

Keep the Union at Bay

The Racial Dimensions of Anti-Union Practices in US Agriculture and the Long Fight for Migrant Farm-Labor Representation

Francesca Coin

Appendix

Notes on Methodology

Summary 1 Notes on Methodology. – 2 Fields of Solidarity and Violence. – 3 The Importance of the Workers' Grievances. – 4 The Political Economy of Farm-Labor. – 5 Lessons from Farm-Labor Organizing in the Age of Trump.

1 Notes on Methodology

This study investigates why farm-labor has remained one of the most hazardous occupations in the United States many years after Edward Murrow's *Harvest of Shame* (1961). Having been conducted over a period of 15 years, it combines a number of different methodological approaches adopted at different times. In the early years of this work, I combined an ethnographic approach with a political sociology perspective to analyze the ways in which workers and growers negotiate their position in the food-chain. Secondly, I applied the methods of political economy to study the social relations of production within the US-Mexico food-chain. It was my intent to listen closely to the voices of the workers and to look at social research as an instrument of social change. As the pursuit of a closer relationship with the workers was both ethically and methodologically important, a multi-faceted representation of the humanity of these workers required that I interacted with them in situations other than the camps where they lived in North Carolina. In this sense, this study became a transnational analysis of farm-labor that took me from the fields of North Carolina to the Mexican countryside.

In general, I began this work in 2004. Between 2004 and 2007 I visited North Carolina regularly every few months. In that period I spent about 6 months in the field. Beyond my stay in North Carolina in 2004, 2005, and 2006 and my visit to Mexico in 2005, my activity with FLOC continued in Atlanta with a small group of FLOC sympathizers who worked to organize a few events and fundraisers. In this sense, during that time my constant presence in the union's activity helped me to consolidate my relationship with the workers and organizers. In the same period I carried out 26 in-depth, face-to-face, semi-structured interviews with the workers across the

Mexico border. In Mexico, I had an opportunity to meet the workers' families and spend several days at the workers' houses and live with one union organizer. Often times my relationship with the workers and the union organizers almost developed into a friendship. On top of that, I analyzed 441 grievances - about ten thousand pages of documents which chronicle the problems workers encounter in the fields. In general, all my conversations were in-depth, semi-structured, face-to-face interviews. Often it took several evenings with the workers before they agreed to the interview. In a few cases like those of Geraldo and Alfonso, the workers would "size me up" for several days before they began to trust me. They were afraid to talk, they said, because they had been threatened and intimidated many times before. On many occasions my conversations with the workers continued long after I turned off my tape recorder. In general, my interviews of the organizers were conducted in English, while my interviews with the workers were conducted in Spanish.

2 Fields of Solidarity and Violence

Throughout my study, I had access to the North Carolina fields through FLOC. The decision to access the fields via a farm-worker union constituted a specific ethical and methodological choice: I wanted to look at the world from the perspective of the most vulnerable actors. This decision was inspired by the work of feminist methodologists and anthropologists, who stressed the importance of using social research to "give voice" to the marginal groups of society. Just like Marxism, gay and lesbian studies, black studies and post-colonial theory have emphasized the role of research as a praxis leading to liberation, so feminist research considers social research as a methodology that "does not prescribe the use of any research method" but only "a shared commitment to questions" (De Vault 1996, 30). These principles have informed my research in different ways. In fact, these Mexican farm-workers really did not have a voice. The great majority of them did not speak English and lived in conditions of isolation and political vulnerability. The social and political isolation of these workers generated in me a spontaneous empathy and almost a need to use social research to shed light on their stories. In general, while empathy is necessary to ethnography, an empathetic relationship between the observer and the observed may also involve certain risks.

