

2017 GRIEVANCE SUMMARY

Farm Labor Organizing Committee, AFL-CIO

Processed and Resolved Complaints in 2017

These numbers reflect individuals that used their rights under the CBA this year, but thousands of their coworkers also benefited from the resolutions to the issues they brought forward.

21	Workers Compensation
197	Travel Reimbursements
12	Change Grower Request
2	Bus Quality
8	Non-WC Medical Assistance
41	Eligibility Issues
15	W-2 Form Request
9	Communication with Grower
52	Mexico Recruiter Problems
71	Wage Theft
5	Leave of Absence Requests
22	Inquiry on General CBA Rights
4	Supervisor Issues
12	Reinstatements
8	Lack of Work
27	Health and Safety
6	Transfer Request
12	Unjust Discipline
13	Emergency Monetary Assistance
181	New Recommended Workers

Total 718

History of the FLOC-NCGA union contract

After a successful five-year boycott of the Mt. Olive Pickle Company, FLOC won a collective bargaining agreement (CBA) with the NC Growers Association that today provides historic labor rights to over 10,000 farmworkers employed with H2A guest worker visas.



In 2016, FLOC negotiated a four-year renewal of the agreement that includes a grievance mechanism, seniority based recruitment system with union oversight reaching from NC to Mexico, a "just cause" standard for discipline and termination, as well as a number of other benefits that far surpass the legal requirements of the H2A program.

"We're privileged to be part of this great organization that helps us defend our rights. I know that each season we get closer to realizing our dream for a better quality of life for ourselves and our families."

Eli Porras, FLOC Board member

Travel Reimbursements: Upon arriving to NC, a group of members reported that they hadn't received their travel reimbursements when returning to Mexico last year despite having finished the whole work season. They filed a grievance on behalf of themselves and their coworkers and were able to change the date in which workers qualified to receive their return reimbursements. In total, 181 workers retroactively received their 2016 travel reimbursements totaling over \$30,000 in recovered back wages.



Wage Disputes: For years, a Christmas tree grower took advantage of his workers by charging them for housing, electricity, transportation, visa costs, and work equipment. This year, the grower told them that he would also start paying them less than the minimum wage. The workers reached out to FLOC and requested assistance. The majority of the workers signed up to be FLOC members and submitted a grievance for wage theft and illegal deductions from their checks. An agreement was reached in which the grower agreed to pay them the correct wage rate, stop the illegal deductions, and pay over \$300,000 of back wages before the end of the season. The group also filed grievances over issues with their supervisor, health and safety violations, and housing conditions.



Housing Conditions: In a labor camp in Hamptonville, 9 workers didn't have a bathroom in their house and had to use an outhouse that was essentially a large hole with tin walls. With the help of FLOC, the group filed a grievance and were able to get a portable bathroom installed.

Reinstatements: Eliud injured himself while working in the Christmas trees last year. He returned to Mexico and spent two months recovering from his injury. When he went to his recruiter in Mexico in May, he was told that he was ineligible to return. A union member advised him to call FLOC. Eliud signed up to be a FLOC member and filed a grievance. After a few weeks of negotiations with the NCGA, he was reinstated and came up to work in July. He also filed a workers comp claim and was compensated for his lost work time.



Appealed Unjust Terminations and

Warnings: Miguel Angel was accused of purposely damaging tobacco plants. The grower fired Miguel and sent him to NCGA housing to await his return to Mexico. Four other workers also received warnings. During this time, Miguel Angel filed a grievance on behalf of himself and his coworkers. Within a week, he won back his job and was transferred to a new farm where he felt more comfortable. A warning was removed for each of the four workers.



Breaks: Breaks are not legally required for agricultural workers, but in the latest union contract, members negotiated that all workers must be given sufficient time to rest throughout the day. Many workers requested breaks for the first time this year. In one camp in particular, the workers weren't given any breaks this year. They negotiated with their boss and were given one unpaid 15-minute break a day. Then, they reached out to FLOC and filed a formal grievance and were paid retroactively for the unpaid breaks and given a paid 15-minute break and a longer unpaid break each day going forward.



Workers Compensation: Horacio was injured while working in the tobacco barns. At first his grower refused to take him to the doctor, but Horacio insisted that he needed to go to the clinic. There, he learned that he had a hernia and needed emergency surgery. FLOC staff helped him file a workers comp case, coordinate his surgery, and find alternative housing during his post-surgery recovery time.

Emergency Monetary Assistance: Roberto found out in August that one of his daughters in Mexico was gravely sick. He requested a leave of absence, as guaranteed under the CBA, and was able to return to Mexico to help take care of her. She recovered a few weeks later, and Roberto returned to NC and finished out the season. He received an “apoyo” check for \$300 to help cover emergency transportation costs.



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