



*“A movement for food justice must advocate for the dignity of and respect for the workers who help to produce, process, distribute and serve us our food. This will require us to build meaningful and durable bridges between the food, labor and racial justice movements.”<sup>i</sup>*

## **Building the Movement: Labor in the Northeast Food System**

Northeast Sustainable Agriculture Working Group  
By Elizabeth Henderson and Jack Bradigan Spula

*Juan Baten, a 22-year old factory worker at Tortilleria Chinantla in Williamsburg (Brooklyn, NY) fell into a waist-high machine used for mixing tortillas and was killed. Surveillance video of the accident shows his arm got caught on one of the blades of the mixer, and he was pulled in. Baten was undocumented and had been working 9 hours a day, 6 days a week.*

*The sale of 40% of the apple harvest from Wayne County, New York, for 2010 was at risk when workers struck the Mott's Plant in Williamson, New York. Despite high profits to the company of \$555 million and a \$6.5 million compensation packet for the CEO, the Dr. Pepper Snapple Group, based in Texas, wanted to cut wages and benefits to the 300 workers at the Mott's plant. The 305 hourly workers, members of Retail, Wholesale and Department Store Union (RWDSU, Local 220) held out for 120 days when the strike was settled.*

*A 35-year old woman left a solid career in marketing to take an internship on an organic farm. She agreed to work 6-days a week, whatever hours needed, for a stipend of \$100 a week in exchange for the farming experience. The farmer who hired her was in his third year of farming and only earning about \$5 an hour himself.*

### **Introduction**

Americans can't avoid the fact that we live in a car culture. Besides hundreds of millions of vehicles on our highways, there are the 1.1 million employed directly as automakers, plus about the same number working at auto dealerships --- plus the vast numbers of parts-supplier employees, mechanics, service-station workers, and many more. We recognize the vital importance of these workers to support our car-dependent way of life.

But above all, we Americans, like all human beings, live in *food cultures*. Ultimately, our daily bread is more important than our wheels. Yet, we are largely oblivious of the workforce that provides us our food.

And sure enough, the numbers reflect the reality of our dependence on these workers. We have more than 7.6 million people employed in food and beverage service and related jobs, for example. And just the 1.4 million farm workers tending and harvesting our crops easily outnumber those working in auto plants. Yet many - perhaps most - of these food sector workers remain largely

invisible to the American consumer. That's partly because they're workers who often toil far from our metro areas, "hidden in plain sight" out in the fields, rendered anonymous and "interchangeable" in slaughterhouses and meatpacking facilities, or stuck in dead-end and high-pressure jobs behind the scenes in restaurants, hotels, and cafeterias.

These workers are the backbone of any *food system*. If, as a movement, we are pursuing the ideal of a *just and sustainable* food system, it's inevitable and morally necessary to keep the full range of food system workers front and center in our efforts. For without a legal, adequately skilled, decently compensated and fairly treated labor force, we cannot achieve food justice and sustainability on any level.

Our goal is to "re-regionalize" our food system such that, as Kathy Ruhf and Kate Clancy put it in their working paper, *Exploring a Regional Food Systems Approach*, "as much good food as possible to meet the population's food Needs is produced, processed, distributed and purchased...at multiple levels and scales within a region, resulting in maximum resilience, minimum importation, and significant economic and social return to all stakeholders in the region." <sup>ii</sup> Our goal is a regional food system with thriving farms, and prosperous food businesses and services that are regionally based and controlled, and largely supplied with food grown within the region.

Our theory of change for food system transformation in our region addresses beneficiaries, strategies and outcomes. We assume that *all* stakeholders must benefit; our vision cannot stop short of a system in which economic and social rewards are distributed equitably all along the food chain, where no sector or individual is treated unfairly.

We need to understand the strengths and weaknesses of the current system and develop strategies that will move towards long-term systems change in which the outcomes include justice and fairness for all. *Engaging, mobilizing and transforming the food system labor force is critical to this goal.*

## **Food system workers**

In this era of socioeconomic pressures that have made the restaurant meal a routine rather than a treat for millions of families, consumers have almost daily contact with food *service* workers. But the scale of this job sector may surprise the average American. The federal Bureau of Labor Statistics (BLS) says the number of such workers – table servers, bartenders, fast-food counter staff, kitchen and other food preparation workers, dishwashers, hosts and hostesses, and more – will rise to 8.4 million by 2018, a 10 percent increase over the 7.6 million tabulated in 2008.

