

**CULTIVATING CHANGE:
EMANUEL BENITEZ – FARMWORKER,
ADVOCATE, LEGEND OF THE FIELDS**

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PLANTING THE SEED

Emanuel Villa Benitez was born in 1956 in Culiacancito, Sinaloa, Mexico. He attended school through the junior high level. At age 12, Emanuel began laboring as a farmworker in large Sinaloan ranches planting and harvesting tomatoes and cucumbers, pulling garbanzos, picking bell peppers, and driving tractors. At age 17, he emigrated to the United States motivated by a dream to exchange his hard work for a better life for himself and his family.

Emanuel's first stop in the United States was Los Angeles, California, where he connected with family and worked briefly as a dishwasher and busboy. He then relocated to Clovis, California, a small town near Fresno. In Clovis, he again joined family already established in the area and began working with them in the area's many fields. Emanuel harvested and tended a variety of crops,

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including raisins, prunes, oranges, nectarines, and peaches. He also handled a fair amount of herbicide to control weeds.

When Emanuel first arrived in the United States, the work was difficult to endure. Sometimes there were only a few days of work available and the pay was very low. Workers were also forced to use “el cortito,” a short-handled hoe that required workers to labor in a stooped position all day. This work often caused severe and long-term back injuries and other problems. Emanuel became accustomed to seeing and experiencing these and other types of serious injuries related to the hazards of the labor. Moreover, drinking water and bathrooms were not provided in the fields, and when water was available it was often tainted with rust from metal containers. Despite the difficult circumstances, Emanuel still felt lucky to be in the United States, and believed somehow that things would change for the better.

Unlike many farmworkers, Emanuel was lucky that the majority of his agricultural work was not seasonal. However, he did spend one year working seasonal jobs, completing tasks as the crops and growers determined them necessary. It was a very hard year for Emanuel, as it is for all seasonal farmworkers. Often, work was only available a few days a week, or worse, only a few days a month. At times he was only earning enough to pay for the “raitero” who gave him a ride to work with little leftover to buy sufficient food. During this time, he lived in a friend’s living room, an arrangement that allowed him to live on this very meager and unpredictable income. Emanuel was unable to access unemployment benefits during this time, having found so little work that he lacked enough income to make him eligible. With insufficient money and food, Emanuel’s new life in the U.S. was a difficult one.

THIRST FOR JUSTICE SPROUTS THE ADVOCATE

After his brief stop in Clovis, Emanuel moved to Salinas, California in 1974. Salinas became Emanuel’s home for the next 14 years. For the first few months, he engaged in temporary farm labor, driving tractors and thinning and weeding lettuce with the notorious “el cortito.” After a difficult period without stable work, an uncle connected him to Mann Packing, which at the time was the country’s largest broccoli company. Over the next 10 years, he worked there, cutting broccoli in the fields and doing some irrigation work.

In 1975, soon after Emanuel joined Mann Packing, the workforce, with support from the United Farm Workers (UFW), conducted a walkout and joined a march led by UFW Founder and President, Cesar Chavez. Following that walkout, the workers signed petitions calling for a union election, which was held soon thereafter. The UFW won and all of the workers became certified UFW members, proudly carrying their new UFW identification cards.

Increasingly interested and engaged in union activities, Emanuel was elected as a crew steward, and later to the positions of Negotiator and General Secretary of the Ranch Committee for Mann Packing. His co-workers and union representatives took note of Emanuel's leadership skills, and he was soon appointed by Cesar Chavez to be a paid representative of the UFW, a position he held for the next four years. During this time, Mann Packing paid Emanuel directly pursuant to a provision of the collective bargaining agreement. This position required Emanuel to negotiate the UFW and Mann Packing contracts in lieu of picking the broccoli. In this new role, he was paid the same as all of the fieldworkers. Later, the UFW hired Emanuel as the Office Director of the Santa Maria office, which he enthusiastically accepted. He saw the position as an opportunity to elevate his efforts in seeking justice for himself and his fellow workers. As Office Director, he negotiated contracts, organized elections, and led boycotts throughout the region. Emanuel was paid by UFW pursuant to the collective bargaining agreement that allowed union members to work for one year in a paid position.

