

To: Washington State Legislature, Washington State Department of Labor
From: Sophia Hernandez
Re: Labor Protections for Farmworkers in Washington State
Date: August 2, 2024

Background:

In Washington State, farmworkers make up about 3% of the workforce which are predominantly based in Central Washington, (WSIPP, 2023). Thirty-six percent of the 2.1 million farmworkers in the United States are documented citizens with about 56% farmworkers nationwide considered undocumented. Additionally, 78% of farmworkers across the U.S. identify as Hispanic.

Farmworkers also face wage theft at higher rates compared to other professions and are often retaliated by their employers when asserting their rights, (WSIPP, 2023). Due to the vulnerable identities of this population, farmworkers risk losing their income and much more if they choose to bargain with their employer. Important stakeholders in addressing farmworkers rights are not only the farm owners and companies, but also labor agencies across the state and nation, (Goldman, 2021).

Problem:

Despite being an integral part of the economy and in providing food, farmworkers are limited in their ability to effectively and safely bargaining with their employers for higher wages, safe working conditions, and other health benefits. Not only does this issue limit worker's rights, but also allows employers to exploit these farmworkers who come from predominantly migrant and Latine backgrounds in the state of Washington.

Recommendation:

The Washington State Legislature should pass a bill to recognize and protect farmworker's right to organize labor unions and engage in collective bargaining practices with their employer free from retaliation. This solution provides farmworkers with the legal protection for their labor organizing unions and also holds employers liable to this state law.

Recommendation Analysis:

Benefits:

- *Legal Protections:* Farmworkers have the right to safely and effectively bargain with their employer without retaliation. Recent bargaining efforts by farmworkers in Washington advocate for rights to overtime pay, COVID-19 protections in the workplace, and the right to be free from gender discrimination. Attempts to guarantee these rights amongst farmworkers are often retaliated by employers by threatening to replace the employee with H-2A workers (foreign, seasonal workers) (Kenzo Sundeen, 2023), taking pay, and worsening working conditions—like minimizing breaks, (WSIPP, 2023). Establishing a legal standard that allows farm workers to unionize supports current advocacy efforts

from farm employees to protect/advocate within their workplace without retaliation from their employer.

- *Social Implication*: This recommendation not only promotes fair labor practices, but also supports the well-being of farmworkers and the community. Farmworkers can advocate for improved working conditions that support their physical health which can have long-term benefits to their productivity. Furthermore, this empowers the community of farmworkers (who typically are from Latine and migrant backgrounds) to advocate for their collective needs and political representation.

Costs:

- *Small Farms*: Unions typically advocate for higher wages which leaves small farms to be concerned of the rising cost of labor, (Reilly, n.d.).
- *Union Regulations*: Costs and other logistical aspects of recognizing a union from both the employee and employer perspective require intensive knowledge and resources of technical information.

Feasibility:

- *Political Context*: Unions across various workplaces remain active in collective bargaining practice (e.g. Starbucks Workers United, Amazon Labor Union, etc.). However, significant reduction in workers rights' protections across states tolerate employers ability to retaliate in different forms. Employees and Employers alike influence policy to support or limit the right to unionize across all fields.
- *State and Federal Standards*: At the national level, right to unionization for farmworkers is excluded from the federal policy, (Kenzo Sundeen, 2023.). However, labor rights for farm workers vary across the nation based on the state. While labor standards vary across states, Washington state has the ability to adopt this recommendation.

Community Implications:

- *Empowerment*: Recognition of the Washington farmworkers ability to unionize will continue to build solidarity amongst multiple farmworker communities. United Farm Workers (UFW) is a farmworker-led union with a deeply rooted history in the Latine community from California in the 1970s that maintains current relationships with Washington farmworkers. Advocacy coalitions are important stakeholders in navigating the legal and social challenges faced by farmworkers, (Goldman, 2021).

Implementation Considerations:

1. When enacting this law, government agencies should regularly inform farmworkers the scope of legal protections and the collective bargaining rights guaranteed as an employee.
2. Employers should be aware of all consequences associated with violating this law.
3. State governments should consider potential challenges brought from opposing actors who do not support unionization protections.

Matrix

Criteria	Status Quo	Bill to Protect Collective Bargaining Efforts for Farmworkers in Washington	Investing in Legal Services to Report Farmworker's Grievances
Improvement of Farmworkers Workers' Rights	Low. Farmworkers continue to face retaliation from employers when advocating for workers' rights (e.g. consistent wages, union recognition, safe workplace conditions).	High. Grants farmworkers the legal protections necessary to safely and effectively bargain with their employer. Holds employers accountable to a legal standard.	Medium. Community legal services can file grievances to report workplace injustices. Does not always provide a guaranteed system of accountability or shift employer behavior.
Political Feasibility	Medium. Advocacy groups continue to pressure legislatures to protect farmworkers unionization, but there is limited direct action from lawmakers.	Medium. Slight trend in legislation that provides specific protections to farmworker employees but more actions needed to undermine current labor standards and employer power.	Low. Unlikely that any government body will invest in specific non-profit or private entities to protect farmworkers rights.
Costs	Low, there is no additional financial cost in maintaining the status quo.	High. Requires employers to compensate employees at higher rates. More resources needed to ensure unions can practice bargaining effectively and for employers to follow proper regulations.	High. Providing legal services and resources is costly for farm workers both monetarily and in time.
Community Implications	Medium. Farmworkers often collaborate with outside advocacy organizations to raise awareness of the issue and provide additional resources to support farm employees.	High. Allows union members to collective organize in the workplace. Contributes to the political empowerment of farmworkers.	Low. Supports famworker's rights but can be inaccessible due to costs, language barriers, and timely process.

References

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