These myriad workers' earnings, however, are less impressive than the head count. In New York State, which with New York City forms the Northeast's largest food prep and retail consumption market, the average "food preparation and serving related" job pays an average of only \$9.61 an hour, according to the BLS. The state minimum wage for food service workers who get tips just shot up to \$5 from an even more miserly \$4.65. The BLS also notes that food-related job categories – from farm labor to cashiering – rank high on the list of dangerous occupations. And we should remember that the average wage is inflated by the statistical inclusion of certain supervisors and other staff who make a good deal more.

Surely the upper echelon of food service workers makes a decent living. But the mid- and lower levels are often caught in a revolving door that sends them down a dead end. In 2007, for example, the Brennan Center for Justice<sup>iii</sup> reported that a great deal of “unregulated work” in New York City restaurants led simultaneously to high job turnover and a “substantial amount of *industry tenure*” [emphasis in original]. In other words, entry- and lower-level restaurant workers (a high proportion of whom are first-generation immigrants of color, a good many undocumented) try to move up in the ranks within a single business but end up moving from one low-paying restaurant to another. These workers hold onto the hope of securing construction jobs, and the like, to improve their lot, but economic circumstances and a host of discriminatory hurdles make this difficult.

More than money and advancement are at stake, of course. Lower-level food service workers in restaurants and other facilities, says the Brennan Center, are likely to suffer human-rights abuses on the job: demands for unpaid overtime, unsafe working conditions, long hours without adequate breaks, outright nonpayment of wages, threats of retaliation (including being turned in to immigration authorities) against those workers who lodge complaints or attempt to organize.

Food workers in retail outlets also are ubiquitous. In 2008 there were, for example, more than 967,000 cashiers in American food and beverage stores. And though these workers, who aren’t forced to rely on tips, are covered by the federal minimum wage (\$7.25), they managed to average only \$8.59 an hour. It’s true that many food store workers like cashiers are represented by unions like the United Food and Commercial Workers (UFCW) that certainly have improved the picture. According to the Food Chain Workers Alliance, non-union food service workers earn just \$7.80 per hour, while union workers make an average of \$10.32 per hour. (Website accessed Sept 7, 2011.) But even organized workers may lose ground – if giant corporations like Walmart extend their dominance over the retail sector by cornering much of the grocery business.

The UFCW has raised serious concerns about such concentration in food retail in general and Walmart in particular. The latter company, notes the UFCW, is now the nation’s largest food retailer, controlling Nearly 25 percent of the market. And the company’s growth curve as a food marketer is stunningly steep: its market share was under 10 percent at the end of the last century. Elsewhere in the food sector, the picture is much the same: Three multinational companies— Compass, Sodexo and Aramark— employ 75% of all institutional (corporate cafeteria, schools, universities, etc) food service workers, excluding airports, according to UniteHere.

But raw bulk isn’t the whole story. Walmart uses its clout cleverly and efficiently, forcing suppliers to cut their own costs to the bone to meet the behemoth’s demands. (The company’s demands can hardly be ignored, moreover, since Walmart contracts account for big chunks of earnings at even the biggest suppliers. For example, General Mills in one recent year supplied \$3.1 billion in products to Walmart, fully 21 percent of the supplier’s total sales.) And as the UFCW and plain common sense indicate, it’s the workers at food suppliers who must take the brunt of the cost-cutting: lower or stagnant wages, line speed-ups, pressures that compromise workers’ safety, and so forth.

### **Farmers and farm workers**

While support for local food sourcing and enthusiasm for new farms are rising, except for direct sales in high end farmers markets and CSAs, prices for farm products don’t cover full production costs. Many farms are in debt, and when you examine farm profit and loss statements, it’s hard to

argue that they have extra money for living wages and a reasonable packet of benefits for the farmers themselves as well as all farm workers. Schools and services, largely funded by local land taxes, are disproportionately heavy for farmers. Development pressure has driven land values higher than what can be paid for out of farming income.

According to *Time to Act*, USDA's 1998 report on the status of US small farms, "From 1910 to 1990 the share of the agricultural economy received by farmers dropped from 21 percent to 5 percent."<sup>iv</sup> Nevertheless, 40 years of slow but steady campaigning has stopped the loss of smaller farms--those with gross sales under \$50,000, mainly selling direct and often part-time. According to census data, the farms "in the middle" -- those too big to thrive on direct sales, and too small to compete in global commodity markets, continue to drop in numbers. (See [www.agricultureofthemiddle.org](http://www.agricultureofthemiddle.org).)