Emanuel found the union's representation to be extremely beneficial. He valued the ability to negotiate with the company about working conditions and wages, as opposed to leaving the company to unilaterally make those determinations. The union contract further assured the workers' dignity and security—no longer were they at the mercy of abusive forepersons and supervisors. Workers also gained newfound access to medical insurance and retirement benefits. Overall, Emanuel found that union membership increased his and other workers' quality of life as well as their pride and dignity.

STARTING A NEW SEASON OF FARMWORKER ADVOCACY

In the 1970s and 1980s, the UFW achieved contracts with large agricultural employers benefitting thousands of California's

farmworkers. Wages and work conditions improved substantially and many protective laws were developed and implemented largely thanks to the UFW and its members. For example, employers were finally required to provide portable toilets and drinking water for workers in the fields. Growers resisted these changes, which forced them to improve working conditions and terms of employment. Competing unions also resented UFW's newfound power finding themselves pushed out of workforces and contracts because of workers' great respect for the UFW.

Soon, however, the trend began to reverse. The UFW started losing contracts all over the state. Emanuel attributes this to a relaxation of regulations and enforcement, as well as the appearance of farm labor contractors (FLCs). Instead of employing workers directly, growers now began to sub-contract with FLCs to provide them with smaller crews of workers. At the time, the law did not allow the UFW to combine multiple FLCs into a single employer, even though they provided workers to the same grower for the same jobs. Thus, unions were faced with the new and highly complicated task of organizing dozens of small crews before a workforce-wide election or contract could be achieved.

In the late 1970s, Emanuel made his first contact with California Rural Legal Assistance, Inc. (CRLA), an organization that provides free legal services to very low income Californians in rural areas, particularly farmworkers. Emanuel sought their assistance after a landlord refused to return his security deposit. However, Emanuel's comparatively good salary under the union contract meant that he did not qualify for CRLA's services, which were reserved for very low-income clients. Many years later, Emanuel and other UFW members demonstrated outside of CRLA's Salinas office in support of the office's effective legal representation of fellow farmworkers. While he was Office Director of the UFW's Santa Maria office, Emanuel also worked with local CRLA staff on various issues.

Because of his outstanding UFW leadership, the CRLA Foundation (CRLAF), a sister organization to CRLA, took note of Emanuel and offered him a position working on share crop wage issues in the wake of the *Borrello v. Dept of Industrial Relations* decision, which held that sharecroppers qualified as employees of growers, rather than independent contractors. 48 Cal. 3d 341 (1989). CRLA then hired Emanuel as a full-time community worker, where

he assisted to open a new Oxnard office. Emanuel had extensive experience working in Oxnard, and had already established many contacts within the advocacy community.

With CRLA, Emanuel again took the lead. Emanuel quickly initiated a relationship with the local office of the California Occupational Health and Safety Administration (Cal/OSHA) to address severe shortages of Cal/OSHA staff that resulted in under-enforcement of workplace safety and health regulations. Under-enforcement particularly affected farmworkers, who worked in ever-changing, remote locations. Emanuel acted as Cal/OSHA's eyes and ears in the fields, reporting violations and providing documentation to support their enforcement activities. Emanuel's partnership with Cal/OSHA resulted in, among other things, enforcement of the prohibitions against "el cortito," and the dangerous use of "driverless" tractors, which were propelled by a stuck gas pedal in order to save employers' money. With Emanuel's support, Cal/OSHA was also able to enforce the requirement that employers provide portable toilets to workers in the fields. Moreover, Emanuel collaborated with Cal/OSHA to convince the local growers' association to educate its members about the importance of providing safe and healthy conditions in the workplace.

Emanuel also directly advocated for farmworkers in front of the Labor Commission, an administrative agency process in which he represented countless workers and assisted them in recovering wages; as well as the Unemployment Appeals Board, where he represented workers in successfully appealing denials of unemployment benefits. To this day, Emanuel has never lost a single case in which he served as the primary advocate.

He also provided critical support in large impact lawsuits including a case in which women working in a packing house challenged a workplace rule prohibiting them from accessing bathrooms. These women were forced to wear diapers during the workday to manage their need to urinate or defecate. This lawsuit resulted in a landmark settlement against the company, and now serves as a model for similar cases. Emanuel also proved to be a critical resource in a human trafficking case that many advocates believe inspired federal legislation providing legal immigration status for victims of human trafficking.

