



## Child Labor: Alive and Well on American ‘Farms’

*“I’ve been working since [I was] 11. ... My parents said we needed to earn as much as possible because we had a lot of debt. Everything [I earn] goes to my parents because they know what to do with it. ... Growing up has been hard. ... When I’m in the fields working and I wait for people to fill the boxes, I look around and I see 12 year olds working around. I know how they feel. I used to feel like that. They have a face that says they don’t want to be here.”*  
 — Jose M., child worker, age 17 (from the 2010 Human Rights Watch report “Fields of Peril: Child Labor in U.S. Agriculture”)

**F**or most readers, the account above likely conjures up an image of a child in a far-off Third World country, forced to work in the fields to feed his family. In fact, Jose is describing his childhood working on a farm in Michigan, right here in the U.S. — and his work in the fields at such a young age is completely legal.

Most Americans are shocked to find out that, despite more than a century of progress, child labor is still the law of the land in U.S. agriculture and that child farmworkers lack the most basic rights and protections afforded to their adult counterparts in other industries.

This fall, the U.S. Department of Labor (DOL) proposed the first changes in 40 years to the existing regulations governing child labor in agriculture. The changes would enhance protections for child farmworkers and bar them from executing certain hazardous tasks. On Dec. 1, 2011, Public Citizen, continuing its campaign to combat worker deaths and injuries from heat exposure, submitted comments to the

**Reliable figures of the number of child farmworkers in the U.S. are difficult to come by, but conservative estimates put the population at 400,000.**

DOL commending the agency for its belated willingness to change the outdated rules and calling for the first mandatory heat protections for child farmworkers under 16 years of age (to read the comments, visit [www.citizen.org/hrg1986](http://www.citizen.org/hrg1986)).

In its comments, Public Citizen stated unequivocally that child labor should be abolished, but if it is to remain legal, it should be restricted to only the safest jobs and tasks. Permitting children under the age of 16 to work for below-minimum-wage pay (often for 12 or more continuous hours, in dangerous conditions) harks back to the early days of the industrial revolution, when children toiled in perilous factory jobs for slave wages — a chapter in American history most thought was long gone, but which is alive and well on industrial “farms” across the country.

### Agribusiness: the last bastion of child labor

The industrial revolution dramatically altered American society, not least in the relations between workers and industry. Millions of families were forced to put their children to work outside the home, with no minimum working age and no safety protections in place. The sight of

6-year-old shoe shiners on the sidewalk was commonplace, while other children toiled away in sprawling, dirty and dangerous factories, warehouses and, increasingly, industrial farms.

The struggle to end child labor had its origins in the broader workers’ rights movement. During the New Deal era, Congress enacted the Fair Labor Standards Act (FLSA), establishing a federal minimum wage, guaranteed overtime pay and prohibition of child labor (for children under 16 years of age) in almost all industries — except agriculture. Despite having one of the most physically intensive, onerous and dangerous jobs in the country, farmworkers were not granted many of the basic rights and protections afforded to other workers under the FLSA, and an exemption was granted to the agricultural industry to allow child labor to continue. The exemption was ostensibly inserted into the new legislation to permit children to work on small, local farms for family or neighbors, but in reality, it was a gift to the growing agricultural industry.

*The Grapes of Wrath*, written by John Steinbeck during the depths of the Great Depression, provided the first glimpse, for many recently urbanized Americans,

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## A More Perfect Union

*Robert Kuttner is a co-founder of The American Prospect magazine, from which his article (below) is reprinted with permission. Kuttner is a longtime friend and colleague of Health Letter editor Sidney Wolfe and was a sponsor of the recent Public Citizen 40th anniversary celebration.*

**E**mily Dopper and her boyfriend, Willem van Leeuwen, tourists from the Netherlands, were on their way to lunch at the Boathouse restaurant in New York's Central Park when they encountered the picket line. Clay Skaggs, a striking waiter, intercepted them. "We're asking you not to eat here," he said in a tone of polite explanation. "They practice sexual harassment, and they stole \$3 million in wages over two years. They also got a C-rating on their health inspection."

Dopper looked dejected and unconvinced. "We came here to Central Park all the way from Europe," she said.

"There are lots of other great places nearby," Skaggs continued. He handed them a foldout flier. One side featured a detailed map of the park and its myriad paths and attractions, displaying locations and write-ups of other restaurants and a big red circle with a slash around the Boathouse. On the other side was an explanation of the issues in the strike, with summaries in 19 languages. Adopting his best waiter's manner, Skaggs pointed out several eateries in and around the park. "Here's one of my favorites," he said. "It's a gourmet pushcart that has terrific pulled pork and jicama coleslaw. There are tables nearby."

The tourists exchanged a few words. "We are happy to help," van Leeuwen said. "We have an expression in Dutch. It means, when you team up, you are stronger." Off they walked.

In the six weeks of the strike by Local 6 of the hotel and restaurant workers' union, spanning the Boathouse's busiest season in August and September,

restaurant traffic dwindled to a fraction of its usual level. The popular outdoor bar, usually five deep on a nice day, was all but empty. Meanwhile, the National Labor Relations Board (NLRB) was close to issuing a formal complaint against restaurateur Dean Poll citing a variety of infractions, including firing pro-union workers, stealing wages and tips and several instances of sexual harassment. According to the union, the proprietor had ignored complaints when a manager pressured female workers to date him and when a banquet captain repeatedly stalked a waitress. Pregnant waitresses, the union charged, were given extra work to force them to quit. Employees also had long-standing frustrations about the low pay, the arbitrary layoffs and shift changes, the lack of bathroom facilities for workers, the shared changing room for male and female employees and the refusal to grant sick days.

