



# SIEMBRA

A Newsletter for Farmworker Friends and Advocates

Fall 2004

## Kaolin Workers Continue the Struggle: A Grand Victory and a New Contract

Jessica Culley, Sarah Azer



**More than 100 workers gathered in Kennett Square to speak with the press about Kaolin's campaign to de-certify the Union.**

The past several months have presented a variety of challenges to the Kaolin Workers' Union. With the guidance and support of active leaders and a wealth of experience, the Union confronted the challenge presented by the company and prevailed.

In May 2002, owner Michael Pia petitioned the state for a decertification election because he claimed that the Kaolin Workers' Union failed to represent the interests of his employees. The Pennsylvania

Labor Relations Board (PLRB) granted Pia's request and elections were scheduled to be held on Friday, June 18, 2004.

In the month and a half before the election, farm supervisors actively engaged in a campaign to discourage employees from voting in favor of the Union. Unfair labor practice charges were filed because supervisors were reported as saying things such as, 'Con ese contrato, la Union no le muerde ni los huevos de Mike Pia' (This contract doesn't even bite Mike Pia 'where it hurts'). Vulgar statements by supervisors referring to the Union's lack of ability to influence Mike Pia were common.

...Article Continued on Page 2

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***CATA is a non-profit, migrant farmworker organization governed by and comprised of farmworkers who are actively engaged in the struggle for better working and living conditions.***

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## Kaolin Workers' Union

.....Article Continued from Page 1



**Channel 69 News from Allentown, as well as the Philadelphia Inquirer and other local newspapers covered the workers' press conference.**

As the election day grew closer, intimidation tactics escalated. Outside specialists were brought in to meet with workers. When Michael Pia and Kaolin Mushroom Farms embarked on a decertification drive, the Kaolin workers were prepared to respond. After fighting years for their union and for ten more years after that for a fair contract, the Union and its members were ready for another struggle for justice, respect, and dignity in the workplace. On June 10, about 100 Kaolin Mushroom Farmworkers held a rally at a nearby park to gain support for the upcoming vote.

Despite scare tactics and confusing messages propagated by the Company, the workers prevailed. **On June 18, 2004, Kaolin workers voted 210 to 145 for continued representation by the union, a resounding victory!**

Less than three months later, after working one month under an extension of their first contract, the Kaolin Workers' Union signed their second contract on September 10, 2004. This new contract continues to provide health insurance coverage to workers and improves existing policies for holiday pay and leaves of absence. Most importantly, this agreement provides a structure for the Union to collect dues from bargaining unit members, which will permit them resources for arbitration, legal representation, and greater independence.

In KWU's press conference on June 10, Jesus Suarez, a mushroom harvester said, "We won the right to have OUR Union in 1993, we did it, and we achieved it, detaining the abuses in our work. Now we are here to show Pia our affirmation of the Union. The Union gives us strength and a signed contract gives us a guarantee that we will be treated as human beings and not as slaves."

## Worker Health and Safety

Jessica Culley, Luis Tlaseca, Ana Maria Vasquez

In March of this year, the Associated Press released an investigative story that revealed an epidemic of hazardous work conditions that are resulting in the death of one Mexican worker each day.

The investigation found that although U.S. workers in general are safer than in years past, the death rate among Mexican workers is rising. Mexican workers are 80% more likely to die on the job than a native born worker. Deaths among Mexican workers occurred primarily in construction, meat packing, and agriculture.

The most disturbing revelation of the investigation is that the great majority of these deaths were completely preventable. Many employers ignore basic workplace health and safety regulations by not providing adequate training, safety equipment, etc. The Occupational Safety and Health Administration (OSHA) has too few Spanish-speaking investigators to adequately enforce compliance with existing regulations.

In response to media attention to the worsening conditions in the workplace and the lack of enforcement of OSHA regulations, Congressman Major R. Owens (D-) held a forum on "Jobs to Die For: Inadequate Enforcement of U.S.

Safety Standards" on May 12, 2004. Teresa Niedda, Director of the Farmworker Health and Safety Institute (FHSI) testified at this forum to share examples of deaths that have occurred in agriculture over the past several years. She called on OSHA and the federal government to recognize the capacity of grassroots, community based organizations for training workers and for documenting health and safety hazards. She also stressed the importance of creating alliances and financially supporting that work, as well as increasing internal capacity for regulation and enforcement.



Every week CATA organizers meet workers who have been injured while working under hazardous conditions. Many workers are

fired after such accidents or intimidated so that they do not claim workers' compensation (although this is an entitlement of all workers injured on the job). It is a priority of CATA to ensure that workers know their right to a safe and healthy workplace, as well as the rights of injured workers. Following is an excerpt of an interview that Luis Tlaseca conducted with Ana Maria Vasquez, a former mushroom picker from Kaolin Mushroom Farms and a member of CATA's Board of Directors, who fell while picking mushrooms in June of 2001:

*...Article continued on page 4*

## Worker Health and Safety

...Article Continued from page 3

### Interview with Ana Maria Vasquez

"I was a Kaolin employee. I was a mushroom picker and I had an accident there. I fell in a mushroom house that had seven beds. The house was in bad condition. The day before it had rained hard, and the

wood in the mushroom house was wet. It was very slippery, and the boards were loose. I slipped and fell.

