.

Eighty years later, New York farmworkers still lack the rights to a day of rest, overtime pay, workers' compensation, sanitary housing, and collective bargaining. **The Farmworker Fair Labor Practices Act**, A.2750 (Nolan)/S.2837 (Ramos), would remove this unjust and immoral exclusion.

THE PROBLEM

Farm work is grueling, dangerous, and even life-threatening. Workers are exposed to pesticides and other chemicals, intense physical strain, extreme heat and cold, and dangerous animals and machinery. Between 2006 and 2016, 69 farm fatalities were reported to the New York Department of Health.²

Farmworkers work long hours with no overtime pay. A recent survey of Hispanic dairy workers in New York reveals that the average daily work shift is 11.3 hours and the most workers (89 percent) work six days a week.³

In the midst of the #MeToo movement, hundreds of female farmworkers have come forward with their experiences of

1 U.S.D.A., 2017 State Agricultural Overview, *available at* https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=NEW%20YORK.

2 C. Fox, R. Fuentes, F. Ortiz Valdez, G. Purser, and K. Sexsmith. 2017. "Milked: Immigrant Dairy Farmworkers in New York State." A report by the Workers' Center of Central New York and the Worker Justice Center of New York, *available at* <https://milked.org>.

3 T. Maloney, L. Eiholzer, and B. Ryan. "Survey of Hispanic Dairy Workers in New York State 2016." Charles H. Dyson School of Applied Economics and Management, College of Agriculture and Life Sciences, Cornell University *available at* <http://publications.dyson.cornell.edu/outreach/extensionpdf/2016/Cornell-Dyson-eb1612.pdf>.

sexual harassment and assault in the fields. Without basic labor protections, farmworker women can be fired for even approaching their bosses to report mistreatment or abuse.

THE SOLUTION

For more information, please visit nyclu.org/farmworkers

New York legislators have an opportunity to end this racist and unjust practice. **The Farmworker Fair Labor Practices Act**, A.2750 (Nolan)/S.2837 (Ramos), gives all farmworkers the basic rights to:

- one day of rest per workweek
- overtime pay
- workers' compensation regardless of farm size
- regular health and safety inspections for all farmworker housing
- collective bargaining, so workers can discuss and advocate for better work conditions

By passing this legislation, New York would join many other states that have protected farmworkers' right to engage in collective bargaining: Arizona, California, Hawaii, Kansas, Louisiana, Massachusetts, Nebraska, New Jersey, Oregon, and Wisconsin. New York would also join California, Colorado, Hawaii, Maryland, and Minnesota in paying farmworkers time and a half when working overtime.

Opponents of the Farmworker Fair Labor Practices Act say it will destroy the family farm, which simply is not true. Two-thirds of New York farms don't even employ outside farm labor. Of the remaining third, many are not family farms, but large corporately-owned farms that generate huge revenues.⁴ When the minimum wage was raised in 2004, many farmers made this same argument. But to the contrary, agriculture revenues increased by 39 percent between 2002 and 2007.⁵

In 2019, our most vulnerable workers should not be denied basic labor protections. Passage of the Farmworker Fair Labor Practices Act will not only fix this historic error, but it will send a strong signal that New York stands with all workers. The time has come to eliminate one of the last vestiges of Jim Crow, and for New York to make good on its promise to be one of the most progressive and pro-labor states in the nation.



4 USDA, National Agricultural Statistical Census, Hired Farm Labor – Workers & Payroll 2012 *available at* https://www.nass.usda.gov/Publications/AgCensus/2012/Full_Report/Volume_1,_Chapter_2_US_State_Level/st99_2_007_007.pdf.

5 USDA, National Agricultural Statistical Census, Market Value of Ag Products Sold 2007 *available at* https://www.nass.usda.gov/Publications/AgCensus/2007/Full_Report/Volume_1,_Chapter_2_US_State_Level/st99_2_002_002.pdf.