

FLOC NC Summer Organizing Report 2003

FLOC started its summer organizing campaign in early June of this year. Our goals include visiting farm labor camps, talking to workers about any problems they are having (work, health, housing, translation and other issues), educating farmworkers about what their labor rights are, helping to resolve any problems identified, being a general community resource, and providing a safe space for workers. We believe in the empowerment of the workers so that that they themselves are a part of resolving any workplace issues. In addition, at our office in Dudley, NC, we offer weekly English classes, translation services, workshops on legal rights, and access to a public notary.

We recruited several students and community members to work with the organizers as staff and volunteers for the summer, and we visit approximately 100 camps a week, focusing mainly on about 50, in 11 counties of Eastern North Carolina. Each week we focus on a different theme, ranging from pesticide protection, to English classes, to labor rights, to field and housing regulations.

Our experiences witnessing labor law violations and abuse toward immigrant workers this summer affirm more than ever the need for a farmworker union in the fields of North Carolina. Of the camps we visited, fully 100% were in violation of state or federal labor laws. This report will detail some of these violations, will demonstrate FLOC's effectiveness in resolving workplace issues, will explain why a contract with Mt. Olive Pickle Company (MOPC) is necessary for change, and will also prove that the agreement between Duke University and Mt. Olive Pickle is ineffectual and will accomplish nothing for farmworkers.

Please note that for the purpose of this report, "Mt. Olive Suppliers" refers to an agricultural establishment of any kind (farms, farmers, growers) whose cucumbers become Mt. Olive Pickles.

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Summary of Violations

Please note that all statistics about numbers of growers in violation are very conservative. These violations were documented as workers reported them, meaning, for example, that if a worker reported a wage violation, there could very well be field sanitation violations also that were just not reported at the time, and vice versa. All violations documented were witnessed first hand by FLOC organizers. The 54 camps documented in this report contain a sampling of both Mt. Olive Pickle Suppliers and non-Mt. Olive suppliers. Violations are just as present on Mt. Olive Pickle supplier farms as others, despite Mt. Olive claims. See Attachment One for a chart of violations.

Housing Violations

See *Attachment Two* for photos of North Carolina migrant farmworker housing. See *Attachment Three* for photos of migrant housing in Ohio, under FLOC contract.

The NC Department of Labor has standards with which anyone housing migrant workers must comply. FLOC believes that these standards are not adequate; however even these most basic standards are not enforced, due to a complaint-driven system and overworked and understaffed DOL inspectors. The most common violations we have observed include the following: insufficient beds or mattresses (causing workers to sleep on the floor or on metal bed frames), missing or broken window/door screens leading to insect infestations, lack of waste disposal facilities or lack of garbage removal, leaky roofs, plumbing problems, faulty stoves, not enough refrigerators and lack of inspection. We classify one or two of these violations in a camp as a “minor housing violation.” Two or more violations (or 1-2 extreme violations) constitute a “major housing violation.”

Of a sample of 54 growers whose camps FLOC visited, over half of them had housing violations, 15 of them major violations.

*For example, G*****’s labor camp in Johnston County, does not provide sufficient beds for workers, causing workers to sleep on the floor, the camp is overcrowded, and the camp was infested with flies because of a broken screen. In the same camp of 40 men, there were only 2 laundry sinks, 3 toilets, 1 urinal trough, 4 showers (all with no dividers) and 2 stoves. These are all legal, yet clearly unsanitary.*

*In one of B*****’s labor camp in Sampson County, raw sewage was flowing outside the camp. In another camp owned by the same grower, no refrigerator was provided (a worker had to buy one with his own money), workers were sleeping on metal frames with no mattresses and the stove didn’t work. In this last case, the workers did not want to make any formal complaints because of fear of retaliation.*

*In a camp run by A***** in Wilson County, 20 workers were staying in one small house that had no running water for the first several weeks) –and still has no hot water. Many workers were sleeping on the floor, and windows were broken allowing for insect infestation. FLOC intervened and most of these violations were corrected, however, we recently learned that A***** just closed this camp and moved the workers to a camp in Wilson with no beds, stove or refrigerator.*