Local 6 had been working with Boathouse employees seeking a union for two years, waiting for the NLRB to act. Last spring, when several pro-union waiters were terminated with no explanation, a manager blandly explained that this was no big deal — the restaurant was making several decorative alterations, including replacing the chairs. This last straw gave the union its slogan for the strike: "We are not chairs."

Some 4,000 union members walked picket lines. The local printed 250,000 of the maps, which became popular with bus tour guides and pedicab drivers. The union used its contacts to discourage influential New Yorkers from holding events at the Boathouse. "Not a single elected official who we asked for support turned us down," says union president Peter Ward. Because the Boathouse is in Central Park, the city is Poll's landlord, and Deputy Mayor for Economic Development Robert Steel worked to bring about a settlement.

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On Sept. 22, facing escalating losses to his business, Poll caved. He signed a union contract giving workers raises averaging 30 percent to 40 percent as well as membership in the union's comprehensive health plan. Hourly pay for line cooks goes from \$8 or \$9 an hour to \$16 an hour, and for grill cooks to \$20. Dishwashers will go from earning minimum wage or slightly above to earning \$13.50 an hour. Banquet waiters are guaranteed that gratuity charges will be passed along and will see their total hourly earnings rise to around \$26. Eighteen workers illegally fired will be reinstated with full back pay. The union has been taking out Internet and print ads urging patrons to come back to the Boathouse. The new contract also requires the restaurant to display a prominent sign, "Union House." Workers also gain a range of due-process rights; they cannot be fired except for just cause, and for the first time, there are clear protections on scheduling and layoffs. (Poll declined comment.)

Union victories like the one at the Boathouse are rare. Almost everywhere else in the labor movement, the news is bleak. A three-decade assault on workers' right to organize has been worsened by high unemployment, outsourcing to low-wage nations, evermore aggressive anti-union tactics by management and rising health care costs — all of which make wage increases a distant memory. Today, collective bargaining is mostly about concessions, not new benefits, and collective bargaining itself is the exception, with union representation in the private sector down to just 7 percent of workers.

This reality, of course, makes New York's hotel union all the more remarkable. With some 23,000 members, Local 6 is by far the largest of the eight locals that make up the nearly 30,000-member New York Hotel and Motel Trades Council. Among the other locals in the council are the Operating Engineers and the Electricians, who represent specialized hotel employees.

The council's master contract covers about 71 percent of hotel rooms in New York's five boroughs and nearly all large hotels in Manhattan. (Most freestanding unionized restaurants in New York are represented by another unit, Local 100.)

Local 6 members range from restaurant staff such as line cooks, dishwashers, waiters, bartenders and busboys to desk clerks, bellmen, housekeepers and unseen "back of the house" hotel staff like laundry workers. With wages and tips, a banquet waiter at a top hotel can command a six-figure income, but even the most humble jobs guarantee middle-class wages. A union housekeeper now gets more than \$25 an hour, or about \$50,000 a year, plus paid vacation, sick days, a pension and the benefits of the union's health plan (which are paid for entirely by management). The heavily immigrant union — 67 languages are spoken among the membership — runs continuing-education programs that range from English as a second language to culinary school.

Absent a union, the boss can fire for any reason or no reason at all. Management can be as arbitrary as it likes in assigning shifts, defining jobs, deciding whom to lay off and whom to call back. No formal process is required, and no explanation need be given. In a city with a large immigrant population at a time of high unemployment, there is a seemingly endless supply of workers willing to do casual jobs at low wages and fearful of being fired. All of which raises the \$25-an-hour question. At a time when the strength of unions is dwindling, how does Local 6 do it?

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The union, founded in 1938, has always had a tradition of militant rank-and-file involvement, according to Peter Ward, who has led Local 6 since 1995. He and organizing director Jim Donovan have been relentless in devising creative ways to involve hotel workers in the life of the local, so that "the union" is not an office across town but a membership highly engaged with

defense of their rights.

Until the Hotel Trades Council made its breakthrough and signed union contracts with 62 New York hotels by 1939, there had been failed attempts to organize a New York hotel union in 1934, 1929, 1918, 1912 and even an early effort in 1853. But this time, the unionists had the Roosevelt administration, the 1935 Wagner Act creating a legal right to organize or join a union and the desire of hotelkeepers to avoid strife as they welcomed tourists to the New York World's Fair. But above all, the union had committed membership and shrewd leadership, under the legendary organizer Jay Rubin, the Hotel Trades Council's first president.

Effective unions have long used shop stewards — regular workers who are available to listen to grievances and press complaints with managers. Local 6 takes the concept to a new level of sophistication and engagement. In New York's union hotels, shop stewards are called delegates. They and assistant delegates are elected directly by the membership at each hotel. Every job category has one or several delegates depending on the hotel's size.

