

Human Rights Watch

Children's Rights

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Letter to Members of the New York State Legislature

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With the New York State legislative session scheduled to end on June 20, 2013, Human Rights Watch urges Republican Senate Leader Dean Skelos to schedule a vote on the Farmworkers Fair Labor Practices Act, and further urges the New York State Legislature to pass this important bill. The current version does not protect farmworkers right to collective bargaining, but the bill still provides for important New York State labor protections to apply to farmworkers, in the same way they apply to other workers in New York.

Below is the text of a letter Human Rights Watch sent to members of the New York State legislature.

May 13, 2013

Re: Support for the Farmworkers Fair Labor Practices Act A.1792 (Nolan) / S.1743 (Espaillat)

Dear Members of the Legislature:

Human Rights Watch writes in strong support of the Farmworkers Fair Labor Practices Act (A.1792/S.1743), which would address the exclusion of farmworkers from important protections under New York State labor laws.

Human Rights Watch is an independent organization dedicated to promoting and protecting human rights around the globe. We have documented the prevalence of workplace abuses among farmworkers in the US, most recently in [Cultivating Fear](#), our 2012 report on the vulnerability of farmworker women to workplace sexual violence, and in [Fields of Peril](#), our 2010 report on child labor in agriculture. In these reports, we analyzed how US federal and state laws deny farmworkers protections given to workers in nearly every other industry, and how these gaps contribute to farmworkers poverty and desperation, compelling children to work and making farmworker women even more vulnerable to sexual exploitation.

In particular, *Cultivating Fear* included extensive interviews with farmworkers and farmworker advocates in New York State. Many farmworkers reported how retaliation in the form of job loss would have been devastating if they reported sexual violence and other abuses. Since other workplace violations, such as nonpayment of wages and dangerous working conditions, occurred with impunity, victims of workplace sexual harassment found it hard to believe they could expect justice if they reported sexual abuse. On the other hand, in California, where state law explicitly protects farmworkers right to collective bargaining and includes farmworkers workers compensation, farmworkers stated that while abuses continue, work conditions have improved over the years.

With passage of the Farmworkers Fair Labor Practices Act, New York State would be a leader in granting farmworkers collective bargaining rights, a right that extends unambiguously to all workers under international law. The bill would also eliminate differential treatment of farmworkers in other key areas, including overtime, minimum wage protection for child farmworkers, and workers compensation. As the Universal Declaration of Human Rights states, Everyone has the right to freedom of peaceful assembly and association and the right to form and to join trade unions for the protection of his interests. International law is clear that workplace protections must apply equally to all workers. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) further affirms the equality of all persons before the law and prohibits governments from discriminating in policy or practice on ethnic grounds. The Committee on the Elimination of Racial Discrimination, the international expert body that monitors governmental compliance with the ICERD, has interpreted the convention to prohibit laws and policies that have an unjustifiable disparate impact on racial and ethnic minorities. In the US, the burden of weaker labor law protections for agricultural workers falls disproportionately on Latino citizens and immigrants.

The Farmworkers Fair Labor Practices Act would thus go far in better aligning New York State labor laws with human rights principles. We therefore respectfully urge New York to pass the Farmworkers Fair Labor Practices Act and ensure that farmworkers receive the

same protections as other workers in New York.

If you have any questions, please do not hesitate to contact Grace Meng, US researcher, or Antonio Ginatta, US advocacy director.

Sincerely,

Alison Parker
Director, US Program
Human Rights Watch

To: Senator Dean Skelos, Temporary President of the Senate and Majority Coalition Leader
Senator Jeffrey Klein, Temporary President of the Senate and Independent Democratic Coalition Leader
Senator Andrea Stewart-Cousins, Democratic Coalition Leader
Speaker Sheldon Silver, Assembly Speaker
Assemblyman Joseph Morelle, Majority Leader
Assemblyman Brian Kolb, Minority Leader

Cc: Governor Andrew Cuomo

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