



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 L.D. 151 “An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining”

Senator Hickman, Representative Sylvester and members of Labor & Housing 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 151.

Working people, whether black, brown or white, 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 the pathway to dignity and respect for working people throughout the world. When the National Labor Relations Act passed in 1935, it clearly encouraged collective bargaining as way to protect the general welfare of workers.¹

That is why we support LD 151. This legislation gives agricultural workers the right to collectively bargain, specifying parties’ mutual obligation to bargain, creating procedures for determining bargaining units and providing for enforcement of prohibited acts of agricultural employers and labor organizations.

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 much of 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. These exclusions are rooted in the history of race and racism in this country. While history of these exclusions is not a comment on individual behavior or people who own farms, it remains an important aspect of labor law that is connected to systemic racism and access to workplace protections.

The National Labor Relations Act (NLRA), passed in 1935, is the primary federal law that establishes workers’ right to organize a union and lays out clear processes and procedures for collective bargaining. 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 in 1935.²

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>

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. We think there should be changes in Maine laws that make it so that farmworkers can organize to improve their working conditions if they so choose.

The National Labor Relations Act does allow 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.

Maine legislators passed the Agricultural Workers Labor Relations Act in 1997 granting employees working at industrial agricultural egg processing facilities the right to collectively bargain.

When we think about our shared history, it is worth asking ourselves are we not a better country because Cesar Chavez and the farmworkers demanded rights, won rights, exercised those rights and gained a modicum more dignity and protection on the job. Would we be a better country if Cesar Chavez and farmworkers did not have the right to organize? I think not. The same arguments were made against those workers having the right to organize. We are a better country and society because they exercised their right to organize. We will be a better state if agricultural workers in Maine have the same rights.

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.

The last time this bill was heard, we cited then recent news of eight migrant workers who make wreaths in Maine being fired after reporting sexual harassment to their employers.³ Now, just last week, a Maine tomato grower paid \$245,000 in back wages to migrant workers after violating federal labor laws.⁴ Collective bargaining rights protect 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 form a union. Having the right should be a basic rule of the workplace. It simply means that workers can exercise their freedom of association to band together to bargain with their employer for basic dignity on the job. 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 negotiate collectively to improve working conditions should apply to agricultural workers.

We ask that you support LD 151.

³<https://bangordailynews.com/2018/12/24/news/migrant-workers-at-maine-wreath-company-say-they-were-fired-after-complaining-about-harassment/>

⁴<https://www.centralmaine.com/2021/03/30/madison-tomato-growers-to-pay-337000-in-back-wages-penalties-following-investigation/>