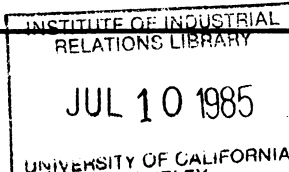


LABOR CENTER REPORTER

BERKELEY, CA 94720
(415) 642-0323

UNIVERSITY OF CALIFORNIA - BERKELEY

CENTER FOR LABOR RESEARCH AND EDUCATION
INSTITUTE OF INDUSTRIAL RELATIONS



Number 132
November 1984

THE UNITED FARM WORKERS AND THE GRAPE BOYCOTT

"We told the growers and we told the Deukmejian administration that if they shut down the law, we would return to the boycott. Now it's time for us to place our faith in the court of last resort once again—with the grape boycott that symbolized the farm worker's struggle during the 1960s and '70s."

This is how Cesar Chavez, the president of the twenty-two year old United Farm Workers of America, AFL-CIO, described the union's decision to initiate a new boycott on table grapes. What does Chavez mean by a "shutdown" of the law and to what extent does this shutdown affect grape workers? To answer these questions we must look at some of the legal and historical background of the new grape boycott. In 1973, the UFW's contracts with grape growers came up for renewal. Instead of signing new contracts with the UFW, several growers signed contracts instead with the International Brotherhood of Teamsters, triggering a jurisdictional dispute between the two unions. The UFW called for a boycott and a strike. The strike was called off when two of its members, Juan De La Cruz and Nagi Daifallah were killed; De La Cruz was killed on a picket line. The boycott was maintained until 1977.

In 1975, the California legislature passed the Agricultural Labor Relations Act (ALRA), making California's agricultural labor laws unique in the United States. Aside from guaranteeing agricultural workers the right to bargain collectively, one of its most important features was the creation of the Agricultural Labor Relations Board (ALRB), whose function was the enforcement of the ALRA. Among the powers granted to the Board was the power to issue complaints. A person or group may make an unfair labor practice charge to the ALRB and after examining the charge, the Board has the authority to issue a complaint against the party charged. The complaint states the charge and issues notice of a hearing either before the Board or one of its members, or before an agency designated by the Board. The party charged with an unfair labor practice then has the right to file a response to the complaint and to present testimony at the time of the hearing.

The legal recourse of the ALRA and its enforcement agency the ALRB might make it seem that the resort to a consumer boycott is at best unnecessary, and at worst an indication of the union's unwillingness to participate in the usual procedures governing labor/management relations in the U.S. But Chavez and the farm workers claim that this is not the case and that they had no alternative to invoking a boycott. Why? Since his election as Governor of California in 1982, George Deukmejian, in keeping with his conservative politics and his political campaign debt to the growers (90% of the growers' campaign contributions went to Deukmejian), has argued that the ALRB is strongly biased towards deciding cases in favor of the UFW. His administration has taken several steps during the last two years to counter this perceived bias. Among them:

- In 1982, ALRB's budget was slashed twenty-six percent, resulting in a backlog of cases which cannot be processed due to lack of necessary personnel.
- David Stirling, general counsel for the ALRB and a Deukmejian appointee, has consistently moved to centralize the appeals process, causing further backlogs in the system. Stirling has also initiated far-reaching changes in procedure that could result in a substantial decrease in the amount of money a company must pay in back pay to workers who win an unfair labor practice dispute.
- In June 1984, Deukmejian vetoed a \$1 million legislative appropriation to hire investigators to help reduce the backlog of more than 1000 cases (*Los Angeles Times* July 12, 1984).
- In the summer of 1984, Deukmejian appointed attorney Jyrl Ann James-Massengale as chair of the ALRB. James-Massengale has represented growers in several disputes before the ALRB.