In order to prevent the emergence of a simplified interpretative model, I paid attention to the multiple economic constraints that today confront the US family-farm and stressed how the conditions of farm-labor are intertwined with a combination of structural factors. This approach prevented me from personalizing the causes of the deterioration of farm-labor and allowed me to focus instead on the challenges that today confront farmers

and farm-workers alike. Aside from the above, this approach stimulated me to listen closely to the voices of these workers and to look at social research as an instrument of social change. In *The Vulnerable Observer: Anthropology That Breaks Your Heart* (1996), Ruth Behar does away with the notion of the objective observer and maintains that the ability to look at the subject under study from a vulnerable and emotional perspective facilitates a process of “revelation” and “self-revelation” that allows the researcher a deeper understanding of the other person’s world and culture. In this sense, Behar stresses that the feminist values of closeness, trust, and emotional participation are not only instruments of ethnographic research but mediums of protest and social change. In my research, the pursuit of a closer relationship to the subject thus became both a methodological instrument and an ethical commitment. In fact, the portrait of the multi-sided humanity of these workers was necessary to widen their otherwise often one-dimensional representation as objectified laborers. While the pursuit of a closer relationship with the workers was both ethically and methodologically important, it was, however, not a simple task. In North Carolina, the life of these workers is largely characterised by very repressive conditions. Far from being multi-sided, such conditions reduce the lives of H-2A workers to basic tasks and mere survival. A more complex representation of the humanity of these workers required that I interact with them in situations other than those camps. I felt an ethical obligation to meet these workers on the other side of the border, in their homes in Mexico, or in Monterrey before their departure for the United States. This aim required a transnational research methodology that took me from the fields of North Carolina to the Mexican countryside.

In 2005, FLOC opened a new office in Monterrey in order to supervise the recruitment procedure in Mexico. At the time, the union had opened a “Hospitality House” in Monterrey, where those workers whose departure date had been postponed indefinitely could stay for free until they were ready to leave for the United States. The Hospitality House became the setting for most of my interviews. Before my departure for Mexico, I was planning to use a quota sampling system to select the workers to interview. My idea was to use FLOC’s employment lists as a sampling frame, and select a number of workers that was representative of the total population in terms of gender and seniority. In fact, the political situation that characterized my stay in Mexico forced me to rely on an availability sample. While I was in Mexico there was a national campaign against the activity of the union in the country. Union organiser B. had been arrested the day prior to my arrival, and throughout that time not only were the organizers under great pressure but my activity was often interrupted by the police. Possibly mistaking me for someone from the press, the authorities required to see my papers at least a couple of times every day, asking me to give them my notebook, my tape recorder and my documents. In those

conditions, it was very difficult to talk to the workers or conduct any interview in a public place. After a few days in the field, I decided to rely on an availability sample and to do most of my interviews at the Hospitality House. The pervasive experience of social control also forced me to think more closely about the role of the researcher in the field in settings that are either politically charged or violent. This was destined to become a topic of academic reflection in the following years. In fact, the tragic murder of Giulio Regeni, a PhD student from Cambridge University studying labor movement in Egypt, made it clear that universities should do more to protect students and researchers investigating topics that are politically charged or conducting their research in dangerous contexts. At that time, such discussions were non-existent and the campaign of intimidation that targeted FLOC, ranging from several episodes of detention and culminating in the violent torture of one FLOC union organizer, was challenging on an intellectual, political and emotional level.

In the end, I interviewed most of the workers at the Hospitality House. At the time, the departure of a group of one hundred workers from Mexico to the United States had been postponed indefinitely, and many workers were temporarily in residence there. The Hospitality House was the perfect setting for interviews. Not only was it protected from the difficult outside situation, but it was very quiet and private. At the time, the workers spent their days laboring at a nearby market, in order to gain a few pesos and eventually earn the necessary resources to travel back home. It was mostly in the evenings when they came back from work that I had an opportunity to interview them.

My relationship with the workers greatly benefited of the time spent in Mexico. While in North Carolina my attempts to talk with the workers were often characterized by a sense of suspicion and fear, in Mexico these power-dynamics largely faded away. In fact, in Mexico I was the one "out of my element" and to not know "my way around." As a result, the background of fear that characterized our relationship in the United States largely translated into a sense of collaboration. During my interviews I made extensive use of probing in order to minimize issues of interpretation and validity. The fact that I was living with one labor organizer in Mexico and could discuss matters with him in depth in addition to interviewing him and the other organizers, made it simpler to ensure that I could collect all the elements I needed for interpretation of the data. In general, several interviews took place at the office in Monterrey. The rest of my interviews with FLOC organizers took place either at the FLOC's office in North Carolina or at my home in Atlanta. In fact, since 2004 I have been visited several times by FLOC organizers: they would stay at my home any time the campaign brought them to Atlanta. On those occasions there was often plenty of time to talk, to conduct follow-up interviews, and to receive updates about the workers and the campaign.