Before the Flatotel on West 52nd Street was unionized in 2005, Ruth Cabrera, a Dominican-born mother of two from the Bronx, typically cleaned 20 rooms or suites per eight-hour shift. Since the hotel had many three-room apartments, her quota sometimes translated to as many as 37 actual rooms. When workers voted in the union, Cabrera's daily quota dropped to 12 actual rooms, and her wages increased by about 40 percent.

Cabrera, who serves as a union delegate, works to settle disputes large and small. After guests checked out of a suite where they had stayed several nights, one of her co-workers found a stack of dollar-coins on a bedside table, which she took to be a tip. The guest later called in to say that she had left behind some coins that she had gotten from a local bank as a souvenir.

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Management accused the housekeeper of theft. “They wrote her up,” Cabrera says. “They were going to fire her.” Cabrera persuaded the manager that the room attendant had a reasonable expectation that the money was left as a tip, and Cabrera and her co-worker went to the bank to replace the coins. The worker was not punished.

If a delegate cannot settle a dispute, it goes to the union business agent, a paid staffer who is responsible for several hotels. If there are still differences, the contract provides for binding arbitration. The union also has a tradition that it reserves for special occasions when it needs to make a point — the lobby meeting.

An epic case of the power of a lobby meeting occurred in 1997 at the ultra-luxury St. Regis Hotel and created such turmoil that it made *The New York Times*. Three hostesses charged a maitre d’ with repeated sexual harassment. They complained to management, but the celebrity chef at the hotel’s famed Lespinasse restaurant, Gray Kunz, sided with the maitre d’ and dismissed the claim. Senior management, evidently for fear of offending the chef, took no action. Most of the hotel staff showed up in the lobby in full view of the guests and demanded to meet with the general manager. The eventual settlement required management to fire the maitre d’ and Kunz to read an apology to the workers in front of the entire staff. Chef Kunz was denied the authority to give orders to any staff except the cooks under his direct supervision.

A lobby meeting is the union’s equivalent of the famous distress call of the circus, “Hey, Rube,” which brings performers running to help their mates. “Most workers just don’t believe they can ever take on the boss,” Donovan says. “Workers who put their jobs on the line to go on strike at a place like the Boathouse and trust their fellow workers not to sell them out are taking an incredible risk. When they win, it is absolutely transforming.”

Because of the union’s institutional power, however, the choreography of resolving disputes is mostly ritualized and peaceful. The contract spells out rights and responsibilities in detail, and the ultimate recourse to binding arbitration gives management an incentive to settle minor issues before they become major ones.

“Before the union, I stayed working one day until 2 a.m.,” says Juan Urias, 56, a doorman at the Novotel, the site of a protracted organizing drive that the union finally won in 2005. “They owed me three hours overtime, and they wouldn’t pay. I even complained to the NLRB. But the NLRB lady said, ‘I can make them pay you for those three hours, but they will find a way to get rid of you.’ So we decided to bring in the union.” Since then, says Urias, who is also a union delegate, he hasn’t lost a case involving a grievance.

The union’s citywide agreement with the hotel industry even includes the holy grail of union contracts — card-check neutrality. This means that if a hotel group, such as Hilton, Marriott or Trump, has even one union contract in New York and decides to open, purchase or manage another hotel in the city, it is bound by a neutrality clause. Management must allow the workers at the new hotel the right to choose a union (or not) based on an immediate count of who has signed union cards. Management has to provide the union with names and addresses of its employees and cannot campaign against the union. Under card-check rules, Local 6 invariably wins certification by large margins.

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The journalist and social critic Lincoln Steffens, after returning from a visit to Soviet Russia in 1919, embarrassed himself with a declaration often misquoted as “I have seen the future, and it works.” Steffens actually said, “I have been over into the future, and it works.” Either way, he got it wrong. After spending several weeks observing Local 6, I am tempted to write, I have seen the past, and it works.

Stepping into the world of Local 6 is like entering a time bubble. In the 1940s and 1950s, when government enforced the Wagner Act and unions represented one worker in three, management reluctantly concluded that unions were here to stay and that it was better to have good labor relations than endless conflict. Today, most corporations can break unions with impunity. Even under a Democratic administration, the backlog of complaints is so extensive that even workplaces with a large majority of employees wanting a union seldom get one. But in the New York hotel industry, the balance of power between labor and management is akin to what it was in 1949. So, for the most part, management wants to get along with the union, not destroy it. “I say I have the best job in the labor movement,” says Richard Moroko, who became the union’s legal counsel and vice president in 2002. “I’m actually negotiating for better wages and benefits.”

Peter Ward, who is 53 years old, is only the union’s third president. He grew up in Brooklyn, and he speaks in the rich tones of outer-borough New York that also evoke the 1940s. After graduating from Sheepshead Bay High School and working as a waiter and a bartender, Ward found a salaried job at the union as a clerk. He was pressed into service in a fight with management seeking to oust a union at Downstate Medical Center in Brooklyn where Local 6 was helping another local (“I think they sent me because I could find my way to Brooklyn”). He was good at it and was moved from a desk job to organizing. In 1983, when he had already risen to business agent, Ward married the daughter of the union’s then-president, Vito Pitta. Ward is described by colleagues as polite, tough, selfless and brilliant.

