

Offered by Council President Feeney and Councillors Consalvo, Murphy, Yoon, Arroyo,
Turner and LaMattina



CITY OF BOSTON

IN THE YEAR TWO THOUSAND SEVEN

A RESOLUTION SUPPORTING WORKERS' RIGHTS

WHEREAS: Boston is home to close to seventy Boston-based unions with over thirty-five thousand (35,000) members living in Boston; and

WHEREAS: Boston is rich in labor history as the home of the eight hour day and the first workers compensation laws; and

WHEREAS: Smithfield Packing Company in Tar Heel, North Carolina continues to violate U.S. labor law by physically assaulting and intimidating workers, illegally arresting workers, threatening workers with arrest by federal immigration authorities, and unlawfully firing workers; and

WHEREAS: Boston has a long history of advancing the civil rights movement and working to end abuse and discrimination of working men and women across the country; and

WHEREAS: Boston recognizes that companies that do business in Boston should respect the rights of its workers, uphold the rule of law, and be responsible corporate citizens; and

WHEREAS: When the rights of some workers are denied, the rights of all workers are endangered. THEREFORE BE IT

RESOLVED: That the City of Boston review its purchasing of any products from the Smithfield Packing Company in Tar Heel, North Carolina (Smithfield USDA number-18079 and, for bacon, 79-c) and suspend these purchases until the company ends all form of abuse, intimidation and violence against its workers and provides workers a safe place to work with dignity, respect and the protection of a union contract. AND BE IT FURTHER

RESOLVED: That the City of Boston does also encourage supermarkets within the city to consider suspending their purchase of any Smithfield products until such time as these critical issues are resolved.

Filed in the City Council: August 1, 2007

IN CITY COUNCIL

COUNCILLOR DECKER
COUNCILLOR SULLIVAN
VICE MAYOR TOOMEY
COUNCILLOR GALLUCCIO

June 4, 2007

WHEREAS: The City of Cambridge is committed to the right of all workers to have dignity in their lives, safe conditions at work, a living wage, and health benefits, and supports responsible employers who follow the law and treat their workers fairly; and

WHEREAS: Smithfield Foods is the largest pork producer and processor in the world, the fourth largest turkey processor and fifth largest beef processor in the U.S.; and

