

How green is that evergreen?

Your Christmas tree could be the source of an immigrant labor dispute

LABOR

The thick, dark needles of the Fraser firs for sale at the Boy Scouts' Christmas tree stand give the trees a sturdy look. Lined-up vertically in the Albemarle Square parking lot, the 50 or so trees look as though they could be standing on a Virginia mountain.

The Boy Scout trees and many of the other Christmas trees sold in the Charlottesville area are indeed from Blue Ridge tree farms, most of which employ Mexican migrant workers to cut and ship the pines. And, according to a lawsuit filed by the U.S. Department of Labor, several of the biggest tree farms in the region are refusing to pay overtime for the long hours migrant laborers often work during the six-week-long Christmas tree harvesting season.

Before loading one of the Boy Scout Christmas trees into the back of a red Jeep Cherokee on a recent Wednesday afternoon, Charlottesville resident Sara Dietzman says she would "think twice about" buying a tree if she knew it was grown on a farm where migrant workers were being treated unfairly. However, she says she'd need proof of the abuse, adding, "I thought I was supporting the Boy Scouts."

The mountain elevations of southwest Virginia are ideal for Fraser firs and other popular Christmas evergreens. According to the Virginia Department of Agriculture, the State is home to more than 100 Christmas tree farms that sell more than 1 million trees annually.

Neil McLaughlin is a former scoutmaster who oversees the seven Boy Scouts' tree stands in this area. He says most of the Christmas trees come from a farm near



To tree or not to tree: Would your tannenbaum be as royal if you knew it could be the product of labor abuses?

Blacksburg, which is not one of the farms the Feds have sued. McLaughlin says the Boy Scouts would likely switch tree growers if they knew their supplier was committing labor violations, but adds that it would be hard for the Boy Scouts to discover this fact.

"When you buy these things, you really don't know how the guy hires his labor," McLaughlin says.

Felix Acosta of the Virginia Employment Commission works with both tree growers and migrant workers from an office in Bristol. Acosta says Christmas trees are "everywhere you look" in the mountainous region between Bristol and Galax. The son of a Mexican immigrant laborer himself, Acosta says as many as 2,500 migrant workers descend on Christmas tree land each November.

Because it's nearly impossible to hire Americans for six weeks of hacking limbs while perched up high in large fir trees, or of hauling Christmas trees down slick mountain paths, Virginia tree growers often enlist the help of the Department of Labor to recruit foreign workers for the job. In order to score the help, growers must transport, feed and house employees, and pay them \$7.75 an hour.

The problem, as explained by Mary Bauer, the legal director of the Charlottesville-based Virginia Justice Center for Farm and Immigrant Workers, is that tree farm laborers can work as much as 80-hour weeks without being paid for the overtime hours

EVERGREEN continued from page 10

they labor above the standard 40-hour week. The unpaid hours mean workers can actually be paid less than \$7.75 per hour.

"People work extremely long hours for a very short period of time. It's really very industrial," Bauer says. "A lot of the people that we talk to are not even earning minimum wage."

"To know that [a Christmas tree] is produced by really exploited people is quite upsetting," Bauer says.

The Department of Labor recently took up the case of Christmas tree workers, and sued three major tree growers over unpaid overtime, including the Whitetop-based Sexton Tree Farms. The growers admitted not paying overtime since 1996, but claimed their workers were farm laborers, who are not required by Federal law to receive overtime pay. A U.S. District Judge in North Carolina disagreed, ruling in September that Christmas tree workers are engaged in the lumber industry, and should receive overtime pay as well as back wages. Growers have appealed the case.

Richard Kreh is a spokesperson for the Virginia Christmas Tree Growers Association. He acknowledges that "sometimes these growers have to manipulate the hours" for which they pay migrant workers, but argues that profit margins for most tree growers are extremely tight. "Not a lot of tree farmers are getting rich," Kreh says.

Though he is in regular contact with tree farm workers—even consulting with growers on the construction of housing for migrants—Acosta shares Kreh's viewpoint.

"Out here in a depressed economy you'd be hard-pressed to find a job that pays [as much as Christmas tree farms]. We're over-regulating an industry that has a great amount of overhead," Acosta says. "Most of the workers are very satisfied with the pay they get."—Paul Fain

EVERGREEN continued on page 40