*At a camp owned by H***** in Wilson County, two women who cook food for the workers are forced to live in the kitchen, with only a sheet strung up as a divider—both illegal and unsanitary.*

*At T****'s camp in Nash County, the toilet was so backed up, when it was flushed, feces spilled out of the kitchen drain. This was the case for about a month while the workers complained; only after FLOC called the farmer did he fix the problem.*

Field Sanitation Violations

The Occupational Safety and Health Administration has established standards for field sanitation while workers are working in the fields, including providing toilet and handwashing facilities within a ¼ mile walk from the field (1 toilet per 20 workers), providing cool, potable drinking water and sufficient disposable cups for all workers. Workers have the legal right to drink water when thirsty and use the bathroom as necessary.

Nearly half of the growers reported on were found to have field sanitation violations (this does not mean that others were not also in violation), many with multiple violations. The most common violations include: lack of bathrooms in fields, lack of cold water provided or lack of drinking cups and illegal application of pesticides while workers worked in the fields.

*At many fields, including those run by H** in Green Count, B***** in Edgecombe County and F***** in Nash County, cups are not provided, so workers are forced to drink water from dirty bottles and cans they find in the fields and share these with all the workers. In these same fields, there are no bathrooms present in the fields.*

*It is rare to find bathrooms in the fields, and even rarer to find bathrooms that have been cleaned and maintained properly. In S*****'s fields in Wayne County, workers report that there are never bathrooms in the fields, and that the women have to walk a mile to use cornfields to relieve themselves for privacy from the male workers.*

*While working in B*****'s fields in Nash County, one worker was actually beaten up for stopping to drink some water.*

*Also in Nash County on the fields of the B***** Brothers, there are no bathrooms present when over 40 workers were working. In the same fields, workers' were sold beer while working, which of course is dehydrating.*

*In M*****'s camp in Johnston County, workers became ill while working in the fields, and while we were there (only about a half hour), three workers were brought back to the camp because of illness, one shaking and convulsing. The grower did not want to take the worker to a clinic until a FLOC organizer requested it. Workers reported that when they complained of feeling sick, the crewleader would laugh and call them lazy and threaten to send them back to Mexico.*

Wage and Hour Violations

Farmworkers on small farms do not even have the right to minimum wage, and no farmworkers have the right to overtime pay, but on larger farms and for H2A workers, there are specific laws regarding wage and hours. One example is that farmworkers are supposed to be informed before accepting the job of the wages, period of work, benefits and many other things. However, this advance notice is practically never given. Other common wage & hour violations include: payment in cash, lack of pay stub, significant deductions from paycheck (for housing, transportation, beer, food, coyote debt and other) bringing the wage far below minimum wage, cheating on the hours

(for example, claiming a worker has worked less hours than he really has to make it look like he has earned minimum wage), and lack of payment all together.

Often, federal, state and social security taxes are deducted from workers' pay, but the crewleader or farmer sometimes pockets this. Deducting taxes without requesting a social security number indicates that taxes will not be reported and that the workers are smuggled into the country by "coyotes" who deduct significant smuggling fees from the workers' pay.

Wage and hour violations are especially significant because earning money to provide for families back home is the whole reason immigrant workers come to this country. Unfortunately, workers often do not understand the laws and because of intimidation do not complain if cheated.

*At B**** **'s camp in Green County, all the workers arrive at the camp in debt \$1500-\$3000 to the coyote—or smuggler—that brought them across the border. When they are paid, their pay is deducted for the debt, a small housing fee, transportation and miscellaneous other fees, leaving some workers with as little as \$25 take-home pay for the week.*

*A group of workers working under R***** in Wayne County reported that they were all paid in cash with no pay stub. Two dollars were deducted out of some workers' pay because the crewleader "had to cash a big check that covered all the wages and \$2 would cover the check cashing fee." Some workers were also charged \$3 for taking a 30 minute break. More seriously, 14 workers were not paid for work done, and when they requested the money, the contractor told them to work one full day without pay and then he would give them the money. The workers were owed a total of \$1,121.40.*