“The union contract is vague in some areas, in a good way,” Ward says. “There are hundreds of ad hoc settlements that modify contracts. For instance, let’s say the hotel has renovated its rooms and

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the mattresses are heavier, and they agree to increased compensation or reduced workload. Everything is put in the database. The more we do this, the more we build credibility both with the rank and file and with management.”

The master contract specifies not only that management must share all payroll and scheduling data but also that the information be provided electronically. The union database keeps all of these records and also has a searchable record of precedents from arbitrators’ rulings.

In effect, the contract creates a local jurisprudence for workers and management with expedited remedies. Though all this may seem bureaucratic, it is the opposite. Worker and manager share a common interest in quick resolutions of problems. Because the union knows the contract well and has an engaged membership to be mobilized when necessary, most disputes are settled long before they get to either binding arbitration or lobby meetings.

What distinguishes a nonunion setting from a union one is not that a nonunion workplace is conflict-free. In the hotel industry, personnel conflicts — temperamental chefs, megalomaniac food and beverage managers, light-fingered bartenders, favoritism in hiring, scheduling and promotions based on friendships or sexual liaisons — are endemic. The difference is that in a union setting, ordinary workers have rights, and the inefficient, demoralizing petty corruption is more likely to be ferreted out, to the benefit of the company and employees alike.

“The union,” says Mick Wannamaker, a veteran banquet waiter at Le Parker Meridien, “takes jobs and turns them into professions. It makes better managers out of management. The good ones get better — the bad ones don’t survive.”

The jointly sponsored health plan is an object of great pride to both union and management and helps cement cordial day-to-day relations on other fronts. “When Peter [Ward] and I sit across the bargaining table

to negotiate contracts every five years, we are so-called antagonists,” says Joseph Spinnato, who heads the Hotel Association of New York City. “But when we sit down as trustees of the health plan, we are on the same side.”

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This is not to say that all is rosy. The union narrowly averted a citywide strike in its last general contract bargaining, just before the recession, and will need all of its shrewdness and solidarity in negotiations next year.

As the hotel industry continues to evolve, the union has had to change with it. Two decades ago, large chains like Hilton and Marriott owned and managed the hotels that carried their brand. Then the stock market put pressure on hotel companies to increase earnings by selling off properties, which were tying up a lot of capital. Now, the property is typically owned by a third party and leased back, often as a real-estate investment trust (REIT), which can exploit tax advantages. The hotel may be “flagged” by one corporation as a Hyatt or a Sheraton and managed by another, such as Highgate or Interstate Management. The union has a binding contract with both the owner and the manager. Hotels are frequently bought and sold, and the contract follows the sale.

The same abuses keep repeating themselves, and the union has to respond with new forms of creativity. Two perennials are management thefts of wages and tips and efforts to turn permanent workers into temps. “The number of guests fluctuates day to day,” Ward says, “so hotels have to fine-tune their staffing on a daily basis. If managers had their way, they would reduce large numbers of workers to on-call status: ‘We’ll call you, day of, if we need you.’ But people need to be able to plan their lives, so there are rules that prevent that. They have to post schedules in advance. They are allowed layoffs for seasonal fluctuations but not day-to-day fluctuations. And they can’t schedule overtime when people are on layoff. Many of our grievances involve

scheduling.” The union contract forces management to become more astute at planning and staffing, rather than just have employees bear all the cost and inconvenience of the ups and downs in bookings.

Then there is the chronic effort by hotels to purloin tips. “Food and beverage charges were traditionally the entire bills for banquets, and they included a charge for gratuities,” Donovan explains. “Hotels began adding rental charges for the banquet room that were not subject to tips, as a way of diverting money from gratuities that banquet waiters were entitled to.”

At the last contract negotiations in 2006, the union came armed with an electronic database and a PowerPoint showing how much money the managers had diverted in a variety of schemes to shortchange worker pay, and how many millions in back pay claims were owed. “We’ve caught them stealing wages time and time again,” Moroko says. “We were able to show that they were recidivists and that there was no incentive for them not to keep doing it. So we came up with a disincentive. They agreed to a 15 percent fine in addition to the back wages every time they’re caught. The stealing has dramatically declined.”

Although the neutrality card-check provision in the master contract makes it relatively easy for the union to organize newly built or purchased hotels operated by established management companies, the new wave of independent boutique hotels provides a fresh challenge. Last year, the union organized an average of one new hotel a month, and nearly all of these were based on card checks and management neutrality, according to Moroko. But independently owned hotels not bound by neutrality card check often put up the same resistance to unionization as nonunion employers everywhere.

The union has limited resources to organize hotels in the face of management resistance and has to carefully choose its battles. When a

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worker at a nonunion hotel contacts Local 6 for help, Jim Donovan says he begins by asking, “Why do you want a union? What do you think the union does? There are a lot of misconceptions. Some people think it’s a charity. Others think it’s a business. We have to explain that it’s more like a political organization that works to get better contracts. We explain that we want more workers to be organized because your hotel with its low wages and standards is a threat to our union and its good standards. We explain that we have limited staff, and we have to invest our members’ resources wisely, and you need to convince us that you are serious. How many people do you have who you can trust? What’s going on that has people upset? We let people know the risks they will be taking.”

With fewer than 20 paid organizers, the union can handle only one or two “bottom up” organizing drives at a time. For the past several months, nearly all were working on the Boathouse campaign. Others are assigned to work with existing members, to make sure that the rank and file stay informed and mobilized.