3 The Importance of the Workers' Grievances

The grievances have been a key part of this project. While before September 2004 the grievances were collected by FLOC informally, after the introduction of the *Collective Bargain Agreement* (CBA) with the NCGA and MOPC, the grievance procedure became an official tool for the union to work towards the resolution of the workers' complaints in collaboration with the NCGA. Between September 2004 and December 2006, workers filed hundreds of grievances. Most of these grievances have been recorded and collected in order to allow FLOC to become an active agent in their resolution. As rich sources of data, the grievances chronicle the problems that workers experience in the camps and in their working environment. The importance of the grievances as opposed to data collected through participant observation and in-depth interviews lies in the fact that the grievances are unobtrusive data sources that reduce the observer effects of quantitative research. The grievances reduce the bias that results from the intrusion of the researcher in the field and they are more likely to have a more limited negative effect on the validity of the data they collect. Given the vulnerable population that is the focus of my research, the grievances allowed me to study the workers' situation in North Carolina while reducing the production of non-representational data. Further to this advantage, the grievances gave me the opportunity to study the interaction between FLOC and the NCGA. In fact, each complaint was not only an example of the ways in which the growers related to the workers in terms of labor standards, but also a representation of the ways in which the FLOC and the Growers' Association had different interpretations of particular issues. From a methodological point of view, it is important to notice that although the analysis of the grievances *per se* did not require any fieldwork, it was because of my extensive fieldwork that I had the opportunity to analyze them. While my initial relationship with FLOC was rather challenging and characterized by the difficulties of the campaign, in time I was able to build a relationship of trust with the organizers. During my first visits, I had to constantly renegotiate my access to the field, in order to "prove" to union members that I was not intending to harm the workers. As I entered the field more deeply, I was able to develop a relationship of trust with many workers and organizers. Such a relationship became consolidated over time after visiting North Carolina and Mexico and on the basis of my activity with a small group of FLOC sympathisers in Atlanta. As a result, when it came to analyzing the grievances, the national coordinator gave me complete access to their archives as indicative of the trust that had come to characterize our relationship.

Overall, I analyzed 441 grievances: 121 from 2004; 181 from 2005 and 139 from 2006. The simplest grievances required the exchange of only a few emails, whereas the most complex cases required the exchange of even thirty to forty emails. On average, each grievance included multi-

ple documents from multiple parties, a factor that leads me to estimate that the overall amount of grievances that I have analyzed is about ten thousand pages. In fact, the grievances did not only report the basic problems that the workers experienced in the North Carolina fields and during the recruitment process in Mexico, but also the different steps that were taken by the union, the NCGA and the recruiting agency MOA towards their resolution. Moreover, they detailed not only the original complaint for which the grievance was filed but also the different interpretations that the NCGA and FLOC gave of the problem, and the multiple obstacles and communication problems that challenged the reaching of an agreement in their resolution. Many times, the grievances included documents from third parties such as lawyers, union liaisons, workers, doctors, and other public figures who were involved in the dispute. Most of the time, the grievances reported cases in which the growers violated the rules of the H-2A program or the CBA. Usually, it was FLOC asking the NCGA for compensation and the NCGA responding with more or less compliance.

In order to analyze the grievances, I used qualitative content analysis. Although I analyzed several hundred grievances, these materials did not encompass the entirety of the problems experienced by farm-workers in North Carolina, but rather a broad sample. This was due to two factors: not all the extant problems were reported in the form of grievances, and FLOC did not keep a record of all the grievances that were filed. In this sense, it was not possible to measure a trend or identify what problems are prevalent in North Carolina, but only to explore what dynamics shaped each situation individually. Additionally, the grievances did not necessarily specify how many workers were involved in each episode: overall there were thousands of workers involved in these issues. Sometimes a single grievance involved several hundred workers, and other times more than one grievance was filed by one person. Many times the number of people involved in each complaint was not specified. In this sense, it was often not possible to use the grievances to estimate the quantitative preponderance of a specific situation in the fields, because the numeric prevalence of certain types of complaints was not indicative of their effective prevalence.