*According to the workers at B***'s camps in Nash County, there are serious wage violations including workers being the equivalent of indentured servants, forced to work off a debt and not allowed to leave, workers not being paid for all hours worked, pay records not being maintained, and workers being paid in cash with no pay stubs.*

*Z***** is a crewleader in Wayne County for some Mt. Olive suppliers, and the workers were so dissatisfied with the pay rate that they asked FLOC about going on strike to raise the wages. The crewleader had misinformed the workers regarding their pay rates.*

Intimidation and Visitor Restrictions

FLOC has identified a serious climate of control present on the overwhelming majority of farms in North Carolina, from restricting visitors, to intimidating workers with threats of firing, blacklisting, deportation and threats of violence against workers and their families in Mexico. In our view, this problem is far more serious than housing, or even wages or field sanitation violations. Intimidation is perhaps what most affects workers' dignity and ability to address problems they encounter in the fields. It is this climate of control and intimidation that prevents workers from complaining about serious problems that exist on the farms and also what often prevents workers from leaving to seek other opportunities. Intimidation and retaliation against union supporters during a campaign is against the law in every job except agriculture.

Note: Though migrant housing is usually on growers' property, farmworkers have tenants' rights, and just like any other tenant have the right to invite any visitors they want into their homes.

This summer, FLOC received specific reports of serious intimidation or visitor restrictions in 46% of the 54 camps reported on, but have observed such a climate in the vast majority.

The H2A federal guestworker program, of which North Carolina is the largest user, is one of the major culprits in this problem. Guestworkers are tied to one specific grower, and any complaints could send a worker home. The well-known blacklist makes H2A workers more likely than others to be afraid of reporting problems, and in nearly every H2A camp you will find posters instructing workers not to speak to the lawyers of Legal Aid NC which offers their services free to farmworkers. Many H2A workers are also reluctant to report injuries or illness for fear of being sent back to Mexico.

In camps housing mostly undocumented workers, though workers have more freedom to come and go, crewleaders and growers often threaten workers with deportation if they complain or report any violations. In some camps, which hold the equivalent of indentured servants, workers are not allowed to leave until they have paid their debt.

*In H*****'s camp in Johnston County, the workers are suffering a number of labor violations, but are afraid to report any of them. According to one worker in the camp, "the crewleader treats us like animals. If he treated us like people, it would be different, but he treats us like animals." In addition, visitors are subject to scrutiny, and are often yelled at.*

*M***** in Johnston County has refused to take workers to the clinic even if they are ill. The workers know this and therefore do not like to report illness. Several workers spoke out very vocally to FLOC staff about the H2A blacklist and their fear of not being brought back next year if they complained or expressed their illness from the tobacco.*

*In Sampson County, the workers employed at B*****'s farm refused to even talk in the presence of the crewleader. Despite serious housing and field sanitation violations, they workers refused to make any formal complaint.*

*The managers at the A***** camp in Sampson County, were very hostile to FLOC organizers, and two organizers were physically attacked by the crewleader's wife because one of them had a camera. The crewleaders's daughter mentioned, "I mean I know people have rights, but this is a labor camp. Can't we just put up a 'No Trespassing' sign or something?" (This is the same camp where a worker escaped from last year with allegations of being held there and not being allowed to leave.)*

*In Green County, the National Farm Worker Ministry paired H**'s camp with a church interested in learning more about farmworkers for bimonthly visits and activities. After two of the visits and one complaint of violations filed, the farmer threatened to arrest anyone who came back. It turned out to be an empty threat, but a threat and intimidation tactic nonetheless. Also, the workers were repeatedly told that talking to FLOC would get them deported.*

*Grower W***** owed a worker \$180 in wages, but denied he owed it the four times the worker requested it. When FLOC called regarding the due payment, W***** was very hostile and threatened "to make your lives a living hell" if either FLOC or the worker contacted him again. The next time the farmer saw the worker, he grabbed and shook the worker and threatened him further. Only after FLOC brought charges against him for verbal assault did the farmer admit he owed money and agree to pay.*

Climate of Racism

Related to the atmosphere of intimidation, deeply held and often blatant racism persists in the fields and labor camps of North Carolina. Many growers, sadly, simply do not acknowledge Mexican farmworkers as fellow human beings, but rather degrade them and racially insult them at every turn. A few years ago, one farmer summed up the attitude as follows: “The North won the war on paper, but we Confederates won because we kept our slaves. First we had sharecroppers and tenant farmers, now we have Mexicans.” This racist climate underscores the need for farmworker empowerment.