When I fell, I was sent home. They told me that there were no available

appointments and that I should go home, take some pills for the pain, and that the next day they would take me to the doctor. Afterwards, they took me to the doctor, but he only examined my arm, which I couldn't move. He didn't fully examine me, and he told me that I could return to work.

I worked for two weeks in the packing house with just one hand, but they continued to take me to the doctor. The doctor told me that I needed movement, that there was nothing wrong with me. They gave me therapy for awhile, but I continued to feel badly. I continued complaining that I couldn't work, but the doctor told me that I would get better.

Later I went to another doctor who told me that the fall could have affected me greatly even though the company told me that it hadn't. This was when I told them that if they didn't have an MRI done, that I was going to file a complaint

against the company. The MRI was done, but they told me that it hadn't shown anything. Later they told me that I had one muscle torn halfway and another at the point of tearing. I continued to work for another two or three months in the packing house, but I couldn't work. Finally one day in the cafeteria a man approached me, and quietly slipped me CATA's card under the table so nobody would see, and he told me, "Take this card, look for this person. They will help you." That is when I got involved with CATA. Afterwards in a workshop at CATA, I met some lawyers who took on my case, and I won.

I feel proud, because at Kaolin people laughed at me. They said that I didn't know anything about lawyers, that I didn't know how to defend myself, and that there had been many other people who hadn't done anything to the company, much less a woman. I knew that I had to struggle, because I knew that I was injured. Because I had gotten involved with CATA, I began to know what my rights were and how I should defend them. Even though I am still injured, I feel proud of having struggled.

**I know many other people are injured and continue to work because they are afraid that if they submit a claim against the company that they will be fired.**

I would tell other workers, and I have told them that they shouldn't be afraid, that they should get involved with CATA and defend their rights. **The company will never cure them, and the company will never give them anything just because they want to. What the company gives to any employee is because the person earns it, and for this reason, we have to struggle.**"



Ana Maria with her husband José

# CATA's Annual Assembly 2004

Marge Niedda

On August 28th 2004, CATA held its 25th Annual Assembly at the Aura Fire Station in Aura, NJ. Fifty members of CATA's farmworker leadership from New Jersey, Pennsylvania and the Delmarva Peninsula attended the event. The assembly members evaluated CATA's programs, approved resolutions, and discussed mandates for the future. A decision was made to convene a dialogue of grassroots immigrant workers' organizations in NJ to discuss strategies for improving the situation for undocumented workers in the state. An official resolution was passed to continue supporting Environmental Justice work in New Jersey through the New Jersey Environmental Justice Alliance. Lastly a resolution was passed to continue the work of the Fair Labor Standards Project as a permanent CATA program. During the Assembly, new board members were elected to the Board of Directors. From New Jersey's Concilio, Tomasa Ayala, Zenón Pérez and Eduardo Juárez joined the board and Vidal Ortiz and Fermín Kelly were elected from the Delmarva Concilio. Also at the event, the Farmworker Health and Safety Institute (FHSI) held its premiere of their seventeen minute video on pesticides, "Pesticides: From the Fields to Your Table". CATA celebrated its 25th anniversary and presented CATA T-shirts to the participants in recognition of their continuing efforts in the farmworker struggle.



Over 50 members of CATA's leadership met together on August 28 for the Annual Assembly.

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¡Gracias!

Over the past year, CATA has been fortunate to have worked with a number of talented and dedicated interns. **Sarah Azer** worked with us for one year as a Jesuit Volunteer in both the Glassboro and Kennett Square offices. She is now currently enrolled at Pepperdine University in California studying Public Policy. Thanks to the Princeton University Class of 1969 Community Service Fund, **Michael Alonzo** spent the summer of 2004 with CATA working on documenting the Kaolin struggle and teaching English classes in Sicklerville, NJ with one of our youth members. He just started his sophomore year at Princeton University. **Ameé Master**, a senior at Penn State University, worked as a volunteer in the Kennett Square office with Sarah and Mike to document the Kaolin struggle against the decertification of the Union. **Steve Dypiango**, a former Jesuit Volunteer with CATA, returned this summer to intern with the Farmworker Health and Safety Institute. He created a video called: "Pesticides: From the Fields to Your Table" to articulate the connections between farmworker exposure to pesticides and consumer health. Thanks to all of you for your time, energy, and commitment!

