



MAINE AFL-CIO

A Union of Unions Standing for Maine Workers

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Testimony of Maine AFL-CIO Legislative & Political Director, Adam Goode, in Support of LD 588 “An Act to Enact the Agricultural Employees Concerted Activity Protection Act”

Senator Tipping, Representative Roeder and members of the Labor Committee, my name is Adam Goode. I’m the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people. We testify in support of LD 588.

Working people should be able to organize together to improve their working conditions and lives. Talking to co-workers and joining together in collective action has been the pathway to dignity and respect for working people throughout the world. Joining a union is the most effective way to achieve pay equity, job security, fair scheduling, better vacation time, protections from favoritism and more. This is a right we in the labor movement cherish along with labor laws like the minimum wage, overtime, workplace safety standards, workers compensation and unemployment.

That is why our support for LD 588 is a deep compromise. This bill provides agricultural employees of agricultural employers the right to engage in certain concerted activity. Concerted activity is the right for employees to act together to address workplace issues like wages, hours or other terms and conditions of employment protected under the National Labor Relations Act. Essentially this means that farmworkers would have legal protections should they choose to bring concerns to their employer or take collective action publicly to improve wages, hours and working conditions.

Essentially, this is a First Amendment right in the workplace. A group of workers should have the right to say what they think about their wages, hours and working conditions without fear of retaliation.

While we strongly support any effort to give farmworkers the right to organize and join a union to negotiate fair wages, reasonable schedules, safe working conditions, humane housing accommodations and protections against employer intimidation as well as to enforce prohibited acts of agricultural employers and labor organizations, we understand the political challenges that this idea faces in 2025. For those reasons we are willing to support this small step to improve the rights of farmworkers.

We are well aware that you will hear from farmers and farm owners that have concerns about this concept. We recognize that farming is incredibly difficult work, that the economics of farming, especially family farming, are very challenging and that farmers work incredibly hard in Maine to scratch out an existence. That is all true and it is also true that workers should have a fundamental first amendment right to freedom of association and freedom of assembly. The right of workers to organize is a fundamental human right that all workers deserve. Those rights should not cease to exist simply because you walk into the doors or fields of your workplace.

It is important that we understand the historical reasons that agricultural workers were carved out of many labor law protections, including the right to organize and collectively bargain. The reason for the inequity in protections between working people in the agriculture sector and working people in other sectors is rooted in a history in Maine and America of categorically excluding certain groups from basic labor rights and laws. We share this information to provide historical context for the current exclusion of certain groups of workers from labor protections.

In the depths of the Great Depression of the 1930s, President Franklin Delano Roosevelt introduced several reforms to put people back to work, encourage unionization¹ and provide economic security for working people. New Deal policies like Social Security, the Fair Labor Standards Act and the National Labor Relations Act transformed the lives of millions of Americans.

Certain members of Congress demanded the exclusion of farmworkers and domestic laborers — many of whom were African Americans in the South — from receiving the benefits of these policies. In 1935, racially discriminatory laws prevailed in much of the United States. In drafting the NLRA, Congress deferred to such laws by excluding two categories of predominately non-white workers -- "agricultural laborers" and "domestics" -- from labor protections. This was done in large part to gain the Southern votes of "Dixiecrats" needed for passage of the NLRA.² Although race neutral language was used to make these exceptions, hundreds of thousands of Black workers were excluded from basic labor protections like the minimum wage, overtime and collective bargaining rights.

It is difficult to deeply and genuinely grapple with our history. I want to be very clear. To raise the history of these exclusions is not in any way a comment on any current individual's behavior or the critical work that farmers do in Maine. But this history lives with us today - it remains an important aspect of labor law that is connected to systemic racism and access to workplace protections. It is our shared collective inheritance. And, together, we have a collective responsibility to right past wrongs and to keep building a more perfect union for all of us.