One of the union’s newer innovations is the Hotel Employees Action Teams, or HEAT. Through HEAT, the union’s members become more involved in local politics, working to elect supportive public officials. At a time when political campaigning is often reduced to writing checks, HEAT is one of the remaining sources of on-the-ground campaigners knocking on their neighbors’ doors. “They punch above their weight,” says Dan Cantor, executive director of New York’s Working Families Party. “Every mayoral candidate is seeking their support.” The union’s former political director, Neal Kwatra, 37, is now chief of staff to New York’s progressive new state attorney general, Eric Schneiderman. Savvy New Yorkers say this was less a reward for the union’s support than a recognition of Kwatra’s sheer talent. According to *Crain’s New York Business*, no fan of unions, Kwatra

helped turn the hotel union’s members “into some of the most sought-after ground troops in any campaign in the state.”

The union’s political alliances pay dividends. A union with well-placed friends sends a signal to developers that it’s better to work with the union than against it. A developer seeking to open a new hotel may not want to bargain with the union, but the project must run a gauntlet of zoning approvals, permits, community-planning meetings — all of which can make the developer’s life easy or miserable. The REIT that holds the real estate may be partly owned by another union’s pension fund, which can also encourage the owner to agree to card check.

New York, to be sure, is hospitable territory compared to much of the country. When the hotel union prevailed in its last citywide strike, in 1985, even the mercurial Mayor Ed Koch was an ally, refusing to cross picket lines. In that respect, you might say that Local 6 was born on third base, but you’d be mostly wrong.

It’s true that it’s easier to organize a hotel than a shoe factory, because the union’s members operate in full view of the customers, and a hotel seeking to avoid a union can’t move to China. Also, unlike the autoworkers’ union, the hotel union is not constrained to keep wages low for reasons of international competition. New York is a tourist destination, and its hotels will charge whatever the traffic will bear. Union hotels simply capture more of those profits for their members.

But despite its affiliation with a strong and creative national hotel union, UNITE HERE, Local 6 is the exception even in the hotel industry. Most good-sized cities have largely nonunion hotels, with dismal wages and no worker rights, and the same chains that get along with Local 6 in New York resist elsewhere. San Francisco, Las Vegas and New York are heavily unionized, while hotels in Chicago, Los Angeles, Boston and Washington, D.C., are partly unionized. But if organizing hotel workers were a cakewalk, they’d

be unionized everywhere in America, and they’re not. The service sector today should be more amenable to unionization than manufacturing, yet service industries are mostly — and viciously — nonunion.

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In the end, this story is all about power, and power used responsibly. At Local 6, three generations of union leaders have continued to build on the power bequeathed to them by their predecessors, not for their own personal gain but for their membership. Union leaders do not double dip by collecting extra pay as pension- or health-fund trustees; union officers and delegates are democratically elected, and the delegates work as volunteers for no fees. Local 6 also has been corruption-free. (The union’s second president, Sicilian-born Vito Pitta, in a case of mistaken identity, was once indicted by then-U.S. Attorney Rudy Giuliani in a roundup of suspected mobsters. When the judge reviewed the total absence of evidence, Pitta’s case was severed from the others and all charges against him dropped.) The union keeps finding new ways to mobilize the membership, and success builds on success. The union’s members have friends and relatives working in nonunion establishments and know the value of what they’ve got.

The union is the face of immigrant New York. Its largest ethnic group is Hispanic, from more than a dozen countries, but the union also has thousands of African, Asian and African-American members. You might think this ethnic fragmentation would be a huge obstacle, but networking among immigrants turns out to be a source of strength. The leadership training that produces good union activists also translates to community leadership, and community leaders often turn out to be union leaders. For example, New York’s growing Tibetan community has found work in several major hotels, and some 500 Tibetans are union members. Tsultrim Sangmo, a room attendant at Time Hotel, is also

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# Product Recalls

## November 17, 2011 – November 23, 2011

This section includes recalls from the Food and Drug Administration (FDA) Enforcement Report for drugs and dietary supplements ([www.fda.gov/Safety/Recalls/EnforcementReports/default.htm](http://www.fda.gov/Safety/Recalls/EnforcementReports/default.htm)), and Consumer Product Safety Commission (CPSC) recalls of consumer products.

### DRUGS AND DIETARY SUPPLEMENTS

## Recalls and Field Corrections: Drugs – Class II

Indicates a problem that may cause temporary or reversible health effects; unlikely to cause serious injury or death

**Cetirizine Hydrochloride Tablets**, 10-mg, 100-count bottle. Volume of product in commerce: 55,344 bottles. Label error on declared strength: Outer label indicates strength as 10 mg; however, inner label indicates strength as 5 mg. Lot #s: PUZ1005, PUZ1006, expiration date 06/2014 and PUZ1007, expiration date 07/2014. Unique Pharmaceutical Labs (Div. of J.B. Chemicals & Pharm.).

