



NEW YORK STATE SENATOR

Timothy M. Kennedy

## Senator Kennedy, Kerry Kennedy Urge Fundamental Fairness for Farmworkers in New York State

TIMOTHY M. KENNEDY June 10, 2013

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*At the Massachusetts Avenue Project's Growing Green urban farm, Senator Kennedy and Kerry Kennedy, daughter of RFK, push for Farmworkers Fair Labor Practices Act.*

*Farmworkers have endured decades of unfairness and substandard working conditions after being cut out of state and federal labor relations laws.*

*Senator Kennedy: All Workers Deserve Fair Treatment and Fair Wages for a Fair Day's Work – and Farmworkers Deserve the Same Fundamental Fairness.*

BUFFALO, N.Y. – Senator Tim Kennedy, D-Buffalo, and Kerry Kennedy, daughter of Robert F. Kennedy and president of the RFK Center for Justice and Human Rights, joined local workers and advocates in Buffalo today to rally support behind the Farmworkers Fair Labor Practices Act. Along Massachusetts Avenue, near one of the city's vibrant urban farms, the call for fundamental fairness for all workers grew even louder, as Senator Kennedy and Ms. Kennedy urged action on this long-stalled legislation that would grant basic labor rights to those who do back-breaking work every day on farms across New York State.

The Farmworkers Fair Labor Practices Act – which Senator Kennedy has cosponsored – aims to ensure farmworkers gain the fair treatment and safe working conditions enjoyed by nearly every other worker in this state. The bill seeks to extend basic labor protections such as a day of rest, temporary disability insurance if injured on the job and collective bargaining rights to New York's farmworkers who have been denied this fairness for decades.

"All workers deserve fair treatment and fair wages for a fair day's work. Sadly, farmworkers in New York State have been denied this fundamental fairness for decades," said Senator Kennedy "The basic rights denied to farmworkers are an injustice that still festers in New York State. It's an unfairness that persists, despite the efforts of so many. It's unacceptable, and it needs to change. The Farmworkers Fair Labor Practices Act will bring much-needed justice and fairness for all workers in our state. It will extend basic labor rights to those individuals and families who toil every day to grow and harvest the produce that ends up on our dinner tables and in our kids' lunches."

Kerry Kennedy, said, "My father, Robert Kennedy, cared deeply for the people who grow and harvest our food. But more than four decades since he and Cesar Chavez broke bread together, the basic civil rights they fought for remain a dream deferred for millions of farmworkers across America. Our state legislators came to Albany to be leaders, to help build a brighter future for our state. This is the time to lead: to finally allow farm workers to enjoy

the same basic rights as the rest of us. I want to thank Senator Kennedy for standing with me in this fight for fairness for all workers.”

In very clear language, the state’s Constitution reads, “Employees shall have the right to organize and to bargain collectively.” But one class of workers has been cut out – farmworkers. State and federal law excludes farmworkers from the protections that have been afforded to other workers for decades.

The New York State Labor Relations Act specifically excludes farm labor from rights offered to other workers. In the 1930’s, farmworkers were also cut out of the New Deal. The federal Fair Labor Standards Act of 1938 exempted farm labor from the national minimum wage and child labor standards. While amendments along the way have extended some national protections to farmworkers, several fundamental rights – such as a day of rest, fair overtime compensation and collective bargaining – have been kept from farm laborers.

[The Farmworkers Fair Labor Practices Act \(S.1743A/A.1792A\)](#) aims to extend the basic, fundamental rights that most workers take for granted, but farmworkers have long been denied. The bill would:

- Extend collective bargaining rights to farm laborers;
- Ensure farmworkers are granted one day of rest each week;
- Require farmworkers to be fairly compensated for overtime, and establishes an overtime rate for farmworkers who work more than 10 hours a day, sixty hours a week, or six days a week;
- Grant farm laborers access to temporary disability insurance coverage and unemployment benefits;
- Prohibit farmworkers who are underage from being paid less than the minimum wage;

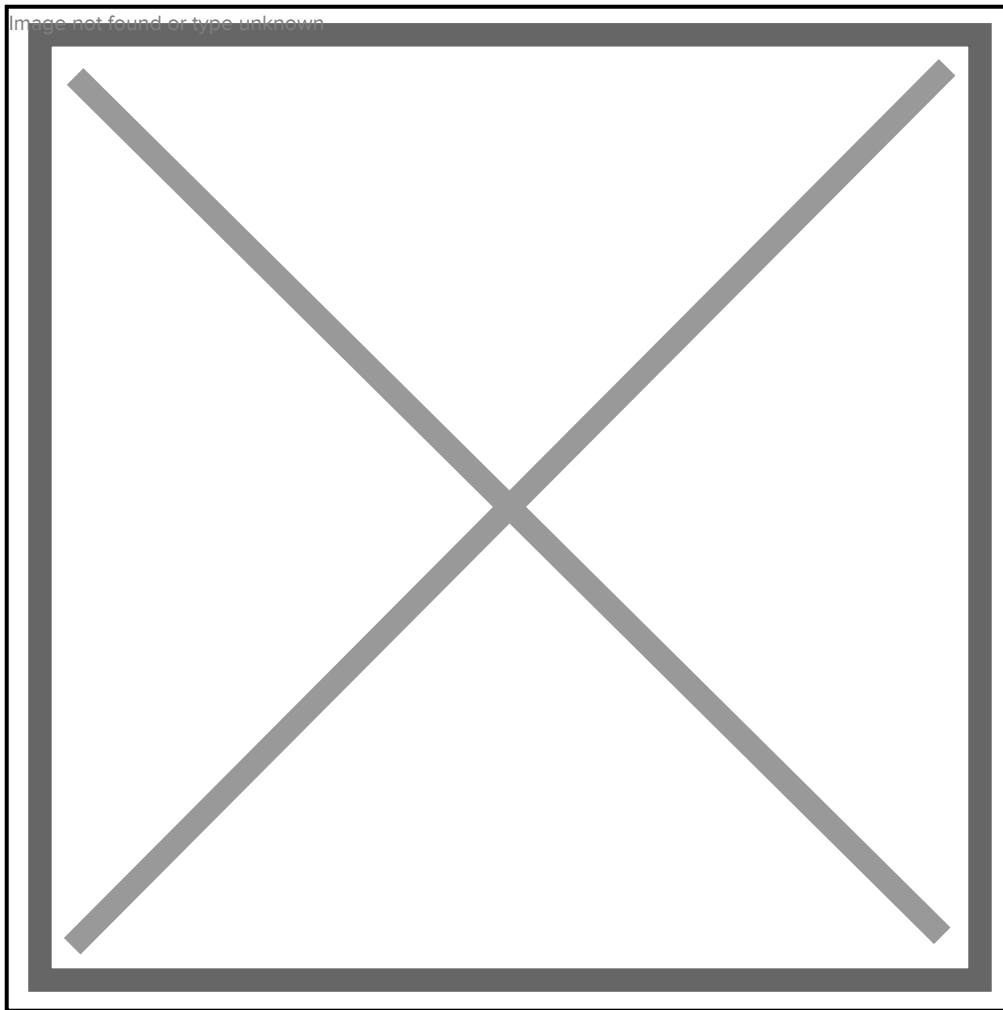
- Expand the state's sanitary code to cover all housing – not just large housing facilities – offered to migrant farm labor;
- Require foremen to notify the employer when they receive notice of an employee suffering an on-the-job injury;
- Outlaw the termination of an employee who is injured in the course of employment.

The bill is targeted to protect workers on very large farms, which function more like factories than what most think of as a farm operation. The proposal would have little-to-no impact on small family farms, especially considering 75 percent of New York's farms do not employ farmworkers. Larger family farms, that do employ a small workforce, already treat their workers well and with fairness, and this bill seeks to level the economic playing field between these farms and massive, corporate farms. It aims to protect those farmworkers who do not yet work under fair working conditions, and it codifies into law what many family farms are already doing.

Senator Kennedy believes they have the votes necessary to ensure the bill's passage in the Senate. As of today, 27 senators have signed on to support the legislation, and other senators have committed to vote for the legislation behind closed doors.

"If the bill comes to the floor for a vote, we believe it will pass," Senator Kennedy said. "We may be closer than ever, but there's still more work ahead. We must keep up the pressure as we approach the final days of the legislative session."

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*Senator Timothy M. Kennedy represents the New York State Senate's 63rd District, which is comprised of the town of Cheektowaga, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.*