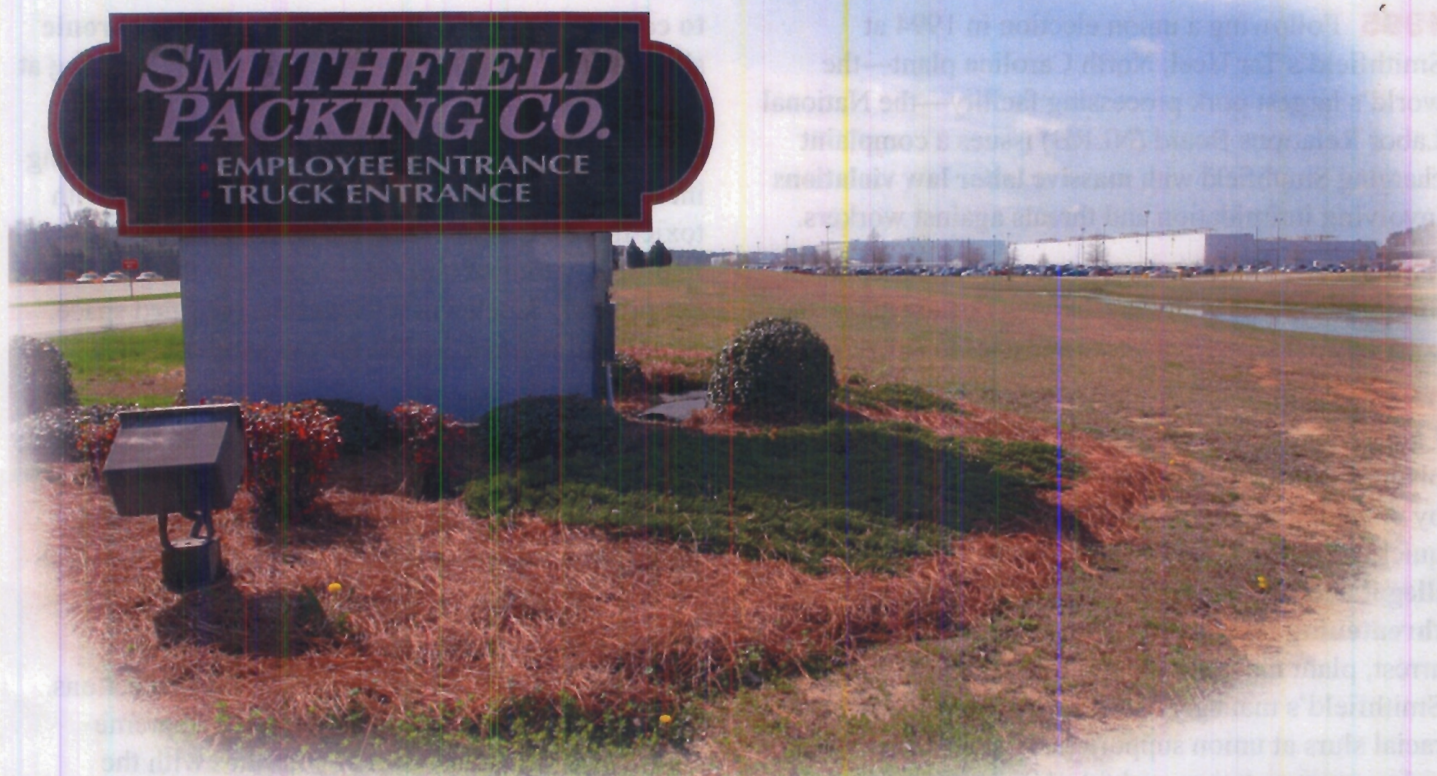
WHEREAS: The largest of Smithfield's facilities is in Tar Heel, North Carolina, where approximately 5,500 workers slaughter and process 32,000 hogs a day; and

WHEREAS: Smithfield Foods has created an environment of intimidation, racial tension, fear and sometimes, violence, for workers who desperately want a voice on the job. The company in Tar Heel, N.C., has been found liable of physically assaulting workers, threatening bodily harm, and causing the false arrest of workers for exercising their legal rights; [*] and

WHEREAS: The right to form trade unions has been recognized as a Human Right under the UN's Universal Declaration of Human Rights, yet it has been repeatedly ignored by Smithfield Foods. From the first attempt to organize in 1993 through today, Smithfield has met workers' attempts to organize with tactics that include racism, violence, and intimidation; now therefore be it

ORDERED: That this City Council go on record in support of the workers at Smithfield processing plant in Tar Heel, North Carolina in their struggle for dignity, fair wages and safe working conditions, and their right to organize into a union; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to Chairman Joseph Luter and CEO Larry Pope, Smithfield Foods, Inc. and the United Food and Commercial Workers International Union on behalf of the entire City Council.



Smithfield Foods: A BAD NEIGHBOR

North Carolina is home to some 10 million hogs. The state has experienced a **285% increase in hogs since 1987, compared to only a 14% increase in people**. One company—Smithfield Foods—owns between 75-85% of all the hogs in North Carolina and operates the only two sizable slaughter facilities, processing an average of 42,000 hogs per day in the state. Smithfield is the only significant purchaser of hogs from North Carolina farmers and, they own three of the four largest pork plants in the eastern United States.

Hogs in North Carolina produce 19 million tons of feces and urine a year that is going untreated in open-air cesspools and spray fields—that is more waste in one year than the entire human population of Charlotte, North Carolina makes in 58 years. Almost all of the hogs in the state are concentrated in the eastern coastal plain, an economically important and ecologically sensitive network of wetlands, rivers, and coastline.

Most of the hogs raised in NC are processed at Smithfield's plant in Tar Heel, North Carolina—the world's largest pork plant, where workers slaughter and process some 32,000 hogs per day. Smithfield has a long history of threats and intimidation against workers at the Tar Heel plant. The company even used violence.



Timeline of Environmental Injustice & Worker Abuse

1995 Following a union election in 1994 at Smithfield's Tar Heel, North Carolina plant—the world's largest pork processing facility—the National Labor Relations Board (NLRB) issues a complaint charging Smithfield with **massive labor law violations** involving intimidation and threats against workers.

1996 A Smithfield waste water treatment operator in Virginia pleads guilty to falsifying documents on the company's discharge of waste and goes to federal prison.

1997 Smithfield's chairman and then CEO Joseph Luter, III, agrees to another NLRB union election and pledges Smithfield will not violate federal labor law by engaging in the illegal activities. Smithfield quickly breaks its promise and commits **widespread illegal activity** during the organizing drive including **threatening its workers with violence**, profanity, arrest, plant closings and job loss. After the vote, Smithfield's managers and anti-union workers hurled racial slurs at union supporters, beat a worker and a union representative, and falsely arrested a worker and a union representative. The NLRB filed another complaint against Smithfield.

Smithfield was **fined \$12.6 million by the Environment Protection Agency for 7,000 violations of the Clean Water Act** at its Virginia packing plants. The fine was slightly reduced on appeal but remains one of the largest fines issued by the EPA.

2000 The U.S. Department of Labor cites Smithfield for **violating child labor laws**, including hiring a 13-year-old girl to work at the Tar Heel plant among other minors. Another violation includes allowing a minor to operate an electric grinder, which came to light after the minor was injured.

2001 After years of hog waste spills and unlawful discharges of animal waste into North Carolina waterways, Smithfield agrees to pay \$65 million to improve the environment and develop new technologies for processing and treating hog waste. **To date the company has not implemented new waste management systems in any of its 275 factory farms, and tax-payers continue to suffer the negative health and environmental impacts from Smithfield's bad corporate behavior.**

2003 OSHA cites Smithfield for four violations after USDA inspectors complain they were **exposed**

to corrosive chemicals and suffered from chronic sinus and/or respiratory problems while working at the Tar Heel plant.

A 25-year old Smithfield worker dies after climbing into a tank to clean it and becoming overcome with toxic fumes. OSHA found the worker had been improperly trained and supervised, and the tanker was not properly labeled as a dangerous confined space. Smithfield is fined \$4,323 for the incident.

2005 OSHA identifies **over 50 violations of safety and health law at the Tar Heel plant**, including **lack of safety training, unguarded blades, missing guardrails, blocked exits, illegible signage, and improper safety procedures.**

2006 The U.S. Court of Appeals upholds the NLRB's broad cease and desist order against Smithfield from the 1994 and 1997 union elections. Knowing it faced a losing battle in the Supreme Court, Smithfield reluctantly complies with the court's order by **paying \$1.5 million in back-wages to illegally discharged employees** and reinstating those who wanted to return to their jobs. Smithfield refuses to admit any wrongdoing.

663 injuries, including repetative motion injuries, were reported at the Tar Heel plant, 64% more than the total of 421 for 2005 and over 200% more than in 2003. While the injury rate at Tar Heel climbed steadily during this period, an examination of injury rates at most of Smithfield's unionized pork slaughter plants has shown the overall number of injuries declining. In no other plant has the injury rate maintained an upward trend between 2003 and 2006—and certainly not as sharply as that of Tar Heel.

2007 Smithfield acquires Premium Standards Farms, the second largest hog producer in the United States and the only other major producer and processor of hogs in North Carolina. This merger gives Smithfield's near total control of the hog industry in the state.



Project of the UFCW International Union