In the 12 Northeast states, there are approximately 224,000 hired farm workers, according to the 2007 Census of Agriculture, ranging from 1,641 in Rhode Island to 60,721 in Pennsylvania. The exact number is difficult to determine since most NE farm work is seasonal. The same workers may be reported by several farms as they move from apple tree pruning in the winter to picking vegetables at another farm in the summer. (Rhode Island has an interesting profile. Ken Ayars, head of the state's Division of Agriculture reported to a graduate student: "The farmworker presence in this state is minimal. For the most part, labor is done by family members. There are some examples of people who hire seasonal labor... [and] they hire the same people over and over.. There are a few examples of people who hire migrant labor, within the apple industry. Typically these workers come from Jamaica or Guatemala.")<sup>v</sup>

In a bigger agricultural state like New York, there are 1430 farms that hire over 10 workers, with 86 farms reporting the use of contract labor. Compared to states like California and Texas, the use of labor contractors is relatively minor; the *Farmworker Inventory* documents the abuses farm workers suffer under labor contractors.<sup>vi</sup> From sources as diverse as the Department of Labor and farm worker advocates, as many as 60-70 percent of farm workers on the larger farms may be undocumented, and it seems likely that farms that hire undocumented workers may not report them to the government.

Just like farms, farmworkers are losing economic ground. The USDOL National Agricultural Workers Survey data show that between 1990 and 1998 farmworkers' wages decreased relative to the overall economy, from 52 cents to 48 cents for every dollar paid to workers in non-farm sectors.<sup>vii</sup> According to the US Department of Labor National Agricultural Worker Survey (2006), on average, farmworkers annually earn \$10,000-\$12,499. The seasonal nature of much NE farm work, except on dairy farms, makes it unattractive for many people who are unwilling to migrate to maintain steady employment. Many farm employers report that local residents are unable or unwilling to do the kinds of demanding physical labor farms require.

Most of the Northeast states require that farm employers with more than one or two hired workers provide Workers Compensation and pay at least the federal minimum hourly wage. Connecticut requires payment of the state hourly wage of \$8 an hour. In New Jersey and Delaware, workers compensation is optional and in RI only required on farms with over 25 employees. In none of the NE states are farmers required to pay time and a half for overtime.<sup>viii</sup> Due to their small size, 88% of the farms are exempt from Occupational Health and Safety (OSHA) inspections, resulting in no

health and safety coverage or on-farm housing inspections for 1/3 of all NE farm workers. The *Farmworker Inventory* concludes that “given the lack of regulatory data available, it would appear that most state and federal regulations that protect farmworkers are rarely monitored or enforced (e.g. child labor regulations, minimum wage provisions).” (p.58)

The exemptions for small farms ultimately harm all those involved in agriculture, both small-scale farmers and farmworkers, as a culture of tolerance for inferior conditions is created. Farmers inflict on themselves conditions they would never accept from an employer. The smaller farms of the NE are at a competitive disadvantage with the much larger farms of CA, TX and a few other states. As *Time to Act* notes: “Large farms that depend on hired farmworkers receive exemptions from federal labor laws allowing them the advantage of low-wage labor costs. . . . The benefits received by large farm operators come at the expense of the farmworker and small farmer who cannot compete with large farms because they have access to cheap labor. . . . Ultimately, small farmers will earn fair incomes only if farmworkers on large farms are paid fair incomes.”<sup>ix</sup>

Despite the poor wages and difficult working conditions of many farmworkers, there is very little organizing or attempts to form unions in the NE. There are farmworker advocacy and justice campaigns and in some places, services such as legal aid, daycare and health clinics. The National Labor Relations Act of 1935 exempted agricultural workers from the legal protections granted to workers in other sectors; in other words, farmworkers don’t have the legally protected right to organize. The legal protections and worker safety laws that apply to other food chain workers are also poorly enforced. Understandably given the risk of deportation, undocumented workers are too afraid to make complaints or organize. At the same time, ICE is putting pressure on employers to fire undocumented workers. Legislation requiring employers to use “E-verify,” an on-line service to check workers’ legal status that critics say is often inaccurate, is pending in the House.

Without the migrant farm workers, the larger NE farms would not be able to function. Wayne County apple growers have repeatedly exhorted NY representatives to push for the Agricultural Job Opportunities, Benefits and Securities Act (the AgJobs bill) that would grant undocumented farm workers and H2A workers temporary immigration status based on their work experience. Workers who continue performing agricultural work would have the chance of gaining permanent resident status. The apple growers say they can’t find local workers to harvest their crops, and mutter about cutting down their trees and growing grains instead. Some farmers have already switched to crops that require less labor – replacing fruit and vegetables with grains for fuel and processing or cattle instead of dairy cows – or invested in equipment that reduces labor Needs, such as robotic milking machines.

