

Farm Labor Organizing Committee, AFL-CIO

2014 Summary of Issues Resolved Under FLOC/NCGA CBA

In 2012, the Farm Labor Organizing Committee (FLOC) negotiated a three year renewal of a collective bargaining agreement with the North Carolina Growers' Association (NCGA). This agreement contains 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, which surpass legal requirements that most H2A employers are required to comply with.

FLOC members and non-members continue to use this grievance procedure to process hundreds of problems they encounter every year. Without the real guarantee of re-employment and the grievance procedure with quick timelines included in the agreement, the majority of these issues would have gone unresolved. Below are some numbers and examples of issues resolved through the FLOC/NCGA CBA.

Employment Bids: 439

Wages: 229

Housing: 89

Outbound Travel Reimbursement: 45

Working Conditions: 21

Union Contract Rights: 17

Union Benefits (not involving employer): 15

Assistance with Injuries/Workers' Comp: 7

Reinstatements: 13

Retaliation: 3

Total: 878

Wages: After a dispute with the supervisor about abusive language, various employees joined the union. In a new member briefing, there was a discussion about wage theft cases that had been won in the previous year, which led to the discovery of significant wage problems at the farm. New members reported that they were clocked out often for short breaks, changing of fields, when waiting for trailers in field, as well as incorrect hour reports during piece rate work. The new members engaged with their coworkers about this, filing a grievance and winning a settlement of \$440 each.



Union contract rights:

Multiple workers this season had emergencies and were given leave to return to Mexico and continue their job after emergency was handled. Workers who left to attend funeral received three days' pay from NCGA, as required by CBA.

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Wages: On several farms, bus drivers were not being paid for driving time. Three drivers filed complaints and won over \$1,000 in back wages on separate farms.

Housing conditions: Union members arrived to grower for the first time, discovering that there had been serious housing issues for a number of years. These members filed grievance about moldy mattresses, bed bugs, lack of adequate bathrooms, and lack of access to kitchen facilities. Grower addressed all issues quickly; however, his response to the bed bugs was to provide workers with bug killing spray applicators. Union members were not satisfied and new mattresses were eventually purchased after some discussion with grower/NCGA.

Working conditions/wages: Newly signed union members complained that they were made to arrive at shop at 6:30am, but mostly stood around waiting for grower until almost 7am every day. After a grievance and some discussion, grower suspended practice and made up lost wages.

Reinstatements: In 2013, three workers were told that the work would end on a certain date and were given permission by grower to buy airplane tickets home. Later, the work extended past the date predicted by grower, but grower did not advise workers. After they left on the plane, he reported them as having abandoned contract. They were listed as ineligible and filed grievance. Quick agreement was negotiated and all were listed as active and put on the recruitment list within 12 days.

Housing: After a camp meeting early in the season, three FLOC members complained to an organizer about moldy mattresses. After a meeting, FLOC advised them to show the grower directly. The initial response from the grower was that he would get new mattresses for the next season, but members were persistent and filed a formal grievance, receiving new mattresses within two days.



Work Conditions: Organizers received a call from a union member requesting a visit after unfair warnings were handed out. After camp meeting, union members presented a grievance about lack of sufficient water in the fields, no cups, soap, etc. lack of breaks, and a grower who would barge into the trailer, which did not have a lock on it, without knocking or asking permission. Within two weeks these and other issues were corrected.



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