Quoted in Duke University’s Towerview publication, July 2003: “[Latin American farmworkers] are used to living in bad conditions,’ says Bob Quinn, a field manager for Mt. Olive Pickle. ‘The culture they come from is not the cleanest environment.’”

*Mt. Olive supplier J. ***** remarked to FLOC, “You can’t visit the workers...I already paid for them, and this is my property. I pay \$500 for each one...” He also said he chooses H2A workers over non-H2A because “they are more dependable, because they can’t just get up and leave the job/camp, and if they do, they will never be able to come back” i.e. get blacklisted.*

*When a FLOC organizer called farmer W***** to resolve a wage grievance, the farmer became irate at the prospect of talking to a Mexican on the phone. He repeatedly asked “Are you a Mexican? What race are you? Where are you from? You obviously learned to speak English but where are you from?” When the worker confronted the grower about his wages, the farmer told him “You’re just a Mexican,” suggesting that he did not deserve payment.*

*When a FLOC organizer attempted to visit workers at H*****’s camp, he remarked condescendingly “So, you’re here to save these Mexicans, but you don’t know these Mexicans.” He then proceeded to talk about how dirty they kept their space.*

A worker had been beat up by a local gang, and at the advice of a sheriff, the worker went before a magistrate to press charges. The magistrate refused to issue an arrest warrant for the accused because the worker did not have a drivers’ license, even though a drivers’ license is not required to press charges. He would not accept other documents: “ You know how these people are—they always have two last names. I don’t know what an official document looks like for Mexico, but every one I’ve seen is fake.”

Conclusion

The agricultural industry is broken. Based on our experiences this summer, we believe that violations are rampant on every farm in North Carolina, even those that appear to be better than others. Our findings this summer confirm our assertion that racism and abuse toward farmworkers is intrinsic to the agricultural system in North Carolina. Only when farmworkers themselves have a voice and are able to work in an environment without fear or repression, only when farmworkers are able to have some control over matters that affect them will North Carolina’s agricultural industry be healed.

FLOC's Accomplishments this Summer

The previous section demonstrates just a few of the thousands of examples of how farmworkers' labor, civil and human rights are violated daily, both on Mt. Olive supplier and non-Mt. Olive supplier farms. The question now becomes, how do we solve these problems?

A labor union is the only entity that provides farmworkers with an avenue to learn their rights and address grievances without fear of retaliation. In North Carolina, FLOC is the only organization that helps workers deal with on-the-job abuses (other than Legal Aid). This year we have accomplished a great deal with a small number of organizers and a large group of committed members. Below are some examples:

Grievance Resolution

*I. P***** refused to pay a 15-year old boy for several weeks' work. P***** claimed that the boy owed him the money as part of a smuggling fee. With FLOC's assistance, the boy reclaimed \$322.21.*

FLOC recuperated over \$1000 total in lost wages for 13 workers who were forced to work one day "free" in order to receive their full pay due for previous weeks of work. 30 FLOC members showed up to protest two nights in a row, which compelled the contractor to meet with us and pay the workers what she owed them.

*The crewleader for farmer H***** was illegally deducting money from workers' paychecks and pocketing the deductions he claimed were government taxes. Including the \$45 per week they were also paying for food, four workers were owed over \$300 each. FLOC facilitated the workers' collecting the more than \$1000 owed.*

*R***** owed wages to workers who left his camp after living in a house with no electricity, water, stove, refrigerator or beds. We were able to obtain \$150 in wages owed, which he had refused to pay when the workers asked.*

FLOC retrieved over \$1000 for five workers who were recruited to work out of state but were not paid for part of a week.