### **Challenges and possibilities**

Organizing food system workers scattered in many small enterprises with high worker turnover is a daunting task, especially when the workers themselves have weak or no legal protections and may even be undocumented. Small-scale farmers are hard to get together too. Aside from their independent attitudes, there’s the legal issue that protections for collective bargaining by associations of farmers faced with buyers on the scale of Mott’s or Walmart are weak in all the Northeast states. (Iowa has much stronger supports for fair contract Negotiations.)

Yet there are encouraging efforts underway that offer creative approaches and many opportunities for partnerships. Here are just a few examples:

- The Restaurant Opportunities Center (ROC), with branches in NYC and Philadelphia, has turned out an excellent series of studies on conditions for restaurant workers and is about to launch a campaign to enlist consumers to use their patronage to pressure restaurants to take the “high road.” ROC will be issuing an Annual National Diners Guide that will reveal the lowest wage paid, benefits provided, and internal promotion practices of many popular restaurants.
- Anyone working on farm to school efforts will attest to the importance of having insiders involved at both ends. With support from students, Unite Here, a union with 70,000 members in the NE, is engaged in a lively campaign to bring sustainably produced food and fair working conditions to food services on college campuses. (NB: Chris Bohner, the union’s sustainability coordinator, cites their commitment to teach members about the sustainable food movement.)
- By building a student-community campaign, the Tompkins County Workers’ Center/Jobs with Justice was successful in winning a living wage for over 100 food service workers employed by Sodexo at Ithaca College, an increase of over 35% from their current \$8.19/hour.
- CATA, the NJ-based Farmworker Support Committee, a migrant farmworker organization that is governed by and comprised of farm workers, is building on the momentum of international fair trade to launch domestic fair trade. CATA is partnering with NOFA, RAFI and FOG in the Agricultural Justice Project, which has created the Food Justice Certified label for farms and food businesses. Consumers who buy products with this label are supporting farms that adhere to a set of human and legal rights for workers. In addition, the label signifies that family farmers are receiving fair prices.

There are a lot of questions still to be answered - we don't know exactly who all the workers are in the Northeast food system, what percentage work for regionally controlled farms and businesses, how many are citizens. But the overall picture is clear enough. Most of the people who are bringing us our food are poorly paid, insecure in their jobs, lacking in benefits, unprotected from hazards, and the lowest paid jobs are over-whelmingly done by women, people of color, recent immigrants. The prices paid to farmers don’t cover the full costs of production.

Any movement for systematic change has everything to gain by recruiting, motivating, supporting and especially empowering these people. Farms and businesses run better when the workers are well paid, active participants. People who work one job that gives them a living wage have time to shop and cook healthy meals for their families. Food safety increases when workers who are sick can stay home and get better instead of sneezing on the lettuce or into the pot.

To change the status quo will require many participants, effective organizing and well-orchestrated campaigns to build public understanding and support. The sustainable agriculture and food systems movement will become stronger and more effective as we build partnerships with more and more of the people who do the hard work.

### **Strategies for progress:**

Seek alliances with labor unions that are organizing food system workers. Union collaboration across sectors has been rare. As *Green Jobs in a Sustainable Food System* notes, “to initiate broad transformation of the food system...a coordinated strategy among workers across the food chain could serve to strengthen the respective struggles.”<sup>x</sup>

- UFW – farmworkers
- UFCW – grocery store workers, supermarkets, meat packing, food processing
- UFCW Canada, in coordination with the Agricultural Workers Alliance, operates 10 farmworker support centers in different regions of Canada, and has established contact with the Mexican government and even specific Mexican states to protect the rights of Mexican citizens working in Canada. As a point of information, a review of two of the UFCW contracts with Canadian farms reveals that these contracts prohibit farm workers from striking during peak harvest periods.
- UniteHere – food service workers, hotels, restaurants, corporate cafeterias, airports, universities, school districts, sports stadiums and event centers, amusement parks, and national parks. Most of their food service members are women, immigrants and people of color.
- Teamsters – warehouse workers, truck drivers, waste management – wants to organize 150,000 workers in waste management
- American Federation of State, County and Municipal Employees – food service workers in the public sector
- International Longshore and Warehouse Union – port and dock workers who load and unload food
- Service Employees International Union – food service workers in hospitals
- International Chemical workers Union – workers in some food manufacturing areas – baked goods, meat, coffee, baking powder