According to Chavez, these actions have gutted the laws which previously protected farm workers. The ALRB's failure to enforce the law has resulted in claims by the UFW that 36,000 workers who have voted by secret ballot to be represented by the UFW have not yet been able to sign contracts with growers, and that 6,300 farm workers owed over \$72 million in back pay by growers have yet to receive that money. The union estimates that while the number of uninvestigated charges has more than doubled under the Deukemjian administration, the number of complaints going to growers has been cut by more than half. These figures refer to all farm workers and not specifically to grape workers, but the figures for the grape workers are no better. According to Arturo Rodriguez, General Manager of the Grape and Tree Fruit Division of the UFW, approximately 400 unfair labor practice charges filed by grape workers in the last three years have yet to go to the ALRB complaint stage. Another 46 cases, involving \$32 million in back pay and benefits, which at various stages of the legal process, show no signs of being resolved within any reasonable length of time.

A New Kind of Boycott—The new table grape boycott will be based on a strategy that the UFW has developed in a long and bitter struggle it has been waging against the Salinas-based Bruce Church, Inc. the nation's second-largest lettuce grower. In 1977 the UFW was certified as the bargaining agent for the employees at Bruce Church. In 1979, the employees at Bruce Church went out on strike and the UFW initiated a boycott against Church's brand-name lettuce, Red Coach; contract negotiations broke down for the last time in 1980. After declaring the boycott against Church, the UFW organized boycott action against Lucky Stores, Inc., one of the largest retail food chains in the U.S., and a major purchaser of Bruce Church lettuce.

The UFW's tactics in the boycott against Bruce Church represent something of a departure from those used in the first grape boycott. The union has established a Direct Marketing Department, which uses sophisticated mass marketing techniques to target households in areas close to chain stores such as Lucky's that carry Red Coach brand lettuce. These households receive repeated mailings from the union which introduce the union, explain the boycott, and appeal for support. One of the union's strategies is to attempt to counteract "the bad image of the union that growers and their allies have tried to create in the minds of farm workers and the general public." (Report to delegates.)

On December 12, 1983, the ALRB ruled that Bruce Church was guilty of bargaining in bad faith with the union, a ruling that could result in substantial back-pay awards to the unionized farm workers employed by Bruce Church. In January 1984, Lucky Stores notified Church that it would no longer buy Bruce Church lettuce. While Lucky's claimed that its decision to stop purchasing Church's lettuce was due to the ruling by the ALRB, this decision was surprising to food industry officials. One official, quoted in the *Los Angeles Times* on 1/14/84, said, "I cannot figure it out. Most employers believe the state agency is run by pro-union appointees of former Governor Jerry Brown, and for Lucky's to drop Bruce Church because of that board's ruling against Church is amazing." This would seem to indicate that Lucky's, financially hurt by the boycott, used the ALRB ruling as an excuse to discontinue its purchase of Red Coach lettuce. More recently, McDonald's fast food chain announced it had stopped buying the shredded lettuce used on its hamburgers from Freshcon U Vegetable Processing Co., the sister company of Bruce Church, Inc. While McDonalds claimed that the move was purely a "business decision," Roberto de la Cruz, a UFW lobbyist in Sacramento, said that some McDonald restaurants had in fact been boycotted (*San Francisco Chronicle*, October 3, 1984). It seems possible that McDonald's "business decision" was motivated by its fear of jeopardizing its reputation and volume of business by becoming a target of a UFW boycott similar to the one against Lucky's.

While the boycott against Bruce Church has not yet been won by the UFW, the decisions made by Lucky's and McDonald's indicate that the new strategy, which will now be used for table grapes, shows much promise. However, it is important to remember that the ultimate success of any boycott lies with us, in our roles as consumers; we are the judge and jury in this "court of last resort" and our verdict will be rendered by the decisions we make in the grocery store. It seems only logical that people who would not cross a union picket line would not violate a union boycott.

—Suzanne Meehan*

*I would like to thank the Rev. Fred Eyster of the National Farmworkers Ministry for a lengthy interview that he kindly granted to me. Any errors in this article remain my responsibility.

This article does not necessarily represent the opinion of the Center for Labor Research and Education, the Institute of Industrial Relations, or the University of California. The author is solely responsible for its contents. Labor organizations and their press associates are encouraged to reproduce any LCR articles for further distribution.