



AgEcon SEARCH
RESEARCH IN AGRICULTURAL & APPLIED ECONOMICS

The World's Largest Open Access Agricultural & Applied Economics Digital Library

This document is discoverable and free to researchers across the globe due to the work of AgEcon Search.

Help ensure our sustainability.

Give to AgEcon Search

AgEcon Search

<http://ageconsearch.umn.edu>

aesearch@umn.edu

*Papers downloaded from **AgEcon Search** may be used for non-commercial purposes and personal study only. No other use, including posting to another Internet site, is permitted without permission from the copyright owner (not AgEcon Search), or as allowed under the provisions of Fair Use, U.S. Copyright Act, Title 17 U.S.C.*

LABOR LAWS: HOW EFFECTIVE ARE THEY?

— by Gregory Encina Billikopf —

Labor laws have placed an unreasonable burden on growers. Many laws are confusing. In addition, they are often inconsistent or at least give conflicting messages.

The Law, But...

The 1986 Immigration law is not likely to accomplish what it set out to do. The law requires employers to check a worker's right to work in the United States. Workers nationwide can choose from over 29 forms—many easily counterfeited—to satisfy such requirements. I know that one worker picked up his "green card" (the document is now blue) at a flea market for \$3.

Plant crop growers, with few exceptions, are required by the U.S. Department of Labor to complete an ESA-92 form quarterly. The form calls for information on the number of days newly legalized aliens worked. However, most growers I have interviewed have never heard of the form...even though it has been a requirement since 1988.

Many laws are too inflexible. In California, employers may run afoul of overtime law regulations every time they grant a worker's request to work an extra hour today in order to go to a personal appointment tomorrow. This is the case even though the

***Many laws are too inflexible.
Many laws are not enforced.***

total number of hours worked in the week may be the same.

Many laws are not enforced. In the August 25, 1991 *San Francisco Chronicle*, Bryan Jay Bashin reports that toilets are not available to many agricultural workers. This is the case even though U.S. law since 1987 requires toilets for workers.

Using farm labor contractors (FLCs) doesn't relieve farmers of important time consuming management responsibilities. In California, farmers need to check that the FLC possesses both a state and a Federal license. Even with a contract with an FLC, growers are responsible for checking an employee's right to work in the United States (I-9 form), unless they are confident that their FLC is an "independent contractor" under immigration rules. Farmers must keep for each worker—and thus insist on receiving from their contractors—such data as the permanent address, social security number, basis on which wages were paid, period earnings, hours worked, and paycheck deductions. Some of this information must be on a weekly basis. And farmers must deal with the union if workers join a union. Even if an FLC is involved, the grower (not the contractor) is the "employer" not the FLCs—according to California's Agricultural Labor Relations Act.

Five Suggestions

Labor laws have done much to bring deserved benefits and protections to farm workers. Today, however, there are simply

Gregory Encina Billikopf is a Labor Management Farm Advisor for the University of California Agricultural Extension.

too many laws, each administered by a different agency. Each agency knowing little or nothing about the activities of other agencies. Each new law adds regulations but seldom completely replacing old regulations.

I have five suggestions that would improve conditions for growers, as well as workers.

- Each state, at the very least, ought to incorporate into their laws (perhaps with yearly revisions) the Federal regulations affecting employers so that farmers can deal with a uniform set of laws in each state.
- Make Federal laws sufficiently flexible so that it is possible to recognize when state laws are more strict.
- Amalgamate codes and eliminate duplicative requirements. In California, farm labor contractors need to register three times: with the state and Federal government, and with their local agricultural commissioner's office.
- Make changes in the code effective at a single time of the year.
- Reduce the number of Federal and state agencies involved with labor regulations.

In Summary

To recap, reduce the complexity and duplication of labor regulations and increase enforcement. Perhaps then the labor code would be more likely to be followed, understood, and enforced. Meanwhile, until some major changes take place, farmers who employ agricultural personnel would do well to have a labor consultant or attorney on retainer to keep them up-to-date.

Sultan Qaboos University Sultanate of Oman College of Agriculture

Sultan Qaboos University, the National University of the Sultanate, invites applications for the position of Professor and Head of Department in Agricultural Economics and Rural Studies.

Candidates should have a Ph. D. in Agricultural Economics or Economics, with at least ten years post-Ph.D. experience at the professorial level. Candidates must also have excellent oral and writing skills in the English Language.

At present, the department does not offer a baccalaureate degree. It is anticipated that the Head will provide leadership and develop a curriculum leading to a degree program cooperatively with the College of Business scheduled for establishment in 1993. Hence, recruitment of faculty will be a major function of the Head. The Head will also interface with various agricultural agencies and institutions.

Sultan Qaboos University offers a competitive salary, free housing and medical care, end of contract gratuity and annual paid home leave with first class round trip air tickets. Position will remain open until a suitable candidate is identified.

Send Curriculum vitae along with three references to:

The Dean
College of Agriculture
Sultan Qaboos University
P.O. Box 32484, Al Khod
Sultanate of Oman