The impact of these exclusions, which were a part of the New Deal Era political system and served as a race-neutral proxy for excluding workers of color from statutory benefits and protections that most whites had, is felt today in Maine. State law does not allow farmworkers to form a union or engage in collective bargaining and this bill does nothing to change that current law. State law also does not allow farmworkers to engage in concerted activity by acting together to address workplace issues like wages, hours or other terms and conditions of employment protected under the National Labor Relations Act. We think there should be changes in Maine laws that make it so that farmworkers act together to address these issues if they so choose.

This is a very small step for farmworkers. The National Labor Relations Act allows states to grant collective bargaining rights to workers not covered by the NLRA, such as agricultural workers. California has a California Agricultural Labor Relations Act, established in 1975, that allows agricultural workers to organize and establishes collective bargaining processes and procedures for agricultural workers. Fourteen states currently guarantee collective bargaining rights for farmworkers.³

Many paid farmworkers in Maine are migrant workers. They work in agricultural fields related to blueberries, seafood, trees, poultry, dairy, wreaths and eggs. The nature of these work arrangements is full of power imbalances related to immigration status, language barriers and economic vulnerability. Exposure to pesticides, poor housing, isolation and loneliness are a normal part of the routine for migrant workers in Maine.

Agriculture also ranks among the most dangerous sectors in the economy⁴ with one of the highest fatal injury rates. Agricultural workers are vulnerable to sexual abuse⁵, extreme heat waves⁶, toxic pesticides and accidents with heavy machinery. Whether it's raking blueberries or working in the seafood, poultry, dairy or egg industries, power imbalances related to immigration status and language barriers are a regular part of the lives of agricultural workers in Maine.

These power imbalances happen here in Maine. In past testimony we cited then news of eight migrant workers who make wreaths in Maine being fired after reporting sexual harassment to their employers⁷ and a Maine tomato grower that had just paid \$245,000 in back wages to migrant workers after violating federal labor laws.⁸ Concerted activity rights are a small protection for workers throughout the economy. The exclusion of agricultural workers makes one group of employees more vulnerable to loss of wages and harassment on the job.

It is not easy to take collective action in a workplace. Having the right to engage in concerted activity should be a basic rule of the workplace. It simply means that workers can act together to bring up concerns about their wages, hours and working conditions without some form of legal protection. A person should be able to do that without fear of reprisal.

We represent 40,000 working people who have union jobs in Maine. For working class people, these jobs provide a sense of meaning as well as security, fairness and respect. We know that working class people who own farms and who work at farms have differing perspectives on this policy. We stand with you today to say that the same laws that allow working people in other sectors of Maine's economy to improve working conditions should apply to agricultural workers.

We ask that you support LD 588.

¹<https://www.nlr.gov/guidance/key-reference-materials/national-labor-relations-act#:~:text=Congress%20enacted%20the%20National%20Labor,businesses%20and%20the%20U.S.%20economy.>

²<https://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1150&context=facpubs>

³<https://nationalaglawcenter.org/collective-bargaining-rights-for-farmworkers/#:~:text=States%20Who%20Guarantee%20Collective%20Bargaining%20for%20Farmworkers&text=Arizona%2C%20California%2C%20Colorado%2C%20Hawaii,Wisconsin%20all%20allow%20collective%20bargaining.>

⁴<https://www.cdc.gov/niosh/topics/aginjury/default.html>

⁵<https://www.theatlantic.com/business/archive/2018/01/agriculture-sexual-harassment/550109/>

⁶<https://www.pbs.org/newshour/health/farmworkers-are-dying-in-extreme-heat-few-standards-exist-to-protect-them>

⁷<https://bangordailynews.com/2018/12/24/news/migrant-workers-at-maine-wreath-company-say-they-were-fired-after-complaining-about-harassment/>

⁸<https://www.centralmaine.com/2021/03/30/madison-tomato-growers-to-pay-337000-in-back-wages-penalties-following-investigation/>