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*The following drugs and supplements were recalled because of the potential for penicillin cross-contamination. Volume of product in commerce: Unknown. Lot #s: Multiple lots affected. Contact your pharmacist. Aidapak Services, LLC.*

**Nabumetone**, 500- and 750-mg tablet.

**N-Acetyl-Cysteine**, 600-mg capsule.

**Nadolol**, 20- and 40-mg tablet.

**Naltrexone HCl**, 50-mg tablet.

**Naproxen**, 250- and 500-mg tablet.

**Naproxen Sodium**, 220-, 275- and 550-mg tablet.

**Nateglinide**, 60- and 120-mg tablet.

**Nebivolol**, 2.5-, 5- and 10-mg tablet.

**Nefazodone HCl**, 100-, 200- and 150-mg tablet.

**Neomycin Sulfate**, 500-mg tablet.

**Nephro-Vite RX**, tablet.

**Niacin**, 50-, 100-, 250- and 500-mg tablet.

**Niacin CR**, 500-mg tablet.

**Niacin ER**, 500-mg capsule and 500-, 750- and 1,000-mg tablet.

**Niacin SR**, 250-mg capsule.

**Nicardipine**, 20-mg capsule.

**Nicardipine HCl**, 30-mg capsule.

**Nifedipine**, 10- and 20-mg capsule.

**Nifedipine ER**, 30-, 60- and 90-mg tablet.

**Nisoldipine ER**, 8.5- and 40-mg tablet.

**Nitrofurantoin Macrocrystals**, 25-mg capsule.

**Nitrofurantoin Mono/Macro**, 100-mg capsule.

**Nitroglycerin Slocaps**, 9-mg capsule.

**Nitroglycerin SR**, 2.5- and 6.5-mg capsule.

**Norethindrone Acetate**, 5-mg tablet.

**Norfloxacin**, 400-mg tablet.

**Nortriptyline HCl**, 10-, 25-, 50- and 75-mg capsule.

**Nystatin**, 500,000 units, tablet.

**Ocuvite Lutein**, tablet.

**Olanzapine**, 2.5-, 5-, 7.5- and 20-mg tablet.

**Olmesartan Medoxomil**, 5- and 20-mg tablet.

**Olsalazine Sodium**, 250-mg capsule.

**Omega-3-Acid Ethyl Esters**, 1-g capsule.

**Omega-3 Fatty Acid**, 500-mg capsule.

**Omega-3 Fish Oil**, 1,000-mg, softgel.

**Omega-3-Omega-6 Fatty Acid**, 1,200-mg softgel.

**Omeprazole DR**, 10- and 20-mg capsule.

**Ondansetron Hydrochloride**, 4-mg tablet.

**Ondansetron ODT**, 4-mg tablet.

**Orphenadrine Citrate ER**, 100-mg tablet.

**Oxcarbazepine**, 150- and 300-mg tablet.

**Oxybutynin Chloride**, 5-mg tablet.

**Oxybutynin Chloride ER**, 5-, 10- and 15-mg tablet.

**Paliperidone ER**, 9-mg tablet.

**Pancrease MT 10**, capsule.

**Pancrease MT 20**, capsules.

**Pancrelipase**, 16,800/70,000/40,000 USP units, capsule.

**Pancrelipase DR**, 4,200/17,500/10,000 UPS units, capsule.

**Pancrelipase DR**, 5,000/27,000/17,000 USP units, capsule.

**Pancrelipase DR**, 6,000/19,000/30,000 USP units, capsule.

**Pancrelipase DR**, 12,000/38,000/60,000 USP units, capsule.

**Pancrelipase DR**, 24,000/76,000/120,000 USP units, capsule.

**Pantoprazole Sodium DR**, 20- and 40-mg tablet.

**Paricalcitol**, 1-mcg capsule.

**Paroxetine**, 10-, 20-, 30- and 40-mg tablet.

**Paroxetine HCl CR**, 12.5-mg tablet.

**Penicillin V Potassium**, 250- and 500-mg tablet.

**Pentosan Polysulfate Sodium**, 100-mg capsule.

**Pentoxifylline ER**, 400-mg tablet.

**Perphenazine**, 2-, 4-, 8- and 16-mg tablet.

**Phenazopyridine HCl**, 100- and 200-mg tablet.

**Phenelzine Sulfate**, 15-mg tablet.

**Phenobarbital**, 60-, 64.8- and 97.2-mg tablet.

**Phenytoin Sodium Extended**, 30- and 100-mg capsule.

**Phosphorus**, 250-mg tablet.

**Phytonadione**, 5-mg tablet.

**Pilocarpine HCl**, 5-mg tablet.

**Pimozide**, 1- and 2-mg tablet.

**Pindolol**, 5-mg tablet.

**Pioglitazone HCl**, 15-, 30- and 45-mg tablet.

**Piroxicam**, 10- and 20-mg capsule.

## UNION, from page 6

a leading Tibetan human rights activist and a much-admired community leader. When she volunteered for picket duty at the Boathouse, Tibetan workers were astonished and treated her like a celebrity.

In his classic work, *The Populist Moment*, on the transformative effect that occurs when ordinary people realize that they can change power relations in their lives, the historian Lawrence Goodwyn writes that “mass resignation” — the premise that things can never be changed — is culturally

programmed, disabling democratic possibility, but that a “movement culture ... once attained ... opens up new vistas of social possibility.” Goodwyn was writing of the populist revolt of the 1880s and 1890s, but he could have been describing Local 6.