*Responding to a report made by FLOC, farmer T**** fixed the raw sewage leaking into the camp kitchen, fixed the four clogged toilets in the women's bathroom and installed hot water in the men's bathroom. He had not responded to workers' requests previously.*

*B***** was not giving workers any breaks or drinking water with cups. After FLOC confronted the farmer, every problem was fixed and the workers are working more comfortably now.*

*We helped resolve a grievance and prevented an assault for the workers at H*****'s camp. These workers were not given breaks or bathrooms and "were treated like animals."*

We helped a farmworker file charges against a Wayne Co. grower after he was assaulted for trying to claim unpaid wages. The same farmer used racist threats over the phone against both FLOC and the worker.

*Because of FLOC's effort, H*** finally put bathrooms in his fields. A group of newly arrived workers complained that the bathrooms were dirty and one worker responded, "Well, we didn't even have any bathrooms before FLOC came!" We suggested the workers get together to demand that the crewleader clean the bathrooms that they reported have worms in them.*

Building Community and Leadership

We have consistently had good weekly membership meetings of 60+ people, where we discussed community priorities and planned events.

Teaming up with Black Workers for Justice, FLOC presented the successful Juneteenth event in Eastern NC, at which one of FLOC's most active members presented a speech about the effects of NAFTA on workers in the US and in Mexico, using herself as a personal example.

We have done significant amounts of education on workers rights and pesticide issues, and workers' rights to have camp visitors.

FLOC has worked collaboratively with migrant health clinics to provide needed health care on an ongoing basis, including partnering with mobile clinics as well as stationary ones.

Through free weekly English as a Second Language classes at the FLOC office, we have offered community members valuable skills.

FLOC has also provided other valuable services for members, including Tax Identification Number registration, translation, assistance in court, and semi-weekly workshops.

We have organized multiple community activities in Goldsboro and in the Triangle regarding equal access to drivers' licenses, promotion of Latino issues in the state legislature, and support of the Mt. Olive Pickle boycott.

A committee of FLOC members organized a dance party to raise funds used to rent vans for the national FLOC Convention in Ohio, to which we brought about 20 people.

FLOC has organized local community support of ex-farmworkers to organize in the fields, and pressure the Mt. Olive Pickle Co. to negotiate a union contract with FLOC. We have also gained support of MOPC factory workers who have complained of racial discrimination at the factory, and discrimination for their association with FLOC.

To build leadership within the community, FLOC has hired two effective and committed members on a full time basis.

Farmworkers and immigrant workers helped organize and participated in a day of action in Washington, DC to lobby the US Congress to support the FREEDOM Act and Amnesty for undocumented immigrants.

Direct Support

FLOC responds as needed to emergency situations in labor camps, and we try to provide some amount of ongoing direct support. With the help and support of dozens of churches and the National Farm Worker Ministry we delivered bed sheets, hats, bandanas and

gloves to hundreds of workers. Churches also assisted in an emergency food drive for workers who suffered in a car accident and have still not been able to receive any kind of compensation after more than a month. When situations like these arise, we do whatever we can to support the workers however possible. For another example, FLOC convinced a farmer to pay the cost of sending a workers' body back to Mexico after tragically drowning in a nearby pond.

All of FLOC's accomplishments this summer result from having constant vigilance on farms and constant communication and trust building with farmworkers themselves. We only file complaints with the Department of Labor when the workers themselves are willing to do so, though we always offer it as an option. We also use means of community pressure (groups of members demanding back wages etc), and we speak to farmers directly. Unfortunately, the NC Department of Labor has been ineffective in addressing violations on fields, and of the complaints we have filed, few have been resolved. In cases that have been resolved, it has frequently taken more than a month to do so, and in several cases, the violations have reoccurred after having been fixed temporarily. See Attachment Four for Sample DOL complaints.