### **Recommendations:**

- Amend the NLRA – end exclusion of farm workers and domestic workers (only a few states recognize farm worker right to organize, notably California, but there is little enforcement. From *Green Jobs*: “many sectors of the food chain are excluded from the protections of federal labor laws. This includes farmworkers, tipped minimum wage workers such as those in restaurants, and the formerly incarcerated. These workers fall under the rubric of excluded workers, who lack the right to organize without retaliation, because they are excluded from labor law protection or the laws are not enforced.” p.13.
- Include farmworkers in farm disaster payments.
- Support ROC in pressuring restaurants to improve labor practices. There is not the connection one might expect between restaurants that feature local food and good labor practices. ROC has branches in NYC and Philadelphia. Groups like Slow Food can use their consumer pressure - restaurants that earn the Slow Food *turtle* must have good labor practices.
- Support development of domestic fair trade in the NE: standards would be based fundamentally on the two complementary principles of economic equity for the farmer, and socially just working conditions for the farmworker, resulting in a win/win scenario for workers and farmers, who would both benefit from such a program.
- *Farmworker Inventory* recommends: (1) highlight the role of farmworkers in the US food system through existing data; (2) translate existing farmworker data into accessible and meaningful formats; (3) provide greater consumer choice through local level data; shoppers should know about both good farms and bad performers; (4) promote greater accountability in the food system through consumer choice; (5) foster cross-sector collaboration.
- Oppose Free Trade Agreements that open borders to cheaper food from industrialized farms, forcing domestic farm workers out of farming and into the migrant stream.

- Support AgJobs Legislation and effective immigration reform – see the Luis Gutierrez (D-IL) bill. As stated by Rural Migrant Ministries in a flyer announcing their 2011 march, “We Need immigration reform legislation that reunites families, lays out an earned path to citizenship, restores due process, protects all workers’ rights, and revitalizes our economy.”
- Demand follow-up to USDA/DOJ hearings on concentration – anti-trust action.
- Add to the NESAWG regional food system vision statement:<sup>xi</sup> Foster training and careers with opportunities for continuing education., adequate benefits, safe working conditions, living wages, respect, more worker-controlled cooperative ventures. Promote farming as a desirable career goal with recognized social status. Make farm jobs attractive to US citizens; also, with options for working careers on farms with decent wages and benefits.

Listening to their voices and acknowledging the current injustices against the people who do the work to bring our food from seed to table is essential to strengthen our movement. We have everything to gain. So if we work hard on the issues, the time will come when all food system workers will be regarded with the respect they deserve, as an essential, integrated part of a just and sustainable regional food system.

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<sup>i</sup> Yvonne Yen Liu and Dominique Apollon, *The Color of Food*, Applied Research Center, Feb. 2011, p. 20.

<sup>ii</sup> “A regional food system describes a system in which as much good food as possible to meet the population’s food Needs is produced, processed, distributed and purchased as much as possible at multiple levels and scales within a region resulting in maximum resilience, minimum importation, and significant economic and social return to all stakeholders in the region. This is known as “self-reliance” (as opposed to “self-sufficiency” wherein everything eaten is supplied within the target area).” Kathryn Ruhf and Kate Clancy, *It Takes a Region: A Working Paper on Regional Food Systems*, p. 8.

<sup>iii</sup> *Unregulated Work in the Global City*, Brennan Center for Justice, 2007.

<sup>iv</sup> *A Time to Act: A Report of the USDA National Commission on Small Farms*. January 1998, p.109.

<sup>v</sup> Personal communication from Jonathan Leibovic.

<sup>vi</sup> *Inventory of Farmworker Issues and Protections in the US*. March 2011. Bon Appetit and United Farm Workers.

<sup>vii</sup> Levine, L. (1999). *CRS report for Congress: Farm labor shortages and immigration policy*. Congressional Research Service.

<sup>viii</sup> “On Farm Workstays,” Project, *On Farm Mentors and Labor Law: Year End Report*, 2008. The New England Small Farm Institute.

<sup>ix</sup> *A Time to Act*, op.cit., p. 109.

<sup>x</sup> *Green Jobs in a Sustainable Food System*. Green for All. April, 2011, p. 58. Defines green jobs as “those that are accessibly and provide pathways out of poverty for historically disenfranchised communities, including low-income people, people of color and people with barriers to employment, such as a criminal record. It also acknowledges the Need for the green economy to deepen community wealth building through locally rooted, cooperatively owned enterprises.” P. 5.

<sup>xi</sup> From Ruhf-Clancy paper, op. cit. P.12.A strategic vision: Our premise is that a regionally focused food system could be the best frame to accomplish what we want in a food and farming system. ... We posit that a regionally focused food system is the best scenario for meeting the economic, social and environmental values of a sustainable, resilient, secure food system.