

*Originally published in . . .*



**Volume 6, Number 2, Summer-Fall 1997**

# **Positive Labor Relations For Apple Production**

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Producing the finest apples in the world requires a marriage of several factors. In addition to the right climate, soil, irrigation and growing conditions, human resources are critical to the success of Washington's orchards. Even with all its technological advances in the last century, agriculture requires hard work and good luck. It takes the right blend of growers and field employees, working hard, smart and fast to plant, cultivate and harvest one of the tastiest and healthiest crops anywhere. If all these natural and human factors align, Washington produces a quality apple harvest that is world-class and competitive with not only other fruits and snacks here but also the apples increasingly grown in other parts of the United States, New Zealand, China and Europe.

Today, however, the apple orchards and packing houses in Central Washington are facing a threat to their delicate balance of production factors, their global reputation, and their decades-long place as a mainstay of the Washington economy. The industry has become the focus of an intense union organizing effort that puts its competitiveness and continued success in jeopardy. It is not third-party representation by a labor organization itself that threatens the industry, but rather the approach and tactics being used by union organizers.

## **The Organizing Background and Strategy**

Over the past few decades, union membership and dues income have decreased remarkably. Nearly one of every three American workers belonged to a union in the 1950s, only one in seven now. Elected leaders of the Teamsters and United Farm Workers unions and the national AFL-CIO have staked their positions on reversing this slide. Clearly, they view the more than 65,000 seasonal and year-round workers in Washington's apple industry as a target of opportunity to swell union membership.

Apple industry employers respect the rights of employees to select third-party representation under the law. But unions have taken an unusual and very negative approach to make a "quick strike" in the apple industry. Rather than following the time-tested rules of the National Labor Relations Act (NLRA), they

are pursuing a so-called "social justice strategy" that divides communities in Central Washington along lines of race, income, and social standing.

There has been an influx into the region of outside labor organizers seeking to drive a wedge between employers and employees. Organizers are conducting frequent media events and misleading people about working conditions in the Washington apple industry. They are disparaging the good name of the industry in the eyes of workers, consumers, public officials, the media, and local communities. We in the industry believe that such tactics are counter-productive to the economic success that is important to everyone connected with apple growing. What hurts the industry also hurts the workers that the union purports to be helping.

Most significantly, the organizers are pressuring workers to sign petitions to their employers, demanding instant recognition of a union as their bargaining agent. This approach flies in the face of the principle of free choice through secret ballot elections, which have been used for more than 60 years under the NLRA to determine the will of the workers. The current Teamsters organizing drive in several packing houses particularly seems based on the idea that the union's will is more important than the workers'. In more than a year of efforts, the union has yet to call for a single representation election.

The Washington Growers League, as the voice of the tree fruit industry on employment issues, has called on the unions to play by the rules of the NLRA, which provides a fair forum for workers to decide what, if any, union representation they desire. Union claims that the NLRA rules are stacked against organizing apple packing employees are simply unfounded.

### **Facts about the Apple Packing Industry**

Tree fruit packing jobs in Central Washington are among the most highly sought in the area. Many packers work year-round or nearly so, and receive employer-supported health insurance benefits. Wages in the industry average \$7.50 per hour, which is 45 percent above the new federal minimum wage (\$5.15) and 53 percent above the state's (\$4.90). Several leading packing houses, including those targeted by the union, pay wages averaging as high as \$8.45 per hour.

Contrary to the Teamsters' charges, the apple industry's safety record is very strong and continues to improve. Pesticides can protect fruit from harmful pests and diseases, and close adherence to all regulations that protect worker health has had excellent results. While very few pesticides are used in tree fruit packing operations, the industry is extremely diligent in following the rules governing their use.

Finally, apple packing employers do not and will not tolerate unlawful discrimination or sexual harassment. The industry follows the letter and spirit of all federal and state laws prohibiting mistreatment of workers.

Packing house employers support the NLRA as the forum for resolving labor representation issues in an equitable way, balancing the rights of both the worker and the employer. Like most good employers, they have established communication and grievance procedures that provide for direct and amicable resolution of employer-worker issues without union involvement. Packing house employers will not be deterred by the unions' campaign from communicating with their employees, as permitted under the Act.

### **Facts about Apple Growers and Orchard Workers**

One of the keys to success for any apple orchardist is a supply of capable workers ready when needed -

during pruning, thinning, and especially harvesting. Many large growers have to employ hundreds of workers at peak season, perhaps only a month or two during harvest, and they are committed to providing the good working conditions necessary that bring back qualified workers year after year. Experience has shown that growers who pay a competitive wage and provide safe and healthful working conditions in the orchards are best able to attract the seasonal workers they need to successfully meet their peak needs for labor.

Today, apple pickers typically earn \$8 to \$10 per hour, nearly twice the minimum wage. Of the more than 50,000 field jobs in the apple industry, the majority are very short-term, just six weeks or so each year. Contrary to unions' unsubstantiated claims about these workers being forced into poverty, earning only a few thousand dollars per year picking apples, most orchard workers move to jobs in other crops or to non-farm employment the rest of the year.

Washington apple growers fully appreciate that a quality product requires decent and healthy working conditions in the orchards. Growers provide fresh water, toilets, and hand-washing facilities in the field for the sanitation of workers, and they comply with state and federal requirements to provide safety training and equipment.

The application of pesticides in the orchards is closely regulated by federal and state laws, and very few pesticide illnesses have been related to farm worker contact with Washington apples. The industry has been very supportive of a Pesticide Incident Reporting and Tracking (PIRT) process, which independently investigates all reports of pesticide health problems.

Though not required by law, many growers also provide no-cost or low-cost housing to seasonal workers who need it. The industry has been working diligently to bring more housing on-line and to eliminate the need for the illegal labor camps that have sprung up in Central Washington.

Currently, there is no labor relations law setting specific rules for elections and collective bargaining negotiations in Washington agricultural field employment (the NLRA jurisdiction covers packing houses but specifically excludes farm work). In 1993, the Washington Growers League supported establishment of ground rules for field worker organizing through a state labor relations act modeled after the NLRA, but labor unions in the state backed away from negotiations on the proposal.

Despite their not being covered by a labor relations law, field workers enjoy rights under other employment laws and do have rights to take action against employers whom they believe to be in violation of state or federal laws on discrimination, sexual harassment, safety, wage and hour, and other labor practices. They also are legally protected against retaliation for their support of union organizing efforts.

### **Economics and the Big Picture**

In the global market for apples, neither growers nor packing house employers can unilaterally hike apple prices to fund wage increases for workers. Prices are set by the marketplace. Growers and packers together receive only about 25 percent of consumer expenditures on apples. The other 75 percent goes to retailers and wholesalers. Most apple growers in Washington struggle to earn any profit at all after paying for labor (more than half of their operating expenses), land, water, machinery and equipment, packing charges, marketing, fuel, supplies, insurance, and taxes.

As the taste and health benefits of apples have become known worldwide, Washington's apple industry

finds itself competing with products from many places where pay and work conditions hardly measure up to standards here. About 35 percent of this state's apples are shipped abroad. Sustaining this vital segment of the market demands that our apples be of the highest quality possible and priced competitively. And in today's free market economy, Washington apples must also compete in the United States with the rising number of quality imports from throughout the world.

The industry knows that its work force is critical to the success of Washington's crop. It's good business -and the right thing - to provide quality working conditions and competitive compensation to its work force. More than 3,000 family-owned businesses growing and shipping apples in Washington have pledged to continue this tradition.

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