All ways of addressing labor violations are very labor intensive and require constant monitoring. FLOC's strategy is to educate the workers about their rights and means for resolving problems so that they can address them themselves. This saves the state time and is the most effective way of all; if farmers and crewleaders know that farmworkers know their rights and are not afraid to complain, they will be less likely to violate those rights.

However, as we have established, farmworkers are scared and intimidated when it comes to making complaints about their situation. It is for this reason that FLOC needs union contracts with farmers and food processors, to establish a legally binding document between all three parties—farmworkers, farmers, and food processors. This “tri-party agreement” that FLOC pioneered in Ohio and Michigan can effectively protect workers and enforce standards without overburdening already struggling farmers.

As a community organization, FLOC can help recuperate lost wages in isolated circumstances; however, without contracts, we cannot raise the actual wages. Similarly, currently FLOC can address housing violations, but with contracts, FLOC can partner with farmers and with the state to build new and improved housing. Right now, FLOC can ask a farmer to chip in for health care costs for work related injuries, but under a union contract, workers' compensation could be included—without bankrupting farmers, since the corporate food processor would provide for the increase in cost. FLOC can now report field sanitation complaints, but contracts will go beyond the law and provide for camp representatives to be trained in first aid to be on hand in case of any medical problems.

Union contracts change the system from one that is complaint-driven to one that is proactive about improving farmworker conditions, and one that is enforceable by workers themselves. Most importantly, contracts give workers an opportunity to determine their own priorities and protect them from retaliation and intimidation when they enforce those priorities.

Farmers' Resources Low; Mt. Olive's Resources High

This summer has confirmed FLOC's belief that growers often lack the resources to offer the workers a decent standard of housing and working conditions. FLOC staff has heard repeatedly from farmers that they do not have the money to make improvements that should be made. One farmer in Franklin County admitted to FLOC organizers that he had not received a raise in prices paid for his pickle crop for years, but was expected to refurbish housing, give workers a raise and upgrade sanitary facilities.

NC cucumber growers receive payment for their crop based on prices set by corporate food processors like Mount Olive Pickle Company. While this set price serves as a buffer against unexpected drops in market prices, it leaves little room for growers to negotiate a higher price for their crop. In addition, growers often depend on loans for operating capital and owe money on mortgages. The growers, being financially squeezed by processors and banks, and facing uncertainty based on weather and other natural factors, do not possess the capital necessary to improve housing and working conditions, nor are they able to pay higher wages that would cut into an already slim profit.

According to budget models developed by the North Carolina State University Department of Agricultural and Resource Economics, growers can expect to receive \$183.83 per acre after all operating and fixed expenses. This leaves little available capital with which to improve infrastructure related to agricultural laborers, and little room to raise wages.

It is worth noting that the price of contract harvesting used for this budget is higher than most contractors receive, showing that growers, in the need for greater profits, squeeze the wages of labor and labor contractors, their only available source for increased income.

Further, food processors like Mt. Olive Pickle control every aspect of the crop, from the seeds, to the growing procedures, to quality control. It is the processors who profit off the labor of the workers and the farmers. Mt. Olive Pickle Co, for example, has annual sales of more than \$100 million per year (farmworkers' average annual income according to the US Department of Labor is around \$7500). Obviously, growers cannot raise wages for workers if they themselves do not receive a higher rate for their product. Unfortunately, it is not the growers who set the prices. Again, the food processors like Mt. Olive Pickle control the pricing of the pickles. This is why FLOC believes in multi-party contracts between the workers, the growers and the food processors. Each party is present at the negotiating table to look after their own interests and formulate a contract that takes all of the relevant voices into consideration.

Success in Ohio

This strategy has proved successful in Ohio and Michigan, where FLOC has revolutionized agricultural labor practices. While farm work will never be easy, labor contracts ensure that workers are compensated justly, treated fairly and that their health and safety is protected. Staff of the NC office of the National Farm Worker Ministry recently visited farms in Ohio for the first time and comments on her impressions:

"There is a different quality to the labor camps here. In some we saw pretty new, painted structures that were divided into apartments each with their own kitchenette and sleeping

area. Workers were able to have privacy and a little space of their own, and everyone had a bed. It's not that these modest arrangements are so much more luxurious than camps in North Carolina—though they are certainly less crowded—there was just something more dignified about them. Several camps had planted flowers near the houses, showing pride in their living situation.”