It has become conventional for conservative and “third way” commentators to contend that the labor movement may have made sense back in the 1930s when most Americans had lousy jobs and did manual labor but that in today’s knowledge economy, unions are an anachronism. This conceit is now as embarrassing as Lincoln Steffens’.

Recently, the Census Bureau reported that since the start of the financial collapse, median household incomes have declined by 10 percent. The American economy is in its own time bubble that looks increasingly like the 1930s, in every respect but the strength of the union movement. The Local 6 story suggests that in the enduring struggle of ordinary workers for fair treatment and a fair share of the national product, unions are not only more necessary than ever but still possible. ♦

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## CHILD LABOR, from page I

of the oppressive nature of corporate agribusiness, then in its infancy and nowhere near as big and powerful as it is today. With the gradual concentration of smaller establishments into large, capital-intensive industrial “farms,” child farm labor (as did all farm labor) became commodified and exploited.

This phenomenon coincided with the emergence of vulnerable undocumented immigrants as the bulk of the new workforce, further weakening the position of farmworkers relative to their corporate employers. The rise of the United Farm Workers (UFW) union under Cesar Chavez in the 1960s redressed this imbalance somewhat, but industrial farmwork remained — and remains today — among the country’s least desirable and most dangerous occupations.

### Life as a child farmworker

Reliable figures of the number of child farmworkers in the U.S. are difficult to come by, but conservative estimates put the population at 400,000. Up to 40 percent are migrant workers, with families constantly on the move in search of precarious and temporary work. In 2010, Human Rights Watch (HRW), the U.S.-based human rights group, published “Fields of Peril: Child Labor in U.S. Agriculture,” a report that documented the atrocious conditions under which many children are forced to work (to read the report, visit [www.hrw.org/node/90126](http://www.hrw.org/node/90126)).

HRW sent out teams to interview American child farmworkers to get a sense of what daily life was like for them. The organization interviewed a total of 59 children, ranging in age from 7 to 17, in 14 states. Child laborers interviewed by the organization reported 12-hour workdays six or seven days a week. The work was described repeatedly as backbreaking, as one 17-year-old worker recalls:

“When I did strawberry roots, you have to bend down all day. It would kill your back.”

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**Most Americans are shocked to find out that, despite more than a century of progress, child labor is still the law of the land in U.S. agriculture and that child farmworkers lack the most basic rights and protections afforded to their adult counterparts in other industries.**

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Another 12-year-old boy described his first day hoeing at the age of 11:

“I felt weak. My back hurt. I got blisters on my hands and on my feet when I took off my shoes.”

And Elias N., age 16, described what it was like to work in stifling heat (the focus of Public Citizen’s recent comments):

“[T]he bad days for him were the ‘real hot ones, the field is full of weeds, you can’t even take a step. When you’re surrounded by corn, there’s no air.”

The report also highlighted fatalities resulting from dangerous work, which child farmworkers routinely perform (some of which the DOL, to its credit, is considering banning), pointing out that children suffer fatal injuries on the farm at four times the rate of young workers in other industries:

“On Aug. 15, 2002, a 14-year-old farmworker in Ohio died after falling into a cattle feed grinder/mixer. The boy was using a handheld hay hook to drop hay bales into the operating grinder from the top of a stack of hay bales. He apparently lost his footing, slipped and fell into the grinder. Children under the age of 16 may not legally operate or help operate a feed grinder [but this prohibition is likely routinely violated, as this case illustrates].”

“In early summer 2004, a 12-year-old boy working for hire in Iowa was crushed between a hay wagon and a truck bed as he was hitching the wagon to the truck.”

Just this past summer, two 17-year-old boys in Oklahoma were hospitalized in critical condition after their legs were

crushed in the auger of a commercial grain elevator, while two 14-year-old girls were fatally electrocuted on a Monsanto corn farm in Illinois.

Children endure all of these hazards for meager pay. Under the FLSA, child workers can be paid less (\$4.25/hour) than the federal minimum wage (currently \$7.25/hour) for the first 90 days on the job — a time frame that all too often encompasses children’s entire spell at any one job. With up to 40 percent of farmworkers being migrant workers employed in temporary jobs, and with many children only working during the three-month summer holiday, it is not surprising that many child laborers end up working for much less than the minimum wage — and in some cases, even as slave laborers.

### Modern-day slavery: who is picking your tomatoes?

Just an hour outside of Naples in south Florida — the second wealthiest metropolitan area in the country, replete with golf courses and million-dollar homes — is “ground zero for modern-day slavery,” in the words of that region’s chief assistant U.S. attorney. Growing tomatoes often produced with slave labor, the tomato farms of Immokalee are the source of much of the tomato supply for the East Coast.

Federal investigations in recent years have revealed numerous cases of workers being bought by human traffickers and sold to local growers, with more than 1,000 freed so far as a result of the investigations. The slaves are forced to remain on the growers’ farms and are not allowed to leave or communicate with the outside world. Workers are often threatened with

**see CHILD LABOR, page II**

## CHILD LABOR, from page 10

violence or deportation if they attempt to escape. Those who are not out-and-out slaves work for poverty wages under oppressive conditions.

The Immokalee workers responded by organizing. In 1993, a small group of workers began meeting weekly in the spare room of a local church to discuss strategies to respond to the ongoing slavery and the broader problem of dismal working conditions and wages. The Coalition of Immokalee Workers (CIW) grew out of these early meetings and gradually emerged as a powerful force for change in the Florida farming community.