## In Farmworker News....

The Board, staff and volunteers at CATA send our deepest sympathy to the **Farm Worker Association of Florida (FWAF)** and the family of **Alfredo Bahena** for his untimely death. Alfredo, an organizer for FWAF, worked tirelessly for social justice in the farmworker and immigrant communities in Florida. He was truly a "compañero en la lucha" and will be sorely missed.

We remember all those affected by the recent hurricanes during these past few months, especially the **farmworker and Latino communities devastated in Florida and across the Caribbean.**

Congratulations to the workers at **Mt. Olive Pickle Company and the Farm Labor Organizing Committee** for signing a contract to end a five and a half year boycott against Mt. Olive! A separate contract was signed with the North Carolina Growers Association covering 8,500 guest workers which represents the first contract of its kind.

Congratulations to the **Farmworker Health and Safety Institute (FHSI)** for receiving the **Susan Harwood Training Grant under the Department of Labor, OSHA!** FHSI will be working with CATA, PhilaPOSH and Ken Brown of the Operating Engineers to develop a worker safety manual for Spanish-speaking food processing workers.

The **Million Worker March** is scheduled to take place in **Washington, DC on October 17, 2004.** Workers from across the country will be marching for their labor rights that are quickly eroding under the current administration. Included in the demands is a call for **amnesty for undocumented workers.** Come be one in a million on October 17th!

**Gloucester County Health Department and the NJ Dept. of Health, Cancer Prevention Unit** will be sponsoring a **Farmworker Health Fair on October 17th** at St. Joseph's Church in Swedesboro. Health screenings, food, and games will be provided.

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¡Bienvenida!

Krista Zabor, our newest Jesuit Volunteer, began working on August 30. Originally from Arizona, Krista graduated in May 2004 from Loyola Marymount University where she studied Political Science and Art. We look forward to working with Krista this year and hope that she enjoys the experience!

## CATA Receives United Nations Recognition

Richard Mandelbaum

Last year, CATA applied to the **United Nations for Consultative Status to the Economic and Social Council (ECOSOC)**. The application for Special Consultative Status was recommended for approval in May 2004 by the ECOSOC Committee on Non-Governmental Organizations, and CATA's application was officially approved by ECOSOC in July 2004.

Consultative status will provide CATA access not only to international conferences but also to decision-making processes and meetings, as well as the ability to circulate written statements and make oral presentations to U.N. delegates. Currently, CATA is exploring ways to work with various agencies within the UN, including the Commission on Human Rights, the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization. During the week of September 7th, 2004, a CATA delegation of staff, Board members and volunteers attended the **57th Annual DPI/NGO Conference on Millennium Development Goals: Civil Society Takes Action**. CATA will follow up on this conference by developing a workplan to use our new consultative status to both influence international law, and to apply international law to local conditions, in order to have a greater impact on human rights issues regarding farmworker and immigrant communities.

For more information on CATA's work with the United Nations, contact Richard Mandelbaum, phone: (845) 796-1883; email: richardmandelbaum@hotmail.com

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## Philadelphia AIDS Walk 2004

According to the CDC, HIV infections have increased by 26% in the Latino Community since last year. October 15th is National Latino Awareness Day, and on **October 17th, 2004**, tens of thousands of people will participate in the Annual AIDS Walk sponsored by the **Philadelphia AIDS Fund**. Each year, walkers raise money for local organizations working on HIV/AIDS issues. Since 1995, CATA has been a beneficiary of the AIDS Fund and has supported its efforts in raising awareness as well as money regarding HIV/AIDS. The Annual AIDS Walk is a great way to participate in this worthy cause. If you are interested in walking with **CATA's Team #79**, call Jessica Culley at 856-881-2507. If you cannot walk with us but would like to make a donation, please make your check out to the "AIDS Fund" and send it directly to: AIDS Fund 1227 Locust St. Philadelphia, PA 19107 and be sure to put "**CATA Team #79**" on the memo part of the check. We hope to see you out there on the 17th!



# New Video Documentary "Pesticides: From the Fields to Your Table"

Teresa Niedda

The Farmworker Health and Safety Institute (FHSI) recently finished the production of a short documentary film entitled, "**Pesticides: From the Fields to Your Table.**"

The documentary takes a look at the reality of farmworkers in this country and their exposure to pesticides as they plant, tend to, and harvest the food that we eat. We see an intimate connection between farmworkers' health and safety and the well-being of consumers regarding the use of pesticides in food production.



**Steve with Teresa Niedda,  
FHSI Director**

The documentary was directed, filmed, and edited by Steve Dypiango. He worked as an intern this past summer with FHSI through the Environmental Careers Organization (ECO)/EPA Community Intern Program. This program provides students an opportunity to work directly with community organizations and experience environmental issues at a grassroots level.

Many thanks to Steve for his hard work and dedication to giving voice to the stories of farmworkers. We wish him luck as he studies film at New York University.

**If you would like further information on this video, please contact:**

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