“We got the opportunity to see a FLOC organizer resolve a grievance—apparently some workers had not been paid for a bad harvest, even though they had spent all day picking for 2 days. The organizer went out to talk to the farmer and he came ready with new checks printed for the workers. What a difference! In North Carolina, FLOC would have had to assemble 50 members to go knock on the door of the farmer to show him they meant business! FLOC really just seems to act as a mediator between the parties here. It's not that there are never problems in Ohio; it's that now there is an effective way to resolve them.”

“Many of the farmers clearly appreciate FLOC's presence. According to one organizer, there is a farmer who will call up FLOC if he suspects that the workers are having any problems and encourages FLOC to check things out with the workers to make sure everything is okay.’

“What really struck me was that the workers did not seem afraid at all. In NC, when pulling up at a camp, workers usually disappear inside, scared of any visitor initially. In Ohio, workers wave hello and welcome visitors, completely unafraid.”

Why Mt. Olive Pickle Co.?

FLOC's work in Ohio proved that to organize an entire industry, you must start with the industry leaders. Shortly after Campbell's Soup negotiated with FLOC in the 80's, all the other companies also negotiated. Mt. Olive is the largest pickle producer in the South; naturally we must first get a contract with Mt. Olive before the other NC pickle producers, and before any other food processors. But there are many other documents elaborating this point. We will focus on what we have seen this summer.

Pickle processors determine much about a farmer's crop before it is even planted, from the seeds, to the fertilizer, to the growth standards. Mt. Olive has long denied it has any power over growers, despite the fact that it sets the price for farmers and controls many aspects of the crop. This summer more than any other, we have seen Mt. Olive exercise its control over growers, despite the company's persistent claim that it cannot “interfere” with matters between growers and farmworkers. We have also challenged Mt. Olive's claim that its supplier farms are somehow “better” than other farms.

As discussed in the following section, Mt. Olive is now requiring its suppliers to sign “statements of compliance” with federal and state labor laws. We believe this piece of paper is meaningless to farmworkers, but it does prove that Mt. Olive has the power to implement a standard for all its suppliers to follow. This directly contradicts Mt. Olive's statements that it cannot “interfere” between growers and farmworkers and that it has no power to do so.

Further, we have seen that violations exist on Mt. Olive supplier farms as with all others, disproving yet again Mt. Olive's claims that the company only deals with reputable suppliers.

Mt. Olive's Partnership with Duke University: Proven Ineffective

When Duke University reneged on its support of the Mt. Olive boycott in August 2002, it entered into a partnership with the Pickle Company with the pretext of “bettering farmworker conditions”. Unfortunately, their attempt to accomplish this goal did not include any involvement of actual farmworkers, farmworker representatives or farmworker advocacy organizations. Instead, Duke convinced Mt. Olive to require all its supplier growers to sign statements of compliance with federal and state labor law (for many years, Mt. Olive Pickle Co. had claimed it had been doing something similar). They also made vague promises to lobby the state government on behalf of farmworkers. None of these acknowledge the reason the boycott was called in the first place: to bring about an agreement between FLOC and Mt. Olive Pickle Company—certainly not between Mt. Olive and Duke!!

Our experiences this summer have reinforced our initial belief that this partnership is meaningless for farmworkers and will in no way aid the goal of gaining a voice on the job for farmworkers. We have seen this illustrated in four main ways: as already mentioned, the total exclusion of farmworkers and farmworker advocates from the process; seeing just as many violations on Mt. Olive supplier camps as non Mt. Olive suppliers; Duke University's awareness of violations on Mt. Olive supplier farms yet refusing to take any action to remedy the situation; and the failure of the workers' compensation bill to move in the NC Senate, though the University touts Mt. Olive's support for this bill as a major accomplishment of their partnership.