The CIW's Campaign for Fair Food was launched in 2001 to pressure restaurants and supermarkets to purchase produce only from growers who treated workers fairly and paid decent wages. Success quickly followed, with work stoppages, hunger strikes and marches resulting in deals with the largest national restaurant chains and supermarkets to purchase produce only from growers who complied with basic requirements to improve working conditions. These deals also produced commitments from the chain companies to increase workers' wages through direct payments.

Today, however, despite the successes of the CIW and others, conditions on Immokalee's tomato farms (and many corporate farms across the country) remain harsh. Barry Estabrook's recent book, *Tomatoland*, documents clearly how little has changed for workers in Florida's tomato industry, a place where, according to Estabrook, "child labor and minimum wage laws are [still] flouted," and where "the most minimal housing standards are not enforced." A review of his book in *The Nation* magazine described child labor and other abuses as rampant on the farms.

### The U.S. government and child labor: the height of hypocrisy

Given these violations, what is being done? The federal government

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## Despite having one of the most physically intensive, onerous and dangerous jobs in the country, farmworkers were not granted many of the basic rights and protections afforded to other workers under the [Fair Labor Standards Act].

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pursues a patent double standard on child labor. The DOL states that since 1995 Congress has appropriated \$780 million to "support ... efforts to combat exploitative child labor" around the world. But lawmakers allow it to flourish at home.

Under international treaties, the government's obligations toward its own children are clear. The 1999 International Labor Organization (ILO) convention, which the U.S. ratified, requires signing nations "to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency." Similar responsibilities arise from the Convention on the Rights of the Child, which the U.S. signed but did not ratify. It was one of only two countries in the world not to ratify the treaty — the other being Somalia.

What qualifies as a "worst form" of child labor is largely left up to the signatories, but when considered against separate recommendations released by the ILO in 1999, at the time of the convention adoption, working conditions for American child farmworkers clearly qualify for such a designation. For example, parties to the ILO convention are strongly urged to eliminate "work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels or vibrations damaging to their health," all of which accurately describe routine working conditions for children on U.S. corporate farms.

Not only has the government not banned this type of work, however, but enforcement of existing laws remains wholly inadequate. Penalties for violating existing child labor laws have been on the books for years, and legislation passed in 2008 increased maximum fines fivefold for violations

that result in the death or serious injury of a child worker. Yet, the fines are small, particularly for large employers (up to \$50,000 per violation, or \$100,000 if the company commits "willful" or repeat violations) and, as HRW pointed out, are rarely doled out. In 2009, only 4 percent of all child labor violations resulted in a citation. Furthermore, HRW reports that enforcement levels continue to decline, with only 31 cases of child labor violations (involving 49 children) in agriculture in 2010, down from 36 cases (involving 109 children) in 2009 and 104 cases in 1998.

### Increased protections a step toward abolition of child labor?

The fight to end child labor in the U.S., or at least to afford child workers the basic rights and health protections granted to all other workers, continues. Efforts of organizations like the CIW and UFW have resulted in considerable achievements, but more remains to be done. The DOL is currently considering all public comments that were filed in response to its proposed changes to existing child farmworker safety regulations and will issue a final set of rules next year.

The changes, if adopted, would represent another step on the road to guaranteeing the most basic rights for the children who toil day in, day out on America's "farms." However, true justice will come only with the complete abolition of this regressive practice. The U.S. government routinely chides other countries for failing to end exploitative child labor practices. It's time it took a look in the mirror. ♦

**Outrage of the Month! 50 Million Uninsured in the U.S. Equals 50,000+ Avoidable Deaths a Year**

The latest data from the U.S. Census Bureau has shown that, as of 2010, there were 50 million people in this country lacking health insurance. A 2009 study by Harvard researchers found that there was an excess mortality of 40 percent in uninsured people — compared to people with health insurance — because they don't have health insurance. Combining this with the lower number of people then uninsured, the researchers estimated that almost 45,000 people died each year from causes attributable to their uninsured status.

Based on the larger number of uninsured now compared to when the Harvard study was done, there is little question that the annual number of deaths occurring because of a lack of health insurance is well over 50,000, a toll exceeding the annual number of deaths from kidney disease. Why is this tolerated? The simple and unfortunately correct answer is because of the existence of the private health insurance industry and the hundreds of thousands of people who are not doctors, not nurses and not pharmacists — in short, not delivering any health care — but are being paid for their expertise in denying health care. Reliable estimates of the cost of the excessive administrative waste of this health-denying insurance industry

**Why is this tolerated? The simple and unfortunately correct answer is because of the existence of the private health insurance industry and the hundreds of thousands of people who ... are being paid for their expertise in denying health care.**

set the amount at approximately \$400 billion a year. This amount of money is more than sufficient to provide — to the tune of \$8,000 per year, per person — the current 50 million uninsured with excellent health coverage.

It is now 40 years since the wiser country of Canada threw out its private health insurance industry after an extremely successful 10-year single payer (Medicare-for-All) program in Saskatchewan. Maybe we will also need to try this in a state in the U.S. before we are able to go national. But we better get going soon, before we sacrifice the lives of many more hundreds of thousands in this country.

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