After ten years of successes in Oxnard, Emanuel was ready for a new challenge and relocated to the Coachella Valley, in Southeast California. There, he hit the ground running, or at least walking. In preparation for a housing discrimination suit against the County of Riverside, he visited more than 300 rural mobile home parks, walking door-to-door to evaluate conditions and document housing and code enforcement discrimination complaints. In the end, his work resulted in a \$21 million settlement against the County for discriminatory code enforcement, which provided significant services and programs to thousands of farmworkers and their families. These included the creation of a community service center, a mobile home grant program for thousands of families in substandard parks, and a code enforcement taskforce in which organizations such as CRLA now participate in every inspection of mobile home parks conducted in the Coachella Valley.

During the housing discrimination case, Emanuel also began a new sort of work. Upon his arrival in the Coachella Valley, Emanuel immediately noticed the area's enormous date groves, which he has never seen anywhere else in California. Indeed, 97% of the nation's dates are produced there. Emanuel immediately approached Cal/OSHA with severe safety concerns for date workers, who labored among palm fronds 40 feet from the ground with no fall protection whatsoever. Each year, workers were dying and suffering life-altering injuries from falls in the date groves. At that time, Cal/OSHA required fall protection in trees, but since palms were botanically considered grasses, no such regulation existed for date workers. Determined to find a solution, Emanuel led farmworkers and other advocates in the creation of a protective rule applicable to date workers. Immediately after its passage, the number of deaths and injuries drastically declined.

CULTIVATING CHANGE

Reflecting on his experiences, Emanuel knows as well as anyone about the changes that have occurred in the lives of farmworkers. He notes that from the mid 1970s to the late 1980s, the peak of agricultural unionization, both wages and work conditions improved dramatically for farmworkers. As the union declined however, so did wages. Workers today make less than Emanuel

made as a UFW broccoli harvester in the 1980s, more than 20 years ago.

However, Emanuel also highlights the improvements in conditions that have persisted. Agricultural employers today more frequently provide access to toilets, drinking water, and tools that do not cause such strain to workers' bodies. Furthermore, the relationship that Emanuel developed with Cal/OSHA in the 1990s has been formalized and implemented statewide as a mechanism to enforce safety standards, resulting in hundreds of additional enforcement actions each year. Without Emanuel's cooperative ingenuity, this mechanism may have never existed.

Unfortunately, Emanuel asserts that many things have not changed for farmworkers in the more than thirty years he has been in the industry. Everyday he works and speaks with farmworkers who are unable to secure safe and decent housing for their families, despite working full time or more. Farmworkers are still unable to provide sufficient food, clothing, and educational resources for their children. Incredibly, even farmworkers who work full time or more can still qualify for government assistance programs because their wages are so low. Farmworkers also suffer disproportionately from acute and long-term injuries in the workplace attributable to tools such as scissors as knives; as well as practices such as continual bending and stooping and practices causing exposure to pesticides, herbicides, and other dangerous substances. Despite the increased difficulty and strain of their work, farmworkers are still forced to work into much older ages than workers in other industries, due to their meager earnings and lack of access to adequate social security or pension benefits.

When asked to list five dreams he would like to see come true for farmworkers, Emanuel's answers are rightfully straightforward and common sense. Farmworkers should be able to access enough pension or social security benefits to retire with dignity at reasonable ages from their long years of difficult labor. Farmworkers all deserve safe and decent housing. Farmworkers should all enjoy safety and health in their workplaces. Farmworkers should all be able to educate their children. And finally, farmworkers' hard work and dedication, as well as their dignity and contributions to society, should be truly appreciated, valued, and recognized.

These simple dreams make a person wonder: why, in the year 2011, are these things not already guaranteed to those who invest their lives in our land and food?

GROWING A LEGACY

Emanuel's thirty years of dedication to rights for farmworkers have not gone unnoticed in the farmworker advocacy community. He is known nationwide for his innovative and bold work as an advocate, as well his intelligence, sensitivity, and superior knowledge and understanding of laws protecting farmworkers. Within CRLA, he is widely revered as one of the organization's top community workers, and serves as a mentor and teacher for not only community workers, but also attorneys as well—especially me.

Emanuel has created substantial positive change for farmworkers in more ways than an average person could even imagine. His life has been dedicated to this movement and despite his incredible victories, the challenges continue, and thus so does his dedication and resolve. There is no doubt that Emanuel has already left a legacy in California's agricultural fields.

And that legacy only continues to grow.