Traditionally, most of the violations that occur under the H-2A program have been categorized by the Department of Labor as conditions relating to the risk of double standards for immigrants. These problems include the risks of substandard housing, below-poverty wages, and health-related hazards. The Department of Labor has set out specific definitions for each one of these problems. Given the general concern that the H-2A program could “adversely affect” the wages and working conditions of US workers, the Department of Labor requested the growers to respect the Adverse Effect Wage Rate (AEWR) set every year for each state. In 2004 in North Carolina, the AEWR was set at 8.06 dollars per hour, which means that the workers picking on a piece-rate basis had to make at least that overall

minimum wage. On top of respecting the AEWR, the DOL requires growers to provide all workers with a “three-quarters guarantee”, that is to say that they must provide wages for at least three quarters of the hours established in the labor contract. Moreover, growers must provide free housing that complies with the Occupational Safety and Health Administration (OSHA) standards. OSHA regulations require that employers provide access to water, toilets and hand-washing facilities for their employees. The OSHA standards are coupled with the Environmental Protection Agency standards, which regulate farm-worker exposure to dust and pesticides. On top of the regulations set by the Department of Labor, the *Collective Bargain Agreement* established that the growers must provide the workers with compensation for their job-related injuries and illnesses, and that they must reimburse them for the cost of transportation from their home country to the place of employment and back (upon completion of a specified portion of the contract). The CBA enforces recruitment standards in Mexico and the right to preferential employment for union workers with seniority. The contract also mandated that workers should be not charged more than 340 dollars for their visa and trip to the United States (an amount that previously bordered on 600 dollars); that the workers should not be subject to punishments, discrimination, harassment or blacklisting, and that they should be recruited according to specific recruitment standards. While health and safety grievances and cases of abuse and discrimination have been reported both before and after the establishment of the CBA, it is only since the establishment of the labor contract that these rights were recognized. Before I began my analysis, FLOC suggested that I categorize grievances according to these definitions. Although these foundations have been created in order to prevent a dual labor market characterized by second-class workers in a situation of occupational and housing segregation, these rules have in fact been consistently violated in North Carolina. It was therefore important to understand what types of violations were still taking place under the H-2A program. For this reason, the union suggested the division of grievances into five categories:

1. Health and safety grievances, to describe cases of workers experiencing substandard working and living conditions.
2. Lost wages, unpaid working hours, and violations of the three-quarters guarantee.
3. Reimbursement grievances, which included issues concerning the reimbursement of the trip to and from Mexico and of all fees paid during the recruitment process; sickness and injuries in the working place and bereavement leave.
4. Enforcement of recruitment standards.
5. Seniority violations, which describe cases of workers who were excluded from the recruitment process despite their seniority, often due to their union membership.

As the union gave me these preliminary categories for my study, I used both a level of induction and a level of deduction to validate them. I validated my preliminary categories by moving deductively from general to specific, and I used induction to compare my coding categories with the raw data. In this process, I searched for “themes”: single words, phrases, sentences, paragraphs, or entire documents – expressions that represented problems related to health and safety; reimbursement and recruitment; seniority violations or lost wages. From the theme I then moved on to the categories. Many times the union had already highlighted the main theme for each grievance and divided them into categories before I analyzed them. In the end, I maintained the five categories reported above, but I developed five subcategories within the “health and safety issues” category, which assumed particular importance: a) housing problems; b) problems in the fields c) health problems; d) lack of drinking water; e) cases of a worker’s death. Other times the grievances included multiple problems and complaints: in traditional content analysis, categories should generally be mutually exclusive, but in my case-study the grievances could not always be reduced to one single theme. In those cases in which the data reflected simultaneously more than one problem I created a “multiple grievances” category, which usually consisted of cases in which the workers experienced multiple and equally relevant violations. Only towards the end of my research did I manage to divide these grievances into specific categories, as I recognized the theoretical importance of one particular aspect of their content or the greater emphasis and detail that was used to describe it.

