



MOFGA Testimony In Support Of
LD 525 - *An Act to Protect Farm Workers by Allowing Them
to Organize for the Purposes of Collective Bargaining*
April 18, 2023

Good afternoon Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor and Housing. My name is Heather Spalding and I am deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). I am speaking in support of LD 525 - *An Act to Protect Farm Workers by Allowing Them to Organize for the Purposes of Collective Bargaining*. MOFGA supported this initiative in the last Legislature and we are advocating again for reform of national and state farm labor laws.

A broad-based community, MOFGA is creating a food system that is healthy and fair for all of us. Through education, training and advocacy, we are helping farmers thrive, making more local, organic food available and building sustainable communities. MOFGA certifies 535 organic farms and processing operations representing roughly \$90 million in sales and we are working hard to create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent.

We also have dedicated vast human and financial resources to developing the farm labor pool and training the next generation of Maine farmers. We offer an introductory farm apprenticeship program, beginning farmer training through our two-year Journey person program, and a Farm Resilience Program for farmers in years 5-10 of their business when they're statistically the most likely to experience business failure. Many farmers who own MOFGA-certified operations got their start as apprentices on MOFGA farms decades ago. They now are hosting apprentices and committing to being mentors as well as employers.

MOFGA supports the idea that all working people should have the opportunity to organize to ensure healthy and fair working terms and conditions. We are happy that this legislation enshrines and protects that opportunity for farmworkers, whose labor is physically demanding, often dangerous, low paid, and absolutely essential to all of us.

LD 525 rights an historical wrong – an exemption in the National Labor Relations Act of 1935 (NLRA), which, while protecting workers' rights to join unions, specifies that the term 'employee' shall not include any individual employed as an agricultural laborer. We believe that this carve-out in the NLRA is indefensible and we applaud House Speaker Rachel Talbot Ross for her leadership in bringing back legislation to give farm workers in Maine the right to organize.



LD 525 would ensure that farm workers and their employers could negotiate for fair payment, job security, scheduling, paid time off, workplace safety, unemployment and other terms and conditions. If Maine were to pass LD 525, we would join nine other states that have passed collective bargaining for farm workers. Those states are: Arizona, California, Hawaii, Kansas, Massachusetts, New Jersey, New York, Oregon and Wisconsin.

In the last Legislature we heard statements from members during the floor debate suggesting that there is no abuse of farm workers in Maine and therefore no need for such legislation. Though we sense that most farms in Maine do treat their workers very well, we have heard many personal stories, some of which you'll hear today, indicating that the balance of power is dangerously tipped toward employers who can take advantage of lax farm labor laws. We have heard accounts of verbal and physical abuse, wage theft, and poor housing conditions. Even if there were no such incidents, we maintain that the practice of collective bargaining should be approached as an opportunity for both farm workers and employers, not an onerous or divisive challenge.

We have had questions from our farmers about the benefits of this legislation and whether this bill would help farmers gain access to a well-trained and dependable work force. MOFGA believes that open and effective communication and negotiating are the hallmarks of successful businesses. While we do not have an employees' union at our organization, we dedicate significant financial and human resources to our workplace culture and empower employees to work together to make our personnel policies the best they can be.

While we recognize that the economic, political, seasonal and environmental forces that impact farming are very different from other employment sectors, we believe that the protected right to organize is needed to create an agriculture that is healthy and fair for all. Farm workers should be able to advocate for their interests without fear of retribution and we appreciate that advocacy is easier when there is a united front.

Thank you very much and I would be happy to answer questions if you have any.

The Maine Organic Farmers and Gardeners Association (MOFGA) started in 1971 and is the oldest and largest state organic organization in the country. We're a broad-based community that educates about and advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We have 15,000 members, we certify more than 500 organic farms and processing facilities representing \$90 million in sales, and we are working hard to provide training and create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum.