

'A LAST VESTIGE OF SLAVERY & SEGREGATION' (2009)

By Dick Meister

It's been three-quarters of a century since enactment of the National Labor Relations Act that grants U.S. workers the basic legal right of unionization – the right to bargain with employers on setting their wages, hours and working conditions.

But for all that time, two groups of our most highly exploited workers have been denied the law's protections – farm workers, and housekeepers, nannies, and other domestic workers.

Congress should remedy the situation by amending the law to include the excluded workers. Which is the goal of a campaign – “Labor Justice” -- that's been launched by two veterans of United Farm Worker union campaigns, former UFW staffer LeRoy Chatfield and Jerry Cohen, the UFW's chief attorney for 14 years. They've already won the backing of labor, political, civil rights, academic, religious and community leaders and organizations in more than 30 states.

Chatfield and Cohen played key roles in passing the 1975 state law that granted union rights to California's farm workers. There have been drives to enact similar state laws elsewhere, but they've been successful in only one other state, Hawaii. None of the several drives for state laws to grant union rights to domestic workers have succeeded.

The need to extend the legal protections is obvious. The pay of farm workers outside California and Hawaii is generally at or near the poverty level, and they typically have few fringe benefits and very little legal protection from employer mistreatment.

Domestic workers, some of them self-employed, some of them employees of companies that hire them out, also generally earn little more than poverty-level pay and have few benefits. Most are women, who are subject to physical and sexual abuse. Some have formed union-like organizations to seek better treatment, but need the force of law behind them.

The “Labor Justice” campaign leaders call the exclusion of farm workers and domestics from the protections of the Labor Relations Act “one of our nation's last vestiges of slavery and segregation.”

Certainly the exclusion is at the least racist, since the vast majority of U.S. farm and domestic workers are Latino immigrants. In a letter to Labor Secretary Hilda Solis urging the Obama administration to back the proposed expansion of the law, Cohen compared the exclusion of farm workers and domestics to the situation in racist South Africa under Apartheid. “Blacks,” Cohen noted, were specifically excluded from the protections of South Africa's equivalent of the National Labor Relations Act.

It was racism, in fact, that kept farm workers and domestics from being granted the protection of the U.S. law originally, although it was a more subtle racism – a “sleight of hand,” as Cohen said.

At the time of the law's introduction in 1935 as part of President Franklin D. Roosevelt's New Deal, most domestics and many farm workers were African-American. The powerful Southern Democrats in Congress, an important part of FDR's political base, absolutely

refused to support a law that would grant African-American workers the same rights as white workers.

So, as presented to Congress by Roosevelt and as passed, the Labor Relations Act, the basic labor law of the land, specifically excluded from its legal protections “agricultural laborers” and anyone “in the domestic service of any family or person.”

But now, 74 years later, we finally have the opportunity to correct that shameful exclusion. Finally, we have the chance to provide every worker – every one of them – the vital right of unionization.