In my analysis, I used the grievances to highlight the most urgent problems in North Carolina, and I integrated them with interviews of the workers and the labor organizers. As evidence of the specific problems occurring in North Carolina and in Mexico during the recruitment process and the summer season, the grievances have indeed one major limitation: they document only the problems that the workers experience in the fields and they do not represent potentially harmonious situations. In this sense, the grievances do not saturate or express the totality of the experiences that characterize the life of farm-workers in North Carolina, but merely help shed light on those issues that most urgently demand resolution. It goes without saying that anonymity and confidentiality of participants have been respected at all times. In fact, pseudonyms for participants and for the specific location of each record and testimony have been used at all times to preserve anonymity. In addition, the reported personal details of participants have in some instances been altered to conceal their identities and protect confidentiality.

The grievances were my primary source even when I decided to continue this work in 2017. By then, the union itself ran a yearly analysis of the workers’ grievances intended to verify the labor conditions of farm-workers in the fields. Ten years later the conditions in the field had not changed in a relevant manner. Very clearly, the labor conditions of migrant

farm-workers in the fields are still extremely problematic. At the same time, the numerous grievances filed by the workers prove that the workers trust the grievances procedure as an effective method to report and resolve labor violations.

4 The Political Economy of Farm-Labor

To understand the continuity of such conditions, it was important to detail in what context these workers operate. When this project begun in 2004, big retailers externalized their costs on industrial suppliers, thus cutting the costs for the merchandise that it purchased, while lessening profits for manufacturers. In agriculture, the negotiating power of retailers was still largely under-analyzed. From the start, my intent was to understand whether the growing involvement of retailers such as Wal-Mart in agriculture was likely to deliver the same effects that the company had in industry, leading to practices of cost-externalization that would affect the farmers. Back in 2004, there was a limited number of publications addressing the influence of retailers in agriculture. In time, socio-economic studies have come to focus on the role of post-Fordist decentralization and externalization in agriculture. These works note that in the past five decades the process of production has become more and more fragmented, only coordinated and assembled in the Western headquarters and plants (Corrado 2017). On top of this, recent literature has emphasized the role of retailers in coordinating their outsourcing operations through a new system of communication, transportation and distribution, which have transformed retailers such as Wal-Mart into “global supply chains” (Corrado 2017, 10). The first retailer in history to become the greatest corporation in the world, Wal-Mart had the ability to centralize the means of consumption and to exercise unprecedented negotiating power over its suppliers. At the same time, big retailers such as Wal-Mart themselves represented the symptom of a global economy that had largely undermined food sovereignty in the peripheries and restructured agriculture, assisting a process of alimentary dependency on the corporate regime of countries such as the United States.

5 Lessons from Farm-Labor Organizing in the Age of Trump

In 2017, I decided to go back to analyzing the labor conditions of farm-workers in North Carolina. At that time, the union itself ran a yearly analysis of the workers’ grievances intended to verify the labor conditions of farm-workers in the fields according to the same categories we had used ten years earlier. At the same time, the union had taken its campaign to a global scale, leading to a number of in-depth reports from Human Rights

Watch, *The New York Times* and *The Guardian*. Mainstream media had brought to light the frequency of labor and human violations in the fields. Despite growing social awareness, the power of transnational corporations was undermining its activity. In addition, in 2017 the Trump administration declared its intention to transform right-to-work legislation into a federal law. The problem was not merely the decline of union membership among US workers but the way in which right-to-work laws were being pushed at state and federal level, hence undermining labor protections altogether. The ultimate example of union busting, right-to-work legislation has always had a racial intent. Especially in the South, union busting cannot be separated from the need to protect the labor exploitation of blacks and Latino workers, who are largely employed in vulnerable sectors such as farm-labor. Over recent months, all republican governors have signed right-to-work laws. In a sense, restricting collective bargaining rights is functional to protecting the corporate right to abuse and dismiss labor at will, a right to exploitation that is deeply intertwined with a racial understanding of labor relations. Currently, republicans are pushing right-to-work legislation in the entire private sector. In a sense, labor has never been so vulnerable and exposed to corporate abuse as it is today. In a national context deeply wounded by racism and white supremacy, the FLOC experience appears all the more important to describe new strategies of resistance in the current dark ages.