Total Exclusion of Farmworkers from the Process

After the Duke Administration withdrew from the Mt. Olive Pickle Boycott, they met with students and even FLOC representatives. These meetings, however, were merely to notify the parties and explain to them Duke's decision. There was no attempt to engage any party other than Mt. Olive Pickle Company in discussion on how best Duke could work for improved farmworker conditions. Duke Administration admits that the only contact with farmworkers it has had is when FLOC brought a worker to a meeting. Instead, in a meeting with members of the Eno River UU Fellowship, Duke Administrators actually claimed that they do not need to involve farmworkers in the process, as they have read a lot about the issues and feel that they have a good understanding of the problems. In our view, this is a racist and paternalistic attitude. To fix the issues faced by farmworkers, you must involve farmworkers themselves, or you are perpetuating the largest and most central problem farmworkers face: the lack of a voice in issues that affect them. Only a union contract involving the direct participation of workers in their own workplace will be effective.

Mt. Olive Supplier Camps Equally as Deplorable

As noted in our report on violations in labor camps and fields this summer, Mt. Olive supplier fields and farms violate labor laws equally as often as non-Mt. Olive suppliers. FLOC organizers found all types of violations on Mt. Olive supplier farms: housing, field sanitation, wage and hour, and we estimate that there is more intimidation and fear on Mt. Olive supplier farms given the reliance on the H2A program. As to not be repetitive, please look at the report documenting examples of violations on NC farms this summer.

Duke University's Awareness of Violations and Failure to Take Action

In the same meeting members of the Eno River UU Fellowship had with Duke President Keohane and Trademark Licensing Director Jim Wilkerson, Mr. Wilkerson stated that he had been out to visit camps this summer and had personally witnessed multiple violations on those camps. However, when asked if there had been any complaints lodged against growers in violation (considering that all growers had signed the Statements of Compliance), Duke Administrators answered that, no, there had been no complaints. When asked if, knowing violations existed, they would take any kind of action to remedy these abuses, Administrators reported no plans to respond, but rather that they were using these compliance statements as an education tool and to build trust with Mt. Olive.

So, the one concrete thing—the Statements of Compliance—to come out of the Duke-Mt. Olive partnership not only cannot be enforced or monitored by any independent group (Duke agreed to maintain strict confidentiality with Mt. Olive), but it is not even a valid document. If Duke University were seriously interested in improving farmworker conditions, they would be able to provide some evidence of the effectiveness of their partnership a year into it. Unfortunately, there does not seem to be any.

Failure of Workers' Compensation Bill

Farmworker advocates have been lobbying the NC Senate for a bill extending workers' compensation to farmworkers as all other employees for decades. In 1982, the NC Council of Churches approved its first statement supporting such a bill, and since then opposition from the Farm Bureau has killed it every time it has re-emerged. When Duke decided to support workers' comp for farmworkers, they did not bother to consult with any of the farmworker advocacy groups that have planned and strategized on this issue when it came up again in the state senate this year. It is clear that Duke is not interested in participating in a broad based movement supporting farmworkers.

We support any and all legislation that will improve farmworkers' lives, but we have seen from experience that legislation favorable to farmworkers—especially in agricultural states—is not farmworkers' best hope for change. Not only is it unlikely to pass, it also does little to empower workers and even if it is passed, it is not likely to be enforced.

Duke touts its support of workers' compensation as a major accomplishment of the Duke-Mt. Olive partnership, but the bill still did not pass. So, farmworkers are no better off than they were. And despite Mt. Olive Pickle's support for the workers' comp bill, which FLOC welcomes, they have still not provided any resources for farmers to pay for the extra cost.

Wake Up Duke! Partnering with Mt. Olive Pickle Company rather than with farmworkers was a mistake that no one but farmworkers will suffer from. Why will they suffer? Because Duke is providing the illusion that they are addressing the problem, when they are merely offering baseless, vague promises that coddle to industry and offer nothing to the workers. We have seen the first taste of it this summer. When Duke is ready to help farmworkers gain power through the contacts they deserve, we'll be waiting with open arms.